

# STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

## MINUTES

**September 20, 2017**

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

**I Pledge of Allegiance-** led by Chairperson Troike.

**II Roll Call-** Bob Troike (Chairperson), Don White(Vice-Chairperson), Denise Thomas (Executive Secretary), Roger Chaffins (Member), Mark Allen (Member) (Absent), Martin Bedrock (Attorney), Terry Stephenson (Planning Commission Administrator), and Mary Beever (BZA Recording Secretary)

**III Review of the meeting minutes for June 21, 2017** – Member Chaffins made a motion to approve the minutes as written. Executive Secretary Thomas seconded that motion. Motion carried 4-0.

**IV PUBLIC HEARING** - to consider an area variance request by Truman Messer, to place a home on an undersized lot, on property owned by Peter & Heidi Fecteau and described as follows: Oak Grove Trlr. 218 ft Lot 9 Blk C, 0.51 acres, Parcel number 75-09-15-104-059.000-013, located at 5397 S. 250 W. North Judson, IN 46366.

- ◆ Chairperson Troike asked if all notifications were in order the request listed above.
- ◆ Secretary Beever stated that Mr. Messer, the applicant in the above listed notice, called her on September 6, 2017 and asked that the hearing be canceled. She added that notice had already been sent to the newspaper so it had to be advertised. None of the notifications came back, so she assumed that they weren't even sent out.
- ◆ Attorney Bedrock said it should be treated as withdrawn.
- ◆ Vice-Chairperson White agreed.
- ◆ Chairperson Troike stated that this particular parcel had previously received a variance through the B.Z.A. in the past.
- ◆ Chairperson Troike decided to move forward to the second hearing.

**V PUBLIC HEARING** - to consider a use variance request by Derrick Bacewic, to open a tire/car shop/auto sales business in an agriculture zoned area, on property owned by Crossroad Investments LLC. and described as follows: Ne Cor SE SE, 3.18 acres, Parcel number 75-06-03-400-032.000-003, located at 2125 N. US Hwy 35 Knox, IN 46534

- ◆ Chairperson Troike asked if all notifications were in order the request listed above.
- ◆ Secretary Beever stated that all notification were not in order. She had not received anything back from Frank Drapinski. She stated that she had not received the green card back or a returned letter with the green card still attached.
- ◆ Chairperson Troike explained to the applicant that the hearing may have to be reheard if that person comes in at a later date, and asked the applicant if he wanted to proceed with the hearing.
- ◆ Applicant Bacewic agreed to continue with the hearing.
- ◆ Attorney Bedrock read the use variance ordinance.
- ◆ Planning Comm. Admin. Stephenson explained that the applicant was before the board due to the zoning on the parcel.
- ◆ Member Chaffins stated that the applicant came to the planning commission meeting in August and was advised to go to the B.Z.A. for a variance by the planning commission.
- ◆ Applicant Bacewic was present.
- ◆ Applicant Derrick Bacewic explained intent to open a tire shop/car shop/auto sales business.
- ◆ Discussion between the board members on the zoning of the property and the parcels near it and the zoning on each of the parcels to the south of the applicants parcel.
- ◆ After a group discussion between the board and audience members Chairperson Troike stated that the board needed to go through their steps in order to make a decision.
- ◆ Chairperson Troike asked the applicant if there was anything he wanted to add to his explanation of what he is wanting to do on the property.
- ◆ Audience member Elaine Bacewic asked why she didn't get a copy of the complaint letter that Mr. Thompson submitted and asked to be supplied with a copy of it.
- ◆ Secretary Beever provided her with a copy of the letter.

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- ◆ Applicant Bacewic continued to explain some more of the work he plans on doing at the shop and that he wants to work six days a week. He also stated that he feels he is increasing the property value.
- ◆ Audience in favor of request:
  - Elaine Bacewic
  - Heath Minix
  - Derrick Bacewic
- ◆ Audience opposed to request:
  - Boyd Otvos
  - Harold Thompson
- ◆ Chairperson Troike stated that the board has received the letter and asked for Mr. Thompson to explain his letter better.
- ◆ Vice-Chairperson White made a motion to open the public comment portion of the hearing. Member Chaffins seconded that motion. Motion carried 4-0.
- ◆ Audience member Harold Thompson asked if any members of the board have been out to the property to look at it firsthand.
- ◆ The board member each responded when they had went and looked at the property.
- ◆ Mr. Thompson stated that his letter basically stated why he didn't want a car shop next door to him.
- ◆ Attorney Bedrock questioned Mr. Thompson regarding the legal settlement between family members that was mentioned in his letter and the previous zoning of the property.
- ◆ Discussion on the zoning of the property.
- ◆ Group discussion.
- ◆ Audience Member William Bennett stated he is opposed to the request and his reasoning. (Arrived at 6:58p.m. after the meeting had started.)
- ◆ After group discussion Member Chaffins made a motion to close public comment. Vice-Chairperson White seconded the motion. Motion carried 4-0.
- ◆ Board discussion.
- ◆ Member Chaffins made a motion to grant the request with the following stipulations;
  - Business operating hours are to be Monday through Friday 9a.m. to 5p.m. and Saturdays 9a.m. to 2p.m.
  - No junk cars or tires are to accumulate on the property.
  - Fencing is to be placed within six (6) months of the BZA's decision
  - A fence is to be placed from the building to the north side of the property.
  - A fence is to be place running east/west between the property and Mr. Thompson's property located on the south side of the property.
  - No noisy equipment is to be used outside.
  - In the summer and fall months the garage door may be open.
  - Vice-Chairperson White seconded that motion. Motion carried 4-0.
- ◆ Board discussion.

## **VI Old/New Business-**

- ◆ Secretary Beever advised the board that there is a meeting scheduled for next month.

## **VII** With no further business to come before the board Member Chaffins made a motion to adjourn, seconded by Vice-Chairperson White. Motion carried 4-0. The September 20, 2017 meeting adjourned at 7:23p.m. local time. This meeting was recorded for file in the zoning office. The next meeting of the Starke County Board of Zoning Appeals is scheduled for October 18, 2017 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.