

STARKE COUNTY BOARD OF ZONING APPEALS

COUNTY GOVERNMENT BUILDING

KNOX, IN 46534

PHONE: 574-772-9176

MINUTES

February 16, 2012

Chairperson Bartoli opened the meeting at 6:32 p.m.

I Pledge of Allegiance- led by Chairperson Bartoli.

II Roll Call- Sheri Bartoli (Chairperson), Don White (Vice-Chairperson), Bob Troike (Executive Secretary), Denise Marks (Member), EJ Rodgers (Member), Steve Dodge (Attorney), Bruce Williams (Planning Commission Administrator), and Savannah Simpson (BZA Recording Secretary)

III Review of the meeting minutes for December 1st, 2012- Vice-Chairperson White made a motion to approve the minutes as written. Member Marks seconded that motion. Motion carried 5-0.

IV Public hearing to consider a use variance request by John and Terri Anderson, to start an auto repair shop, on property owned by John and Terri Anderson and described as follows: Pt. SW SW S20 T32 R2, 2.925 acres, Parcel number 75-10-20-300-042.000-001, located at 6840 S. 100 E. North Judson, IN 46366.

- ◆ Chairperson Bartoli read the request listed above.
- ◆ All notifications were in order.
- ◆ Mr. Williams explained why the applicant was before the board.
 - The applicant wants to put an auto garage in an agricultural zoned area, which is not allowed by our county ordinance.
- ◆ Attorney Dodge read the use variance ordinance.
- ◆ Applicant John and Terri Anderson were present.
- ◆ Mr. Anderson explained his intent to the board.
 - He wants to open an auto repair shop in an existing building on his property.
- ◆ Audience in favor of request:
 - Terri Anderson
- ◆ No one in the audience opposed the request:
- ◆ Board questions to the applicant.
 - Executive Secretary Troike asked:
 - If it will be basically automotive repair?
 - The applicant replied yes.
 - Vice-Chairperson White asked:
 - What kind of repairs the applicant will be doing?
 - The applicant replied that he will be doing pretty much everything.
 - If the applicant will be doing oil changes?
 - The applicant replied yes.
 - How the applicant will dispose of fluids?

- The applicant stated that Safety Clean will pick up the coolant and oil and he also has a friend that will use some of the waste oil to run a furnace.
 - Chairperson Bartoli asked:
 - What hours of operation the applicant plans to have?
 - The applicant replied Monday through Friday 8-5:30 and Saturday by appointment.
 - If there will be a sign by the road stating that there is a shop?
 - The applicant replied that there will be one right by the driveway.
 - What the driveway will be constructed of?
 - The applicant replied it will be gravel/stone.
 - Where vehicles will be stored once they are done being repaired?
 - The applicant replied that they will be parked next to the shop.
 - If there will be a fence to prevent possible destruction to the vehicles?
 - The applicant replied that there could be if it becomes a concern.
 - Vice-Chairperson White asked:
 - How many vehicles, maximum, the applicant anticipated at one given time?
 - The applicant stated he thinks it will be three or four a day.
 - If the applicant anticipated any large trucks?
 - The applicant replied that he will not be repairing large trucks, only cars and light trucks that his lift is equipped for.
 - Member Marks asked:
 - If it will be similar to where the applicant works now where the vehicle will sit just long enough to be fixed?
 - The applicant replied yes.
 - If the applicant will change tires?
 - The applicant replied no.
 - If it will basically be minor repairs and oil changes?
 - The applicant replied yes.
 - If the applicant will be doing any body work?
 - The applicant replied no.
 - ◆ Vice-Chairperson White made a motion to close the public comment portion of the hearing. Executive Secretary Troike seconded that motion.
 - ◆ Board discussion.
 - ◆ Vice-Chairperson White made a motion to **grant** the request. Member Marks seconded that motion. Motion carried 5-0.
- V Public hearing to consider a use variance request by Delbert Meadows, to place a single wide MH on property zoned R-2, on property owned by Michael Hajek and described as follows: Monterey Resorts Lots 21-25 Blk J, Parcel numbers 75-11-35-304-100.000-008 and 75-11-35-304-097.000-008, located at Ash St. Monterey, IN 46960.
- ◆ Chairperson Bartoli read the request listed above.
 - ◆ All notifications were not in order.
 - Hattie Jacks
 - Mary Jane Batta
 - ◆ Applicant, Delbert Meadow was present.

- ◆ Chairperson Bartoli explained the options to the applicant.
- ◆ Applicant Mr. Meadows chose to proceed.
- ◆ Mr. Williams explained why the applicant was before the board.
 - Table B of the county ordinance states that single wide manufactured homes are not allowed in an R-2 district.
- ◆ Attorney Dodge stated that use variance ordinance is the same as that stated in the first hearing.
- ◆ Mr. Meadows explained his intent to the board.
 - He wants to put the trailer in for family to live in.
- ◆ No one in the audience was in favor of request.
- ◆ Audience opposed to the request:
 - Curtis Fowler
 - Brad Fowler
 - Tony Stanifer
 - George Dotlich
 - Tom Loury
- ◆ In response to those opposed Mr. Meadows stated that everyone has to have a place to live and that there are other trailers near him.
- ◆ Board questions to the applicant.
 - Member Marks asked:
 - If going with a single wide was the applicant's only option?
 - The applicant replied that it was because he has a small income and cannot afford more.
 - Where the trailer was sitting at the time?
 - The applicant replied that it is between his house and his son's house.
 - What kind of houses are around the property?
 - The applicant replied that there is a single wide, a couple double wides, and a junky trailer.
 - Executive Secretary Troike asked:
 - If the applicant is doing remodeling?
 - The applicant stated that he is. He stated he is in the process of putting in new floors, carpeting, and painting. He also said that the trailer is a 14x80.
 - Vice-Chairperson White asked:
 - If the applicant himself will be living in the single wide?
 - The applicant stated that he will not be. It will be his wife's sister living in it and paying only taxes not rent.
 - Vice-Chairperson White also noted that the pictures of the trailer look pretty "rough" on the outside.
- ◆ Member Marks made a motion to close the public comment portion of the hearing. Vice-Chairperson White seconded that motion. Motion carried 5-0.
- ◆ Board discussion.
- ◆ Vice-Chairperson White made a motion to **deny** the request, seconded by Executive Secretary Troike. Motion carried 5-0.

VI Public hearing to consider an appeal of the Zoning Administrator's decision request by Betty and George Dotlich, to appeal building permit BP2012-1, on property owned by Julia Povilaitis and described as follows: S ½ NW S33 T33 R1, 6 acres, Parcel number 75-07-06-100-009.301-012, located at 6690 E 250 N, Grovertown, IN 46531.

- ◆ Chairperson Bartoli read the request listed above.
- ◆ All notifications were not in order.
 - Julia Povilaitis
- ◆ Mrs. Povilaitis/Ford was present.
- ◆ Mr. Williams explained why the applicants were before the board:
 - They want to appeal a building permit that was issued.
- ◆ Attorney Dodge explained to the board their role.
- ◆ Applicants George and Betty Dotlich were present.
- ◆ Mr. Dotlich presented a packet of information to the board.
- ◆ Mrs. Dotlich stated that the information is from Article 15 of the Indiana Administrative Code regarding mobile structures and Starke County Zoning Ordinance.
- ◆ Mrs. Dotlich referred to:
 - IC-22-13-4-5 regarding the conversion of buildings.
 - She stated that the code only applies to existing site built structures not the unit being appealed.
 - Page 4 of Article 15 of Indiana Administrative Code regarding the definition of a mobile structure.
 - 6-12-3-1 of the Starke County Zoning Ordinance regarding the definition of a single family dwelling.
 - Pages 3 and 4 of the minutes from the December 1st, 2011 Board of Zoning Appeals meeting regarding Mr. Williams' statements on the certificate of occupancy and septic inspection.
 - She stated that she has not seen evidence of any inspections.
 - Article 15 of Indiana Administrative Code regarding the meaning of site construction.
 - 675IAC 15-1.2-6 (c) regarding seal of acceptance and photo of the structure's data plate and Illinois seal.
 - She stated that according to the data plate and seal the structure is for use in Illinois.
 - An email from the Illinois Department of Health that indicates use in Illinois as an office unit.
 - 675IAC 15-1.3-6 regarding the seal of acceptance.
 - She stated that the structure cannot be legally used or sold in the state of Indiana.
 - Rule 1.4 of the Indiana Administrative Code regarding certification of mobile structures without Indiana certification.
 - 675IAC 15-1.4 regarding the procedure for obtaining Indiana certification.
 - 675IAC 15-1.2-3 regarding design release application requirements.
 - The narrative provided with the building permit application regarding the outline of proposed renovations.

- 6-3-1 and 6-3-6 of the Starke County Zoning Ordinance regarding a commercial structure being placed on agriculturally zoned property.
- ◆ Mr. Dotlich presented another packet of information to the board.
- ◆ Mrs. Dotlich stated that the packet contained a letter of interpretation from Dean Illingworth (State Building Law Compliance officer) and an email from Mara Snyder (Legal and Code Services for Indiana Department of Homeland Security).
- ◆ Mrs. Dotlich referred to the email from Mara Snyder and IC 22-13-5-3 and IC 4-21.5 regarding possible issuance of an official interpretation.
- ◆ Mrs. Dotlich asked that the permit be revoked and the structure be removed.
- ◆ Mr. Williams noted that the letter presented was not an official interpretation.
- ◆ Mr. Williams also brought paragraph 2 on page 3 of the letter from Mr. Illingworth to the board's attention.
- ◆ Board discussion.
- ◆ Attorney Dodge stated that he thinks it best to table the matter due to the large amount of new information presented to the board.
- ◆ Vice-Chairperson White made a motion to table the matter until next month. Member Rodgers seconded that motion. Motion carried 5-0.

VII Old Business-

- ◆ None at this time.

VIII New Business- Organization of Board of Zoning Appeals for 2012.

◆ **Chairperson**

- Vice-Chairperson White made a motion to nominate Sheri Bartoli as Chairperson, seconded by Member Marks. Executive Secretary Troike made a motion to close nominations for Chairperson, seconded by Vice-Chairperson White. Motion carried 5-0. Mrs. Bartoli is the Chairperson of the board for 2012.

◆ **Vice-Chairperson**

- Executive Secretary Troike made a motion to nominate Donald White as Vice-Chairperson, seconded by Member Rodgers. Motion carried 5-0. Mr. White is the Vice-Chairman of the board for 2012.

◆ **Executive Secretary**

- Vice-Chairperson White made a motion to nominate Denise Marks as Executive Secretary, seconded by Executive Secretary Troike. Motion carried 5-0. Mrs. Marks is the Executive Secretary of the board for 2012.

◆ **Recording Secretary**

- Member Troike made a motion to nominate Savanah Simpson as Recording Secretary, seconded by Vice-Chairperson White. Motion carried 5-0. Mrs. Simpson is the Recording Secretary of the board for 2012.

◆ **Legal Council**

- Vice-Chairperson White made a motion to nominate Attorney Steve Dodge as Legal Council, seconded by Executive Secretary Marks. Motion carried 5-0. Mr. Dodge is the Legal Council of the board for 2012.

IX With no further business to come before the board Vice-Chairperson White made a motion to adjourn, seconded by Member Troike. Motion carried 5-0. The February 16th, 2012 meeting adjourned at 7:30 p.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 March 15th, 2012 at 6:30 p.m. local time, in the Starke County Government Building, located in Knox, IN.