

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

MINUTES March 20th, 2014

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

I Pledge of Allegiance- led by Bob Troike.

II Roll Call- Bob Troike (Chairperson), Nathan Marcum (Vice-Chairperson), EJ Rodgers (Executive Secretary), Chad Rushing (Member), Martin Bedrock (Attorney), Terry Stephenson (Planning Commission Administrator), and Mary Beever (BZA Recording Secretary)

III Review of the meeting minutes for February 20th, 2014 - Bob Troike made a motion to approve the minutes as written. Nathan Marcum seconded that motion. Motion carried 4-0.

IV Public Hearing-

◆ None at this time.

V Old Business-

◆ Request from Julia Ford.

◆ Bob Troike read the following letter from Julia Ford: Dated February, 12th 2014. Dear Administrator/building Commissioner, After speaking with my attorney Mr. David Ambers I am writing this letter to inform you that I will be appealing your decision of January 28th, 2014 denying my request for renewal of Building Permit #BP2012-1 & RENP2013-2.

- Attorney Bedrock explained that the Fords are unable to renew their permit or get a new permit till they comply with the previous decision of the court.
- Member Rushing asked if the permit was revoked upon the judge's decision.
- Executive Secretary Rodgers explained that the Judge said that the permit should have never been issued. Also, that if the BZA did not follow his judgment that the BZA members would be found in contempt of court.
- Chairperson Troike added that the BZA read the judges statement that the structure needed removed from the property. The BZA then gave till June 1st, 2013 to have it removed and it is still there.
- Vice-Chairperson Marcum asked if the Fords were appealing the decision of the building commission, and then asked if they were appealing any decisions that the BZA had made, and how it affects the BZA.
- Attorney Bedrock explained that any decision made by the building administrator is appealed to the BZA. He added that he thought that maybe a public hearing should have been set for this request.

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- After further discussion Attorney Bedrock then stated that the denial of renewing the permits was made in the planning commission office, by the building administrator on the 28th of January.
- Audience member Mrs. Dotlich asked if the Fords had actually filed an appeal and paid for an appeal. Mrs. Dotlich then asked if the time limit for the Ford's request had already expired. She added that she asked an attorney if the letter from the Ford's extended their thirty day deadline to file for an appeal and was told that it did not.
- After further discussion Attorney Bedrock explained that the Ford's are trying to appealing the decision of the planning commission of not issuing a permit and that this is not a formal appeal.
- Chairperson Troike asked the Ford's to please explain what they were asking the BZA for.
- Audience member Walter Ford informed the board that he and his wife (Julia Ford) received a phone call earlier in the day from the State Fire Marshall James Greeson. He stated that Mr. Greeson told him that Mr. Illingsworth is going to issue an interpretation stating that their structure is in compliance with the Indiana code. He added that it was also in compliance when their architect inspected it and provided a letter to the board.
- Audience member Julia Ford added that the interpretation should be in hand in a few days.
- Executive Secretary Rodgers explained BZA is under a court order have the Ford's remove the structure.
- Chairperson Troike asked if there were any other comments from the public.
- Audience member Mrs. Dotlich added that the Fords should have appealed any information that they have through the court and not the BZA.
- Chairperson Troike closed public comment and asked if a motion needed to be made to up hold Terry Stephenson's (Planning Commission Administrator) decision to deny the renewal of the permits.
- Attorney Bedrock stated that no motion needed to be made.

VI New Business-

- ◆ Member Rushing proposed to move the BZA meetings to 7:00p.m., after the Planning Commission meetings on the third Wednesday of every month.
- ◆ Board Discussion
- ◆ Member Rushing made a motion to move the BZA meetings to 7:00p.m. central time on the third Wednesday of the month following the Planning commission meetings. Executive Secretary Rodgers seconded the motion. The motion carried 4-0.

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- ◆ Attorney Bedrock added comment about a hearing on March 4th concerning the Ford's wanting to dismiss an appeal.
- ◆ Board discussed the courts judgment further with Attorney Bedrock.
- ◆ Attorney Bedrock asked what the name of the person was that said the Ford's were in compliance.
 - Vice-Chairperson Marcum answered that it was the fire marshall.
 - Audience member Mrs. Dotlich added that she has also spoken with Jim Greeson concerning this matter.
- ◆ Planning Commission Administrator Stephenson asked Audience member Mrs. Dotlich for copies of paperwork from a previous planning commission meeting.
 - Audience member Mrs. Dotlich responded that she had given him copies at the end of that meeting.
 - Planning commission Administrator Stephenson responded that he had not received them.
 - Audience member Mrs. Dotlich replied that she would get him copies.
- ◆ Executive Secretary Rodgers added that there is nothing that the BZA can do at this point concerning the matter of the Fords.

VII With no further business to come before the board Vice-Chairperson Marcum made a motion to adjourn, seconded by Executive Secretary Rodgers. Motion carried 4-0. The March 20th, 2014 meeting adjourned at 6:52p.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 April 16th, at 7:00 p.m. local time, in the Starke County Government Building, located in Knox, IN.