

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

MINUTES

April 12, 2021

Chairperson Troike opened the meeting at 6:32 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), Boz Williams (Building Commissioner), and Mary Beever (BZA Recording Secretary).

III Review of the meeting minutes for March 8, 2021- Vice-Chairperson Binkley made a motion to approve the minutes as written. Executive Secretary Allen seconded that motion. Motion carried 4-0.

IV Public hearing - to consider an area variance request by Jan & Anna Krzemien, to place a garage on a corner lot only 28' & 18' from the center of the roads in an R-3 zoned area, on property owned by Jan & Anna Krzemien and described as follows: Pt Lot 5 Se Sw Tract D S7/T32/R1, 0.73 acres, Parcel number 75-11-07-304-025.000-008, located at 4987 S. Cranberry Ln. Knox, IN 46534.

- ◆ Attorney Bedrock read the request listed above.
- ◆ The board welcomed new Building Commissioner Williams.
- ◆ Chairperson Troike asked who would be giving the explanation of why the applicant was before the board.
 - Secretary Beever said she would be doing it tonight that way the Bldg. Comm. Williams could get the hang of how the meeting goes.
- ◆ Secretary Beever explained to the board that the applicant is before the board for an area variance due to the lot being a corner lot off of Tanner St. and Cranberry Ln. The new structure will not meet the 45 foot district restrictions for setbacks from the center of the road.
- ◆ All notifications were not in order.
 - Secretary Beever stated that the one addressed to David & Karen Yonan was returned to sender.
 - Chairperson Troike explained to the applicant agent their options on proceeding with the hearing or not.
 - The Applicant Agent decided to continue with the hearing.
- ◆ Attorney Bedrock read the area variance ordinance.
- ◆ Applicant Agent Todd Nunemaker was present via zoom.
- ◆ Agent Nunemaker explained his clients intent to add a new garage to the property with setbacks of 28 feet and 18 feet from the center of the roads. He went on to state that Tanner street is an unused road. He went on to state that there are other homes on Cranberry Ln. that have detached garages that are quite close to the road.
- ◆ Member Cultice asked where Tanner Rd. is.
 - Secretary Beever explained that Tanner Rd. is actually a continuation of SR. 10 that goes straight into the lake.
- ◆ Bldg. Comm. Williams stated that he believes that the fire department used to use Tanner St. for access to the lake water. He said he doesn't know if they still use it or not.
- ◆ Attorney Bedrock asked if the new structure being built would block the access to the water.

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- Secretary Beever explained that the structure would be 18 feet from the center of Tanner street and 8 feet from the property line on Tanner St.
- ◆ Vice-Chairperson Binkley asked Agent Nunemaker if the twenty foot right-of-way was still going to be met.
 - Agent Nunemaker responded that according to his survey that was done on the property, yes.
- ◆ Secretary Beever advised the board that generally at the lake in a situation like this the planning commission usually goes on an average setback at the lake due to no one being able to meet the setback requirements at the lake. She went on to explain that in this situation we can't do that because there are no other houses with garages on Tanner St.
- ◆ Agent Nunemaker added that the structure would be 28 feet from one property line and 18 from the other.
- ◆ Secretary Beever stated that Pam even called the highway garage to determine if this was an actual road or not and it is, so that is why we are here.
 - Chairperson Troike added that it probably isn't traveled much except for lake people and fisherman probably.
- ◆ Member Cultice made a motion to open the public comment portion of the hearing. Vice-Chairperson Binkley seconded that motion. Motion carried 4-0.
- ◆ Audience in favor of request:
 - Todd Nunemaker
- ◆ Audience opposed to request:
 - No one was opposed to the request
- ◆ Board questions to the applicant.
 - No questions from the board.
- ◆ Member Cultice made a motion to close the public comment portion of the hearing. Vice-Chairperson Binkley seconded that motion. Motion carried 4-0.
- ◆ Board discussion.
- ◆ Executive Secretary Allen made a motion to grant the request as presented. Member Cultice seconded that motion. Motion carried 4-0.

V Public hearing - to consider a use variance request by Jeremiah Patrick, to turn an existing accessory pole type structure into a wedding venue business in an agricultural zoned area, on property owned by Jeremiah Patrick and described as follows: Pt S 30A. Nw Sw S24/T34/R1, 10.0 acres, Parcel number 75-03-24-300-034.000-009, located at 5380 N. 1100 E. Grovertown, IN 46531.

- ◆ Attorney Bedrock read the request listed above.
- ◆ All notifications were not in order.
 - Secretary Beever explained that a notice had not been received back from a Jessica Krause & Barry Grosselin and one had not been received back from a Catherine & Bradley Lawler.
- ◆ Chairperson Troike asked if Applicant Patrick was present.
 - Applicant Patrick was not present
 - Secretary Beever told the board that she did receive an e-mail from him stating he'd be attending the meeting.
 - Chairperson Troike stated that he's not able to explain his application to the board.
- ◆ Attorney Bedrock read the ordinance for reasons for denial of a public hearing for a use variance.

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- Attorney Bedrock stated that the board would have to deny the request because the applicant isn't here to prove certain things to board within the ordinance for approval.
- ◆ Vice-Chairperson Binkley made a motion to open to public comment portion of the hearing. Member Cultice seconded that motion. Motion carried 4-0.
- ◆ Audience in favor of request:
 - No one was in favor of the request
- ◆ Audience opposed to request:
 - Richard & Ramona Norman
 - Told the board they wrote a letter that contained online advertisements associated with property. He went onto discuss with the board that it bothers him greatly that Mr. Patrick did not make his intentions know to the neighbors, previous to the hearing. He also stated that he did not think Mr. Patrick was going about this in a right and proper way. Mr. Norman also brought up that he is concerned with who will be managing this business and whether or not the shooting range would be part of the wedding package due to it being right next to his property. He then went on to discuss the cabins that are advertised for rent. Mrs. Norman then went on to discuss how she felt this variance would directly affect her and her property.
 - Secretary Beever explained that there has not been any permits for the shed, and that the assessor was made aware that there is a shed on the property. She went on to explain to the Norman's that the shed she is referring to is the "cabin." She then told them that it's considered a shed because you are not allowed to have more than one dwelling on a parcel and a dwelling was already applied for with the pole barn structure.
 - Charles & Amber Good
 - Mr. and Mrs. Good stated that they have observed lights in the early morning in the cabin and that they have had people wandering through their property looking for the cabin.
 - Steven & Beth Eddington
 - Mrs. Eddington stated that the traffic on the property related to a business like this would disturb them. She went on to state that she knows he's already held a reception there because her daughter had attended it. She stated it's frustrating because it's already not being managed appropriately. Mr. Eddington went on to state that he does not want a business in his backyard and that it will be noisy and it already is noisy. He went on to discuss how this type of business he believes would spill over on to his property, and that he doesn't want that to happen.
 - Attorney Bedrock asked the Norman's if the shooting range encroaches onto their property.
 - Mr. Norman stated that there is a huge sand berm in a horseshoe shape and that little by little the sand is moving on to his property.
 - Attorney Bedrock stated that he doesn't believe we can do anything about shooting because that is permitted in the county.
 - Secretary Beever stated that Mr. Patrick can shoot on his property. She went on to state the problem however is with this becoming a business and the shooting range is included as part of the business.
 - Mrs. Good added that primarily she has seen law enforcement out there doing most of the shooting.
 - Attorney Bedrock stated that the shooting range was probably set up for law enforcement because Mr. Patrick used to be in law enforcement.

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- Mr. Good went on to state that the shooting range is also creeping up on his property.
- Mrs. Norman added that she is also concerned about when her grandchildren come over because of the shooting range.
- Mr. Norman added that there is also two large piles of sand that are near 1100, also from where he believes Mr. Patrick is digging a pond that looks terrible. He believes that there should be an industrial permit being asked for.
- Mrs. Norman added that she is also concerned with their property value, with everything Mr. Patrick is doing on his property.
- ◆ Member Cultice made a motion to close the public comment portion of the hearing. Vice-Chairperson Binkley seconded that motion. Motion carried 4-0.
- ◆ Attorney Bedrock stated that per the statute that the applicant has to prove certain things and with him not being there that the board must deny his request.
- ◆ Board Discussion
- ◆ Mrs. Eddington asked when Mr. Patrick would be able to come back and make this request again.
- ◆ Attorney Bedrock asked Secretary Beever if it is six months before he can come back.
 - Secretary Beever stated that she was unsure about that but if he wanted to appeal the decision he had thirty days to do so to the court.
 - Mrs. Eddington stated that he would probably lose that.
 - Chairperson Troike stated that would be the court's decision and who knows what they would say.
 - Mrs. Eddington added that Attorney Bedrock might know what they would say, and she went on to ask again when Mr. Patrick would be able to come back to the BZA.
 - Vice-Chairperson Binkley stated that they would all get notified again if that happens.
 - Attorney Bedrock stated that he believes that if you are denied a permit that you can't reapply for six months.
 - Secretary Beever stated that this isn't a permit it's just denying his application for a variance.
- Mr. Good asked the board how that huge pole barn Mr. Patrick has on the property currently was permitted.
 - Secretary Beever explained that the pole barn on the property is allowed and that he is allowed to have living quarters even in the pole barn. She went on to say that he isn't permitted to have the shed on the property and that you can't be living in the sheds and that he isn't permitted to be running a business there. She went on to state the assessor's office is the one responsible for finding structures that have been built without permits when they do reassessments.
 - Bldg. Comm. Williams stated that before Mr. Patrick can run a business there the septic and stuff would all have to go through the state. Also, the building to be zoned commercial instead of agriculture.
 - Chairperson Troike added that Mr. Patrick has a whole bunch more hoops to jump through before this thing is legal.
 - Attorney Bedrock added that they all would be notified again and that Mr. Patrick would have to apply to the alcohol and beverage board too.
- Secretary Beever asked that with the motion that it be included to make Mr. Patrick aware that the board knows he's currently conducting business on the property and that it needs to stop.
 - Bldg. Comm. Williams stated that he knows Mr. Patrick has excavating equipment and such things on the property.

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- Vice-Chairperson Binkley added that is just equipment storage.
- Secretary Beever added that type of business is permitted, it's just the wedding business where he'd actually be having people come to the property that isn't allowed.
- Bldg. Comm. Williams added that as coming from the health department side of things, Mr. Patrick does have some borings out there for a home south of that barn but not for what he is wanting to do.
- Member Cultice asked if Mr. Patrick lives on the property.
 - Bldg. Comm. Williams stated that he built the barn to kind of stay in while he was building a house. He went on to state that he as a three bedroom septic system behind the barn but the house never got built.
- ◆ Member Cultice made a motion to deny the request. She went on to state that the applicant needed to be made aware of the following:
 - That the board was made aware of an ongoing business being conducted on the property and would like to inform you that it is not allowed in this zoning without the proper variance and permits being obtained first.
 - That the board was also made aware that there may be "cabins" for rent. These are also not allowed in this zoning without the proper permits and variances to allow them seeing as they also may not meet size requirements and dwelling requirements in our district.
 - Vice-Chairperson Binkley seconded that motion. Motion carried 4-0.

VI Old/New Business-

- ◆ None at this time.

VII 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 April 12, 2021 meeting adjourned at 7:20 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 May 10, 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.