

Starke County Plan Commission
Regular Meeting and Four (4) Public Hearings
May 21, 2014

- I) Pledge of Allegiance
- II) Roll Call: Dennis Estok, president & surveyor; Roger Chaffins, vice president & trustee; Kathy Norem, commissioner, Bryan Cavender, councilman; Chad Rushing, extension educator; Rita Berger, Jeff Fosler, Denise Thomas, Betty Dotlich, citizen members, Martin Bedrock, commission counsel; and Pamla J. Starkey, clerk/secretary. There were (15) fifteen visitors present.
- III) Approval of the minutes of the April meeting and public hearings: Mrs. Norem made a motion to approve minutes as written, seconded by Mrs. Dotlich. Motion carried (9-0)
- IV) Public Hearing to consider a building unsafe, located at 11056 E. Iroquois Ave. Walkerton, IN. 46574. Property owner being Shawn Markin. Legal description of S12 T34 R1, Simpson & Frost N 110 ft of Lot 1 Block 4
 - ◆ Mr. Estok opened the public hearing and explained to the board that Mr. Markin purchased the John Knight property that was to be demolished and has started repairing the roof and wants to turn into a storage structure and asked the board and Mr. Bedrock if we are going to enforce the same ruling as we did with Ms. Knight because to the motion follows the property not the person.
 - Mr. Bedrock stated that Mr. Markin was the one that wanted the structure demolished and that Mr. Markin came by his office a week or two ago and told him what he was doing and Mr. Bedrock didn't know if he got approval to do the improvements.
 - Mr. Rushing asked if the demolition order would carry on with the sale of the property and Mr. Estok stated that he would assume that it did because she had a buyer and it was understood that the structure had to come down and the buyer backed out and doesn't think we can change the order. Mr. Bedrock agreed.
 - Mr. Markin stated that he was one of the biggest proponents to stop her from selling it and turning it into a dwelling. He also stated that when Kelly Knight was here she was told that her husband turned the structure into a storage building to get around the sewer, then when Kelly realized that, she approached him (Markin) to buy the property and he thought he was buying a storage building and called to see if he needed a permit to put a roof on a structure, and was told he did not need a permit to re-roof. He also stated that he does not want it to be a dwelling just wants a storage building, and he had someone come out and give an estimate to tear the building down and it would be \$5400.00 to throw it in the dumpster and figured he could put a roof and siding on for that price and repurpose the building for something other than a dwelling and the way he understood it was that the foundation was not suitable for a dwelling and thought that didn't come into play for a storage building. Markin stated that he told every neighbor what he planned to do and no one complained then and that he was not trying to bamboozle anyone and they told him how much better it looked. Mr. Markin had pictures to show how much better it looks. He again stated that his wife called about a permit for a roof and siding and Pam told her (not knowing who was calling or for what structure) that they did not need a permit for that. Markin stated that he never got notice prior to being red tagged on April 28, 2014 then the Order from the Plan Commission for the public hearing which stated to rehabilitate or tear it down. Markin told the board that he has taken (3) three homes that no one was living in and rehabbed them but had no intention to rehab this one as a dwelling and went to the assessor to switch as a storage unit.

- Mr. Estok stated that you can't cover more than (30) thirty percent of the property and that covers probably (60) sixty percent and doesn't even meet the criteria for a storage unit and that is why it is listed as a dwelling and it can't be done.
 - Mr. Bedrock stated that is considered an unsafe building not just an unsafe dwelling and that he and Terry went out there and the building and foundation were unsafe.
 - Mr. Estok told Mr. Markin that he should have called the office to make sure before doing any repairs if they could be done or if the motion the board made to tear it down went with the property.
 - Mr. Markin stated that he did call to see if a permit was needed to reroof a structure.
 - Mr. Estok and Mr. Bedrock both stated that if he would have stated the property address or even stated who he was and what structure he was talking about he would have been told then that he could not repair the structure and to demolish it.
 - Mr. Markin stated that he has never seen a condemnation notice put on the property and if the neighbor hadn't complained that we wouldn't even be having this conversation.
 - Mr. Markin is asking the board to let him repurpose the building and is there anything he can do to make everyone happy.
 - Mrs. Norem stated that she remembers him from previous meetings and he complained bitterly about the building and Dennis has just told him that it does not meet storage building criteria so the only alternative is to tear it down and is very sorry that he put that much money into it, but also remembers that he attended those meetings and new it was controversial at best and in her opinion he needed to check on what could be done before he did anything.
 - Mr. Estok asked if there were any other comments from the public
 - Mr. Washburn stated that he was sorry that he bought a condemned property and he knew it was condemned.
 - Mrs. Washburn stated that the neighbors were willing to help Shawn remove the building and asked the board to not fine him the \$5000.00
 - Mr. Estok closed the public hearing.
 - After discussion by the board, Mrs. Dotlich made a motion to uphold the previous order, that the building inspector has found the structure beyond repair and confirm the order of the structure to be demolished within (30) thirty days and impose the fine and if not done within the (30) thirty days to impose the civil penalty up to \$5000.00, seconded by Mr. Chaffins. Motion carried (9-0)
 - Mr. Markin asked if he could have a copy of where it was ordered to tear it down previously.
 - Mr. Estok stated that we have the minutes and that is why you are here tonight and the public hearing is the other notice, the decision back then was to tear it down and the decision tonight is to order it down.
- V) Public Hearing to consider a Building Unsafe, located at 9940 E. U.S. 30, Grovertown, IN. 46531. Property owner being Sophia Genslinger. Legal description of S27 T34 R1, W Pt NE NE .23A & Grov. Orig. N ½ Lots 1 & 2 Block B.
- ◆ Mr. Estok opened the public hearing and explained that Terry has been working on this one for close to a year, they started working on the structure then quit and the contractor wasn't registered and a demolition permit was not applied for.
 - Mr. Bernard Kenyeri, son of Sophia Genslinger, was present to discuss his intentions with the board and stated that he doesn't know why he is here and that he has been trying to clean the property up.

- Mr. Estok stated that this is your public hearing and you were ordered to demolish the building before this meeting and said that they will probably give him (30) thirty days to get it down and impose the fine and civil penalty and put a special assessment against your property taxes to recoup the money so we get paid back.
- Mr. Bedrock asked if there is an estate open
- Mr. Kenyeri stated that there is not an estate open and Sophia Genslinger was his mother and the property is still in her name. He also stated that he and his brother have been working on the property and the inside is all cleaned out and he is trying to get the money together to demolish the building.
- Mr. DeVault stated that Mr. Kenyeri has removed about (4) four dumpsters of stuff out of the house and that Mrs. Genslinger was like a hoarder and they did that in the fall of last year.
- Mr. Estok asked how much time he needs to get the structure completely demolished.
- Mr. Kenyeri and Mr. DeVault stated that they would need about (60) sixty days.
- Mr. Chaffins made a motion that the building inspector has found it beyond repair and confirm the order of the structure to be demolished within (60) sixty days and impose the fine of up to \$5000.00 penalty if not done within the (60) sixty days, seconded by Mrs. Dotlich. Motion carried (9-0)

VI) Public Hearing to consider a Building Unsafe, located at 11475 E. S.R. 8, Culver, IN. 46511. Property owners being Lynda & Anna Kolasa and Wells Fargo Bank. Legal description of S25 T33 R1, Pt E ½ NW 2 acres.

- ◆ Mr. Estok opened the public hearing and explained to the board that this is the one that we actually had an order to tear the buildings down in 2012 and was up for foreclosure and then the bank dropped the foreclosure process and nothing has changed and we need to affirm Terry's order to tear it down,
 - Mrs. Norem asked if Mr. Bedrock contacted the owners to see if they would be willing to sign the property over to the county.
 - Mr. Bedrock stated that he did try but couldn't get through to them with the number that we have on file so we just sent them and the bank this notice.
 - After discussion by the board, Mrs. Norem made a motion that the inspector has found the buildings beyond repair and confirm the order to demolish the buildings immediately and the \$5,000.00 maximum civil penalty be applied, seconded by Mrs. Dotlich. Motion carried (9-0)

VII) Public Hearing to consider a Building Unsafe, located at 6740 W. 250 S. North Judson, IN. 46366. Property owner being Wiper Corporation. Legal description of S36 T33 R4, Pt Lot 3 & 4, S of Riv. 4.12 acres.

- ◆ Mr. Estok opened the public hearing and explained to the board that Wiper Corporation has an interested buyer and he wrote a letter to the board asking for an extension of (2) two months to demolish the structure.
 - Mrs. Dotlich stated that she and Terry think that the property is in a flood plain.
 - Mrs. Starkey stated that she didn't think so but could be
 - Mr. Chaffins stated that he thinks the flood plain is a little farther back.
 - Mrs. Starkey stated that Mr. Rabey wants to purchase the property if the board gives him an extension.
 - Mr. Estok stated that we cannot give a potential buyer an order, we can only give the Wiper Corp the order, but the order would follow the property.

- After discussion by the board, Mr. Chaffins made a motion that the inspector has found the structure beyond repair and confirm the order to demolish the structure within (60) sixty days and impose the fine of administrative costs and if not done in (60) sixty days impose the civil penalty of up to \$5000.00, seconded by Mrs. Dotlich. Motion carried (9-0)

VIII) New & Old Business

- ◆ Recreational Vehicle Ordinance
 - Mrs. Norem made a motion to set the Recreational Vehicle Ordinance for a public hearing next month, seconded by Mr. Chaffins. Motion carried (9-0)
- ◆ Permit application for a New Single Family Dwelling being built as a replacement for an existing dwelling
 - Mrs. Norem made a motion to set the amendment to New Single Family Dwelling permits for a public hearing next month, seconded by Mr. Rushing. Motion carried (9-0)
- ◆ 2015 Budget
 - After board reviewed the proposed budget, Mrs. Norem suggested to remove the 3% raise and add that we would take a retired police truck in lieu of the \$20,000.00 line item for a new vehicle.
 - Mr. Chaffins made a motion to approve the proposed 2015 Budget with the removal of the 3% raise and add that we would take a retired police truck in lieu of the \$20,000.00 line item for a new vehicle, seconded by Mr. Fosler. Motion carried (9-0)

IX) New & Old Violations

- ◆ Carl & Tina Rudd, 6835 E. S.R. 10 Knox, (Old Lightening Dude Ranch)
 - Mr. Estok stated that he checked on the progress and he has made quite a bit of improvements and is in compliance of what we have requested so far.
- ◆ Michael & Sylvia Vician, 4715 E. Toto Rd. Knox.
 - Mr. Estok let the board know that Mrs. Vician applied for a demolition permit and the structure is down and everything is cleaned up.
- ◆ Robin Thompson, 3780 E. Debby Drive, Knox.
 - Mr. Bedrock told the board that they went to court on 5-13-14 and Mrs. Thompson was ordered to have the property cleaned up within ten (10) days (5-23-14) or will need to pay (100) one hundred dollars per day until in compliance.
- ◆ S.R. Mansfield Well Drilling & Pump Repair Inc.: will discuss next meeting
- ◆ Geraldine Clemons, 1480 W. 450 S. & 1500 W. 450 S. North Judson, IN
 - Zack Ingram was present and asked for an update and stated that nothing has been done.
 - Mr. Bedrock stated that the property is still in her name and an estate has not been setup.
 - Mr. Estok stated that we should have a title search done.
 - After further discussion, Mrs. Norem made a motion to have a title search done on the Clemons property and set for a public hearing, seconded by Mr. Chaffins. Motion carried (9-0)

X) Tech Committee Meeting: No meeting was held.

- ◆ Mrs. Dotlich let the board know that the city plan commission has subscribed to a Planners Web membership and thinks that it would be beneficial for the county plan commission to subscribe as well and the cost is \$135.00 per year.
 - Mrs. Norem stated that she thought it was a good idea to subscribe as well.
 - Mr. Chaffins made a motion to subscribe to the Planners Web, seconded by Mrs. Norem. Motion carried (9-0)

XI) End of the month reports were reviewed

- ◆ Mrs. Norem questioned if Mr. Cambe needs a permit to sell golf carts out of his home at Bass Lake
 - Mrs. Starkey will have Mr. Stephenson look into it.

Mrs. Harness was present and had some complaints on a few properties. Mr. Estok let her know that there is a process that she will need to go through to file a complaint and Mr. Chaffins gave her a complaint form to fill out.

With no further business, Mrs. Norem made a motion to adjourn the meeting, seconded by Mrs. Dodtlich. Motion carried (9-0)

The next scheduled meeting will be held on Wednesday, June 18, 2014 at 5:30 p.m.

UNLESS STATED OTHERWISE, ALL PLAN COMMISSION MEETINGS WILL BE HELD ON THE THIRD WEDNESDAY OF EVERY MONTH AT 5:30 P.M. WITH THE BOARD OF ZONING APPEAL MEETING ON THE SAME NIGHT AT 7:00 P.M.

Pamla J. Starkey
Clerk/Secretary