

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

MINUTES

June 14, 2021

Chairperson Troike opened the meeting at 6:30 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),Wallace Williams (Boz) (Building Commissioner), and Mary Beever (BZA Recording Secretary).

III Review of the meeting minutes for April 12, 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 Area variance request by James Koch, to place a home on an undersized lot zoned Local Business, on property owned by James Koch and described as follows: Pt. Se Ne S11/T34/R1, 0.19 acres, Parcel number 75-03-11-204-095.000-009, located at 10926 E. 750 N. Walkerton, IN 46574.

- ◆ Attorney Bedrock read the request listed above.
- ◆ All notifications were not in order
 - Secretary Beever stated that she didn't receive one back the second time they were notified, but they did receive one the first time the notifications went out for a Gary & Keri Kalinsky Trust located at 2327 W. 108th Pl. Chicago, IL 60643.
 - Chairperson Troike explained the options to Applicant Koch on proceeding or not with the hearing.
 - Applicant Koch chose to proceed with the hearing.
- ◆ Secretary Beever explained that the applicant has an undersized lot at Koontz lake that is zoned local business, and to build he's five feet short on road frontage. She went on to explain that there needs to be 70 feet of road frontage to build.
- ◆ Chairperson Troike asked if the lot next to it was a business, or what it is zoned.
 - Secretary Beever stated that it also would be zoned local business.
 - Attorney Bedrock asked if all the lots around that property are residential ones with homes on them.
 - Secretary Beever stated that she had not been out there.
 - Executive Secretary Allen answered yes that they are all residential properties, then he used the map and explained to the board what is there and who is currently using each of the lots near by where the applicant owns property. He then went on to state that there is no businesses there currently that he knows of.
 - Applicant James Koch was present.
 - Applicant Koch explained that there used to be a double wide trailer on the his lot that he tore down approximately seven or eight years ago.
 - Secretary Beever stated because he didn't rebuild within a year on the footprint of what was there is why he is needing a variance.
 - Vice-Chairperson Binkley asked if this is going to be his home.
 - Applicant Koch responded yes.
- ◆ Executive Secretary Allen made a motion to open for public comment. Member Cultice seconded that motion. Motion carried 4-0.
- ◆ Audience in favor of request:
 - James Koch
- ◆ Audience opposed to request:
 - No one in the audience was opposed to the request.
- ◆ Applicant Koch explained intent to build a home on the property for his family to use while at the lake. He went on to explain that when he sold his home at Bass Lake his children were upset. He added that he lives only five miles from Koontz Lake and it would just be for the summertime to for his family to use.

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- ◆ Executive Secretary Allen made a motion to close the public comment portion of the hearing. Member Cultice seconded that motion. Motion carried 4-0.
 - ◆ Board discussion.
 - ◆ Secretary Beever asked the applicant if he was still planning on the 1642sqft home.
 - The applicant stated that it would be somewhere around that.
 - Secretary Beever asked if it would at least be over 800 sqft.
 - The applicant stated yes.
 - ◆ 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 use variance request by Chris & Susan Cummins, to open an automotive restoration/repair shop in an existing accessory structure in an Ag. zoned area, on property owned by Chris & Susan Cummins and described as follows: pt. S ½ Se S16/T33/R1, 5 acres, Parcel number 75-07-16-400-050.000-012, located at 25 N. (just east of 8625 E. 25 N. Knox, IN 46534.
- ◆ Attorney Bedrock read the request listed above.
 - ◆ All notifications were not in order.
 - Secretary Beever explained that she received one back returned to sender from a Brian and Christy Hines at 0356 S. 500 E. Knox, IN 46534. She went on to state that she did not receive one back from the Edna Klos Trust located at 8348 Declan Ct. Saint John, IN 46373 and one from a Jan & Janina Wiszniewski at 8615 E. 25 N. Knox, IN 46534.
 - Chairperson Troike explained the options to Applicant Cummins on proceeding or not with the hearing.
 - Applicant Cummins chose to proceed with the hearing.
 - ◆ Applicant Chris Cummins explained to the board that he is wanting to start an automotive and restoration, body and paint work business on a small scale and possibly do some collision work as well. He went on to explain that he has 30 years' experience in the field and wants to open up his own small shop.
 - ◆ Audience in favor of request:
 - Secretary Beever stated that she received a phone call from a Tennis & Goldie Singleton and that they were in favor of the request but unable due to health issues to attend the meeting.
 - James Koch
 - ◆ Audience opposed to request:
 - Secretary Beever stated that a Ronald Wintzak came into the office and stated that he was opposed to the Cummin's request.
 - Attorney Bedrock asked what Mr. Wintzak's address was.
 - Secretary Beever answered that he is at 0495 N. SR 23 Knox, IN 46534
 - ◆ Applicant Chris Cummins stated that he lived next door to Mr. Wintzak for 16 years and they didn't have any problems with each other. He went on to state that he actually doesn't live at the property that is adjoining to theirs but lives on SR 23 and has no idea why he'd be opposed to what they are wanting to do.
 - Secretary Beever stated that it had something to do with four wheelers.
 - Applicant Cummins stated he knows who he is referring to and that isn't them, and it's someone closer to his home and his residence. He went on to say that the shop is 200-300 feet back from the road frontage and wouldn't directly effect any of the neighbors.
 - ◆ Vice-Chairperson Binkley asked for clarification on which property the shop is on.
 - Secretary Beever showed the board that the Cummin's actually own two parcels next to each other.
 - ◆ Applicant Cummins added that in his opinion the neighbors that would have any effect would be the Singletons across the street due to the location of their driveways.
 - ◆ Attorney Bedrock asked what type of equipment he would be using in the shop and what he plans on doing in there.
 - Applicant Cummins went on to explain his experience in this business and that he plans on starting with restoration of automobiles.
 - Attorney Bedrock asked if he plans on doing this full time.

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- Applicant Cummins said that he eventually would like that.
- Attorney Bedrock asked if he has a job outside of this full time.
- Applicant Cummins replied yes and explained that he currently works full time in Rochester doing restoration now. He went on to say that for now it would be after work and on the weekends primarily, but if it picked up good that he'd like it to be full time.
- ◆ Vice-Chairperson Binkley asked as far as optics go that there wouldn't be a bunch of cars out by the road stored that need collision repair.
 - Applicant Cummins answered no that anything he would be working on would be up by the shop, and that everything would be kept clean.
- ◆ Member Cultice made a motion to close the public comment portion of the hearing. Vice-Chairperson Binkley seconded that motion. Motion carried 4-0.
- ◆ Vice-Chairperson Binkley asked if they were going to have signage.
 - Secretary Beever stated that they would be permitted a sign with the business permit but she couldn't remember what size if the board allowed the business.
- ◆ Member Cultice asked if the five acres behind the building would be used to store projects.
 - The Applicant stated that the property is heavily wooded, and that everything that pertained to the shop would be right by the shop.
 - Member Cultice asked if that would be in the woods and if it is visible from the road.
 - Applicant Cummins stated the shop is visible from the road. The applicants went on to state that the property is heavily wooded and that they would not be tucking cars in to the woods.
- ◆ Vice-Chairperson Binkley asked if this has the potential to create jobs.
 - Applicant Cummins stated he would like to mentor kids in the steel trades, and donate some of his time that way.
- ◆ Member Cultice asked about the materials being used and the disposal of them.
 - Applicant Cummins stated that he is very familiar with the EPA rules and regulations and disposal of hazardous waste and has a company in South Bend that he would be using. He went on to discuss that he is potentially looking into a water based paint system. He also stated that he has a triple filter system currently, and that nothing hazardous would be going out into the environment.
 - Member Cultice asked about a noise level.
 - Applicant Cummins stated that the loudest thing he uses is an air compressor, and that his wife in the house is the closest to the shop area and she is unable to hear the compressor when it's being used.
- ◆ Executive Secretary Allen asked about the hours of operation he would be having.
 - Applicant Cummins stated it would be after he gets home from work probably till around 9 p.m. and weekends to start with.
- ◆ Attorney Bedrock read the use variance ordinance.
- ◆ Board discussion.
- ◆ Chairperson Troike asked the applicant if they heard and understood that the variance is only good for them, and null and void if the property changes hands.
- ◆ Applicant Cummins stated they understood.
- ◆ Member Cultice made a motion to grant the request as presented to the board and that the variance is only for personal use by the current property owner and that customer vehicles must be at least 200 feet setback from the road. Vice-Chairperson Binkley seconded that motion. Motion carried 4-0.

VI Old/New Business-

- ◆ Applicant James Koch from the first hearing asked the board about a letter he received from the code enforcement officer about a motor home that he has parked on his property that he is seeking permission to build on.
 - Secretary Beever informed him of the ordinance for campers in Starke county, that they are only allowed for 72 hours at a time and that a permit must be obtained in the planning office for the 72 hour time frame.

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- Applicant Koch then said/asked so basically it can be there for 72 hours and then it has to be gone until there is a house built there.
- Secretary Beever stated that once the house is there he'd be able to store the Camper there behind the home, or he could come get a temporary housing permit with the planning commission to be able to stay in the camper while the home is being built.
- Applicant Koch then stated that the RV is for his keeping ice and beer in and for his boys while they go fishing. He then asked if he has to get a permit every time they want to use it there.
- Secretary Beever answered yes and stated that it is a free permit and went on to explain that mainly at the lakes they have had issues with people living in their campers for extended periods of time.
- Applicant Koch asked if it is because it looks bad to the neighbors.
- Secretary Beever explained that it has become an ordinance now and that it is just the rule now.
- Applicant Koch then asked about a piece of property that he owns at Bass lake, that he has issues with some of his neighbors there.
- Secretary Beever explained that this is an issue he needs to take up with the Code Enforcement officer Robby and she will look into it.
- Vice-Chairperson Binkley stated that the property owners association at Bass Lake could also help with his concerns there.
- ◆ Member Cultice brought up possibly changing the time/date of the next BZA meeting due to the fair.
 - Board Discussion regarding this issue.
 - Secretary Beever stated she would look into it and discuss it with Pam and Rachel that she would just need to know what they would want to do.
- ◆ Chairperson Troike asked if the commissioners had found anyone to appoint to our board yet.
 - Secretary Beever stated they had discussed appointing Kay Gudeman to our board but then they found out that she could not be paid out of two separate accounts.

VII With no further business to come before the board Vice-Chairperson Binkley made a motion to adjourn, seconded by Executive Secretary Allen. Motion carried 4-0. The June 14, 2021 meeting adjourned at 7:15 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 July 12, 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.