

# STARKE COUNTY BOARD OF ZONING APPEALS

COUNTY GOVERNMENT BUILDING

KNOX, IN 46534

PHONE: 574-772-9176

## MINUTES JUNE 18, 2009

Chairman Nagai opened the meeting at 6: 34 p.m.

**I. Pledge of Allegiance** was lead by Chairman Nagai

**II. ROLL CALL** – Lee Nagai-Chairman, Jack Hudgens-Vice Chairman, Sheri Bartoli-Member, Don White-Member, Roger Chaffins-Member (Absent), Steve Dodge-Attorney, Bruce Williams-Planning Commission Administrator and Emily N. Ferch-BZA Recording Secretary

**III. Review of the meeting minutes for February 19, 2009 & March 19, 2009**– Member Bartoli motioned to approve the meeting minutes for both February & March as written, seconded by member White. Motion carried 4-0.

**IV. Public hearing to consider a appeals request by JACK HUDGENS (QUALITY AMERICAN HOMES, INC.)** located at 2260 S Us Highway 35 Knox, IN 46534 concerning a disagreement in interpretation of building codes with the Zoning Administrator.

- Vice Chairman Hudgens stated the he would like to reclude himself from the board because of his financial gain and interest in the matter.
- Zoning Administrator Bruce Williams explained to the board the disagreement with Mr. Hudgens (Quality American Homes, INC) regarding the county ordinance for contractor registration in Starke County.
- Attorney Steve Dodge read section 3 of the current ordinance regarding contractor registration.
- The board concluded from the reading, that this ordinance would apply to any general contractor as well as anyone who engages in any one of the sub specialties of a contractor.
- Chairman Nagai asked Zoning Administrator Bruce Williams to explain why he thinks Mr. Hudgens (Quality American Homes, INC) should be defined as a contractor and/or sub contractor for purposes of registration in Starke County.
- Zoning Administrator Bruce Williams believes that Mr. Hudgens (Quality American Homes, INC) is considered a general contractor because he contracts out with sub contractors to install the homes of his customers.
- Zoning Administrator Bruce Williams referred to information bulletin # 60 in the material he presented to the board.
- The board reviewed the material presented which defined a construction contractor.
- Zoning Administrator Bruce Williams referred to the second document he issued to the board from US Legal as to why he believes Mr. Hudgens (Quality American Homes, INC) is considered a general contractor. Highlighting the point
  - “The general contractor is the person or entity who hires all of the sub contractors and suppliers for the project”
- Chairman Nagai asked Mr. Hudgens to explain to the board, why he feels that he should not be considered as a general contractor.

- Quality American Homes, INC representative Jack Hudgens presented to the board the Indiana workers compensation board interpretation of building construction trade. Highlighting the trades portion on page 4 of 13.
- Mr. Hudgens also:
  - Stated he is a “manufactured housing dealer, recognized through the Indiana bureau of motor vehicles.”
  - Defined to the board an overview of general contractors, construction management firms, and other entities that perform work using sub contractors.
  - Stated that he is currently “insured under the class C, code 15488, as a mobile home sales agency.”
- Lynn Hudgens addressed the board as the only other employee, with her current job description at Quality American Homes, INC.
- Member Sheri Bartoli inquired about the cost of registration for a general contractor in Starke County.
- Zoning Administrator Bruce Williams responded with the current 2009 registration & renewal fees
  - \$50.00 first time registration fee
  - \$25.00 annual renewal fee
- Zoning Administrator Bruce Williams presented to the board, the requirements for the Indiana manufactured home installer license.
- The board addressed Zoning Administrator Bruce Williams and Mr. Hudgens with questions and concerns regarding this matter.
- Attorney Steve Dodge projected a scenario with Mr. Hudgens regarding the purchasing and instillation process of a manufactured home with Quality American Homes, INC
- Board discussion
- Member Don White made a motion for this board to classify Mr. Hudgens (Quality American Homes, INC) as a general contractor for purposes of contractor licensing requirements in Starke County. However, this finding cannot be used for any other purpose and is not president for any other purposes. Motion seconded by Member Sheri Bartoli.
- Attorney Steve Dodge suggested Member White to alter the wording of the proposed motion.
- Member Don White amended his motion accordingly. Member Sheri Bartoli amended her second to that motion accordingly.
- Board & Staff discussion
- Member White withdrew his motion.
- Member Bartoli withdrew her second to that motion.
- Member Don White motioned that (Quality American Homes, INC) qualifies as an entity that requires a contractor registration permit from the Starke County Planning Commission. Motion seconded by Member Bartoli. Motion carried 3-0.
- Mr. Hudgens rejoined his seat as Vice-Chairman on the board

#### **V. New Business- 2010 BZA Budget**

- Recording Secretary addressed the board of being advised to make the proposed 2010 budget in conjunction with the approved 2009 budget.
- Board & staff discussion
- Vice-Chairman Hudgens made a motion to approve the 2010 BZA budget as stated. Motion seconded by Member Bartoli. Motion carried 4-0.
- Recording Secretary Emily Ferch will submit the 2010 BZA budget for approval to the county council.

## **VI. Old Business –**

- Chairman Nagai brought up the mobile home from Jim Baileys lot and asked if proper inspections have been made.
  - Zoning Administrator Bruce Williams stated that he has been out to inspect the data plate on the mobile home.
  - The applicant has not followed up on providing any information (title or data plate) to the zoning administrator.
  - Mr. Hudgens also needs to go out to the lot and inspect this mobile home per stipulation requirements.
- Audience Greg Rosentreter asked the board if any amendments can be made to Lisa Daube's dog kennel permit, because the noise level is still above average.
  - The board will look at the stipulations and amendments and zoning administrator will follow up with this matter accordingly.

**VII.** With no further business to come before the board, Vice Chairman Hudgens made a motion to adjourn, seconded by Member Bartoli. Motion carried 4-0. The June 18, 2009 meeting adjourned at 8:10 p.m. local time. This meeting was recorded on tape for file in the zoning office. The next meeting of the Starke County Board of Zoning Appeals is scheduled for July 16, 2009 at 6:30 p.m. local time, in the Starke County Government Building, located in Knox, IN.