

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

MINUTES

June 18th, 2014

Chairperson Troike opened the meeting at 7:01 p.m.

I Pledge of Allegiance- led by Chairperson Troike.

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

III Review of the meeting minutes for May 21st, 2014 – Member Rushing made a motion to approve the minutes as written. Member Berger seconded that motion. Motion carried 3-0.

IV Public hearing to consider a use variance request by John Piper, to set two storage/semi-trailers on his property, on property owned by John Piper and described as follows: Pt Nw Nw, 5 acres, Parcel number 75-07-11-100-016.000-012, located at 1729 N. 1025 E. Grovertown, IN 46531.

- ◆ Chairperson Troike read the request listed above.
- ◆ All notifications were in order.
- ◆ Planning Comm. Admin. Stephenson explained why the applicant was before the board.
- ◆ Attorney Bedrock read the code 6-12-3-5-E sub section 6- B ordinance.
- ◆ Applicant Piper was present.
- ◆ Applicant Piper explained intent to place two semi-trailers on his property to use as storage units.
- ◆ Audience in favor of request: Audience member Mrs. Ford was in favor of the request. She asked the applicant Mr. Piper if the units were visible from the road.
- ◆ Applicant Piper answered yes that they currently are, but when he is able to finish his fencing that they probably would not be visible from the road.
- ◆ Audience opposed to request: Audience member Mrs. Dotlich was opposed to the request due to the number of acres the applicant owns and that the units were already there before he sought a variance.
- ◆ Applicant Piper added that he was unaware that he needed a permit for the trailers until he received a violation letter from the planning commission to either plate them, or obtain a permit for them and remove the axels on them.
- ◆ Attorney Bedrock added that portion C of the ordinance was not real clear.
- ◆ Member Rushing stated that the ordinance states that one unit per 10 acres is permitted on lots with 5 acres or more. So if you have 10 acres you still only allowed one unit. If you have five acres you are allowed one unit. He added that the ordinance is somewhat convoluted but it is clear that if you only have ten acres you can only put one unit. You would need 20 acres to put two units how the ordinance currently reads.
- ◆ Audience member Mrs. Dotlich added that the ordinance currently does not state that an individual can get a variance unless property owned is less than 4.99 acres. She added that it does not state you can get a variance for 5 or 10 acres.
- ◆ Attorney Bedrock added that the ordinance does not have to say you can get a variance when the ordinance or statute is specific, then as to requirements. Then you get a variance as to clear meaning of the statute. He added that this is what the applicant is attempting to do.
- ◆ Chairperson Troike asked if there are any questions from the board to the applicant.

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- ◆ Member Rushing added that the trailers had already been on the property and the second one had already been there for over a year now. He asked the applicant if it was his intentions to remove the axels from them.
- ◆ The applicant answered yes.
- ◆ Member Rushing asked what type of time line the applicant is planning on getting the axels removed from the units if he was granted the variance.
- ◆ The applicant stated that he could get it done in thirty to sixty days.
- ◆ Chairperson Troike asked Member Berger if she had any questions for the applicant.
- ◆ Member Berger stated that she did not.
- ◆ Chairperson Troike added that he didn't know that a semi-trailer needed to be licensed to be on your property until recently.
- ◆ Attorney Bedrock read the use variance ordinance.
- ◆ Audience Member Mr. Dotlich asked Planning Comm. Admin. Stephenson if he knew how much property taxes are put on semi-trailers that area allowed.
- ◆ Planning Comm. Admin. Stephenson said he did not know.
- ◆ Audience Member Mr. Dotlich asked if any of the board members knew.
- ◆ Member Rushing added that they have to be plated and as far as he knew that is the only type of tax put on them because currently they are not assessed by the county.
- ◆ Attorney Bedrock asked how much a plate costs.
- ◆ Applicant Piper added that a licenses plate is seventy eight dollars the first year and sixteen dollars every year after.
- ◆ Member Rushing added that the trailers do not add any value to the property and that is why they are not assessed. Also, that the county could but even if one was assessed at five hundred dollars of value it would only assess another nickel. Essentially avoiding tax by doing this.
- ◆ Member Berger asked Secretary Beever if any of the neighbors responded to the public hearing letters.
- ◆ Secretary Beever stated that one of the neighbors did call and asked what the notice was about. She added that she explained it to the gentlemen and informed him of what was going on and when and where the hearing was taking place.
- ◆ Member Rushing made a motion to close the public comment portion of the hearing. Member Berger seconded that motion. Motion carried 3-0
- ◆ Board discussion.
- ◆ Member Rushing made a motion to grant the request with the following stipulations:
 - The semi-trailers need to be properly plated and licensed until set and the axels need to be removed.
 - All permits must be obtained with in thirty days of the public hearing held on June 18th, 2014.
 - The variance obtained is only good for two semi-trailers only on the property.

Member Berger seconded that motion. Motion carried 3-0.

V New Business-

- ◆ None at this time.

VI Old Business-

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- ◆ Planning Comm. Admin. Stephenson gave an update on the Wappel hearing from December 2013. He stated that the owners had brought in sketches on how the property had been split according to the stipulations in their variance.
 - Attorney Bedrock explained to the new board members what had taken place at that meeting in further detail and why the property needed to be split.
 - Chairperson Troike asked if the requirements had been met.
 - Planning Comm. Admin. Stephenson answered yes.
- ◆ Planning Comm. Admin. Stephenson gave an update on the Reinholt hearing from May 2014. He stated that the highway department was doing a study on the intersection there. Also, he added that the state alcohol and beverage commission has to still sign off on his design.
 - Board discussed this update with Planning Comm. Admin Stephenson.
- ◆ Attorney Bedrock stated that there was a phone conference between himself, the Dotlich's attorney, the Ford's attorney, and Judge Sherin on May 9th.
 - Attorney Bedrock explained the appeal of the decision made by the board of zoning going on briefly to the board members. He stated that the judge in the circuit court had been presented with a transcript, tape, and minutes of the meeting. Attorney Bedrock proceeded to inform the board that the judge had asked for findings of facts concerning the July 18th meeting. Attorney Bedrock explained that Chairperson Troike is the only member of the BZA that is currently still on the board that was present at the July meeting. Therefore, he is the only member that can sign off on the findings of facts that the judge has asked for. Attorney Bedrock asked for a motion to be made giving Chairperson Troike the authority to sign the findings of fact document before it is submitted to the judge.
 - Member Rushing made a motion to give Chairperson Troike the authority to sign the findings of fact document after it is read aloud to the board.
 - Chairperson Troike read the findings of fact document and then signed it.
 - Motion was seconded by Member Berger. Motion carried 3-0.

VII With no further business to come before the board Member Berger made a motion to adjourn, seconded by Member Rushing. Motion carried 3-0. The June 18th, 2014 meeting adjourned at 7:33 p.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 August 20th, 2014 at 7:00 p.m. local time, in the Starke County Government Building, located in Knox, IN.