

# STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

## MINUTES

June 21<sup>st</sup>, 2012

Executive Secretary Marks opened the meeting at 6:30 pm.

- I Pledge of Allegiance-** led by Executive Secretary Marks.
- II Roll Call-** Sheri Bartoli (Chairperson)**absent**, Don White (Vice-Chairperson)**absent**, Denise Marks (Executive Secretary), Bob Troike (Member), EJ Rodgers (Member), Steve Dodge (Attorney)**absent**, Bruce Williams (Planning Commission Administrator), and Savannah Simpson (BZA Recording Secretary)
- III Review of the meeting minutes for May 17<sup>th</sup>, 2012-** Member Troike made a motion to approve the minutes as written. Member Rodgers seconded that motion. Motion carried 3-0.
- IV Public hearing** to consider an area variance request to place a mobile home 53' from the road (700S), and a use variance request to place a 1980 mobile home, by Ionel Tana, on property owned by Ionel Tana and described as follows: Nw Ne S26 T32 R1, 40 acres, Parcel number 75-11-26-200-003.000-008, located at 10675 E. 700 S. Culver, IN 46511.
- ◆ Executive Secretary Marks read the request listed above.
  - ◆ All notification were in order.
  - ◆ Applicant Ionel Tana was present and he explained that he moved the mobile home so that it is now 80' from the road instead of 53'.
    - Mr. Williams stated that moving it makes it a legal distance from the road.
  - ◆ Mr. Williams explained that housing used for temporary farm workers is not considered a permanent residence.
    - Mr. Tana verified that the mobile home would be used only for temporary workers.
  - ◆ Mr. Tana presented his proposed business brochure to the board.
  - ◆ Executive Secretary Marks asked the applicant how many workers would be staying in the mobile home at a time.
    - The applicant replied that there would be no more than 4.
  - ◆ Mr. Williams explained that the applicant is now only seeking a variance for the 1980 mobile home and according to code they have to be 1981 or newer.
  - ◆ Mr. Williams stated that the mobile home is HUD approved.
  - ◆ Mr. Williams read the area variance ordinance.
  - ◆ No one in the audience was in favor of request:
  - ◆ No one in the audience was opposed to request:
  - ◆ Public comment opened:
    - Betty Dotlich asked if the mobile home being discussed will be the only one used.
      - Mr. Tana replied that it will be.
    - Mrs. Dotlich asked if applicant has checked with neighbors to make sure they would not have a problem with it.
      - The board explained that notifications were sent out and all were in order.

# STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

- Mrs. Dotlich stated that the manufactured home code states that a manufactured home on a lot is the only principal building to be on the lot.
    - Mr. Williams read Specification B Agricultural use definition regarding the use of the home being considered agricultural.
  - ◆ Board questions to the applicant.
    - Member Troike stated that there should be a stipulation put on the variance that it only be used for seasonal workers and that if that use ceases it would have to be removed.
    - Executive Secretary Marks asked the applicant:
      - if this is the first year that he has done this.
        - The applicant replied that it is the second year.
      - if there is a potential for needing more workers.
        - The applicant explained that there is some potential but only if things pick up down the road.
      - if the workers have families that stay in the mobile home with them.
        - The applicant replied that the families do not.
  - ◆ Executive Secretary Marks closed the public comment portion of the hearing.
  - ◆ Board discussion.
  - ◆ Member Troike made a motion to grant the request with the stipulation that if it is no longer used for migrant workers the mobile home must be removed. Member Rodgers seconded that motion. Motion carried 3-0.
- V Public hearing** to consider an area variance request by Dorena Mullins, to place a modular home, on property owned by Robert and Darlene Schmidt and described as follows: Pt. W ½ NW 35-33-3, 4.2 acres, Parcel number 75-05-35-101-014.000-007, located at SR 39, North Judson, IN 46366.
- ◆ Executive Secretary Marks read the request listed above.
  - ◆ All notification were not in order:
    - Daniel DeKnight
  - ◆ Executive Secretary Marks explained to the applicant her options.
  - ◆ The applicant chose to proceed.
  - ◆ Applicant Dorena Mullins was present.
  - ◆ Mrs. Mullins explained her intent to the board.
    - She wants to build a home on property that her parents will subdivide to her.
  - ◆ Mr. Williams read the area variance ordinance.
  - ◆ Audience in favor of request:
    - Mark Villa
    - Sam Mullins
    - Dorena Mullins
  - ◆ Audience opposed to request:
    - Pam Bau:
      - Stated that the area behind her house has become a sort of family subdivision.

# STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

- Steve Hussey:
  - Stated that the driveway used to access all of the houses behind their property is used excessively and people drive very fast up and down it.
  - Stated that he believes it will affect the resale of their house.
- George Dotlich:
  - Stated that he has a problem with it not meeting the 100' road frontage and the potential of it becoming a subdivision.
- Mr. Troike also stated that the board received a letter from an adjoining property owner who was opposed to the request.
- ◆ Mr. Williams verified that the parcel will be divided which would create a completely land locked parcel and a parcel with inadequate road frontage.
- ◆ Board questions to the applicant.
  - Executive Secretary Marks asked how many acres the parcel is.
    - The applicant replied 4.2 but that they are planning to parcel a smaller section off.
  - Executive Secretary Marks verified that the parcel they want to build on will have only 33' of road frontage.
- ◆ Executive Secretary Marks closed the public comment portion of the hearing.
- ◆ Board discussion.
- ◆ Member Rodgers made a motion to deny the request. Member Troike seconded that motion. Motion carried 3-0.
- ◆ Executive Secretary Marks explained to the applicant her right to appeal to circuit court within 30 days.

## **VI Old Business-**

- ◆ None at this time.

## **VII New Business-**

- ◆ None at this time.

**VIII** With no further business to come before the board Member Troike made a motion to adjourn, seconded by Member Rodgers. Motion carried 3-0. The June 21, 2012 meeting adjourned at 7:15 pm 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 July 19, 2012 at 6:30 p.m. local time, in the Starke County Government Building, located in Knox, IN.