

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

MINUTES

July 13, 2020

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), Don Binkley (Member)(Absent), Martin Bedrock (Attorney), Terry Stephenson (Planning Commission Administrator), and Mary Beever (BZA Recording Secretary).

III Review of the meeting minutes for June 8, 2020- Vice- Chairperson Z. Binkley made a motion to approve the minutes as written. Member Cultice seconded that motion. Motion carried 4-0.

IV Public hearing - to consider an area variance request by Thomas Jordan, to remove a mobile home and replace with a stick built structure in the middle of Lot 1 and to remove a mobile home and replace with a stick built structure furthest to the east on Lot 3, on property owned by Thomas L. & Teresa L. Jordan and described as follows: Rannells 3rd Lot 1 S23/T32/R2 0.11 acres, Parcel number 75-10-23-204-029.000-002 located at 6409 S Rannells Dr. E. Knox, IN 46534 and on property described as follows : Rannells 3rd Lot 3 S23/T32/R2 0.11 acres, Parcel number 75-10-23-204-025.000-002 located at 6401 S. Rannells Dr. E. Knox, IN 46534.

- ◆ Chairperson Troike read the request listed above.
- ◆ All notifications were not in order.
 - Secretary Beever stated that the notification for a Thomas & Judie Cutting of 10446 S. Interlocken Dr. Palos Hills, IL 60465 had not come back as being sent certified yet.
 - Chairperson Troike explained to the applicant his options of continuing or postponing the hearing.
 - The applicant Jordan decided to continue on with the hearing.
- ◆ Vice-Chairperson Z. Binkley made a motion to open the hearing to the public. Member Cultice seconded that motion. Motion carried 4-0.
- ◆ Plan. Comm. Admin. Stephenson explained why the applicant was before the board. He stated that the applicant was wanting to take out the old trailers and replace them with new construction.
- ◆ Attorney Bedrock read the area variance ordinance.
- ◆ Applicant Thomas Jordan was present.
- ◆ Applicant Jordan explained his intent on wanting to remove the older mobile homes and replace them with new construction that would be undersized.
- ◆ Vice-Chairperson Z. Binkley asked what the square footage of the new homes was compared to the old ones.
 - Applicant Jordan stated that he was replacing them with comparable sized homes.

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- ◆ Audience in favor of request:
 - Thomas Jordan
- ◆ Audience opposed to request:
 - No one was opposed in the audience
- ◆ Attorney Bedrock stated informed the board that there are multiple residences on one 50' x 100' parcel that have been grandfathered in and that tearing one down then loses its status of being grandfathered in and the board needs to consider that aspect. He went on to state that the structures are all undersized and don't meet the minimum requirements of stick built homes.
- ◆ Board questions to the applicant.
 - Vice-Chairperson Z. Binkley asked if these homes were going to be used as year round homes or seasonal rentals.
 - Applicant Jordan stated that they would be year round homes.
 - Vice-Chairperson Z. Binkley also asked if there was plans to continue this in the future, of replacing the other homes.
 - Applicant Jordan stated that he wants these two replaced to match the rest currently there and doesn't plan to do anything else.
 - Chairperson Troike asked for clarification on how many homes are there that applicant Jordan owns.
 - Secretary Beever stated that on lot 1 there is currently 3 dwellings and he is wanting to remove the mobile home dwelling located in the center of the property and replace it with stick built and on lot 3 there is currently 2 dwellings and one of them is a mobile home also that he is wanting to replace with a stick built dwelling. She also went on to give the square footage of the dwelling on each of the parcels currently.
- ◆ Vice-Chairperson Z. Binkley made a motion to close the public hearing. Executive secretary Allen seconded that motion. Motion carried 4-0.
- ◆ Board discussion
- ◆ Vice-Chairperson Z. Binkley made a motion to grant the request with the stipulations that a signed letter from adjoining property owner Thomas & Judie Cutting be received prior to any permit being issued and that the new undersized structures follow all building codes. Executive Secretary Allen seconded that motion. Motion carried 4-0.

V New/Old Business-

- ◆ **Continuance** - Public hearing to consider a use variance request by Roland Houin of Fourway.net, to place a 175 foot tall internet tower, on property owned by Zachary & Chrystal Ingram and described as follows: Pt NE SE S26/T33/R3, 15.76 acres, Parcel number 75-05-26-400-015.200-007, located at 1517 S. 100 W. Knox, IN 46534. Read by Vice-Chairperson Z. Binkley.
 - Chairperson Troike Recused himself from this portion of the meeting due to a conflict of interest.
 - Member Cultice made a motion to open the hearing back up to the public. Executive Secretary Allen seconded that motion. Motion carried 3-0.

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- Applicant Houin was present and gave an explanation on the placement mistake of the tower. He went on to discuss with the board that the property owners were wanting to get a better internet service provider in the area.
 - Attorney Bedrock showed the survey that Karen Kurzeja had done to Applicant Houin of the placement of the tower.
 - Applicant Houin stated that it was a mistake placing the tower there and it was too close to the property line.
 - Attorney Bedrock asked Audience member Kurzeja if she'd be okay with it if he moved it like he stated he would.
 - Audience member Kurzeja stated she'd be fine with it if it was moved into compliance with our ordinances setbacks and guidelines.
- The board heard comments from audience member Robert Troike, and he said he was alright with it as long as it followed the setbacks.
- Attorney bedrock asked applicant Houin approximately how long he'd need to move the tower.
 - Applicant Houin stated that he'd like to have a couple months and hopefully have it done much sooner.
- Member Cultice made a motion to close the public hearing. Executive secretary Allen seconded that. Motion carried 4-0.
- Member Cultice made a motion to grant the use variance with the following stipulations that the applicant have 60 days to relocate the tower, and that the tower must follow all guidelines and setbacks. Executive Secretary Allen seconded the motion. Motion carried 3-0.
- ◆ **Edward Meulemans** – wanting to appeal the board's decision of denying his request.
 - Edward Meulemans was not in attendance at the meeting.
 - Secretary Beever stated that Mr. Meuleman's had called the office stating that he received the denial letter. She went on to state that he insisted on appealing to the board. Secretary Beever stated she informed him to consult an attorney because after a denial of the appeal, the appeal would then go to court. He insisted to be on the agenda for the July meeting.
- ◆ **Cherry's** – Review of stipulations
 - Phil Cherry addressed the board and stated that he had several contractors that he's called and tried to get a roof placed on the container. He went on to state that all the contractors where months out on work or they were wanting to much to add a roof. He showed the board pictures that he had built a wall/fence to somewhat conceal one side of the container.
 - Member Cultice asked if the fence went all the way around it.
 - Mr. Cherry stated that it was only on one side and that the other side he's unable to get to because the neighbors trees are overgrown on that side. He also said that the fence is taller than the container to make it harder to see.

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- Plan. Comm. Admin. Stephenson told the board and the Cherry's about a call he placed to contractor Kerry Ingram. He went on to state that Kerry Ingram never signed a contract with the Cherry's.
 - Mr. Cherry stated that was because Kerry Ingram was 2-3 months scheduled out on work at the time.
- Chairperson Troike asked if he had scheduled anyone to put a roof on it yet.
 - Mr. Cherry replied no.
- Discussion went on from the Cherry's discussing the time that had elapsed during the October meeting and through the Covid-19 quarantine.
- Board discussion.
- Secretary Beever stated that the one year expiration date on the permit was a mistake and that the Cherry's clearly knew from the meeting and the approval letter clearly stated that they only had 6 months to put the roof on it.
- Board discussion.
- Chairperson Troike stated that the board agreed to give an extension to the Cherry's of 3 months to get the roof placed on the container from the July 13, 2020 meeting. He went on to state that if they are unable to get the roof completed by then that they would need to contact Secretary Beever and ask her to ask the board for an additional extension of time.

VI With no further business to come before the board Member Cultice made a motion to adjourn, seconded by Vice-Chairperson Z. Binkley. Motion carried 4-0. The July 13, 2020 meeting adjourned at 7:23 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 August 10, 2020 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.