

# STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

## MINUTES

**September 9, 2019**

Chairperson Troike opened the meeting at 6:31 p.m.

**I Pledge of Allegiance-** led by Chairperson Troike.

**II Roll Call-** Bob Troike (Chairperson), Zac Binkley (Vice-Chairperson) (Absent), Mark Allen(Executive Secretary), Denise Cultice (Member), Don Binkley (Member), Martin Bedrock (Attorney), Terry Stephenson (Planning Commission Administrator) (Absent), and Mary Beever (BZA Recording Secretary).

**III Review of the meeting minutes for August 12, 2019** – Member Cultice made a motion to approve the minutes as written. Member D. Binkley seconded that motion. Motion carried 4-0.

**IV Public hearing-** to consider a use variance request by Robert and Jamie Harper to place a pole building structure on property zoned R-2 without a dwelling on it, on property owned by Robert and Jamie Harper and described as follows: Pt SW NE S9/T32/R3, 1.67 acres, Parcel number 75-09-09-203-009.300-013, located between 4280 & 4320 S. 350 W. North Judson, IN 46366.

- ◆ All notifications were in order.
- ◆ Attorney Bedrock read the request listed above.
- ◆ Member Cultice made a motion to open public comment. Executive Secretary Allen seconded that motion. Motion carried 4-0.
- ◆ Secretary Beever explained that the applicant was before the board because they are wanting to construct a pole building on less than ten acres without a dwelling on the property and the parcel has less than one hundred feet of road frontage. Secretary Beever also asked if the variance is approved that the applicants be asked to get a business license.
- ◆ Applicant Robert & Jamie Harper were present.
- ◆ Chairperson Troike asked the applicant for his reasoning for appearing before the board.
- ◆ Robert Harper explained his intent to place another building for storage purposes of his business.
- ◆ Audience in favor of request:
  - Robert Harper
  - Jamie Harper
- ◆ Audience opposed to request:
  - Secretary Beever read an e-mail she sent to the board discussing an adjoining neighbor, Adrien Jordan's opposition to the proposed project on the Harper parcel. (E-mail in part of the file kept on record)
- ◆ Board questions to the applicant.
- ◆ Member Cultice made a motion to close the public comment portion of the hearing. Member D. Binkley seconded that motion. Motion carried 4-0.

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- ◆ Attorney Bedrock read the use ordinance.
- ◆ Board discussion.
- ◆ Member D. Binkley made a motion to deny the request. Executive Secretary Allen seconded that motion. Motion carried 4-0.

**V Public hearing** - to consider a conditional use variance request by Rabers Construction, to place a second dwelling on a parcel as a vacation home for family members, on property owned by Christopher & Mark Wentland and described as follows: Woodland Pk Lots 12&13 S12/T34/R1, 0.2 acres, Parcel 75-03-12-103-061.000-009, located at 11101 E. Pottawatomie Trail S. Walkerton, IN 46574.

- ◆ Attorney Bedrock read the request listed above.
- ◆ All notifications were not in order
  - Secretary Beever stated that there was one notification to a David & Debra Laidlaw living Trust located at 11082 Pottowatomie Trl. Walkerton, IN 46574 that had not been returned and the green card didn't come back yet.
  - Chairperson Troike explained to the applicant his options on proceeding with the hearing and asked if Mr. Raber wanted to proceed with the hearing or wait to be heard.
  - Mr. Raber decided he'd like to continue with the hearing.
- ◆ Member D. Binkley made a motion to open the public hearing. Member Cultice seconded that motion. Motion carried 4-0.
- ◆ Applicant David Raber was present.
- ◆ Applicant David Raber explained that he was the agent for the Wentland family and explained that he was before the board to see about getting a variance for two separate dwellings on one parcel to use strictly as a vacation home. He went on to state that if not allowed to build the second home that the family is willing to split the property into two separate lots.
  - Secretary Beever stated that either way a variance would be needed, because if the property is split the lot would be an undersized lot and more than likely they would not meet the setback requirement from the center of the road district restriction.
- ◆ Questions from the board to the agent David Raber, concerning the size of the lots.
- ◆ Applicant Raber explained the intent further of the Wentland family.
- ◆ Attorney Bedrock stated that due to our ordinance stating you can't have two dwellings on the same parcel and since both lots are comparable in size that the only way to do what the owners are wanting to do is to split the property.
- ◆ Applicant Agent Raber stated that this is how his clients wanted him to present it to the board and that if it needs to be split then they'll get it split.
- ◆ Attorney Bedrock suggested to the board that this hearing be continued at a later date when the property is divided.
- ◆ Board discussion.

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- ◆ Executive Secretary Allen made a motion to continue the hearing subject to the property being split into two separate parcels. Motion seconded by member Cultice. Motion carried 4-0.
- ◆ Applicant Agent Raber asked the board to clarify the setback off of the street for when he comes back.
  - Secretary Beever stated that the ordinance states it needs to be 75 feet back but due to this property being at the lake the setback would be taken as an average of the homes near to the property in question.
  - Board continued to ask questions and discuss this matter.
- ◆ Member D. Binkley made a motion that the structure be no closer than 30 feet from the center of the road. Member Cultice seconded that motion. Motion carried 4-0.

**VI Public hearing** - to consider an area variance request by Tim Miller of Royal Star Builders, to place a pole barn structure on a property zoned R-3 for storage without an existing dwelling on the parcel, on property owned by Spencer & Ruth Vatterrodt and described as follows: Brabrooks Lot 146 S13/T32/R2, 0.11 acres, Parcel number 75-10-13-102-020.000-002, located between 5263 & 5239 S Elm St. Knox, IN 46534.

- ◆ Attorney Bedrock read the request listed above.
- ◆ All notifications were not in order.
  - Secretary Beever stated that a notification for a Bruce Moticka of 1811 W. Cuyler Chicago, IL 60613 had not been returned or signed for.
  - Applicant Miller stated that he talked to Mr. Moticka and he didn't have any issue.
  - Chairperson Troike explained to the applicant his options on proceeding with the hearing and asked if Mr. Miller wanted to proceed with the hearing or wait to be heard.
  - Mr. Miller decided he'd like to continue with the hearing.
- ◆ Member Cultice made a motion to open the public hearing. Executive Secretary Allen seconded that motion. Motion carried 4-0.
- ◆ Attorney Bedrock asked the applicant what is different about his variance request from the first one heard.
  - Mr. Miller stated that it is at Bass Lake.
- ◆ Applicant Tim Miller of Royal Star Builders was present.
- ◆ Secretary Beever stated that more than likely if the owners owned property directly adjoining across the road it would have been permitted, but the property they own is actually around the block and not an adjoining parcel.
- ◆ Applicant Miller explained his intent to the board to build a cold storage barn for the Vatterrodt's
- ◆ Board questions to the applicant.
- ◆ Audience in favor of request:
  - Tim Miller
- ◆ No one in the audience was opposed to the request.
- ◆ Board discussion and questions to the applicant.

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◆ Member D. Binkley made a motion to grant the request with the following stipulations:

- Building is to be no larger than 32x60 or less than 40% coverage of parcel
- There is to be a 30 foot minimum setback from the center of the road.
- The structure is to not be used as a commercial structure.
- There is to be no septic/sewer hookup .
- There is to be no living quarters added into the structure.
- Executive Secretary Allen seconded that motion. Motion carried 4-0.

## **VII Old/New Business-**

◆ None at this time.

**VIII** With no further business to come before the board Member D. Binkley made a motion to adjourn, seconded by Executive Secretary Allen. Motion carried 4-0. The September 9, 2019 meeting adjourned at 7:33p.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 October 14, 2019 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.