

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

MINUTES

September 13, 2021

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) (Resigned before the meeting via e-mail), Mark Allen (Executive Secretary), Denise Cultice (Member), Martin Bedrock (Attorney), Wallace Williams (Boz) (Building Commissioner), and Mary Beever (BZA Recording Secretary).

III Review of the meeting minutes for August 9, 2021 – Member Cultice made a motion to approve the minutes as written. Executive Secretary Allen seconded that motion. Motion carried 3-0.

IV Public hearing to consider an area variance request by Katlyn Hunneshagen, to place a deck closer to be 3'1" and 5'6" from the rear property line in an R-3 Zoned area, on property owned by Earl & Joyce Moynihan and described as follows: Simpson & Frost Lot 17 Blk 24 S11/T34/R1, 0.13 acres, Parcel number 75-03-11-204-075.000-009, located at 10933 E. Tippecanoe Dr. S. Walkerton, IN 46574.

- ◆ Attorney Bedrock read the request listed above.
- ◆ All notifications were not in order.
 - Secretary Beever stated that a notice to Ann F. McDermott-Newman of 10936 E. Tippecanoe Dr. S. Walkerton, IN 46574 was returned to sender.
- ◆ Chairperson Troike asked Katlyn Hunneshagen as agent for the Moynihans' if she'd like to proceed with the hearing due to the one notification not being delivered.
 - Katlyn Hunneshagen chose to proceed with the hearing. She stated that Mrs. Moynihan believes that home to be vacant right now.
- ◆ Building Comm. Boz explained to the board that the applicants did not get a permit to build a deck initially. He went on to state that they complied and came in and got a permit. Upon doing an inspection he noticed that the deck was too close to the rear property line and told the contractor to stop work on it or to come into compliance and that they would have to appeal through the BZA. The next time he went past the home the deck had been completed even though he had told them to stop work on the project. He went on to discuss that what was supposed to be a family friend helping them build the deck was actually a contractor they paid \$30,000 to that was unregistered as contractor to do work in Starke County.
 - Secretary Beever added that the deck is not in compliance with the rear setback. She went on to say that the drawing submitted when a permit was obtained showed the deck being 10.6 feet from the rear property line and that the deck is only about 3 feet from the water's edge
- ◆ Applicant Katlyn Hunneshagen began to speak.
 - Secretary Beever asked her if she could wait till the public comment portion is opened.
- ◆ Attorney Bedrock read the area variance ordinance.
- ◆ Member Cultice made a motion to open the public comment portion of the hearing. Executive Secretary Allen seconded that motion. Motion carried 3-0.
- ◆ Applicant Katlyn Hunneshagen was present as the agent for the Moynihans along with the Moynihans being present.
- ◆ Katlyn Hunneshagen explained that the Moynihans don't currently live here but they plan on retiring here. She went on to explain that the deck was dilapidated, very small and in need of repair. She went on to state that they reached out to a family friend that is a contractor and he assured them that they did not need a permit. She continued on to state that they didn't find out till Mr. Williams came out to the property that they needed a permit. She went on to state that there was confusion on the ordinance and that they thought it was measured from the water's edge and the water was way out in the lake at that time.
 - Bldg. Comm. Boz stated that when he stopped by that the contractor was measuring down from the deck to the water and stated he was 10 feet away. He then told him no that is not how you measure it; you have to measure straight across. He also went on to state that the water was to the sea wall.
 - Hunneshagen then went on to state when they first originally started building the lake was further out and construction started in the fall.
 - Bldg. Comm. Boz stated that the lake should hold its own all year and that it's not like Bass Lake because it has its own damn.

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

- Hunneshagen stated that she's seen it low.
- Bldg. Comm. Boz went on to state that it doesn't get down low enough to where you see sand like at Bass Lake.
- Hunneshagen went on to state that there was some confusion, Mrs. Moynihan contacted Mary at the office apologized and then started this process. She went on to state that there is disagreement on whether or not a stop work order was placed on the property. She went on to state that her clients never received anything in writing and they don't recall being told to stop work on the property. She continued on to state that in April of 2021 when Mr. Williams was out there the deck was complete but it wasn't shingled.
- Bldg. Comm. Boz stated when he was there, he could see the rafters and structure and everything and that he doesn't think the skirting was even on the outside yet.
- Mrs. Moynihan asked if there were stairs on yet.
- Bldg. Insp. Boz answered yes, the stairs were on and he said that he told the contractor that he was even closer to the water with stairs on it. He continued on to say that he did tell him he needed to stop, and he asked him if he was registered. The contractor stated no he wasn't registered that he was a family friend. He went on to say that now he is seeing a contract for \$30,000.00 for the deck and that he's doing it as a contractor, and a contractor needs to be registered to do work in the county. He went on to say that he was told to stop work on the deck and it just continued on.
- Hunneshagen stated that she believes that is really an issue with contractor not necessarily an issue with the variance. She went on to state that she is aware there is a lot of frustration that the process wasn't followed, and that they are here today to correct some of that.
- Attorney Bedrock stated that it's already built and is in violation of the ordinance.
- Bldg. Insp. Boz stated that they didn't stop when they were told to and that they continued to go on after they were asked to stop and go through the BZA.
- Hunneshagen stated that is what she thinks the dispute is between her clients, that they were never told to stop working with the contractor there.
- Mrs. Moynihan asked who the stop work order was sent to.
- Bldg. Insp. Boz said it should have been sent to them referring to the Moynihan's.
- Mrs. Moynihan stated that they never received anything, nothing was ever posted, and that no one ever contacted them.
- Bldg. Insp. Boz said that he told the contractor and a letter was sent to them.
- Hunneshagen stated that she believed the letter he was referring to was dated July of 2021 and that the deck was already done.
- Secretary Beever stated that April 9th a letter was sent stating they needed to obtain a permit because they had not obtained any permit at all. She went on to state that they were building without a permit, without a site plan, without it being approved by anyone including the conservancy.
- Hunneshagen then stated that their contractor had told them they didn't need a permit, and once they found out they did need one they came in and got one.
- Secretary Beever stated that if the Moynihan's would have gotten a registered contractor in the first place their contractor would have known that a permit was required for a deck.
- Hunneshagen stated that she understands that there is a lot that went wrong on the front end of this but it's not a reason to grant or deny a variance according to the standards. She went on to state that the statute says you can take care of the issues of not following the process correctly by fining them.
- Bldg. Insp. Boz said that the problem is that they didn't have a permit, they came in got a permit; and we waived the fees on that. Then when he went out to do inspection on this deck, they were told to stop work and they didn't. He advised the contractor that the deck either needed to be cut shorter or he would have to take it to the BZA.
- After some discussion Attorney Bedrock stated that the contractor should have known and would have known if he was a registered contractor.
- Attorney Hunneshagen stated that the Moynihan's trusted this guy and he's a family friend, and he has a business and they thought the process was being taken care of. When they found out it wasn't being taken care of, they came in and got the permits and started this process.
- Attorney Bedrock stated that it sounds like she is saying that they have broken all the rules and now the BZA should give them a variance.
- Hunneshagen stated that she understands the frustration and that isn't what she was trying to state to the board. She went on to say that they are here today trying to fix this and make it right. She continued on to state that per the standard read at the beginning of the hearing this isn't going to impair light or air to adjacent properties or cause a hazard.

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

- Bldg. Insp. Boz stated that there is a guy a few houses down from the Moynihans building a home and he knew he had to stay back from the water's edge. He continued on to say that if he was to let this pass and he didn't let that one pass then where are we really standing then.
- Attorney Hunneshagen stated that she doesn't know if that property owner sought a variance or not but they very well could have if they wanted to. She went on to state that they have pictures of other homes on Koontz Lake with decks close to the water.
- Bldg. Insp. Boz asked if they knew when those decks were built and stated that he can only do what can do now.
- Attorney Hunneshagen said she understands his concern.
- Bldg. Insp. Boz went on to state that the contractors three or four houses down have all their permits in order, and they are looking down the road thinking why didn't they have to get a permit.
- Chairperson Troike added that we've had several contractors come in that have had to wait to do things while the price of materials have gone up, and they've had to wait for the BZA meetings so they could know which direction to go.
- Bldg. Insp. Boz said that they are asking for forgiveness now while the rest of the contractors out there would love to build their decks out to the water's edge but they can't because they know they have to keep theirs back.
- Attorney Hunneshagen added that those property owners could also seek a variance.
- Bldg. Insp. Boz added that they went ahead and built the deck though without getting a variance, after they had been told.
- Secretary Beever added that they should have asked for the variance prior to it being built. She went on to say that she spoke to Mrs. Moynihan on the phone when this all began and told Mrs. Moynihan she'd need to get a variance and that she ample time to so back then but she waited till recently to apply through you.
- Attorney Hunneshagen went on to state that if she has the time line correct that Bldg. Insp. Boz was out in April and her understanding is that he was new on the job and he wasn't completely sure if they'd need a variance or not but they need to call the office.
- Secretary Beever answered yes Mrs. Moynihan called the office and was told that she would need get a variance and how to go about that. She went on to state that she believes she even sent Mrs. Moynihan the information she would need to apply in an e-mail.
- Attorney Hunneshagen asked her client if she recalled that.
- Mrs. Moynihan stated she did not recall that and went on to state that they weren't there for most of the summer because her husband's job relocated, and they didn't know and they never received a stop work order. She went on to state that the day Boz said they needed a permit, she said oh my god we need a permit and she took care of it. She went on to say that the deck was already completed at that point.
- Bldg. Insp. Boz stated that April 9th they were told they needed a permit and they came in on April 20th.
- Attorney Hunneshagen stated she knows Mrs. Moynihan called the office and informed Mary that she was out of town and that she'd get it as soon as she was in town.
- Secretary Beever stated that they have a note that she called on the 15th and apologized and that she'd be in on Tuesday 4/20/2021 to get a permit.
- Mrs. Moynihan stated that as soon as they found out what they had been told was incorrect and unfortunately, they had trusted multiple people and at that point it was done, and that they would have never done anything to compromise their retirement home. She went on to say they would have done it all differently. She continued on to state that it was never the case of wanting to do it and then to ask for forgiveness, and it wasn't their intention.
- Secretary Beever added that the sketch Mrs. Moynihan proved stated they would be 10.6 feet from the water and that is the only reason their permit got approved. She went on to say that is the only reason they were sent the permit in the mail is because of the sketch. She went on to say that the permit would have never been approved if the sketch said it was going to be three feet from the water's edge.
- Mrs. Moynihan stated that when they started the project the water was low. She went on to say that they trusted people she shouldn't have trusted and she wasn't aware that it was from the sea wall, and that they are taking responsibility because ultimately it was them as the homeowner's responsibility. She added that they know they messed up and trusted a whole lot of people they should have never trusted, and now it's biting them in the home that they planned to retire in.
- Bldg. Insp. Boz added that the contractor Quail Construction he tried to find his number to get a hold of him and that he couldn't.
- Attorney Hunneshagen stated she had not personally tried to get a hold of him.
- Secretary Beever added that he could be fined separately for not being registered.

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

- Mrs. Moynihan added that he's in Indianapolis and his child had to have open heart surgery.
- Attorney Hunneshagen stated that she would have tried to reach out to him but she didn't know that the Bldg. Insp. was trying to and that she didn't think it was necessary.
- Bldg. Insp. Boz said that ultimately the homeowner is the one who is responsible.
- Mr. Moynihan said he doesn't know what else to do though at this point.
- Mrs. Moynihan added that she knows they messed up and that was never their intention
- Bldg. Insp. Boz added that if they want to go back after the contractor it's all up to them as the homeowners.
- Attorney Hunneshagen said that it all comes down to that they trusted people they shouldn't have and that they are here trying to correct that. She went on to state that at last count the Moynihans had 10 letters of support from neighbors, including the neighbors on both sides of them, across the street, across the lake and that no one has objected to this deck. She continued on to state she knows that there is concern about other people wanting to build their decks this close, but they too can seek a variance and they can go through this process and do it.
- Bldg. Insp. Boz said he could probably go out and find ten people that do object to this because they want to build their deck this close and can't just like the one that is three or four houses down from the Moynihans. He went on to ask about the one right across the driveway.
- Attorney Hunneshagen stated that they can come do the process.
- Mrs. Moynihan stated that he could ask Mr. Troike, that he received an email from him today.
- Bldg. Insp. Boz asked if it was Mike.
- Mrs. Moynihan answered yes, the one who's house you were at when you discovered we had built our deck.
- Bldg. Insp. Boz stated that if he or the board lets this go then everyone is going to want to do the same thing.
- Mrs. Moynihan said she believes the board got e-mails from 10 different people all up and down there including the brand-new house.
- Secretary Beever stated that the entire board had gotten all the e-mails that she received prior to 4:00p.m, she went on to state that her job is to be unbiased and to share what the rules are. She continued to say that any information that comes across she provides the board with a copy of it, and everything she received prior to 4:00p.m. today and that she is also here to advise the board of the district restrictions. She went on to say that Mrs. Moynihan could have asked about our district restrictions the day she was in the office and we could have given her a copy of the setbacks, and that it is also on our county website.
- Attorney Hunneshagen stated that she had discussed this with the Moynihans and that she can feel the frustration that the process was not followed and she understands the concern there. She continued on to state that it's not the standard for granting or denying a variance.
- Attorney Bedrock stated that it isn't frustration it's disappointment that some of us follow the rules and some of us come in afterwards and says oh I'm sorry that we broke the rules but please give me a variance now after the deck is already built.
- Mrs. Moynihan said she was sorry she disappointed them.
- Attorney Hunneshagen added that the Moynihans are sorry for what has happened here, but they are here now trying to correct the issue and you can't essentially deny a variance just because you are frustrated with what happened and that they didn't follow the process and that they are now here trying to seek the variance and correct the issue.
- Attorney Bedrock asked Attorney Hunneshagen why you can't deny a variance for them not following the rules.
- Attorney Hunneshagen answered that isn't the standard to grant or deny a variance.
- Attorney Bedrock asked Attorney Hunneshagen because they didn't get their permits and they've already built it before the permits were even issued and that is a violation of the local ordinances and law why that isn't enough to deny the variance.
- Attorney Hunneshagen answered that per the standard of granting or denying a variance it is not. She went on to state that Mr. Bedrock read the standard at the beginning of this hearing and she stated that the variance must not be contrary to public interest and should be granted if literal enforcement of revision will result in unnecessary hardship.
- Attorney Bedrock stated he knew what he had read, but he believes that ordinance applies to situations where the applicant hasn't already built the structure in violation of the ordinance, and then asks for a variance. He stated he doesn't believe that's an applicable situation.
- Attorney Hunneshagen said she guess they'll agree to disagree. She went on to state that she's not trying to be rude here but they are trying to correct the situation and make the best out of a bad situation. She went on to say they have

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

apologized, and since they have been informed of the issues that they have been actively trying to correct this. She continued on to state that their contractor told them they didn't need building permits and when it turned out they should have not trusted that contractor and were told they do need permits, they contacted Mary within 3 days and obtained their permits. Then she went on to say that she understands that there was a dispute with measuring and when they were told they needed to get a variance they waited essentially to figure out how to do that and started the process when that information was received and that is why we are here today. It comes down to, she stated that she knows the lots on these lake properties are small but if her measurements are correct, she doesn't believe that this lot even meets minimum lot requirements as per today but we are applying lot setbacks for today with lot setbacks.

- Secretary Beever stated that the lot requirements at the lakes are based upon an average for a lot of things, and certain things like whether they are on sewer or not, and the distance from center of the road are all taken on average because none of our lake properties are actually able to meet that requirement. She continued to say however the rear property line restriction is usually able to be met.
- Attorney Bedrock stated that if someone built a deck out closer than the ten feet to the rear lot line then more than likely it was before the ordinance was adopted with these particular requirements, then they are grandfathered in. He went on to say that anyone that seeks to do that afterwards has to then file for a variance and that is how it works no matter where you go.
- Attorney Hunneshagen said she understands but that is why there are here today, they seek to move forward by getting the proper permits and variance to essentially go back. She went on to say that like she said previously that when they went and got the permit that she didn't know that they had waived the fees but her clients could be fined for not getting the proper building permit, and if the board essentially wants to prove a point about not following the process that would be the way to do it.
- Attorney Bedrock added that the problem with this is that action puts the board in a bad position because then the next person that comes along is going to ask well you gave them a variance why can't I have a variance and that's the way it goes. He continued to state so, what's the point of having any requirements.
- Attorney Hunneshagen stated that there are requirements and there is a process to go around those requirements. She went on to state that the standard for granting a variance is specific to the property and the characteristics of the property and the properties around it and every property is going to be different. She added that if you go out to a house maybe ten houses down it might be an issue possibly with fire, because there is not a wide enough access lane for a fire truck to get through, but that is not the case with Moynihan's property.
- Attorney Bedrock added that it is still ten feet to the rear lot line.
- Mrs. Moynihan stated she has a question for Mr. Bedrock, she went on to say that they started this process and that they are slowly rehabbing the house and that they got mis-informed by a contractor that they are finding information about. She went on to state that he is a friend helping them out, Boz showed up and she found out they needed a permit. She continued on to say that at this point the project is almost completely done and they are doing everything after the fact and what should she do, they messed up and believed people they shouldn't have at this point what should she do. She added we didn't do it internally, what would your suggestion be on what we should do. The project is done, it's beautiful, it's safe, she went on to ask what they should do. She stated they got bad advice from somebody that they are finding out they didn't know enough about and asked what to do in order to proceed from this point. She added that they know it's after the fact, and stated that she never received a stop work order and unfortunately, they had to leave for several months.
- Secretary Beever added that they were asked to come into compliance or to apply with the board and they did not.
- Mrs. Moynihan stated she was sorry and she unfortunately was pulled away.
- Bldg. Insp. Boz added that the stop work order would be with the contractor, and that the letter they received stated bringing the deck into compliance with being ten feet from the lake or apply with the board, he went on to say obviously you don't want to cut any off so you're here tonight.
- Mrs. Moynihan added that at that point it was already done.
- Bldg. Insp. Boz stated that it wasn't done though when he told the contractor to stop.
- Mrs. Moynihan stated it was.
- Bldg. Insp. Boz added that he could see up in the rafters.
- Mrs. Moynihan added yes, we've been very honest about that, she went on to say that they put the roof over it to protect their investment and she went on to say that she has dated photos of it when it was completely done.

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

- Bldg. Insp. Boz added that he doesn't even know if the roof was included in the permit, that it was supposed to just be a deck. He went on to state that when he went out there, he could see the rafters and that he isn't saying the guy did a bad job or anything but he's just not to code.
- Mrs. Moynihan stated that they know that now and that they are just wanting to know how to proceed now because they trusted someone they shouldn't have. She went on to state that they messed up and they didn't do their due diligence and it got done and they are trying to fix it after the fact. She went on to say they know that and they are not denying that and they are taking responsibility.
- Attorney Bedrock stated there are two things. Either the board can grant your variance request or the board can deny it and you'll have to come into compliance and it's up to the board.
- Chairperson Troike stated it's time to move on.
- ◆ Audience in favor of request:
 - Earl and Joyce Moynihan
 - Secretary Beever added that following in favor names she received via-email.
 - Sam Raich III
 - Robert & Audrey Guzek
 - Paul & Debbie Matker
 - Dale & Dianalynn Worker
 - Jill Anderson
 - Bob & Lynn Guzek
 - Mike Forrester
- ◆ Chairperson Troike added that all of those people were in favor of the looks of the deck and not really the approval of the variance.
- ◆ Mrs. Moynihan added that every single one of those people were in favor and that Secretary Beever missed a few that came in too late.
- ◆ Chairperson Troike agreed and continued on.
- ◆ Audience opposed to request:
 - No one in the audience was opposed.
- ◆ Member Cultice made a motion to close the public comment portion of the hearing. Executive Secretary Allen seconded that motion. Motion carried 3-0.
- ◆ Executive Secretary Allen asked how the homeowners knew the contractor and how they are friends with him.
 - He is our realtor Rhonda's recommendation. She went on to state they owned a previous home that he came to do some work for them with the inspection. She continued on to state that since he did good work and that they were from a similar area where they grew up, and he's done some other work for them.
 - Executive Secretary Allen stated he thought that was odd that they'd be friends with him.
 - Mr. Moynihan added that he grew up in the same area in Chicago as him.
 - Executive Secretary Allen asked if he is related to any of the neighbors.
 - Mrs. Moynihan answered yes that her brother lives three houses down.
 - Executive Secretary Allen asked what his name is.
 - Mrs. Moynihan answered that it is Dennis Guzek
- ◆ Member Cultice made a motion to close the public comment portion of the hearing. Executive Secretary Allen seconded that motion. Motion carried 3-0.
- ◆ After extensive discussion by the board regarding all the issues.
- ◆ Member Cultice made a motion to deny the request, due to it not being the strict application of the terms of the ordinance and it will constitute practical difficulties because of the unique conditions and circumstances on the property. Executive Secretary Allen seconded that motion. Motion carried 3-0.
- V Public hearing to consider an area variance request by Phil White, to construct a home that will be only 6 feet from the rear property line in an R-3 Zoned area, on property owned by James G. Vahos in an R-3 zoned area and described as follows: Cottage Corner Pointe Sub Lot 3, S13/T32/R2, 0.15 acres, Parcel number 75-10-13-302-089.000-002, located at 5425 E. Riviera Ct. Knox, IN 46534.
 - ◆ Attorney Bedrock read the request listed above.
 - ◆ All notifications were in order.

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

- ◆ Attorney Bedrock read the area variance ordinance.
- ◆ Applicant Phil White was present. He explained to the board he removed the existing three cabins that were on the property and he is wanting to build one single structure that is 70x32 feet. He would like to obtain a variance to build it 6 feet from the rear property line. He advised the board that he sent in pictures of the prior existing cabins that were located there. He went on to state that they were 5 foot off the property line and the house to the right is 5 feet from the property line currently and the house behind it is 18 inches off the property line currently. He continued on to state that he is actually moving the new structure further away from the property line than where the previous one set. He went on to state that his setbacks on the other sides of the home will be the same or actually larger for the side setbacks. He continued on to state that what they are wanting to do is build a garage with living quarters above it for their special needs sons.
- ◆ Member Cultice asked if the current structures would come down.
- ◆ Secretary Beever stated he already has torn those down.
- ◆ Mr. White stated that the property line is that fence and that the surveyor stakes are literally right in the fence.
- ◆ Member Cultice asked if the dwellings on the pictures were five feet from the fence.
- ◆ Mr. White answered yes, and that some of the pictures he sent are actually with the tape measure in them. He went on to state there is also a picture of the home that is 18 inches from the fence as well. He continued on to state that the cabins he took down were 1940 era construction and extremely dilapidated. He went on to say that what they are putting up is new and he's been in construction for over twenty years.
- ◆ Member Cultice asked if he was licensed.
- ◆ Mr. White answered and stated that he is not currently registered in Starke County because he works for INDOT as a state contractor, he added that he no longer builds homes other than for himself and his son during the winter months in his off season.
- ◆ Chairperson Troike asked he had a friend contractor that is going to be working with him.
- ◆ Mr. White answered no. He went on to state that all his setbacks are actually further away from the original ones on the property. He went on to state that it would immediately make everyone's lives better there in his opinion.
- ◆ Member Cultice stated he just needs a couple extra feet from the rear.
- ◆ Attorney Bedrock asked if Cheryl Williamson had any complaints.
- ◆ Secretary Beever stated that she has not called and has not complained about this at all.
- ◆ Audience member McLaughlin stated she still hasn't got a building permit 7 years later.
- ◆ Secretary Beever added that she just doesn't like Mrs. McLaughlin.
- ◆ Chairperson Troike asked how close to the water they are.
- ◆ Secretary Beever stated they are not on the water.
- ◆ Member Cultice asked if they are planning on adding anything in the future.
- ◆ Mr. White answered no.
- ◆ Audience member McLaughlin asked if the ordinance is ten feet off the water, the waters edge, the sea wall, the water where is right now. She asked what it goes by.
 - Bldg. Insp. Boz answered that Bass Lake comes in out and you know where the waters been.
 - Mrs. McLaughlin stated that where she lives that could be a four feet difference right now.
 - Bldg. Insp. Boz asked if she has a sea wall.
 - Mrs. McLaughlin answered no.
 - Secretary Beever stated that when you get a sea wall you have to go through the DNR for that so they would be able to determine where that sea wall should be properly placed.
 - Member Cultice added from the residence out.
 - Chairperson Troike stated that since we are not dealing with the water's edge to continue on.
- ◆ Audience in favor of request:
 - Susanne McLaughlin
 - She went on to state her concerns and that she doesn't want there to be any concerns or issues with property lines.
 - There was some discussion between audience members regarding the survey stakes and surveys between Mrs. McLaughlin, Julie Workman-Vorm, Mr. White, Bldg. Insp. Boz, & Member Cultice.
 - Julie Workman-Vorm
 - Phil and Jennifer White.
- ◆ Audience opposed to request:

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

- No one was opposed to the request.
- ◆ Member Cultice made a motion to close the public comment portion of the hearing. Executive Secretary Allen seconded that motion. Motion carried 3-0.
- ◆ Board discussion.
- ◆ Member Cultice made a motion to grant the request of the 6-foot variance as presented. Executive Secretary Allen seconded that motion. Motion carried 3-0.

VI Old/New Business-

- ◆ Secretary Beever stated that John Potter was present with some information about his property located at 8320 S. Ridge Rd. Monterey, IN 46960 that the board tabled at the August meeting.
 - Mr. Potter stated that he did what he was told to do by the board.
 - Secretary Beever added that he had his lot split and recorded and had his septic checked that he was wanting to use and everything was fine with the health department.
 - Member Cultice asked what the original variance was that they were asking for.
 - Secretary Beever stated that they were asking permission to place a manufactured home in an R-2 zoned property. She went on to say that they are only usually allowed in agriculture zoned areas and it would be a special use.
 - Member Cultice asked if there was a picture.
 - Chairperson Troike asked Secretary Beever if she had seen his paperwork.
 - Secretary Beever stated that she was there today when it was recorded. She went on to state it wouldn't have gone through with the split if it wasn't allowed and it would have been stopped in the auditor's office.
 - Bldg. Insp. Boz added that he was out at the property when the septic got inspected and it looked like it had never been used actually.
 - Secretary Beever showed the board on the GIS where the split was and where he is placing the home at.
 - Member Cultice added so that they could babysit next door.
 - Executive Secretary Allen stated that is what he remembered too.
 - Member Cultice made a motion to grant the variance to place the manufactured home on the parcel as presented and that a dwelling permit needs to be obtained in the planning commission office. Executive Secretary Allen seconded that motion. Motion carried 3-0.

- VII** With no further business to come before the board Member Cultice made a motion to adjourn, seconded by Executive Secretary Allen. Motion carried 3-0. The September 13, 2021 meeting adjourned at 8:13 p.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 11, 2021 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.