

# STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

## MINUTES

December 19<sup>th</sup>, 2013

Chairperson White opened the meeting at 6:30 p.m.

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

**II Roll Call-** Don White (Chairperson), Denise Cultice (Vice-Chairperson), Bob Troike (Executive Secretary) **absent**, EJ Rodgers (Member), Nathan Marcum (Member), Martin Bedrock (Attorney), Terry Stephenson (Planning Commission Administrator), Savannah Simpson (BZA Recording Secretary), and Mary Beever (BZA Recording Secretary).

**III Review of the meeting minutes for November 21<sup>st</sup>, 2013-** Vice-Chairperson Cultice made a motion to approve the minutes as written. Member Marcum seconded that motion. Motion carried 4-0.

**IV Public hearing** to consider a conditional use request by Eric and Laura Wappel, to keep two residences on one parcel, on property owned by Eric Wappel and described as follows: Pt NE SW, 8.66 of acres, Parcel number 75-09-21-302-005.000-013 located at 6790 S 375 W, North Judson, IN 46366.

- ◆ Chairperson White read the request listed above.
- ◆ All notifications were in order.
- ◆ Eric Wappel, the applicant, was present and explained why he was before the board.
- ◆ Attorney Bedrock cited statute 36-74-19-18-5 regarding not enough road frontage and stated that he does not believe it to be any type of variance.
- ◆ Eric Wappel, the applicant, stated that their contractor told them they never told anyone in the Planning Commission that the other house would be removed after construction of the new home.
- ◆ Laura Wappel, the applicant, presented a septic permit from the health department.
- ◆ Attorney Bedrock explained what a replacement permit is to the applicant.
- ◆ Eric Wappel stated that the whole time during construction that the builders were aware that they were keeping the existing structure on the property.
- ◆ Vice-Chairperson Cultice asked the applicants if they have since talked to the construction company regarding this issue.
  - Laura Wappel, the applicant, then stated that the contractor never stated to the planning commission that the home was being replaced.
- ◆ Attorney Bedrock gave the applicants a copy of the replacement permit on file.
- ◆ Planning Commission Administrator Stephenson explained that the applicant should have requested a variance prior to building, if intent was to keep both structures.
- ◆ Board questions the applicant.
- ◆ Larry Wappel Sr., the applicant's father, stated that there is no objection to the second house from any of the other neighbors.
- ◆ Board questions the applicant.
- ◆ Board discussion.

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- ◆ Audience in favor of request:
  - Eric Wappel
  - Laura Wappel
  - Larry Wappel
- ◆ No one in the audience opposed the request.
- ◆ Board discussion.
- ◆ Vice-Chairperson Cultice made a motion to close the public comment portion of the hearing. Member Marcum seconded that motion. Motion carried 4-0.
- ◆ Board discussion.
- ◆ Vice-Chairperson Cultice made a motion to grant the request, with the stipulation as follows:
  - Within 120 days, the applicants must attempt to buy 30 feet of road frontage from the adjoining neighbors. If however, they are unable to buy 30 feet from the neighbors, then the B.Z.A. will grant an area variance as long as the parcel is divided. The parcel would be divided with 70 foot of road frontage going to the previous structure, and 100 foot of road frontage would go to the new structure.
- . Member Rodgers seconded that motion. Motion carried 4-0

## V Old Business-

- ◆ None at this time.

## VI New Business-

- ◆ None at this time.

**VII** With no further business to come before the board Vice-Chairperson Cultice made a motion to adjourn, seconded by Member Marcum. Motion carried 4-0. The December 19<sup>th</sup>, 2013, meeting adjourned at 7:17 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 February 20<sup>th</sup>, 2013 at 6:30 p.m. local time, in the Starke County Government Building, located in Knox, IN.