

Starke County Plan Commission
Regular Meeting and Public Hearing
March 8, 2023

- ❖ **Call to Order** –President Jackson called the meeting to order at 5:30 p.m.
- ❖ **Pledge of Allegiance** - Led by President Jackson
- ❖ **Roll Call:** Todd Jackson, president, and citizen member; Mark Allen, vice-president, trustee; Howard Bailey, councilman (Absent); Phil Woolery, extension educator; Charles Chesek, commissioner; Todd Lawrence citizen member (Absent), Denise Cultice, citizen member, and Isaiah Collins, citizen member; Thomas Schouten, Surveyor; Justin Schramm, commission counsel; Wallace (Boz) Williams, building commissioner; Robby Blodgett, code enforcement officer; and Mary W.J. Beever, administrator. There was (6) visitors present.
- ❖ **Approval of the minutes**
 - Member Chesek made a motion to accept the minutes from the February 8, 2023 meeting as written, seconded by Vice-President Allen. Motion carried 8-0.
- l) **Public Hearing to consider** a petition to rezone request by Larry Wappel, to rezone from an R-2 zoning to an Agricultural zoning, on property owned by Larry E. & Debra Wappel and described as follows: N ½ Se Ex Rr Rt of Way S20/T32/R4, 77.40 acres, Parcel number 75-08-20-400-010.000-011, located at 650 S & US 421 San Pierre, IN 46374, and to rezone from an R-2 zoning to an Agricultural zoning from the intersection of 650 S and US 421 on the west side of US 421 the first 1320 feet south, on property owned by Wappel Grain & Herb LLC and described as follows: Pt E1/2 Rr Rt/A/Way S20/T32/R4, 11.75 acres, Parcel number 75-08-20-500-004.000-011, located at Nw Cor Us 421 & 650 S. San Pierre, IN 46374.
 - President Jackson read the public hearing notice and opened the meeting to the public.
 - Applicant Wappel explained his intent for the property and that he has owned this farm land approximately 17 years.
 - President Jackson asked about which property he was discussing the 77 acre one or the 12 acre one.
 - Applicant Wappel explained that they are two connected properties that are adjoining.
 - P.C. Admin Beever showed the board on the GIS system where the two properties are located and explained what would be rezoned.
 - Member Chesek asked Mr. Wappel if he was thinking about solar panels for the property.
 - Applicant Wappel answered that would be one possibility.
 - Member Cultice asked where the closest residence would be.
 - Applicant Wappel answered and stated the closest residence would be across the road.
 - Member Chesek added that it is about a quarter mile north of town.
 - Member Cultice asked if those properties were full time residences.
 - Applicant Wappel added that currently no one is living in the one and the other one closest that the residence is only occupied for about half the year, and that they live the other half in Texas.
 - Vice-President Allen asked if the letter he had was the only opposition to the request.
 - P.C. Admin Beever stated that is the only opposition letter that she has received and that she has not had any phone calls or anything about it.
 - Member Chesek added that a few years ago when he and Boz attended a meeting over that way regarding solar that there was quite a bit of opposition to it.
 - President Jackson asked the other audience members if they were attending the meeting regarding this petition to rezone, and they all answered no. He went on to add that P.C. Admin Beever had handed out to all of them a letter from a Susan Genderman as the personal representative for the property located at 6640 S Us 421, San Pierre, IN 46374 in opposition to the request to rezone. He went on to ask the board if they had any other questions or concerns.

- Member Schouten added that he had reached out to a few realtors in the area and he added that they do not have enough information right now whether or not this would hurt or help the property that is wanting to be sold across the street (in regards to the property of 6640 S Us 421, San Pierre, IN 46374).
- Applicant Wappel added that he has farmed both properties for the past 30 years.
- President Jackson asked for clarification on which properties he was referring to.
- Applicant Wappel answered and stated the two properties in question. He went on to state that the one property is an estate right now, and he is actively trying to purchase it.
- Member Collins asked if there is any other solar going in around that area.
- P.C. Admin Beever answered yes, and she went on to state at that parcel is where the zoning changes.
- President Jackson added that everything North and West of there is all agricultural ground and that this zoning was probably done way back when with anticipation of San Pierre expanding.
- P.C. Admin Beever advised the board to refer to a zoning map of Railroad Township to get a better idea of the zoning areas.
- President Jackson advised everyone that that if the petition is approved that the request would still have to go before the commissioners for final approval.
- Member Cultice made a motion to close the public hearing. Seconded by Member Woolery. Motion carried 6-0.
- Board discussion.
- Member Collins made a motion to approve the request to rezone the parcels as present from R-2 to AG. Seconded by Member Cultice. Motion carried 6-0.

❖ **Code Enforcement Officer report**

- **Gonzalez property 1360 W. Toto Rd. Knox, IN 46534**
 - Code Enforcement Officer Blodgett informed the board that the property has sold and that the new owner has already began to clean up the property significantly
 - P.C. Admin Beever added that she had spoken with the new owner and made an agreement that if Code Enforcement Officer Blodgett did not have to send any more letters out that the Planning Commission would work with him on getting it cleaned up.
 - President Jackson also added that the property has had a lot of change in just one week. He went on to add that the fire department has been called out there twice and they aren't burning anything that they aren't supposed to be burning. He went on to say they are only burning brush and trees.
- **Barnett property 5350 N 750 E Hamlet, IN 46366**
 - Code Enforcement Officer Blodgett informed the board that the vehicle had been removed.
- Code Enforcement Officer Blodgett informed the board that she does have a lot of new complaints but she is waiting for the new ordinance to go into effect before opening up a case for them.
- P.C. Admin Beever added that the new ordinance must be published by the auditor's office for 30 days in the paper before we are able to put it into effect. She went on to say that it was published March 8, 2023 so we will be able to start using it April 8, 2023.

❖ **Old Business & Violation**

❖ **New Business & Violations**

- P.C. Admin Beever informed the board that the council approved the quote for scanning with ARPA funds and that the Commissioners approved the amendment to Chart 1 District restrictions, the E.P.N. Ordinance Amendment, & approved the quote for scanning with ARPA funds. She also stated that she has the signed contract for the scanning sent out to U.S. Imaging to get on their schedule but she did not know when that would be.
- P.C. Admin Beever also discussed with the board the purchase of a new laptop from the Planning Commission Penalty Fund, for a WTH conference that she will be attending and needing it for.

- President Jackson asked for some clarification on the claim process.
- P.C. Admin Beever explained that process to the board for purchases.
- President Jackson discussed the splitting of the fines from the public nuisance ordinance that was past and that we will now be able to fund our code enforcement officer better and our unsafe building fund.
- P.C. Admin Beever added that will go into effect after it has been advertised for 30 days in the newspaper.
- Attorney Schramm brought up the unsafe ordinance to the board. He went on to inform the board of the process that he is wanting to start. He went on to tell the board that adopting the unsafe building code verbatim would be step one. He continued on to state the second step would be to set who would be the enforcement authority. He continued on to state that he would put that into an ordinance in order to codify it. He then stated that the commissioners would then have to appoint the planning commission board as an enforcement agency and probably building inspector Boz as the enforcement agent over it. He then went on to say that once the ordinance is past then we need to issue an order then to anyone in violation of that ordinance, he also stated that it would need to be someone with technical knowledge of the structure of what all needs to be done. At this point he discussed the time frames that there would be.
- President Jackson asked if we have to modify our current existing building ordinance to include the portions of the Indiana unsafe building code.
- Attorney Schramm stated he would take a look at what we currently have and see if it matches up or not. He also went on to state that the penalties can fluctuate year to year on what you can assess. He also stated that sometimes it is just easier to adopt the whole Indiana ordinance than it is to modify the existing one.
- Bldg. Comm. Boz asked if a portion of those monies could be used to get an engineer or expert to say how to shore something up or take it down.
- Attorney Schramm answered yes and it depends on which fund you are taking it out of. He went on to say that there is a section that talks about blight being a problem all over in Indiana and they give wide latitude.
- President Jackson asked if Attorney Schramm could take a look at our unsafe building ordinance and try to get back with us about what needs changed in our ordinance or needs adopted into our ordinance so we can get the ball rolling on this with the commissioners.
- Sunderland/Noakes Property 5614 E Manor DR. Knox, IN 46534
 - Kelly Wilbanks from the audience spoke on behalf of Edward Nokes. She explained that situation that a permit is needed to reconnect the electric and stated that Edward has not been attending the court hearings due to the mail not being addressed to the correct addresses. She went on to explain why the judgements have been put against him. She stated she just wants to know what they need to know, do, and pay to get this taken care of in order to get an electrical permit issued for the property.
 - President Jackson added that he and Boz both agreed to not issue any permits for the property due to the on-going litigation.
 - Attorney Schramm stated that there is a judgement on this property.
 - P.C. Admin Beever explained to the board and audience the process of how to get electric turned back on by REMC and/or Nipsco after it's been disconnected for 90 days or more and the permit and inspection process.

❖ **End of the month**

- January reports

❖ **Next Scheduled Meeting-** will be Wednesday, March 8, 2023 at 5:30 p.m.

❖ **Adjournment**-With no further business, Member Cultice made a motion to adjourn the meeting seconded by Member Bailey. Motion carried 7-0.

This meeting was recorded and will be on file in the Starke County Plan Commission Office.

Unless stated otherwise all Plan Commission meetings will be held on the second Wednesday of every month at 5:30 p.m. with the Board of Zoning Appeal meeting on the same night the latter of 6:30 p.m. or the conclusion of the Plan Commission meeting.

Mary W. J. Beever
Administrator