

Starke County Plan Commission
Regular Meeting and Public Hearings
July 12, 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; Phil Woolery, extension educator; Charles Chesak, commissioner; Todd Lawrence citizen member (Absent), Denise Cultice, citizen member (Absent), 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 were (13) visitors present.
- ❖ **Approval of the minutes**
 - Member Bailey made a motion to accept the minutes from the June 14, 2023 meeting as written, seconded by Vice-President Allen. Motion carried 4-0.
- ❖ **PUBLIC HEARING** - to consider a vacation of part of a plat requested by Paul Matker, to vacate a section of Woodland Avenue in K K Lake subdivision, and described as follows: legal description pt of K K Lake Lots 1 & 2 Blk 9 & Pt Sw S12/T34/R1, located south and east of parcel 75-03-12-302-068.000-009 property address of 7376 N. Locust Ave. Walkerton, IN 46574.
 - President Jackson read the request above.
 - Bob Aloï from territorial engineering explained that he was there representing Mr. Matker for the vacation of part of Woodland Ave. He gave a brief history of why this was being brought before the planning commission due to the title search. He went on to state that they went back 20 years and that somewhere along the lines this property was just included into the legal descriptions and it was never actually vacated from the plat. He went on to state he recommended that the title gets cleaned up to his client. He went on to show the board on his map the piece of land that was needing to be vacated up to Lot 2 in the K K Lake subdivision plat.
 - President Jackson stated that he spoke earlier with Boz and Mary and that the current GIS system already shows that this piece of land is owned by the owner, and that he's probably been paying taxes and everything already on it probably for years.
 - Bob Aloï agreed, and stated that Paul the new owner hasn't but the previous owners probably have. He went on to state that he doesn't know how a description is written all the way across the right-of-way. He continued on to state that the easiest way to clean up the title is to vacate this section of the road.
 - President Jackson asked him if the portion in the rectangle is .018 acres then what is the portion above it.
 - Bob Aloï answered and stated that the total is .1 acres.
 - President Jackson asked the board if they had any questions, and then proceeded to ask the public in the audience if they had any comments or questions.
 - Audience member Rybicki, asked for clarification of what property would be vacated.
 - President Jackson asked audience member Rybicki where he is located.
 - Bob Aloï asked if he is west of Locust?
 - Audience member Rybicki explained where his property is.
 - Bob Aloï stated that this is not affecting anything west of Locust.
 - Audience member Rybicki then asked about the turn around area at the end of Locust and if it would be effected.
 - Bob Aloï clarified that nothing west of Locust is being affected.
 - President Jackson asked if there were any other questions. He went on to explain to the public that if a favorable motion is made that this will then move on to the commissioners and then at that point, they will have the final say of where it passes or not.
 - Vice-President Allen made a motion to vacate part of Woodland Avenue as presented from Bob Aloï. Member Collins seconded that motion. Motion carried 5-0. (Member Bailey did not vote, he had to step out of the meeting briefly during this vote.
- ❖ **Code Enforcement Officer report**
 - **Tolson property at 8920 S Us 35 Monterey, IN 46960**
 - Code Enforcement Officer Blodgett informed the board that the Board agreed to the \$350.00 administrative fee for them and it is due by July 24, 2023. She went on to state that if the property is not cleaned up in 90 days then the \$2500.00 fine will be imposed.
 - **Litzkow property at 2300 E. Toto Rd. Knox, IN 46534**

- Code Enforcement Officer Blodgett informed the board that we have not received anything in our office from him, and she went on to state that Atty. Schramm has not received anything either.
- **NWI RE4 LLC – 11175 E. Nicole Dr. Culver, IN 46511**
 - Code Enforcement Officer Blodgett informed the board that the fine for \$350.00 was paid.
 - President Jackson asked if that one is closed then.
 - Code Enforcement Officer Blodgett answered yes.
- Code Enforcement Officer Blodgett informed the board that the rest of the violations in her report are for Recreational Vehicles and she is waiting for that new ordinance to go into effect.
- President Jackson asked if anyone had any questions for Robby and then stated that they will come back to the Litzkow property in a few minutes.
- ❖ **New/Old Business & Violations**
 - **April Roberts – Property at 8722 S. Sycamore St. Monterey, IN 46960**
 - President Jackson asked if April was there or not.
 - April Roberts was present.
 - President Jackson asked her to explain what is going on and why she was there.
 - Bldg. Comm. Boz asked if this is the one that collapsed down after she bought the property.
 - Ms. Roberts responded yes.
 - P.C. Admin Beever stated that the address was typed wrong on the agenda and it should be 8722 S. Sycamore St. Monterey, IN 46960.
 - President Jackson stated that there is a full-page picture in their packet, he went on to state that he'd let Ms. Roberts explain why she is at the meeting.
 - Ms. Roberts, stated she bought it last year and didn't know it had back taxes on it and then it collapsed.
 - She went on to state that she cleaned it up as much as she can, but she doesn't really have the money to get it cleaned up.
 - President Jackson asked if everyone had found the picture and if P.C. Admin Beever could bring up the picture of it. He then asked Code Enforcement Officer Blodgett if this is a fairly new violation against the ordinance or if it's an older one.
 - Code Enforcement Officer Blodgett stated it's a newer complaint, because she's a new owner of the property.
 - Bldg. Comm. Boz stated that he had been out there for electrical. He went on to state that they wanted to demo the house but keep the garage with the old owner. He went on to state that since Ms. Roberts bought it then the house completely collapsed. He added that he was allowing them to keep the garage.
 - President Jackson asked if the picture was the collapsed house. He then went on to ask if everything is on the ground.
 - Ms. Roberts responded yes, it's in the basement.
 - President Jackson asked if this is a new complaint.
 - Code Enforcement Officer Blodgett stated it's not new but she's been working with her because she's a new owner.
 - Bldg. Comm. Boz stated that he had been out there for an Electrical permit and stated that they wanted to demo the house but keep the garage. Boz continued on and stated that they switched all the electrical over to the garage and got approval for that with the previous owner. He went on to state that in the meantime it's collapsed even more and now she's the one getting the letters now.
 - President Jackson asked if everything is on the ground.
 - Ms. Roberts stated it's all in the basement.
 - President Jackson asked how long it would take her to clean this property up and get it into compliance.
 - Ms. Roberts stated that she actually just wants to sell it and get rid of it and take her loss on it.
 - President Jackson asked if it currently up for sale
 - Ms. Roberts responded yes.
 - Member Collins asked if she had a quote to get it cleaned up or anything yet?
 - Ms. Roberts answered no.
 - Member Bailey asked how long it's been for sale, and if there is a sign up.
 - Ms. Roberts answered that it's been for sale now for two weeks and that yes it has a sign.
 - President Jackson asked if she has had any interest yet on it.
 - Ms. Roberts responded yes one.

- President Jackson stated that he doesn't want to drag this out and asked the board what they thought about letting her try to sell it and come back in August to give us an update on it.
- Member Bailey stated he'd be okay with that.
- Member Collins added that he'd like her to get a quote too, that way she'd be able to tell anyone who's interested in buying it how much it would cost to clean up.
- Member Bailey stated that any potential buyer needs to be made aware of the ongoing situation on the property.
- Member Schouten asked if that would be part of the contract with the realtor.
- President Jackson asked Ms. Roberts if she is using a realtor or selling on her own as owner.
- Ms. Roberts responded that she is selling it.
- President Jackson stated that she would need to disclose all of this with any new potential owner.
- Member Collins stated that if she does sell it that she needs to bring the new owner with her next month.
- Ms. Roberts agreed.
- Member Schouten made a motion for Ms. Roberts to come back to the next meeting with a quote for clean up on the property, and an update. Seconded by Member Chesek. Motion Carried 6-0.

➤ **Noakes Update**

- P.C. Admin. Beever stated that he is continuing to make his payments.
- President Jackson asked if that is the one at the campground.
- P.C. Admin. Beever answered yes.

➤ **Litzkow Property - 2300 E Toto Rd Knox, Indiana 46534 Update**

- Code Enforcement Officer Blodgett stated that Atty. Schramm's office has had no response from the letter they sent out.
- Atty. Schramm added that as soon as the 30 days expire he'll file in court with their permission.
- President Jackson asked if the fine would be for the \$5700.00.
- Atty. Schramm answered yes.
- President Jackson asked the board how they felt about it.
- Member Bailey made a motion to move forward with filing in court with the legal process for the Litzkow Property. Member Schouten seconded that motion. Motion carried 6-0.

➤ **2735 E. US 30 Trucking Company Update**

- President Jackson informed the board that there are a whole bunch of pictures in their binders if they are not familiar with that one.
- P.C. Admin. Beever stated that Atty. Schramm sent out a letter and has not had a response back from this property either.
- Atty. Schramm stated that he sent them a letter with pictures and our codes and told them to contact the Planning Commission office to clear up all non-compliance issues.
- President Jackson asked if we need to impose a fine now or what the next step would be.
- P.C. Admin. Beever stated that per our ordinance that it states that he needs to actually apply to get a variance. She went on to state the requirements of the ordinance and stated that he has just never been in compliance here. She added that he also has an ongoing violation with the EPA.
- President Jackson asked if we have any idea how many vehicles out there are inoperable.
- P.C. Admin. Beever responded she has no clue and that there are too many out there to count.
- Bldg. Comm. Boz added that they have the trucks now lined up around the property like a fence.
- P.C. Admin Beever added that our GIS picture that we have of the property doesn't even compare to what is actually on the property currently.
- President Jackson asked what the next step would be.
- P.C. Admin. Beever stated that would be Atty. Schramm.
- Atty. Schramm stated that he gave them 30 days to contact the office so it's up to the board what they want to do. He went on to say they can wait till August to assess a fine or he can file.
- Member Collins stated that there is probably over 150 trucks there.
- P.C. Admin. Beever added that the property is packed.
- Member Collins stated that most of the semi's are inoperable and don't have tires or hoods.
- President Jackson asked the board what they wanted to do.
- Member Collins stated that he thinks if they haven't made contact in the next week or so that the board should just move forward with it and not wait another month.
- Member Woolery added according to the ordinance.

- Member Collins made a motion to continue to move forward with the property located at 2735 E. US 30, Hamlet, IN 46532 after the time we have given him as per the ordinance states. Seconded by Member Chesek. Motion carried 6-0.
- **Commissioner Mtg. Update on ordinances.**
 - P.C. Admin. Beever stated that the ordinances from the June meeting for the RV, Unsafe Bldg., and the Approval/Denial BZA Letter were all passed and that after they are published for 30 days then they will go into effect.
 - President Jackson asked if that's with the stipulation of changing part of the RV one.
 - She responded yes that the RV had two different definitions for permanent use and that they asked for those to be combined into one. She went on to say that they were from two different portions of the Indiana Code.
- **Mark Milo concerning property at 2075 S SR 23 Knox, IN 46534**
 - Mr. Milo stated he had a pre-inspection meeting with Bldg. Comm. Boz and that there was some contention about the abandoned vehicles on the property. He stated he's here on behalf of the owner of the property, and the owner is unable to come to the meeting due to his age and health. He went on to state that the vehicles do not belong to the owner but belong to the owner's son that lives on the property. He continued on to state that he has been contracted by the owner to clean up the property and to remove the vehicles on the property. He went on to state that he is unable to get to the building due to the vehicles there. He continued on to state that the son is estranged from his father, and that the son is unwilling to clean up the property since 2018, and the father wants the property to get cleaned up. He went on to state that unless told otherwise by this board he is going to proceed with the clean up on the property, because he has a signed contract with Samuel Soltis, a demolition permit, and a signed letter by the owner.
 - President Jackson told the board that he had a long conversation with Bldg. Comm. Boz today concerning this property and that this property is classified under our unsafe building ordinance and that the owner has agreed to tear down the building. He went on to state that what has come into question is that there are several vehicles on the property and in the building that are owned by the son. He continued to state that the property and the buildings are under the father's name. He went on to state that our ordinance states that the owner is responsible for the property to get cleaned up, however when Bldg. Comm. Boz went out to the property the son came out and stated we had no legal right to do anything with them because he own's them. He continued on to state that in his opinion until the son provides titles and proof of ownership for the vehicles that the responsibility for the property falls on the owner to clean the mess up. He then asked Atty. Schramm if the owner gave the contractor Mr. Milo a signed contract to clean up the property and tear the building down to come into compliance if there are any repercussions for the county.
 - Bldg. Comm. Boz stated that there are cars and stuff in part of this building also that we can't see from the road.
 - Mr. Milo added to the list of things that are inside of this building and stated that it's dangerous to go into this building and it should only be moved around in by a machine.
 - President Jackson asked in terms of liability for the county, if the contractor has a signed contract from the owner if there are liabilities for the county.
 - Atty. Schramm answered that there could be, and went on to state that our interest is with the unsafe structure and not the civil issue that is with the father and son. He went on to state that the planning commission cannot interject their selves into a civil matter. He added that there is no recourse on us for saying clean up the property, because he has been cited. He then added that there could be repercussions for the father and son but that would be a separate civil matter.
 - President Jackson stated that the owner is hiring Mr. Milo as a contractor and has a contract with him, not us (the planning commission/county). He went on to ask if the owner hires him and he goes out there and removes the building and cars that is a contract between the owner and the contractor and has nothing to do with us the planning commission/county. He went on to say that if there is any repercussions then with the removal of the cars, that would then be between the father and the son.
 - Atty. Schramm agreed and explained to the board the difference in the contracts. He went on to add that our recourse is with the property owner.
 - Mr. Milo went on to state that the owner has given him permission to remove the vehicles and that he has talked to the salvage yard also.
 - Atty. Schramm added that his informal recommendation would be to tag the vehicles 3 days prior to removing them from the property.
 - P.C. Beever asked if the code enforcement officer could tag the vehicles.

- Atty. Schramm state he would not recommend that at all.
- Mr. Milo stated that if the property owner is the one going to be fined then the owner should be allowed to authorized to.
- Atty. Schramm stated that is why the county doesn't interject their selves into private contracts.
- President Jackson stated that Mr. Milo has a contract with the owner and if he's willing to follow the rules and regulations of the county to get that building removed, and the owner wants the building removed, then he should remove it per his contract with the property owner.

➤ **Dustin Cotner – 6575 E. 200 S. Knox, IN 46534**

- Mr. Cotner stated that his neighbors have complained about his pigs on his property now two years in a row. He went on to state that he contacted the office last year about the issue and nothing really came of it. He added that now this year they are complaining again right about the same time.
- Mrs. Cotner stated that their properties are long and that they own almost 10 acres and the neighbor Mr. Hudgens only owns about 5 acres. She went on to state that he has two dwellings on his property and she went on to explain where the pigs are located on their property that happens to be between the two residences on the neighboring property. She went on to state that there is nowhere to put them with out them being really far away, which then prevents them from providing shade and water.
- Mr. Cotner stated that due to the neighbor having a second dwelling on their property it prevents him from having the animals he'd like to have on his property.
- Mrs. Cotner went on to explain that she believes this all stems from a dispute they had with neighbors over a tower that fell on their property.
- President Jackson asked P.C. Admin. Beaver to explain the ordinance.
- P.C. Admin. Beaver explained that the ordinance states that pigs and pig sties have to be 300 feet from any residence. She went on to explain that includes the property owner and it includes neighbors' residences. She continued on to explain that the property next to the Cotner's is Jack Hudgens property and that he does have two residences on his property and that he is allowed to have the two dwelling on his property through a variance he obtained through the Board of Zoning Appeals. She added that the variance was obtained in the early 2000's and that it has been there for a while.
- Mrs. Cotner added that the home was supposed to be temporary and it was supposed to be removed after the mother-in-law passed, but they have not removed it because they would have to go through her property with it and they are not allowing that.
- P.C. Admin. Beaver stated she does not know what the situation last year was with the pigs. She explained to the board the position of the pigs on the property in relation to all the dwellings. She added that she provided the board with a diagram in their binders with some measurements on it. She went on to explain that the Cotner's do have ample property to be in compliance with the ordinance.
- Mr. and Mrs. Cotner then explained that their water is at their house and that the are where they'd be in compliance at is 500-600 feet away from their house and that there is no shade back in that area. They also went on to explain that there are quite a few neighboring properties that have animals on them also.
- Member Bailey asked if anyone is living in the second dwelling on the Hudgens property.
- P.C. Admin. Beaver stated that she does not know where or not anyone is living in the second dwelling on that property. She went on to state that when the complaint was made they were very open about their being two dwellings on their property and that the neighbors were not in compliance.
- President Jackson stated that the options are that they move the pigs or that they go to the BZA and get a variance year after year. He then asked the board for their recommendation.
- Member Bailey asked how far they are away currently from the house.
- Mr. Cotner stated he's unsure and would have to measure.
- P.C. Admin. Beaver added that they are currently around 150 feet away from their own residence and about 200 feet away from the back residence on the neighbor's property and the front residence on the neighbor's property.
- Member Collins asked if they have pigs all year round.
- Mr. Cotner stated that currently his kids aren't old enough yet to put the pigs in fair but next year they will be doing 4H. He went on to say that he's teaching them now how to take care of them and that they usually get them at the beginning of summer and then butcher them in the winter.
- Member Bailey asked when the neighbors got the variance for the two homes.
- Bldg. Comm. Boz stated around 2004.

- P.C. Admin. Beaver stated that they probably didn't have any further correspondence from the planning commission last year is probably because he butchered the pigs they had last year.
 - Mr. Cotner stated that they didn't have them butchered till Jan of 2023 and they had more last year than they do this year.
 - Member Schouten asked if the pigs they have now they are wanting to keep till next summer for 4H.
 - Mrs. Cotner answered no they have an appointment in December to be butchered.
 - Member Schouten asked if they are planning on having pigs next year for 4H and if there is any way they could have a well drilled further back on the property, to where they could set up water and shelter further back on the property to be in compliance. He then proposed to let them have them till December and then come back in December and prove they no longer have them.
 - President Jackson stated that they can't do that, it would have to go through the BZA for that. He went on to say that their two options are that they recommend them to go to the BZA or that they come into compliance.
 - Mrs. Cotner asked if they could at least keep them where they are at for not because they don't have anywhere to put them while they build a whole new pen.
 - President Jackson stated that they would at least need to get on the schedule for the BZA, and explained that they aren't in violation as long as they get on the schedule for the BZA hearing. He went on to state that they give variances to what are ordinances are. He went on to explain that process a bit to her about the BZA.
 - Member Schouten made a motion for the Cotner's to seek a variance through the BZA. Seconded by Vice-President Allen. Motion carried 6-0.
- **Tech Committee meeting.**
- President Jackson tabled this item for the following month.
- ❖ **End of the month**
- Board reviewed the reports from June 2023.
- ❖ **Public Comments**
- President Jackson asked the Audience members that were there if they had any comments.
- ❖ **Next Scheduled Meeting-** will be Wednesday, August 9, 2023 at 5:30 p.m.
- ❖ **Adjournment-**With no further business, Member Collins made a motion to adjourn the meeting seconded by Member Woolery. Motion carried 6-0.

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. Beaver
Administrator