

Starke County Plan Commission
Regular Meeting and Public Hearings
June 14, 2023

- ❖ **Call to Order** –Vice-President Allen called the meeting to order at 5:30 p.m.
- ❖ **Pledge of Allegiance** - Led by Vice-President Allen
- ❖ **Roll Call:** Todd Jackson, president, and citizen member (Absent); Mark Allen, vice-president, trustee; Howard Bailey, councilman; Phil Woolery, extension educator (Absent); Charles Chesak, commissioner (Absent); Todd Lawrence citizen member, 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 (7) visitors present.
- ❖ **Approval of the minutes**
 - Member Cultice made a motion to accept the minutes from the May 10, 2023 meeting as written, seconded by Member Schouten. Motion carried 4-0.
- ❖ **PUBLIC HEARING** - to consider the following An Ordinance Re-Adopting the Indiana Unsafe Building Law
 - Vice-President Allen read the public hearing.
 - Member Bailey asked if this is the one revised for Code Enforcement Officer Blodgett.
 - Bldg. Comm. Boz answered and said no this is the Unsafe Building one. He went on to say this is the one Justin prepared.
 - Member Collins Made a motion to accept the Ordinance Re-Adopting the Indiana Unsafe Building Law as presented. Member Cultice seconded that motion. Motion carried 5-0.
- ❖ **PUBLIC HEARING** - to consider an amended version of the Starke County Ordinance Article 6-12-3-2-8 Recreational Vehicles.
 - Vice-President Allen read the public hearing.
 - Plan. Comm. Admin. Beever stated this is the one that has more teeth in it for Robby.
 - Member Cultice made a motion to accept the amended version of the Starke County Ordinance Article 6-12-3-2-8 Recreational Vehicles as presented. Member Schouten seconded that motion. Motion carried 5-0.
- ❖ **PUBLIC HEARING** - to consider failure to obtain the necessary permits for a shed(s), request by the Starke County Planning Commission, on property owned by Bente Calin loan on L/C to: Scurtu Adrian and described as follows: East Woodland Sub Lot 6. S36/T33/R1, 3.0 acres, Parcel number 75-07-36-400-031.000-012, located at 11680 E Toto Rd, Culver, IN 46511.
 - Vice-President Allen read the public hearing. Then he asked if anyone in the audience was here for that.
 - Audience member Scurtu raised his hand.
 - Member Lawrence made a motion to open the public hearing. Member Bailey seconded that motion. Motion carried 5-0.
 - Audience member Scurtu apologized to the board for placing the shed without a permit. He went on to state that he was unaware he needed a permit. He continued on to state that the plan was to have it as something to store his tools in for when he builds a house. He went on to explain that he’s been caring for his father-in-law with some medical issues.
 - Member Collins asked how big the shed is.
 - P.C. Admin Beever displayed the shed on the screen and stated that there is also a shipping container on the property with no permits.
 - Mr. Scurtu stated that the container is actually not his and that he’s just been storing his tools in it.
 - P.C. Admin. Beever informed the board that Mr. Scurtu is actually buying the property on land contract from the owner.
 - Member Cultice asked if that has any bearing on this hearing.

- P.C. Admin. Beever stated that she sent the notice to wherever the taxes are being sent. She went on to state that he came in back in September and that she gave him his options to go through the BZA to keep the sheds, build a home on the property and keep the sheds, or to remove the sheds. She went on to state that the property is not large enough to only have sheds on it because it's less than ten acres.
- Vice-President Allen stated it's only 3 acres.
- P.C. Admin. Beever went on to state that the property owner was making contact and even his son was making contact quite a few times and then they went radio silent.
- Mr. Scurtu stated his son did call quite a few times and he added that he did not make contact for a few months. He went on to state he had intentions of building a home.
- Member Bailey asked if he still has plans to build a house there.
- Mr. Scurtu answered yes. He went on to explain the extent of care of his father-in-law.
- Member Bailey asked if he'd have an issue of going through the BZA to get a variance, and he asked Admin. Beever if that was correct what he was saying.
- P.C. Admin. Beever answered and stated that is correct and that she has provided him and his son the paperwork to do that.
- An audience member asked what the BZA is.
- P.C. Admin Beever answered and stated that is the Board of Zoning Appeals and that it's asking permission to do something that isn't typically allowed within our ordinance.
- Member Cultice added it's like a special use.
- P.C. Admin Beever added that it is a special exception if the board approves it.
- Mr. Scurtu stated he was unaware his son had all of this.
- P.C. Admin Beever addressed Mr. Scurtu and told him she had given him the paperwork also when he was in the office.
- Mr. Scurtu agreed.
- Attorney Schramm asked why Mr. Scurtu was in front of the planning commission, to consider what.
- P.C. Admin. Beever answered and stated that it is a code violation because he does not have a permit, and he's been sent letters to come in and fix the issue with us.
- Attorney Schramm asked if we have assessed a violation yet.
- P.C. Admin. Beever answered no.
- Atty. Schramm stated that he is just trying to assess what action the planning commission can take, and he went on to state that probably to seek a variance is the best course of action.
- Member Bailey asked since P.C. Admin. Beever and Code Enforcement Officer Blodgett has been talking with him for some time now, if it would be reasonable to ask him to seek a variance within the next 30 days.
- Member Cultice answered and stated that they wouldn't be able to get him through in 30 days, and that the BZA is probably four months out.
- P.C. Admin. Beever answered and stated at this time no.
- Member Cultice asked P.C. Admin Beever if she knew how far out Tina was scheduled, and asked if it was like September.
- P.C. Admin. Beever stated that right now there are certain circumstances going on right now that will complicate things and that they will find out at the BZA meeting.
- Member Lawrence asked Mr. Scurtu if he had any plans of building a home in this calendar year.
- Mr. Scurtu answered and stated that he has talked with an architect but with everything going on with his job and father-in-law that he hasn't had time. He went on to say that yes, he hopes it will be this year but he wanted to do it last year.

- Member Lawrence asked if he had filed for any permits for a new home.
- Mr. Scurtu answered no he has not.
- Member Cultice asked what the shed was sitting on.
- Mr. Scurtu answered concrete and he went on to explain this.
- The board discussed what type of time frame.
- Bldg. Insp. Boz added that there is the shipping container there.
- Mr. Scurtu stated that the container is not his and he will get rid of it. His intentions are to put everything in the shed and get rid of the container. He went on to explain how the container ended up there.
- Member Schouten asked if it would be reasonable to ask that the shipping container be gone by the end of the month.
- Mr. Scurtu answered and stated that he has to talk to his friend that bought it, but that he would try to do that. He went on to discuss what he has in it.
- Member Cultice asked if he has had any vandalism out there.
- Mr. Scurtu answered no, and went on to say that he has everything currently locked up in the container, but he'll lock it up in the shed now.
- Member Cultice asked if his future intention is to leave the shed where it's at, when he builds the home.
- Mr. Scurtu answered yes.
- Board discussion on the time frame.
- Member Cultice made a motion to grant a 90-day time frame to start the process of applying with the BZA, in order to keep the shed on the property and to remove the shipping container from the property. Member Bailey seconded that motion. Motion carried 5-0.

❖ **PUBLIC HEARING** - to consider amending the current comprehensive plan time frame in the Board of Zoning Appeals Approval/Denial letter to read as follows: "The decision shall expire if the Zoning Clearance Permit is not obtained within the specified time frame set forth by the Board of Zoning Appeals from the date of the decision, and if work has not been completed upon the improvement within one year of the decision unless otherwise specified. Any Change other than permitted shall constitute cause for declaring the permit void and will be dealt with as a violation of the zoning requirements. "

- Vice-President Allen read the public hearing.
- Member Cultice asked about the time frame.
- Bldg. Comm. Boz explained that the BZA has been giving all variances a six-month time frame to come in and get their permits.
- P.C. Admin. Beaver gave some examples of some situations where the time frames for the BZA should be a flexible time frame for a particular situation.
- Member Collins asked how far out the BZA is.
- P.C. Admin. Beaver stated she'd talk with him about that at a later point.
- Member Schouten asked about the letters and the time frame.
- P.C. Admin. Beaver clarified that the BZA board would be able to decide what time frame is needed dependent on the case.
- Vice-President Allen added that the BZA would decide that.
- Member Bailey made a motion to accept amending the current comprehensive plan time frame in the Board of Zoning Appeals Approval/Denial letter to read as follows: "The decision shall expire if the Zoning Clearance Permit is not obtained within the specified time frame set forth by the Board of Zoning Appeals from the date of the decision, and if work has not been completed upon the improvement within one year of the decision unless otherwise specified. Any Change other than

permitted shall constitute cause for declaring the permit void and will be dealt with as a violation of the zoning requirements.” Member Collins seconded that motion. Motion carried 5-0.

❖ **Code Enforcement Officer report**

➤ **Tolson property at 8920 S Us 35 Monterey, IN 46960**

- Code Enforcement Officer Blodgett informed the board that property owners are making progress, but it is hard to tell because there is so much stuff on the property. She went on to state that there is 1 dumpster full of stuff removed from the property. She added that she requested receipts from the owner for the dumpsters as she gets them so that she has proof of them putting in effort to get it cleaned up. She asked the board how long they think that they should have to get this all cleaned up.
 - P.C. Admin. Beever also added that there is also a case with the EPA going on right now with this property.
 - Board discussion about the fines and timeline.
 - Member Cultice made a motion to assess the \$350.00 administrative fee now and then to assess the \$2500.00 fine after 90 days if they have not got it cleaned up. Seconded by Member Schouten. Motion Carried 5-0.

➤ **Litzkow property at 2300 E. Toto Rd. Knox, IN 46534**

- Code Enforcement Officer Blodgett informed the board that that there has been no activity on this property or any calls from the owner regarding this property. She stated that she sent this property to information to Justin to send a letter to Abate.
 - Atty. Schramm added that he believes that he did send out a letter to this property from his office.

➤ **Aaron Longenecker at 7150 S SR 10 Knox, IN 46534-**

- Code Enforcement Officer Blodgett informed the board that the RV was removed.

➤ **Daniel Griffin 5308 E. Hill St. Knox, IN 46534**

- Code Enforcement Officer Blodgett informed the board that they applied for a permit.

➤ **Stephan Fagan 4276 S. Cr. 210 Knox, IN 46534**

- Code Enforcement Officer Blodgett informed the board that they came in and got a permit for the RV.

➤ **Paul Stuber Elm St. Knox, IN 46534**

- Code Enforcement Officer Blodgett informed the board that the owner stated he will obtain permits for the RV when he comes for the weekends.

➤ **PZinkInvestment Group LLC 2860 W. SR 10 North Judson, IN 46366**

- Code Enforcement Officer Blodgett informed the board that she put a notice on the door on the property. She went on to state that the RV is still located on the property as well as a pop-up camper.

➤ **Jerrery Pera at 5250 S. Holiday st. North Judson, IN 46534**

- Code Enforcement Officer Blodgett informed the board that the RV has been removed from the property.

➤ **Whitfield Zachariah & Nikki at 8944 S. Sycamore St. Monterey, IN 46960**

- Code Enforcement Officer Blodgett informed the board that this case is now closed.

➤ **Liberty Christian & Erdelyi Chelsi at 8670 Sycamore ST. Monterey, IN 46960**

- Code Enforcement Officer Blodgett informed the board that this case is now closed.

- Code Enforcement Officer Blodgett informed the board that the camper that was just dropped in Borns trailer park has also been removed that used to be on the Mary Gonzales property.

❖ **New/Old Business & Violations**

➤ **Noakes Update**

- P.C. Admin Beever stated that they are making the payments that they are supposed to be making to the clerks office. She went on to say that the clerks office sent a check to Atty. Schramm.
 - Atty. Schramm stated that he sent the check to Rachel in the Auditors office, and they will deposit it into our accounts.

➤ **Bass Lake RV's**

- Bldg. Comm. Boz introduced Tom Jordan from the BLCD to the board. He went on to add that they are having a lot of problems out there with the RV's.
- Mr. Jordan discussed the ordinance that they just passed at Bass Lake that states that no one can hook up to a sewer system with an RV.
- P.C. Admin Beever added that there was a case that went through the BZA where they permitted someone to build out there at the lake, however then they moved a camper in and hooked up to the sewer system with it. She went on to state that since then he has come in and got his permits but he's still not allowed to live in a camper out there.

➤ **Matker Vacation**

- P.C. Admin Beever informed the board that per the vacation ordinance that she needs a preliminary approval from the board to move forward with a vacation at Koontz Lake to have a public hearing to vacate.
- Vice-President Allen asked for clarification on what is being vacated.
- P.C. Admin Beever explained that the gentleman who bought the property, has discovered when he was transferring the deeds that the deeds were a mess. During the title search it was discovered that a road was never vacated properly. So the owner is asking to do a vacation of the property in question, that he was sold.
 - Board discussion about the property.
- Member Schouten made a motion to have a public hearing to vacate. Member Cultice seconded that motion. Motion carried 5-0.

➤ **2735 E. US 30 Trucking Company**

- P.C. Admin. Beever showed the board some photos of the property and explained that she is unsure what to in this situation. She went on to explain that there are no business permits for the property, it is zoned heavy industrial, there is a ton of stuff on this property, there is an EPA complaint ongoing on this property. She went on to state that there is no variance either. She asked the board what they wanted to do on the property.
 - Board discussion about the property.
 - The board agreed to have Atty. Schramm to send him a letter stating he's non-conforming and that he needs to apply for a variance.

➤ **Solar**

- Atty. Schramm stated that the commissioners had asked him to come up with some options for a solar moratorium. He went on to state that he's some research on this and came up with a few options and stated that the commissioners can submit one of these to the planning commission to potentially amend the current zoning solar ordinance with. He went on to state that the planning commission would have to have a public hearing over it and then decide whether or not any of the recommendations would be accepted or not. He went on to state that it has to be passed by the planning commission first, before the commissioners could pass it. He added that the commissioners would have to first send it to the planning commission. He went on to state that if it does come to the planning commission then the planning commission would have 60 days then to take action on it.
- Bldg. Comm. Boz added that the commissioners meeting over it is Monday night.

❖ **End of the month**

- Board reviewed the reports from May 2023.
 - Member Cultice made a motion to accept the reports as presented. Seconded by Member Collins. Motion carried 5-0.

❖ **Next Scheduled Meeting-** will be Wednesday, July 12, 2023 at 5:30 p.m.

❖ **Adjournment-**With no further business, Member Cultice made a motion to adjourn the meeting seconded by Member Schouten. Motion carried 5-0.

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