

**Starke County Plan Commission**  
**Regular Meeting and Public Hearings**  
**October 11, 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 Chesek, commissioner (Absent); Todd Lawrence citizen member, Denise Cultice, citizen member, Isaiah Collins, citizen member (Absent); Thomas Schouten, Surveyor; Justin Schramm, commission counsel; Wallace (Boz) Williams, building commissioner (Absent); Robby Blodgett, code enforcement officer; and Mary Beever, administrator. There were (2) visitors present.
- ❖ **Approval of the minutes**
  - Member Schouten made a motion to accept the minutes from the September 13, 2023 meeting as written, seconded by Member Cultice. Motion carried 6-0.
- ❖ **Code Enforcement Officer report**
  - **Jerry Tolson** – 8920 S US 35 Monterey, IN 46960
    - Code Enforcement Officer Blodgett stated that we have recently sent a fine of \$2500.00, she went on to say that a lot has been removed and they are starting to make progress.
  - **Gary Litzkow** – 2300 E. Toto Rd. Knox, IN 46534
    - Code Enforcement Officer Blodgett stated this case is going through Justin.
    - Attorney Schramm stated that they filed for a default judgement.
  - **Pamela Combs** – 2560 S. 650 W. North Judson, IN 46366
    - Code Enforcement Officer Blodgett stated she’s working on it.
  - **Storage Units Near Me LLC** - 3120 S. US 35 Knox, IN 46534
    - Code Enforcement Officer Blodgett stated they are working on it.
  - **Melvin Zieters** 11590 S. 650 W. North Judson, IN 46366
    - Code Enforcement Officer Blodgett stated he’s working on it.
  - **Olivia Lynn McIntire** – 2055 E. 150 S. Knox, IN 46534
    - Code Enforcement Officer Blodgett stated she’s working on it
  - **PZinkInvestment Group LLC** – 2860 W. SR 10 North Judson, IN 46366.
    - Code Enforcement Officer Blodgett stated that they are trying to make arrangements with us to clean up the property.
    - President Jackson asked if that’s the old gas station.
    - P.C. Admin. Beever stated that the owner’s mother came into the office today and stated that her son is not currently able to make decisions regarding the property. She went on to state that the mother said she’s trying right now to get power of attorney over him so that she’s able to make decisions on the property. She went on to state that she is also trying to get paperwork started for an eviction notice.
    - Member Cultice asked so these aren’t the people actually living there.
    - P.C. Admin. Beever responded no, they just own it.
    - Member Cultice asked if they know the people staying there.
    - P.C. Admin. Beever answered yes.
    - Code Enforcement Officer Blodgett stated that the owner gave them permission to place the RV on the property behind the building, but the people just moved in there.
    - Member Cultice stated that’s nice.
    - P.C. Admin. Beever added that the owner’s mother hadn’t been by it and didn’t know all this was going on till recently.
    - Member Schouten asked if these people are considered squatters then.
    - P.C. Admin. Beever stated that is why they are having to file an eviction notice. She went on to state that the owner’s mother had the police out to the property to talk to them, and the police told her she’d have to go through the court to file an eviction notice. She added that she believes one of the tenants at the property possibly called the office today, because someone called with a blocked number asking about the rules of living in an RV in Starke County.

- President Jackson asked how long they've lived there, and then stated these are all legal questions for Atty. Schramm. He then went on to ask how long it would take Kathy to get power of attorney over her son, the eviction process and asked if they can claim squatter rights on the property.
- P.C. Admin. Beever stated they've been there some time.
- President Jackson asked where does everything stand in that aspect.
- Atty. Schramm stated that they will have to file an eviction notice. He went on to state that is usually about a three-month process, he added that it's usually a two-prong hearing with the first hearing issuing the eviction notice and the second one for damages. He added that the owner though has to realize that even though they have a squatter on their property that they in turn are still responsible for any violations on that property.
- P.C. Admin. Beever added that since we don't have an updated RV ordinance yet, she hasn't fined them for that. She went on to say that we have been sending her notifications and fines under the E.P.N. ordinance since there is so much trash and debris out there. She added that we are up to the \$2800.00 she believes with the fine and the administrative fees. She went on to say that she believes that is what motivated her to get going on it.
- President Jackson asked Atty. Schramm asked how long it will take her to get the power of attorney over her son.
- Atty. Schramm asked if her son is incapacitated or what.
- P.C. Admin. Beever stated she didn't go into detail or anything but she said he's unable to make decisions for the property.
- Atty. Schramm stated that she'll probably have to get a guardianship, he stated a power of attorney has to be signed over. He went on to state that a guardianship depends and could take several months depending if you want guardianship over his person, or his finances, or both.
- President Jackson stated that it looks like three to six months at least for her to get everything. He then asked Atty. Schramm what other options do we have or if we have any at this point.
- Atty. Schramm asked if he was referring to enforcing our zoning on the property.
- President Jackson stated that member Cultice's relatives live near this property and that he'd like her to have some sort of insight or information to her family on this.
- P.C. Admin. Beever stated that the office is getting phone calls on this one weekly.
- Member Cultice was shocked.
- President Jackson stated it's horrible.
- Atty. Schramm stated we can treat the violation like any other violation and seek an order for enforcing the fines and an order for injunctive relief for them to abate their violation. He went on to state that it's an order that basically if they don't go in and abate the violation then it allows the county to and assess damages.
- President Jackson asked but that would be on the land owners not the tenant of that property correct.
- Atty. Schramm answered we would go after the land owner and the owner could go after the tenant if they wanted to.
- President Jackson stated that doesn't really help us because that owner's hands are tied right now because it's in her son's name. He added that we don't really have that good of news for your family, but we're working on it.
- Member Cultice stated it's in the works at least.
- P.C. Admin. Beever stated we are trying.
- Member Cultice stated that she just hopes that they aren't out burning stuff in the middle of winter when snow is flying.
- President Jackson stated for Member Cultice to tell her family every time they burn for them to call it in and eventually one of the times IDEM will get called in.
- Member Cultice asked what would it take for them to get called.
- President Jackson stated the fire department has to call them. He went on to state that the fire department has to do their documentation and they have to figure out what they are burning is not nature made. He went on to explain this in more detail to her.
- Member Schouten asked if house hold garbage considered hazardous.
- President Jackson answered yes, your putting VOC's in the air, and he explained this a bit more.

#### ❖ **New/Old Business & Violations**

##### ➤ **RV Ordinance – Permanent Use definition**

- P.C. Beever stated that at the last meeting this discussion was tabled. She went on to state that the board wanted to hear from Commissioner Chesek on this. She added that she sent the ordinance over to Commissioner Chesek and asked him to get back to her with what the Commissioner's were wanting. She went on to state that he has not

gotten back with her over this. She continued on to state that what they have in front of them is what she came up with.

- President Jackson asked if this wouldn't have been more of a Mark thing than a Charlie thing right. He went on to ask if Commissioner Gourley wasn't the one who had the problem with the two definitions.
- P.C. Admin. Beever responded yes, but at the last meeting they decided they wanted insight on it from one of the commissioners.
- President Jackson stated so basically, we have just combined the two.
- P.C. Admin. Beever answered yes.
- President Jackson asked how this would affect like the Bass Lake Campground.
- P.C. Admin. Beever stated that this wouldn't affect campgrounds because they are allowed to have them in campgrounds.
- Member Schouten asked if this is only covering like over someone's backyard.
- P.C. Admin. Beever answered and stated like the Gas Station previously discussed.
- Member Woolery added that it has the temporary use for 12 months when your building your house and such.
- P.C. Admin. Beever replied yes if your building your house you can get a temporary permit for 12 months to live in one while you are building.
- Member Bailey asked Atty. Schramm what he thought of the definition.
- Atty. Schramm stated he liked the definition.
- Member Bailey stated that we've reached out to the commissioners and they are the ones who had the problem and they haven't been cooperative in reaching out to straighten it out.
- Member Schouten asked if any of them reached out to Todd.
- President Jackson answered no.
- P.C. Admin. Beever stated that she also was going to include some pictures of some situations that this would impact in the county, she added that she thinks that this might be beneficial. She went on to say that we aren't going after people letting their kids camp in the RV in the backyard over the weekend. She added these are people taking advantage of the situation and living in campers year-round like the gas station and people living in yard bards. She went on to state that she thinks this might help visually show what we are trying to accomplish in the county.
- Member Schouten stated that a visual aid is always helpful and doesn't hurt.
- President Jackson stated that the yard barn doesn't look bad but he believes it would be up to the discretion of the planning commission office.
- P.C. Admin. Beever stated that the yard barn he was referring to has someone living it with no toilet, and a bucket is being used.
- Member Cultice asked if it was the picture she was looking at.
- P.C. Admin. Beever stated that one also had someone living it and that the smaller structure located next to it was being used as an out-house.
- President Jackson asked if they approve the definition if it has to go through the whole public meeting stuff.
- P.C. Admin. Beever answered no because we've already held the public hearing for it and right now it's just ping ponging between us and the commissioners right now.
- President Jackson asked if anyone had any other questions on the definition and asked for a motion.
- Member Cultice made a motion to accept the revision of the definition for permanent use in the RV ordinance and to send it back to the commissioners. Member Schouten seconded the motion. Motion carried 6-0.

#### ➤ **Noakes Update**

- P.C. Admin. Beever stated that he is continuing to make his payments.
- President Jackson asked where are we at with his payments.
- P.C. Admin. Beever stated we shouldn't be too far out because we just got a big chunk of it deposited from Atty. Schramm for \$1100.00

#### ➤ **Mike Garba – 315 E. Toto Rd. Knox, IN 46534**

- P.C. Admin. Beever stated that this is one of the nuisance properties we've had for an unsafe structure and that she provided the board with the details involved with it. She went on to state the owner has been getting notice on this property for about 3 years now. She added that he did hire a contractor recently to take it down and the building is down now, however we've been having issues now with it getting cleaned up properly now. She went on to add that the contract was taking debris home to his property and burying it and then actually burning the debris at the property where the fire department had to be called. She went on to state that the contractor wasn't

complying either with Bldg. Comm. Boz so Boz had to place a stop work order on the property. She added that they were only wanting to have like 1 or 2 dumpsters out there for this clean up and Boz put a stop work notice on it till 3 more dumpsters got delivered to the property so things can be properly disposed of. She stated that a fine has now been issued to the property now of \$2850.00.

- President Jackson asked if we've gotten any records back from the contractor as far as receipts for the dumpsters.
- P.C. Admin. Beever answered no.
- Audience member Garba explained to the board that he has started talking with the office a few years back and that he was given 6 months back in 2022. He went on to state that neighbor McKee wanted the metal from the roof, and he agreed to that. He went on to state that it took much longer than expected to get that done. He went on to state that neighbor McKee came with a friend Dan Martin to take the metal down, and he then asked how much it would cost him to take the whole building down. He went on to state that he also has gotten sick too, and lost two toes on his right leg. He went on to state that he talked with Boz and explained to him that this year he's had so much going on. He stated that Boz told him that he needed to start getting things done or he'd be fined. He hired Mr. Martin to take the building down. He went on to state Boz contacted him that he had till the end of the month to get it done. He added that he wasn't over there supervising and that one day in the morning Boz called very upset and was told he was going to put a stop work order on the job if he didn't get more containers out there. He stated that he agreed to get them and sent more dumpsters there. He went on to state that he tried very hard to clean up. He added that Mr. Boz called him again very upset about burning on the property. He stated that when he got there the contractor was cooking hot dogs and having beer with a small fire. He went on to state that the fire department and ambulances came for a little thing. He went on to state that the contractor then got sick and had a stroke, so work has stopped. He went on to state then that four days later he got a letter with a fine stating that he was negligent. He went on to state that he can't make the contractor work because he couldn't move his left hand. He went on to state that the job has been done now and he's called Mr. Boz to come look at it. He stated Mr. Boz hasn't called him back and that he has pictures.
- President Jackson stated that he has a picture too. He then went on to state that the job is not complete, per the demolition permit that the concrete has to be removed.
- Audience member Garba stated he's not going to remove it, and that it's worth over \$80,000.00 in concrete to have something like that poured and it's 400'x100',
- President Jackson responded and said that he's not asking for him to pour one he's asking for it to be removed.
- Audience member Garba stated it's not illegal to leave concrete.
- President Jackson responded and stated that per the demolition permit all the concrete needs to be removed.
- Audience member Garba stated he cannot do that.
- President Jackson stated then the fine needs increased to \$5700.00 and to pull the contractor's bond.
- Audience member Garba asked why he has to remove the concrete.
- President Jackson responded and stated that he got a demolition permit and he was ordered by the county to remove it and on the demolition permit it states that the concrete needs to be removed.
- Audience member Garba stated he has plans for the concrete and it's very solid and doesn't have cracks.
- President Jackson stated he doesn't make the rules that he just follows the rules set forth before him, and it states the concrete needs to be removed.
- Audience member Garba responded that is very sad and that he cannot, He went on to say it's not a nuisance, it's not contaminated, it's just concrete.
- President Jackson stated the rules have been there before he was in this position and they were there before anyone on this board was in this position, and that we have to follow what's before us in the demolition permit. He went on to state again that the permit states that everything has to be removed including the concrete.
- Audience member Garba stated again that he will not do that, even if we put him in jail he will not do that.
- President Jackson stated that he doesn't have the authority to put him in jail, and we're not asking to put him in jail.
- Audience member Garba stated that is a big asset to the property, he went on to state it's not contaminated.
- Member Bailey asked if he could go in front of the zoning appeals to keep it.
- Audience member Garba stated that is a big asset to the property.
- President Jackson responded stating that if we allow one then we have to let them all do it.
- P.C. Admin. Beever stated that's not really something the BZA would hear.
- President Jackson stated that his issue is that building burnt down back when he was in highschool. He went on to state that that the concrete has been sitting there for over 20+ years. He then stated that the contractor told him

that you were wanting to have farmer markets out there, and he asked why he didn't have farmer's markets out there in the last 20+ years. He then stated that the concrete is a big asset but it's also a big cost, that you've been paying taxes on now for 20 + years. He then asked why all of a sudden now is that concrete a big asset to you now, but hasn't been valuable to you in the last 20+ years.

- Audience member Garba stated that the building was set to be burnt one day before it did. He then added that he lost 1.8 million dollars on it.
  - President Jackson responded he is aware of that.
  - Audience member Garba stated he doesn't know why he's punished so much for trying, he went on to state that he tried to find someone like Mr. McKee to remove the ceiling because he knew it was unsafe way before he was contacted by the city. He went on to state he knew it needed removed and doesn't know why he's punished like this.
  - President Jackson stated the problem is you think we're punishing you and we're not. We have to follow the rules set forth by this board through the county. He went on to state it doesn't matter who's standing there the same rules would apply. He went on to state we're not coming after anyone individual.
  - Audience member Garba then stated that the concrete is half of the value of the land itself. He went on to state he'd have to sell it. He went on to tell the board that he lost his wife and he's lost a lot. He went on to state again that the concrete is half the value of that land. He also went on to add that he doesn't see why in the world he has to remove it, and that he'd rather kill himself than remove it. He added that he did what they told him to do the best he could and it's very clean now.
  - President Jackson asked if anyone else had any concerns.
  - Member Schouten made a motion to up the fine to \$5000.00. Member Cultice seconded the motion. Motion carried 6-0.
  - President Jackson stated that they are asking him to do what the permit says to remove the concrete. He went on to state that if he chooses not to do it then the board will have to move forward with the increase in fines and turn it over to our attorney.
- **Drawer System for truck**
- P.C. Admin. Beever instructed the board to look over the information for the drawer system for the county truck provided in their binder. She went on to state that this is something the office will be buying for the county truck. She went on to state that this is something that will keep his items secure in the truck and that currently they have the monies in their budget for it. She went on to state that this is a little larger purchase than they normally make so they wanted the board to be aware of it.
  - President Jackson asked if there were any questions about it or concerns.
- ❖ **End of the month**
- Board reviewed the reports from September 2023.
- ❖ **Next Scheduled Meeting-** will be Wednesday, November 8, 2023 at 5:30 p.m., President Jackson added that this will be the last meeting of the year.
- ❖ **Adjournment-**With no further business, Member Cultice made a motion to adjourn the meeting seconded by Vice-President Allen. 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. Beever  
Administrator