

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

MINUTES February 14, 2021

Chairperson Troike opened the meeting at 6:32 p.m.

I Pledge of Allegiance- led by Chairperson Troike.

II Roll Call- Bob Troike, Mark Allen, Denise Cultice, Gwen Rentz, Jason Downs, Martin Bedrock (Absent), Wallace Williams (Boz) (Building Commissioner), and Mary Beever (BZA Recording Secretary).

III Board Organization –

- ◆ Chairperson Troike asked for nominations
 - Denise Cultice made a motion to nominate Bob Troike to be Chairperson, seconded by Mark Allen. Motion carried 5-0.
 - Denise Cultice made a motion to nominate Mark Allen to be Vice-Chairperson, seconded by Gwen Rentz. Motion carried 5-0.
 - Mark Allen made a motion to nominate Denise Cultice to be Executive Secretary, seconded by Bob Troike. Motion carried 5-0.
 - Denise Cultice asked what that position involved
 - Ms. Beever explained that in the absence of the Chairperson and Vice-Chairperson that she would run the meeting.
 - Denise Cultice made a motion to nominate Justin Schramm as legal Council for the board, seconded by Gwen Rentz. Motion carried 5-0.
 - Denise Cultice made a motion to nominate Mary Beever as Recording Secretary, seconded by Mark Allen. Motion carried 5-0.

IV Meeting Schedule –

- ◆ Board discussion on meeting dates/day change to the second Wednesday of each month.
 - Executive Secretary Cultice made a motion to change the meeting date to the second Wednesday of each month at 6:30 following the planning commission meeting, seconded by Vice-Chairperson Allen. Motion carried 5-0.

V Review of the meeting minutes for November 8, 2021- Executive Secretary Cultice made a motion to approve the minutes as written. Member Rentz seconded that motion. Motion carried 5-0.

VI Public Hearing- to consider a use variance request by Adam Novath, to open a gun smithing business in his home, on property owned by Steve & Mary Novath and described as follows: Pt S ½ NW 2 A. S27/T32/R3, 2 acres, Parcel number 75-09-27-100-004.200-013, located at 7095 S. 250 W. North Judson, IN 46366.

- ◆ Secretary Beever read the request listed above.
- ◆ All notifications were not in order.
 - Secretary Beever explained that one for a Tina Rowe of 206 E. Weinger St. North Judson, IN 46366 did not come back the second time it was mailed out.

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- Chairperson Troike explained to the applicant about the hearing possibly needing to be reheard in the event of her not receiving notice and the Applicant decided to go ahead and proceed with the hearing.
- ◆ Secretary Beever explained to the board that in an agriculture zoned area that the applicant would need a variance to run the type of business he is wanting to.
- ◆ Applicant Novath was present.
- ◆ Applicant Novath explained his intent on wanting to open up a gunsmithing business and went on to explain to the board about his current gunsmithing licensing and what his next steps with the state are if he is approved for the variance.
- ◆ Audience in favor of request:
 - Steve Novath
 - Adam Novath
- ◆ No one in the audience was opposed to request.
- ◆ Board questions to the applicant.
- ◆ Executive Secretary Cultice made a motion to close the public comment portion of the hearing. Member Rentz seconded that motion. Motion carried 5-0.
- ◆ Board discussion.
- ◆ Executive Secretary Cultice made a motion to grant the request with the following stipulations:
 - The variance for the business on the property is only good for the current above applicant on the above stated property.
 - The applicant will need to file for a business permit through the Planning Commission.
- Vice-Chairperson Allen seconded that motion. Motion carried 5-0.

VII Public Hearing - to consider a use variance request by Linda Banasiak, to operate an air b & b business with two rental units, on property owned by Linda Banasiak, and described as follows: Pt W side E ½ SW S5/T32/R2, 5.95 acres, Parcel number 75-10-05-300-026.000-002, located at 1355 E. 350 S. Knox, IN 46534.

- ◆ Secretary Beever read the request listed above.
- ◆ All notifications were not in order.
 - Secretary Beever stated that she was made aware that the person that the Round Lake Cemetery notices were sent to is deceased, but the information on the tax rolls has not been changed to reflect that.
 - Chairperson Troike added that he has been in contact with Harrison Fields who is the president over the cemeteries now in that township and made him aware of the situation. Chairperson Troike explained to the applicant about the hearing possibly needing to be reheard and the Applicant decided to go ahead and proceed with the hearing.
- ◆ Secretary Beever explained that in an agriculture zoned area it is required to seek a variance to operate this type of business.
- ◆ Applicant Banasiak was present.

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- ◆ Applicant Banasiak explained her intent to operate a rental/event business out of a building she currently has on her property. She went to explain to the board that she had unit she was renting out but it recently burnt and that she did not know that she needed a variance to have that type of business.
- ◆ Audience in favor of request:
 - Linda Banasiak
 - Richard Archer
 - Chris and Honey Loehmer (Called into the office)
 - Lawrence Loehmer (Called into the office)
- ◆ No one in the audience was opposed to request.
- ◆ Board questions to the applicant.
- ◆ Executive Secretary Cultice made a motion to close the public comment portion of the hearing. Member Downs seconded that motion. Motion carried 5-0.
- ◆ Board discussion.
- ◆ Vice-Chairperson made a motion to grant the request subject to the condition that Petitioner must comply with all local, state, and federal laws pertaining to public building, health, and sanitation on the subject property. The BZA reserves the right to remove the variance of use, should Petitioner be found to have violated local, state or federal law with regard to public health and sanitation and that a business permit must be obtained in the Planning Commission office. Member Downs seconded that motion. Motion carried 4-1 with member Rentz being opposed.

VIII Public Hearing - to consider an area variance request by Raymond Born, to build a home on the R-2 zoned property with it only having 70 feet of road frontage in R-2 zoned area without public sewer, on property owned by Raymond & Diane Born & Justin & Marla Born and described as follows: Pt S ½ NE, S6/T32/R1, 16.93 acres, Parcel number 75-11-06-200-022.200-008, located at 700 E. (West of 6730 E Quail Run. Knox, IN 46534.)

- ◆ Secretary Beever read the request listed above.
- ◆ All notifications were not in order
 - Secretary Beever stated she received a returned to sender of the notice from a Gheorghe Vesa & Pop Ionut of 3463 S. 700 E. Knox, IN 46534 and a Gary & Stephanie Lescallett of 1867 N. Howe St. Apt 2 Chicago, IL 60614.
 - Chairperson Troike explained to the applicant about the hearing possibly needing to be reheard and the Applicant decided to go ahead and proceed with the hearing.
- ◆ Secretary Beever explained that in an R-2 zoning without public sewers that a parcel has to have at least 100 feet of road frontage in order to build according to Chart 1 in our ordinance and that the applicants parcel only has about 70 feet of road frontage.
- ◆ Applicant Born was present.
- ◆ Applicant Born explained his intent to wanting to build a new home on the property.
- ◆ Audience in favor of request:
 - Raymond Born
 - Lawrence Loehmer (called the office)

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- ◆ No one in the audience was opposed to the request.
- ◆ Board questions to the applicant.
- ◆ Executive Secretary Cultice made a motion to close the public comment portion of the hearing. Vice-Chairperson Allen seconded that motion. Motion carried 5-0.
- ◆ Board discussion.
- ◆ Executive Secretary Cultice made a motion to grant the request as presented. Vice-Chairperson Allen seconded that motion. Motion carried 5-0.

IX Public Hearing - to consider an area variance request by Tim & Dinnah Howard, to have a home that is only 35 feet from the center of the road on an Ag. Zoned corner lot, on property owned by Timothy & Dinnah Howard and described as follows: Pt E ½ Sw S5/T32/R2, 1 acre, Parcel number 75-10-05-300-045.201-002, located at 1482 E. 400 S. Knox, IN 46534

- ◆ Secretary Beever read the request listed above.
- ◆ All notifications were in order.
- ◆ Secretary Beever explained that an error was made when the applicant applied for his permit in the planning commission. She went on to state that Mrs. Starkey did not catch on the site plan that was submitted that the property was a corner lot and that the home needed to be 75 feet from the center of both roads. She went on to tell the board that the permit was completed and signed off on and sent out with no one catching the mistake, until a neighbor called and complained about how close the home was to the road.
- ◆ Applicants Howard were present.
- ◆ Applicants Tim and Dinnah Howard explained that they got the county restrictions confused with the city restrictions on the set back requirements.
- ◆ Audience in favor of request:
 - Tim Howard
 - Dinnah Howard
- ◆ No one in the audience was opposed to the request.
- ◆ Board questions to the applicant.
- ◆ Executive Secretary Cultice made a motion to close the public comment portion of the hearing. Vice-Chairperson Allen seconded that motion. Motion carried 5-0.
- ◆ Board discussion.
- ◆ Vice-Chairperson Allen made a motion to grant the request as presented. Executive Secretary Cultice seconded that motion. Motion carried 5-0.

X Old/New Business-

- ◆ **Harbour House Extension-** property zoned R-3, on property owned by Warrior Holdings, LLC and described as follows: Birchurst Pt Lot 1 & Bestview Pt Lots 1 & 2 S7/T32/R1, 0.50 acres, Parcel number 75-11-07-201-016.000-008, located at 3698 S. Cr. 210 Knox, IN 46534.
 - Secretary Beever stated that the Harbour House is asking that their variance be extended again. She went on to state to the board that they have complied with all the stipulations set by the board.
 - Board discussion.

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- Executive Secretary Cultice made a motion to grant the request for an extension of the variance. In addition, the variance does not need to be renewed each year, however in the event of the sale of the property/business the containers would need to be removed or the new owner would need to apply with the board of zoning appeals if they wish to keep them located on the above-mentioned property. Vice-Chairperson Allen seconded that motion. Motion carried 5-0.
- ◆ **Jan & Anna Krzemien Extension** - at 4987 S. Cranberry Ln. Knox, IN 46534. to place a garage on a corner lot only 28' & 18' from the center of the roads in an R-3 zoned area.
 - Secretary Beever stated that the applicants are asking for an extension on their variance because they did not realize they needed to get their building permit with in six months of the board's decision.
 - Board discussion
 - Executive Secretary Cultice made a motion to table this request until board member Downs and Building Commissioner Boz had a chance to look at things more closely regarding the electrical lines in that area. Vice-Chairperson Allen seconded that motion. Motion carried 5-0.
- ◆ **Annual Report**
 - Secretary Beever read the annual report for 2021
 - Vice-Chairperson Allen asked to have one of the dates for his position changed to 2021 from 2020 typo error.
 - Secretary Beever said that she would change that.
 - Vice-Chairperson Allen made a motion to approve the report with the correction being made. Executive Secretary Cultice seconded that motion. Motion carried 5-0.

XI With no further business to come before the board Vice-Chairperson Allen made a motion to adjourn, seconded by Executive Secretary Cultice. Motion carried 5-0. The February 14, 2022 meeting adjourned at 8:34p.m. local time. This meeting was recorded and will be on file in the zoning office. There were technical difficulties experienced with the recorder and the first 42 minutes of the meeting are only on audio file. The next meeting of the Starke County Board of Zoning Appeals is scheduled for March 9, 2022 the latter of 6:30 p.m. or the conclusion of the Planning Commission Meeting, in the Starke County Government Building, located in Knox, IN.