

# STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

## MINUTES

**May 9, 2022**

Chairperson Troike opened the meeting at 7:14 p.m.

**I Pledge of Allegiance-** led by Chairperson Troike.

**II Roll Call-** Bob Troike (Chairperson), Mark Allen (Vice-Chairperson), Denise Cultice (Executive Secretary), Gwen Rentz (Member)(Absent), Jason Downs (Member), Justin Schramm (Attorney), Wallace Williams (Boz) (Building Commissioner), and Mary Beever (BZA Recording Secretary).

**III Review of the meeting minutes for** – March 9, 2022 Executive Secretary Cultice made a motion to approve the minutes as written. Vice-Chairperson Allen seconded that motion. Motion carried 4-0.

**IV Public hearing** - to consider a use variance request by Keith Stamper, to convert a storage space to a business and/or a dwelling with a bathroom, on property owned by Keith & Wanetta Stamper and described as follows: Oaks Lots 1-7 Blk 1 S2/T34/R1, 0.33 acres, Parcel number 75-03-02-404-099.000-009, located at 8098 N. Sr. 23 Walkerton, IN 46574.

- ◆ Secretary Beever read the request listed above.
- ◆ All notifications were in order.
- ◆ Secretary Beever explained to the board that the applicant is wanting to rent out the building in the back of the property as either a storage or rental unit. She went on to state that the property is zoned for General Business however there is already one business and one dwelling currently on the parcel and this would be a potential second dwelling and that two dwellings are not permitted on one parcel. She went on to state that particular building has never been taxed as a business.
- ◆ Executive Secretary Cultice asked if it was the 8098 address.
  - Secretary Beever replied no and explained on the mapping system which building on the property was in question.
- ◆ Executive Secretary Cultice made a motion to open the public comment portion of the hearing. Vice-Chairperson Allen seconded that motion. Motion carried 4-0.
- ◆ Applicant Keith and Wanetta Stamper were present.
- ◆ Applicant Stamper explained his intent to the board. He went on to state that they took ownership of the property last year with the intention of renting out all the units on the property. He continued on to say that Secretary Beever explained it accurately to the board. He continued on to state that he would like to use it for more than personal storage and currently that is what he is being told he can only use it as.
  - Vice-Chairperson Allen asked who he bought the property from, Jack Powers.
  - The applicant answered yes exactly.
  - Vice-Chairperson Allen stated he knows that property very well. He went on to say that they converted the one building into like a smoke shop or something.

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- The applicant stated that they didn't have to do anything to that building that it was ready to go when they bought the property. He went on to state that the other building used to be a barber shop a long time ago, that he remodeled it and made it into a rental unit.
- Executive Secretary Cultice asked what type of rental it is.
- Vice-Chairperson Allen stated it is just a one-bedroom rental, He went on to also state that the previous owner used it as a business also but he doesn't remember what kind.
- Applicant Stamper added that the previous owner said it was an antique shop.
- Member Downs asked if the two buildings are attached.
- Applicant Stamper responded no.
- Member Downs asked if the buildings had their own bathrooms and sewer.
- Applicant Stamper answered the front one does but the back building does not.
- Bldg. Insp. Boz asked how far in between the buildings is there.
- Applicant Stamper answered probably two or three feet.
- Bldg. Insp. Boz stated that the only thing is if they are going to put an apartment or something like that in the building in the back, that he would want to see a firewall put in that building between it and the commercial building.
- The applicant added that it is what they usually put in between the garage and the home.
- The board agreed.
- Vice-Chairperson Allen stated that the only concern he has is with parking off of SR 23. He went on to say, that business hogs a lot of parking and if they put anything at all in the back building he doesn't know where anyone would park for it.
  - Secretary Beever added that the applicant does own the parcel directly behind it.
  - Vice-Chairperson Allen asked if he owned the property that he pointed to on the mapping system.
  - The applicant answered yes. He went on to say that depending on what they rent it out for, it could be accessed off the side street and he's unsure of the name of it.
  - Vice-Chairperson Allen said that is Kanney St.
  - Applicant Stamper said he could do a drive way back there off Kanney to it.
  - Vice-Chairperson Allen said that is what he would suggest, and that is his one concern. He went onto say it gets crowded there on 23 and there is a lot of traffic right through there, because there is a dollar store right over there.
  - Applicant Stamper agreed and said that would probably be the smartest and safest thing to do, to drive off of Kanney.
- Bldg. Insp. Boz asked if he is wanting to do storage or an apartment.
  - Applicant Stamper stated he just wants to paint it and put a bathroom in it and make it look nice so he'd be able to put it for rent and see what type of

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interest he gets for it. He went on to say that in the future if he isn't able to rent it out, he'd like to make it into a two bed and bath rental.

- Bldg. Insp. Boz asked what the bathroom would be for, just for office space.
- Applicant Stamper replied yes.
- Executive Secretary Cultice asked what was it used for in the past.
  - Applicant Stamper answered mainly just storage and that the previous owner had a car stored in it.
  - Executive Secretary Cultice asked where the applicant lives.
  - Applicant Stamper answered Knox. He went on to state that building has a garage door and that it's all been insulated and that it has a concrete floor and LED lighting.
  - Bldg. Insp. Boz added that they just put all new gas and electric in it and he did inspections on all of that already.
- Applicant Stamper added that it is a nice building and it would be great for him to be able to rent it out as some type of business or apartment rental.
- ♦ Vice-Chairperson Allen made a motion to close the public comment portion of the hearing. Executive Secretary Cultice seconded that motion. Motion carried 4-0.
- ♦ Board discussion.
- ♦ Audience in favor of request:
  - Keith Stamper
  - Wanetta Stamper
- ♦ No one in the audience was opposed to request.
- ♦ Board discussion.
- ♦ Member Downs made a motion to grant the request with the following stipulations
  - A firewall is to be placed on the west wall of the structure.
  - Parking access for the structure is to be from Kanney Ave.
  - Vice-Chairperson Allen seconded that motion. Motion carried 4-0.
- ♦ Secretary Beever and Bldg. Insp. Boz discussed with the applicant permitting.
- V **Public hearing** - to consider an area variance request by Bart Egolf, to keep a storage container on his AG zoned property that is less than 2 acres, on property owned by Bart & Judith Egolf and described as follows: N End ½ Nw S29/T32/R4, 1.15 acres, Parcel number 75-08-29-100-007.000-011, located at 10702 W. San Pierre Rd. San Pierre, IN 46374.
  - ♦ Secretary Beever read the request listed above.
  - ♦ All notifications were in order. Secretary Beever added that applicant Egolf had the adjoining neighbors sign the affidavit and he had it notarized.
  - ♦ Secretary Beever explained to the board that the applicant has a storage container on his property and that our ordinance requires a parcel to have at least 2 acres for a storage unit to be placed and the applicant only has 1.15 acres in an agriculture zoned area.
  - ♦ Applicant Bart Egolf was present.

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- ◆ Applicant Egolf explained his intent to use the storage container as extra storage on his property. He went on to explain that the cost of adding an addition on to his existing pole building was more than purchasing the storage container. He added that he uses it for personal storage and that he's in process of putting up fencing and that it isn't able to be seen now from the road. He also stated that he is working on cleaning up the property.
- ◆ Chairperson Troike advised the board members that he drove past the property and that the unit is barely visible from the road and it looks like Mr. Egolf has been cleaning up the property.
- ◆ Audience member Beatrice Shimkus stated that she lives next door to him and that she was hoping the applicant would take the stuff off of her property and put it in the storage container. She added that the applicant has a boat on her property. She also stated that the applicant cut down a tree and she had to pay \$150.00 to have it cleaned up.
  - Applicant Egolf asked where is his boat on her property. He continued on to state that where the trees are at is where the property line is and he has the stake back in the back corner.
  - Audience member Shimkus replied no it is not and stated that he even has a dead dog shine back there on her property.
  - Board members Cultice and Allen asked Audience member Shimkus for her name and asked her where she lived.
  - Secretary Beever showed the board members on the mapping system where Mrs. Shimkus lives in relation to the applicant.
  - Executive Secretary Cultice asked the applicant how many acres he has.
    - Vice-Chairperson Allen said 2
    - Applicant Egolf stated it is 1 point something.
    - Secretary Beever answered it is 1.15 acres.
    - Audience member Shimkus stated she has 2
    - Vice-Chairperson Allen read off the mapping system that Mrs. Shimkus has 1.6 acres.
- ◆ Member Downs asked Mrs. Shimkus what she would like to see.
  - Mrs. Shimkus answered she would like to see the junk out of her yard. She added that she doesn't mind him doing anything and that they hardly talk to each other or anything, but he keeps encroaching on her.
  - Applicant Egolf added that Mrs. Shimkus still has a piece of fencing up out there and all his stuff is on his side of the fence line. He went on to say that where that fence is where the property line is.
  - Mrs. Shimkus stated no it isn't and that she moved that fence over because she didn't want it that close to his and that he knows it's on her property.
  - Applicant Egolf responded no it's not.
  - Member Downs asked Mrs. Shimkus if she had a problem with container.
  - Mrs. Shimkus answered no she doesn't.

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- Chairperson Troike stated that the container is the issue.
- Executive Secretary Cultice said it really shouldn't bother her because it will be behind a fence.
- Chairperson Troike addressed Mrs. Shimkus and said he's sorry for her inconvenience but that is not something they can do.
- (Audience Member Shimkus left the meeting.)
- Other board members agreed.
- ♦ Bldg. Insp. Boz asked if the container stopped right at the edge of the barn.
  - Secretary Beever asked Applicant Egolf where the container stops in relation to the barn.
  - Applicant Egolf stated that the barn is 32x42 and the container is 40x8
  - Secretary Beever stated it is about the same length as the barn then.
  - Applicant Egolf stated it sticks out about 10 feet from the end of the pole barn due to the doorway.
  - Member Downs asked how close it is to the property line.
  - Bldg. Insp. Boz asked if the back of the container the same as your barn or is it closer to her property line.
  - Applicant Egolf stated it's on the other side of the property.
  - Chairperson Troike added it's not close to her property line at all.
  - Applicant Egolf said that his pole barn is on the corner of 1075 and San Pierre Rd.
- ♦ Audience in favor of request:
  - Bart Egolf
- ♦ 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. Vice-Chairperson Allen seconded that motion. Motion carried 4-0.
- ♦ Board discussion.
- ♦ Member Downs made a motion to grant the request as presented to the board. Vice-Chairperson Allen seconded that motion. Motion carried 4-0.

## VI Old/New Business-

- ♦ **Estimated Budget for 2023**
  - Secretary Beever informed the board that the estimated budget she prepared is with a salary for a full-time clerk and that she increased the attorney fee by 3%. She went on to also tell the board that the last page she included is a prorated amount that she'll be asking the commissioner's and council to approve to make her full time for the rest of the 2022 year.
    - Bldg. Insp. Boz asked Attorney Schramm if making Secretary Beever full time would be creating a new position or if it was considered a current position.

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- Attorney Schramm stated he did not believe it would be creating a new position because her position already exists and that we'd just be asking for the salary budget for that position to be increased.
- Executive Secretary Cultice made a motion to accept the estimated budget for 2023 as presented to the board. Vice-Chairperson Allen seconded that motion. Motion carried 4-0.

**VII** With no further business to come before the board Vice-Chairperson Allen made a motion to adjourn, seconded by Executive Secretary Cultice. Motion carried 4-0. The May 9, 2022 meeting adjourned at 7:53p.m. local time. This meeting was recorded and will be on file in the zoning office. The next meeting of the Starke County Board of Zoning Appeals is scheduled for June 13, 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.