

# STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

## MINUTES

**August 8, 2022**

Chairperson Troike opened the meeting at 6:35 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), Mary Beever, Planning Commission Administrator, Tina Holley, BZA Secretary

**III Review of the meeting minutes for – July 11, 2022.** Mark Allen motioned to approve the minutes as written. Denise Cultice seconded that motion. Motion carried 4-0.

**IV Chairman Troike opened the floor to discuss tonight's Public Hearing. –**

Public hearing to consider an area variance request by Thomas and Shanna Wiercigroch to place a dwelling 40 feet from the center of the road, on property owned by Thomas and Shanna Wiercigroch and described as follows: Pt Lot 1 IN NW 0.64 acres, Parcel number 75-11-18-104-007.200-008, located at N/A East of 6292 S SR 10 Knox, IN 46534. Chairman Troike asked if all notifications were in order. Tina, Recording Secretary stated that 2 of the 3 were returned – not returned was notification from Gigli, Santa F located at 3231 S. Union Ave., Knox, IN 46534. Bob explained that if they so choose to go ahead and the Gigli's come in and deny the variance then they would have to return to the Board of Zoning Appeal for another Public Hearing. Both Thomas and Shanna stated to move forward. They are requesting to build their dwelling 40 feet from center of the road instead of 75 feet as ordinance states. Boz Williams responded that he had some concerns as to the septic due to the outbuildings if they are not able to tie-in with the conservancy in that area. The applicant stated they had planned to tie in.

David Maglowicz spoke that he believed there was a concern over the septic- he is one of the 3 neighbors that borders the property. He believes there is some discrepancy in the septic design which he believes is only for 300 feet. Boz stated that when it was measured it came to 316 feet and was told a 16-foot pipe comes out of the man hole, so we are 300 feet from the property line. Bass Lake Conservancy states that if your property line is within 300 feet then they will run the line to hook up. There is a property with 8 acres that borders the property and Mr. Maglowicz is questioning what stops that homeowner from subdividing since a sewer will be available to him. Boz stated that if the Conservancy runs the line down that location, then it should be available for others to hook up if that so happens. Terry White – a property owner just north to the applicant stated that the Mr. Maglowicz's property would not be affected

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and that this is a nice peaceful piece of property that will increase the value in the area. Mr. White stated that 16 feet already came into his property and that balance will be provided by the Conservancy. Quite a bit of various discussions ensued where Chairman Troike had to call the group to order so the Public Hearing could proceed in an organized manner. Terry White concluded that he was in favor of this variance. Mr. Maglowicz is not in favor of this. Discussion ensued as to exact location of the home – it was noted that many homes are within 40-45 feet of the road. The applicant wants to install a pool so they are hoping to move the home closer to the road in order to accommodate it. Mark asked if there was a possibility of moving the home further back. Property is 157 x 189 and the road goes crooked down that location. Zoning is R-2, county road. Jason stated his concern of their children being close to the road but they stated that the back with the ditch is more of the concern. Mary put the property plat up on the TV screen for everyone to get a better idea. If the applicant hooks to the Conservancy, then the issue is not part of our approval. Bob Troike stated that if the Board so approves that we could approve the variance with stipulations noted. Boz Williams added that the survey would need to be recorded as well.

Bob Troike asked if there was any further discussion. There being none, Denise Cultice motioned that the Public Hearing be closed; Mark Allen seconded the motion. The Board was able to discuss the variance using the information from those in attendance. Jason Downs stated that he has never liked to see homes so close to the road; you travel around the lakes and homes are sticking out blocking the views of those next to them. There are reasons they have set-back regulations. Boz stated that the road curves and that he is going to go out and measure from the middle of the road and work with the applicant as to just where that center point is. That will be the center point from here on. Much discussion and small individual conversations ensued as to this issue of homes blocking out views of their neighbors by where their house is being placed. Mark Allen asked the applicant if he would be willing to go 50 feet from center and make that work? Denise Cultice also suggested that they place the pool off center in the back to allow for the home being placed further off the road. Applicant agreed to that.

Mark Allen made the motion that the variance be approved with the following stipulations: 1) Home must be set back 50 feet from center of the road; 2) Obtain Approval from the Conservancy to tie in; 3) Obtain and record Survey. Denise Cultice seconded the motion. Atty Schramm stated the applicant will need to agree on record since this is not what was originally asked for in the variance. Thomas and Shanna Wiercigroch verbally agreed to the motion as stated with stipulations. Voting was 4-0.

Bob Troike stated to the applicants that they have been approved with stipulations as stated. He also stated that they must follow the stipulations, including getting approval from the Conservancy or the variance becomes void and a penalty/fine will be issued.

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It was also noted to them to come to come to our office to obtain the permit after they have the approval from the Conservancy. They have 6 months from tonight's date to do that or they will have to go through the Board of Zoning Appeals for a new variance – there will not be an extension offered.

With no further business, Denise Cultice motioned that we adjourn the meeting. Mark Allen seconded the motion. Voting was 4-0. 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 September 12, 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.

Meeting was adjourned at 7:10 p.m.

Respectfully submitted,

Tina Holley  
BZA Secretary

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