

# STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

## MINUTES

January 10, 2024

Chairperson Troike opened the meeting at 6:30 p.m.

### ❖ Call to order

### ❖ Pledge of Allegiance

### ❖ Roll Call

Bob Troike, Chairperson; Mark Allen, Vice-Chairperson; Denise Cultice, Executive Secretary; Gwen Rentz, Member; Jason Downs, Member; Justin Schramm, Attorney (**Absent**); (Boz) Wallace Williams, Building Commissioner; and Sabina Landa, BZA Secretary.

### ❖ Reorganization of the Board

- Chairperson – Denise Cultice made a motion to appoint Bob Troike to this position, seconded by Gwen Rentz.  
Motion carried 5-0.
- Vice-Chairperson – Jason Downs made a motion to appoint Gwen Rentz to this position, seconded by Denise Cultice.  
Motion carried 5-0.
- Executive Secretary – Mark Allen made a motion to appoint Denise Cultice to this position, seconded by Jason Downs.  
Motion carried 5-0.
- Legal Counsel – Jason Downs made a motion to appoint Justin Schramm to this position, seconded by Denise Cultice.  
Motion carried 5-0.
- Recording Secretary – Gwen Rentz made a motion to appoint Sabina Landa to this position, seconded by Jason Downs.  
Motion carried 5-0.

### ❖ Review of minutes- December 13, 2023.

- Gwen Rentz made a motion to approve the minutes as written. Denise Cultice seconded that motion. Motion carried 5-0.
- Secretary Landa stated that the public hearing for Ed & Karen Frizelis will be rescheduled for February 14, 2024. She stated that they did not have time to notify neighbors.

### ❖ PUBLIC HEARING – Benjamin Callender

Public hearing to consider a Use Variance request by Benjamin Callender, to create a zoo on a HI zoned property, on property owned by Callender Wood Work LLC, and described as follows: Pt Sw S17 T32 R3, 18.11 of acres, Parcel number **75-09-17-300-021.100-013**, located at 602 N Sheridan Ave. North Judson, IN 46366.

- Secretary Landa read the request listed above.
- All notifications were not in order.
  - Thompson Ronald P & Vicky L located at 5680 S 500 W. North Judson, IN 46366.
- Applicant Callender was present.
- Applicant Callender explained his intent.
  - He provided informative folders to the board. He stated that he gathered pages of documents of the non-profit status of the zoo. He stated that he followed up with the

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state requirements and the federal premises identification for having access to the property to build a zoo. He stated that he wants to annex his whole zoo project to the building that is currently there. He planned on taking 19 and a half acres surrounding the parking lot for exterior animal enclosures and went into furthered details on to where he wants to put the parking lot, petting zoo, fish pond, vertical farming system, a greenhouse, a loading dock and an area to put up a vendor section for small shops. He continued to state that he worked on a deal with Buffalo Wings and Rings franchise with the use of a robotic cooking arm from Miso Robotics. He mentioned that he will work with the main street construction for the unregulated ditch that is on the property, he stated that he will dig up the walkways, put in a drainage and slope it off. He mentioned that it's just for rain runoff the parking lot. He stated more details about the development according to the current AZA requirements, the association zoos and aquariums and stated that he will be going through the guidelines on the barriers, the type requirements, the ground protection, and the exterior enclosures itself. He continued to go into details with the solar project he planned to grow five different crops, he stated that he will have 1 megawatt solar array that will power the entire facility and provide for backup power. He mentioned that the New York Central Railroad station and rail line talked about putting in, and reinstalling a set of tracks to go across the zoo and a micro train from the North Judson Zoo to the railroad museum as another way of getting in and off of the property. He went on to state the capital funds and grants from different companies and is looking in getting grant funding through different organizations. He mentioned that he applied for different organizations grants in the state and had reached out to apply for the destination development grant and the tourism grant.

- Executive Secretary Cultice asked the board why would all the property not be all city.
- Member Downs answered that it was a factory way back.
- Applicant Callender stated that it all used to be one property but then it got sliced up over the years.
- Member Downs asked applicant Callender for how long he had owned the property.
- Applicant Callender answered that he fully owned it a little over a year.
- Secretary Landa stated that the board isn't able to change the zoning of the property but they can change the use of it.
- Bldg. Comm Boz asked applicant Callender where his stormwater is going to run off from his parking lot.
- Applicant Callender stated that the stormwater runs into the regulated ditch. He mentioned that the road curves on Sheridan Avenue and from that point in the curve South is the regulated city ditch and that the rest of it is considered non-regulated runoff.
- Member Downs asked applicant Callender if it's on city water, and would it be hooked up.
- Applicant Callender responded that it will be well water.
- Member Downs stated that applicant Callender will need to get electric put back there and that even with solar he will need to get electric put in there because of it being all customer owned electrical. He went on to state that the factory electric service that was once there was retired.
- Applicant Callender showed the board to where the water tower is located on the property and stated that they ran off their own water tower.

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- Member Downs stated that he had been to that property many times over the past years because of vandalism. He stated that the building caught on fire at least two or three times and a trailer had been burnt down.
- Member Downs asked applicant Callender for what he will do with the animal waste and to where'd that all will go.
- Applicant Callender responded that there is a couple of different things he will be doing and one is use the animal waste for compost material for the green house. He then stated that the additional animal waste will be removed and headed to the landfill on a weekly basis so that there will be minimal waste on site.
- Member Downs questioned about an area for storage.
- Applicant Callender stated that it would be the furthest away from the residential area. He stated that there will be a outside perimeter of it as well an employee trail. He continued to state that he is wanting trails along the backsides of the enclosures to get to the animals without going through the front.
- Vice-chairperson Rentz asked applicant Callender if he had checked into the septic information for the facility.
- Applicant Callender stated that he will have to replace the tank because of it having an old grinder pump.
- Member Downs asked applicant Callender if he was talking about the existing septic that was there and if that was ever connected to the city.
- Applicant Callender stated that nothing out in the property is connected to the city. He stated that the only thing that's connected is the gas line. He stated that at some point in time he would like to put the water tower back in, he went on to state that north of the building on the property is a high-pressure fire hydrant that predates the city water department. He is looking into the Indiana Historical Society, and get a marker to put on that fire hydrant in which would help him open up the door to get grants to replace the water tower that will be added as part of the historical value.
- Member Downs asked applicant Callender about the structures for the cages and blueprints.
- Bldg. Comm Boz stated that the existing building on the property is an unsafe structure and asked applicant Callender if he is planning on using it.
- Applicant Callender answered yes. He stated that he is working on a plan with the engineering part of it and replacing the column of the building.
- Member Downs asked applicant Callender if he has any documentation of what he is planning on doing to show that he will be getting the stuff done.
- Bldg. Comm Boz stated that the health department would want it to be commercial to have to go through state.
- Applicant Callender stated that in order for him to get the ACA accreditation, there's several things that have to take place. One he said is it has to be an established zoo for three years minimum. The second is they're going to come out, and as they build these enclosures, they're inspected by the AZA as well, to make sure that they meet all their engineering requirements. He continued to state that he will not be making up his own enclosures. He stated that they come with several standards already and can give the exact footing, blueprints for each animal based off the AZA requirement.
- Member Downs stated that its difficult since the exact animals are not being said.
- Applicant Callender stated that his plans are alterable until he has a list of what they can get or can put in while following the guidelines for each one of them.

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- Bldg. Comm Boz stated that it's hard for the board to change the use of the land without knowing what he will be changing on his plan.
- Member Downs went on and stated that for the housing part of it, it will be difficult for these exotic animals in Indiana winter.
- Applicant Callender stated that he primarily not aiming to get a bunch of exotic animals. He continued to state that he is looking at getting animals that are adapted to the weather.
- Vice-Chairperson Rentz stated that its too soon for the board to make decision without more planning.
- Applicant Callender went on to state that every animal enclosure he gets he is going to have to get a permit as well different permits through the health department.
- Member Downs asked the board who will oversee when its operating.
- Bldg. Comm Boz stated that he has no clue over a zoo.
- Chairperson Troike asked applicant Callender if he had talked to the state vet's office.
- Vice-Chairperson Rentz asked applicant Callender if he will have a zookeeper and a licensed vet on staff.
- Applicant Callender responded that he is working with an assistant professor of the department of veterinary medicine at Dukes West Philadelphia campus. He stated that he is his primary contact as far as the animal concern. He stated that he is helping him with all the state federal paperwork, and he will be overseeing the veterinarian side of the project.
- Member Downs asked applicant Callender if he currently has animals or would he buy them after.
- Applicant Callender stated that he has animals that he can take to the property once the startup opens. He stated that he has people wanting to give away their animals and some can be traded off from other zoos. He continued to state that for exotic animals it's a lot different. He stated that he can legally be able to have them until they at least meet the three-year mark and got the AZA accreditation. He stated that they've been making sure that they don't have waste running off into the rainwater so that every one of the enclosures have to have different waterways and so it doesn't seep into the groundwater. He stated that the groundwater sits at 3ft out on the property.
- Member Allen made a motion to table the request. Executive Secretary Cultice seconded that motion. Motion carried 5-0.

## ❖ PUBLIC HEARING – **Adrian Scurtu**

Public hearing to consider a Developmental Standards variance request by Adrian Scurtu, to put an accessory structure on an AG zoned parcel that is less than 10 acres without a dwelling, on property owned by Bente Calin Ioan on L/C to: Scurtu Adrian and described as follows: East Woodland Sub Lot 6. S36/T33/R1, 3.52 of acres, Parcel number **75-07-36-400-031.000-012**, located at 11650 E Toto Rd. Culver, IN 46511.

- Secretary Landa read the request listed above.
- All notifications were not in order. The following green cards did not come back:
  - Fitz Jonathan C located at 208 S Washington St. La Crosse, IN, 46348.
  - Bente Erica located 11716 East Toto Road. Culver, IN, 46511.
  - Corsei Philip located 1531 Franklin Ave. River Forest, IL, 60305.

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- Applicant Scurtu was present.
  - Member Downs asked if there is a shed on the property currently.
  - Applicant Scurtu answered yes. He continued to state that he had a metal container but was told to get rid of it. He stated that he got rid of it in the beginning of December, before the last hearing. The structure they started to build is still on the property.
  - Member Downs asked applicant Scurtu how long until he will build a house.
  - Applicant Scurtu responded in the spring. He stated that last year he wanted to build it but had some family situations where it was difficult to start the project of building the house.
  - Member Downs asked applicant Scurtu when he purchased the property.
  - Applicant Scurtu answered in 2020.
  - Member Downs asked applicant Scurtu when he started building the shed in November.
  - Applicant Scurtu stated that he bought the container first, and then a year or two later he stopped building once he got a notice.
  - Executive Secretary Cultice asked applicant Scurtu to where he plans on putting the house.
  - Applicant Scurtu responded that there was a house on the property, an old house. He went on to state that he is planning on placing the new house towards the back of the property. He stated a little closer to the woods and mentioned about using the existing septic system.
  - Executive Secretary Cultice asked applicant Scurtu if he will be using the same septic that's already been there.
  - Applicant Scurtu responded that he wants to but doesn't know if he can because he moved the house far from the existing septic system.
  - Member Downs addressed a concern to the existing shed. He stated that if the board lets him keep it and don't set a time frame of when he can build a structure then it would set the pretense that its okay to put a shed on the property without following the guidelines. He went on to state other cases like this, and stated the he needs a concrete date for when he can actually start building.
  - Applicant Scurtu stated that he would like to start it this spring. He stated that the family situation made it difficult and that he didn't do anything more after receiving the notice. He went on to state that he bought the property with a plan to build something and not just to have it.
  - Member Allen asked applicant Scurtu if he has any material there.
  - Applicant Scurtu answered no. He stated that he had things in the container but stated that once he got rid of container, he had to get rid of everything. He went on to state that he had some materials not to build the house, but had some other things but it's gone.
- Member Allen made a motion to close the public comment portion of the hearing. Executive Secretary Cultice seconded that motion. Motion carried 5-0.
- Board discussion.
- Member Downs made a motion to grant the request as presented to the board with the following stipulations;
  - a. MUST have a structure for a dwelling started by June 1<sup>st</sup>, 2024.

Member Allen seconded that motion. Motion carried 5-0.

❖ **Old Business/New Business** – None at this time.

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## ❖ **Annual Report for 2023**

- Secretary Landa read the Annual Report.
- Member Allen made a motion to accept the annual report with the corrections notated during reading it, seconded by Vice-Chairperson Rentz.

Motion carried 5-0.

## ❖ **Next Scheduled Meeting** – Wednesday, February 14, 2024 at 6:30 p.m.

## ❖ **Adjournment** – With no further business to come before the board Executive Secretary Cultice made a motion to adjourn, seconded by Member Allen. Motion carried 5-0.

The January 10, 2024 meeting adjourned at 7:45 p.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 February 14, 2024, 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.