

## MINUTES

### November 13, 2024

Chairperson Troike opened the meeting at 6:40 p.m.

- ❖ **Pledge of Allegiance-** led by Chairperson Troike.
- ❖ **Roll Call-** Bob Troike (Chairperson), Gwen Rentz (Vice Chairperson), Denise Cultice (Executive Secretary), Mark Allen (Member), Jason Downs (Member), Justin Schramm came in at 7:55 p.m. (Attorney), Wallace Williams (Boz) came in at 7:55 p.m. (Building Commissioner) & Sabina Landa (BZA Secretary).

- ❖ **Review of the meeting minutes for October 9, 2024** – Vice Chairperson Rentz made a motion to approve the minutes as written. Member Allen seconded that motion. Motion carried 4-0.

- ❖ **Public Hearing– Krzysztof & Angelika Krutul**

Public hearing to consider a Use Variance request by Krzysztof & Angelika Krutul, to set up a used car business at property owned by Stec Angelika and described as follows; Pt Nw Nw S35 T34 R1 with 19.4 acres. Parcel number: 75-03-35-100-002.200-009, located at 10115 E. 400 N. Grovertown, IN 46531.

- ❖ **Secretary Landa read the request listed above.**

- ❖ **All notifications were not in order. The following green cards did not come back;**

➤ Martin Steven Edward & Deborah Marie located 3800 N. SR 23. Grovertown, IN 46531.

- ❖ **Applicant A. Krutul was present.**

- ❖ **Applicant A. Krutul explained her intent.**

➤ She stated that her spouse, Kryzstof, wants to open up a used car business at their residence. She added that they are attempting to acquire a dealer license number in order to gain access to dealer-only options, which will enable them to buy the cars at a lower cost in order to perform minor repairs in the existing barns on the property before selling them. She stated that they must pay for title, registration, taxes, and other fees. Additionally, she stated that they are not receiving a greater deal because they are from a market where other people are also attempting to profit from it. They primarily want to accomplish one thing and that is online, thus they are not interested in setting up a dealer lot in front of our property with 10 vehicles parked there. Applicant K. Krutul stated he has no intention of advertising a car in front of the property. He added that the cars would be out back in the rear. Applicant A. Krutul stated that they have a large amount of room on the land, as well as two barns that are already there, where they would keep any kind of car that would be up for sale. She continued that the cars they are trying to sell are luxury models that might be exported to Poland. She added that the more expensive cars do not have to cost more and according to her, the more expensive cars do not have to pay more for taxes and registration. She continued to state that the cars they want to sell will either be advertised online since that is how they can reach their market, or in Europe or directly through online websites. She stated that they are not wanting a local market since it is ultimately their home that she is also concerned about who's showing up at her property.

- ❖ **Member Downs made a motion to open the public comment portion of the hearing. Vice-Chairperson Rentz seconded that motion. Motion carried 4-0.**

➤ Audience member Stone expressed her concern that the site for which they are attempting to secure a license for is zoned commercial. She continued that she did not want them to do that if it were to occur.

➤ Bldg. Comm Boz stated that they are only altering the building's usage, not the zoning.

➤ Member Allen stated that the property would return to its original use if they were to sell it because the variance does not carry.

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- Applicant A. Krutul stated that after the dealer application is approved, the next step in the process is for them to apply for an actual dealer license from the state of Indiana. This involves meeting a number of requirements, such as obtaining an affidavit form 55936, which requires the board of zoning appeals to sign a document that state the use is allowed without requesting a commercial.
- ❖ **Audience opposed of the request;**
  - Carrie Stone
  - Jim Ash
- ❖ **No one in the audience was in favor of the request.**
  - Audience member Ash stated that he lives right next to them. He added on that he disliked when he heard the term of "vehicle" and "business," as well as the idea of people from out of town visiting his neighborhood because he has family and children. He stated that he moved there 20 years ago and enjoys living in the area for the way it is today and does not want to add more people or traffic since he does not know what it will bring.
  - Audience member Stone expressed that she feels the same way. She went on to ask what the real top limit was with the vehicles.
  - Member Downs stated that they can sell up to 11 cars in Indiana without a license in a single year.
  - Chairperson Troike stated about a case that was comparable to this one.
  - Applicant K. Krutul stated that there is no reason for people to worry that it would turn into a Ford Dealership with vehicles waiting in line. He stated that if he were to start making money, sell a few cars, and demonstrate that he could manage that type of business online, he would prefer to establish himself rather than live and work in the same location. He added that he would move closer to Plymouth or Valparaiso, or anyplace with greater traffic, if his business expanded.
  - Audience member Ash stated that he doesn't want a traffic of people that they were not comfortable with and people who come from Chicago, South Bend and Michigan coming to his neighborhood.
  - Applicant K. Krutul asked Audience member Ash to where he is lives.
  - Audience member Ash responded the corner lot on SR 23.
  - Member Downs stated that Applicant K. Krutul needs the license in order to buy the cars and not open a car lot there. He continued that in order to turn around and profit from the other case that was before the board, he required the license to obtain a dealer pricing. He went on to state that he would also like to emphasize that selling vehicles is an unavoidable thing and that he should realize that even if they choose to place two cars on the road, traffic will still be there that he cannot stop.
  - Audience member Ash stated that he didn't have this information presented to him until recently.
  - Secretary Landa informed that this property does not touch the Krutul property and to that is why he didn't get notified.
  - Applicant A. Krutul stated that their neighbor to the east ended up phoning Sabina.
  - Secretary Landa stated that their neighbor on the east of the Krutul property, Lawson, called to inquire about the condition of the land next to them. She added that he was worried about it turning into a junkyard and that he just wanted to know how well the application was written. She stated that he would like to be a good neighbor and keep up with the developments with the properties next to him and talk to them when he has a chance.
- ❖ **Executive Secretary Cultice made a motion to close the public comment portion of the hearing. Vice Chairperson Rentz seconded that motion. Motion carried 4-0.**
  - Member Downs asked Applicant A. Krutul if they had any communication with the state.
  - Applicant A. Krutul explained that after describing all she had done thus far, she went over the application to determine what more needed to be done.
  - Member Downs asked Bldg. Commissioner Boz if the State handles that or if they need to obtain approval from the health department.

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- Bldg. Commissioner Boz stated that if they permit them to use the house as a septic or the restroom, it would be considered a commercial space, and the installation of the septic would require state approval.
- Member Allen and Member Downs discussed about a case that was comparable to this one.
- Audience member Ash asked applicant A. Krutul if they have any security. He added that he was also worried about potential break-ins and people entering the barn to look for the cars.
- Applicant A. Krutul stated that she and her spouse moved in five months ago and do not currently have any cameras on the property, however, they were equally concerned about the need and eager to install security cameras.
- ❖ **Board discussion.**
- ❖ **Vice-Chairperson Rentz made a motion to grant the request, as presented to the board with the following stipulations:**
  - ❖ MUST obtain a business permit within 60 days.
  - ❖ Contingent until the States approval.
  - ❖ All vehicles MUST be stored inside and can only be appointment only.
  - ❖ Non-Transferable.
  - ❖ Fee waived if needed to go in front of the BZA board.
- Executive Secretary Cultice seconded that motion. Motion carried 4-0.**
- ❖ **Old/New Business- Adam Sworden (Michael McCarthy)**
  - Secretary Landa stated that Adam Sworden sent a withdrawal letter via email in reference to the BZA decision that was tabled at the October 9, 2024 meeting. She informed the board that a motion would be required.
- ❖ **Executive Secretary Cultice made a motion to approve the withdrawal request as presented to the board. Member Allen seconded that motion. Motion carried 4-0.**
  - Secretary Landa asked the board to decide upon the next meeting's time and date.
- ❖ **Member Allen made a motion to postpone the December meeting as presented to the board. Vice Chairperson Rentz seconded that motion. Motion carried 4-0.**
- ❖ **With no further business to come before the board Vice-Chairperson Cultice made a motion to adjourn, seconded by Member Downs. Motion carried 4-0. The November 13, 2024 meeting adjourned at 7:11 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 January 8, 2025 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.**