

# STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

## MINUTES

**November 14, 2022**

Chairperson Troike opened the meeting at 6:30 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 –** October 12, 2022. After review, Mark Allen motioned to approve minutes; seconded by Denise Cultice. Voting 3-0.

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

Public hearing to consider a variance of use and/or variance from development standards request by MP Developments, LLC; Owners Mike & Pricilla Pearce to extend the existing Campground on property owned by MP Developments, LLC and described as follows: Pt N of RR NE NW S27 T34 R1 (20.67ac); Parcel number 75-03-27-500-002.000-009, located at 9415 E 500 N, Grovertown, IN 46531. Variances shall be considered pursuant to I.C. 36-7-4 et seq.

Tina, Recording Secretary reported that all notifications had been returned except one. Brian Radzinski, 9620 E 500 N, Grovertown, IN. Bob Troike, President, asked Attorney Swerden, who was representing Michael Pearce, MP Developments, LLC if he chose to go forward due to having to be re-heard if the one notification came back later in opposition. It was stated that the notice had been sent out and was also published in the newspaper. Consent given to move forward.

MP Developments, LLC's Attorney, Adam Swerden. continued by introducing himself. He stated that this was like a re-boot as he was not present for the initial hearing on September 12, 2022. They are returning tonight as they were not seeking the correct variance in September. After speaking with our Attorney Schramm, it was decided to be re-heard for the use and/or variance from development standards. EZ Kamp has been here since the 80's. His client has owned and operated it for some time now. The last few years there was the original parcel with the addition of a second parcel which has been consolidated into one parcel. Pictures have been handed out in order to see the expansion and where the additional campsites are being planned. The property encompasses the Nissen property as the pictures show. Atty went on to explain the reason for this hearing is due to the way

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the Indiana Law works since there is already a use variance for the initial property, there needs to be another special use variance as the second property is now included. At the September meeting, there was some concern from the neighbors; especially the Nissen's, in regard to their view with the encroachment of the campground. Mr. Pearce, owner of property, has spoke with the Nissen's in order to work out an agreeable solution. There had been a fence erected on her property that continued to get blown over due to the high wind in that area and was removed by Mr. Pearce under Ms. Nissen's directive. Attorney Swerden preferred not to speak for Ms. Nissen as she was present and would be given an opportunity to speak once the meeting was opened to the public. Atty Swerden offered to take any questions the Board may have at this time. He stated he cannot answer questions in regard to the meeting in September as neither he nor his client, Mr. Pearce, were in attendance. Atty stated that he can speak to the proposal that the Board has in front of them. This is an area that is identified for commercial development under the Comp Plan so there is not a better area in town for this use to be extended. It is not likely that someone who has moved over to this area in the last 30 years has not been aware there is a campground in existence. Attorney Swerden thanked the Board for their consideration and asked for a favorable recommendation on the expansion of the use so they can move forward in the Spring.

Mark Allen motioned the hearing be opened to the public; Denise Cultice seconded the motion. Voting was 3-0 in favor.

Bob Troike, President asked for those in the audience who are in favor to state their name and address and their opinion. Ms. Eleanor Harness spoke that she lives across the street and actually had originally owned the campground at one point. She is in favor of the campground and expressed they have always been a great neighbor. Janice Hughes, who currently resides with Ms. Harness, stated that she is definitely in favor as Mr. Pearce has done nothing but improve the campground since he purchased it. She stated she is totally in favor.

Deborah Huff, 9251 E 500 N., stated opposition of the expansion as it will be a lot of noise for her father, whom she lives with. She stated she thinks the owners should have come around and offered to plant tree's and/or a fence to buffer the campground expansion prior to this hearing. Mr. Pearce responded that this expansion has been tied up with the State for years so he was just waiting for clearance prior to offering up the fences and tree-lines. Ms. Huff stated she moved out here to get away from things; it was re-iterated to her that the campground has been there for almost 40 years. Mr. Pearce explained that if approved tonight that he would gladly install a fence and/or tree line.

Mr. and Ms. Stenberg, 9320 E 500 N., took the floor in opposition as they live directly across from where the expansion would be. (Across the street from Nissen residence). Their biggest complaint is the trash that blows into their yard. The area

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is wide open out there and it blows right across into their yard. They do not want more of the same, especially if the campground is adding more sites. There is already noise with the current campers and adding more sites will make things louder with dogs barking, kids screaming. The area is low which makes it difficult to drain; their water table has dropped since the campground has been there and they are worried about their property value. Their pond is lower due to the new sprinkler system the farmer installed just north of their property. The road noise and weight limits are a concern; he believes there is a sign and nothing against Mike (he owns a construction company and has several large trucks on this road), but Mr. Stenberg doesn't believe the road can take more traffic. There are no lines on the road and a hill which limits much pedestrian traffic now and he feels it will be detrimental with the use of more go-carts, bicycles, and foot traffic. He also stated headlights shine in their windows with campers coming and going from the entrance/exit on 500. The campers walk their dogs up and down the road and he hits dog feces with the mower. He is aware that the campground has a dog run but apparently it is not being used as it should. They moved out to this area to live in the country and did not wish to live next to a trailer park. He did state that the owners/managers do a great job with the area they have now but do not wish to have more of the same. Michelle Stenberg then took the floor and stated her opposition is due to the trash as she has been cleaning up toilet paper with human feces on it, tampons, pads; it blows out of the dumpster and down the road into their yard. Her biggest complaint is picking up used tampons.

Ms. Nissen was then asked to take the floor and express her opinions in regard to the variance being requested. Ms. Nissen took quite some time to respond. She stated that she and her daughter had a long talk with Mr. Pearce. They discussed their location in relation to this development. She stated that Mr. Pearce assured her that he would do whatever was necessary. They discussed a fence/tree and in speaking with Mike, he is willing to work with them and he is a very good person; would bend over backwards for you.

Bob Troike asked Attorney Swerden for any rebuttal. Attorney Swerden stated that there is only certain things Mr. Pearce can do within the confines of his property. As far as trying to address the trash, dog feces, noise, headlights; the Board, has the ability to put conditions prior to any approval that is made. What was heard was that his client will do what is necessary to fix the situations brought up. Mr. Pearce has an area within the property where there are things that can be put up to act as a catch basin – similar to things put up when there is construction; i.e., erosion to stop sediment, soil from running off the site. Mr. Pearce can investigate something that can be done to catch the trash that appears to be blowing out of the dumpster corals. As far as people walking their dogs; Mr. Swerden is not aware of any ordinance that Starke County has to prohibit that. Perhaps when people come into the park, they could sign an agreement to follow the rules within the park. Perhaps this needs to be

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reviewed within the campground office. As far as the noise and lights; again, this park has been here for 40 years, and there will be varying degrees of capacity from week to week. This area, however, is designated for commercial use and a perfect example would be if someone came in and put in a very intensive parking lot with much higher volume and simply comply with the building standards and they could have a higher volume of traffic given the size of this parcel. Therefore, not sure how to solve the lighting issue for the neighbor across the street except the current client could possibly put something on his parcel to filter the light.

Bob Troike asked if there were questions from the Board. Jason Downs took the floor and asked the Nissen's why they were against it at the last meeting, it was subsequently denied and reminded them they were not happy. Jason went on to say that the gentleman and his wife that were in attendance at the last meeting made him not want to even attend tonight's meeting since that display was unbelievable. Mr. Pearce repeatedly apologized for his Camp Manager and wife and stated that he now see's that he should have attended. Jason continued asking if there was still an issue getting approved by the State of Indiana. Mr. Pearce stated he wasn't exactly sure what was approved and not approved at this point as it continues to go back and forth with the State. Mr. Pearce continued to state that this has been ongoing for almost 5 years as when he first purchased the campground, he had always planned to expand the current campsites and figured this was just another sequence of events that he needed to go through to get this approved. Jason referred to Attorney Justin Schramm as to the 4-5 criteria this variance needed to meet from the last meeting when this variance was presented. Atty Schramm explained that the criteria that they were to meet was based on the information received at the last meeting. He stated that nothing was based on State approvals. He then went on to read from the ordinance that was included in the minutes of the September meeting and went on to describe in great detail. Ms. Stenberg then took the floor again and re-iterated her love for her property and how her sanctuary would be disturbed. Discussion then ensued amongst everyone. Ms. Stenberg stated she didn't work and loved her ability to sit and read a book in silence.

Discussion ensued again – much conversation. Boz stated that the main entrance is off of Route 30 so there is very limited entrance/exit on the other two driveways. The Board asked that possibly planting tree's/installing a fence to block lights. Jason then asked if there were any definite site plans of the property and what is planned. (Those site plans have been placed in the Board Members Binders). The # of sites is dependent upon the State approval which everyone is waiting on. Atty Swerden then went on and explained the hand out that he dispersed amongst the Board. There then was a great deal of time spent reviewing the binder handouts along with what Attorney Swerden brought.

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Jason Downs motioned to close the public hearing; Mark Allen seconded. Voting was 3-0. The Board then started discussing the variance amongst themselves again by reviewing the binder

Attorney Swerden asked what was the criteria that appeared to deny this variance at the last meeting. Atty Schramm responded with answers. Atty Swerden then again re-iterated that this campground has been here for over 40 years and the area is zoned commercial. It is a possibility that someone could come in and build or have large equipment and run a viable business. Atty Swerden explained in great detail that his area is zoned commercial and the campground is not stepping outside of any jurisdiction in order to expand.

Much discussion ensued again as to what stipulations the Board wanted to ask for. Talking and chatting was on-going amongst everyone in the room. Jason Downs stated we need stipulations and to require ongoing maintenance by Mr. Pearce.

Bob Troike, President, stated that a motion would need to be made along with the stipulations.

Conversations again resumed in regard to the roads in and out of the campground. Boz stated that by law you must have multiple entrance/exits available.

Justin Schramm stated this could be tabled if the Board needed to discuss further just how they wanted to do this.

Mark Allen motioned to table.

Jason Downs seconded

Voting 3-0

Atty Justin stated that this would not have to be re-heard. Bob asked if he could dismiss the public and Attorney Swerden stated this is a public hearing so asking the public to leave is not acceptable.

Much discussion ensued for a lengthy time. People talking over each other. Multiple conversations going on at the same time. Much discussion about the dumpsters ensued as well.

Motion was made by Mark Allen to reconvene; seconded by Denise Cultice. Voting was 3-0. The Meeting of the Board of Zoning Appeals was now back in session.

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Jason Downs motioned with due process and consideration, the Board of Zoning Appeals GRANT the request from MP Developments, LLC, with the stipulations listed below:

1. Limit access to “one way in” for the 3<sup>rd</sup> drive (west end).
2. Move dumpsters to new area to be decided with Building Inspector. (NE corner)
3. Install/erect “L-shape” 6-foot privacy fence (material to be decided by landowner) on Huff property.
4. Install/erect a U-shape 6-foot fence to border the current Nissen property. The Applicant will also plant shrubs/arborvitae between the fence and shrubbery for aesthetic purposes. Applicant will be responsible for the maintenance of both.
5. Erect additional signage for the current dog walk/Enforce usage amongst campers.

Denise Cultice seconded the motion. Voting was 3-0.

## **OLD/NEW BUSINESS**

### **Home Rule Fund**

Bob stated that this was to be brought up to the Board and discussed. He stated that it appears they are looking to placing these funds in the “Unsafe Building” Account. Unanimous discussion was that we do not want it to be froze into one account. Boz stated that we have critical needs in both offices – Planning Commission and Board of Zoning Appeals. Documents need scanned that currently are in paper form that need to be stored safely using current guidelines and to avoid a catastrophic event if there is fire or some type of destruction of the current system.

With no further business, Mark Allen motioned to adjourn, seconded by Denise Cultice. All In Favor 3-0. Meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Tina Holley  
BZA Secretary

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 December 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.