

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

MINUTES

February 14, 2024

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

❖ **Call to order**

❖ **Pledge of Allegiance**

❖ **Roll Call**

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

❖ **Review of minutes- February 14, 2024.**

- Vice-Chairperson Rentz made a motion to approve the minutes from the January 10, 2024 meeting as written, seconded by Executive Secretary Cultice. Motion carried 5-0.

❖ **PUBLIC HEARING – Tom McKeon**

Public hearing to consider an Area Variance request by Tom McKeon, to build an accessory structure 40x70 on a lot without a dwelling that is less than 10 acres in a R-3 zoned area on property owned by McKeon Thomas J and described as follows: Pt Lot 3 S13/T32/R2, 1.18 of acres, Parcel number 75-10-13-104-010.000-002, located between 5338 and 5412 E Summerholm Dr. Knox, IN 46534.

- Secretary Landa read the request listed above.
- Atty. Schramm read the area variance ordinance.
- All notifications were not in order. The following green cards did not come back:
 - De Sabatine Enterprises Inc; L/C to Clark Austin J & Heather K located at 104 S Franklin S. Winamac, IN, 46996.
 - Miller Dianna & Gomez Maria T located at 6658 Old Porter Rd. Portage, IN, 46368.
 - Sanders Janice or Sanders Claude located at 5724 S CR 210. Knox, IN, 46534
 - Dudlo Warner T located at 5412 E Summerholm Dr. Knox, IN, 46534.
 - Dillner Gabrielle R located at 5403 E Summerholme Dr. Knox, IN, 46534.
 - Tellstrom Ann M located at 5371 Sommerholme Dr. Knox, IN, 46534.
 - Swartz John A & Elizabeth R located at 5338 E Summerholme Dr Knox, IN, 46534.
- Applicant McKeon was present.
- Applicant McKeon explained his intent.
 - He states that they have one neighbor between their house and the lot they purchased. He went on and stated that he has old cars and motorcycles that he would like to store. He stated that he stored some stuff in his garage because he had nowhere else to put it. He is wanting to build a shop to keep his old antique motorcycles and some old boats and pickup trucks.

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- Applicant Stein stated that the property they purchased has 1.18 acres and is one lot away from their house.
 - Chairperson Troike asked applicant McKeon if he is in the process of removing trees.
 - Applicant McKeon responded that the only trees he wants to remove are for the structure. He is wanting to leave all the mature trees up.
 - Chairperson Troike asked applicant McKeon if he has equipment out on the property.
 - Applicant McKeon answered yes.
 - Applicant Stein stated that they are wanting to build closer to Warner, on the right side.
 - She went on to state that they are wanting to get as many trees as possible and clean the property up.
 - Applicant McKeon stated that he was going to leave all the mature trees except for where they were wanting to build.
- Vice-Chairperson Rentz made a motion to open the public comment portion of the hearing. Member Downs seconded that motion. Motion carried 5-0.
 - Audience Member Swartz stated that applicant McKeon has access through his backyard property to get to the property.
 - Audience in favor of the request: including a total of 55 signatures from people in favor. (List is included in the file.)
 - John Swartz
 - Elizabeth Swartz
 - Rachel Stein
 - Dudlo Warner
 - No one was opposed of request.
 - Member Downs made a motion to close the public comment portion of the hearing. Executive Secretary Cultice seconded that motion. Motion carried 5-0.
 - Member Downs asked applicant McKeon if they had done a soil sample to see if the lot was buildable or a perk test.
 - Applicant McKeon responded he had not yet.
 - Bldg. Comm. Boz stated they are on Bass Lake conservancy.
 - Member Downs asked applicant McKeon what their timeline would be when considering building a house.
 - Applicant McKeon answered in a year and a half. He went on to state that it would happen until the end of the summer.
 - Admin Beever stated that applicant McKeon owns a house that is one parcel over.
 - Applicant McKeon stated that he doesn't know if he will be able to put it up in the next three months.
 - Applicant Stein stated that their property and the lot they purchased are in between their neighbor houses. She went on to state that they are willing to buy a piece of property, so it's one big U-shape, just to make it work.

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- Member Downs stated that the biggest problem that they will face is that they don't have a dwelling on it, and it's undersized for the barn. He went on and asked what the square footage of living quarters would require if they built a barndominium.
- Admin Beever stated 700 sq ft.
- Applicant Stein asked if there was a certain amount for the house part and then a certain amount for the garage for living quarters.
- Member Downs stated that he doesn't think there are restrictions.
- Admin Beever asked applicant Stein how many acres they have.
- Applicant Stein answered 1.18.
- Admin Beever stated that for anything that's under two acres, you're only allowed to go two times the size of the dwelling. She went on to state that if the board forces them to put living quarters in it, then they're looking at a maximum of 2,800 sq ft of barn, just for the garage part, and 700 for the house.
- Applicant McKeon stated that they are wanting to put rooms in there.
- Admin Beever explained to the board that eventually they are wanting to build a house on that lot, which will mean they will have two dwellings on one parcel, which will be a problem.
- Bldg. Comm. Boz stated that once it is built, you have to have a firewall in between the pole barn and build it like somebody will be living in there.
- Admin Beever went on to state that for this scenario, they don't have to ask permission for them to build it.
- Member Downs made a motion to deny the request. Member Allen seconded that motion. Motion carried 5-0.

❖ PUBLIC HEARING – Sutton/Dean McIntosh

Public hearing to consider an Area Variance request by Dean McIntosh, to build an accessory structure 12x20 on a lot that will be too close to the rear property line in an R-3 zoned area on property owned by Sutton Michael D Living Trust and described as follows: Lake Forest 3rd Lot 47 S1/T34/R1, 0.16 of acres, Parcel number 75-03-01-403-007.000-009, located West of 8476 N Tippecanoe Dr. Walkerton, IN 46574.

- Secretary Landa read the request listed above.
- All notifications were not in order. The following green cards did not come back:
 - Chick Danny M & Rita M Trust located at 8471 N Tippecanoe Dr Walkerton, IN, 46574.
- Applicant McIntosh was present.
 - He went on to state that the homeowners are wanting to put up a storage shed. He stated that he didn't realize that it was 10 feet back from their property, which is not on the lake or anything, and that the state owned and behind them. He stated that it's a moveable shed and that it's not bigger than 100 sq ft. He went on to state that the back of the shed will be about 6 feet away from the property.

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- He stated that the front of the building will be sitting at 3 feet from the rear property line where the state owns the preserve. He stated that the neighbors, Danny and Rita Chick are on vacation, so that is why there was no notification from them.
- Bldg. Comm. Boz asked applicant McIntosh how far away he would have it from the other shed.
- Applicant McIntosh responded with a couple of feet.
- No one in the audience was in favor or opposed to the request.
- Chairperson Troike stated that it's not going to be inducive to any neighbors.
- Executive Secretary Cultice asked applicant McIntosh if he was coming in with electricity.
- Applicant McIntosh responded that there is electricity in the garage.
- Member Downs asked applicant McIntosh if he could slide the shed back into the garage a little bit.
- Applicant McIntosh stated that it would be on the back side. He went on to state that it would still end up that way.
- Board discussion.
- Member Allen made a motion to grant the request. Executive Secretary Cultice seconded that motion. Motion carried 5-0.

❖ PUBLIC HEARING – **Ed & Karen Frizelis**

Public hearing to consider an Area Variance request by Edward & Karen Frizelis, to add an accessory structure that would be greater than 2 times ground floor print of the dwelling on a parcel less than 2 acres with a height of 27ft in an R-3 zoning, on property owned by Frizelis Edward J & Karen Lynn and described as follows: Boa Shores Lots 11-19 Blk 13. S6/T/R, 0.53 of acres, Parcel number 75-11-06-304-096.000-008, located at 3854 S Boa Dr. Knox, IN 46534.

- Secretary Landa read the request listed above.
- All notifications were in order.
- Applicant Frizelis was present.
 - He wants to build a workshop at the south end of his home. He states it will be a stick built 42 feet wide and 60 feet deep. He went on to state that it would be a storage garage with a bathroom. He stated that when they are retired, he will be able to move out there in June and have a place to spend time working. He continued to state that the height will be 27 feet, which is comparable to what he has currently in their house. He clarified, stating that it would be measured from the front of the structures because the structure would be sloping. He stated that the land slopes, so he is going to put a small basement underneath it. He stated that he wants to follow all setbacks so there is space between the two buildings. He mentions that drainage won't be an issue because they will not be changing the elevation.

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- Member Downs asked applicant Frizelis if he's worried about the height going from where the basement is and where the overhead door is to the peak there.
- Applicant Frizelis stated that what he likes to do is measure from the front of the elevation to the top since it's going to be sloping downward. He stated that the back of the property would be a little taller than 27 feet.
- Audience in favor of the request:
 - Richard Shirley
- No one in the audience was opposed to the request.
 - Bldg. Comm. Boz asked applicant Frizelis how far they think it's going to be from the ground after it goes down that hill to the peak.
 - Applicant Frizelis answered that he would gain another 7 feet.
 - Member Downs asked applicant Frizelis if he would be doing a 7-foot by 9-foot door down there.
 - Applicant Frizelis responded a little wider.
- Member Downs made a motion to close the public comment portion of the hearing. Member Executive Secretary Cultice seconded that motion. Motion carried 5-0.
 - Bldg. Comm. Boz stated that the height is supposed to be 25 feet, but he will be going 37 feet.
 - Member Downs asked if they could do a two-story.
 - Bldg. Comm. Boz responded that it's basically the accessory building because it's 25 feet off the line, 15 feet, so the board can give him the 25 feet in front, but they have to go with the max. He stated that if he drops the building down with that slope, the board can work with that.
 - BZA Secretary Landa stated that for an accessory structure, the building side has to be 3 feet from the parking line with a 25-foot height.
 - Admin Beever stated that if they're going to be right up on that property line, and if it was 18 feet, they could be as close as 3 feet to that property line, but since they are wanting to go taller than that. They need to have at least a 15-foot side yard.
 - Applicant Frizelis stated that his house is currently about 27 feet high.
 - Admin Beever went to state that the variance is not only for the height; it will also be for the size and square footage since it is still subdivided into small lots.
 - Member Downs asked Applicant Frizelis if the ceiling height for the lower level would be 7 feet.
 - Applicant Frizelis replied 7 feet and 8 inches. He went to state that it's got to be more than 6 and a half because he wants to put it in a door.
 - Member Downs asked Applicant Frizelis what the pitch would be on the roof upstairs.
 - Applicant Frizelis stated 6ft x 12ft.
 - Member Downs asked Applicant Frizelis how wide the building would be.
 - Applicant Frizelis states 42. He went on to state that it would be stick-built.

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- Bldg. Comm. Boz asked applicant Frizelis if he had heard that having a bathroom was a new thing with Bass Lake, where they charge for another tap to have a bathroom in it.
- Applicant Frizelis asked if even if it goes to the current sewer.
- Bldg. Comm. Boz went on to state that if you build a pole barn and put in a bathroom, you will get charged for another tap. He stated that the first of the year it had become a code of law.
- Member Downs stated that off the total height, they should change the pitch of the roof just to get the height down.
- Applicant Frizelis stated that he is trying to match the style to the house. He went on to state that he knows he can't do 12/12. He continued to state that he is doing 6/12, but he doesn't want it to look like a pole barn.
- Member Downs stated that if he could take it down a few feet, that would help. He went on to state that he understands that they don't want it to look like a pole barn and suggested adding stone around the outside.
- Applicant Frizelis asked the board if it would be okay if he dropped the maximum height to 25 feet.
- Bldg. Comm. Boz answered no. He went on to state that they have to go by the back part to the highest point out of the ground. He stated that if he goes at 27 feet, it wouldn't be a big deal.
- Member Downs stated that if he put a retaining wall on that one corner, he could probably do that.
- Applicant Frizelis asked Member Downs if he had to put a retaining wall across the whole back of the building.
- Member Downs responded yes. If going by the picture applicant Frizelis presented the board, he put it off that corner. He went on to state that if he put a retaining wall off to that corner and then backfilled the whole end, it would technically be the same height at that side.
- Applicant Frizelis asked the board if it would be acceptable if he put a hip roof on there and lowered the back end down to the eve.
- Member Downs responded that you have to do that on the front too. He went on and asked if he was more willing to put a retaining wall and backfill in.
- Applicant Frizelis stated that he would get into drainage issues. He stated that the water is going to be deflected into the neighbor across the yard in the corner of her yard because the natural flow right now is through the back corner. He stated that there is a creek on the other side, towards another neighbor property.
- Applicant K. Frizelis asked the board how there were some huge and tall pole barns that had been put up last year.
- Member Downs answered that he doesn't think there have been any in the last two years because the board has turned down a lot.
- Applicant K. Frizelis stated that she would be fine with the 6/12.
- Member Downs asked applicant Frizelis what's the height of the inside of the upper level of the pole born, ceiling at the wall.

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- Applicant Frizelis answered 15.
- Bldg. Comm. Boz stated that as long as the highest point to the ground doesn't go any more than what the board is going to allow tonight.
- Member Allen made a motion to close the board discussion portion of the hearing. Member Downs 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. Maximum height **MUST** be 27ft or less for a 42 x 60 accessory structure.
- ❖ Vice Chair-person Rentz seconded that motion. Motion carried 5-0.

- ❖ **Old Business/New Business** – None at this time.
- ❖ **Next Scheduled Meeting** – Wednesday, March 13, 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 February 14, 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 March 13, 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.