

MINUTES

April 10, 2024

Chairperson Troike opened the meeting at 6:30 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 (Attorney), Wallace Williams (Boz) (Building Commissioner) & Sabina Landa (BZA Secretary).
- ❖ **Review of the meeting minutes for** – Vice-Chairperson Rentz made a motion to approve the minutes as written. Member Downs seconded that motion. Motion carried 5-0.
- ❖ Bldg. Commissioner Boz stated that there is an audience member named Melissa Soltis who came in front of the board and was told that their land is good enough the way it was and that it could be split in half, an acre and must have 100 foot of road frontage. He went on to state that since then they've been cleaning the land off and getting prices for houses, the ordinance changed to where you need 150 feet of road frontage. He continued to state that the planning commission would want it to go through the BZA for a variance, but they first want to see if the board will waive their fee to be heard since the ordinance had been changed.
- ❖ Vice-Chairperson Rentz made a motion to waive the fee. Executive Secretary Cultice seconded that motion. Motion carried 5-0.
- ❖ **PUBLIC HEARING- Martin Salerno**
Public Hearing to consider an Area Variance request by **Martin Salerno**, to build 42x72 pole barn accessory structure on a lot without a dwelling that is less than 10 acres in an AG zoned area, on property owned by Salerno Development LLC and described as follows: Pt Ne Nw S32 T32 R1 with 3.04 of acres, Parcel number 75-11-32-100-003.200-008, located at 750 E, across the street from 8140 S 750 E. Monterey, IN 46960.
 - Secretary Landa read the request listed above.
 - All notifications were not in order. The following green cards did not come back:
 - Hooker, Terry L & Angela located at 8035 S 750 E. Monterey, IN 46960.
 - Atty. Schramm read the area variance ordinance.
 - Applicant Salerno was present.
 - Applicant Salerno explained his intent.
 - He stated that he has 3.04 acres and understands that he does not have 10 acres to put an accessory structure on his property. He went on to state that he is a car enthusiast, and he has always had cars and would like to put the structure up so he can put all of his cars underneath one building. He stated that it will primarily be for storage and to keep them in shape. He stated that for the size of the building, he has a 40-foot trailer he would want inside the building too. He received a letter of approval stating that he had a site improvement of a gravel driveway and that the trees had been cleared out, in hopes of putting the proposed pole barn up on his property.
 - Member Downs asked applicant Salerno when he purchased the piece of property.
 - Applicant Salerno stated August of 2022.

- Member Downs asked applicant Salerno if he is still a resident in Illinois.
 - Applicant Salerno stated that he resides full-time in Illinois and have been to car shows in Monterey, Culver and Plymouth. He went on to state that he would want to be able to keep the cars in Indiana and still go to the car shows. He stated that it had been very difficult to find small tracks of land and that this particular property he couldn't afford to buy in Illinois.
 - Member Downs stated that the board doesn't have a problem with how it's zoned agricultural. He went on to state that the problem is that the lot is not big enough. He continued to recommended two options, it either needs to be 10 acres or he will have to put up a type of building with living quarters.
 - Chairperson Troike stated that the board would like to see them put in living quarters in it with the square footage of a bathroom and a bedroom.
 - Executive Secretary Cultice asked applicant Salerno if there is any more property around that he could purchase.
 - Applicant Salerno stated that it's not in his interest. He went on to state that he had done everything. He mentioned getting the certified letter out to the adjoining properties, and said that if they were objecting to this build then they would've heard something back
- Audience in favor of request: Joseph Vidmar (In favor letter in file).
 - No one in the audience is opposed to the request.
 - Audience member Stewart stated that he builds buildings all of the time and putting living quarters will double the price of that building so it will go from somewhere 140 to 300 in that neighborhood.
 - Member Downs went on and stated that the easement he would have to follow up on the building as far for the requirements, a restroom, bathroom and kitchen.
 - Audience member Montgomery stated that applicant Salerno is only going to use it in the summer during the car shows, so that he doesn't have to trailer things back and forth to Illinois. She went on to state that it will be going in and out, Monday through Friday and that it won't be bothering the neighbors.
 - Member Downs stated that there was a lot of stuff done before there was ordinances put in place.
 - 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 questions to the applicant.
 - Board discussion.
 - Member Allen stated that there's people wanting to put pole barns up every year. He went on and stated that it's nothing personal that he wants to put his cars in.
 - Member Downs stated that the board gets variances once a month and the board suggest them putting in living quarters.
 - Member Allen went on and explained that if it was done with a farmer that's got hundred and some acres the board would have approved the pole barns up because of their big equipment, but the ordinance was wrote because people were just putting pole barns on 2 acres properties for storage. He continued to state that all these storage buildings don't develop the county really well so when the planning

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

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- commission made that decision, they were looking at what they would like to see. Therefore, that's why it became an issue with people putting up pole barns.
- Executive Secretary Cultice asked Audience member Montgomery how much property she has.
 - Audience member Montgomery answered that it's a one single family home that is half acre.
 - Executive Secretary Cultice asked Audience member Montgomery if there's an option of putting that building up on her property.
 - Audience member Montgomery answered no.
 - Member Downs asked applicant Salerno if he was aware of the ordinance when he purchased the property.
 - Applicant Salerno answered no.
 - Member Downs stated that the ordinance has been in effect way before he purchased the property.
- Executive Secretary Cultice made a motion to deny the request. Member Downs seconded that motion. Motion carried 5-0.

❖ **PUBLIC HEARING- David Laidlaw**

Public Hearing to consider an Area Variance request by **David Laidlaw**, to build an addition on to the east side of the dwelling that will be 4ft from the property line with the overhang and per district restriction it needs to be 5ft from the property line, on property owned by Laidlaw David A Living Trust & Laidlaw Debra A Living Trust and described as follows Woodland Pk Lot 11. S12/T34/R1, 0.10 of acres, Parcel number 75-03-12-103-060.000-009, located at 11082 Pottowatomie Trail Walkerton, IN 46574.

- Secretary Landa read the request listed above.
- All notifications were not in order.
 - Wentland, Christopher John & Amanda Jeanne/Wentland, Christopher & Wentland, Mark located at 15037 S 21st Place. Phoenix, AZ 85048
 - Nightingale, Charles G & Collings Gina M located 11069 E. Pottowatomie Trail S. Walkerton, IN 46574.
- Atty. Schramm went ahead and informed applicant Laidlaw that he can have a rehearing since all notifications weren't in order.
- Applicant Laidlaw was present and proceed with the hearing.
- Applicant Laidlaw explained his intent.
 - He stated that he is a full time resident now in Starke county and is requesting a variance on a home variance of 1 foot. He stated that he is looking to expand outward 5 and a half feet and to his understanding the overhang has to be included in that measurement so that it makes it 6 and a half feet. He went on and stated that he currently has 10ft, eight inches to the property line so that is why there's request for variance of 1ft. The addition will allow them to add in a bathroom with a bathtub which they do not have and also provide them an opportunity to add a laundry room into the home.
 - Member Downs asked applicant Laidlaw after looking the original property line if the existing structure is encroaching the property line or is the eve five foot off, because of the 5ft from existing property line

- Applicant Laidlaw said that the west side there is 5ft and the existing eave on the house is overhanging 3ft.
- Bldg. Commissioner Boz asked applicant Laidlaw if that's just a porch or a deck.
- Applicant Laidlaw answered that it's just an overhang over a deck.
- Bldg. Commissioner Boz stated that the board doesn't count that part of the dwelling.
- Applicant Laidlaw stated that all of the decking that's on the house now on the west side is being removed to allow the five and half-foot new addition, which came to be because of the bathroom.
- Member Downs asked Bldg. Commissioner Boz if another variance is needed for that side too.
- Bldg. Commissioner Boz answered no. He stated that the setbacks are what's different in which applicant Laidlaw is asking for. He stated as long as he is keeping everything on this one side because he is just wanting to put an addition on that side of the house. He went on and asked applicant Laidlaw if there are stakes and if it was surveyed on that side.
- Applicant Laidlaw said that there are flags and has yellow caps.
- Member Downs made a motion to close the public comment portion of the hearing. Executive Secretary Cultice seconded that motion. Motion carried 5-0.
- Board questions to the applicant.
 - Member Downs stated that he has concerns with it not being done by a new surveyor.
 - Vice-chairperson Rentz asked Applicant Laidlaw if they have a copy of the recorded survey.
 - Applicant Laidlaw answered no.
 - Bldg. Commissioner Boz stated that it may not be recorded either.
 - Vice-chairperson Rentz went on to state that it's not a law to record it.
 - Member Allen stated that there's already a deck there and it's right up to that point where he's going to put the addition and when he removes the deck. He continued to state that it's going to be the overhang that's going to be the issue since the deck sits there as the picture is shown.
 - Bldg. Commissioner Boz stated that he is concerned with the actual survey. He went on to state that he would be fine as long as there is a current survey done.
- Member Downs made a motion to grant the request, as presented to the board with the following stipulation:
 - a. MUST be surveyed.

Executive Secretary Cultice seconded that motion. Motion carried 5-0.

❖ **Old Business/New Business**

- None at this time.
- ❖ With no further business to come before the board Member Allen made a motion to adjourn, seconded by Executive Secretary Cultice. Motion carried 5-0. The April 10, 2024 meeting adjourned at 7:20 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 May 8, 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.