

MINUTES
June 12, 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 ABSENT** (Vice-Chairperson), Denise Cultice (Executive Secretary), Mark Allen (Member), **Jason Downs ABSENT** (Member), Justin Schramm (Attorney), Wallace Williams (Boz) (Building Commissioner) & Sabina Landa (BZA Secretary).
- **Review of the meeting minutes for** – Member Allen made a motion to approve the minutes as written. Executive Secretary Cultice seconded that motion. Motion carried 3-0.
- **PUBLIC HEARING - Gary Peck**
Public hearing to consider area variance request by **Gary Peck**, to replace the second dwelling on the property with one that will be 100 sqft larger on property owned by Peck Gary A & Barbeth and described as follows: Andersons 2nd Ex Pt Lot 1 Blk 2. S12/T34/R1, 0.19 of acres, Parcel number **75-03-12-204-022.000-009**, located at 11912 E 750 N. Walkerton, IN 46574.
 - Secretary Landa read the request listed above.
 - All notifications were not in order. The following green cards did not come back.
 - Horecky Brian E located at 11927 E. 750 N. Walkerton, IN 46574.
 - Tuttle Rachel located at 11875 South St. Walkerton, IN 46574.
 - Secretary Landa explained why the applicant was before the board.
 - Atty. Schramm read the area variance ordinance.
 - Executive Secretary Cultice made a motion open to the public portion of the hearing. Member Allen seconded that motion. Motion carried 3-0.
 - Applicant Peck was present.
 - Applicant Peck explained his intent.
 - He went on to state that the original home that is currently there is a structure that was built in 1930. He stated that it had outlived its ability for them to inhabit. He stated that his family had expanded, and with six grandchildren all under the age of five, he felt that it was necessary to take this action with the kids visiting. He went on to state that he considered rebuilding the structure from within, but it was block foundation that was starting to crumble. He stated that the original wallboard and some of the paneling have mold behind them, and the roof is substandard. He went on to state that he is wanting to replicate it just by downsizing the square footage; but that he is asking to extend the overhang for the placement of gutters.
 - Bldg. Commissioner Boz asked audience member Montgomery if it would be built by the property lines.
 - Audience member Montgomery stated no. He stated that he would be putting it back where it currently is. He stated that the little bump on the back would be removed. He went on to state that he would like to put a little bit more overhangs on it. He thinks it will be a 6-inch overhang.

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- Audience in favor of the request:
 - Roger Holston
 - Josiah Klinedist
 - Anthony Holston
 - Earl Horecky
 - No one in the audience was opposed to the request.
 - Board questions to the applicant.
 - Bldg. Commissioner Boz stated that as long as applicant Peck makes the required setbacks, he should be good.
 - Audience member Montgomery stated that in between the garage and the main house, it will be 14 feet. He went on to state that the owners did say that they had to move it closer to the main house, they would be fine with that too.
 - Bldg. Commissioner Boz stated that he is fine with it as long as it's in the same footprint.
 - Audience member Montgomery asked the board if they could allow the owners to put the roof in toward the roadside.
 - Bldg. Commissioner Boz asked if applicant Peck was far from the center of the road.
 - Member Allen answered no and said that there's no way for it to be since he went to the property.
 - Member Allen made a motion to close the public comment portion of the hearing. Executive Secretary Cultice seconded that motion. Motion carried 3-0.
 - Board discussion.
 - Executive Secretary Cultice made a motion to grant the request. Member Allen seconded that motion. Motion carried 3-0.
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- **PUBLIC HEARING- Anna Krzemien**
Public hearing to consider area variance request by **Anna Krzemien**, to place a 28x40 garage on a corner lot only 28' & 18' from the center of the road in an R-3 zoned area, on property owned by Krzemien Jan P & Anna and described as follows: Pt Lot 5 Se Sw Tract D. S7/T32/R1, 0.73 of acres, Parcel number **75-11-07-304-025.000-008**, located at 4987 S. Cranberry Ln. Knox, IN 46534.
 - Secretary Landa read the request listed above.
 - All notifications were in order.
 - Secretary Landa explained why the applicant was before the board.
 - Atty. Schramm read the area variance ordinance.
 - Executive Secretary Cultice made a motion to open to the public portion of the hearing. Member Allen seconded that motion. Motion carried 3-0.
 - Applicant Krzemien was present.
 - Bldg. Commissioner Boz stated that he doesn't know much about the talking applicant Krzemien had with Nipsco and with Jason Downs. He stated that the biggest deal is the garage.
 - Applicant Krzemien stated that she had already made arrangements to pay for the post to be moved.

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- Bldg. Commissioner Boz stated that it was one of the stipulations that they had gotten from the board. The stipulation was for the utility pole to be moved before it was built.
- Applicant Krzemien stated that she had the variance approved back in 2021 and had no idea that there was an issue with the setback, and she found out the permit was expired. She went on to state that they sent her a permit, but she was unable to build a garage.
- Bldg. Commissioner Boz stated that applicant Krzemien has never gotten a permit. He went on to state that she got approval from the board and had six months to obtain a permit. He stated that she had not done that. He went on to state that he found other issues, and then they put a stop to it.
- Applicant Krzemien stated that she is willing to pay for Nipsco to move the utility pole so she can build a garage.
- Bldg. Commissioner Boz informed the board that at one time the board approved a variance of 8 feet.
- Member Allen stated that the utility pole was the problem.
- Bldg. Commissioner Boz stated that if she had built it now she would've been building underneath the high line wires and Nipsco has a problem with that. He stated that he would like to see where the wires will be moved.
- Applicant Krzemien stated that she was going to pay them but didn't want to pay it without knowing that she won't get the variance granted. She went on to state that all she has to do is schedule for them to come out and move it, pay for it and inform the board as long she is able to get the variance.
- Applicant K. Krzemien stated that one of the major issues in the original planning for the garage was the distance of the building from the utility pole because it could have been within certain parameters. He stated that there was a main guide wire that was attached to the utility pole and wondered if it could be removed. He went on to state that he met with Nipsco just to get everything the way it should be, just so that it could be as far away from the building as possible so there are no wires overhanging next to the roof.
- Applicant Krzemien stated that she would want the utility pole moved.
- Bldg. Commissioner Boz asked applicant Krzemien if she is still asking for the setback at 8 feet only from the road.
- Applicant Krzemien answered yes. She stated that she would have the utility pole moved. She stated that she had Nipsco come out several different times, and he had come out and stated that as long as the utility pole is moved, then they should be fine.
- Bldg. Commissioner Boz stated that the last time he heard from them was when they were getting an attorney, and so Jason Downs backed out and no longer wanted to talk if there was an attorney involved.
- Applicant Krzemien stated that it had nothing to do with the Nipsco code or county.
- Applicant K. Krzemien stated that the title company failed to disclose any of the information about the utility pole being within property lines or within the property, so that was the major issue. He stated that no one wanted to speak to them unless he had some type of lawyer. He stated he didn't want to but had been pressed to go forward with it.

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- Applicant Krzemien stated that when she bought the property, she had it surveyed and mentioned of having a copy of it with her. She went on to state that they confirmed that there was no easement.
- Bldg. Commissioner Boz stated that when the board granted her the variance to place it there, there had been an issue with the high-line wire 8 feet from the road. He went on to state that it's up to Nipsco if the high-line wire gets moved.
- Applicant Krzemien stated that Jason Downs was the one who told her if she got it moved, then she wouldn't have an issue, but she would have to apply for a variance.
- Applicant K. Krzemien stated that when he spoke with Jason Downs about how they would be planning to move the utility pole. He went on to state that he'll be moving it far past the corner, almost getting into the gravel road, and even when he told Jason Downs that he would be going in for a variance for 8 feet from the side and the bottom, he said it might even be overkill as long as they get it far away from the corner. He stated that even with the overhangs, the overhang came to the very peak of the corner, and the way the utility pole is going to be placed in that corner of that street, it would still be clear for any type of overhang.
- Bldg. Commissioner Boz asked if it's just one utility pole that is getting moved.
- Applicant K. Krzemien responded yes. He stated that he's only asking for 8ft just so that they won't be too close.
- Member Allen made a motion to grant the request, as presented to the board with the following stipulation:
 - a. MUST move the utility pole that is currently on the property.

Executive Secretary Cultice seconded that motion. Motion carried 3-0.

Old Business - Roger Holston:

Member Allen made a motion to open the public comment portion of the hearing. Executive Secretary Cultice seconded that motion. Motion carried 3-0.

- Roger Holston presented the board with a drawing and stated that the last time he spoke to the board, it was difficult to understand because of the wrong measurements. He stated that he would be 20 feet off the side of the road and 30 feet from the center. He stated that he's right where everyone else is, mentioned a tree on the property, and stated that it's only 5 feet from the road. He stated that the concrete pad will be further than 24 feet. He went on to state that he won't have any access from that street, and will still be 20 feet back and 30 feet from the center. He stated that he would conform to the neighborhood rules.
- Executive secretary Cultice asked Applicant Holston if he would access off of 23.
- Applicant Holston answered no. He stated that he has a parking lot currently there and will be using it.
- Bldg. Commissioner Boz stated that he went over to the property and verified the measurements. He said that it was 30 feet from the center of the road, and the best he

could get was off was an angle. He went on to state that this was the reason for him getting a variance. He asked applicant Holston if it would be personal or commercial.

- Applicant Holston stated that he doesn't know yet. He stated that he is looking forward to the variance first and will decide on that later.

Member Allen made a motion to approve the request as presented to the board. Executive Secretary Cultice seconded that motion. Motion carried 3-0.

Old Business - Daniel Miron:

He went forward to the board and talked about the stipulation that was made on December 13, 2024. He stated that the fence has to be a minimum of 6 feet. He asked the board if he could use a trailer wall for it.

- Bldg. Commissioner Boz stated that Applicant Miron is wanting to park trailers around the property and use that as a wall instead of a fence. He went on to state another case quite similar, where it was granted with stipulations only if the trailers are licensed or registered.
 - Member Allen stated that the board can't do anything if they are registered and licensed.
 - Applicant Miron stated that with the fence idea for the walls he will take the tires off of the trailers.
 - Bldg. Commissioner Boz stated that applicant Miron will end up getting more storage and everything else out on the property. He explained to applicant Miron that the board is allowing him to have so many vehicles.
 - Atty. Schramm asked if the six months had run out and stated that what he is proposing is a material change to the variance requested. He asked if the board would publish this as a public hearing tonight or if it would continue.
 - Member Allen stated that all that the board can do is continue.
 - Atty. Schramm stated that if he is wanting the change from his variance requested, then he would have to reapply because if it gets granted tonight, then somebody can overturn the decision of the board because it wasn't part of the original publication. He stated that the board can waive their fee, but they should apply for a new variance because it's a material change to the stipulations and it would need to be put out in public. He stated that the board can give an extension of time to get the permit if they choose and stick with the original stipulations, and if they want to change a stipulation, he would have to apply for a new variance with a new hearing.
 - Applicant Miron stated that he would go ahead and stick with the extension time for the fence.
 - Chairperson Troike stated that applicant Miron would need more time to put up the fence but cannot give him permission to use trailers for the fence.
- Executive Secretary Cultice made a motion to grant the request to approve a 90-day extension from the previous variance that was granted initially on December 13, 2023.

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Member Allen seconded that motion. Motion carried 3-0.

- With no further business to come before the board Member Allen made a motion to adjourn, seconded by Executive Secretary Cultice. Motion carried 3-0. The June 12, 2024 meeting adjourned at 7:10 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 August 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.