

MINUTES
JULY 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 ABSENT (Executive Secretary)**, Mark Allen (Member), **Jason Downs ABSENT (Member)**, Justin Schramm (Attorney), **Wallace Williams (Boz) (ABSENT until the first request listed) (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 Allen seconded that motion. Motion carried 3-0.
 - Bldg. Commissioner Boz came in at 6:33 p.m.
- ❖ **PUBLIC HEARING: Melissa Soltis**
Public Hearing to consider an area variance with a developmental standard request by **Melissa Soltis**, to split a piece of property to build a dwelling on that will be less than 2 acres, on property owned by Soltis Melissa D and described as follows: Pt E 1/2 Ne S12/T32/R3, 2 acres, Parcel number: **75-09-12-200-015.000-013**, located at 4335 S Range Rd. North Judson, IN 46366.
 - 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 of variance ordinance.
 - Vice-Chairperson Rentz made a motion to open the public comment portion of the hearing. Member Allen seconded that motion. Motion carried 3-0.
 - Applicant Soltis was present.
 - Applicant Soltis explained her intent.
 - She stated that she was told that she had enough property in October 2022 and went on to start with the soil test. She stated that the soil test passed, gotten the property flattened and tried to do it first on her own, but it took longer than she expected. She stated that she is doing all of this for her son and daughter-in-law because she would like her son to be next to her.
 - Audience in favor to the request:
 - Brian Soltis
 - Brittney Soltis
 - No one in the audience was opposed to the request.
 - Member Allen stated that he thought the board had already approved Applicant Soltis to what she is wanting to do.
 - Secretary Landa stated that the board had already made their decision for Applicant Soltis but couldn't follow through with it without a public hearing and notifying the adjoining neighbors.
 - Member Allen made a motion to grant the request. Vice-Chairperson Rentz seconded that motion. Motion carried 3-0.

❖ **PUBLIC HEARING: John Battistoni**

Public hearing to consider an area variance with a developmental standard request by **John Battistoni**, to make multiple splits and build accessory structures on each new split for storage purposes, on property owned by Battistoni John C & Vitalija Trust and described as follows: Pt N 1/2 Se S12/T34/R1, 21.8 of acres, Parcel number **75-03-12-402-001.000-009**, located at 1200 E. Walkerton, IN 46574. (East of 7315 N. 1175 E. Walkerton, IN 46574).

- Secretary Landa read the request listed above.
- All notifications were not in order. The following green cards did not come back:
 - Rochowicz Richard A located at 3455 W 111th St #306. Chicago, IN 60655.
 - Johnson Terrance M located at 11985 E South St. Walkerton, IN 46574.
 - Iroquois Valley Farms LLC located at 708 Church St. Evanston, IL 60201.
 - Schroeder Rod G & Kelly L located at 68901 Ironwood Rd. Bremen, IN 46506
 - Koontz Lake Regional Sewer District located at PO Box 204. Walkerton, IN 46574.
 - Pearse Steven T; Pearse Thomas B; Pearse Jeffrey E & Pearse Tyler J
 - Shei David M & Debra L located at 11845 E South Ave. Walkerton, IN 46574.
- Secretary Landa explained why the applicant was before the board.
- Applicant Battistoni was present
- Applicant Battistoni explained his intent.
 - He is wanting to split his lot into sections for storage pole barns. He stated that there would be no sewer, water, or even electricity. He stated that there are many people around the lake who have nice homes who need more storage. He went onto state that he has retired from doing concrete for 54 years and is looking into keeping himself busy as he builds one at a time.
- Bldg. Commissioner Boz asked applicant Battistoni why he needed to split the lot and if it was just storage units that he is wanting to build.
- Applicant Battistoni stated that it will be individual 30x40 foot pole barns on a 50x 125 foot lot.
- Vice-Chairperson Rentz asked if the lot size would eventually be big enough to put a house on.
- Applicant Battistoni stated no. He stated that it would just be for storage. He went on and presented the board with a picture of the lot and stated that there is a sewage treatment facility where it would be undesirable for homes. He stated that it'd be an ideal area for storage.
- Member Allen asked if there was a split-off or subdivision.
- Applicant Battistoni stated that somebody else had done that in the past. He stated that he thinks that they realized how much sewer and water there will be before the sewage treatment facility.
- Chairperson Troike asked applicant Battistoni what the rest of the lot would be.
- Applicant Battistoni stated farm land.
- Member Allen made a motion to open the public comment portion of the hearing. Vice Chairperson Rentz seconded that motion. Motion carried 3-0.
- Audience member Kapers stated that he's not in favor of or opposed to the applicant, Battistoni request. He stated that his concern is if they don't end up being a building for

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only storage purposes. He went on and asked the board how he will be able to do that if it is within such a distance from his property in order to put up pole barns on that lot.

- Bldg. Commissioner Boz stated that is why applicant Battistoni is here. He stated that if you live at the lake and you own property across the road, then the board will allow that. He stated that as long as it's connected to your crossroads, its allowed. He continued to state that if he's dividing this up and somebody on the other side of the lake wants to have a pole barn, they can if the variance goes through with the board. He asked applicant Battistoni if he had planned on selling them off.
- Applicant Battistoni stated that the plan is to build it and sell it to somebody who needed one. He stated that he keeps his property clean and went on to state that there won't be an issue about the maintenance for the pole barns being built on sectioned off lots.
- Audience Member Kapers stated that if he's selling them, that doesn't mean that the other person is not going to keep it up.
- Applicant Battistoni stated that there would be an agreement.
- Bldg. Commissioner Boz stated that the board doesn't enforce covenants.
- Atty. Schramm stated for the sake of argument for applicant Battistoni request he can build 15 pole barns without needing to split them individually as long as they follow the required setbacks and lease them out just from them being on one parcel.
- Bldg. Commissioner Boz stated that the issue for this is the splitting into small lots for the storage buildings. He stated that it would be an issue if he parceled them off. He stated that on any 10 acres, you can build an accessory structure without a dwelling as long as it doesn't cover so many square feet of the property.
- Chairperson Troike stated that the requirement is that if it's less than 10 acres and they want a pole barn building, it's supposed to have residential dwellings on it and has to have so many square feet of living space and a bath room.
- Applicant Battistoni presented the picture to the board and stated that he lives right in the center and that it is his backyard.
- Chairperson Troike stated that breaking them down into smaller lots is going against the ordinance.
- Bldg. Commissioner Boz asked Applicant Battistoni what the lot sizes would be.
- Applicant Battistoni stated that it will be 50 feet wide by 125 feet long.
- Bldg. Commissioner Boz asked Applicant Battistoni if the structures would be 30x40.
- Applicant Battistoni answered yes. He stated that they will have a 16x8 door and 10 feet on each side
- Member Allen made a motion to close the public comment portion of the hearing. Vice-Chairperson Rentz seconded that motion. Motion carried 3-0.
- Chairperson Troike stated that it's not his decision to make.
- Applicant Battistoni asked if he did that and how the taxes would work.
- Chairperson Troike stated his opinion that if he owned them, he would be the one responsible for paying the taxes. He stated that if he does it by renting, then he can offset the tax burden.
- Board questions to the applicant.
- Board discussion.

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- Vice-Chairperson Rentz made a motion to deny the request. Member Allen seconded that motion. Motion carried 3-0.
- Vice-Chairperson Rentz asked if he could have 10 acres and build a pole barn on them and how many structures he could build on them without a dwelling.
- Bldg. Commissioner Boz stated that he can build multiple buildings as long as he has more than 10 acres. He stated that he won't be able to split them off and sell them, so they will always be on that property.

❖ **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 Vice-Chairperson Rentz Motion carried 3-0. The July 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 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.