

MINUTES
August 14, 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 (Member), **Justin Schramm *Absent* (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 4-0.
- ❖ **PUBLIC HEARING – Brenda Varga**
Public Hearing to consider a Developmental Standards request by **Brenda Varga**, to keep shipping containers on an R-2 zoned area where storage containers are not permitted, on property owned by Varga Brenda H and described as follows Pt SE NE S19/T32/R1, 19.28 of acres, Parcel number 75-11-19-200-005.000-008, located at E 650 S, Knox, IN 46534 (West of 6260 S 700 E, Knox, IN 46534).
 - ❖ Secretary Landa read the request listed above.
 - ❖ All notifications were not in order. The following green cards did not come back.
 - Ahlenius Jim, Ahlenius James, J & Rhonda L located at 6510 S 700 E. Knox, IN 46534.
 - Kasperek Mariuz located at 20 Rivers Bend Court. Lake Barrington, IL 60010.
 - ❖ Secretary Landa explained why the applicant was before the board.
 - Secretary Landa stated that Applicant Varga had purchased the property with the shipping containers already on it, and is wanting to keep using them to extend it for storage purposes. She went on to state that she would want to have a house built on that property in the future and per district restrictions, shipping containers are not permitted on that zoning.
 - Plann. Admin Beaver stated that the property is currently under code enforcement because of the shipping container. She went on to state that she received a complaint that was called in and wanted to know why someone was being allowed to build a home out of shipping containers. She mentioned that there is already another shipping container added on to it. One of them was previously allowed to be kept there from Terry that she had found, in regards and the one farther from the shed is a new one. She stated that the property is zoned R-2 and shipping containers are only allowed in AG zoned areas.
 - Member Downs asked what's new there.
 - Plann. Admin Beaver stated that it's the container out to the side of the whole structure. She stated that the shed was already there, and they are adding the shipping container to the one on the end farthest out. She went on to state that with the sliding doors, it looks like an attempt for a dwelling. She stated that the failure to obtain a permit letter was sent, and when applicant Varga called, she told her the two options were to remove the shipping container or ask a variance to keep it.
 - Chairperson Troike asked if the containers were there before she purchased the property.
 - Plann. Admin Beaver stated just the one that is separated from the shed.
 - Member Downs stated that it looks like there's a shipping container underneath the structure. He said it looks like there's at least one on each side of the shed doors.
- ❖ Applicant Varga was present.
- ❖ Applicant Varga explained her intent.

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- She stated that the containers were on the property, but she had pulled one of the shipping containers a bit closer to the shed because her husband wants to make a work shop. She went on to state that she checked the land to see if it's okay to build a home last year and got a septic permit. He told her that she will have to put the foundation first before building a home. She stated that she's not planning to make a home with the shed. She went on to say that the door was there when she purchased the property. She also said, that she had pulled the shipping container from the woods so it could be closer to the shed to be for storage. She stated she has no intention to make a home there and that's why she wants to have the board to allow her to have the shipping containers there.
- Member Downs asked applicant Varga if the shipping container that is farthest from the shed was the one from the woods, that she had pulled to the side and asked if the shed was already there with the existing containers there.
- Applicant Varga stated yes.
- Member Downs asked Applicant Varga if she's planning on living there.
- Applicant Varga stated that she has another property that she had purchased and that she will stay there until she is going to build a house on that property.
- Member Downs asked Applicant why she is putting a septic in if she's not living there.
- Plann. Admin Beever stated that Applicant Varga owns almost 20 acres. She went on to state that its almost on the other side of the property where she's wanting to build.
- Applicant Varga stated that the house is going to be not too far from the shed. She went on to state that the shed is for work and then the other is open land.
- Member Downs asked Applicant Varga if she had a perc tested done and gotten a septic permit so she can build.
- Applicant Varga answered yes. She stated that she had done it last year before she had put the shipping container.
- Bldg. Commissioner Boz asked Applicant Varga when the guy came to do the soil test, did they bore into the ground.
- Applicant Varga answered yes.
- Member Downs asked Applicant Varga if she is planning this whole thing for storage.
- Applicant Varga answered yes. She stated that she's planning on building a home and not to live in the shipping container.
- Plann. Admin Beever asked Applicant Varga if she is planning on adding another one in there.
- Applicant Varga answered no. She stated that its going to be just the deck with no roof.
- Executive Secretary Cultice asked Applicant Varga if she is planning on putting any siding on it.
- Applicant Varga answered yes. She stated she will be putting siding for the shed.
- Member Downs mentioned a similar situation with shipping containers not permitted on Bass Lake where they told the owner to make the shipping container blend with the Harbor House.
- ❖ Member Downs made a motion to open the public comment portion of the hearing. Executive Secretary Cultice seconded that motion. Motion carried 4-0.
- ❖ No one in the audience was in favor or opposed of the request.
- ❖ Member Allen made a motion to close the public comment portion of the hearing. Executive Secretary Cultice seconded that motion. Motion carried 4-0.
- Board discussion.
- Member Downs made a motion to grant the request with the stipulations of,
 - a. MUST remove the shipping container that is separated off of the accessory structure on the property.

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- b. Clean-up the shed and finish construction, and follow the shipping container ordinance and rules.
- c. MUST obtain permits for the 2 shipping containers that are part of the existing accessory structure on the property within 30 days.
- d. Only 2 shipping containers are allowed on the property that are currently part of the accessory structure.
- e. You have 60 days to complete the removal of the shipping containers and all clean-up all construction of the accessory structure made from the two shipping containers.

Executive Secretary Cultice seconded that motion. Motion carried 4-0.

❖ **PUBLIC HEARING – Adam Sworden**

Public hearing to consider area variance request by Adam Sworden, to build 80x66 pole barn accessory structure on a lot without a dwelling that is less than 10 acres in an R-2 zoned area, on property owned by Reyes Cruz Gregorio and described as follows: Pt W 40.76a S Of Rr S 1/2 Sw. S32 T32 R1. 8 of acres, Parcel number 75-11-32-303-003.000-008, located at 8940 S 700 E. Monterey, IN 46996.

- Secretary Landa read the request listed above.
- Applicant Sworden was present.
- Applicant Sworden explained his intent.
- He came on behalf of property owner Greg Reyes. He stated that the property is in an R-2 zoned area and currently a vacant lot. He stated that his client Greg Reyes is in the agricultural service business around here and does a lot of work for different farm entities in the county, providing services for three months out of every year. He stated that they have trucks and employees that come, and so they purchased the property so they could have a permanent location to house the workers. His client Greg Reyes will also want to have a shop so they can keep their vehicles over there and keep them out of the weather. He mentioned that when they have to do any maintenance on them, then it would be the purpose of the accessory structure. He stated that besides the less than ten acres rule, the other reason that they're here is because they really need to get the shop in first before the residential structure. He stated that instead of having money that goes into short-term rentals, which he stated were never guaranteed, or having to look at a year's lease, which they're never going to use for a year they'll need housing. He wants to have a location where they can do all of this, and that is why he is wanting to build the accessory structure before the residential structure. He went on to state about a neighbor on the east of the property who had interest in selling some acres of their land but stated it's not guaranteed as they asked Greg Reyes on short notice. He stated that they were looking into a configuration to meet the class-one manufactured structure. He stated what they originally were looking on doing is that they have a vendor who they work with from Texas that does a trailer that is five standalone units that have access to five bathrooms and five kitchenettes. He mentioned that there were concerns about how that would work under the classification.

❖ All notifications were not in order. The following green cards did not come back.

- Hoosier Valley Rr Museum Inc located at 600 E. Knox, IN 46534.
- Beauchamp John located at 700 E. Monterey, IN 46960.
 - Bldg. Commissioner Boz asked Applicant Sworden how long is he thinking about building the modular structure.

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- Applicant Sworden stated that the idea from the neighbor to the east would be best for his client Greg Reyes because if he can acquire that property it will make them over the ten acres and it has a house on it already.
- Member Downs stated that in R-2 zoned areas, the manufactured like offices are not allowed and manufactured homes are special exemptions. He stated that double wide would be the only one that would work.
- Applicant Sworden stated that for an example they had something like a drop-in place from the vendor that met the requirement for the R-2. He went on to state that they can do everything per state guidelines, per code through the department of Homeland Security so if there's a firewall requirement between the units then those are designed for that. He stated that they won't be able to bring them over without them. He stated that they talked about alternatives and doing a modified structure and get approved through the state, and they told him yes.
- ❖ Member Allen made a motion to open the public comment portion of the hearing. Member Downs seconded that motion. Motion carried 4-0.
- ❖ Audience in favor of request:
 - Gregorio Reyes
 - Donny Stewart (Morton Building)
- ❖ Audience opposed to request:
 - Tom Despot
 - Rebecca Despot
 - Audience member R. Despot stated that she isn't entirely opposed to it. She went on to state that she lives directly west of the property and is confused of what will be built on that property. She went on to say, that she thought it was going to be a pole barn and not a house. She stated that she heard rumors of it being a house for the drivers that work from Texas, and also heard another rumor of it being a migrant housing. She stated that all she is wanting to know is what the plan is going to be on that property.
 - Audience member T. Despot stated that his concern is it being visible from his yard.
- ❖ Member Allen made a motion to close the public comment portion of the hearing. Executive Secretary Cultice seconded that motion. Motion carried 4-0.
- ❖ Board questions to the applicant.
 - Member Downs asked if they are planning on using it for commercial, or possibly trucking and things of that sort.
 - Plann. Admin Beever stated that they would have to come to the board and ask for a variance in order to operate a business on that property. She went on to state that this hearing is for an accessory structure before a residential structure.
 - Member Allen stated that the board has not approved anything under ten acres and for that reason they don't want to set that precedence.
 - Applicant Sworden stated that they have to have a residential structure and that is the distinguishing factor is even if they get the property on the east, they are going to be back and move forward with something that meets the class one structure requirements.
 - Member Downs stated that there's a certain square footage of building quarters you have to have to put into a building.
 - Applicant Sworden stated that the one he had proposed was over that. He went on to state that the issue was the other requirements for class one.
 - Bldg. Commissioner Boz told Applicant Sworden that he should reach out to Doug Williamson and get the State involved. He stated that he deals with campgrounds, and the Goin's Blueberry, the migrant farm with workers, and things of that sort.

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- ❖ Board discussion.
- ❖ Member Allen made a motion to table the request. Executive Secretary Cultice seconded that motion. Motion carried 4-0.
- ❖ **Old Business/New Business**

- None at this time.

With no further business to come before the board Executive Secretary Cultice made a motion to adjourn, seconded by Member Allen. Motion carried 4-0. The August 14, 2024 meeting adjourned at 7:40 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 September 11, 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.