

MINUTES

September 11, 2024

Chairperson Troike opened the meeting at 6:40 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 August 14, 2024** – Executive Secretary Cultice made a motion to approve the minutes as written. Member Downs seconded that motion. Motion carried 5-0.
- ❖ **Old Business– Adam Sworden**
- ❖ Secretary Landa explained why the applicant was before the board.
 - Secretary Landa stated that Applicant Sworden came on behalf of Gregorio Reyes, the property owner. She went on to state that the board made a motion to table it at the August 14, 2024, meeting because they wanted to put up a pole barn on a parcel that doesn't meet the acreage requirement. She stated that Applicant Sworden came in to propose a residential structure to the board.
- ❖ Applicant Sworden was present.
- ❖ Applicant Sworden explained his intent.
 - Applicant Sworden stated that they're wanting to do both buildings at the same time. He stated that the property is under ten acres but wants to get the pole barn started first. He stated that because of the way the codes were written, they would have to get the variance before the residential structure. He stated some ways where they can get more acreage but getting the acreage from the neighboring property owner didn't happen. He mentioned that he had been talking with Boz Williams, the building inspector, and Mike Gerhart, from the health department, to get a different type of residential structure that meets the class one requirements with the ordinance that would be ready to pull building permit under a couple conditions after running through the state. He stated that they're in a position now where they could pull both building permits at the same time with a final review with staff and with Doug Williams on a state review to see if they need the state to weigh in on the modular place.
 - Bldg. Commissioner Boz stated that Applicant Sworden is good with adding in conditions.
 - Applicant Sworden stated that they will be good with conditions because they want to get started with the pole barn while they got some time left this year. He stated that they are paying for the pole structure and have insurance and everything for the site. He went on to state that when springtime comes they will get the unit installed. He stated that John McQuestion from soil solutions did a soil test and said that it's only good for two years. He stated that he will get that updated.
 - Bldg. Commissioner Boz stated that Applicant Sworden doesn't need a variance because he is wanting to pull permits for the house and pole barn at the same time.
 - Member Allen stated that he still does.
 - Member Downs stated that he does if he starts the pole barn before the house.
 - Bldg. Commissioner Boz stated that he can pull both permits right now through the board and can build the house and the pole barn.
 - Member Allen asked Bldg. Commissioner Boz if it would be done at the same time.
 - Bldg. Commissioner Boz answered yes.
 - Member Allen stated that as long as there's a condition that he does the dwelling. He went on to state that he doesn't want him to pull both permits and he builds the pole barn and doesn't build the dwelling.

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- Bldg. Commissioner Boz stated that the board has done it in the past.
- Member Allen stated that there should be a conditional use.
- Applicant Sworden stated that they are good with that.
- Bldg. Commissioner Boz stated that he knows that they will have to come back in front of the board because they're starting a business there and they need to get a variance for a business permit.
- Member Allen stated that if the board ties it in with conditions then it will cover the board to say that the next person that comes in and asks for the same thing and they decide to not build the dwelling then the board can tell them that they made an agreement that there's a conditional use and they have to do the dwelling.
- Bldg. Commissioner Boz stated that they will be putting a modular type structure.
- Applicant Sworden stated that from the States standpoint, there is a cutoff with number of people they can have. He stated that it's also going to be owner occupied when they are there.
- Member Downs mentioned that Applicant Sworden stated at the last meeting that they will possibly have a five bedroom for people staying there but changed it to a three bedroom.
- Applicant Sworden stated that they had originally proposed a five bedroom because they were thinking about having extra space for their family to stay.
- Member Downs asked Bldg. Commissioner Boz why the State has to be involved.
- Starke County Health Dept. Sanitarian Gerhart stated that over five migrant workers in the facility has to go through the state, but since he had fallen under the category three, then it would be fine. He stated that it will be according to what the three bedroom and the soil report tells them.
- Applicant Sworden stated that he talked to Scott, the excavation guy who had been out there and told him that he will need a mound system. He went on to state that John will look at that and get more details to send to the state.
- Starke County Health Dept. Sanitarian Gerhart stated that the mound system has to go through the state and John can get the design to send it through the state to get it approved.
- Member Downs asked Applicant Sworden what his timeline will be for both of the buildings and when they will start the dwelling.
- Applicant Sworden stated that varies with the weather. He went on to state that if they have winters like they had in the past they could probably get it all done this year. He stated that they have more site prep to do. He continued to state that he ideally would like to have the dwelling done in the springtime of the next year.
- Member Downs stated to what insures that they will put the dwelling in.
- Atty. Schramm stated that applicant Sworden doesn't have to pull variance because of it being a unique situation. He stated that they can do it anyway, but if the board grants the variance subject to reasonable condition it would be more protected than if it were not approved by the board.
- Member Allen stated that he can't pull the permits until he puts a house on the property.
- Atty. Schramm stated that is true, but it would be in writing. He stated that the board is allowed to put reasonable conditions on any approval.
- Member Downs stated for an example, that if the house doesn't get built according to the timeline of six months then the board will have a way where they can stop it from getting built, but the barn will remain to stay on the property.
- Atty. Schramm stated that it's with everything else, that someone could come in and run into hardship and they can ask for an extension. He stated that many people had came in front of the board because they don't build within their six months or year, so they come in to ask for an extension.
- Member Allen stated that as long as the process is going forward.

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- ❖ 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 discussion.

- ❖ Member Downs made a motion to grant the request, as presented to the board with the following stipulations:

- a. MUST obtain permits for the accessory structure and dwelling within 2 months.
- b. Construction MUST be complete within 6 months of the accessory structure and dwelling.
- c. MUST follow all state guidelines.

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

- ❖ With no further business to come before the board Executive Secretary Cultice made a motion to adjourn, seconded by Member Downs. Motion carried 5-0. The September 11, 2024 meeting adjourned at 7:35 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 October 9, 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.