

**Starke County Plan Commission Minutes**  
**Regular Meeting and Public Hearing**  
**April 10, 2024**

- ❖ **Call to Order** - President Jackson called the meeting to order at 5:30 p.m.
- ❖ **Pledge of Allegiance** - Led by President Jackson
- ❖ **Roll Call:** Todd Jackson, president and citizen member; Mark Allen, vice-president, trustee; Howard Bailey, councilman; Phil Woolery, extension educator; Charles Cheseck, commissioner; Matthew Lawrence, citizen member (Absent); Denise Cultice, citizen member; Isaiah Collins, citizen member; Thomas Schouten, Surveyor; Justin Schramm, commission counsel; Wallace (Boz) Williams, building commissioner; Robby Blodgett, code enforcement officer; and Mary Beever, administrator. There were (5) four visitors present.
- ❖ **Approval of the minutes**
  - Member Cultice made a motion to accept the minutes from the March 13, 2024 meeting as written, seconded by Member Collins. Motion carried 7-0.
- ❖ **New/Old Business –**
  - Melissa Soltis - 4335 S Range Rd. North Judson, IN 46366 Parcel:1 75-09-12-200-015.000-013 Wanting to discuss the land splitting requirements/ordinance.
    - Audience Member Melissa Soltis spoke about her parcel of land. She asked for it to be grandfathered in for her to do a new split on it that would be only 1 acre with 100 ft. of road frontage on it. She explained that she has had the soil tested and started clearing the property and she did not know that the law had changed since she initially asked about splitting the property.
    - Audience Member Brian Soltis (Melissa's son) also spoke about how he's rented an excavator already and has cleared the land. He went on to state that he wants to place a modular home on it.
    - Ms. Soltis added that they had already picked out a house and everything.
    - President Jackson asked if the land is zoned Ag.
    - P.C. Admin. Beever stated it should be.
    - Member Collins asked what had changed.
    - P.C. Admin. Beever stated that on 2/20/2023 it was approved by the Starke Co. Commissioners to change the Ag. lot requirements to 150' of road frontage and 2 acres for new splits.
    - The board asked Ms. Soltis why she did not split the land sooner and why it was taking the length of time it is.
    - Ms. Soltis responded that it was due to costs, and that she had moved her son in with her so they could save money.
    - Member Bailey asked if when she started this she was informed that she could do this.
    - Ms. Soltis responded yes, and that she went had the soil tested at that point.
    - P.C. Admin. Beever stated that if she would have split it when she first came in she would have been able to split it but she waited too long and the requirements changed.
    - President Jackson asked if she could get a variance through the BZA for this.
    - P.C. Admin. Beever responded yes but it's not guaranteed.
    - President Jackson stated that it wouldn't have been an issue if she'd split the property when she initially came in. He went on to state that this could be a slippery slope if they allow it for one person. He added that in his opinion they should go to the BZA.
    - Ms. Soltis stated what she doesn't understand is that she has proof (paperwork) showing that she started be the law was made.

**Starke County Plan Commission Minutes**  
**Regular Meeting and Public Hearing**  
**April 10, 2024**

- Member Woolery added that her proof may help her case with the BZA.
- President Jackson stated that there is a couple BZA members that are on this board as well and they are hearing your side of the story. He went on to state that it would have cost very little money to have the parcel split at that time.
- Member Bailey addressed the BZA board members that are on the planning commission, he stated that he would like to speak in these peoples favor that they were told they could do this when they initially came in. He stated he hopes that the BZA looks at this very seriously.
- Member Allen stated that he had brought this concern up when they made this change, and that there would be people asking for variances on this matter.
- Member Bailey stated that these people would not have any reason to know that this ordinance had changed.
- Ms. Soltis agreed with this and stated she wouldn't have any idea how to know this had changed, and went on to state that she needs to be more involved.
- President Jackson asked if this was posted.
- P.C. Admin. Beever answered yes.
- President Jackson went on to stated that it was posted and that there are public meetings that take place here, and then it goes to the commissioners too.
- Ms. Soltis stated she guesses she just needs to be more involved.
- P.C. Admin. Beever stated that the board can make a recommendation letter to the BZA, that they are in favor of this variance.
- Member Cultice added because it was started prior to the changes being made.
- Vice- President Allen went on to add that then we're in a situation where if we do it for one.
- Member Woolery added that he believes that they should treat this as like a grace period and stated that basically if someone comes three years from now that it wouldn't be allowed.
- President Jackson agreed and stated that they essentially have proof & receipts that they started things prior to the changes. He went on to state to the board the options in the situation. He went on to say that in this one-time situation to allow them to revert back to the old ordinance or recommend them to the BZA.
- Member Woolery asked Atty. Schramm to clarify that he didn't believe that the first option would be valid with out changing the ordinance and make it for everybody.
- Atty. Schramm agreed with Member Woolery and explained that it would be problematic to change the ordinance or allow an exception in this case. He added that it would be best to go through the BZA
- President Jackson asked about waiving the fee for the BZA application and asked if it would be the Planning Commission to waive it or the BZA.
- Atty. Schramm responded it would be the BZA.
- President Jackson asked Atty. Schramm in order to move forward for this situation they'd need to recommend them to go to the BZA and start that process first.
- Atty. Schramm agreed that that is the best process.
- P.C. Admin. Beever informed the board that the BZA is scheduled out so probably the soonest they'd be heard would be July. She added that Ms. Soltis would be able to ask at one of the meeting coming up if she'd be able to waive the fee.
- Member Cultice asked so they wouldn't be on the agenda till at least July.
- P.C. Admin. Beever answered yes.

**Starke County Plan Commission Minutes**  
**Regular Meeting and Public Hearing**  
**April 10, 2024**

- President Jackson advised Ms. Soltis per Atty. Schramm's advice that she'd need to apply with BZA fairly quickly and get on the agenda for a meeting. He added that the two Planning Commission members on the board that are BZA members then can discuss with the rest of the BZA waiving the fee.
- Bldg. Comm. Boz asked if she could ask the BZA at tonight's meeting that so she didn't have to wait.
- Member Cultice and Vice-President Allen agreed that was a good idea.
- Ms. Soltis asked if she was going to be heard tonight on it.
- P.C. Admin. Beever responded stating that she wouldn't be able to be heard tonight but they could potentially waive the fee for the BZA hearing which would save her \$200.00.
- Mr. B. Soltis stated that they came to a BZA meeting last month and someone told them that they needed to come to this meeting this month and he didn't understand that if they are just now having to go back to the BZA.
- P.C. Admin. Beever answered and stated it was her that they talked to and went on to explain that this board is the board that actually sets forth the ordinances that the county follows and that is why they needed to ask this board.
- President Jackson asked the board if they'd like to make a recommendation for P.C. Admin. Beever to make a favorable recommendation letter from the P.C. Board to the BZA.
- Member Schouten made a motion for there to be a recommendation a letter for Ms. Soltis from the Planning Commission to go through the BZA. Member Cheseck seconded the motion. Motion carried 7-0.
- Phil Johannan – Requesting contractor registration late fee to be waived.
  - Mr. Johannan explained to the board that he had an injury last winter and that he didn't think he'd be able to work this year. He went on to explained that he recovered now and was wanting to see if the contractor registration late fee could be waived.
  - Vice-President Allen made a motion to waive the late fee. Seconded by member Cheseck. Motion carried 7-0.
- Noakes update
  - Atty. Schramm stated that a case is set for June 17, 2024. He added that at this time he'll see why they stopped paying.
  - President Jackson asked if they had any open permits. He went on to add that before they had stopped all permitting there.
  - P.C. Admin. Beever added that is something she wanted to discuss because the previous week she did have an electric permit for someone that lives there. She went on to ask if they want permits stopped there until June 17, 2024 until she hears from Atty. Schramm on the matter.
  - President Jackson asked Atty. Schramm if they really could stop permits there.
  - Member Cultice added that people there do own their spots.
  - P.C. Admin. Beever responded stating that they own their homes there but don't own the land.
  - Member Cultice agreed and added that they are coming back now that it's summer and wanting to turn the electric back on.
  - P.C. Admin. Beever added that a lot of them turn the electric off in the fall and then come in during spring to get it reconnected.
  - Atty. Schramm stated he'd have to look into that.
  - P.C. Admin. added that sometimes it's not just electric it's also for example adding a deck on or something like that. She went on to state that these people are paying rent there to the guy who's supposed to be paying us.
  - Atty. Schramm added that this situation is a bit different and he'd look into it and get back to us.
  - President Jackson asked if there was any type of fines or anything that we could place now on them. He went on to state that the board did originally cut them a break on it and now he quit paying us.

**Starke County Plan Commission Minutes**  
**Regular Meeting and Public Hearing**  
**April 10, 2024**

- Atty. Schramm answered stating that interest is set at 8% compounding by year. He went on to state that once the judgement amount is set that nothing can be added to it for nonpayment.

❖ **Code Enforcement Officer report.**

- **Jerry Tolson** – 8920 S US 35 Monterey, IN 46960
  - Code Enforcement Officer Blodgett stated that they are continuing to make \$100.00 monthly payments on the fine.
- **Lorraine & Dewayne Weber/Anissa Beem** – 0850 S Rear Monterey IN, 46960
  - Code Enforcement Officer Blodgett stated that she left a violation at the property on 3/4/2024. She went on to state that she has had no response, and that she is now at the next step in the ordinance with the certified letter.
- **Nancy Jacim**- 4655 S 850 W San Pierre, IN 46374
  - Code Enforcement Officer Blodgett stated that on 3/4/2024 she left the violation on the door of the property with no response, and now she is at the next step in the ordinance as well with this one with the certified letter.
- **Joesph & Delores Benesh** – 10691 W. Sr. 10 San Pierre, IN 46374
  - Code Enforcement Officer Blodgett stated that she is waiting on a response and then will go on to the next step with the certified letter.
- **Gary Otto Litzkow** - 2300 E. Toto Rd. Knox, IN 46534
  - Code Enforcement Officer Blodgett stated that as of 3/29/2024 all the junk and debris and inoperable vehicles have been removed from the property and this file is now closed.
- **Pzink Investment Group LLC** – 2860 W. SR 10 North Judson, IN 46366
  - Code Enforcement Officer Blodgett stated that the property has had many dumpsters on the property removing all the junk and debris, and the campers are still on the property and their getting ready to remove them.
  - Member Cultice asked if they have a time limit.
  - President Jackson asked if this is the one camper right in front, he went on to state that the one camper in the back burnt down the other day and that they almost had a brush fire out there.
  - Code Enforcement Officer Blodgett answered yes, it is the one up front that new owner moved it there and it is supposed to be removed.
  - Member Cultice asked if it's both of them.
  - Code Enforcement Officer Blodgett responded that she thinks the one was the on fire in the back.
  - President Jackson answered yes.
  - Code Enforcement Officer Blodgett stated the other one the new owner pulled it up front by the road. She went on to add that the whole property is cleaned up now.
- **Jerome Scherf** – 3415 S 200 E. Knox, IN 46534
  - Code Enforcement Officer Blodgett stated that on 3/29/2024 she went to the property and the mobile home was completely tore down and all the junk and debris were cleaned up and removed.

❖ **New/Old Business & Violations**

- **Online Permitting**
  - P.C. Admin. Beever showed the board website where the new online permit portal is located and stated that it's now up and running. She went on to state that she's going to ask IT if they could also put this on County's home page. She went on to state that it's doing quite well and that in her opinion it's really taking off. She went on to add that contractor will be able to add inspections as well.
  - Member Cultice asked what the response time is with the inspection requests.
  - P.C. Admin. Beever stated that no one has yet requested an inspection online so she's unsure yet with that. She went on to explain their process with how they are handling the online permits when they are submitted.
  - President Jackson asked if they are paying at the same time they are applying for the permits.
  - P.C. Admin. Beever answered yes and explained that when they initially apply for it they are not paying for it then but after someone in the office has gone through it and made sure that everything they submitted was correct, that then they send them an invoice to pay online.
  - President Jackson asked where they would request an inspection at on the portal.

**Starke County Plan Commission Minutes**  
**Regular Meeting and Public Hearing**  
**April 10, 2024**

- P.C. Admin. Beever showed the board on the portal where they would go to request those inspections on it. She then showed them an example of it and explained how it works.
- President Jackson asked if it said it anywhere on the homepage.
- P.C. Admin. Beever showed him where it was.

➤ **Kliendinst property - 11932 E South Ave Walkerton, IN 46574**

- Vice-President Allen asked for an update on this property from Atty. Schramm.
- Atty. Schramm stated that there was a summary judgement sometime last fall and the judge side with us that it is County property. He went on to state that they appealed that in February and the judge made the judgement for the county again. He went on to state that at this time we are waiting to see if they are going to remove that deck on their own. He added that the last discussion he had with their attorney was whether or not they were going to remove it or not before we have to file on it and then ask for attorney fees and everything else to go along with it.
- Bldg. Comm. Boz state that he was requested out there and they asked what they can do from here on forward. He went on to state that he told them that if he wanted to talk about tearing the deck down that they could talk but, if he wanted to talk about anything else it needs to go through Atty. Schramm.
- Atty. Schramm stated it's now in the boards hands whether or not they want to force the removal of that deck. He went on to discuss this with the board and added that he'd need a motion now whether they would like to move forward with forcing them into compliance.
- President Jackson asked if we have to notify them to have it removed for instance in 30 days
- Member Schouten asked if he had to be a certified letter with a date on it when we'd start fining them.
- There was some board discussion at this time on what the right process would be for this.
- Member Schouten made a motion to have Atty. Schramm to move forward with the process and send them a letter to remove the deck with in 30 days or they will be fined. Seconded by Member Cultice. Motion carried 7-0.
- There was discussion then on what to fines are in this matter and it was determined that this would be further discussed at a later date.

➤ **2-Mile Jurisdiction with Solar**

- Bldg. Comm. Boz informed the board that with the proposed solar project that might come into the 2-mile jurisdiction that he'd be unable to inspect any solar project for that area because the city of Knox has their own solar ordinance with their own rules and regulations. He went on to explain this to the board.
- President Jackson asked if the city only wants to control the zoning right.
- Bldg. Comm. Boz gave an example of inspecting a fence and stated that their fence height might be different in their ordinance. He went on to add that he doesn't think that they'll go out and inspect it either because they're not taking a fee for the permitting portion.
- Audience member Wickert stated that they did have some discussion on this with the city at city hall a few months back and they were trying to get it all resolved, but nothing ever was decided on the issue. He went on to discuss with the board that the public relations official for Hoosier Solar isn't wanting to use the land now in the 2-mile jurisdiction. He went on to discuss that they are trying to connect some land together for their project currently in the county and if they can do that then most likely they'll drop the 2-mile portion out of the project.
- Bldg. Comm. Boz stated that he just wanted to put this out there.
- Audience member Wickert stated that if it was him that he'd tell them (the city) that he's only enforcing his portion and that he's not inspecting their portion.
- Bldg. Comm. Boz added that they'll have to get approval and go through committees with the city first and get approval but then come to the county for the permit if it's in the 2-mile jurisdiction and then it'll have to go through our committees for approval.
- Audience member Wickert stated he'd pass this information on to everyone at Hoosier Solar, and stated that they might just decide not to go forward with the city properties anyway.
- Bldg. Comm. Boz stated that he just wanted to put this out there that he can't uphold two different ordinances, and especially one he doesn't even know anything about.
- There was continued discussion on this.
- President Jackson asked when they plan on submitting.
- Audience member Wickert answered probably late July.

**Starke County Plan Commission Minutes**  
**Regular Meeting and Public Hearing**  
**April 10, 2024**

- Atty. Schramm added that he believes the city will be putting a pause on solar development anyways here soon until they can figure out some of these things out. He went on to discuss that they were wanting to figure out who enforces what and that it's tricky, and then he explained how this may have to happen.
- Audience member Wickert stated that they definitely will be having a conversation with them because they definitely don't want a pause on it because that would hurt their whole project.
- Atty. Schramm added that would only be for property in the 2-mile jurisdiction.
- Audience member Wickert responded stating that would pause their whole project.
- Atty. Schramm stated that he doesn't know what they decided or not but they were asking some of these same questions last week.

❖ **End of the month**

- Board reviewed the reports from March 2024

❖ **Next Scheduled Meeting-** will be Wednesday, May 8, 2024 at 5:30 p.m.

❖ **Adjournment-**With no further business, Member Cultice made a motion to adjourn the meeting seconded by Member Vice-President Allen. Motion carried 7-0.

This meeting was recorded and will be on file in the Starke County Plan Commission Office.

Unless stated otherwise all Plan Commission meetings will be held on the second Wednesday of every month at 5:30 p.m. with the Board of Zoning Appeal meeting on the same night the latter of 6:30 p.m. or the conclusion of the Plan Commission meeting.

❖ **Approval of the minutes at the May 8, 2024 meeting**

- \_\_\_\_\_ made a motion to accept the minutes from the March 13, 2024 meeting \_\_\_\_\_, seconded by \_\_\_\_\_. Motion carried \_\_\_\_\_ - \_\_\_\_\_.

Mary W. J. Beever  
Administrator