

Starke County Plan Commission Minutes
Regular Meeting and Public Hearing
March 13, 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 (Absent); Charles Cheseck, commissioner; Matthew Lawrence, citizen member; Denise Cultice, citizen member; Isaiah Collins, citizen member; Thomas Schouten, Surveyor; Justin Schramm, commission counsel; Wallace (Boz) Williams, building commissioner (Absent); Robby Blodgett, code enforcement officer; and Mary Beever, administrator. There were (4) four visitors present.
 - President Jackson thanked Member Lawrence for joining the board.
- ❖ **Approval of the minutes**
 - Member Schouten made a motion to accept the minutes from the February 14, 2024 meeting as written, seconded by Member Cultice. Motion carried 7-0.
- ❖ **PUBLIC HEARING** - - to consider a code violation for Maintaining a Public Nuisance, and An Unsafe Building/Buildings, on property owned by Scherf, Jerome and described as follows: Pt S 1/2 Ne S5/T32/R2 1.49 acres, Parcel number 75-10-05-200-014.200-002, located at 3415 S 200 E Knox, IN 46534.
 - President Jackson read the notice above.
 - Property owner Scherf was present.
 - President Jackson asked property owner Scherf what he was there for.
 - Property owner Scherf asked what he was here for.
 - President Jackson responded stating for him to tell the board what he has going on at the property.
 - Property owner Scherf went on to explain that he bought this mobile home in 2003. He went on to state that he was approved to rent the home at one point in 2015. He went on to state that the qualifications that the county required for mobile home had then changed at some point and made this one unable to be placed in Starke county. He added that he's been paying taxes on it. He went on to explain that the home has no water, electric, or septic hooked up to it. He then explained to the board that he right now has the availability to get the trailer removed from the site currently and that he has gotten a permit to do so now.
 - President Jackson asked P.C. Admin. Beever if the issue was having two dwellings on one property.
 - P.C. Admin. Beever answered yes. She went on to state that there was a mobile home added to the property, and was asked to then remove this one. She added that he's been actually using this dwelling for storage purposes and has been telling the office that he'd get rid of it if we'd give him more time. She went on to state that no progress has been made to get rid of it, so the last time he came in she brought it up to Bldg. Comm. Boz's attention and he decided it was time to take it to a public hearing.
 - President Jackson stated to the board that Mr. Scherf did pull a demo permit earlier in the day, and that he had to go inspect it today. He went on to explain that there were two gentlemen out there today disassembling it. He went on to say that demo permits are good for (30) thirty days, so essentially, he has thirty days now to get it down. He then asked the board if they had any questions for Mr. Scherf.
 - Member Cheseck stated that he did go by the property also and that he saw that he was working on it.
 - Mr. Scherf stated he should have it out of there in a week dependent on the weather.
 - President Jackson stated he has (30) days to get it done based on his permit, and it will be looked at in the next month to make sure it's gone and out of there. He went on to add that if it's not then he'll be called back to a meeting.
 - Mr. Scherf agreed.
 - Member Collins made a motion to close the public comment portion of the meeting. Seconded by Member Schouten. Motion carried 7-0.
- ❖ **New/Old Business** - Tim Howard – Case #412 property located at 4351 S SR 39 North Judson, IN 46366
 - Mr. Howard was present.

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- President Jackson asked him to explain why he was there.
- Mr. Howard explained that he has a neighbor complaining about his lumber in yard he uses for his business, an old car and truck. He went on to explain that the car belongs to his niece and that he's pulled it to the back. He then explained that the truck is a 72 Chevy that he is using parts off of for a truck that he and his son are building in the garage. He went on to explain that he has also moved the truck to the back of the property. He then explained to the board that he needs the lumber however to stay in the front of the property due to how Menards wants to deliver the lumber. He then went on to explain that when he gets the house ready to get built is when they move it to the location of the new house. He explained that when they buy the lumber, they usually buy it in bulk in the winter and get a better deal on it.
- President Jackson asked if we had anything that states he can't keep building materials.
- P.C. Admin. Beever stated that in Environmental Public Nuisance Ordinance it states in section 1:3a it states that Any accumulation of trash, junk, debris, building materials (new or used), inoperable vehicles, dilapidated recreational vehicles (ex: boats, jet ski's); are considered an Environmental Public Nuisance.
- Mr. Howard stated he's positive that the neighbor that made the complaint is just mad at him because they bought the property next to them and five acres, and he used to hunt on the property in the back. He went on to add that he has chickens back there along with kids going through the woods and he doesn't want him hunting back there anymore or anyone else. He added that he and his wife sent him a letter and told him this. He went on to say that his wife sent another letter, because he put his deer stand up again this past winter, telling him that they bought the property and asking him to remove the stand and that they don't want hunting back there. He stated he feels like he's being harassed by this neighbor. He went on to then to explain that another neighbor has some junk cars on their property and that there has been no complaint about that property.
- Mrs. Howard added that it's very hard to get Menards to move it any where further on the property.
- Vice-Chairperson Allen asked why he doesn't wait to get the lumber until he needs it. He asked if it's a cost thing.
- Member Collins stated that he said he gets a discount on it.
- Mrs. Howard added that they get a pretty good discount buying it this way.
- Mr. Howard stated that in the winter you can buy a few house packages and get good savings.
- Member Bailey asked how close this neighbor is that is complaining.
- Mr. & Mrs. Howard stated that he's kitty corner across the road.
- Member Bailey asked how long they have been keeping lumber there. And then asked if it's been years.
- Mr. Howard answered yes off and on.
- Member Bailey asked if it's ever been a problem before.
- Mr. & Mrs. Howard responded no it has not. Mr. Howard stated that all neighbors around him know him and know if they have any issue with him to just come talk to him. He then went on to state that the lumber is tarped and neat, and that is not scattered all over.
- Member Schouten asked if he was ever going to build some type of structure to put the lumber in or eventually.
- Mr. Howard stated that he has a small storage building in the back of his home but it's hard to get it back there because Menards doesn't want to take it that far through the land.
- Member Schouten asked if it's rock there.
- Mr. Howard responded yes it's rock.
- President Jackson stated that to make it a valid complaint that Code Enforcement Officer Blodgett has to be able to see the infraction from road. He then went on to ask if there was a way to build a privacy fence around it.
- Mr. Howard asked how far away from the road he is allowed to build a fence.
- Member Collins asked if it would need to be all the way around it.

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- President Jackson answered no it just needs to be where Code Enforcement Officer Blodgett can't see it from the road.
- Mr. Howard asked about putting in trees.
- President Jackson asked Mr. Howard if they'd be able to cover it all completely now.
- Mr. Howard stated they are about 5' tall now.
- President Jackson then added that they'd cover it only after they had all grown up.
- P.C. Admin Beever stated that for a solid fence it would need to be (20) twenty feet from the improved portion of the road.
- Mr. Howard asked if he needed a permit for a fence.
- P.C. Admin. Beever answered no.
- Member Collins stated he could put the fence right by the lumber if he wants.
- President Jackson stated to just build it big enough to where you can move around in there. He went on to state that since there is an open case on this currently, that the board would need to put a timeline on when this project would need to get done. He asked Mr. Howard how soon he'd be able to get this done.
- Mr. Stated that currently he has 2 houses going on right now and doesn't have a lot of spare time. He went then went on to state that he'd also had some problems finding help.
- Member Bailey asked if he could get it done in 90 days.
- Mr. Howard answered probably and if nothing else he could haul it up to the job site. He went on to state that he doesn't know when the next load will be put there.
- President Jackson stated that's fine as long as a fence is up by then. He then asked Member Bailey if he was going to make that a motion.
- Member Bailey answered yes and that he's just trying to be reasonable. He went on to state that this gentleman has been in this business for years and it's just now a problem. He went on to add that this lumber hasn't just sat there for 10 years either. He went on to make a motion to give Mr. Howard 90 days to construct a fence.
 - Motion seconded by member Cultice. Motion carried 7-0.
- Audience member Howard asked the board if the complainant about this doesn't leave him alone after this or continues to harass him if he should come back to this board, or what he should do.
- Member Schouten stated that unfortunately it's a civil matter.

❖ **Code Enforcement Officer report**

- **Joshua Whitfield W/L/E to David Mattes** – 6751 S Lombardy Ln. Knox, IN 46534
 - Code Enforcement Officer Blodgett stated that a certified letter was sent on 1/11/2024 and was returned to the office on 2/5/2024. She went on to clarify with the board the next step with the EPN ordinance of then sending the information to Atty. Schramm for a Notice to Abate to be sent to him.
- **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.
- Timothy Howard – 4351 S SR 39 North Judson, IN 46366
 - Code Enforcement Officer Blodgett stated that this is the one discussed previously in the meeting.
- P.C. Admin. Beever asked the board about a situation going on with a camper that they have received several complaints on, that the owner informed the office that her son is not living in the camper but they are using it for their dogs. She went on to state that they are a little unsure how to proceed with this one but they have received 4 or 5 complaints on it.
 - Member Howard asked Code Enforcement Officer Blodgett if she could see the dogs going in and out of it.
 - Code Enforcement Officer Blodgett stated no but there is a pen and the door is shut. She went on to state that she doesn't know if maybe he's putting them in there at night or what. She then added that the neighbors state that

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they have seen the son going in and out of it and say he's living in it. She added that mom is the one saying that he's using it for the dogs.

- President Jackson asked who owns the camper the mother or son.
- Code Enforcement Officer Blodgett answered that she was unsure.
- Member Bailey asked how long the camper has been there.
- Code Enforcement Officer Blodgett replied 5 months probably.
- Member Schouten asked if there was a doggie door.
- Code Enforcement Officer Blodgett answered no.
- Member Collins asked if it was plated.
- Code Enforcement Officer Blodgett answered she doesn't know, because she couldn't get that close up to it because of all the animals.
- President Jackson stated that he thinks we should go that route with it for an inoperable vehicle if it's not plated.
- Code Enforcement Officer Blodgett stated that is what she told them when she called them back.
- Member Cultice asked if you have to have a kennel license in Starke County.
- P.C. Admin. Beever stated yes and there has to be so many unaltered females.
- Code Enforcement Officer Blodgett stated she told the homeowner that as well and that they stated they were getting rid of the pups. She added that the neighbors stated that they thought she was running a puppy mill.
- Vice-President Allen asked where this was at.
- Code Enforcement Officer Blodgett answered that it's by 900 N by Koontz Lake.
- Vice-President Allen asked if she actually saw the dogs out there.
- Code Enforcement Officer Blodgett responded yes.
- Vice-President Allen stated that he'd check it out too.

❖ **New/Old Business & Violations**

➤ **Hoosier Solar**

- Hoosier Solar representatives attended the meeting.
- Audience member Wickert stated to the Board that he'd like to introduce Lee Judd to the board and explained her roll with the company.
- Audience member Judd informed the board that she did have a couple of questions regarding the current solar ordinance would like to ask the board about them quickly. She went on to ask the board about the fencing requirements per the Solar Energy Ordinance 2022-017 section H(8). She went on to discuss with the board the possibility of using game fencing rather than chain link fencing and discussed the city of Knox's ordinance. She went on to state that they would like to be consistent with other projects and stated that other projects have had that fencing and that it is being used in some other counties as well.
- President Jackson stated that he can't speak to the City of Knox's ordinance and that she would need to speak to Lonnie Boley at the city. He went on to say that as it gets closer to the date of the project that they may want to consider submitting a written request in regards to this aspect to see if it could be something that the board may take into consideration.
- Audience member Judd then went on to discuss the game type fencing she was referring to.
- President Jackson stated that he was mistaken on what she was referring to with game fencing. He went on to state that it was changed in that ordinance intentionally to keep out animals and humans and to keep everyone safe. He went on to state that they could submit a request still but the reason was to keep anything/anyone out of it that could harm or commit ill will to it.
- Audience member Judd stated that if the game fencing still would keep out a car from going through it and it is aesthetically nicer. She then went on to give some examples of reasons why the chain link fencing in some other areas has been taken out of their ordinances except for around the substation facilities.
- President Jackson stated again that they can submit a request and the board has the ability to take those requests into consideration. He went on to state that the difference of the two ordinances for the City of Knox and Starke County may help and that pictures of what they would like to use would be helpful when and if they do submit a request.
- Vice-President Allen asked when she thought they might submit a request like this.

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- Audience member Judd stated probably sometime this summer and informed the board that they are starting to do some of their engineering studies.
- President Jackson told P.C. Admin. Beever that she may want to inform Bldg. Comm. Boz about this when he gets back in the office and that he may want to go meet with them to go over some of this stuff.

❖ **End of the month**

- Board reviewed the reports from February 2024

❖ **Next Scheduled Meeting-** will be Wednesday, April 10, 2024 at 5:30 p.m.

❖ **Adjournment-**With no further business, Member Schouten made a motion to adjourn the meeting seconded by Member Cultice. 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 April 10, 2024 meeting**

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

Mary W. J. Beever
Administrator