

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

MINUTES

January 9, 2023

Chairperson Troike opened the meeting at 6:30 pm

I Pledge of Allegiance- led by Chairperson Troike.

II Roll Call- Bob Troike (Chairperson), Mark Allen (Vice-Chairperson), Denise Cultice (Executive Secretary), Gwen Rentz (Member), Jason Downs (Member), Justin Schramm (Attorney), Wallace Williams (Boz) (Building Commissioner), Mary Beever, Planning Commission Administrator, Tina Holley, BZA Secretary

III Board Organization for 2023

Denise Cultice nominated Bob Troike for Chairperson; seconded by Mark Allen. Nominations were closed. Voting was 4-0.

Denise Cultice nominated Mark Allen as Vice-Chairperson; seconded by Jason Downs. Nominations were closed. Voting 4-0.

Mark Allen nominated Denise Cultice as Executive Secretary; seconded by Gwen Rentz. Nominations were closed. Voting 4-0;

Mark Allen motioned Atty Justin Schramm to be retained as the Board's legal counsel; seconded by Denise Cultice. Voting 4-0; motion carried.

Mark Allen motioned to retain Tina Holley as the Recording Secretary; seconded by Denise Cultice. Voting was 4-0; motion carried.

IV Review of the meeting minutes for – December 12, 2022. After review, Jason Downs motioned to approve minutes as presented; seconded by Mark Allen. Voting was 4-0. Minutes approved as written.

V Our newly elected Chairperson, Bob Troike opened the Public Hearings.

Public hearing to consider an area variance request by Daniel Griffin, Owner, to keep a shed that has been placed on the property without obtaining a proper permit, R-2 zoned area S24/T32/R2 owned by Daniel J. & Esther Griffin and described as follows: Laustens Lots 40-43 & E 25' Lots 7 & 8. Parcel number 75-10-24-302-067.000-002, located at 5308 E. Hill Street, Knox, IN 46534.

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Bob asked if all notifications are in order. Tina Holley, Recording Secretary responded that all but one was returned – Tomasz & Lucyna Nowak, Parcel #75-10-24-302-084.000-002, George Laustens Sub Of Outlot C Lots 51-53. The reason for the public hearing is the failure to obtain a permit from the Planning Commission for a shed that is on the property. Atty Justin Schramm stated the ordinance of relevance is Variance of Developmental Standard and stated the criteria in which to follow this ordinance. Tina Holley then clarified that there is a shed that has been placed on the property with no permit. Ordinance also requires a house to be on the property prior to a shed.

Denise Cultice motioned the floor be open for the public hearing; seconded by Gwen Rentz. Voting was 4-0; motion carried. Daniel Griffin took to the floor, introduced himself and explained the situation to the Board. He stated he had a shed built by Sunrise Builders during the Covid-19 time period. Building supplies were hard to obtain at that time along with Mr. Griffin being a caretaker to his aunt who subsequently passed away. At that time, the shed was delivered and he simply did not think of the permit. Yes, he plans to build a home on this property. He introduced his neighbor that came along, Linda Belpedio, in support of this variance. He stated there was a home originally on the property when he purchased the land in 2001. Unfortunately, in 2012 his brother passed away in the home. The house was not able to be renovated so it was demolished. Mr. Griffin has had a difficult time returning since his brother's death and 2021 has been the first year he has been able to return. He has plans to build a home there since he has kids and they want to enjoy the property. He bought this shed for his wife – they placed it right in the center of the land – not encroaching on anyone's' property. Mr. Griffin continued on with many excuses as to why he forgot to obtain a permit for the shed but does plan to build a home there.

Bob Troike, Chairperson, asked if anyone in the audience was in favor. Linda Belpedio announced her name and address, 5285 E. Hill Street, Knox, IN, as Mr. Griffin's neighbor. She stated he has been taking down tree's and that the shed sits off the road. He has been improving property.

Hearing was then put to the Board for discussion. Gwen Rentz asked Mr. Griffin why the property is listed for sale on Facebook Marketplace if there are plans to build a home this Spring. Mr. Griffin stated that his wife was mad one day and listed it but they have no plans to sell it. Discussion was on the idea of splitting the property and that he would need to get a permit before that could be done. He again stated that he was not selling the property.

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Mr. Griffin stated he was going to put a 2-bedroom cottage on the same footprint as the original home. Mr. Griffin stated he plans to build this Spring but would have to have plans drawn up initially. Boz said perhaps 700-900 sq feet will be the size and that he would like to see some form of moving forward of this home being built. Much discussion was between Mr. Griffin and the Board as to what would be needed. Bob Troike spoke as to what did the Board want to do – is there a fine? Can the shed be left there?

Mark Allen motioned the hearing be closed to the public; seconded by Denise Cultice. Voting was 4/0 in favor.

BZA then discussed the variance being requested by Mr. Griffin. Jason Down stated that since the shed was there that Mr. Griffin needs to come in and obtain a permit with the Planning Commission with a fine. The Board discussed the fine issues. Boz would like to see something started right away; foundation needs to be started at least by July. Concern was mentioned as to flood plain but Boz stated that it is the owner's discretion to build a basement or crawl space in one.

Jason Downs motioned that the AREA variance be granted with the stipulations listed:

1. Obtain Building Permit – approx. \$200 if home is approx. 1k sq ft.
2. Obtain Shed Permit-\$90
3. Fine due - \$200 (balance of #1 and #2 - \$490).
4. Time frame given is 6 months to obtain both permits and show initial construction of home. If no progress then the shed will be ordered to be removed.

Mark Allen seconded the motion. Voting was 4-0. Motion carried.

PUBLIC HEARING – GARBISON:

Bob Troike, Chairperson introduced the second applicant. Public hearing to consider an area variance request by Brenda Garbison to place a home on the property with only 66' road frontage. Property is zoned Agriculture and in area S19/T32/R1 owned by Jesse Howard Garbison III and described as follows: E Side Nw Ne Se on 1 acre., Parcel number 75-11-19-400-017.000-008, located at 650 S (across the road from 6860 E. 650 S), Knox, IN 46534.

It was brought to our attention that the correct owner is Jesse Howard Garbison II – not Garbison III so that has been corrected.

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Tina Holley, Recording Secretary stated that all but two were returned. Not returned were Jesus Ornelas, 6860 E 650 S Knox IN 46534; and Eva Kotulski, Parcel No. 75-11-19-400-019.100-008, 17232 Brookgate Dr Orland Park IL 60467. Bob Troike stated that if either of these two were to oppose the decision made tonight at a future date that there would be another hearing. Ms. Garbison stated she was okay to proceed.

The reason for the Public Hearing is that Ms. Garbison wants to place a home on the property with only 66' road frontage.

Jason Downs motioned that we open the meeting to the public; seconded by Gwen Rentz. Voting was carried out with 4-0 decision. Motion carried, Bob Troike asked for any opposition or in favor from the audience. Brandon Garbison 5640 E 650 S Knox, IN took the floor and stated he was in favor of the home being built.

Jason Downs asked Mr. Garbison if she has had any soil borings done on the property. Ms. Garbison replied that she has not had anything done. The property has been in the family for over 100 years. There used to be a home there that her grandparents lived in but is no longer there. She has a small plan of where she would like to place a modular or a single-wide home- approx. 1k sq feet. Mark Allen brought up if a home was there in the past, was the road frontage not a requirement? Boz and Mary Beever explained that today's new ordinance now requires 100 feet frontage.

Jason Downs motioned that we close the hearing to the public; seconded by Gwen Rentz. The Board then discussed the area variance request and what the direction needed to be. If her soil is not conducive for a septic that would stop the building of a home. It was discussed that she would need to go to the Health Department first. Jason Downs subsequently made a motion that Ms. Garbison's use variance be granted with the stipulations noted:

1. Approval from the Starke County Health Department following soil borings.
2. Once approved then a permit needs to be obtained from the Planning Commission
3. All set-backs must be adhered to per the county ordinances.
4. Six months (6) is her time allotted to get this completed.

Denise Cultice seconded the motion. Voting was 4-0. Motion carried.

VI. OLD/NEW BUSINESS

A) Annual Report 2022

Tina Holley stated that there is a copy in the binder if they need to review again.

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Gwen Rentz made the motion that the Annual Report 2022 be approved as presented. Denise Cultice seconded the motion. 4-0 voted in favor.

Bob Troike, Chairperson had some questions as to the fines and where those funds are being deposited to. Justin Schramm reported that the 15k Koontz Lake fine is in his Trust Account until which time the Home Rule Fund is established. There is a meeting January 16th that this will be discussed again with the Council and Bob Troike along with Mary Beever will be in attendance. It was requested that Mary bring this up again to see if there can be some final decision made. Additional lengthy discussion continued as to how they want this distributed and just how this can be accomplished. Indiana State Board of Accounts requires a resolution when setting up these accounts and where monies are distributed.

B) **Nicole Johnson** – Requesting extension to her building permit due to the septic being relocated. Mark Allen motioned that we grant Nicole Johnson the six months she is requesting; seconded by Denise Cultice. Voting was 4-0 with motion carried.

C) Approval of Meeting Day moving to Wednesday nights.

Motion was made by Gwen Rentz that meetings be moved to Wednesday nights effective February 8, 2023. Motion was seconded by Jason Downs. Voting was 4-0. Motion carried

With no further business, Gwen Rentz motioned that the meeting be adjourned. Jason Downs seconded the motion. Voting was 4-0. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Tina Holley
BZA Secretary

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 Wednesday, February 8, 2023 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.