

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

MINUTES

February 8, 2023

Chairperson Troike opened the meeting at 6:30 p.m.

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), absent, Jason Downs (Member), Justin Schramm (Attorney), Wallace Williams (Boz) (Building Commissioner), Tina Holley, BZA Secretary

III Review of the meeting minutes for – January 9, 2023. After review, Denise Cultice motioned to approve minutes as presented; seconded by Mark Allen. Voting was 4-0.

IV Chairman Troike opened the floor for tonight's FIRST PUBLIC HEARING. –

Public hearing to consider an AREA variance request by Burnie B. Blackmon, Jr. to erect a high tunnel (greenhouse) closer to the road than required 75' to enhance sunlight. Property is zoned R-2 and in area S33/T32/R1 owned by Burnie B. Blackmon, Jr., and described as follows: Pt W Side Lot 3 & 6 In Sw S33 T32 R1 5.39 acres, **Parcel number 75-11-33-300-008.100-008**, located at 8095 E 850 S, Monterey, IN 46960.

Bob Troike asked if all notifications were in order. Tina reported that they were all returned/notified. Mr. Blackmon was then asked to present his variance request to the board. Mr. Blackmon stated that he had received a grant to erect a high tunnel on his property and he is requesting to place it at 25 feet from the center of the road in order to utilize the sun to the best advantage. He plans to raise vegetables for both his family and to possibly sell the over-abundance at farm markets. The structure is quite large. He has a tree-line and hill that blocks the sun which is why he is asking to be closer than the required 75 feet from center of road. Justin Schramm reported that this is an AREA Variance and falls under the 3 point stipulation ordinance which he subsequently read to the audience and Board present.

Mark Allen motioned that we open the hearing to the public; seconded by Denise Cultice; voting was 4-0. There was no public attendance in favor or opposed to this variance. Mr. Blackmon explained that his son lives on the property. There is a utility pole on the north side; however, the windows open and close by a controlled temperature regulator so he does not require electric at this time. It will take one day to erect this structure; weather permitted. Jason Downs expressed concern at the requested 25 feet set back with the snow plows and traffic being so close. Burnie

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explained that there are old fence posts there that sit about 15-20 feet back and perhaps he will place a fence at some point in the future along the same route.

Denise Cultice motioned to close public comment; seconded by Mark Allen. Voting was 4-0. The Board discussed amongst themselves the area variance request. It was still noted that 25 feet was simply too close to erect the high tunnel structure.

Jason Downs motioned that the Area Variance be granted with the stipulations as noted:

1. The structure would be set back a minimum of 50 feet from the center of the road.
2. If there is any damage to the structure that it would have to be repaired or removed within 90 days.
3. The permit to build must be obtained within 6 months from today's date.

Gwen Rentz seconded the motion. Voting was 4-0. Burnie thanked the Board and left the meeting conference room.

PUBLIC HEARING:

Bob Troike continued meeting with reading of second public hearing – HOFFER.

Public hearing to consider a **USE** variance request by Dannie Hoffer to start a wedding reception business/general venue. Property is zoned Agriculture and is in area S17/T32/R2 owned by Dannie Hoffer, and described as follows: Pt Nw Sw S of Ditch, 10 acres, **Parcel number 75-10-17-300-024.100-002**, located at 5620 S. 100 E. Knox, IN 46534.

Bob Troike asked if all notifications were in order; Tina Holley stated yes, all neighbors have been notified and cards returned. Justin Schramm, Attorney, stated this falls under the 5 point USE Variance which he read to those in attendance. Dannie Hoffer was then asked to present his request to the Board. Mr. Hoffer presented with numerous signatures in favor of his USE variance request. He also had a poster he presented with improvements made to the property. They have cleared tree's out and will be improving the pond. They plan to use 5 of the 10 acres which includes a previous pig barn that has been cleaned and renovated for the use of a wedding/event venue. He explained that approving his USE variance would be beneficial to the community as they use area caterer's/DJ's including the area businesses; i.e., Fingerhut Bakery-Café, Grand Junction Grocery Store, etc., to name a few. Currently, the maximum people they handle is 150. There is no kitchen, however, all catering brings their supplies and paper products; there are two bathrooms however. He has had interest in events in the winter but there is no heat in the barn, nor does he plan to install heat due to insurance costs. Any venue events will be held in weather suitable for no heat necessary. There is a septic system on the property with a 1500-gallon tank. No alcohol is provided by Mr. Hoffer; however, it is allowed on the premises if brought in by the individual renting the venue.

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Dumpsters for trash are provided. Mr. Hoffer also provided brochures to the Board that the current event/venue is utilizing. He feels the wedding venue would be beneficial for the community. We provide a list of vendors to the venue renters so they can utilize their services. Boz Williams spoke that he and Dannie have been speaking together about the septic and how many people will be at the venue at any one time. Mr. Hoffer stated that they are looking at approximately 150 people and have purchased a 1500-gallon septic tank to be installed. The Board responded that the decisions on septic, well, area requirements etc., will need to go through the State of Indiana as this is a commercial project. They will need to know there is no kitchen- Mr. Hoffer when on to state further items they are planning on doing; however, the Board again reiterated that these items will need to be reviewed and approved through the State of Indiana. There is no potable water provided at the venue and any hand washing is done in the restrooms. Concern was expressed by the Board of not having drinking water available and if that will pass the State of Indiana requirements for an assembly. The Board again stated these items will need to be reviewed and approved through the State of Indiana since they are entertaining over 25 people at any one time. There was also questions as to location of septic and well proximity. Gwen expressed concern that the brochure Mr. Hoffer handed out states the venue can handle over 200 and he had stated no more than 150. Mr. Hoffer stated 150 is their limit and apologized for the pamphlet error.

Jason Downs motioned to open the Public Hearing to the public. Gwen Rentz seconded the motion. Voting was 4-0. Bob Troike asked if anyone in audience was in favor of the proposed variance to stand, give us their name and address. Joseph Hoffer, 5605 S 100 E in favor; James Garner, 204 N. Heaton is in favor especially utilizing caterers and local businesses, florists, Fingerhut, etc. Dannie Hoffer III 7765 E 200 N, favor. Shandell Bartoli asked if you state 150 people, are you held to that number even if you can accommodate more than that. Boz Williams responded that you would be held accountable for the number that you report to the State that you are requesting. Louis Sommerfield, 5675 S 100 E stood up and stated he was in favor of the event venue; however, he is in the construction field and noted that there is a lot of items that need done in order to accommodate a group of people. He stated ADA doors, Smoke alarms, fire walls, EXIT signs, sprinklers, water, parking, etc. all need addressed. It was also addressed if they have gotten permits for the updates to the barn so far. Mr. Hoffer was not aware of a permit unless you change the structure. It was suggested that a privacy fence be put up; need to monitor public drinking and loud music control. He would like to not disrupt the quiet atmosphere of this area and besides, there are a number of venues available to rent for this type of gathering and perhaps we should give the business to them.

Denise Cultice motioned we close the public hearing; seconded by Gwen Rentz. Voting was 4-0. Discussion was now amongst the Board members. Jason stated that everything appears that Mr. Hoffer needs to go through the State of Indiana for all the permits and requirements to set up an event/wedding venue prior to coming to the Board of

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Variance Appeals. Boz Williams reiterated that since you are going commercial, charging people, that now it turns over to the State of Indiana to address and approve. Once this has been completed, then returning to the Board would be the next step.

Motion was made by Mark Allen to Table the Variance at this point. Mr. Hoffer is to get the soil borings done and approval from Starke County Health Department as well as approval from the State of Indiana for a septic for the venue. After that is completed, he can return to the BZA for further discussion. Mr. Hoffer was given 90 days to get this completed. Motion was seconded by Denise Cultice. Voting was 4-0.

NEW BUSINESS:

1. Addendum to Variance Application Form. Tina stated that she emailed the form to the Board for review. She feels that this document needs to be notarized as we are asking to verify acting as an agent for the property. Discussion ensued. It was agreed that we should use funds in the budget to pay for Gwen Rentz to obtain her notary license. Gwen Rentz motioned to add the notary request to the "Act as My Agent" Form; seconded by Denise Cultice. Voting was 4-0.
2. Cancellation of September Meeting. Tina asked if it be possible to cancel the September meeting as she has a family function. Discussion ensued as to making sure October will be handled. Mark Allen motioned September meeting be cancelled for September 2023; seconded by Denise Cultice. Voting was 4-0.

With no further business, the meeting was adjourned at 8:00 pm

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 March 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.