

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

OFFICE HOURS: MONDAY – FRIDAY 8-4 P.M.

MINUTES

March 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 – February 8, 2023. After review, Gwen Rentz motion to approve the minutes; seconded by Denise Cultice, Voting unanimous 4-0.

IV Chairman Troike opened the floor to discuss tonight's Public Hearing. – GANTZ.

Public hearing to consider a USE variance request by Brian Gantz, Owner, to open a business to do hydro dipping in a pre-existing structure owned by Brian Gantz and described as follows: S ¼ N ½ Nw Sw S34 T34 R1 5 acres, Zoned Agriculture. **Parcel number 75-03-34-300-024.000-009**, located at 3380 N 900 E, Grovertown, IN 46531.

Tina Holley, Recording Secretary reported that all but one notification had been returned. Still out was Norma Brashere 3275 N 950 E, Grovertown, IN 46531. Bob Troike stated that Mr. Gantz can decide if he wishes to proceed. Mr. Gantz replied yes.

Mr. Gantz was then asked to explain his request. He stated that he wanted to start a small side job to bring in some extra cash doing "Hydro-Dipping." He then explained to the audience and Board about hydro-dipping of various products; i.e., deer heads, motor cycle fender, etc. You use a large can of water; add the film; apply an activator on it and dip the item. Jason Downs asked what was the product that was used in the water; Mr. Gantz responded that the product is the same as what is used for your standard Tide pods along with regular water. The process is that you rinse with water and apply a gloss. He stated that you can go approximately 6 months before changing the water in the large can/tub.

Motion was made by Mark Allen to open discussion to the public; seconded by Denise Cultice. Voting 4-0.

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Bob Troike asked if anyone in the audience was in favor or opposed and to stand, announce their name and address. Elizabeth Gantz, 3380 N 900 E, Grovertown, IN 48531 stood up and stated she was in favor. John Strejc, 3310 N 900 E, Grovertown, IN 46531 stood up and stated he was concerned as to what was being put in the septic system. He stated that he looked up some of the products being used and there was over 205 pages of possible uses and he is wondering the EPA's perspective on this type of dumping of waste as well. He is concerned as to the effect of surrounding properties – either negative or positive. Boz Williams asked Mr. Gantz if he has any documents on the chemicals as to their safety in ground water and septic. Mr. Gantz again replied that the product is the same as your Tide Pods – PDA is the product.

No further discussion, Denise Cultice motioned to close the hearing to public discussion; seconded by Gwen Rentz. Voting 4-0.

Bob Troike asked for response from Brian Gantz as to public comments. He again stated that nothing he uses is toxic. It was asked what time frame would he be doing this and he stated only on weekends and at night since he works full-time. He and his wife have gone to a class in Arkansas to learn how to do the Hydro-dipping Process. Discussion ensued amongst the Board members and Mr. Gantz. Jason Downs asked just what ingredients are used in the paint. Mr. Gantz stated he will provide the MSDS Sheets. He was asked what type of filter is being used – upon which Mr. Gantz stated it is a filter that removes the PDA film that is left after the paint design adheres to the item being dipped. Jason stated he is more concerned as to the chemicals in the paint that are in the water being flushed into the septic system.

Jason Downs made a motion to table the USE Variance request at this time. Mr. Gantz will need to obtain the MSDS sheet and take to the Starke County Health Department. Once that is reviewed and Tina Holley, Recording Secretary has received a response; then Mr. Gantz will be asked to return to the next available Board Meeting for further discussion. Mark Allen seconded the motion. Voting was 4-0.

Bob Troike presented the next Public Hearing – Daniel/Shandel Bartolli

Public hearing to consider a USE variance request by Daniel & Shandell Bartoli, Owners, to open an event center/banquet hall, R-2 zoned light industry, S31/T33/R2 owned by Daniel & Shandell Bartoli and described as follows: Pt S End W ½ SE 14.82 acres.

Parcel number 75-06-31-400-034.101-003, located at 0570 E. Toto Road, Knox, IN 46534.

Tina Holley, Recording Secretary reported that Shandell returned the notification sheet with all signatures signed and notarized.

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Bob Troike asked Daniel or Shandell to present their request to the Board. Shandell stood and spoke that they are looking to build a new structure on their property to host events, wedding receptions and gatherings such as that. The proposed occupancy will be approximately 200. There will be an area for the ceremony inside and outside on the property; also, an area for a reception, dinner parties, various gatherings as well.

Denise Cultice motioned to open the meeting to the public; seconded by Gwen Rentz. Voting was 4-0. Bob asked for anyone in the audience that is either opposed or in favor to stand, state their name and respond to the Board. Sheri Bartoli, 2100 E 400 S, Knox, IN stood and reported that she was in favor. She believes it will bring new business to the local businesses. Next, Jeannie Thompson-Edger, owner of Silver Leaf Florist, 1102 S. Heaton St., Knox, IN 46534. Jeannie is 100% in favor, feels it will be a huge benefit to the city and surrounding communities. She stated that they see new brides every day and to offer something such as what the Bartoli's are hoping to build would be ideal and a great benefit to the community. Shandell responded that their venue would provide space that area brides are traveling miles to find. They will provide heat and air conditioning as well which a lot of the area venues do not provide.

Ron Simoni, 6755 E 200 S, Knox, IN 46534, stood up and stated he was opposed to the variance. He stated that he was not necessarily opposed to the venue, he just doesn't like the idea. He had a few questions and stated in detail his background and reasons for his opinion. He stated it "doesn't pass the sniff test." Mr. Simoni owns the property on two sides of the Bartoli property involved in the variance. He continued to express his opinion as to the loan possibility and how that is going to be done – which the Board responded to Mr. Simoni that this Public Hearing is not about finances and that he needs to stay on point as to why he is present. He again went on in great detail of banking and how things are done. He expressed his concern if the Bartoli's cannot afford to undertake this venture then what happens to the building if the venue does not succeed. Mr. Simoni spoke for a lengthy period of time as to his opinion. Tina Holley asked Mr. Simoni if the Bartoli's do what is needed then is he in favor of this variance? Additional conversation ensued. Justin Schramm, Attorney, responded to his concerns by stating that the Use Variance can be conditional in that it can only apply to the Bartoli's while they own the property. Also, the Board could put a stipulation that if the structure is not in use for over 2 years, then the variance becomes void. This would alleviate the situation if the property is sold and the next owner runs the same type of business but it becomes unsightly and a dump then that will not happen. Shandell asked if they decide to close their venue/event center and just store their camper and personal items inside; do they need to return for a new variance. Justin Schramm, Attorney, replied that no they will not need to change the current variance if it is approved tonight. However, you cannot switch back and forth from personal use to commercial use and back to personal use without re-turning to the Variance Board.

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Shandell continued to describe the location of the proposed building to the Board onto the TV screen. She stated she has also been in contact with the State of Indiana to get the septic and well approved. They have completed all soil borings and are waiting on a reply which can take 30 to 90 days. She has been speaking with Sean from Creative Design Solutions out of South Bend and he is working with the Bartoli's on all required placement of electric/lighting/building lay-out/Alarm Systems/ADA requirements, etc.

Mark Allen motioned to close the meeting to public comment; seconded by Jason Downs. Voting was 4-0. The Board then discussed the variance amongst themselves. Multiple conversations ensued between the public, the Board, and between the Board members. Public comments had been motioned, seconded and closed; however various public conversations continued for quite awhile until any control was brought back to the floor for the Variance Board meeting to continue.

Jason Downs made the motion that the USE Variance be granted with the stipulations listed:

1. Approval of the Conditional Use Variance by the State of Indiana.
 2. All Codes and Requirements to be Listed for Inspection by Starke County Building Inspector per the Design Professional.
 3. Variance is null and void if property is sold and/or the building is not utilized for the variance requested for a period of two (2) years.
 4. Building Permit must be applied for within 6 months of meeting date – March 8, 2023.
- Motion was seconded by Denice Cultice; voting 4-0.

V. OLD/NEW BUSINESS

a) Home Rule Fund Update

Justin Schramm reported that Rachel, auditor, has finally been able to open the Home Rule Fund Account and he has deposited the \$15,000 check. The breakdown is 50% Planning Commission and 50% Board of Zoning Appeals.

b) Design Professional – Who, What, Why

Tina Holley reported that several months ago the State of Indiana Fire Marshall was in the office talking with Boz Williams. He stated a Design Professional needs to be brought in to these new event/venue businesses that are new to our area. They are able to work with the applicant and make things smoother when working with the State of Indiana and all the requirements needed. Tina stated that she had searched the Northern/Northwest Indiana area and now has a list together to offer. The Design Professional works from beginning to end with the client and then gets the list to Boz Williams for the inspections. Board discussion ensued.

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c) Public Hearing Limit

Tina Holley asked was there a limit of public hearings that the Board felt they could reasonably handle. Multiple discussions ensued with a feeling that two – but never more than 3 and only if there was an urgency for #3; this due to the tabled applicants that return as well.

d) New Business of limiting the amount of time people are given to have the floor. The meetings are much longer than necessary and perhaps timing people will allow for the Board to handle things more efficiently. Respect for the Robert's Rules of Order of a business meeting needs to be utilized and followed. Random chatter cannot be permitted until conclusion of meeting. The Board will attempt to begin timing individuals and we will approach this issue again (Gwen Rentz offered to do the timing)

With no further business, Gwen Rentz motioned to adjourn the meeting; seconded by Jason Downs. Voting 4-0.

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 April 12, 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.