

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

April 12, 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) absent, Gwen Rentz (Member), Jason Downs (Member), Justin Schramm (Attorney), Wallace Williams (Boz) (Building Commissioner), Tina Holley, BZA Secretary

III Review of the meeting minutes for – March 13, 2023. After review, Gwen Rentz motioned to approve minutes as presented; seconded by Jason Downs. Voting unanimous.

Tina Holley, Recording Secretary stated to all those in attendance that the public will be given the opportunity to speak and will be allotted 2 minutes. If more time is needed, the Board will approve additional time.

IV Chairman Troike opened the floor to discuss tonight's **Public Hearing. – Korhorn Realty.** Tina Holley, Recording Secretary read the Public Hearing for Korhorn Realty/Dave Martin. She also reported that all notifications are in order. Dave Martin then took the floor to present his request. Mr. Martin stated Korhorn Financial Group ran the business from the office on the main floor. They have not been utilizing the office and tried to sell the building. They now wish to remodel the office into an apartment for rent; similar to the one currently upstairs. The location is in a general business zoned area where the ordinance states 1 dwelling per parcel and they are requesting two dwellings at this property. Mr. Martin has the approval letter from the Koontz Lake Regional Sewer District for this additional apartment.

Gwen Rentz motioned to open the hearing to the public; seconded by Jason Downs. Voting 3-0. Bob Troike asked if there are any members from the audience in opposition or in favor and if so, stand, give their name and address. There was no presence of either. Tina Holley, Recording Secretary notified Board members that documents were in their binders of the approval notices for Korhorn Financial Group with Koontz Lake along with sketch of proposed apartment. The Board discussed parking and location. Mark Allen asked Boz if he will be inspecting the remodel; he responded yes. Boz reiterated the need for fire exits and making the building up to code. Mr. Martin stated that the contractor will be doing that. Boz stated to Mr. Martin that if he is granted

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.

permission from the Zoning Board tonight then they will discuss all of these items once he comes in the office for the Building Permit.

Mark Allen motioned to close the public hearing; Gwen Rentz seconded. Voting 3-0.

Mark Allen motioned to approve the AREA Variance for Dave Martin/ c/o Korhorn Realty to convert main floor office into apartment dwelling for rental purposes and to follow all fire codes; including permit with Starke County Planning Commission if they desire a business permit prior to the conversion. Gwen Rentz seconded the motion. Voting was 3-0 – approved. Mr. Martin was told that he had 6 months from today's date to obtain the permit from the Planning Commission office.

Tina Holley, Recording presented the next **Public Hearing – Josh Linhart**. She read the Notice to the Board and those in attendance. All notifications were in order except one – Dwight Fowler, c/o Laura Ross, 6826 Ave Avenue, Portage, IN 46368. Mr. Linhart was told by Robert Troike that the variance would have to be re-heard if that individual came in later and questioned the variance. Mr. Linhart decided to proceed. He was then given the floor to present his request. Joshua Linhart stated that he makes his final land contract payment to Dwight Fowler next month and plans to put a single wide manufactured home at the same location of one that was previously there but burnt in 2019. The footers are present along with septic and well; along with the electric box.

Mark Allen motioned to open the meeting to the public; seconded by Jason Downs. Voting 3-0. Bob Troike asked if anyone present in favor or opposed to the variance being requested; none in attendance. The Board discussed the variance with Mr. Linhart; just what he was wanting to do, what was needed. Boz stated Mr. Linhart probably will need to contact Mike from the Starke County Health Department and have him approve the current septic system for the placement of the manufactured home. Tina Holley, Recording Secretary explained that in Mr. Linhart's packet in their binder was an approval letter from the Starke County Health Department dated 7/5/2000; however, it was only valid for one year. Discussion ensued with Bob Troike and Josh Linhart as to the GPS directions to his property.

Mark Allen motioned to close the hearing to public comment; seconded by Jason Downs. 3-0 Vote. Discussion now between Board members. Justin Schramm explained that this variance needed to be considered a Special Exception with a possible AREA Variance.

Jason Downs motioned to waive any additional fee's and to repost a Special Exception Hearing. It will be decided at that public hearing if a use variance is needed as well. Mr.

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.

Linhart will contact the Health Department for directions to have the septic tested to verify if it is usable for the current manufactured home. The motion was seconded by Mark Allen. Voting was 3-0.

Public Hearing – Joseph Glaub

Tina Holley, Recording Secretary read the Public Hearing Notice for Joseph Glaub. Mr. Glaub filed for a variance after a complaint was made that the deck was too close to the property line with no proper permit. He is seeking variance for a deck already placed 4 feet from property line and to obtain variance for a new deck on the front of home 40 feet from road. He is on a corner lot so the setback needs to be 75 feet from the road. All notifications were in order except for one, Caryn Ann Winter, 10401 Covered Bridge Rd, Prospect, KY 40059 was not returned. Mr. Glaub agreed to proceed.

Joseph Glaub stated that he came in to get a permit and was told he needed to be 75 feet from the road. Boz Williams then reported that he was driving down Rt 35 and he saw the deck structure. Mr. Glaub stated that he thought if a deck was attached to your house that a permit was not needed. After he had completed the deck, he was then told that was incorrect. Boz met the neighbor at the time and he was okay with the deck as long as Mr. Glaub did not come over any further. Boz stated that he and Mary discussed the situation.

Jason Downs motioned to open the meeting for public discussion; seconded by Mark Allen. 3-0 vote. Mr. Troike asked for anyone in the audience who is in favor or opposed to stand, pronounce their name and address. Two boys stood and announced they were Mr. Glaub's sons and were in favor. There was no opposition from anyone in the audience. The Board discussed with Mr. Glaub his deck dimensions and plans. He has most of it built around his swimming pool. The Board discussed fee options and what would be appropriate. It was decided \$100 f would be assessed to Mr. Glaub for building the original deck and never obtaining a permit. Mark Allen motioned and Jason Downs seconded to assess the \$100 fine. Voting was 3-0. Boz stated the next variance was for the "stage." Mr. Glaub stated he wants to put in a privacy fence in the future. Jason Downs motioned that the rear deck variance is approved – Gwen Rentz seconded it. Voting was 3-0.

Next discussion was in regard to the deck Mr. Glaub wishes to install toward the street. Setback is 75 feet and he will only be 40 feet. Justin Schramm stated he does not know if this is in our jurisdiction since he is sitting on a state highway. The Board did not know as well. Mark Allen motioned to table the variance on this particular deck; Gwen Rentz seconded the motion. Voting was 3-0. Justin will identify who is responsible for set backs on state highways and we will resume this discussion at the May 10, 2023 mtg. Justin Schramm stated that we need to be sure we do things correctly as the two hearings tonight have been unique. We have not had a "special exemption" before so we

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.

will repost and get the information needed for the next meeting in regard to Mr. Linhart. Mr. Glaub is sitting on a state route so we need to be sure the jurisdiction of that setback before making a hasty decision in error.

OLD/NEW BUSINESS:

Tina Holley, Recording Secretary reported that Mr. Brian Gantz is returning from the April 12th Board meeting for a USE Variance that was tabled for additional information. Tina stated that the MSDS sheets and letter from the Starke County Health Department have been placed in the Board's binders for tonight's meeting.

Brian Gantz stated that he has obtained Waste Water Treatment Company out of Elkhart that will come out to pick up and dispose of his water waste. He will keep documentation on this for review at any time. He will store the waste in IPC totes until it is picked up- probably about 6 months. Apex will pick up the filtered waste. Mr. Simoni had requested to be notified when this variance was re-heard and he was in the audience. He was called up and stated that he was fine with this method of disposing of the waste product. Mark Allen motioned that we approve the USE Variance for Mr. Brian Gantz; seconded by Gwen Rentz. Voting was 3-0.

NOTARY PUBLIC UPDATE:

Gwen Rentz reported that she has taken the test; is bonded and completed documents and should obtain her Notary License following her background check.

Daniel Hofer Variance: Boz Williams stated that Mr. Hofer is utilizing his property for the venue that he appeared for a variance February 8th. He was instructed to obtain approval from the State of Indiana for the septic and well and get in touch with the a Design Professional. Mr. Hofer has apparently not done either. The Board requested a certified letter be addressed and mailed to Mr. Hofer from Atty Justin Schramm. The letter will be drafted and mailed – Atty Schramm will report at the next Board meeting.

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 May 10, 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.