

# STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

## MINUTES

June 14, 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 (Recording Secretary), Mary Beever (Planning Commission) Guest

**III Review of the meeting minutes for –** May 10, 2023. After review, Mark Allen motioned to approve minutes as presented; seconded by Denise Cultice. Voting unanimous.

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

Public hearing to consider an AREA variance request by George/Irene Leus, to place two containers in a R-2 zoned area on property owned by George/Irene Leus described as follows Frac Pt N ½ Nw S23 T32 R2 24.73 acres. Parcel number 75-10-23-100-003.100-002, located at 4255 East County Road 210, Knox, IN 46534

All notifications were received except: Craigmile Carl J & Maureen, Dedloff Kattie M., Grateful, 4LLC, Kijewski, Robert E & Gloria. Mr and Mrs Leus agreed to proceed with hearing.

Mr. Leus took the floor and explained that they had a lot of items they needed to store and were asking to place two containers on their property for storage. The size is 8 x 40 and will be placed behind the current shed so as not to be able to see from the road. They also plan to paint them to match the other outbuildings.

Minimal discussion took place amongst the public in attendance. No one was present that opposed the variance. Two neighbors were present that needed to know exact placement of the containers which Mr. Leus had a drawing he shared.

Gwen motioned to closed the public discussion; Mark Allen seconded the motion. Voting was 3-0.

Board discussed amongst themselves. Mark Allen motioned to approve the AREA Variance with stipulations that they are placed per the map provided by Mr. Leus, painted to match current outbuildings, and if they wish to move them in the future that they must return to the Board of Zoning Appeals for a new variance. Gwen

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Rentz seconded the motion. Voting was 3-0. Mr. Leus was notified that he has 6 months from today to obtain the permit. Variance APPROVED.

## **Public Hearing #2 – Paul Wojdyla**

Public hearing to consider an AREA variance request by Paul Wojdyla to build a 2-story accessory building behind the home with lower level being parking for vehicles and a bathroom, upper level would be finished with three bedrooms, a living room and a full bath. Variance is for Height of Building – requesting 39 feet on property owned by Paul Wojdyla E & Susan H Trust described as follows: Chitticks Lot 6. Parcel No. 75-11-07-101-042.000-008 located at 4202 S CR 210, Knox, IN 46534.

All notifications were in order and returned. Wes Bromberek called the office and stated a strong opposition to the variance. - mostly due to the height of structure.

Mr. Wojdyla was asked to take the floor and explain his request. He has a small shed he wants to demolish and build a two-story accessory building behind the home with the lower level being parking for vehicles and a bathroom, while the upper level would be finished with 3 bedrooms, a living room and a full bath.

Gwen Rentz motioned to open the meeting to the public; seconded by Mark Allen. Voting 3-0. Bob Troike, President asked if anyone in the audience was in favor. He then asked if anyone was in the audience that opposed. Tom Jordan, BLCD asked when Starke County was going to enforce the ordinances. The height limit for an accessory building in the area of Mr. Wojdyla is 18 feet and he is requesting 39 feet. He is already limited on his side allowances so there is not any space for a buffer.

Denise Cultice asked about the shed which is going to be torn down; and asked if a kitchen was going to be added to the accessory building. Mr. Wojdyla responded that there was a kitchen in the main house and they were only going to install a bathroom in the accessory structure. Justin Schramm, Attorney asked Mr. Wojdyla if this is strictly residential and not commercial – i.e., ABNB? Mr. Wodjyla stated that was not being considered. He also asked if there was any wiggle room in the height requirement – could he possibly go 23-25 feet in order to get enough room for a loft for his family to stay in. Justin Schramm stated that if he could get another drawing and perhaps only needs 25 feet – he can resubmit a variance at that time.

Denise Cultice motioned to close hearing to the public; seconded by Mark Allen. Voting was 3-0. Discussion now ensued between Board members. Gwen Rentz motioned that the AREA Variance for the height of accessory building be denied; seconded by Denise Cultice. Voting was 3-0. Variance DENIED.

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## **OLD/NEW BUSINESS:**

Joseph Magiera was asked to return to tonight's meeting as his 6-month window expired June 12, 2023. He was asked to explain the delay. Mr. Joseph Magiera took the floor and explained that he has obtained the soil core borings with Soil Solutions and the septic permit was paid \$60 with Mike in the Health Department but he needs to turn in the septic plans. Since then Mr. Magiera met with another septic contractor who stated he could build his home and install the septic in an area that was not so low and avoid a mound system. Mr. Magiera plans to contact Soil Solution to get new borings and then get an updated septic system drawing to Mike in the Health Department. At that time, he can then come to the Planning Commission and obtain his Shed Permit x2, Solar permit, and kennel permit.

Discussion ensued with the Board members. Mark Allen motioned that Mr. Joseph Magiera be given a 30-day extension with the dates June 14, 2023 to July 14, 2023. He is to get the updated septic drawings to the Health Department and obtain his permits through the Planning Commission within that 30-day window. Denise Cultice seconded the motion. Voting was 3-0.

It was explained to Mr. Magiera of the 30-day extension and Mary Beever explained that if he does not comply then he will need to go back to the Planning Commission.

With no further business Denise Cultice motioned to adjourn; seconded by Mark Allen – Voting 3-0. Public was dismissed.

Tina Holley, Recording Secretary stated that there was still new business, however. Bob Troike, President then re-convened the meeting.

Tina Holley, Recording Secretary dispersed a letter of resignation with her last day being June 28, 2023. She stated she would have July's Board meeting prepared and will wrap up June's meeting with the minutes prepared and applicants letters out.

Minimal discussion ensued with the Board. Mary Beever, Planning Commission Administrator, who attended tonight's meeting went on to discuss the proposed budget for 2024 which had been changed back to a part-time position before it was presented to the Council. Concern was expressed as to the low part-time wage and how the County was going to find someone to replace Tina Holley. It was decided that Mary Beever would present an addendum to the job description and request the 90-day probation period be waived in order to offer the candidates the current wage of \$13.81. Mary Beever went on to discuss the intention of making the Code Enforcement Position full-time instead in order to assist her in the Planning Commission.

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Tina Holley, Recording Secretary requested that in going forward the Board members need to start to communicate with their Recording Secretary better. This would help in getting the meetings to flow more efficiently and make a better-informed Board. The Board and various public individuals continued to talk amongst themselves on various topics. Mary Beever responded to Board members with their questions on the job opening. Much discussion evolved between Mary Beever and the Board. Justin Schramm stated you can amend a job position and change the hourly rate.

Mary Beever stated that the Code Enforcement Officer would help in the upcoming Board meetings until a replacement can be found. She was in hopes that the 2024 Budget be passed to give her additional help in the office – especially with the solar projects. Code Enforcement Officer is interested in going full-time. Tina Holley, Recording Secretary again tried to reiterate that if the Board would have communicated with the Secretary and work together that much could have been avoided. That was her main reason for resigning was lack of any team approach and not giving her jurisdiction over the job position she was given for the Board of Zoning Appeal.

Denise Cultice motioned to accept Tina Holley's resignation; seconded by Mark Allen. Voting was 3-0.

No further business was noted. Therefore, Gwen Rentz motioned to adjourn; seconded by Denise Cultice. Voting was 3-0.

With no further business the meeting was adjourned at 7:35 p.m.

Meeting was adjourned at  
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 July 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.