

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

MINUTES October 11, 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), Jason Downs (Member), Justin Schramm (Attorney), Wallace Williams (Boz) (**Absent**) (Building Commissioner) & Sabina Landa (BZA Secretary).

III Review of the meeting minutes for September 13, 2023 – Member Rentz made a motion to approve the minutes as written. Vice-Chairperson Allen seconded that motion. Motion carried 5-0.

IV PUBLIC HEARING- Joseph Adkins

Public hearing to consider Area Variance request by Joseph Adkins, to add a deck onto the back of his home that is closest to the waters edge. The setback requirement is 10' from the waters edge. He will only be 7' ft from the waters edge on the closest side in an R-3 zoning, on property owned by Adkins Joseph L Jr & Sarah J Funk and described as follows: Simpson & Frost Lots 15 & 16 Blk 24. S11/T34/R1, 0.14 acres, Parcel number **75-03-11-204-074.000-009**, located at 10925 E Tippecanoe Dr South Walkerton, IN 46574.

- ◆ Secretary Landa read the request listed above.
- ◆ Attorney Schramm read the area of variance ordinance.
- ◆ All notifications were not in order.
 - Moynihan Earl F & Joyce L located at 105 Strathmore Ct Seven Fields, PA, 16046, did not come back.
 - Chairperson Troike advised applicant Adkins of his options of proceeding with the hearing.
 - Applicant Adkins chose to proceed.
- ◆ Secretary Landa explained why the applicant was before the board.
- ◆ Applicant Adkins was present.
- ◆ Applicant Adkins explained his intent.
 - He wants a 10-foot-wide deck but he didn't want to push his luck, so he's asking for an 8-foot-wide deck and just that one corner will be 7ft instead of 10.
One side would be a little too close, by 3ft.
- ◆ Audience in favor of request:
 - Sarah Funk
- ◆ No one in the audience opposed to request.
- ◆ Board questions to the applicant.
 - Member Downs asked if he's doing a wood deck or concrete.
 - Applicant Adkins answered wood deck.

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- Vice-Chairperson Allen mentioned that the only problem this could cause is that anyone along the lake will expect the same requirement.
- Attorney Schramm referenced other cases that were similar to this situation. He mentioned that each case is different and that is up to the board to decide. He also mentioned that is why they held public hearings for each particular case.
- Member Downs asked how far he can come down to his house without getting out the 3 foot.
- Audience member Funk answered that it would be like a step.
- Member Downs asked if he can come half way down his house, if he would be still be out into that encroachment.
- Applicant Adkins stated that it would be the further he goes.
- Member Downs asked applicant Adkins if he's able to do concrete or ground level, and if he has thought about that and would he consider doing that.
- Applicant Adkins replied that he thought of doing that, but if this doesn't go through then he's done.
- ◆ Member Rentz made a motion to close the public comment portion of the hearing. Member Downs seconded that motion. Motion carried 5-0.
- ◆ Board discussion.
- ◆ Vice-Chairperson Allen made a motion to deny the request. Executive Secretary Cultice seconded that motion. Motion carried 5-0.

V PUBLIC HEARING- Guy Pitra

Public hearing to consider Area Variance request by Guy Pitra, to add an accessory building on a lot without a home in a R-3 zoned area, on property owned by Pitra Guy A & Ann Marie and described as follows: Boa Shores Lots 19-22 & 37-40 Blk 18. S7/T32/R1, 0.46 of acres, Parcel number **75-11-07-102-018.000-008**, located at 4016 S East Drive Knox, IN 46534.

- ◆ Secretary Landa read the request listed above.
- ◆ All notifications were not in order.
 - Faltin Raymond & Josephine A 4013 S Woodland Rd Knox IN, 46534, did not come back.
 - Chairperson Troike advised applicant Pitra of his options of proceeding with the hearing.
 - Applicant Pitra chose to proceed.
- ◆ Secretary Landa explained why the applicant was before the board.
- ◆ Applicant Pitra was present.
- ◆ Applicant A. Pitra explained intent.
 - They purchased the property build a new home on it but then Covid happened so they decided to buy a house down the road. Now they have a house 3 doors down that is very small with no property, only 10 ft around the house. They want to build a pole barn to put their boats and vehicles in that would be added to their property next to

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the 2-car garage that's there. She mentioned that in the future they are wanting to build a home on that property and she has added that her neighborhood is filled with pole barns, some with houses and some with not.

- ◆ Member Downs made a motion to open the public comment portion of the hearing. Executive Secretary Cultice seconded that motion. Motion carried 5-0.
- ◆ There was no audience in favor or opposed of request.
- ◆ Board questions to the applicant.
 - Member Rentz asked the applicant if there is a garage, already on the property.
 - Applicant A. Pitra replied yes. It's a 2-car garage.
 - Member Downs asked the applicant if that is their camper on the property.
 - Applicant A. Pitra replied yes.
 - Chairperson Troike asked the applicant if that's also their carport.
 - Applicant A. Pitra replied that it's not a permanent one, just temporary.
 - Member Downs asked the applicant when they are planning on to build.
 - PC Admin Beever answered it will be 10ft from the rear and 3ft from the sides.
 - Member Downs asked if there were any restrictions on a metal temporary portable structure without a house on the property.
 - PC Admin Beever answered that you cannot add any new accessory structure without a house.
 - Member Downs added even if it's a temporary one.
 - PC Admin Beever stated no. She added that the buildings on it currently were there when the house was on it.
 - Member Downs referenced other cases that were similar to this situation of people around the lake wanting to put up pole barns.
 - Executive Secretary Cultice asked the applicant how long they've owned where they live now and also how long they've had the other property.
 - Applicant A. Pitra stated that they've lived in the house since 2017 and owned the piece of property since 2015. They've had it for 8 years.
 - Member Downs asked if they've lived their full time.
 - Applicant A. Pitra replied no.
 - Chairperson Troike asked the applicant if that was their intent to build a house first.
 - Applicant A. Pitra replied they were saving up and she mentioned it was when Covid happened. She added that when she found the house, she thought it was really nice but there's not much property.
 - Executive Secretary Cultice asked the applicant what they did for storage last year without a pole barn.
 - Applicant A. Pitra replied that they had no option but to rent a place and she mentioned that their friends would help to store it.
 - Executive Secretary Cultice asked the applicant if they're existing garage is full.
 - Applicant A. Pitra replied yes and that the existing garage is too small to store their boat in.
 - Member Downs asked if they can add on to an existing garage.

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- PC Admin Beever answered no. She stated because it considered as new construction there's no dwelling. She mentioned they can remodel the excising garage if it's not in a good shape. She also referenced other cases that were similar to this situation.
- ◆ Executive Secretary Cultice made a motion to close the public comment portion of the hearing. Member Downs seconded that motion. Motion carried 5-0.
- ◆ Board discussion.
- ◆ Executive Secretary Cultice made a motion to deny the request. Member Rentz seconded that motion. Motion carried 5-0.

VI Old/New Business-

- ◆ Adrian/Olga Botis – 0286 So. S.R. 23, Knox, IN 46534
 - Audience member Botis mentioned that the state didn't approve his request because he needs to have at least 10 cars in order to get the dealer license. He also stated that he would like the commission to reconsider and grant him the opportunity to get his dealer license. Botis mentioned that the neighbors think that he's putting up a big dealership but he stated that he's not planning on doing anything like that.
 - PC Admin Beever went on to say that the state denied his dealership license because the state requires him to have at least 10 vehicles and the board only approved him having 2.
 - Chairperson Troike stated that if they change it from 2 to 10 just for him to get his license will not mean he's requiring them all there, it would only be said written in that way.
 - Applicant Botis mentioned he's not going to have a lot of cars on his property. He also mentioned about the good deeds he would be doing for the community.
 - Attorney Schramm stated that he will have to reapply to reconsider since it's beyond the scope of the original variance.
- ◆ Member Rentz made a motion to waive the variance fee. Vice-Chairperson Allen seconded that motion. Motion carried 5-0.

VII

- ◆ Member Rentz came forward with a question as far as to approving the budget because she's on the drainage board. She asks since they approve the budget for BZA, are they supposed to be going over claims too as well as the money that has been spent. She mentioned she submits claims and that the drainage board goes through them and signs off on them.
- ◆ Attorney Schramm answered that the county approves those.
- ◆ PC Admin Beever stated that they go through the council and the council approves them.
- ◆ Member Rentz stated that with the individual drainage board everything goes in front of them too so they can see where the money is going and to the commission and what the office is spending.
- ◆ PC Admin Beever stated anything over a certain amount would have to be approved by the Council, anything over \$2,500 dollars. She went on to state that they don't have that kind of money in their budgets.

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- ◆ Member Rentz went on to state that its not about the money limit, its about anything spent.
- ◆ PC Admin Beever asked member Rentz if its because some of her funds are generated through tax money.
- ◆ Member Rentz replied yes. She went to state that they don't approve those, they only go through the drainage board one with the office supplies as well as the pay.
- ◆ PC Admin Beever states that the commission board does not approve the budget. She went on to say that the board is approving the estimated budget and that the Council is the one who approves them and gives out budgets.
- ◆ Member Rentz states that before it's sent out to them they approve them of what's written.
- ◆ Attorney Schramm asked if were now discussing about the claims every month.
- ◆ Member Rentz answered yes.
- ◆ Attorney Schramm states that the drainage board is also set up in a different portion of the Indiana code. He went on to state the drainage board is made up of other elected officials. He stated that he believes that the commission sits on the drainage board too. He also mentions that he believes that's one of the reasons why the commission board are an appointed board and not an elected board so therefore they approve claims through the county Council.
- ◆ Member Rentz stated if they're the BZA board then Secretary Landa works for us and the board goes over her budget, then how come the commission board don't take control over that budget.
- ◆ Attorney Schramm told the board that they build a claim and submit it to the Council for approval.
- ◆ Vice-Chairperson Allen stated the Council are the ones who approve the budget.
- ◆ Attorney Schramm agreed as well as Member Rentz.
- ◆ PC Admin Beever went on to state that they can take the whole budget and change anything on it.
- ◆ Vice-Chairperson Allen stated that the Council can change whatever they want on it and they are executives on the board.
- ◆ PC Admin Beever went on to say that the board made the BZA secretary a full-time position before, but the Council changed it back to part-time.
- ◆ Member Downs asks Member Rentz what it is that she is concerned about.
- ◆ Member Rentz went on to say that if the board is supposed to be the decision making with interviewing and hiring, she's our secretary but yet the board doesn't have any say in over the money aspect of it.
- ◆ Vice-Chairperson Allen replied to Member Rentz that she is able to submit whatever she would want.
- ◆ Chair-person Troike asked if the secretary position is considered as a clerk.
- ◆ PC Admin Beever went on to ask a question to Member Rentz if this has to do about the pink pens.
- ◆ Member Rentz answered yes. It is over the pink pens and for other stuff.

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- ◆ PC Admin Beever went on to state that the issue has been discussed with a commissioner and Boz already.
- ◆ Member Rentz mentioned that it has been brought to her attention.
- ◆ PC Admin Beever went to state that this is a hot button topic for her.

VIII With no further business to come before the board Executive Secretary Cultice made a motion to adjourn, seconded by Vice-Chairperson Allen. Motion carried 5-0. The October 11, 2023 meeting adjourned at 7:30 p.m. local time. 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, November 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.