

STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

MINUTES

November 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 (absent)** (Member), Jason Downs (Member), Justin Schramm (Attorney), Wallace Williams (Boz) (Building Commissioner), and Sabina Landa (BZA Secretary).

III Review of the meeting minutes for - Executive Secretary Cultice made a motion to approve the minutes. Member Downs seconded that motion. Motion carried 4-0.

IV PUBLIC HEARING- Robert Bielanski

Public hearing to consider Area Variance request by Robert Bielanski, to build a new dwelling on an R-3 zoned property that will be 28ft from the center of the road, per district restrictions the requirement for setback from the center of the road is 50ft, on property owned by Bielanski Robert J W/L/E Bielanski Frances and described as follows: Boa Shores Lot 3-6 Blk 3. S7/T32/R1, with 0.26 of acres. Parcel number parcel: 75-11-07-102-099.000-008, located at 6373 E Leenon Ave Knox, IN 46534.

- ◆ Secretary Landa read the request listed above.
- ◆ All notifications were not in order.
 - Watson Scott K located at 390 Thompson Dr. Buchanan, TN 38222, did not come back.
 - Ingle Kimberly located at 6348 E Leenon Ave Knox, IN 46534, did not come back.
 - Chairperson Troike advised applicant Bielanski of his options of proceeding with the hearing.
 - Applicant Bielanski chose to proceed.
- ◆ Applicant Bielanski was present.
- ◆ Applicant Bielanski explained his intent.
 - He explained that if he set it back 50 feet back, he then will be having less of a backyard and more of a front yard closer to the road and the structure. He mentioned that he's been out there for 45 plus years with the dwelling as it is now and he is looking to replace it and keep it where it is so he has a larger backyard for him, instead of having more property in the front of house. He stated that his lot runs parallel with the road where all of the other lots he mentioned in the area run perpendicular to the road. He says his lot is different while stating that there was a ditch and it had been filled in and got drain tile there instead.
 - Secretary Landa stated that he has variance from the drainage board so that he can build it closer to the drainage tile.
- ◆ Audience in favor of request:
- ◆ Karen Frizelis

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- ◆ Lesley Craft
- ◆ William Smit
- ◆ No one in the audience was opposed to the request.
- ◆ Vice-chairperson Allen made a motion to close the public comment portion of the hearing. Executive Secretary Cultice seconded that motion. Motion carried 4-0.
- ◆ Board questions to the applicant.
 - Member Downs stated that it wouldn't have been a big issue to him if the rest of the houses were up that close. He then added, a gentleman next door put up a new pole barn and he had to use the setbacks and every house down from that corner road is setback at least 50 feet, except for this one.
 - Executive Secretary Cultice asked if the other ones are new builds.
 - Member Downs answered that they're nicer and he doesn't think that any of them are new except for the pole barn from another hearing.
 - Vice-chairperson Allen asked the board if he leaves an existing wall and call it a remodel, wouldn't it fall into this.
 - Chairperson Troike stated that he was out there and he agrees that it's too close.
 - Vice-chairperson Allen stated that if the board turns it down then he will be able to manipulate the rules. He continued stating different ideas for the applicant to reconsider, stating that if the board turns his variance down, he can still be able to leave one wall up and call it a remodel and that he will be able to keep it there.
 - Applicant Bielanski says that his original plan was to put up a modular building but now it won't be able to work so now he's coming up with a different plan.
 - Member Downs went on to state that as far as a total rebuild, the board would be opening up a door. He stated that the board has been having issues these last few months of people wanting to build a pole barn in Boa Shores. He adds, every month the board has one or two people from Boa Shores wanting to manipulate the rules.
 - Audience member E. Frizelis stated that he's on the same block where the applicant and mentioned that there's a garage that was done as a remodel from a garage that was partially torn out, in that means it could be a remodel.
 - Member Downs says that he has seen that and he knows exactly what he's talking about that they left one wall up and called it a remodeled.
 - Building Commissioner Boz stated that if somebody came into the neighborhood right there in that block he wouldn't let them build or go closer to the road to where he is now. He continued to state that if he goes back further then that's going to push everybody back wanting to build close.
 - Executive Secretary Cultice asked the applicant what he will be doing in the meantime between bringing the new house in, while the old house still being there. Will he leave the old house up while bringing the new one in.
 - Applicant Bielanski answered no. He said that the old house there would have to be demoed in order to make room for the new one. The new one would be a little bit bigger.
 - Vice- chairperson Allen stated that he noticed the size.

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- Applicant Bielanski stated that the footprint would be a little bit bigger. He would have to tear it down, and put in a new foundation.
- Executive Secretary Cultice asked the applicant where he is going to live during the transition and if this is his full-time residence.
- Applicant Bielanski answered no.
- Member Downs stated that the board has been sticking to the rules.
- Planning Comm. Boz stated that no matter where its setting and if somebody else wants to build that close the board would have to let them because of this one. He went on to say that if he's willing to push that back then it would help the board to decide.
- Vice-chairperson Allen asked the applicant if there's any flexibility in moving it back to the number he gave so that the board can find a compromise.
- Vice-chairperson Allen and Member Downs went on to state in more details about the last remodel and how it will open another door if the board doesn't follow the required setbacks.
- Member Downs stated that if the rest of the houses were that way then he wouldn't have a problem at all. He continued to say that it does look nice that everything is back and he understands the applicant's reason on why he is wanting this variance.
- Executive Secretary Cultice asked the applicant if he would consider going 40.
- Applicant Bielanski stated that he then would have to get out there and reconsider his variance just to have an idea of something else.
- ◆ Board discussion.
- ◆ Executive Secretary Cultice made a motion to deny the request. Member Downs seconded that motion. Motion carried 4-0.

V PUBLIC HEARING- William Smit

VI Public hearing to consider Area Variance request by William Smit, to build a dwelling and a garage onto an undersized lot with only 50ft of road frontage in an R-2 zoned area where district restrictions require 70ft of road frontage and 10,000 sqft of property, on property owned by Frye, Raymond and described as follows: Gavigans 1st Lot 12. S24/T32/R2, 0.23 of acre. Parcel number 75-10-24-301-098.000-002 located at Shewski Rd. (North of 6691 S. Shewski Rd.)

- ◆ Secretary Landa read the request listed above.
- ◆ All notifications were not in order.
 - Newey Davis R & Murray June F located at 22 N Edgewood Ave La Grange, IL 60525, did not come back.
 - Chairperson Troike advised applicant Smit of his options of proceeding with the hearing.
 - Applicant Smit chose to proceed.
- ◆ Applicant Smit was present.
- ◆ Applicant Smit explained his intent.
 - He wants to build a stick-built home that has a bedroom, game room on the main level, and a second floor with two bedrooms, a garage and a bathroom. He stated that

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- this is the style and architecture he is wanting to build for this home. He showed a picture not sure on why it was made 50 ft back in the day before it had sewage where it would have to have a drain field, a septic and everything else.
- Audience Member C. Smit stated that there's a lot of homes that are around 50 ft wide lots.
 - Member Downs agrees that there's a lot of 50-foot lots out there.
 - Applicant Smit went on to state that there's a lot of brand-new homes around the lake and he mentioned that there is one on the west side of the lake with a nice country looking house.
 - ◆ Audience in favor of request:
 - Lesley Craft
 - Karen Frizelis
 - Rob Bielanski
 - Kelli Klingerman
 - ◆ Audience opposed to request:
 - Ford George Jeff & Lisa S located at 18910 Leila Dr Mokena, IL, 60448.
 - Lamaster Paul C & Barbara S 14030 S Larimie Unit 1702 Crestwood, IL, 60445.
 - ◆ Vice- Chairperson Allen made a motion to close the public comment portion of the hearing. Executive Secretary Cultice seconded that motion. Motion carried 4-0.
 - ◆ Board questions to the applicant.
 - Member Downs asked the applicant if he had the lot surveyed.
 - Applicant Smit answered no, he had not had a survey done.
 - Member Downs then asked the same question to audience member Lesley.
 - Audience member Craft answered yes. She went on to state that the owner had it surveyed before they purchased it and that he couldn't find it.
 - Member Downs asked about the trailer right next door.
 - Audience member Craft stated that it's right on the property line. She continued to state that Vanna owns it and its not close.
 - Member Downs stated that he wouldn't be surprised if it wouldn't cross the line.
 - Audience member Lesley agreed.
 - Member Downs went on to say if building a house first is better because the board turns down 50 x 52 lots because everyone is wanting to build a pole-barn with that size of lot.
 - Plan. Admin Beaver stated that they are wanting to build a home.
 - Vice-Chairperson Allen asked if the lot had anything on it currently.
 - Audience member Craft stated its trees and trash.
 - Member Down asked if there are any dimensions.
 - Audience member C. Smit answered that they were thinking of more purposes around the lake since their family is growing.
 - Executive Secretary Cultice stated 22 x 42 footprint for the house and a 30 x 50 footprint for the garage.
 - Member Downs asked about the height.
 - Applicant Smit answered a 2-story house.

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- Secretary Landa stated that the setback for the side of a house is 10ft, and for the side of a garage is 5ft.
- Applicant Smit stated that he believes the reason it was zoned that way were from the old owners.
- Member Downs stated either that or somebody wanted to make a lot of money by breaking their lots up. He then mentioned that there are a lot of other 50ft wide lots that are still vacant.
- ◆ Board discussion.
- ◆ Vice-chairperson Allen made a motion to grant the request. Executive Secretary Cultice seconded that motion. Motion carried 4-0.

VII PUBLIC HEARING- Adrian Botis

VIII Public hearing to consider a USE variance request by Adrian Botis, Owner, to set up a Used Car Business at property owned by Adrian and Olga Botis and described as follows: Pt Sw Nw S22 T33 R1, 5 ac., **Parcel number 75-07-22-100-017.100-012**, located at 0286 So. S.R. 23, Knox, IN 46534.

- ◆ All notifications were all in order.
- ◆ Audience in favor of request:
 - William Smit
- ◆ Audience opposed to request:
 - Kelli Klingerman
 - Linda Dust
- ◆ Chairperson Troike explained why the applicant was before the board.
 - Chairperson Troike stated that he had been through the BZA board and was granted, a variance. He then went to get his license from the state and they stated that he needed more vehicles in order for him to get his dealership license. He then went on to state that with the board's knowledge and from the previous meeting he then needed another hearing.
- ◆ Applicant Botis was present.
- ◆ Applicant Botis explained his intent.
 - He stated that the only way they will let him do what he wants to do is to grant him the opportunity to be a car dealer. He stated that he doesn't want to open a dealership, he just needs to get the license for it so that he is able to sell all kinds of vehicles to the community. He mentioned that the neighbors around him are against it. He then stated that the state requires 10 vehicles for him to follow up for his permit but the board only granted him 2 vehicles. He stated that he has the space for it and that he had been in the process to get his dealership license through the state requirements.
 - Audience member K. Frizelis asked if he's working on the cars.
 - Applicant Botis answered no. He continued on saying that he is not going to be working on the cars, he stated that he will be buying from auctions and shipping overseas and that's all.
 - Member Downs went on to state that he has to get this license to go to the real big auctions to get cars, better deals and with more variety. He also stated that he has to

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- have this license in order to do it. The board granted him to have 2 cars on the lot but the state requires to have 10 to get this type of license.
- Audience member K. Frizelis asked if its retail used car lot.
 - Applicant Botis answered no. He then went on to state that he has a property there that he's trying to use that to get the dealer license so that he can buy from auctions. He stated that he doesn't need cars at the lot. He added on saying he will only have a couple for the community to buy from.
 - Audience member E. Frizelis changed his mind and is in favor of the proposed request. Audience member K. Frizelis asks when he gets these cars where will they be going to go and if it will be in Illinois.
 - Applicant Botis answered overseas.
 - Audience member K. Frizelis asked where the cars will go in the meantime and where they going to go before they head overseas.
 - Applicant Botis stated that they will be picked up from auction and go overseas.
 - Member Downs stated that the board limited it being 2 vehicles at that time but the board didn't acknowledge that the state had requirements where it would put him up.
 - Audience member Klingerman stated that she doesn't want a car dealership in her backyard. She continued to state that it's a lovely area, its not in town and she doesn't want people coming from all over. She then went on to state that he's saying he's only selling cars online but with the permit he is given the ability to buy them and purchase them so he's able to sell them at his house.
 - Member Downs went on to say that there's no way to patrol that or for the board to control that. He then went on to say that the board can't police him and that it all comes down to him and to his word.
 - Audience member Klingerman went on to state that there was a lot of back and forth from last meeting.
 - Member Downs stated that the state made it to that in order to get the license he is wanting to get, he will have to have a building up, a bathroom and a few other requirements.
 - Audience member Klingerman asked if he's planning doing all that on the lot. She mentioned that 5 acres is not a lot of room. She added on saying if he's going to work on these cars it has to be done properly.
 - Member Downs stated that it's all monitored by the EPA.
 - Audience member K. Frizelis stated that she's concerned with the riffraff and traffic.
 - Member Downs stated that it looks like he kept the place really well and its clean.
 - Audience member Klingerman went on to say that it doesn't and it looks like that for now. She continued with saying that if he wants to build a dealership, he is already lining up trees around his driveway and will take it all to the back of his house.
 - Member Downs stated that he can put 10 cars on his property and not have a license and not care about the requirements. He then continued on to say that he can get dealer plates.
 - Vice-chairperson Allen went on to say that he just wants to buy from auctions.

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- Chairperson Troike stated that he is willing to do what the board had asked him to do. It's the number of cars the state is seeking that is not following the dealership license requirements.
- Applicant Botis stated that he's with the process. He then added that it does not require for him to repair cars.
- Audience member E. Frizelis asked if the cars get delivered to his property.
- Applicant Botis answered no.
- Audience member Klingerman asked the board if he does get the license if then they can go to his house.
- Member Downs stated that he can take them right now.
- Vice-chairperson Allen went on to say that if he doesn't get the license, he can still have them on his property.
- Plan. Admin Beaver stated that he wants to buy a quantity of cars. She went on to state that anybody can purchase cars on an online auction. The dealership license gives the ability to purchase at a bigger scale and get the access to a better selection of vehicles.
- Audience member Klingerman stated that the last meeting the board said that there is a certain number of cars he would be needing a building, an office and bathroom.
- Member Downs said he believes he has to have all that, even with the 2 cars.
- Audience member Klingerman stated if he's not wanting to do that, then why would he need to be approved when he's not willing to comply with a building and a public bathroom.
- Member Downs stated that the state requires all of that.
- Applicant Botis said the state agreed that he had all the things he needed in order to do it.
- Audience member Klingerman asked if there's any proof of this. She also went on to ask if the board has the proof from the state.
- Member Downs stated that the state would not approve him without it.
- Plan. Admin Beaver went on to state that the state would let her know if they didn't approve it. She continued to state that it's something that takes time.
- Applicant Botis stated that the only thing the board approved was the limit of 2 cars.
- Audience member Klingerman went on to say she doesn't go by what he says at all. She added that if he says the state approves him then why is there no proof as of right now from the state.
- Audience member K. Frizelis went on to mention about her experience with her neighbor when she lived in Illinois and how this situation is similar. She went on to state that she would support what the applicant is wanting to do at his property.
- ◆ Executive Secretary Cultice made a motion to close the public comment portion of the hearing. Vice-chairperson Allen seconded that motion. Motion carried 4-0.
- ◆ Board questions to the applicant.
 - Member Downs stated that the state approved everything on it as far as he needs to have more than 2 vehicles, they require a minimum of 10 cars.

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- Vice-chairperson Allen stated that he has to have the license in order to get the higher-level vehicles.
- Member Downs asked Atty. Schramm if there's any way to set anything as far as in a year or anything like that. He added if there is a way to police this.
- Atty. Schramm stated that the board can grant a conditional variance, if the board wants to give him a test period. He continued to state that he's not suggesting the board to go with that but if the board is saying they are in good faith then the board would believe his words. He added to say that the board can say that they'll grant him the variance for a period of two year and revisit. He went on to state that he doesn't know for sure if that's possible since he has the state licensing that is involved.
- Member Downs stated that the people were happy last meeting when the board said that he could have only 2 cars and nothing more. He went on to state that the board can set a limit of 10 cars, no more than 10, because that's the minimum he has to have.
- Atty. Schramm went on to state about screening if possible. He went on to say he's just looking for goal posts.
- Member Downs stated that he would like to make it to where it doesn't get out of hand down the road. He then asked screening as far as what.
- Atty. Schramm went to say like fencing.
- Member Downs asked if he has a picket fence or something.
- Applicant Botis answered yes. He went on saying that he's wanting a chance and that he will improve it. He continued to state that none of the neighbors are going to be bothered by anything and that there will be no repairs and no cars. His goal is just to get the license.
- ◆ Executive Secretary Cultice made a motion to grant the request. Vice-chairperson Allen seconded that motion. Motion carried 4-0.

IX Old Business-

- ◆ None at this time.

X New Business-

- ◆ None at this time.

XI With no further business to come before the board Vice-chairperson Allen made a motion to adjourn, seconded by Executive Secretary Cultice. Motion carried 4-0. The November 8, 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 December 13, 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.