

# STARKE COUNTY BOARD OF ZONING APPEALS

53 EAST MOUND STREET

KNOX, IN 46534

PHONE: 574-772-9176

## MINUTES

**December 13, 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 {absent} (Vice-Chairperson)**, Denise Cultice (Executive Secretary), Gwen Rentz (Member), Jason Downs (Member), Justin Schramm (Attorney), Wallace Williams (Boz) (Building Commissioner) & Sabina Landa (BZA Secretary).

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

### **IV PUBLIC HEARING- Daniel Miron**

Public Hearing to consider a Use Variance request by Daniel Miron, to change the use of the property to a business use for his trucking repair business that is currently HI zoning, on property owned by Miron Daniel Petru and described as follows: Pt W ½ S16/T34/R2 of 3.40 acres, Parcel number **75-02-16-300-014.000-015**, located at 2735 E Us 30 Hamlet, IN 46532.

- ◆ BZA Secretary Landa read the request listed above.
- ◆ Member Rentz recused herself from the public hearing.
- ◆ All notifications were not in order.
  - Bochnowski Stanley J & Cornelia located at 8153 Harrison Ave, Munster, IN 46321.
  - New York Central Lines LLC located at 500 Water St C910, Jacksonville, FL 32202.
  - Fields Christopher located at 2360 E Old Us 30, Hamlet, IN 46532.
  - Indiana Dept Of Transportation, PO Box 429, La Porte, IN 46350.
  - Harshreel LLC located 224 Windsor Ave, Wood Dale, IL 60191.
- ◆ BZA Secretary Landa explained to the board that the applicants zoning does allow for the type of business there and he would need a business license as well.
- ◆ Applicant Miron was present.
- ◆ Applicant Miron explained his intent.
  - He stated that he purchased the property solely on to move his trucking business to be close to where he had moved. He mentioned that he has license from the State but wasn't aware that he had to get a business license through the county. He stated that he has customers that come from Chicago and explained why he will be needing more than just 5 trucks on his property, he then mentioned that most of the trailers are plated with only a few that are for tools and storage.
- ◆ Audience in favor of the request:
  - Carmen Miron
  - Patel Harshreel
- ◆ No one in the audience opposed to the request.

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- ◆ Member Downs made a motion to open the public comment portion of the hearing. Executive Secretary Cultice seconded that motion. Motion carried 3-0.
  - Chairperson Troike mentioned that he received a call from a neighbor saying that he is not opposed but he is concerned with the lot becoming a junkyard.
  - Applicant Miron stated that he is working on cleaning it up.
- ◆ Member Downs made a motion to close the public comment portion of the hearing. Executive Secretary Cultice seconded that motion. Motion carried 3-0.
- ◆ Board questions to the applicant.
  - Member Downs asked if there were a copy of the old business permit license that the previous owners had on the property.
  - Plan. Admin Beever answered that its non-transferable.
  - BZA Secretary Landa read the ordinance for business zoned district stated that a total of 5 units are permitted on lots with 5 acres or more.
  - Member Downs asked applicant Miron of how many units he is asking for and if there is a limit to it.
  - Applicant Miron stated that he can't think of a limit. He said that he has 3 trailers that have parts and that the rest are plated that he moves around. He mentioned most of his trailers are plated. He went to state that he considered having a fenced area for the trailers that aren't plated and for storage.
  - Building Comm. Boz asked applicant Miron what the state said on his license and if there was a number of trailers and units he can have.
  - Applicant Miron answered no. He stated that it's a repair shop and that there are no limitations to how many he can have on his property.
  - Chairperson Troike asked applicant Miron if he had the business running in Illinois.
  - Applicant Miron answered yes.
  - Chairperson Troike mentioned the history of the property.
  - Member Downs stated that the units should be registered and plated and that he should have a limit to how many are parked there.
  - Chairperson Troike mentioned that all of them look moveable and he will get caught up with it getting cleaned up.
  - Executive Secretary Cultice asked applicant Miron what his business does and what kind of repairs does he do.
  - Applicant Miron stated that he does the body work, engine work and he works on damaged parts. He mentioned that one of his trailers that he is working on got hit into a bridge and explained that he has to wait for the insurance company and that there's nothing he can do about it. He added on that the trailer is plated. He mentioned that he has at least 2 trailers that are wrecked and is needed to be repaired but he has to wait on insurance companies in order to work on them.
  - Member Downs stated that he has no problem with the business, he went on to state that there need to be a limitation.

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- Applicant Miron went on to state that he understands with the limitation, although he mentioned that he can't have a limit to how many trailers come in that are plated.
- Member Downs stated that the board can't limit the ones that come in plated and continued to state that he is more worried about the ones that are for parts.
- Applicant Miron went on and stated that he can have a fenced area where he can have a closed part for it to not be seen and for the trailers that have parts and the trailers that have gotten wrecked.
- Executive Secretary Cultice asked applicant Miron if they had a possibility in putting up trees without considering putting up a fence.
- Applicant Miron stated that for the storage he is wanting to put a fenced in area 200ft x 100ft with a 9ft fence.
- Building Inspector Boz asked applicant Miron where his septic is located.
- Applicant Miron answered straight towards the shop.
- Executive Secretary Cultice asked applicant Miron if his quantity of trailers is above 10.
- Applicant Miron answered yes for the trailers for parts.
- Executive Secretary Cultice asked applicant Miron if the count is close to 50 trailers.
- Applicant Miron answered that it's close to 50 with the plated but stated he does not have more than 50 of his own trailers.
- Executive Secretary Cultice asked applicant Miron what he does with the oil from repairs and how often is it disposed of.
- Applicant Miron stated that he has a company and had an E.P.A inspection. He then stated that it depends on how full it gets and mentioned that he has a 500-gal tank and in the fall he disposes of it.
- Executive Secretary Cultice asked applicant Miron about the scrap metal.
- Applicant Miron answered that he has a garbage service.
- Atty. Schramm stated that there's more of a concern on the non-plated vehicles and for the ones that are parts trucks.
- Member Downs continued to discuss more on the non-plated vehicles and how they must be in the fenced in area.
- Plann. Admin Beever stated that applicant Miron can put up any size fence because it is over the 30ft from the improved portion of the road.
- Building Inspector Boz asked if it's also with the easement.
- Plann. Admin Beever answered yes. She stated that its 30ft from the edge of the road and not by the property line. She continued on to state that it has to be at least 30ft away from the edge of the road and that is why he can have any size of fence.
- Applicant Miron asked if he needs to get permission from the neighbors to put up a fence.
- Building Comm. Boz answered no, as long as he knows where the property line is at.
- ◆ Board discussion
- ◆ Executive Secretary Cultice made a motion to close the public comment portion of the hearing. Member Downs seconded that motion. Motion carried 3-0.

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- ◆ Member Downs made a motion to grant the request with the stipulations of;
  - a. Minimum of a 6ft tall fence.
  - b. All non-plated vehicles must be parked in the fenced area that is limited to 150 x 275.
  - c. Plant trees along route 30 as shown in the drawing.
  - d. Within 6 months everything needs to be completed.

Executive Secretary Cultice seconded that motion. Motion carried 3-0.

- ◆ BZA Secretary Landa stated that Adrian Scurtu will be scheduled to be reheard for the January 10, 2024 meeting.

## **V Old/New Business- Jerry Cannon**

- ◆ Jerry Cannon came to ask questions in regards variance 20230673 filed by Viola Woods/Lomax property Owners Association. After much discussion on the topic the board determined that any of his state licenses expire and if he wants a new one he must go through the board zoning appeals for a variance.

**VI** With no further business to come before the board Executive Secretary Cultice made a motion to adjourn, seconded by Member Rentz. Motion carried 4-0. The December 13, 2023 meeting adjourned at 7:40 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 January 10, 2024 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.