

**CITY OF KNOX BOARD OF ZONING APPEALS
101 WEST WASHINGTON STREET
KNOX, INDIANA 46534
574-772-5445**

Meeting Minutes: February 20, 2024

Members Present: President Mike Skinner, Vice President James Jenkins, Secretary Shannon Hoekman

Director: Lonnie Boley

Staff Not Present: Monica Miller, Jeff Huston

The February 20, 2023, Board of Zoning Appeals meeting was called to order at 6:00 p.m. by President Skinner. Roll Call was preformed. Vice President Jenkins made a motion to approve the September 18, 2023 minutes, Secretary Hoekman seconded the motion. Carried 3-0.

Re-Organization:

President Skinner stated it was time to do the official reorganization, three spots have to be filled. President, Vice President, and Secretary. Vice President Jenkins made a motion to keep the three spots the same, since there are only three of us in attendance. Secretary Hoekman seconded the motion. Motion carried 3-0. The 2024 City of Knox BZA Board: The President- Mike Skinner, Vice President- James Jenkins, Secretary- Shannon Hoekman, Member- Jeff Huston, Member- Monica Miller.

Public Hearing: Douglas & Patty Hamilton, Variance Request- President Skinner opened the hearing for comments at 6:07pm, and read the legal notice. The purpose of the hearing is to allow an accessory building to be placed in the front yard and closer than thirty-five feet from the property line, Ordinance # 971A, #958. The property is Zoned A-Agriculture (less than Five acres) Ordinance #958, commonly known as 1401 E. Washington St. The property is owned by, Douglas & Patty Hamilton.

Patty Hamilton was in attendance to request the variance and stated she had a packet prepared for the board with pictures of the property in question. Mrs. Hamilton continued: In Oct of 2023 she had a 18x26 metal building erected on the East side of the property. She did not request a permit prior to having the building erected and apologized for the oversight. On November 16, 2023 she received a certified letter from Director Lonnie Boley , Office of Building and Code Compliance. The letter stated

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that a permit was required and they were not in compliance with set back requirements. Mrs. Hamilton stated she immediately contacted the office of Lonnie Boley. Director Boley explained the ordinance to her and they discussed her options. At that time the decision was made to have the building moved to another location on the property after obtaining a permit. Mrs. Hamilton continued, she paid over \$1,000 to have the building moved and requested a variance hearing. The building was intended to be used to park Mrs. Hamilton's new car in. The new location does not allow her to park or easily access the building. Director Boley had previously suggested moving the building further back on the property. Mrs. Hamilton stated that is not possible because her deck, stairs, and electrical panel are in the way. She stated, the building needs to be in the original location in order to use the building for its intended reason. Mrs. Hamilton added that, the West side of the house is the septic, and leech bed. The back of the house has a very steep slope and it is a wooded area. The current location of the building is in very low land that holds water. It is currently 240 feet from her house, and not easy for her to get to. The closest neighbor is on Sellers Ave. Mrs. Hamilton said, their house is the only one on the road, and they own ten acres in total. From Sellers Avenue to the intersection of Washington and Lake Streets. The property across the street is owned by Crown Hill Cemetery. So the building wouldn't interfere with the neighbors, or impair anyone's line of vision. The Hamilton's stated they have owned the property for 42 years, and are getting older. The ability to park her car in the morning for her job and their daily life's would be easier with the building in its original location.

Mr. Jim Brown was in attendance representing the Crown Hill Cemetery Committee. Mr. Brown was there to object to the variance request for aesthetic reasons. The Committee is concerned because they will eventually be developing the back part of the Cemetery across the road from the Hamilton's property. He also expressed the committee's concern that the Hamilton's or their guests have previously parked on Cemetery property.

President Skinner ask Director Boley if he had anything to add. Director Boley stated, As you all have seen the ordinance states a building must be at least 35 feet from the property line. In a residential areas all building's need to located behind the house. In the Hamilton's situation the have 10 acres in total. The house and desired location for the building is set on a 2 acre plot. According to the ordinance letter you received to be zoned Agricultural it cannot be less than 5 acres. So it results back to R-1 since it is a single family residence. The desired location is only 20 feet off the property line.

Mrs. Hamilton asked, what is the difference between a accessory building and a car port. Director Boley read the 2020 residential building code #R309 Garages and Carports. The area of the floor must be sloped, and car ports must be open on no less than two sides, the floor must be made of non combustible materials. Vice President Jenkins noted the carports currently seen in city limits were placed there prior to the code being updated in 2020. Mrs. Hamilton said, that she measured from the edge of the road to the red line in the picture (where the front of the front of the building was

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previously located) and it measured 36 feet. Director Boley stated that he used the measurements from GIS because there is not a survey of the property on file, without a survey he has to use the GIS measurements. According to GIS measurements the building would only be 20 feet off the property line, if placed back in the desired location. Secretary Hoekman confirmed that the variance request is for 16 feet and for the accessory building to be placed in the front of the residence. Director Boley said yes, that is what is needed. President Skinner ask if there were any additional comments, no one replied yes. President Skinner closed the meeting for public comment at 6:33pm.

After discussion between board members, Vice President Jenkins made a motion to grant the variance allowing for the accessory building to be placed back in the original location (20 feet off the property line and in front of the residence) with the stipulation that a concrete foundation be poured. Secretary Hoekman seconded the motion. Motion Carried 3-0

No further business before the board.

Adjournment: Vice President Jenkins made a motion to adjourn at 7:05. Secretary Hoekman seconded the motion. Motion Carried 3-0.

Shannon Hoekman

Secretary

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