



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

Meeting Minutes: September 16, 2019

Members Present: Greg Matt, John Wilson, Mike Skinner

Members Not Present: George Byer

Staff Present: Kenny Pfof, Martin Bedrock

Members of public present: Michael and Lucille Rizzo

The September 16, 2019 Board of Zoning Appeals meeting was called to order at 7:05 p.m. by President Greg Matt. The Pledge of Allegiance was conducted, and Roll Call was performed. Member Wilson made a motion to approve the July 15, 2019 minutes. Member Skinner seconded the motion. Carried 3 -0.

NEW BUSINESS

Public Hearing for Michael and Lucille Rizzo – Appeal of denial for a permit to install a modular home in Southbrook Subdivision, Phase 1, Lot 1, located on Short Drive. Property is owned by Michael and Lucille Rizzo, notice was posted by Kenny Pfof, City of Knox Building Administrator. President Matt read the legal notice that was published in the local paper, and he opened the public hearing.

Lucille Rizzo expressed that they intend to build a home and become residents of Knox. They chose to go with a modular rather than stick built so that the construction materials are not sitting outside in the elements during construction. Modular house will be 1800 square foot ranch that will be installed on a foundation, 2 ½ car garage, 712pitch on roof. Michael Rizzo asked what the concern was regarding the home.

President Matt advised that the issue involved ordinances in place that require homes in a given neighborhood to be of similar type. Attorney Bedrock asked the Rizzos if they had been given a copy of the restrictions and covenants for the subdivision, the Rizzos stated they had not been given any copy of restrictions or covenants for the subdivision. Attorney Bedrock explained to the Rizzos that one of the restrictions in that particular subdivision is that all homes must be stick built. The Rizzos stated they had no knowledge of that, and pointed back to Callahan Homes (modular home builder) as not having told them this before taking their \$4500 deposit.

Skinner noted that Callahan homes applied for the original permit and asked if anyone from Callahan was in attendance at this appeal hearing. No one from Callahan was in attendance. The Rizzos asked why no one had given them a copy of the restrictions or covenants prior to this evening. Attorney Bedrock noted that it is not the board's responsibility to do so, that would fall on the builder and the real estate agent who sold the property. The Rizzos stated that they bought the property through Olson Real Estate.

Matt stated that everything was recorded at the courthouse when the property was subdivided, including lot sizes and covenants. Skinner noted that date was November 1999. Attorney Bedrock stated that he got a copy today from the courthouse.

Matt asked for public comment. First speaker was Dick Ballard, who also introduced his wife Gloria, both are residents of Short Drive. Ballard stated that the concern held by the Ballards, "whether true or not," is that modular homes lower the value of stick built homes around them. Ballard cited the public perception that the quality in a modular home is lesser than a stick built home, that the modular is not as durable and does not last as long. Ballard stated that their objection was that a variance being granted would lead to additional types of homes being placed in the subdivision.

A member of the audience asked the Rizzos if they had informed Olson Real Estate during the property purchase that they intended to put a modular home on the property. Both Rizzos stated that they did not, that they were researching what they wanted to build at that time and had not made any decisions.

Jason Downs spoke next, and identified himself as a contractor who has built homes in the neighborhood. Downs objected to the lack of inspections that are done on a modular home in the factory and that the employees who build the homes in the factory are not skilled labor. Downs noted that there are no inspections done regarding the construction, electrical, plumbing, etc. as there would be for a stick built home. Downs noted that although the Rizzos continue to cite the modular being built in a controlled environment of

a factory, the home is delivered in pieces which affects the siding, shingles, trusses, and other parts of the home that could be broken in transit.

Mr. Rizzo asked if the builder is informed of these restrictions when the permit is applied for. Skinner noted that that was the issue, that the permit had been denied and this was an appeal of that denial.

Susan Heims spoke and stated objection to a modular home.

Mrs. Rizzo questioned whether or not another subdivision exists in Knox that allows stick built or modular and states that she found one such place when researching online. Attorney Bedrock stated that is up to the developer when the subdivision is first laid out.

Matt stated he has seven letters from neighbors who are voicing objection to the variance request.

Candy Short spoke and stated objection to a modular home.

Matt read the names of the seven letter writers into the record: Mike and Lisa Dan, Delores Dan, Geraldine R at 1498 Short Dr, Ram Rentals LLC (Martin), Nancy at 1406 Short Dr, Sharon Carpenter, Michael Dembowski.

Downs asked for clarification for the future if a Toll Brothers home is considered modular. Wilson stated it is not, as the house is assembled on site in pieces without preinstalled plumbing or electrical.

Matt closed the hearing. Member Wilson stated his objection to placing a modular home in the subdivision. Member Skinner advised the covenants have been on file for 20 years, people have purchased homes in that subdivision with the expectation of those covenants.

Wilson made a motion to deny the variance request for placing a modular home in the subdivision. Skinner second. Carried 3-0.

Variance Violation for Michael and Michelle Sullivan – 2860 S Lart Ln.: Pfof explained that in June of 2018 a variance was granted to the Sullivans to construct a pole barn on the property that exceeds the allowable 1000 square feet as per the residential zoning ordinance. The stipulation of the variance was that the pole barn was for storage and business would not be conducted in the building. It has been reported that Mr. Sullivan is repairing semis in the building. Pfof and Bedrock explained that they were trying to determine what the correct fee amount would be for violating the terms of the variance.

Matt stated that there is a minimum fee. It was decided to go through the city court and city attorney to determine the correct fee/fine amount.

Other Business: There was no other business discussed.

Adjournment: Member Wilson made a motion for adjournment. Member Skinner second. Motion carried 3-0. Meeting adjourned at 8pm.

Michael Skinner
Secretary