



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

Meeting Minutes: August 17, 2020

Meeting Location: Nancy J Dembowski Community Center

Members Present: John Wilson, Mike Skinner, Darlene Dulin

Members Not Present: Jeff Houston

Staff Present: Kenny Pfof

Staff Not Present: Todd Wallsmith

Members of public present: Becky Bailey, Linda Bailey, Carol Blastic, Nate Chambers, Essie Clemons, Larry Clemons, Brenda Comb, Jim Condon, Steve Condon, Gary Dulin, Christy Foster, Alex Gray, Deven Gurski, Connie Hurst, James Hurst, David Johnston, Don Kelly, Linda Kelly, Lois Kidd, Chuck Kleinfehn, Mary Kleinfehn, Airiel Kring, Donald Kring, Evelyn Marsh, George Marsh, Jeanie Marsh, Michael Marsh, Linda Marshall, Becky Martin, Rick Martin, David Metz, Linda Metz, Monica Miller, Glen Mitchell, Kendra Ohime, Matt Ohime, Kyle Page, Dave Pearman, Dawn Porter, Sherman Porter, Joe Pucel, Mark Rippy, Elise Risner, Jacque Ryan, Joan Ryder, Donna Scott, Gerald Shadrix, Peggy Shidaker, Diann Turner, John Turner, Devan Wallen, David Weinberg, Dawn White, Johnny White, Linda Wolfenbarger, Kate Yankauskis, Al Zabinski Jr, Marilyn Zabinski

The August 17, 2020 Board of Zoning Appeals meeting, held at the Nancy J Dembowski Community Center and with COVID-19 restrictions in place (masks required), was called to order at 7:00 p.m. by President John Wilson. The Pledge of Allegiance was conducted, and Roll Call was performed. President Wilson acknowledged that the board has a new member, Darlene Dulin, and that since the last meeting, Board Vice President George Byer had retired.

President Wilson asked for approval of the June 15, 2020 minutes. Member Skinner made a motion to approve the June 15, 2020 minutes without changes. Member Dulin seconded the motion. Carried 3-0.

NEW BUSINESS

President Wilson asked Member Skinner to read the 1st public hearing notice: "Notice is hereby given that there will be a public hearing at the Knox Community Center on Monday, August 17, 2020 at 7pm. The purpose of the hearing is for a variance to allow a pole barn to be constructed that is more than the 720 square foot maximum in an area zoned as Residential, located at Deer View Estates Subdivision, Second Addition, Lot 10, Block 1 (.548 acres), commonly known as 605 Ann's Court, Knox, Starke County, Indiana. The property is owned by Devan Wallen. Kenny Pfof/City of Knox Board of Zoning Appeals Administrator. "

President Wilson opened the public hearing at 7:06pm, and asked Devan Wallen to explain what they were looking for. Wallen said they were looking to build an oversized pole barn on the empty lot immediately to the south of the property where his house is located – he owns the adjoining lot. Purpose would be to store personal property – golf cart, mower, etc.

President Wilson asked for additional public comments. Seeing none, the public hearing was closed at 7:09pm.

Wilson asked for comments from the board. Skinner asked for clarification as to where the pole barn would be located. Wilson noted the back corner of the adjoining lot. Wilson addressed Wallen, and noted that the main issue is that by ordinance one cannot build a pole barn on a lot that does not already contain a house, that the lots would need to be joined together as one.

Wallen stated that he wanted to maintain the properties as separate units in case in the future his family decided to sell the 2nd lot. Wilson advised that Wallen would need to revisit with a variance request to build a pole barn on a vacant lot, rather than a variance request to exceed the square footage limit, or join the lots together as one. Wallen stated that there are multiple examples in Knox of pole barns built wherever people wanted to put them. Wilson responded that the purpose of the ordinance is to contain that, to keep things uniform and to protect everyone.

Member Skinner noted that driving through the Deerfield Estates subdivision, one notes no pole barns on empty lots or of excess size. Wallen countered with two examples that he

states exceed size limits. Skinner noted that Wallen's application states that he was not able to get a copy of the Deerfield Estates covenants, but Skinner noted that he was able to obtain a copy of the covenants that afternoon by visiting the real estate office in charge of selling the vacant lots, A L Olson Real Estate. Skinner stated that he had discussed the issue with Marsha Boggs, the broker at Olson Real Estate, and she felt the building of a pole barn on a vacant lot would be a violation of the covenant restrictions. Skinner suggested getting a clarification on that from Bruce Johnson, the developer of the subdivision. Wallen stated the covenants fall off after 15 years so he felt addressing it now with a variance was appropriate.

Member Wilson restated that it comes back to the issue of not being allowed by ordinance to build a pole barn on a lot with no house. Wallen requested to know where in the ordinance book that is, Wilson asked Pfof for the location of said ordinance. Wallen stated that he would lose money if he joined the property together because it won't add the amount that he paid for the lot to his appraised value.

After continued debate between Wilson and Wallen regarding what Wallen had applied for and what options were currently available, audience member Don Kring yelled "TIME" at 7:28pm. Skinner made a motion to table the issue until next month, second by Dulin. Passed 3-0.

The issue was tabled to give Wallen time to explore joining the properties, and for the Board to research the issue as to whether or not Wallen would need to file a separate variance to build a pole barn on a vacant lot.

President Wilson asked for the second notice to be read. "Notice is hereby given that there will be a public hearing at the Knox Community Center on Monday, August 17, 2020, at 7pm Central Time, located 55 East Lake St, Knox, Starke County, IN. The purpose of the hearing is for a variance to allow a garage to be constructed less than 10 feet from a property line in an area zoned as Residential, located at Part Southeast, Northwest, Section 23, Township 33, Range 2, .47 acres, commonly known as 608 E Washington St, Knox, Starke County, IN. The property is owned by Airiel Kring and Alexander Gray. Kenny Pfof/City of Knox Board of Zoning Appeals Administrator."

Wilson opened the public hearing at 7:30pm and asked Alexander Gray to explain what he was looking for. Gray stated that they owned two city lots that were joined together, accessed via private alley. Asking to put a garage on the property closer to the property line than the current setback ordinance allows. Wilson asked for public comment – an unnamed woman in the audience stated that she was a neighbor, and that the property in

question currently looked better and was taken care of better than it had been in the past so she had no objection.

Wilson closed the public hearing at 7:33pm. Wilson clarified that there was a concrete pad located where the garage was going – Gray stated yes. Skinner confirmed that they are asking for a 5 ft setback, Wilson said that is the case.

Wilson asked for a motion. Skinner made a motion to grant the motion as requested, specifying no less than 5 ft setback, and Wilson confirmed that the garage is to be no more than 720 square feet. Dulin second. Passed 3-0.

President Wilson asked for the third notice to be read. “Notice is hereby given that there will be a public hearing at the Knox Community Center on Monday, August 17, 2020, at 7pm Central Time located at 55 East Lake St, Knox, Starke County, Indiana. The purpose of the hearing is for a Special Use request to allow the property to be used for a temporary housing facility for displaced Starke County residents on a rehabilitated plan in an area zoned as Residential, located at Ross 2nd East 54 Feet of Lots 98 and 103, Ross 2nd West ½ Lot 97, and Ross 2nd West ½ Lot 94, commonly known as 503 E Lake St, Knox, Starke County, Indiana. The property is owned by Queen of All Saints, Inc. Kenny Pfost/City of Knox Board of Zoning Appeals Administrator.”

Wilson opened the public hearing at 7:36pm. Matt Ohime stated he was representing the Starke County Resource Center. Ohime stated he wanted Peggy Shidaker to answer the question “Who are the homeless.” Wilson stopped him and stated that the only issue that was going to be discussed was the variance. Shidaker defined the homeless as people who are local including students in the Knox school district. Ohime stated the next question is “What are they going to provide,” which he stated is to provide housing on a temporary basis to people who are temporarily homeless, usually through no fault of their own. Ohime specified that this is not a drug rehabilitation service nor a halfway house. Ohime stated they will be staying at the property with access to laundry and shower facilities and all of the resources needed to help them back on their feet.

Ohime moved on to addressing why 503 E Lake St is an “ideal” location for this service. He asked Rebecca Bailey from Bella Vita to address that issue. Bailey noted that they have clients in need of services that they have to take to Michigan City due to no local facilities. Bailey stated that in order to get back on their feet locally, they need to be able to access local resources such as doctors. Ohime stated that concluded their initial remarks.

Wilson asked if this was to be run as a business and how was it being supported. Ohime stated that it would be run as non-profit corporation, dependent on the donations and

goodwill of the entire community. Wilson stated that it would essentially be run like a business and he wasn't sure the board had the authority to grant a special use permit to put a business in a residential area. Ohime countered that it was a charitable organization, a 501c3, not dependent on any government entity.

Wilson asked if there was any other public comment. David Chambers rose to speak. While Chambers supported the idea in general, he opposed putting a homeless shelter in the middle of a residential area and cited more appropriate properties such as the Knox Moose Lodge, owned now by the City of Knox.

Other speakers against: Jim Condon, who raised the issue that people bought and built properties in the neighborhood in question because it was zoned residential and questioned the impact it would have on the values of properties. Condon further wanted to know if this facility was going to be for Starke County residents, or if it would be opened up to people from outside the community.

Johnny White questioned the funding plan to rely on donations from the community, noting that the economy has been shaky at best and what happens if it gets worse and the donations dry up. Dawn White questioned traffic on Lake St due to funerals and people who disregard traffic controls and the potential for accidents, and wanted to know where kids staying in a facility would be playing as there is no yard, plus there is no parking.

An unnamed woman raised an issue about length of stay and said she had messaged Ohime regarding the organization's facebook page which said "initially" helping Starke County residents, and the woman wanted answers regarding length of stay, whether or not people would be coming from out of county, and funding should donations dry up. Ohime stated the 14 day figure was a national average, but did not cite a source. Ohime did not answer the question about people using the facility from out of county, and other than saying there would be opportunity for the organization to become self-funding, he did not address the question about lack of donations.

Mike Marsh spoke against locating this facility, noting that people could easily move into the county and declare themselves to be residents after only a matter of days. Evelyn Marsh spoke and noted that she had been someone who used a shelter facility in Valpo and worked at said facility as well, and she questioned the 14 day time period. She stated they were often unable to assist clients in less than six weeks and wanted to know how this group proposed managing 14 days.

Mary Kleinfehn from St Vincent de Paul society spoke, noted that they receive calls from homeless families and cannot do anything to help. She noted that there was no way to

answer questions about crime, traffic, etc. tonight, and stated she was disappointed by all of the people who said they wanted to help but not in their neighborhood. She also noted that the building was being donated by the Knights of Columbus.

David Weinberg asked the question regarding the Moose Lodge building zoning, Wilson confirmed it is zoned commercial. Weinberg stated Ohime has been doing his homework and asking about best practices for empowering people and running such a facility.

Pfost read letters into the record, all against, from the following: Dawn Griffith, Daryl Griffith, James and Christina Howard, April Sell, Bob and Eunice Cleveland, Karen Crujeo.

Wilson closed the public hearing at 8:15pm.

Wilson stated to the board that the property is in a residential area. Dulin noted concerns about crime and lowered property values.

Wilson asked for questions from the board. Skinner wanted to know how the facility would be staffed. Ohime stated that they were in the process of recruiting 10 to 15 different agencies who would provide volunteers who would work in shifts and have the facility staffed 24/7. Ohime stated that there would be a director overseeing the process.

Wilson restated his original comment: this is a business, to which Ohime and his group stated that they are a charitable organization and they are all volunteer. There was disagreement among the members of Ohime's group as to whether or not the director was paid.

Wilson asked Ohime if they had investigated any other areas of the county since this will be for Starke County residents. Instead of answering, Ohime quoted statistics that he says show a need for the facility, but did not cite sources for his statistics or answer the question about researching facilities in other areas of the county. While citing his sources, he stated that he would have 61 people in the facility at one time.

Skinner questioned the lack of preparation, that it seems a free property presented itself and now a poorly formulated idea is being pursued with no planning whatsoever. There's no business plan, there's no evidence of investigating other properties, there are no statements from any groups that plan to volunteer or plans for raising funds. Skinner noted that there are 12 criteria spelled out in the ordinances that are to be evaluated when looking at granting a variance in a residential area, and none of those 12 criteria have been met.

Ohime made several additional statements that were emotional in nature as to the reasons for needing a temporary facility for the homeless, while Wilson countered with statements rooted in ordinance. Wilson then gave Ohime the opportunity to come back next month with more information and table the motion for today, rather than make a decision today.

Ohime requested that the issue be tabled. Member Dulin made a motion to table the application, seconded by Skinner. Passed 3-0.

Other Business: None.

Adjournment: Member Skinner made a motion for adjournment. Member Dulin second. Motion carried 3-0. Meeting adjourned at 8:33pm.

Michael Skinner
Secretary