



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

Meeting Minutes: September 28, 2020

Meeting Location: Nancy J Dembowski Community Center

Members Present: John Wilson, Mike Skinner, Darlene Dulin, Jeff Houston

Members Not Present: None

Staff Present: Kenny Pfof, Todd Wallsmith

Staff Not Present: None

Members of public present: None

The September 28, 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 asked for approval of the August 17, 2020 minutes. Member Houston made a motion to approve the August 17, 2020 minutes without changes. Member Dulin seconded the motion. Carried 4-0.

NEW BUSINESS

President Wilson addressed the fact that the board needed to appoint a new Vice President, and asked for nominations or volunteers. Member Skinner nominated Member Houston to be Vice President, seconded by Member Dulin. Carried 4-0.

OLD BUSINESS

President Wilson brought back the tabled variance request from Devan Wallen for a pole barn on his vacant lot, previously discussed and tabled at the August 2020 meeting.

Wilson stated his understanding of current ordinance being that the only way the pole barn can be built is Wallen would need to combine the two lots into one. Wallsmith stated that would leave the same issue should the lot without a house be sold separately in the future. Wilson countered with adding a stipulation to the variance that states the property cannot be sold by itself without a house.

Wallsmith addressed the previous issue of the question about restrictive covenants in the subdivision. Wilson stated that he had checked into that and that's a moot point, as there is no homeowner association to enforce any such covenants. Wallsmith stated that a homeowner association would not be necessary, all it would take is one homeowner in the subdivision, and that homeowner would need to get an injunction from a court enforce the issue.

Wilson asked if a stipulation could be added to the variance. Wallsmith stated that you could not unless it's a special use permit, which Wilson contended that it is. Wallsmith read the ordinance description for an accessory building under the R1 – Residential section, and said that as he understands this, the purpose of the accessory building is for off-street parking, and that would be allowable. Wilson stated then the ordinance book does not contain anything that would prevent someone from building a pole barn on a vacant lot, to which Wallsmith stated that in order to have accessory off-street parking on an adjacent lot, one would have to have a house. Example used, if one owns adjacent lots 4 and 5 in a subdivision and has a house on 4, one could build an accessory off-street parking building on lot 5 without building another house as the ordinance currently is written. Appendix A, Title 1, Section 13, under "Accessory."

Upon further review of the ordinance, 720 square feet is the limit for lots 0.5 acres and less. Wallen requested 960 square feet. Pfof noted that Wallen's lot is 0.548 acres, which gives him up to 1000 square feet. Wilson noted that if the 960 square foot building was built, then anyone buying that lot separately in the future would not be able to build a house on the lot because the accessory building would take too much square footage, not enough would be left for the house to meet ordinance minimums.

Wallsmith clarified that the definition of garage does not state what type of building is constructed, just that its primary use is to be storage of vehicles. Wilson noted that it wouldn't matter if the building is stick built or pole built, a garage is a garage. Wallsmith

noted that the very end of Appendix A, Title 1, Section 13a states that the accessory building need not be located on the same zoning lot as the residence. A property owner who has two lots can build an accessory building for off-street parking on a lot next to the lot that contains their primary residence.

Wallsmith read the definitions of accessory use on page 1278 in the ordinance book. Wilson stated that he was looking for definitions of accessory buildings, not accessory use. Discussion ensued looking for amendments that supposedly occurred within the past two years, but the only amendment notations were 1999 and 2007.

Wilson stated that we did not have any way to stop Wallen from building his building. Houston asked if any of the neighbors objected, Pfost stated that they did not.

Wilson stated that amending the ordinance to say that one cannot build an accessory building on a vacant piece of property needs to be added to the planning commission agenda.

Pfost noted that Matt Ohime had called re: the Starke County Resource Center's request for a variance, and that Ohime had requested that their portion of the meeting be cancelled until they can revise their plan. Pfost read a letter from the Starke County Resource Center's board of directors suspending their request for the special use permit, and stated their intention for a warming center at the Trinity Assembly of God Church.

Member Skinner made a motion to adjourn at 7:43pm. Dulin second. Carried 4-0.

Michael Skinner
Secretary