



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

Meeting Minutes: October 19, 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 (via Zoom)

Staff Not Present: None

Members of public present: William Reichhart, Autumn Ferch, Ted Hayes

The October 19, 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 September 28, 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 opened the public hearing for the Knox Community School Corporation variance request at 7:05pm. Administrator Pfof read the notice: "Notice is hereby given that there will be a public hearing at the Knox Community Center on Monday, October 19, 2020, at 7pm (Central Time) located at 55 E Lake St, Knox, Starke County, Indiana. The

purpose of the hearing is for a variance request to allow a sign to be erected with less than the required setback and a height restriction in an area zoned as Residential, located at: Part Southeast, Southeast, Section 22, Township 33, Range 2 (8.23 acres), commonly known as 901 S Main St, Knox, Starke County, Indiana. The property is owned by Knox Community School Corporation. Kenny Pfof/City of Knox Board of Zoning Appeals Administrator.”

Wilson asked for a representative from the school to speak. Mr. Reichhart, the school corporation superintendent, introduced himself and stated that the Middle School principal was unable to attend, so Mr. Reichhart would be handling the meeting. Reichhart stated that the Middle School wanted to erect a sign similar but smaller than the newly erected corporation sign, which would have electronic signage in the middle. The signage would advertise the events occurring at the middle school. Reichhart recapped the upgrades that have been made to the front of the school, including new entrance, lighting, rust removal from the front of the school.

The desire is to have the sign note where the front entrance is to the school, as opposed to the entrances for the gymnasium. The street corner was ruled out due to potential confusion with the gymnasium, and replacing the existing sign on Culver Rd was ruled out as this doesn't identify the front entrance to the school.

The school ruled out a low-height sign as the thought is that the sign would not be seen, and a middle-height sign was ruled out as potentially being a vandalism target. Reichhart volunteered that the sign could be turned off at night so the lights from the sign are not a nuisance to neighbors, stressing that he would like the sign on in the morning by 7:30am so people coming in to the school are able to see the advertised events.

Ted Hayes was in attendance, who stated that he was ok with the sign, but he was attending for Sheldon Berndt, who could not attend and who objects. Discussion was held to determine exactly where the sign would be located and it was decided that it would be likely directly across from the Berndt property. Ferch and Pfof commented that it is actually closer to being across from a property owned by Belork.

Houston voiced a concern about putting the sign at the corner due to the level of activity that occurs at the intersection. He added that he has a concern about the height of the sign if it is only six feet from ground level, with the potential for vandalism at that height.

Reichhart noted that the school board has not approved the sign yet. Wilson noted that the sign isn't a go even if the BZA says ok, as the sign is in the right of way. This requires

approval by the City of Knox Board of Works. Pfof stated that the school corporation is on the agenda for the next Board of Works meeting.

Wilson stated that he likes the idea of the sign being shut off at night, and that the messaging part has to scroll from message to message, no flashing. Reichhart said that the messaging part would be the part that is shut off, but the top part would remain on, the portion with the school corporation's name.

Wilson closed the public hearing at 7:15pm and asked for comments from the board. No members of the board asked additional questions. Wilson asked if the top part of the sign with the school's name, the fluorescent part, could be shut off at night. Reichhart said he was not aware if that was an option, as the messaging part was controlled by WiFi but the name/fluorescent part was not. Reichhart noted that the sign would not be as bright as the newly installed parking lot lights.

Wilson asked for a motion, Skinner asked if the variance was going to be granted with qualifications such as what time the sign was to be shut off at night. The time agreed to was 8pm Central Time for the electronic/messaging portion of the sign to be shut off, with the potential to revisit the shut-off time if there are complaints, and the approval was made pending approval by the City of Knox Board of Works. The motion was made by Houston, second by Dulin. Passed 4-0.

OLD BUSINESS

President Wilson brought up the issue of the Trinity Assembly of God and their proposal for a warming center.

Pfof stated that the minister of the Trinity Assembly of God had stopped in to speak with him about changes they want to make to their building so it can be used as a warming center. This would include an expansion of their kitchen, possibly adding showers – so they would be serving food and providing those who need it a place to shower. Pfof stated that based on the ordinance book right now, there's nothing that would stop this from happening. The mayor asked Pfof to look into this further.

Wallsmith commented that in Indiana and most places in the US, the prevailing opinion is that if something is not prohibited that it is in fact permitted. Churches have established themselves as a place that serve meals, so feeding people is not a basis to stop them. Wallsmith noted that many churches are open to anybody to enter at any time, so a warming center without a specific definition is really no different.

Wallsmith noted that the only thing he sees in the ordinances that the BZA would have any say over would be if the church was renting rooms or allowing for overnight stays. Wallsmith does not believe the BZA has any authority to stop the church from hosting a warming center unless overnight stays are involved – this would be a health department issue.

Wilson advised that he had been told that the Starke County Resource Center had taken control of the former Knights of Columbus building, and although they were currently on hold with their plan for a shelter, they had decided to proceed with using the Knights of Columbus building as a warehouse. Wallsmith stated that he was not currently giving an opinion on the Knights of Columbus building, he was on the Trinity Assembly of God building issue only.

Wilson restated his question, Wallsmith stated he had no answer for him without doing research on the issue as far as a grandfather clause. Wallsmith also warned against trying to stop someone from acquiring a property by telling them what they can and cannot do with it in advance, as the seller could come after the city regarding liability/diminished value. Wallsmith then stated that if the board wants an opinion on this issue to request him to research it, but for right now, do not pursue problems that do not currently exist.

Member Skinner made a motion to adjourn at 7:40pm. Dulin second. Carried 4-0.

Michael Skinner
Secretary