



**CITY OF KNOX BOARD OF ZONING APPEALS**

**101 WEST WASHINGTON STREET**

**KNOX, INDIANA 46534**

**574-772-5445**

**Meeting Minutes:** June 21, 2021, 6:00 pm

**Meeting Location:** Knox City Hall

**Members Present:** Jeff Houston, Mark Simpkins, Dave Metz

**Members Not Present:** Mike Skinner, Darlene Dulin

**Staff Present:** Kenny Pfost, Todd Wallsmith

**Staff Not Present:** None

Members of public present: Leif Montgomery

The June 21, 2021, Board of Zoning Appeals meeting, held at the Knox City Hall, with COVID-19 restrictions in place (masks and social distancing required), was called to order at 6:00 p.m. by Vice President Jeff Houston. The Pledge of Allegiance was conducted and Roll Call performed.

Vice President Houston asked for approval of the April 19, 2021 minutes. Member Simpkins made a motion to approve the minutes without changes. Member Metz seconded the motion. New Member Metz abstained. Motion carried 2-0.

**NEW BUSINESS**

Vice President Jeff Houston opened the public hearing for the variance request at 6:05 p.m. Administrator Pfost read the following notice:

“Notice is hereby given that there will be a public hearing at Knox City Hall on Monday, June 21, 2021, at 6:00 p.m. (Central Time), located at 101 West Washington St., Knox, Starke County, Indiana. The purpose of the hearing is for a Variance request to allow a house to be built with less than the required setbacks in an area zoned as Residential, located at Garners Lot 7, Block 5, commonly known as 508 South Roosevelt Road, Knox, Starke County, Indiana. The property is owned by Dorothy Matter.

Kenny Pfost/City of Knox Board of Zoning Appeals Administrator.”

Vice President Houston questioned the reason for the Variance. Kenny Pfost explained that by today's requirements, a house has to be at least 1000 sq. ft. Since this is a corner lot, required setbacks are the side yard abutting the street has to be at least 30 ft. and the front yard has to be at least 35 ft. This lot, by today's standards, is undersized at 66' x 132' ft., which is 8,712 sq. ft. Required square footage by today's standards is 12,000 sq. ft. Set backs can't be met by today's standards. There was a house on this lot previously that had burnt down.

Community member asked if the newly constructed home would be a rental property. Concern expressed due to unsafe and unsightly conditions on rental properties already in the area (jacked up car, shed in a front yard, trash in yards, burning wastes). Feels renters aren't as likely to care for property like an owner would. Further expressed the shed has been present at least 2 years. Mr. Montgomery stated the intention was to construct and sell the new home on this lot. Legal council stated initially when the lot was created, it met the City of Knox and/or Starke County standards and was buildable. Through the course of time, and adoption ordinances, the lot is no longer billable. If the foundation had remained, a variance wouldn't be needed. The new home could have been built on that foundation. The only legal question here is will the property qualify, if variance is granted, to satisfy the Indiana code and ordinances as to being appropriate for a variance. It's a conforming use.

Legal counsel wanted to make clear “it is probably not appropriate for BZA to consider those portions of comments dealing with other persons use of rental property. Legal advice is do not reference the other uses of property when making a decision.” Vice President Houston asked for clarification from legal counsel re: When stating it is conforming use, is R1 zoned for housing? Per legal counsel, “Yes. A single-family house in R2 would satisfy as well.” Vice President Houston asked if stipulations should be factored in if variance was granted or to approve/deny as is. Legal doesn't suggest either way but will counsel Board as needed when Variance discussed. Further reminded Board that the setbacks are very specific. Setback parameters clarified. Kenny Pfost notified board there was also a right-of-way to be considered.

Leif Montgomery made reference to a porch he built in Marshall County that didn't meet the setbacks but neighbors were okay with it so it was approved. The way this house is set up, it will be further back and it is no worse than anything that is already there. Plan is for a single family, 1500 sq ft house with 2 baths and a 2-car garage. States this will be his 7<sup>th</sup> “spec” home.

Question from Board Member Metz: Are there any restrictions on percentage of lot coverage and how would this fit into that? Legal council stated this block coverage would be under 18%. Member Metz also asked if the City had ever considered putting a sidewalk in that area as there is one house with a sidewalk in front of it. Vice President

Houston stated that there is nothing that requires a sidewalk right now. Mr. Montgomery stated he is not planning a sidewalk right now but has it planned so that there is a decent sized house with a decent back yard and side yard. There is plenty of room (41 feet) for a view from both Roosevelt and Adams. Mr. Montgomery informed the board that he does everything except the yard and landscaping on homes that he builds. Reminded Board that he is building the home to sell. He had originally owned the lot but gave it to their sister who decided not to build and is giving it back to him. Awaiting signing of papers. Rear porch will be a deck. The front porch will have covering.

Public Hearing closed @ 6:30pm. Board discussion ensued. Member Simpkins asked Kenny if thought there were any safety hazards. Kenny stated no due to the fact that there is plenty of room (41 feet) to view both roadways.

Member Simpkins made a motion to accept the variance at 6:32 p.m. Member Metz seconded. Carried 3-0.

### **OLD BUSINESS**

None

Vice President Houston made a motion to adjourn at 6:34 p.m. Member Simpkins seconded. Carried 3-0