



CITY OF KNOX BOARD OF ZONING APPEALS

101 WEST WASHINGTON STREET

KNOX, INDIANA 46534

574-772-5445

Meeting Minutes: August 16, 2021, 6:00 pm

Meeting Location: Knox City Hall

Members Present: Mike Skinner, Darlene Dulin, Mark Simpkins, Dave Metz

Members Not Present: Jeff Houston

Staff Present: None

Staff Not Present: Todd Wallsmith, Kenny Pfof

Members of public present: Diamond Campbell, Jane Campbell, Daniel Allen

The August 16, 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 6:04pm by President Mike Skinner. The Pledge of Allegiance was conducted, and Roll Call performed.

President Skinner asked for approval to the agenda to add a variance request by Daniel Allen. Member Simpkins made a motion to add the variance to the agenda. Member Metz seconded. The motion carried 4-0.

President Skinner asked for approval of the July 19, 2021 minutes. Member Simpkins made a motion to approve the minutes without changes. Member Metz seconded. Motion carried 4-0.

OLD BUSINESS

President Skinner addressed Old Business first, a variance request by Diamond Campbell which was tabled from the July, 2021 meeting.

President Mike Skinner reopened the public hearing for the variance request at 6:07 p.m., and read the following notice:

“Notice is hereby given that there will be a public hearing at Knox City Hall on Monday, July 19, 2021, at 6:00pm (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 6-foot chain-link fence to be erected in a front yard in an area zoned as Residential, located at Part Southeast Northeast, Section 35, Township 33, Range 2, 2.5 acres, commonly known as 4840 East 250 South, Knox, Starke County, Indiana. The property is owned by Diamond Campbell. - Kenny Pfost/City of Knox Board of Zoning Appeals Administrator.”

According to the statute, 4 ft. high is allowed. The variance is a request for a 6 ft high fence. Ms. Campbell states fence would be 19-20 ft off the road. The fence will not obstruct the view from either side. States she requests the fence to keep a large dog in and the deer and other wildlife out. Fence will be black with a rolling gate. Jane Campbell is also present and states she is “for” the variance. Public hearing closed at 6:10pm. Member Simpkins then asked if Ms. Campbell was aware she could have a 6 in high fence in the back, but she would like for the fence to go all the way around the house. Member Simpkins then asked if the house/fence would look like a compound to which Ms. Campbell stated it would not. Member Metz asked why a 4 ft. fence wouldn’t work to which Ms. Campbell replied the dogs could jump the fence. Reassured Board the fence will look nice, and she is not a dog breeder. Secretary Dulin asked for clarification re: paperwork asks for 19 ft, but Ms. Campbell verbally states 20 ft. States due to the hitch on her truck, the extra foot is needed. Member Simpkins questioned the gate in the back to which Ms. Campbell states there is no need for it right now. She wants the second gate “...just in case it will be needed in the future.”

Secretary Dulin made a motion to approve the variance for a fence no higher than 6 ft, member Metz seconded. Motion carried 4-0.

ANY OTHER BUSINESS THAT MAY COME BEFORE THE BOARD

Member Simpkins states he has concerns regarding Title XXI, Section 1 Board of Zoning Appeals, C. Decisions, #1 which reads:

All final decisions arrived at by the board of zoning appeals shall require a majority vote of all its members.

Member Simpkins further states, “I don’t see all the members here.”

Member further addresses Section 4 Procedure in Appeals for Variances, E. which reads:

The board of zoning appeals shall find whether each of the requirements has been met. A concurring vote of a majority of the fully constituted membership of the board of zoning appeals shall be required to grant a variance.

Member Simpkins says he is unsure if Board is doing this right or not and wants to “raise the issue.” President Skinner states he is going with the opinion of legal counsel who has been to law school and has been counseling the Board “for years.” Member Metz asked how many Board members are missing from the meeting. President Skinner stated only one member was absent but had all members been present, the decision on the prior variance would have still carried if the vote would have been 4-1. Member Metz states he understands the concern but with a 5-member board, 4 are present and that is certainly a quorum. Member Simpkins states he is new and just wants to make sure the Board is doing things right and legal by law. Further states he is sure the current legal counsel “is smarter than me, but he’s human just like the rest of us and that doesn’t mean he’s right.”

NEW BUSINESS

President Mike Skinner opened the public hearing for the variance request at 6:26pm and read the following:

“Notice is hereby given that there will be a public hearing at Knox City Hall on Monday, August 16, 2021, at 6:00pm (Central Time) located at 101 West Washington Street, Knox, Starke County, Indiana. The purpose of the hearing is for a Special Use request to allow a parsonage to be erected on a property that is already occupied by a church in an area zoned as M-1 Light Manufacturing, located at Part Northwest, Southwest, Section 22, Township 33, Range 2, 1.174 acres, commonly known as 1102 West Pacific Avenue, Knox, Starke County, Indiana. The property is owned by Trustees of The Pilgrim Gospel Lighthouse Church. Kenny Pfost/City of Knox Board of Zoning Appeals Administrator.”

Dan Allen present. States the church sits on the west side of the property and the parsonage would be on the east side and would be back about 200 ft or so. States is also building onto the church to make it easier for older people to get in. States Doug Allen would be doing the foundation of the parsonage. States project would be within about 20 feet of the property line that currently belongs to his sister-in-law and that area has been zoned M-1 since he was young.

Member Metz states he is a retired engineer and was trying to figure out how the project would look. Mr. Allen submitted a drawing to the Zoning Appeals Administrator, which is not included in the packet. States the parsonage building would be about 28’x40’. Member Simpkins concerned about several things, i.e., how close the parsonage would be to the Church, property line, and picnic shelter. The drawing would help answer those questions. Member Metz states, according to the variance application, “there aren’t any other properties in the neighborhood feasible for the parsonage.” Mr. Allen clarified there were no properties currently available. Member Simpkins asked if there was a possibility that part of the property that wraps around the Church property in a u-shape, and owned by Mr. Allen’s sister-in-law, could be donated to the Church and

solve potential ordinance issues such as how close the building would be to property lines.

Public hearing closed at 6:45pm. President Skinner requested a drawing that shows square footage of the parsonage along with the distance from other buildings and property lines. Member Simpkins made a motion to table the variance request until the next meeting. Member Metz seconded the motion. Motion carried 4-0.

President Skinner made a motion to adjourn at 6:55pm. Secretary Dulin seconded. Motion carried 4-0.

The next meeting will be September 20, 2019.