



CITY OF KNOX BOARD OF ZONING APPEALS

101 WEST WASHINGTON STREET

KNOX, INDIANA 46534

574-772-5445

Regular Meeting: December 20, 2021, 6:00 pm

Meeting Location: Knox City Hall

Members Present: Mike Skinner, Jeff Houston, Dave Metz

Members Not Present: Darlene Dulin

Staff Present: Kenny Pfost

Staff Not Present: Todd Wallsmith

The December 20, 2021 Board of Zoning Appeals meeting, held at the Knox Community Center, was called to order at 6:00pm by President Mike Skinner. The Pledge of Allegiance was conducted, and Roll Call performed.

President Skinner asked for approval of the October 18, 2021 minutes. Vice President Houston made a motion to approve the minutes, and Member Metz seconded. Motion carried 3-0.

President Skinner mentioned that Member Mark Simpkins had passed away. He said that Member Simpkins cleared up a matter before he died. Member Simpkins had asked Attorney Wallsmith how many votes are needed to grant requests that come in front of the Board. Attorney Wallsmith's response was that since the Board is comprised of five members, any must have at least three "Yes" votes to pass.

NEW BUSINESS

Public Hearing: Starke County Coroner's Office, Request for Variance

President Skinner opened the hearing at 6:05pm, and he read the Legal Notice. Starke County Coroner Jack Rosa informed the Board that a 24-foot refrigerated trailer had been given to the Coroner's Office to be used for mass casualty events. He said that the trailer had been used in the past but is not currently in use. Coroner Rosa stated that

the trailer is currently located at the southeast corner of the Starke County Justice Center property. He told the Board that the trailer is not marked as a mass casualty trailer, so the average person does not know what it's used for. Mayor Estok was in attendance, and he stated that if the request is granted, there should be a condition that the trailer is out-of-site. He also said that the Coroner's Office should have never been allowed to be built in front of the Sheriff's Office. Coroner Rosa stated that the area around the trailer is maintained by the Sheriff's Office. President Skinner closed the Public Hearing.

Vice President Houston asked if the trailer would be used for the storage of dead bodies. Coroner Rosa clarified that the trailer would be strictly used for the storage of dead bodies. Director Pfof stated that when the variance was granted to build the Starke County Justice Center on that property, a condition was put into place that required anything to be placed on the property in the future would need a variance. Vice President Houston made a motion to grant the variance with the stipulation that the trailer remain in its current location. Member Metz seconded the motion. Carried 3-0.

Public Hearing: David Holdread, Request for Variance

President Skinner opened the hearing at 6:17pm, and he read the Legal Notice. David Holdread presented a map of his property to the Board. He said that he would like to keep horses. He also said that he had talked to the neighbors, and there were no objections. David explained the proposed setbacks for the location where the horses would be kept. Knox City Council President Jeff Berg was in attendance, and he asked how many horses would be kept on the property. Mr. Holdread stated that there would be two horses on the property. President Skinner closed the Public Hearing at 6:21pm.

Director Pfof informed the Board that he had received a letter from Pamela Varchetto, who lives at 2370 S. 450 E. The letter stated that Pamela had no objections to the variance request. President Skinner said that the property had previously been re-classified as Residential and then returned to Agriculture, but Starke County GIS shows that the property is R-1 Residential. President Skinner continued that the proper procedure would be to go in front of the Planning Commission and have the property re-zoned. Director Pfof stated that the property could not be spot-zoned, and he reminded the Board that in November of 2020 a similar request in R-1 Residential was granted. Mr. Holdread stated that a fence would be installed, and the horses would be contained. Vice President Houston made a motion to grant the variance with the stipulation that if the property is ever sold, the variance is voided. Member Metz seconded the motion. Carried 3-0.

Public Hearing: Derrick & Elizabeth Howard, Request for Special Use

President Skinner opened the Public Hearing at 6:31pm, and he read the Public Notice. Rhonda Stacy was present, and she commented that the property had been in her family for decades. She stated that she didn't know that the property was zoned commercial. She said the Board where the proposed residence would be located on an aerial-view picture of the property. Ms. Stacy also said that access to the house would be off of State Road 8. Director Pfof informed that Board that combining the two lots as had been done kept the property where the house would be located, from being landlocked. He stated that combining the lots also gave the property the required road frontage to build a residence on. Mayor Estok asked Director Pfof why a Special Use permit was required. Director Pfof said that a Special Use permit is required in order to build a residence in an area zoned as C-2 General Commercial. Vice President Houston said that there are other houses in the area, and there is no push for businesses in that area. Member Metz stated that he had no objections. President Skinner closed the Public Hearing at 6:38pm. Vice President Houston made a motion to grant the request for a Special Use permit in order to construct a single-family dwelling on the property. Member Metz seconded the motion. Carried 3-0.

Public Hearing: The Pit Stop Auto Care, Request for Special Use

President Skinner opened the Public Hearing at 6:39pm, and he read the Legal Notice. Carl Balaszek was present, and he stated that open an automobile repair shop at the property, as was there previously. He informed the Board that he plans to make the building look a lot better since it is one of the first things that is seen when coming into Knox. He said that the business would be a benefit to Knox.

Steve Hauser was in attendance, and he asked if Carl would be towing in vehicles for repair or would it be a tow lot. Carl replied, "A little bit of everything." Mr. Balaszek said that his goal is to fence in the north side of the property for vehicle storage. He said that he doesn't turn down towing, but as of now, he primarily tows for customers. Mayor Estok said that he does not want an eyesore coming into Knox. He said that when Mark Matthew had the repair shop there, it was kept clean. Mayor Estok told the Board that he does not want a storage lot there, potentially for vehicles to be kept there a long time. He went on to say that there must be conditions placed on Mr. Balaszek. Mr. Balaszek agreed with the Mayor and doesn't want the property to look bad either. Mr. Balaszek said that he has already made improvements, and he will keep it clean and presentable. He said that he has spoken to the neighbors, and he has received no negative feedback from them.

Knox City Council President Jeff Berg inquired if Mr. Balaszek owns the property at 105 E. John St. Council President Berg stated that there have been issues with hearing

loud vehicles in the area late at night. Mr. Balaszek replied that he does own that property, but he mainly uses it for storage. Mr. Balaszek said that he is aware of the incidents, and he contacted the police and reported it so that he would not get blamed. He assured everyone that the noise was not coming from his building.

Steve Hauser stated that Mr. Balaszek plans on towing for the County and City, and he does not have D.O.T. Mr. Hauser said that Mr. Balaszek just pulls up and tows cars. Mr. Hauser said that in 1998 he had to meet requirements, and Mr. Balaszek has already violated that by pulling up and saying that he has a towing service. Steve told the Board that there is a law that anyone that has a towing service has to have a storage lot that will hold 50 vehicles. He also said that there will be cars in and out 24 hours a day. Mr. Hauser said that's what will happen if that's what Mr. Balaszek is planning on doing. He continued that Mr. Balaszek is going to have a contract to have all County squad cars and a contract for "Signals" (Traffic Control Specialists) to do all of their vehicles. Mr. Hauser said that he doesn't see where Carl can tow everything into a spot like that. Mr. Balaszek stated that he has talked to the County about working on their vehicles. He said that he does own 105 E. John St. and he would look into fencing that property in if it comes to that, but he does not see it coming to that. He also said that it is legal for him to tow a vehicle from an accident scene if requested.

Carl reported that he checked with law enforcement, and he was told that he can tow vehicles as long as there aren't any holds on them. He said that he does not go out looking to tow vehicles from accidents. Mr. Balaszek told the Board that the wreck that Steve Hauser is referring to happened in front of the proposed repair shop, and one of the vehicle owners approached him and asked if he would tow the vehicle to their residence. Carl said that his tow truck is legal, and he's just waiting for his graphics person to get the D.O.T. numbers finished. Steve Hauser interjected that he was not allowed to tow until he had his numbers on his truck, insurance, and a business license. He went on to say that Carl's truck says, "Not for Hire", and he asked why that was on his tow truck. Carl said that it's for private use. Steve asked that if it's not free, how can "Not for Hire" be put on it? Carl replied that he didn't have the exact answer, but he was told by his insurance company to have the wording on his truck.

Sue Stonecipher was present, and she said that she lives next door and is happy to see a business come after watching the building set empty for years. Steve Hauser commented that he's glad to see a new business also as long as the rules are followed. Steve also said that all he does is tow vehicles. He continued that the property is not big enough to store vehicles, and Carl should have to store them at another property. The property owner, Mark Matthew, said that he doesn't see anything wrong with storing vehicles there as long as a fence is put up. Mr. Balaszek stated that he has no problem installing a fence. He said that he is trying to do everything the correct way.

Mayor Estok asked Carl if he owns property outside of the city to store vehicles. Carl answered that he does not, but he may purchase property outside of the city in the

future if he needs to. Mayor Estok told Carl that a vehicle storage lot is not needed in the city. Mayor Estok said that if there's a storage lot, it will get out of hand, that's how they make money; storage. He also said that there must be conditions placed on Mr. Balaszek, and he would not grant a storage lot if it was up to him. Sue Stonecipher asked what Carl is supposed to do cars are towed in to be worked on. Mayor Estok replied that Carl can tow, but not store the vehicles on the property. Steve Hauser said that Carl has to have a certified storage lot if he tows for the County or City and all mechanical work must be done inside. Carl said that Steve has a storage lot on the other side of town that has a fence, and he is willing to put up a fence also.

Mark Matthew said that Carl could only have vehicles stored for a specified amount of time. Mayor Estok stated that code enforcement would have to be done in order to keep track of the vehicles. President Skinner asked Director Pfof about the size of fence that would be needed. Director Pfof read the C-2 General Commercial ordinance pertaining to outdoor storage, which states that a fence of sufficient height so outdoor storage areas are effectively screened. Tammy Bradley stated that if Carl stores cars for an extended period of time, he's only hurting himself. She also expressed that if one business has storage then Carl should be allowed to have storage also. Mayor Estok commented that Steve Hauser's storage lot is not in the city of Knox. Steve Hauser stated that the property in question would have to be used for business, not storage. He gave his personal experience of all of the paperwork that has to be done in order to store vehicles.

Mr. Balaszek told the Board that he will agree to installing a fence and minimal storage. He said that he does not want a junkyard and does not want wrecked vehicles stored on the property any longer than necessary. Steve Hauser said that Carl needs to purchase other property to be used as a storage lot to be even able to tow for the City. President Skinner said that the same things are being said over and over again, and he closed the hearing at 7:05pm.

President Skinner opened up the subject to the Board for discussion. Vice President Houston mentioned that the property has a small lot, and he asked Mr. Balaszek what the maximum of vehicles that could fit on the property at one time. Vice President Houston referenced a repair shop in North Judson that is unsightly. Carl said that he is not sure, but maybe 15 or 20 vehicles could fit on the north side of the building. Vice President then asked what a reasonable time limit for storing vehicles is. Carl said that he thinks a reasonable time limit would be to move a vehicle to an alternate location if it's not gone within two weeks. Member Metz stated that the primary business will be repair. President Skinner asked Carl if the property had been inspected by the State, and Carl stated that it had.

Vice President Houston suggested more time to work with the City to come up with stipulations. Mayor Estok said that there must be conditions to eliminate the property becoming an eyesore. He asked Carl if the Board could grant him the vehicle repair

and car sales and then come in front of the Board at a later date with a better plan for vehicle storage. There was more discussion on how long vehicles will be stored on the property. President Skinner asked if there could be a stipulation on the number of wrecked vehicles stored on the property. Steve Hauser said that the property would still need to be policed. He told the Board to just get him started on what he needs to do, and Carl can go into towing after he meets all of the requirements.

Member Metz asked Carl if he could make a living using the facility strictly for repairs and towing vehicles to the owners' properties. Steve Hauser stated that Carl can still tow, just not store them. Vice President Houston asked Mr. Balaszek if he would be ok with a stipulation that wrecked vehicles must be moved within seven days, and Carl said yes. Vice President then asked Carl what he thought the maximum number of vehicles on the property would be, 50? Carl said that he could start there.

Knox City Council President Jeff Berg again mentioned the noise and tire tracks from a very loud vehicle near Carl's property at 105 E. John St. Carl again stated that he called the police about that matter so that he would not be blamed for it. Mayor Estok expressed that he would grant everything but vehicle storage, and Mr. Balaszek could re-apply for storage. Steve Hauser said that it's going to be 24 hours a day in and out of the lot. He also said that Carl is trying to get a hold of a tow lot because that's a stipulation to tow for the County and City. Steve said that Carl's truck is not legal. He asked Carl if he has D.O.T. numbers, why they aren't on the truck. Steve went on to say that Carl's truck says, "Not for Hire", but he is going to tow for his friends, and that doesn't make sense.

Vice President Houston made a motion to allow the Special Use permit at 201 North Heaton Street, Knox, with the following stipulations:

1. A 6-foot privacy fence must be installed.
2. A maximum of 35 vehicles can be stored on the property, and the limit will be revisited in three months.
3. No business operations between the hours of 12:00am and 5:00am
4. No vehicle sales until a sales license is issued
5. Vehicles not in for repair or sales must be moved within seven days

Member Metz seconded the motion. Carried 3-0.

Vice President Houston made a motion to adjourn the meeting. Member Metz seconded the motion. Carried 3-0.