

WABASH COUNTY PLAN COMMISSION

*Wabash County Court House
One West Hill Street
Wabash, IN 46992
Telephone 260-563-0661 EXT 1252, 1267
Fax 260-563-5895
plandirector@wabashcounty.IN.gov*

BZA MEETING MINUTES **October 27, 2015**

**Wabash County Board of Zoning Appeals
Wabash County Court House
Wabash IN 46992**

BZA Board Members: Mark Milam, Don Roser, David Schuler, Joe Vogel, Jerry Younce, and Attorney Larry Thrush

Members present: Mark Milan, Don Roser, Joe Vogel, Jerry Younce and attorney Larry Thrush

Mr. Vogel opened the meeting at 7:00 p.m.

Don Roser motioned to approve the September 22, 2015 minutes as written.
Mark Milam second.
Motion carried.

Gary Burnau and Marthene Burnau were present for the Sandy Beach association to discuss the covenants and association by-laws for Sandy Beach. Gary is chairman of the association and Marthene is treasure, David Hawkins is secretary, and Jerome Lytrell co-chair.

Annual association dues would generate approximately \$3600 / year as currently set up; however they normally collect about \$2300 / year. Annual expenses for street lighting \$1300 and insurance \$952 consume the \$2300 / year.

Gary and Marthene talked about the primary issues they are having in the sandy Beach area and are seeking guidance on handling those issues.

The Sandy Beach covenants and by-laws cover the issues which were presented and can be used to enforce the policies. The covenants must be governed by the association and cannot be enforced by the county. County ordinances and the covenants do mirror each other in many cases and the county can assist through its ordinances, but the initial enforcement steps need to be taken by the association.

Mr. Thrush noted that when a covenant is not being complied with the association should have its attorney file for a court order against the violators to have the policies enforced. The association's expenses for this can be attached to the injunction and collected from the violators.

Gary and Marthene were given copies of the current covenants and by-laws which were on record in the Records office.

Mr. Howard explain how any policy which is more restrictive would be the policy which must be followed. In some cases parts of the covenants are more restrictive and in some cases county ordinance is more restrictive. The current by-laws appear to be quite thorough and provide opportunities for the association to govern very effectively.

Mr. Howard went on to state that the Sandy Beach Association should initiate the notification of violation of policies to residents first. The County is willing to help and support the association whenever needed but the association must take the initiative to start the process to eliminate violations.

Mr. Vogel suggested selecting an attorney to represent the Sandy Beach Association, since the original attorney is now deceased, go through the by-laws and covenants, and then proceed to work to enforce the policies with the assistance of the attorney and keep in mind that they can request guidance from the plan commission whenever needed.

Mrs. Burnau stated that the new sewer system has 275 customers and the deadline for hook-up is November 1, 2015. To date only 73 have hooked up, and according to policy any residences not connected by 11/1 can be condemned.

Mr. Howard stated the sewer system policies are under the county health department and/or Laketon Sewer District. The Plan Commission has no jurisdictional control on this issue. Mr. Thrush agreed.

Board members were updated on the discussion from the October 1, Plan Commission Board meeting and given data from the Farm Bureau presentation regarding CFO setbacks. Members also received information gathered by Mr. Howard which gives surrounding county ordinance and fee data for CFOs.

Mr. Howard noted that inquiries have recently been submitted with regard to satellite manure storage structures, and would be discussed during the next plan commission board meeting.

Hearing no further no further discussion, Mr. Vogel called for a motion to adjourn.

Mr. Younce motioned to adjourn.

Mr. Milam second.

Meeting adjourned. 8:20 PM