

WABASH COUNTY PLAN COMMISSION

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BZA MEETING MINUTES **JUNE 28, 2016**

**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, David Schuler, Joe Vogel, Jerry Younce, and attorney Larry Thrush

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

Jerry Younce motioned to approve the April 26, 2016 minutes as written.

Don Roser second.

Motion carried.

Variance #5: A Variance from the Subdivision Ordinance to make more than one (1) sell of less than twenty (20) acres in a five (5) year period.

Downey Farms Inc. 6174 S 300 W Wabash, Section 4, Township 26N, Range 6E, Waltz Township, Wabash County. 139.5 Acres.

Chad Metzger of Metzger Auction and Real Estate presented the board with the details and a completed survey of the tracts as sold during the recent auction. Tracts one and two sold together, and tracts 3 and 4 sold together. Tract 5 sold to the adjoining property owner. The shapes and location of the tracts are basically the same as displayed on the sale flyer. The survey completed by Stephens after the sale gives an accurate acreage for the tracts.

Board members questioned if any of the easements as illustrated on the sale flyer would be administered. The easement from the residence on 300 W back to tract 5 will not be required since each of those tracts sold separately. The easement illustrated from State Road 124 into tract 5 will be in place.

Mr. Vogel noted that the board will require documentation for maintenance of the easement to be noted on the deed.

Mr. Metzger noted that the easement has not been written yet but the intent is for the tract 5 owner to maintain the easement and Mr. Downey to have use of the easement. The use would mostly be during harvest and planting times.

Vogel opened floor.

Greg Bott purchased tract one and two and would like to sell tract 2 of 5 ¼ acres as a home sit. The current survey shows tract one and two combined.

The site has already had soil testing completed for a septic and there is only a small area of tract 2 suitable for a standard septic. The rest of the area of tract 2 would require mound systems. That being the case Mr. Bott would only have one residence on tract 2.

Mr. Howard recommended the survey be modified to show and deed tract one and two separately since Mr. Bott's intent is to sell tract two as a home site. Otherwise if they are combined he would have to turn right around and apply for a Variance to separate tract 2 from tract 1 if he wishes to make the sell within the next 5 years.

Mr. Bott noted that the approval based on soil test would be for one, three bedroom home of approximately 1500 square feet.

Mr. Metzger agreed to have the surveys and deeds orchestrated to show tract one and tract two as two separate parcels.

Mr. Howard noted that one letter was received from a neighboring land owner and presented the letter to the board for review and discussion.

Mr. Vogel asked to have the conditions which would apply to each tract read.

Tract 1: No further splits, Maximum one single family dwelling, Minimum 1400 sq. ft. ground floor living space, 5/12 or greater roof pitch, no unlicensed vehicles parked outside.

Tract 2: No further splits, Maximum one single family dwelling, Minimum 1400 sq. ft. ground floor living space, 5/12 or greater roof pitch, no unlicensed vehicles parked outside.

Tract 3 and 4: Maximum one single family dwelling per parcel, Minimum 1400 sq. ft. ground floor living space, 5/12 or greater roof pitch, no unlicensed vehicles parked outside.

No further splits, Maximum one single family dwelling, Minimum 1400 sq. ft. ground floor living space, 5/12 or greater roof pitch, no unlicensed vehicles parked outside.

Mr. Metzger noted that the land area of tract 3 as listed on the flyer will have a restriction prohibiting any construction in that area because all the farm drainage runs through that area.

Hearing no further discussion Mr. Vogel called for board members to proceed to vote.

Mr. Thrush tallied the vote sheets. Variance # 5 was approved.

Bobby Stephens

Mr. Howard noted Mr. Bobby Stephens was in attendance and suggested to Mr. Stephens that since his concerns were previously addressed by the plan commission board during the May 5th meeting, it would be best if he attend the next pc board meeting.

Mr. Stephens said he just had a couple questions, the first is, what is the boards interpretation of the zone one ordinance, R-1 zoning ordinance, what can you do or not do there.

Howard, that is defined in the county ordinance book and can be reviewed on the county web site.

Vogel, Mr. Stephens what is your issue or concern in R-1?

Stephens, the zoning laws have already all been broken. All the laws have been broken out there.

Howard, we went through this during the May PC Board meeting. Mr. Stephens was placed on the agenda for the June 2, PC Board meeting and was to return with the court documents for Mr. Thrush to review. He did not attend.

Stephens, I somehow got my dates mixed up and missed the meeting.

Howard, that is understandable, but this is not the board you should be speaking with. You should be speaking with the PC Board and you need to bring the documentation requested during the May meeting to the July meeting. What would be the other question you had?

Who enforces the zoning laws in Wabash County?

Vogel, unless otherwise specified most likely the plan commission, but this is not the plan commission board, this is the Board of Zoning Appeals.

Stephens, this has been an ongoing situation, but I will come to the next plan commission board meeting. When is it?

Howard, Thursday, July 7th.

Traci Dyson

Board members viewed photos of the Traci Dubois property located at 2123 E 1050 S Lafontaine showing numerous boats with some possibly setting in road right of way.

Board members advised Mr. Howard to review the action taken several years ago by the county regarding the Westendorf property located on the northeast corner of the intersection of 250 S and 300 E. It was a similar situation years ago and would be a good reference.

Board members agreed to send letter. All items must be stored behind the front of the barn across the entire property.

Board members reviewed conditions and zoning of properties in the county and discussed legalities for each.

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

Mark Milam motioned to adjourn.

David Schuler second.

Meeting adjourned. 8:10 PM

Also present: Greg, Bott, Bobby Stephens, Chad Metzger, Duane Truss.