

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION **BOARD MEETING MINUTES**

**January 5, 2017
Wabash County Plan Commission Board
Wabash County Court House
Wabash IN 46992**

PC Board Members: Curtis Campbell, Randy Curless, Scott Givens, Patty Godfroy, Doug Rice, Christian Rosen, David Schuler, Cheri Slee, Joe Vogel, Attorney Larry Thrush

Board Chairman, Scott Givens called the meeting to order at 7:00 pm.

Those present were: Curt Campbell, Randy Curless, Scott Givens, Doug Rice, Christian Rosen, Dave Schuler, Joe Vogel, and Attorney Larry Thrush.

Mr. Givens requested a motion on the minutes from the November 3, 2016 and December 1, 2016 meetings. The December meeting did not have a quorum. Randy Curless moved to approve the minutes, seconded by Scott Givens.

Election of officers was held with the following results:

Joe Vogel nominated Scott Givens for Chairman of the Board. Doug Rice moved that the nominations be closed, seconded by Randy Curless. Scott Givens will serve as the Chairman of the Board for 2017.

Joe Vogel nominated Doug Rice for Co-Chairman of the Board. Seconded by Randy Curless. Doug Rice will serve as the Co-Chairman for the Board for 2017.

Joe Vogel made the motion to nominate Libby Cook as the secretary, seconded by Doug Rice. Libby Cook will serve as the Secretary for the Board for 2017.

Mike Howard:

- Wolfe House and Building Movers have withdrawn their application for Special Exception #1.

- The Plan Commission sends out a list of meeting dates for the coming year for both the PCB and BZA to the local media. Charlie Adams, WKUZ Radio is requesting that a copy of the Plan Commission Board and Board of Zoning Appeals agendas be sent to the radio station prior to each meeting. It was decided and approved by the Board that the agenda can be made available on the Wabash Co. Government website. The agenda can be viewed as the meeting date approaches. Mr. Adams will be notified of this and how to access the information.
- Legacy Ridge Subdivision, consisting of 3 lots of property. Lot #2 - originally ran to Elliott Road. The Wabash County Plan Commission does not directly deal with covenants of any subdivisions. The property owner of lot #2 sold a section of lot 2 in March of 2016 to Sean Unger. In order to do a split from a subdivision there needs to be a replat of the subdivision which would have to be approved by the Plan Commission Board before it can be recorded. Our ordinance states that a replat will not be recorded until it has been approved by the Plan Commission. The split of the property has been recorded. The Unger's have placed a utility building and a climbing wall on the property. Also, there is advertising out for the climbing wall as a recreational facility. No permits have been issued through the Wabash Co. Plan Commission office for the structures on the property. Attorney, Mr. Rick Fisher, has brought this violation to the attention of the Wabash County Plan Commission on behalf of one of the subdivision property owners.

Joe Vogel: I was on the Board when this subdivision was approved, and it was to only be three lots.

Scott Givens: What is Mr. Fisher asking Plan Commission Board to do?

Mike Howard: Mr. Fisher would like the Plan Commission to send Mr. Unger a letter notifying him of the violations that the Plan Commission would be responsible for. There are violations of the Legacy Ridge covenants, however the Plan Commission does not enforce the subdivision covenants.

Mike Howard: I have been contacted by Mr. Unger asking what he needs to do as far with the Plan Commission and applying for a permit for the building. I have told Mr. Unger that we would require a permit for the building and that if he is wanting to operate the climbing wall as a commercial or private recreational business he would need to apply for a Special Exception. I told him that at this time he needed to get the property issues straightened out before applying for any building permits or for a S. E.

Mike Howard: I think at this time our only violation would be the building and a S. E. application for the business.

Joe Vogel: The subdivision would have covenants, can they put an accessory building on the property?

Doug Rice: Can they put a place of business there?

Mike Howard: In the Legacy Ridge covenants it states under Land Use “no lot shall be used except for residential purposes”.

Joe Vogel: The other land owners (at Legacy Ridge Subdivision) would be the ones to file a law suit.

Mike Howard: The transfer of the property has been recorded.

Doug Rice: In a situation like this what can we do, in case this would come up again in the future?

Mike Howard: If they get approved by the subdivision then they would need to come to the Plan Commission Board for a Special Exception for the business.

Doug Rice: They have violated an ordinance, so what happens after that?

Larry Thrush: It is after the fact, but a mandatory injunction could say that they have to undo it.

Joe Vogel: We need something to flag the splits in the other offices.

Mike Howard: Somehow we need to review the parcel splits, possibly form a committee. I would like to see more than just the Plan Commission office involved in looking over the parcel splits.

Doug Rice: What is the responsibility of the Recorder’s Office, are they to look at the covenants of a subdivision?

Mike Howard: My understanding is that once it is handed to the Recorder’s Office that they have to record it to keep all paperwork in sequence.

Mike Howard: An example of a review committee, Whitley County Parcel Review Committee meets once a week, the committee meets and reviews the parcel splits and say that they approve or have found something that needs to be looked into with the split.

Mike Howard: I will send a note to Sean Unger that they need to correct the issues at hand, once those are corrected and if it goes forward a Special Exception would be required for the private/ commercial recreational development and a permit for the building. If Mr. Unger gets everything approved to stay where he is, then he would need to come to the Plan Commission to apply for a Special Exception for the business in an Ag Zone.

Larry Thrush – There is a state law that the Plan Commission cannot enforce the covenants for subdivisions.

Mike Howard: Jason Peterson is asking about using his property at Swango Lane to salvage cars. Mr. Peterson came before the board in 2013 and again in 2014 requesting to be allowed to use his property for salvaging cars. The County Ordinance reads that anything used for salvage is considered a junk yard. A junk yard is not permitted in any residential zone. A junk yard requires 10 acres of property. Mr. Peterson does not have 10 acres. I will send Mr. Peterson a letter stating that a junk yard is not permitted in a residential zone.

Mike Howard: Update on Urbana properties involving 3 structures. I will start working with Attorney, Larry Thrush, to have these declared unsafe premises and have these structures removed.

Mike Howard:

- On Thursday, January 12, Laura Kannapel will be at the Plan Commission office to review permits that deal with the flood plain and the county floodplain policies.
- Shared end of the year reports from the Wabash County Plan Commission Office for the year 2016.
- Discussion and review of the possibility of using a point system for Ag Land to determine suitability for building purposes.
- Parcel Review Committee, will continue to review options whether to check splits by a committee or by a couple of people.
- Mr. Don Roser will be retiring from the Board of Zoning Appeals after 23 years of service. Attorney, Larry Thrush will look into the criteria for the person to replace Mr. Roser.

Mr. Givens adjourned the meeting at 8:50 pm.

Libby Cook
Secretary, Wabash County Plan Commission