

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION **BOARD MEETING MINUTES**

April 6, 2017

**Wabash County Plan Commission Board
Wabash County Court House
Wabash IN 46992**

Present: Curt Campbell, Scott Givens, Patty Godfroy, Doug Rice, Christian Rosen, Dave Schuler, Cheri Slee, Joe Vogel, Attorney Larry Thrush, Janice Berry, Glen & Sheila Butcher, Elaine Anderson, Charles Reed, Ron _____, Mark Frantz, Plan Director Mike Howard, Secretary Libby Cook

The Wabash County Plan Commission Board met on Thursday, April 6th 2017. Chairman, Scott Givens called the meeting to order at 7:00 pm. Minutes of the March 2nd meeting were reviewed. Joe Vogel made the motion to approve the minutes, Dave Schuler seconded the motion. Minutes were approved.

Mr. Givens, the first item on the agenda is Mr. Charles Reed seeking a Special Exception to construct a pond on his property in Lagro Twp.

Mike Howard, Mr. Reed's property is located against the backside of the Army Corp Federal Reserve ground on the south side of the Salamonie Reservoir. He will also be seeking a variance from the property line setback.

Mr. Reed, I have been working with the Army Corp of engineers since November on the flowage easement. The approximate size of the pond will be 1 to 1 ½ acres. The only requirement with the flowage easement is whatever materials I use for the dam I have to take out of the flowage easement, I can't add any material to it, because of this we can't actually say how big the pond will be until we start digging it.

Mike Howard, Mr. Reed is seeking a favorable recommendation from the Plan Commission Board to proceed to the Board of Zoning Appeals. I have passed this on to the Drainage Board and there are no issues there.

Cheri Slee, that is correct.

Board members reviewed the packet of information for the proposed pond.

Scott Givens, Mr. Reed is seeking approval from the Plan Commission Board to proceed to the Board of Zoning Appeals, contingent on approval from the Army Corp. of Engineers. I would like to have a motion on this.

Doug Rice made the motion to pass the Special Exception request.

Christian Rosen seconded the motion.

Having no further discussion the motion was passed and Mr. Reed will need to appear before the BZA on April 25th with his request.

Mr. Givens then addressed the Wabash River Trail (WRT).

Those parties present concerning the Wabash River Trail were given the opportunity to speak, all declined.

Mike Howard, informed the Board that on March 20th, 2017, as Floodplain Administrator, issued a stop work order to the WRT for violation of work completed on the boat ramp without a state or county permit. The stop work order applies only to the floodplain ordinance it does not apply to the Wabash Co. Zoning Ordinance. The DNR permit for the boat ramp was issued on April 3, 2017 with an 18 day grace/appeals period before it becomes effective. I have talked with Attorney, Larry Thrush, regarding the stop work order and fines. Mr. Thrush has advised that the stop work order would need to be issued by the Wabash Co. Floodplain Administrator not the Wabash Co. Plan Commission.

The duration of time for the stop work order was 15 days. The maximum penalty for work done without proper permits shall be not more than \$250.00 per day. As the Floodplain Administrator I would like to share my recommendations with the Plan Commission Board. I am suggesting a fine of \$125.00 per day, times 15 days which would equal \$1875.00. The fine would be suspended providing there are no further violations of the floodplain ordinance within the scope of this project. Permits have been issued for a Public Restroom and Pavilion in the Town of Lagro. Both areas are not located within the floodplain.

Mark Frantz (Attorney representing WRT), I think the \$1875.00 fine would be fair; you would have no argument against that. I understand that this will be suspended providing there are no further violations. Mr. Frantz provided pictures of the work that has been done on the boat ramp so far.

Mr. Howard, some factors that I took into consideration on the penalty, this has been a great improvement to the area and the fact that the National Flood Insurance Administrator met with us in January and we discussed those findings at our Board meeting in Feb. The county now issues a county permit to coincide with the State permit for work in a floodplain area. The county permit is issued only after we receive the certificate from the state level.

Mr. Vogel, is this new building or rebuilding of the boat ramp.

Mr. Howard, there was an existing ramp that was overgrown.

Mr. Vogel, so the violation is that they began working without their permits.

Mr. Howard, correct. I have told Mr. Frantz that I will not issue the Co. permit until the 18 day appeal period is up. If there is an appeal it may add time to the permitting process.

Curt Campbell, is there a difference between the floodway and the floodplain

Mr. Howard explained that the floodway is that actual channel of the waterway and is under the jurisdiction of the state and DNR. The floodplain is the area after you get out of that channel.

Mr. Givens, next on the agenda is the property of Aaron Hippensteel.

Mr. Howard, Mr. Hippensteel recently purchased the property on Grafton Street in Ijamsville. Mr. Hippensteel has adjoining farmland and purchased the property in hopes of getting it cleaned up and maintaining it. He is asking if the county would be in a position to help with the expense of having the home on the property razed.

Curt Campbell, is the structure an unsafe premise?

Mr. Howard, the roof has deteriorated; we could possibly declare it as an unsafe premise. At this time we do not have an unsafe premise order on this property.

After discussion the Board determined that the County should not start assisting with demolition cost under these circumstances. It could open a door that the county could not financially afford.

Mr. Givens, next on the agenda is the Shirley Marshall property in the town of Lagro.

Mr. Howard, letters have been sent to Ms. Marshall by certified mail, first class mail, and attempted delivery by the Wabash Co. Sheriff's Department. All mail has been returned to the office as undeliverable, the Sheriff's Dept. was not able to locate Ms. Marshall. May 4th is the deadline on the unsafe premise order. The letter stated that the owner had 60 days to secure the structure, they were also given the opportunity to appear before the PCB tonight and there has been no communication from Ms. Marshall. Property taxes are current at this time.

Mr. Givens, would the County file a lien on the property?

Mr. Thrush, that would be completed through the court proceedings.

Mr. Givens, next is the Joseph Bradley property in Laketon.

Mr. Howard, there was a structure fire on the property in March 2016, it appears that nothing has been done since to clean up the debris. The Plan Commission has filed an unsafe premise order. Mr. Bradley appeared before the Plan Commission Board at the March 2, 2017 meeting, at which time he stated the property owner to the north was buying the property and Bradley had agreed to have all personal items removed from the property by 4/1/17 so the building could be razed by the new owner. Mr. Bradley was told to contact the Plan Commission office before the 4/1/17 deadline if he needed additional time. As of this time Mr. Bradley has not contacted the PC office and the adjoining property owner noted that no work has been completed by Mr. Bradley in the past 30 days. The neighboring property owner has prepared the paperwork to purchase the property from Mr. Bradley, but will not raze the structure until the property is deed in his name.

Mr. Givens, do we send another letter?

Mr. Howard, I think we need to give a new deadline and a fine after that time. I would suggest by May 1, 2017 or the fine would be imposed.

Joe Vogel, I think if we don't send the letter and the fine we will be dealing with this all summer and the kids will be out of school.

Mr. Howard, we have been contacted by the Sheriff's Dept. about complaints of kids entering the building.

Board members agreed to proceed.

Mr. Givens, next on the agenda is citizen's concerns regarding flies and road conditions in the area around Automated Egg.

Mr. Howard, I have been in contact with Purdue Cooperative Extension trying to get information on fly control for these types of buildings. Is there any research being done anywhere for uses of chicken litter that would get it out of the buildings sooner and not just to be spread it on fields for fertilizer. I will continue to research.

Mr. Givens, next we have the Kris Marshall property on Smith Street in Servia.

Mr. Howard, Ms. Marshall was sent an unsafe premise letter stating that all trash had to be removed by April 3, 2017. It appears that some clean-up has begun but there are still bags of trash piled up by the burn barrel. The original complaint on this property was sent to the Wabash County Health Department in 2015. IDEM has been contacted, however, they state that it is not a large enough area for them to be involved. I recommend the board have Mr. Thrush file. They will not follow through otherwise. Board members agreed.

Mr. Givens, next is the David Francis property.

Mr. Howard, This is an unsafe premise in Servia. The Plan Commission office sent Mr. Francis a letter last year regarding mowing. Since that time windows and doors have been removed and now the structure is open. Mr. Francis was sent a letter stating that he had 60 days to secure the structure, he was also given the opportunity to appear before the Plan Commission Board tonight, however he is not in attendance.

Doug Rice made a motion to pursue the Francis property issue, this was seconded by Christian Rosen. Motion passed.

Mr. Givens, next we have Legacy Ridge Estates

Mr. Howard, Legacy Ridge is a subdivision containing 3 parcels of property. A property split of one parcel was made, this should have been done through a replat and approved by the Plan Commission. The covenants for Legacy Ridge state that only residential structures will be allowed on the properties. The Farlow parcel was split and a portion sold to Shawn Unger. The parcel that was sold now contains a 50' climbing wall and a portable building, no permits have been issued for either of these structures. I would like for Attorney, Larry Thrush, to send a letter to the property owners, Sean and Natalie Unger regarding all of the ordinance violations and the need to move forward with correcting these violations. The property issues and covenant violations should be dealt with by the individual owners.

Mr. Howard, Ordinance Review:

Solar System ordinance states that a neighboring property owner cannot build/plant anything along the property line that might obstruct the solar collectors. Should this

statement be removed from the ordinance? After discussion by Board members it was decided to remove that statement. Mr. Howard will check into the setback distances for solar systems.

Residential building in Ag Zones. Mr. Howard presented the board with spread sheets which showed a review of housing permits in Wabash County for the years 2014, 2015, 2016. Using the suggested point system for permitting homes in ag zones, Board members were able to compare the system with the Ag 1 and Ag 2 zoning. Board members will review the data and continue discussion during next meeting.

Board members were given a list of names previously suggested for filling the vacancy on the Board of Zoning Appeals, and asked to prioritize the list of names to fill the vacancy.

There being no further business Mr. Givens asked for a motion to adjourn.

Made the motion to adjourn, seconded by Christian Rosen.

Meeting adjourned at 9:00 pm.

Libby Cook
Secretary, Wabash County Plan Commission