

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 **MAY 23, 2017**

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

BZA MEMBERS: Joe Vogel, Mark Milam, Dave Schuler, Jerry Younce, and Attorney Larry Thrush

PRESENT: Mark Milam, Dave Schuler, Jerry Younce, Attorney Larry Thrush, Sharon Newhouse, Scott Harris, Rick Nine, Sandra Nine, Plan Director Mike Howard, and Secretary Libby Cook

Vice President, Mark Milam opened the meeting at 7:00 pm. Mr. Milam asked Board members to review the minutes of the April 2017 meeting. David Schuler made the motion to approve the minutes, this was seconded by Jerry Younce. The minutes were approved as written.

Mr. Milam called on Sharon Newhouse regarding Special Exception #4.

Mr. Howard explained that Mrs. Newhouse is requesting a special Exception and a Variance regarding the placement of a mobile home as a permanent residence for her son on her property located in Paw Paw Township. A mobile home has previously been placed on the property, there is an existing septic system and well. The septic system has been inspected and approved. The Variance Ms. Newhouse is requesting is from the normal 65' setback from the center of the road. Due to the location of the septic system, the well and the awning on the mobile home the placement would be approximately 55 feet from the center of the road.

Mr. Milam asked Board members if there were any further questions. He then proceeded to call for a vote. Mr. Thrush tallied the votes, the request for a variance was approved. A vote was then taken on the Special Exception, Mr. Thrush tallied the votes, the Special Exception to allow the placement of the mobile home was approved.

Mr. Milam then called on Mr. Rick Nine. Mr. Nine is requesting a variance from the property line setbacks at Ireland Beach in Pleasant Township. Mr. Nine would like to put a 10 x 32 addition to an existing pole barn on his property. The Wabash County Ordinance calls for a

setback of 6 feet from the neighboring property line, the covenants of the Ireland Beach Association require a setback of 7 ½ feet. The addition Mr. Nine is proposing would have the building approximately 3 feet from the property line. Discussion then followed regarding the Ireland Beach Association and whether or not it is a currently functioning board. Mr. Nine stated that the primary function of the Board at this time is to govern the use of the boat ramp. Mr. Thrush then asked Mr. Nine if the covenants have been repealed. Mr. Nine replied that he did not know. Mr. Thrush then informed Mr. Nine that the Wabash County Board of Zoning Appeals doesn't have anything to do with the covenants and that just because the BZA might approve the variance does not mean the Ireland Beach Association cannot enforce the covenants, possibly mandating that the addition to the building has to be taken down. Mr. Nine stated that he understood.

Mr. Thrush again stressed that any property owner could take Mr. Nine to court over the violation of the covenants.

Mr. Howard, shared a copy of the original Ireland Beach Association Covenants. The BZA could give you a variance from the Wabash Co. requirements, but the covenants would still take precedence.

Mr. Thrush, if the BZA approved this variance request it would clear Mr. Nine with the county but not with the association. Mr. Thrush looked over the covenants, and reminded Mr. Nine that if the Board approved this there may not be anything to say that you won't have to tear it down later.

Mr. Nine, I understand.

Mr. Milam called for a vote on the variance. Mr. Thrush tallied the votes, the variance was approved.

Mr. Howard informed the Board that the Plan Commission Board has agreed that the updated Wabash County Ordinance is close to being put out for public review.

There being no further business the meeting adjourned at 7:35 pm.

Libby Cook
Secretary, Wabash County Board of Zoning Appeals