

WABASH COUNTY PLAN COMMISSION

Wabash County Court House

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BZA MEETING MINUTES **NOVEMBER 27, 2018**

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

BZA MEMBERS: Dan Dale, Mark Milam, David Schuler, Joe Vogel, Jerry Younce, and Attorney Larry Thrush

PRESENT: Dan Dale, Mark Milam, David Schuler, Joe Vogel, Jerry Younce, Larry Thrush, Mike Howard, Libby Cook, Doyle Silvers, Ileen Silvers, Janet Pattee, Lori Brane, Nicky Burnsworth, Carol McCray, David Wamsley, Marty (Crossland), Rick Fisher, Chris Harnish

Board Chairman, Joe Vogel called the November 27th meeting of the Board of Zoning Appeals to order at 7:00 pm. Mr. Vogel asked if there was a motion to approve the minutes of the October 23rd meeting. Jerry Younce made the motion to approve the minutes as written; this was seconded by Mark Milam. The minutes were approved.

Mr. Vogel: The first item on the agenda is Variance #13, the Charlotte Harnish family requesting a variance from the subdivision ordinance in Noble Township.

Mike Howard:

Attorney, Rick Fisher is representing the Harnish family. Mr. Fisher reviewed maps and the survey of the property which is owned by Charlotte Harnish, Living Estate. The property splits that are being proposed will be with Mrs. Harnish's two sons, Greg and Chris. There are no plans to develop the properties; they just want to split the property now instead of later.

Mr. Howard: I talked with Mr. Fisher earlier; we just want to make sure that with the deeds or adjustments with the deeds there is no planned development with this.

Mr. Vogel asked if there were any questions from the members of the Board or the audience, there being none the Board proceeded to vote. Mr. Thrush tallied the votes, Variance #13 was approved.

Mr. Vogel: The next item on the agenda is the Ileen Silvers variance request #12 in Liberty Township. The Silvers are seeking a variance from the property line setbacks for a residence in the town of LaFontaine.

Mr. Howard reminded the Board that this matter was on the agenda for the October 23rd meeting and was tabled until a survey could be completed which has been done (Surveyor, John Stephens). The request is for a variance from the property line setback, to be less than 6 feet from the property line. Per the new survey, the front of the garage is 5 feet 3 inches from the property line; the rear of the garage is 4 feet 7 inches to the property line. In your copy of the plan for the new residential structure, the garage is to be a part of the house that is why the variance request was submitted. The current Wabash County Ordinance requires a setback of 6 feet. Board members reviewed maps and photos of the property along with the new survey. Mr. Silvers explained to the Board that if the variance is approved he will use the north and west walls of the existing garage as part of the new house.

Mr. Vogel: You're not planning on tearing down the old garage; you will use the west wall? Mr. Silvers replied, Yes. Mr. Vogel then asked the neighbor to the west of the Silver's property if she thought the survey is where she thought it would be. Ms. McCray stated that she was told the fence belonged to her but it was 1 foot over onto his property line that makes it a little different. Basically we are looking at a 1 foot variance from the west property line. Ms. McCray reviewed the survey and maps of the property with Board members.

Mr. Silvers stated that he had spoken with John Stephens He was able to find the west pins down in the creek and that is how he was able to set the boundary for the north side of the property.

Mr. Vogel: At the other end he was able to find some?

Mr. Silvers: He ran from the east of Hale St. from wherever the Indian separation was in some of the towns.

Mr. Vogel asked Mr. Silvers if he would be taking the roof off of the garage. Mr. Silvers replied yes it will have to come off, we will use the west and north wall to pin to for the new structure. Mr. Vogel asked if the house will come forward from the garage walls. Mr. Silvers stated that it will.

Mr. Howard from the center of the road back to the front of the house is 47 feet, normal requirement is 35 feet from the center of the street. There are no problems with the setback from the road or the property lines to the east or north. We are just looking at the distance from the west property line.

Mr. Vogel asked if there were any further questions or comments from the Board or members of the audience. Lori Brane (member of the Lafontaine Town Board) spoke stating that they just want to make sure we are following the correct procedures for how far apart the structures should be, we hear a lot of "well 50 years ago it was done this way" we just want to make sure things are being done correctly. Mr. Vogel asked if the Town Board had any problem with allowing him to be 1 foot off. Ms. Brane stated that they would like for him to follow the correct 6 feet setback.

Ms. Brane replied that they have had a lot of problems because things weren't done the way they were supposed to be done, we are trying to clean things up in the town and make sure we are trying to do things according to what the guidelines are for everybody. If you start with one then you get another. Mr. Vogel stated that Mr. Silvers would not have needed a variance if the building had been over 1 foot.

Mr. Howard shared an e-mail from Jay Gillespie, President of the LaFontaine Town Board, stating that he is currently out of town but would like to voice his opinion that he is opposed to the variance. Based on the drawing we calculated that the house will cover about 4176 square feet. That would be ground floor square footage and does include the porches.

Mr. Vogel asked if there was any further discussion, there being none the Board proceeded to vote. Mr. Thrush tallied the votes, Variance #12 was denied. The setback for the structure will remain at 6 feet from the property line.

Mr. Silvers stated that the existing garage will be taken down, he also asked the Board if he could build fence on the property line. Mr. Howard replied that a fence could be built on the property line.

Mr. Howard reminded Mr. Silvers that at the 6 feet setback he will not need to have a firewall in the new structure.

Janet Pattee (member of the Lafontaine Town Board) asked if there is a timeline for the building.

Mr. Howard: Mr. Howard stated that if Mr. Silvers is extending his permit that it will be good for 1 year from today (11/27/2018) to have it completed. We have never had an extension fail to be completed within the required time. Failure to be completed within the 1 year extension would be in violation and there would be a penalty assessed per day. If he waits until spring and gets a new permit it would be good for 1 year from that date. Mr. Silvers requested to extend his original permit.

Mr. Silver asked what completed means.

Mr. Howard. I will discuss "completed" with the PC Board and provide you with the Boards determination. I will also send you information regarding fencing laws and recommendations.

There being no further business Mr. Vogel asked if there was a motion to adjourn the meeting. Dan Dale made the motion to adjourn, this was seconded by Jerry Younce. Meeting adjourned at 7:45 pm.

Libby Cook
Secretary, Wabash Board of Zoning Appeals
mth