

WABASH COUNTY PLAN COMMISSION

Wabash County Court House

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BZA MEETING MINUTES

AUGUST 27, 2019

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: Joe Vogel, Mark Milam, Jerry Younce, Dan Dale, Larry Thrush, Plan Director Mike Howard, Libby Cook, Ron & Jennifer McColley, Travis & Melissa Boggs, Jerry Nelson, Bill Bussard, Todd Vigar, Tim Dawald, Terena Clark, Michael Rigney, Tom Rigney, Josh Kiger, Don & Judy Yokum, Doc Donaldson, Trent Powell, Spencer O'Dell

The August 27th meeting of the Wabash County Board of Zoning Appeals was called to order by Board chairman, Joe Vogel at 7:00 pm. Mr. Vogel asked if there was a motion to approve the minutes of the July 23rd meeting. Mark Milam made the motion to approve the minutes as written; this was seconded by Dan Dale, the motion carried the minutes will stand approved

Mr. Vogel: The first item on the agenda is Variance #7, Robert (Mike) Rigney, needing a variance from the pond setback in Liberty Twp.

Tom Rigney, (a brother to Mike Rigney) stated that he is a member in the partnership and we are in agreement to sell a parcel of ground to my son Michael. The property line will go across a small portion of the pond; we are trying to keep the parcel line straight. We as the sellers have no objection to that.

Mr. Howard: The property is located at 11307 S. Bruner Rd., Liberty Township. Mr. Howard asked Mike Rigney if his current residence is the 1.88 acres, and will that be sold back to the farm. His parcel is the 2.329 acre parcel shown on the survey that he will be obtaining, as you can see the line does go across the pond. Because we do have a 100 foot setback for a pond being constructed we felt that should be applied for here in case there are any issues down the road. Mike and Tom Rigney explained the overall layout of the farm property. Mr. Milam asked if there was any verbiage outlining the maintenance of the pond. Mike Rigney replied that he maintains the pond at this time and will probably own the property it is on at a later time. Mr. Vogel asked if

Mike Rigney will own the pond or if it will be owned by the farm, Mike Rigney replied that it will remain with the farm. Mr. Vogel asked if there were any questions or comments from the Board members or audience, there being none the Board proceeded to vote. Mr. Thrush tallied the votes, Variance #7 was approved.

Mr. Vogel: The next item on the agenda is Variance #8, Joshua Kiger, requesting a variance from the setbacks in Pleasant Twp.

Mr. Howard: Josh lives at 8568 N 200 W, N. Manchester, Pleasant Township. He is asking for a variance from the county road set back from CR 200 W. His home is situated such that it is a bluff behind his house, he would like to put a garage and room addition onto his house and would like to come forward with that instead of going to the back of the home. The setback requirement on a primary county road is 95 feet basically with the addition he would still meet the secondary county road setback of 65 feet from the center of the road. In 2010 the Board approved a variance for a pole building to be constructed closer than the required setbacks on the property. Mr. Vogel asked the Board members and audience if there were any questions concerning the request. Mr. Howard informed Mr. Kiger that one thing the Board would ask is that there is room to turn vehicles around so they are not backing out onto the road. Mr. Kiger stated that the drive is big enough to do that. There being no further questions or comments the Board proceeded to vote. Mr. Thrush tallied the votes, Variance #8 was approved.

Mr. Vogel: The next item on the agenda is Variance #9, Chris Finch. Mr. Finch is seeking a variance from the required setback for a structure from a secondary county road in Waltz Twp. Mr. Howard stated that the Finch property that we are looking at is located at 10908 S St. Rd. 13, across from Somerset, in Waltz Township. Since Mr. Finch has acquired the property he has removed a couple of smaller buildings and would like to add a lean to on the remaining building. Mr. Finch explained that he recently acquired the property and has been working to clean it up; he explained what the building had been used for in the past. He stated that new siding and doors are being put on the existing building and now he would like to add a lean-to to make the building a more usable space. Mr. Vogel asked if there were any questions or comments from the Board or audience, there being none the Board proceeded to vote. Mr. Thrush tallied the votes, Variance #9 was approved.

Mr. Vogel: The next item on the agenda is SE #5 Scott & Lisa Hauptert requesting to operate a retail business in an Ag zoned area in Paw Paw Township. Spencer O'Dell from AR Engineering introduced himself. Mr. O'Dell will be representing the Hauptert's tonight.

Mr. Howard: AR Engineering has been representing the Hauptert's in this request for a retail business. The initial application was presented to the Plan Commission Board and was denied for a change of zoning on the parcel. Their alternative was to come back and apply for a Special Exception for a retail business in an Agriculture zone. The actual retail business, as far as what it is, they were asked by the client not to disclose the name. The property is a 4.169 acre parcel. The developer would purchase the property from the Hauptert's if this would pass, and then would put the retail business in. It would be done through a lease program. One important thing the Board should know, generally when someone applies for a Special Exception we have a verbiage that we normally use, they requested something very specific, "to have a retail business including any

lawful retail use or purpose of applicant, its tenants, and their successors and/or assigns". During the Plan Commission discussion I said that I felt that was a pretty broad statement as far as to what they wanted to do or what could be placed there. Mr. Thrush concurred that that was a pretty broad statement.

Other concerns:

- This is a drawing, not a completed survey of the area. This is a drawing of the structures and how it would lay out.
- The certified county tile drain that runs through the property. The county has a 75 foot easement on each side of the drain. When we received the first copy of this part of the structures and part of the septic system were in this area so they have moved some of the structures. As the drawing is now, part of the parking area is still in the easement, the Drainage Board was very uncomfortable with this the way it was proposed.
- The entrance, they are asking for a 30 foot easement to the east of the drive and structures, there would be no structures in that area. There would still be a parcel to the back of this property that would be large enough to meet the county Health Dept. requirements to build a home on, with the possibility of the easement being sold to that property owner. Mr. Howard stated that he would recommend the setbacks for the structures be from the west side of the easement line not the property line.
- Shared traffic counts for the intersection provided by INDOT. INDOT could not provide an accident report for the intersection as there have not been enough serious accidents to warrant a study.
- A commercial on-site sewage system would have to meet state requirements, once approved by the state the permit may be issued by the Wabash County Health Dept.
- The driveway/entrance must meet state requirements and would probably not require any widening of the road at the entrance. Signage would also have to meet state requirements.
- Concerns over where the structures will actually be placed, no survey will be done until it is determined if the SE request is approved or denied.

Mr. Howard then reviewed a list of variances that will be required if the SE is approved. The Board will vote on each of these if the Special Exception is approved. Pictures of the area after a heavy rain that were taken by a neighboring property owner were shared.

Mr. Vogel opened the floor for questions or comments.

Mr. O'Dell said that he felt Mr. Howard was very thorough. I am here tonight to ask for the approval of the request.

Mr. Bill Bussard, a Roann Volunteer Firefighter shared that there have already been 4 accidents at that intersection this year, no fatalities but some serious accidents. He said that he is concerned for the existing retail businesses in the town of Roann; could this new retail business put those existing businesses out of business? Mr. Howard asked Mr. Bussard if the Roann Fire Dept. would be prepared to handle a fire at a business of this nature. Mr. Bussard stated that they would have to call for assistance; it would probably take 15 minutes to get the Wabash ladder truck to the scene and probably another 10 minutes to get it set up.

Jerry Nelson from the Roann Heritage Committee shared concerns over what a business of this type would do to the rural esthetics of the area along with the safety of the location.

Doc Donaldson shared concerns over the water problems already in the area; it would not be a good idea to add more water. My grandson has a hog barn and he has permits to spread manure in the area, would people understand that they are in an Ag area.

Don Yokum also voiced concerns over what the water problems do to his property. He stated "I moved to the country to live in the country not in town".

Mr. Dale said that he is not that familiar with the area and asked if there is a creek that it could go into? Mr. Donaldson answered that there is about 1 mile north and 1 mile west, then it goes to an open ditch.

Mr. Vogel asked if there were any questions from the Board or audience. Mr. O'Dell stated that he could answer any questions. There being none the Board proceeded to vote. Mr. Thrush tallied the votes, SE #5 was denied.

Mr. Howard addressed Mr. O'Dell, we are not opposed to development in the county, and we know we have to have growth. The broad wording of the application was a concern and the site location is just not good.

Mr. Vogel: Next on the agenda will be complaint updates.

Mr. Howard gave the following updates:

- We have a court hearing on Wednesday, Aug. 28th at 9:00 am for the Barbara Nelson property at Lagro
- Denton property, most of the cars are off the property, the pallets are still there, we have filed against them for contempt, in 2016 they were court ordered to clean the property up and keep it maintained. They have asked for a continuation, it was granted so they have until Oct. 18th.
- Cornett property in Roann, I am satisfied with the clean-up.
- Fanning/Moore property at Sandy Beach, Mr. Fanning is in jail at this time, Ms. Moore is working on getting the tires cleaned up.
- McCarty house in Servia, will be serving an unsafe premise order.

There being no further business Mr. Vogel asked for a motion to adjourn. Mr. Younce made the motion to adjourn; this was seconded by Mr. Milam. The meeting adjourned at 8:00 pm.

Libby Cook
Secretary, Wabash Co. Board of Zoning Appeals
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