

Wabash County Plan Commission

Wabash County Courthouse • One West Hill Street, Suite 205 Wabash, IN 46992

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Wabash County Board of Zoning Appeals

Board Members: Dan Dale, Patty Lengel, Mark Milam, Joe Vogel, Jerry Younce

Staff: Larry Thrush, Board Attorney; Brian Campbell, Plan Director; Amanda Lyons, Administrative Assistant

Meeting Minutes of Wednesday, December 27, 2023

Roll call was taken with the following present:

Board Members: Patty Lengel, Mark Milam, Joe Vogel, Jerry Younce

Staff: Larry Thrush, Board Attorney; Brian Campbell, Plan Director; Amanda Lyons, Administrative Assistant

Absent: Dan Dale

Others present: Adam Knowles, Robin Brubaker, Evert Brubaker, Christina Diaz, Todd Vigar, Michael Walton, Kerrie Walton, Merrill, Szymanowski. Speaking but not signed in: Cory Rice, Sandra Moore.

The Wabash County Board of Zoning Appeals met on Wednesday, December 27, 2023, in the Commissioners Meeting Room of the Wabash County Courthouse. Board Chairman, Joe Vogel called the meeting to order at 7:00 pm. Mr. Vogel asked if there were any additions or corrections to the minutes of the November 28, 2023 meeting. There being none, Mr. Vogel asked for a motion to approve minutes as written. Motion by Mr. Milam, second by Mr. Younce. Board proceeded to roll call vote; motion carried 4-0.

Mr. Vogel stated next on the agenda was Special Exception #12, Adam Knowles, for the manufacturing and assembly of firearms in a zone not specifically authorized as a permitted use in Noble Township. Mr. Vogel noted this hearing was continued from the November 28, 2023 meeting by a request from Mr. Knowles. Mr. Campbell stated Mr. Knowles property is located at 2759 W. 300 N. Mr. Knowles has filed a request through the ATF to upgrade his licensing and that upgrade request required him to apply for this Special Exception. The Plan Commission gave a favorable recommendation to the Board of Zoning Appeals on November 2, 2023. Mr. Campbell added that the Plan Commission office had not received any questions or comments about the Special Exception application. Mr. Knowles explained to the Board that he is already authorized to do gunsmith work. With this application he is looking to move from working on pre-existing pieces to building new pieces. He intends to use the existing structure and equipment at the property. He stated he will do custom, built to order pieces, and that they will all be serialized. Ms. Lengel asked about his firearm training. Mr. Knowles stated he has been around firearms his whole life, had been in the military, and has a machining trade background. Ms. Lengel then asked about insurance. Mr. Knowles indicated he was not sure what would be required, that he was waiting for proper approvals first because those requirements often swing with the political climate. Ms. Lengel responded that she would recommend making sure he had proper insurance. Mr. Campbell stated that even if the board approves the Special Exception, Mr. Knowles will still have a lot to do to complete the ATF requirements. Ms. Lengel asked which way he shoots on the property and where the closest house would be. Mr. Knowles stated he shoots to the south, that he has a backstop 10' tall, L shaped, and backed with utility poles. The board reviewed location on the GIS map of closest neighboring residence to the south. Mr. Vogel asked about security at the location; Mr. Knowles stated he had already been inspected by the ATF and would be again as a part of this process. Ms. Lengel inquired about what caliber he would be manufacturing. Mr. Knowles responded primarily 223, AR platform, with potential for some bolt action rifles. He indicated his equipment wouldn't be appropriate to do anything extreme. He would be limited with his equipment to essentially anything that could be purchased in a store. The Board reviewed the site on GIS maps, Mr. Vogel stated he felt no concerns with traffic at the site. Mr. Knowles noted that he would operate the business by appointment. Mr. Vogel asked how many he would

anticipate manufacturing; Mr. Knowles indicated one per month given the limitations of his current equipment. Mr. Milam asked about restrictions that Board had placed on his previous application, specifically if there were operating hours restrictions and for test fires. Mr. Campbell read the previous restrictions from his 2020 application. Those restrictions were:

- Notify law enforcement and local fire department of business
- No open public shooting range. Owner can test repaired / coated guns.
- Gun test shooting area must meet plan as outlined by BZA.
- 55-gallon barrel filled with sand with perimeter area backstop 3 feet above barrel height when in the angled position and 3 feet to each side of the barrel.
- No test firing of guns for sale by customers.
- Alarm system on building
- Secure drop off for deliveries
- No public advertising of location on premise

Mr. Vogel asked if Mr. Knowles would agree to maintaining those restrictions. Mr. Knowles indicated yes; those restrictions would be acceptable. Mr. Knowles and Mr. Campbell reviewed a modification from the 55-gallon barrel requirement that Mr. Knowles and Mr. Howard had previously agreed upon. Mr. Vogel asked if there were any other questions or concerns. There being none, Mr. Vogel asked for a motion. Prior to a motion being made, Mr. Campbell reiterated that the same restrictions would be in place, Mr. Knowles acknowledged those restrictions would be accepted. Mr. Milam made a motion to approve Special Exception #12 as presented; second by Mr. Younce. Roll vote was taken; motion passed unanimously.

Mr. Vogel stated next on the agenda is Special Exception #13, Michael Walton, for a shipping container use as a business and sawmill business in Ag2 zone with variance from setback to residential district in Pleasant Township. Mr. Campbell stated the property is located on N. Ogden Road. The sawmill operation requires a Special Exception to be located in Ag2 zone. As a part of the operation the Mr. Walton plans to set two shipping containers, with rafters spanning them, and the sawmill operation enclosed in the middle. Mr. Campbell explained that the zoning ordinance requires ½ mile from a residential zone for a sawmill; because Mr. Walton's property adjoins a residential zone across the road, he will also need a variance. The zoning ordinance also requires screening. Mr. Campbell informed the Board of Zoning Appeals that the Plan Commission gave Mr. Walton a favorable recommendation. The Plan Commission Office had one neighboring property owner contact the office with questions. Mr. Campbell reviewed the application with that neighbor, and they indicated if it is properly screened – and preferably screened to the south as well – they would have no concerns. Mr. Walton explained to the board that he plans to set two shipping containers parallel to each other, from the outside it will have the appearance of a pole building, with roll up doors in between. He has a bandsaw for custom cutting that will be in the center, allowing him to work out of the weather. Mr. Vogel asked what hours he would be operating. Mr. Walton indicated he has a full-time job in addition to operating this, so hours would vary but would include daytime, some evenings, and weekends. Mr. Vogel then asked if Mr. Walton was okay with the screening requirements. Mr. Walton indicated he had questions about what would be required. Mr. Campbell explained he would expect the road side and southside to be screened. The east side of the property is in a flood area, so he does not feel it would be required. The north side would be a board decision because in Mr. Walton's plan it would eventually be screened by his future new home. Mr. Vogel asked if there were any other questions or comments. Robin Brubaker asked what the overall size would be. Mr. Walton indicated most of the operation will be inside, with 40' x 46' under roof. Mr. Walton asked about placing a sign on the property for the business; Mr. Campbell explained he would need a permit from the Plan Commission Office. Mr. Vogel asked Mr. Walton if he was willing to accept the screening restrictions to the road and southside, with the screening being fast growing trees or similar. Mr. Walton indicated those restrictions were acceptable. Mr. Campbell indicated the current permit fee schedule does not have a fee for shipping containers. Mr. Milam suggested using overall pole building dimension and fee for this project. There being no further questions or concerns, Mr. Vogel asked for a motion. Ms. Lengel made a motion to approve Special Exception #13 for shipping container use as a business and a sawmill business in Ag2 zone; second by Mr. Milam. Roll call vote was taken; motion passed unanimously. Mr. Vogel then asked for a motion on the variance. Ms. Lengel made a motion to approve the variance from the setback for a sawmill to a

residential zone; second by Mr. Younce. Roll call vote was taken; motion passed unanimously. Mr. Campbell reminded Mr. Walton to get the building permit from the Plan Commission Office prior to construction.

Next on the agenda was Variance #16, Cory Rice, variance from the development standards for an accessory structure closer to side setback than allowed in Lagro Township. Mr. Campbell shared with the Board that Mr. Rice's property is located at 1332 N 300 E in Lagro Township. Mr. Rice would like to build on to an existing pole building; however, the addition would put the structure closer to the property line than allowed by the current zoning ordinance. Mr. Campbell noted that the only properties affected would be Mr. Rice's parcel and a parcel Mr. Rice owns as a part of a trust with family members. The board reviewed GIS maps of the property. Mr. Vogel asked if there were any questions or concerns. There being none, he asked for a motion. Ms. Lengel made the motion to approve the variance from the development standard for an accessory structure to be closer to the side setback than allowed by the zoning ordinance; second by Mr. Milam. Roll call vote was taken; motion passed unanimously. Mr. Campbell reminded Mr. Rice to get a building permit from the Plan Commission Office prior to construction.

Mr. Vogel stated next on the agenda was Variance #17, Sandra Moore, variance from the development standards for minimum roadway setback in an R1 zone on a primary road for construction of a porch in Pleasant Township. Mr. Campbell informed the board he noticed Ms. Moore's construction project when he was out checking other properties and notified her of a violation because of construction being done without a permit and the setback issue. Upon receipt of the violation letter, Ms. Moore contacted Mr. Campbell and applied for this variance for the porch she is constructing at 9942 N 200 W in Pleasant Township. Ms. Moore is asking for a 67' variance from the roadway setbacks. Her porch will be 28' from the center of the road. Mr. Vogel stated he did not have concerns because the speed limit is reduced to 30-35 mph in that area and he did not feel it would create any issues with sight. Mr. Campbell agreed, adding that he believes the house previously had a smaller porch. Ms. Moore indicated the previous porch was not as wide. Mr. Vogel asked if there were any further questions or concerns. There being none he asked for a motion. Ms. Lengel made a motion to approve variance #17 from the development standards for minimum road setback in R1 zone on a primary road for construction of a porch; second by Mr. Milam. Roll call vote was taken; motion passed unanimously. Mr. Campbell reminded Ms. Moore to get a building permit from the Plan Commission Office.

Next on the agenda was Variance #18, Todd Vigar, variance from the development standards to be closer to the roadway setback than permitted for a pole building in Paw-Paw Township. Mr. Campbell shared with the Board that Mr. Vigar's residence is located at 3631 W 700 N in Paw-Paw Township. He is asking for this variance to add on to a pole building located on the parcel he owns to the east of his residence. The planned addition will be 48' to the east side of the structure. The road setback requirement is 65', the existing building and proposed addition would be 40' from center of the road. Mr. Vigar was present with Mr. Tony Hoover, his contractor, to answer any questions. Mr. Vogel asked if there were any questions or concerns. There being none, he asked for a motion. Ms. Lengel made a motion to approve Variance #18 from the development standards to be closer to the roadway setback than permitted for a pole building; second by Mr. Milam. Roll call vote was taken; motion passed unanimously. Mr. Campbell reminded Mr. Vigar and Mr. Hoover to get a building permit from the Plan Commission Office.

Mr. Vogel then asked if there was a complaint update. Mr. Campbell stated that due to the holiday schedule he did not have an update on complaints at this time.

Mr. Vogel then recognized Mr. Larry Thrush for serving as the Wabash County Plan Commission and Board of Zoning Appeals attorney for 49 years. Mr. Thrush is retiring from the boards after serving since 1974. He will retain his private practice in Wabash County. Board members and those in attendance thanked Mr. Thrush for his service to the Boards and Wabash County.

Mr. Vogel asked if there was any other business to come before the board. There being none, he asked for a motion to adjourn. Motion to adjourn was made Ms. Lengel; second by Mr. Milam. Vote taken; motion passed unanimously. Meeting adjourned at 7:47 p.m.

Amanda Lyons
Secretary, Board of Zoning Appeals

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