

Wabash County Plan Commission

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Wabash County Plan Commission Board

Board Members: Randy Curless, Jeff Dawes, Sam Hann, Patty Lengel, Mark Milam, Doug Rice, Christian Rosen, Geoff Schortgen, Cheri Slee, Joe Vogel

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

Meeting Minutes of Thursday, December 7, 2023

Roll call was taken with the following present:

Board Members: Jeff Dawes, Sam Hann, Patty Lengel, Mark Milam, Christian Rosen, Geoff Schortgen, Joe Vogel

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

Absent: Randy Curless, Doug Rice, Cheri Slee

Others present: David Blocher, Cheryl Ross, Suzanne Peebles, Billie Roth, Shad Roth, Bill Burnsworth, Nicky Burnsworth, Chris Hickman, Tami Hickman. Speaking but not signed in: Michael Walton, Kerrie Walton.

The Wabash County Plan Commission Board met on Thursday, December 7, 2023 in the Commissioners Meeting Room at the Wabash County Courthouse. The meeting was called to order at 7:00 pm by Board Vice Chairman Mr. Christian Rosen.

Mr. Rosen stated first on the agenda was a review of the minutes from the November 2, 2023 meeting. Motion to approve the minutes as written was made by Mr. Milam, second by Mr. Hann. Roll call vote was taken; motion passed 4-0-2, with Ms. Lengel and Mr. Rosen abstaining because they were not in attendance at the November meeting.

Mr. Rosen stated next on the agenda is an update on the Unsafe Premise Order on the Curt Arnett property, located at 23 W. Branson Street, Lafontaine in Liberty Township. No one was present to represent Mr. Arnett. Mr. Campbell provided the board with an update. Dustin Hurst, Lafontaine Town Marshal, reported that the camper van had been moved on the property, but not removed. If it is still on the property tomorrow (December 8, 2023) he will tag it for removal. The front part of the roof is done, but nothing has been done with the lower roof or backside. The contractor has left the job site, and the Plan Commission Office has had no further communication with either the contractor or Mr. Arnett. Ms. Lengel asked about the safety concerns with the steps on the back side of the property. Mr. Campbell stated nothing had been done to repair them to date. Mr. Campbell asked if the board wanted to place a deadline on the repairs. Mr. Vogel indicated he felt the property owner had done quite a bit of work and that he would like Mr. Campbell to discuss with the owner before taking any further action. Mr. Campbell indicated he will meet with Mr. Arnett to get a timeline for completion and update the board at the January meeting.

Mr. Rosen then stated next on the agenda is an update on the Unsafe Premise Order on the 320 Washington Street Land Trust property, located at 320 Washington Street, Lagro in Lagro Township. No one was present to represent 320 Washington Street Land Trust. Mr. Campbell provided the board with an update indicating there had been no change in the 30 days the board had previously granted. Mr. Dawes suggested Mr. Campbell work with the Auditor's Office to locate more contact information for the property owner. Mr. Vogel verified with Mr.

Campbell that the owner had legal possession, as the property was purchased in a tax sale; Mr. Campbell confirmed. Mr. Thrush stated the board could choose to move forward in court. Mr. Hann made the motion to proceed with the Unsafe Premise Order; second by Ms. Lengel. Roll call vote was taken; motion passed unanimously.

Mr. Rosen stated next on the agenda was Special Exception #10, Jeremy & Mikki Warnock, request for a pond at 4407 E 500 N, Urbana in Lagro Township. Mr. Campbell explained to the Board that he had been contacted by Mr. Warnock and he has not been able to get anything from the property owner next door yet indicating they are okay with the pond dumping water on the property in a way that is not natural to the property. As the application has been carried over for several months already, Mr. Campbell asked the board to consider having the property owner withdraw the application until they have received the necessary permission from the neighbors. Mr. Dawes made a motion to ask Warnock's to withdraw the application until permission is received from the neighbors; second by Mr. Hann. Roll call vote was taken; motion passed unanimously.

Special Exception #13, Michael Walton, request for a shipping container to be used as a business structure and for a saw mill business in Ag2 zone, on N. Ogden Road, North Manchester in Pleasant Township was next on the agenda. Mr. Walton explained to the board that he would like to set two shipping containers with rafters over them and the sawmill operation in between. He feels shipping containers would be a good option for security purposes. He plans to put metal on them to have the overall appearance of a pole building structure. Eventually he plans to build a home on the parcel as well. Mr. Campbell explained to the board that the setback requirements for a sawmill are ½ mile to a residential zone, because Mr. Walton's property adjoins a R1 zone across the road he will need a variance from the setback. Mr. Vogel asked about the nature of the business and if it would be custom cutting. Mr. Walton stated he owns K&M Pickers in North Manchester. He would be doing custom cuts for that business. He plans to keep cuts inside, however, anything needing stored outside would be shielded by stacking blocks. Ms. Lengel inquired about the hours of operation. Mr. Walton shared that he works a 10 hour/day job and would be running the sawmill operation primarily on the weekends. He added that the noise level is similar to a lawnmower. Mr. Campbell informed Mr. Walton that screening is a requirement of the ordinance. Mr. Walton explained that the operation would be located inside the structure. Ms. Walton added that their preference is to have the opening to the building toward the back. Mr. Campbell reviewed the site and contours on GIS with board members. Mr. Rosen asked if there was any further questions or concerns from board members or others present. There being none, he asked for a motion. Mr. Vogel made a motion to give a favorable recommendation to the Board of Zoning Appeals; second by Mr. Hann. Roll call vote was taken, motion passed unanimously. Mr. Campbell informed Mr. & Ms. Walton they would need to attend the Board of Zoning Appeals meeting on Tuesday, December 27th.

Mr. Rosen indicated next on the agenda was a request from the public to review deck permits. Mr. Campbell shared that he had received a request from Mr. Shad Roth, owner of Long Lake Campground, requesting the Plan Commission to increase the permissible deck square footage from 100 square feet to 200 square feet. Making such a change would require a change to the Permit Fee Schedule, but not an amendment to the Zoning Ordinance. Mr. Campbell stated that currently anything – decks, patios, buildings, etc. – over 100 square feet requires a permit. He added that the permit fee for a deck in Wabash is \$0.05/square foot. In researching this request, Mr. Campbell discovered that surrounding counties are much higher. For example, Grant County requires a permit for a deck 120 square feet or larger with the fee being \$0.10/square foot with a \$25 minimum. Miami County also requires a permit for a deck 120 square feet or larger with the minimum fee being \$50. Others in area also add inspection fees. Mr. Roth stated he was asking for the change to be considered for campgrounds to help keep costs down. He has spoken with the Assessor's Office and has the impression that they will not pick up items on assessments that are not required to get a permit. In meeting with the Wabash County Assessor, Ms. Kelly Schenkel, he was referred to the Plan Commission to request such a change. Mr. Roth stated he felt it would be very difficult for him to keep track of who has what, what the assessment for each site would be, and to collect properly for the permits and assessments. He also stated he felt it would be very difficult for the Assessor's Office

to pick up all the decks at the campgrounds, indicating that for his specific property he does not have a site map. Mr. Campbell explained that a site map will need to be created regardless as it is a requirement of the zoning ordinance. Mr. Campbell added that he was not certain about deck sizes and what would be assessed and what would not, as that is the responsibility of the Assessor's Office, but that they do pick up structures that are even smaller than 100 square feet in some instances. Mr. Roth stated he was not sure, that Ms. Schenkel had just said they would not pick it up if not permitted. Mr. Vogel asked if any other campground owners had contacted the Plan Commission office about the issue; Mr. Campbell stated no. Mr. Roth added that he is only asking for this for flat decks; if a deck has a roof over it, he understands the Assessor's Office would pick it up, and feels a permit should be required for it. Mr. Campbell informed Mr. Roth and the board that our current permit fee schedule does not separate out a flat deck. Mr. Vogel and Mr. Dawes asked if this is something campgrounds could be exempt from. Mr. Campbell stated that Kosciusko County is currently involved in a lawsuit because they attempted to exempt campgrounds for this same thing. Mr. Milam asked for clarification, we have always stated 100 square feet or larger would require a permit, but have not enforced it. Mr. Roth responded yes, as he understands it the state has questioned it because of other issues at another campground. He added he would like to see the process made as simple as possible for everyone. Mr. Campbell stated from the permitting aspect, he feels the 100 square feet requirement keeps is simple, because anything 100 square feet or larger would require a permit. Mr. Vogel asked if any of these lots in the campgrounds were used for year-round living. Mr. Campbell explained that by definition in the ordinance a campground is for seasonal use only. Mr. Roth added that typically most campgrounds in the area operate mid-April through October, but that it is weather dependent. He continued that he had received notification this fall from the Assessor's Office that they would be assessing for the decks and he was concerned because they are not his property. He is also concerned about being in trouble as a property owner if a deck gets built at the campground without a permit. He reiterated that he was not asking for campgrounds to be treated any differently than anyone else; he would like to see the square footage on decks increased for all in the county. Mr. Dawes asked to have Ms. Schenkel and Bill, a representative from the assessment team present at a meeting to discuss. Ms. Cheryl Ross spoke, stating she has heard Coco Jo's have raised rates \$400 or more for next year, partially due to the increased assessments. She stated she felt this issue needed handled in a manner that would be fair for all. She would not expect another county to exempt her and does not feel Wabash County should have to exempt these. She added that she felt the assessments should be handled just as they are handled at her home or her business. Mr. David Blocher also spoke, stating as he understood it the tax and assessment issues should be addressed with the Assessor's Office instead of the Plan Commission, and that concerns with the fee structure should be addressed with the Plan Commission. He stated he felt all should be seen equally between business owners and residents. Mr. Rosen asked if there was any further questions or comments, there being none he asked for a motion to continue discussions at a future meeting. Mr. Vogel made a motion to table the issue until a meeting that would include Ms. Schenkel and Bill; second by Mr. Dawes. Roll call vote was taken; motion passed unanimously.

Mr. Rosen stated next on the agenda was review and approval of the Intent to Raze a Residential Structure form. Mr. Campbell explained that this is a form to be used in the office beginning in 2024, to be filed with permits in instances where a property owner is living in a residence on the property while building a new residence because per the ordinance only one residence is allowed in most zone. Mr. Blocher asked why there is a limit of one residence per parcel in so many areas. Mr. Campbell shared his understanding is it is largely due to the State Health Department's requirements for septic systems. Mr. Walton asked if a split could be done on a property to add an additional residence. Mr. Campbell reviewed the process to split a parcel and stated as long as both pieces conformed to the ordinance requirements a residence would be permitted. Mr. Rosen asked if there was any further discussion. There being none, he asked for a motion. Ms. Lengel made a motion to approve the Intent to Raze a Residential Structure form for use beginning in 2024; second by Mr. Vogel. Roll call vote was taken; motion passed unanimously.

Next on the agenda was a review of roof requirements for manufactured homes. Mr. Campbell shared with the board the zoning ordinance 7.3.3.7:

Must have a gabled roof with roofing material customarily used on site constructed residences such as asphalt shingles, fiber glass shingles, tile materials, or steel sheeting, all of which are installed on a surface properly pitched for the material used.

Mr. Campbell explained to the board that he would like clarification because each zone has a roof pitch requirement, with most being 5/12. However, for a manufactured home should this statement from the ordinance be applied or should the pitch requirement for the specific zone be applied. After some discussion about various codes, Mr. Thrush stated he would like to have some time to research. Mr. Blocher inquired about the purpose of the 5/12 roof pitch requirement. Mr. Campbell stated he was not certain, as he was not a part of the ordinance development. Mr. Walton stated he feels it is probably due to snow load concerns. Mr. Campbell stated he would like the board to give some consideration to how to proceed.

Mr. Rosen asked Mr. Campbell to provide a complaint update to the Board. Mr. Campbell stated:

- 72 Complaints have been worked in 2023, 63 of those 72 are new complaints
- Mr. Campbell has met with Leo & Rosalie Elshire, regarding their property at 10643 S 550 W, Amboy in Waltz Township. At this point they are not willing to put the parcels back together. Mr. Campbell will get information to Mr. Thrush and he will send a letter to Elshire's on behalf of the Plan Commission.

Mr. Rosen asked if there was any other business from board members. The following items were brought before the board:

- Mr. Thrush shared with the board that he began representing the Plan Commission and Board of Zoning Appeals in 1974 and intends to retire at the end of the year. Board members thanked Mr. Thrush for his years of service.

There being no further business Mr. Rosen asked for a motion to adjourn the meeting. Mr. Vogel made the motion to adjourn, seconded by Mr. Hann. Vote on the motion was taken, carried unanimously. Meeting adjourned at 8:39 p.m.

*Amanda Lyons
Secretary, Wabash County Plan Commission Board*

**If any names are incorrect, spelled incorrectly, or omitted from the attendance in these minutes, we apologize.
(bac)*