

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION **BOARD MEETING MINUTES** **JUNE 4, 2015**

**Wabash County Plan Commission Board
Wabash County Court House
Wabash IN 46992**

PC Board Members: Curtis Campbell, Randy Curless, Scott Givens, Doug Rice, Sue Ridenour, Lowell Rosen, David Schuler, Cheri Slee, Joe Vogel, Attorney Larry Thrush

Members present: Curtis Campbell, Randy Curless, Scott Givens, Doug Rice, Sue Ridenour, Lowell Rosen, David Schuler, Cheri Slee, Joe Vogel and Attorney Larry Thrush.

Mr. Givens opened the meeting at 7:00 p.m.

Mr. Curless motioned to approve the May 7, 2015 minutes as written.

Mrs. Ridenour second.

Motion Carried.

The first item on the docket is the SE Application from Michael Ihnen. Mr. Ihnen was not present so the board proceeded to item 2 on the docket.

West Plains Mining; SE #10, Rail siding

6601 W Old 24, Wabash, IN

Part of the South ½ of Section 13, Township 27N, Range 5E, & part of the SW ¼ of Section 18, Township 27N, Range 6E, Noble Township. Wabash County.

Zoned agriculture. 43.065 acres.

Mr. Howard explained that Mr. Woodward called the office and stated that he needed to reschedule his application hearing with the Plan Commission, there are some issues that need to be addressed before coming before the Board.

Amber Simpson; SE #11, Double wide mobile home

10982 S America Rd, Lafontaine, IN 46940

Part of the SE ¼ of Section 26, Township 26N, Range 7E, Liberty Township, Wabash County.

Parcel is zoned Agriculture and contains 1 acre.

Mr. Howard stated that he spoke with Ms. Simpson prior to the meeting and she is not sure whether it is a mobile home or a modular she is requesting to place on the vacant parcel where her home burnt down almost two years ago.

The lot is only one acre and is triangular shaped which makes it difficult to meet any setbacks. If she decides to place a modular on the property, she would only have to apply for a variance (regarding setbacks) and therefore only meet with the BZA Board. Ms. Simpson is to gather more information and get with Mr. Howard to determine the required application process. Either way septic approval is required.

At the last Council meeting, a county resident stated that the Plan Commission was charging for things that were illegal.

The only thing changed this year is that all of the paperwork notifications are being sent from this office and the fee for certified mailers and legal ads is being reimbursed to the county along with the application fee. That means the money for the S.E., Variances legal ads and certified letters is collected in one lump sum from the applicant and then deposited accordingly.

The complaint was forwarded to Mr. Thrush who after reviewing the grievance, found no legal issues regarding the collection of fees by the Plan Commission.

Mr. Howard informed Members that he reduced the zoning ordinance draft by twenty-six pages. He explained that there were a couple areas which he combined since it was repetitive. Those two areas were subdivisions and developments.

Under permitted uses in the new zoning draft, there is a section for conditional use. The intent for this, in minor situations only, is so the applicant does not have to incur charges for a special exception as long as they meet certain conditions after meeting with the Plan Commission Director and agree to those conditions prior to issuing a permit stated Mr. Howard.

Indiana State Code states that any condition must come before the BZA for approval.

That leads to the question of whether a condition can be brought before the BZA without a public hearing, certified letters and a legal ad sent out. Per Mr. Thrush it was determined that implementation of conditions would require a public hearing before the BZA which would require legal notification. Mr. Howard will review the conditional portion.

Another issue discussed at the last PC meeting was geothermal systems. It was debated whether both should be allowed in the county. There have been issues with drainage of open loop systems in the past and Mr. Howard wanted clarification on the Board's decision.

Mr. Howard read the draft ordinance section regarding geothermal systems which allows for both closed and open loop systems within the county. It states that discharge and drainage for open loop systems must be reviewed and approved by the County Drainage Board before an improvement location permit can be issued.

A major concern with the open loop system is where the water discharges. A pond, creek or (good) open ditch is acceptable, but in some cases in the past, the discharge has not been to those outlets.

Members held discussion on the issue and decided that open loop systems should be allowed but the Drainage Board should review and approve them before installation. An improvement location permit would not be issued unless there is Drainage Board approval.

Mr. Campbell motioned to accept the geothermal section of the ordinance draft as written.

David Schuler second.

7 in favor, 2 apposed
Motion carried.

Board Members discussed the certificate of occupancy section of the ordinance draft. Mr. Howard stated that he would like to see funds collected for inspections at the time of application. Any inspection would then be done by a sub-contracted inspector. The problems with new construction are minimal. Rentals are where we get a lot of complaints. From time to time, mortgage companies requests a certificate of occupancy. Since the County has no inspector, the certificate only verifies that there is a structure there and nothing else. Board Members suggested that Mr. Thrush write a disclaimer explaining there is a structure but no inspection was completed since the County does not have an inspector. Mr. Howard felt he would be more comfortable having Mr. Thrush write the disclaimer now as rather than later so the County would not be liable later on. Board Members agreed to have Mr. Thrush write the disclaimer as part of the certificate of occupancy.

Michael Ihnen; SE #8, mobile home
5873 W. State Rd 114, N. Manchester, IN
Part of the Northeast ¼ of Section 1, Township, 29N, Range 5E,
Pleasant Township, Wabash County. 1.135 acres.

Mr. Ihnen was not in attendance.
Mr. Howard told Members that Mr. Ihnen was contacted by phone later in the day and a message was left reminding him of the meeting.
Mr. Ihnen was on the agenda for the May PC meeting but when contacted the day of the meeting wanted to postpone because he did not have pictures of the mobile home and had calves coming. Board Members questioned whether he had to come back in and re-apply or continue with original application since he did not appear.
Mrs. Ridenour wanted clarification that if someone is on the agenda and does not notify the PC Office that they won't be at the scheduled meeting, how long is the Board obligated to keep them on the agenda?
Mr. Thrush stated that the Board can create a rule that the applicant can't re-apply for a period of time.
Mr. Howard stated that in the BZA by laws, it states that if an applicant was denied he can re-apply after one year.
It was questioned if the PC Office was legally obligated to call the applicant and remind them of the meeting and if there was an obligation to call the applicant and reschedule the meeting?
Mr. Thrush said no. It is the applicant's responsibility to call and reschedule.
After discussion, Mr. Rice motioned that any applicant or their representative who is scheduled on the agenda to appear before the board and fails to appear or fails to request to be rescheduled by 4:00 PM the day of the hearing must wait 90 days before re-submitting an application. Mrs. Ridenour second.
Does this rule apply to Mr. Ihnen?
Yes, stated Mr. Givens, he cannot appear before the PC Board until the September 3, 2015 meeting.

Board Members were informed that the News Journal combined parts of two legal ads for the Tim Adkins variance.

Mr. Howard said the News Journal would re-print a corrected ad the following week.

Mr. Howard stated that there has been a complaint against the Cyclone Manufacturing in Urbana. A neighbor north of the north building complained about noise and vibration coming from the operation.

She stated the noise vibrates her house.

Mr. Howard stated there was nothing in the current ordinances to address the issue.

Mr. Thrush said it was a civil matter and the homeowner could file a nuisance order.

Board Members were told by Mr. Howard that he recently went to Sandy Beach and drove every street, finding twelve violations. Most of the violations were junky mobile homes, and some were just vacant lots that need mowed.

There is one property which was dealt with last year that's still a problem. The lot had one camper on it last year, and now there are two more campers on the property. There is a small garage on the lot also. The owner does not live there, but lets his girlfriend's brother live there (out of the garage). This is a violation of Sandy Beach Covenants and the county ordinance.

Mr. Howard spoke with the property owner last summer who promised to correct the situation but has failed to do so. County will continue to pursue.

No further business, Mr. Vogel motioned to adjourn.

Mr. Schuler second.

Meeting adjourned. 8:10pm

Scott Givens