

# **WABASH COUNTY PLAN COMMISSION**

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## **BZA MEETING MINUTES** **September 27, 2016**

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

**BZA Board Members: Mark Milam, Don Roser, David Schuler, Joe Vogel, Jerry Younce, and Attorney Larry Thrush**

Members present: Joe Vogel, Jerry Younce, Don Roser, David Schuler Mark Milam, and Attorney Larry Thrush

Others present: Jesse Gressley, Mary Gressley, Cory Rice, Tom Rice, Melissa Rice, Tommy Case, Aarika Case, Susie Rager-Moore, Greg Moore, Tracie Collins, Mike Collins, Isabel Deeter-Lewis, Robert Lewis, Steven Kinsey, and Dennis Vigar

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

Don Roser motioned to approve the minutes of the July 26<sup>th</sup>, 2016 meeting.  
Dave Schuler, seconded the motion.  
Motion carried.

Joe Vogel- We will start with Dennis Vigar.

Mike Howard - Mr. Vigar has requested a permit for a pond on his property at 4373 N 100 E, Urbana. While Mr. Vigar was moving dirt for construction of a pole building he needed fill dirt, he dug the pond at that time unaware that he needed to apply for a permit. I see no issues with the pond as it meets all setback requirements, has no dam or overflow and contains a water surface area of about 30 feet by 30 feet.

Joe Vogel, asked if there were any questions or comments from the audience or Board, No responses. The Board proceeded with the vote. Attorney, Larry Thrush tallied the votes.

Joe Vogel – The Special Exception was passed.

Joe Vogel called Steven Kinsey to the front. Mr. Kinsey is seeking a Special Exception for a Private Recreational Development on his property at 1157 N 300 E, Lagro, in a R1 residential zoned area.

Mr. Kinsey - I am wanting to start a legitimate business and to be able to get insurance on it.

Mike Howard – The original plan was for gunsmith/repair work, but Mr. Kinsey is now wanting to add retail.

Mr. Kinsey - To get FFL (Federal Firearms License) I will need to have a retail license. I am not planning to stock guns but would order them for people. Most of my work has been simple repairs.

Mike Howard – You have stated that there would be no advertising at the site.

Mr. Kinsey – Just on my mailbox.

Mike Howard – Some of the requirements according to the County Ordinance: parking area has to be a minimum of 25 feet from another residential use; maximum of one driveway for the business; one parking space for every 2 customers plus employees.

Mr. Kinsey – Agreed with the requirements.

Mike Howard - The Special Exemption conditions for Paul Pattee (Just Hunt) included no public shooting range such as for contests or target shooting. The gunsmith or an employee would be the only persons permitted to test fire a gun. A customer could fire a gun prior to purchasing. You would be required to notify the local fire department of materials in the building. An alarm system would have to be installed at the business, the windows and doors must be barred when the business is not open. The shooting area must be landscaped to prevent ricochet or misfiring.

Mike Howard – What will be the hours of business?

Mr. Kinsey – Sunday, Monday and Wednesday – closed; Tuesday, Thursday and Friday from 3:00 – 6:00 pm; Saturday by appointment only.

Mike Howard – Within those hours are the only times guns would be tested for the business. Outside of the business it would be OK for Mr. Kinsey to be shooting on his own property with his family. We don't govern that, there is nothing in our ordinances to cover that.

Mike Howard - Buffering between Mr. Kinsey's south property line and his neighbors is required by County Ordinance. Recommended is screening with trees that within 5 years would be at least 8 feet tall and 3 feet wide. Mr. Kinsey is requesting a variance on this. Mr. Kinsey provided a flash drive with photos of his property.

Mark Milam - How long is the test area for shooting?

Mr. Kinsey - 100 yards

Joe Vogel - How would you construct that?

Mr. Kinsey - I was going to put in a small berm.

Mike Howard - The shooting range would need more elevation at the back of the property.

Joe Vogel opened the floor for questions/comments from the audience.

Debbie Custer - Provided photos of their property located to the south of Mr. Kinsey's. Concerns of Mrs. Custer included: The closeness to their home, noise, property values for neighboring homes, the danger of guns, parking, would any extra security be provided to the neighbors, is there a lifelong commitment from Mr. Kinsey or will he plan to sell the property.

Mr. Kinsey - Does my Special Exception pass on with the property if I sell?

Mike Howard - The Special Exception applies to the deeded owner only, a new property owner would have to apply for their own permit.

Tommy Case - I would not have bought my property if I had known that this was happening. Just Hunt (Pattee property) has a lot of open space. Mr. Kinsey spoke with me about doing custom loads, there would be too much shooting and this is not a good location for high powered rifles.

Mike Howard - The Pattee property is zoned agriculture, these are two different locations. We are just following the application process as we did for Paul Pattee so that we are consistent.

Other concerns shared by the neighbors included: safety, noise, the creek that runs by the property, property insurance increases, visibility of the business and signage, traffic safety, and the neighborhood is not set up for retail business. Who polices the business once it is open.

Jesse Gressley – Were the people who live behind Mr. Kinsey notified?

Mike Howard – The legal ad was placed in the newspaper and every property owner within 250 feet of Mr. Kinsey’s property received a certified mailing.

Joe Vogel – does anyone have anything else to add? Mr. Kinsey would you like to address any of these comments?

Mr. Kinsey – I don’t agree with some of it.

Joe Vogel – Board members, do you have any questions for Mr. Kinsey?

Jerry Younce – Around that property there is a possibility of development, more homes with it being zoned R1.

Joe Vogel – We will proceed with the vote.

Mike Howard – You will be receiving two vote sheets, the first is for the Variance for buffering, the second is the Special Exemption for the business.

The vote on the Variance was taken by the Board members. Attorney, Larry Thrush, tallied the votes.

Mr. Thrush – The Variance is no approved.

Mike Howard – The Variance did not pass, buffering would be required.

The Board members then voted on the Special Exception. Attorney, Larry Thrush, tallied the votes.

Joe Vogel announced that the Special Exception did not pass. He then thanked everyone for attending.

Having no further business on the agenda, Joe Vogel asked for a motion to adjourn the meeting.

The motion to adjourn was made by Don Roser.

Seconded by Jerry Younce.

Meeting adjourned at 8:05 p.m.

*Libby Cook*  
*Secretary, Wabash County Plan Commission*