

WABASH COUNTY PLAN COMMISSION

Wabash County Court House

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BZA MEETING MINUTES

JUNE 26, 2018

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: Dan Dale, Mark Milam, David Schuler, Joe Vogel, Jerry Younce, Larry Thrush, Mike Howard, Libby Cook, Kris Frieden, Tom Christman, Zach Schroll, Carl Miller, Kay Miller, Mark Guenin, Gary Miller

Board chairman, Joe Vogel, opened the meeting at 7:00 pm. Mr. Vogel asked if there was a motion to approve the minutes of the May 22nd meeting. Mark Milam made the motion to approve the minutes, this was seconded by David Schuler, and the minutes were approved as written.

Mr. Vogel: The first item on the agenda is Zoomers RV requesting a Special Exception to operate an RV site in Lagro Twp.

Mr. Howard: One thing Mr. Guenin has asked to make sure the Board is aware of is that on the application it is listed as Zoomers RV. Zoomers RV would include the following: Michael Weaver owner of Zoomers RV Inc., Zoomers IN Real Estate LLC and Zoomers RV of IN LLC. All of these are involved in this application.

Mr. Vogel then called on Attorney Mark Guenin who is representing Zoomers. Mr. Guenin stated that the title of the business will actually be Zoomers RV Indiana Real Estate, they are all owned by Michael Weaver. Basically we are trading tractors for RV's. Pefley's is interested in getting out and starting a Kubota dealership and he has a site to do that. These two David Pefley and Michael Weaver began working together. Michael sells a lot of RV's here in Wabash IN, and he is looking to expand, he is currently pretty well hemmed in with the property owners around him.

Mike started working with David Pefley, he is one of few businesses that has some oversized buildings and sheds where they were doing painting and repairs of tractors, well it worked

ideally for RV's as well as there are some very large RV's now and it takes a large building to accommodate it. Dave and Mike started working on something to send the RV's out there for repairs or painting. Dave was looking at going a different direction than the implement dealership and the auction house that he was running, so they came to terms on this. The RV's are well maintained, and Mike has been a member of the community for some time and has been good about the operation of his business there and employs several different employees. He owns farm ground here and his house is here. He is looking to expand in other areas, he has a business in Iowa and possibly another state, but this has been where he created his business. It started out as Trucks Plus on Southside; he outgrew that and moved to the former Thomas Ford building on Manchester Avenue. This is basically what we are wanting to do, that property also has a nice addition as it has some frontage on US 24. Pefley's use it primarily to showcase some of their equipment and it also has a sign out there. I know the state was satisfied that once there was equipment out there the sign could stay. I think if they put the sign out there but didn't put the equipment out there, there was a problem as far as the state was concerned. But that gives them some visibility to the site for people that travel, and there are a number of people that travel here. Mike is always willing to sell an RV to somebody local, from Wabash County the number of RV's that they sell he couldn't survive if Wabash County was its only market, so it is a national market. He has enjoyed doing his business here in Wabash and is trying to figure out how to do a lot of the different things and when this came up it worked out real well and that is the reason why we are here asking for the Special Exception.

Mr. Howard explained that the area is primarily zoned Industrial and that a business of this type would be permitted in this area by a Special Exception. That is why they are applying. There are a total of 9 parcels involved with this transaction that would include the 4.6 acres along US 24. But it is all basically right there together, the area where Dave was using for his equipment.

Mr. Guenin: When you talk about 9 parcels it sounds like a lot of different properties spread out, frankly it is just kind of the way Pefley's grew it. It all is right together except for the 4.65 along 24. When you say 9 parcels it sounds like it all around the place, but it is pretty well central to it and frankly if this gets approved and we close on it we will be putting the deeds together and doing some things to make sure it is not quite as complex in the descriptions.

Mr. Vogel asked if there were any questions from the Board or audience for Mr. Guenin.

Dan Dale: Asked which of the 9 parcels are not zoned Industrial.

Mr. Howard: The whole thing is zoned industrial except for one little parcel that is zoned General Business. There was an archery place there years ago. General Business would allow this, but in talking with Mark we decided to include that just because that way if they ever want to do anything with it down the road it is already included, they won't have to come back for anything.

Mr. Guenin: We are just trying to make sure nothing slips through the cracks, trying to keep everything uniform. His business is growing fast enough that it is hard for me to keep up with. We are just trying to simplify this.

Mr. Howard: One thing we talked about was temporary lighting, when Dave expanded to the west; he installed some temporary lighting we were getting complaints from neighbors on the back road that the lights were shining in their windows. We would ask that Mr. Weaver would control their lighting and keep it to the area of the RV center.

Mr. Guenin: I am not familiar with the lights over there. At the same time the only reason he would need lights would be in areas just for security purposes. So far we haven't heard any complaints, but we haven't been in a position to field those complaints. I will be aware of it and I will talk to him.

Mr. Howard: We are looking at a total of approximately 50 acres, what will be the use of the excess acreage? Is this going to just be used to set units for sale or place them there until they are moved somewhere else?

Mr. Guenin: First, There wasn't an interest for Dave (Pefley) to retain anything there. Dave didn't want to sell unless he was selling all of it. That was part of it. Second, there were some conversations that were held regarding the moving of the Manchester Ave. facility and just moving everything out to this area. We talked about this for quite a while; I didn't think this was a good idea. We talked back and forth and basically said things have been going well on Manchester Ave. so let's just keep that there and keep this for the service area. I frankly would expect that it is just going to be an area that gets mowed for the majority of it. But knowing Michael if he can get RV's stacked in there just like the tractors were before he will probably have RV's stacked in there, because if somebody is going to buy them he is going to sell them to them, that's probably what it's going to be. I don't think it will be for anything except RV's. Oh, he did talk about how we are in the middle of lakes and reservoirs and there are so few people that sell pontoons. So I know he has started talking about would he be able to sell pontoons there, there could be a lot of people interested in them. It turns out that there are several RV manufacturers that manufacture pontoons. If pontoons are on the list don't get included here then I will come back and talk to you, but there may be pontoons there too. That is the only thing we have discussed other than RV's.

Mr. Howard told Mr. Guenin that the county did not want this to become a salvage yard for RV's, parts, or boats. Mr. Guenin stated that he would make sure Mr. Weaver is aware of this.

Mr. Vogel: If there are no other questions for Mr. Guenin we will proceed to vote.

Mr. Thrush tallied the votes; the request for the Special Exception was approved.

Mr. Vogel: The next item on the agenda is Kris Frieden with a request for a Special Exception to construct a pond in Lagro Twp., in the Speicherville area.

Mr. Howard: Mr. Frieden lives at 125 E. Washington St. in the Speicherville area which is in the northeast part of the platted area of Speicherville and the metes and bounds area. His property runs out to Sharp Creek. He is requesting to put a pond in. The contractor will be Kline Bulldozing, approximate water surface would be .6 acres, he is asking for a variance with this from the property line that would be to the west property line. The north property line will not

be an issue and the east property line will not be an issue, the south property line would be his own where his residential structure is at. There will be no dam, basically a contoured unit in the ground. The overflow or outlet would be into Sharp Creek. The maximum depth will be 17 feet; minimal watershed that would be running in to the pond, no geothermal will feed into the pond. Mr. Frieden is talking about using a windmill type pump to fill the pond. The drawing shows a small island in the middle, the two outlets to the north end this would be for fish habitat. The property line to the east is the railroad; I have been in contact with the railroad multiple times to see if there is any additional setback required beyond their boundary. There has been no reply from them at this time. He would be 105 feet from the boundary of the railroad line on the east side. His distance from the west side property line would be approximately 30 feet and that is why he is asking for a variance from the setback requirements. Our normal stated line is 100 feet. The line to the north of that is Sharp Creek with that being a county drain the utility right of way would be 100 feet, he is way beyond that, so there is no issue there. Mr. Vogel asked if there were any questions from the Board or audience.

Dan Dale: The property to the west is owned by someone other than you I assume?

Mr. Frieden: Yes.

Mr. Dale: They have been contacted?

Carl & Kay Miller, (owners of the property to the west of Mr. Frieden), spoke, stating that they did not want a pond in the area. Their concerns are that there is standing water in Speicherville especially after a hard rain along with the possibility of creating mosquito problems. They stated that they have 4 drains on their land trying to drain it. Mr. Miller stated that Mr. Frieden has 2 acres.

Mr. Frieden informed the Board that he does have 4.15 acres of land and that he is considering using a solar powered pump that is more efficient than the windmill to fill the pond.

Mr. Howard: The Drainage Board did look at this; they have no objections with this. Mr. Frieden was told that in the event they would hit any tiles those tiles would have to be repaired or rerouted and he has a riser out there on the west side that he wants to avoid. Drainage Board approval was given at their June 18th meeting.

Mr. Vogel asked Mr. Miller, what way does your water flow? North?

Board members discussed with the Miller's the water problems in Speicherville. Mr. Howard recommended that they get in touch with the County Surveyor's office to make sure they are aware of the situation.

Mr. Howard asked Mr. Frieden what his intent is with the dirt that will be removed in the construction of the pond.

Mr. Frieden stated that it would go to the side by the railroad, it slopes down, and so I am going to ask Kline to contour that area. It will slope away toward the railroad.

Mr. Dale: What is the normal required setback for a pond from property lines?

Mr. Howard: 100 feet We try to stick to this in Ag land areas to keep runoff from pushing water into any farmer's field. This location is a little different with the creek near by.

Mr. Dale asked Mr. Frieden if there was not enough area there that he could move the pond to get the 100 feet setback.

Mr. Frieden said that he could move it but it would be 75 feet and would make the pond be very narrow.

Mr. Howard: In the past to help, we have had ponds that had a dam and we have pretty much stuck to the 100 feet setback. In a case where you are just digging a hole, theoretically he is not going to be pushing water out; in fact he is going to retain more water on the pond now. Where you are just digging a hole and not changing the flow the Board has been more lenient with setbacks toward that type of situation.

Jerry Younce: My neighbor's pond hasn't filled up but about halfway, if that much. It is similar to this just not as big; it is just a hole in the ground, nothing that drains into it.

Mr. Howard: I understand Mr. Miller's situation, and I have compassion for his situation, but I don't think that what Mr. Frieden is asking to do is going to affect or change his issue because if the water is running from the Speicherville area over to State Rd 13 then north up across Washington St. and ponding on his property and is just not getting to the creek. I don't think this pond is going to affect that, it is not going to improve it, it's not going to make it worse.

Mr. Vogel asked if there were any more questions before proceeding to vote.

Mr. Howard: The first item you are voting on is the variance, keep in mind that even if the variance does not pass he can still apply for the Special Exception for the pond. He would just have to change the dimensions of the pond and move it over.

Board members proceeded to vote on the variance request. Mr. Thrush tallied the votes, the variance was approved.

Mr. Frieden: I agree with Mr. Miller when we do get an amount of rain it is not going down the manhole.

The Board then voted on the Special Exception request for the pond. Mr. Thrush tallied the votes, the Special Exception was approved.

Mr. Vogel recommended to the Millers that they get in touch with the Surveyor's office to discuss the drainage problems in Speicherville.

Mr. Vogel then called on Gary Miller. Mr. Miller is asking for a variance from the property line setback for an accessory structure.

Mr. Howard presented the Board with some background information on the Miller property.

Mr. Vogel asked what the dimensions of the building will be.

Mr. Miller stated that the building will be 24 x 40.

Mr. Milam asked Mr. Miller if he will be putting a tree line in there? Mr. Miller replied that he will probably put stone in behind the building.

Board members proceeded to vote. Mr. Thrush tallied the votes; the request for the variance was approved.

There being no further business Mr. Dale made a motion to adjourn the meeting this was seconded by Mr. Younce. The meeting adjourned at 7:45 pm.

Libby Cook
Secretary, Wabash County Board of Zoning Appeals
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