

WABASH COUNTY PLAN COMMISSION

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BZA MEETING MINUTES **AUGUST 28, 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, Max Highley, Ruth Ann White, Rick White, Vicky Clark, Kenny Williams, Christinn Williams, Brent McKillip, Keisha McKillip, Scott Poole, Ron Sparling

The Wabash County Board of Zoning Appeals met on Tuesday, August 24, 2018. Board Chairman, Joe Vogel opened the meeting at 7:00 pm. Mr. Vogel asked if there was a motion from the board to approve the minutes of the July 24, 2018 meeting. Jerry Younce made the motion to approve the minutes as written; this was seconded by Mark Milam. The minutes were approved as written.

Mr. Vogel: The first item on the agenda is Variance #9, Poole's Meat Market, owner Scott Poole is seeking a variance to expand the current business in an Ag Zoned area.

Mike Howard: Mr. Poole would like to add one acre of ground to the north of his current property. The original lot had stipulations placed on it by the BZA that to have a business there any changes to the property, ownership or business must come back before the Board for approval. Mr. Poole is here tonight asking the Board for approval to add an additional acre to that property. Mr. Howard then asked Mr. Poole to explain to the Board what he wants to do.

Mr. Poole: My business has outgrown the current facility; I would like to add on some square footage to expand my business. Nothing would change what I am currently doing with my business. I would like to build a little bigger facility.

Mr. Milam asked Mr. Poole if any part of the addition would be closer to the highway than the current building.

Mr. Poole stated that it would run straight north of the current structure. Where the building sits today it would go straight north from there basically the same dimensions, maybe a little further to the back. The parking lot that I have currently would be the same size just extended straight north.

Dan Dale asked if there would be additional access to the highway.

Mr. Poole stated that he would continue to use the entrance as it is, just extending the building and parking area to the north. I just need a little larger kitchen and showroom area, and a little more storage. On the far north end I would like to make my building large enough to put my trucks and trailer inside and not sit out in the weather.

Mr. Vogel asked if there were any further questions for Mr. Poole, there being none the Board proceeded to vote.

Mr. Thrush tallied the votes, the request was approved.

Mr. Poole asked what the steps are moving forward once the purchase of the land is final.

Mr. Howard suggested that once the purchase of the land is made that the parcels be combined; anything that you are going to do to the building addition, since it will be for the public you should contact the State Fire Marshall's office for design approval; then apply with the Wabash Co. Plan Commission office for a building permit.

Mr. Poole: If I have an architect design the building and have them submit the plan to the State once it is approved then I get a permit from the county for the building?

Mr. Howard: Once it is approved we can issue the building permit.

Mr. Vogel: The next item on the agenda is Variance #10, Brent McKillip.

Mr. Howard: Brent has placed a park model RV on his property located at 3325 E Baumbauer Road. He was not aware at the time that permitting was required. This type of unit is not covered under our 1965 ordinances. We have worked with Brent quite a bit on this, my recommendation to him would be to permit a business in an agriculture zone, which we would be able to do. This would become a lodging unit for people to stay in while visiting the area. We would probably consider working with this situation provided that it is just for this one unit.

This would be a rental, no additional units or campsites would be permitted on the property.

Mr. McKillip: the unit is 38 feet long x 12 feet wide with a 2/3 loft in it, and will sleep 7 people. It is very roomy. We have had some neighbors use it for family coming in from out of town. It does not look like a trailer, I did that on purpose, I did not want to devalue the area, I want it to look nice, and I take pride in the property. In a year and a half we have really changed the looks of that property. We have improved the look of the area; we haven't heard any complaints about what we are doing. This was not my intention; we intended to use this personally on week-ends

for our family. However with the closing of Pefley's I lost my job and we decided that we could supplement some income with this. It is on Visit Wabash County as a place you can stay when you come to the county. It is a good way for people to come and experience something out in the county, not just in town.

Mr. Vogel asked if this is for week-end or short term use only.

Mr. McKillip: No more than 4 nights.

Mr. Vogel: It won't be a full time rental?

Mr. McKillip: No, I don't want to rent to somebody monthly.

Mr. Vogel asked if there is a pond on the property or things for people to do while visiting.

Mr. McKillip explained that there is not a pond; we do have hiking trails and a couple of bridges. We are not terribly far from the Salamonie (Forest and Reservoir).

Mr. Vogel: Could people bring in horses?

Mr. McKillip: That is a possibility, but it would not be very convenient because they would have to ride down the road and up state Road 524 which would not be good.

Mr. Vogel: So that is not your intent.

Mr. McKillip: To be perfectly honest with you we bought the property for our personal use, for me to hunt and maybe have some cattle on it. Just to use it as a family place up until this.

Mr. Vogel: Is there anything else?

Mr. Howard: For Board members and guests information, this type of a unit is not really covered in our 1965 ordinances. We have policies for campers, policies for homes. RV Park Units or what we see coming today being called tiny homes, is something we are starting to look at. The more we look at it, it gets more challenging trying to think about and trying to create ordinances for these. Throughout much of the United States very few places have policies or ordinances in place on these type of units. Because of the way they are set up the square footage doesn't apply as far as the minimum square footage for a residential structure, and yet some people are residing in them as they might be portable or moveable but they do reside in them. Building codes don't necessarily apply because they don't meet certain requirements of the building code therefore they don't have to meet the code as an RV. At this time this is something completely new for us. I appreciate what Brent has done with the property so far as cleaning it up, getting rid of the old house; he has put a nice unit out there. We just need to make sure that we cover our bases as far as what requirements or what can be done and what cannot be done out there. I have talked with Brent about some stipulations such as this will be the only unit out there, there won't be any more on this application, we talked about the type of clientele, just lodging for people.

Mr. McKillip: This is generally a place that a family would come. I don't want my property full of them. My wife and I removed the plastic skirting that came with it and made insulated frames with artificial stone on it for the skirting. I don't want any other units on the property. It could be moved out of there within an hour if necessary..

Mr. Milam: It could be termed as short term lodging for groups.

Mr. Dale: Would it be used for hunting on the property?

Mr. McKillip: No the property would be for my personal use to hunt on, for my dad, myself and my kids.

Mr. Vogel asked about the driveway, you can see both ways and not cause any problems?

Mr. McKillip: We have cleared out all the growth that was by the driveway and you can see both ways.

Ron Sparling, a neighbor, addressed the Board and audience stating that his wife is part owner of property immediately across the road and every time we used our pavilion we had to look at the property, now it is beautiful. We really appreciate all of the work that the McKillip's have done to clean up the property. My family has used the rental, some from Cleveland loved it, there is no place around like that. Mr. Sparling felt that the improvements had to help the surrounding property values.

Mr. Milam: There will be only one unit on the property?

Mr. McKillip: Mr. Howard told me that if I wanted to do anything else I would need to come back before the Board. I did apply to put up a pole barn there in April, then I found out that things were not going well for my employer so we haven't done that.

Mr. Vogel asked who the manufacturer of the building is.

Mr. McKillip: ParkVue

Mr. Vogel: It is insulated so it could be used in the wintertime?

Mr. Mckillip: Yes that is why we put the insulation in with the skirting. I have a permit for the septic system; work is in process to complete the leach field. They are putting in a filtration system for the septic system right now.

Mr. Vogel: If there are no further questions we will proceed to vote.

Mr. Thrush tallied the votes; the request for the variance was approved.

Mr. Vogel thanked everyone for their attendance. The next item on the agenda is discussion of future residential development in the county.

Mr. Howard: We have been doing a lot of reading and I do not know how to approach the “tiny homes”. You run into IN Code, building codes, and things that are violations of the codes. Because it is not a residential house it doesn’t have to meet that code. As I read through the information I have been thinking that maybe we don’t do anything as far as an ordinance that they need to apply for a variance. Someone wants to put one of these units in but it doesn’t meet the minimum ground floor square footage. You are going to apply for a variance one of two ways, either to be there more than 7 days in a ninety day period if it is classified as a camper, or if you are going to classify it as a residential structure then you are going to ask for a variance to be less than the minimum ground floor square footage required in a residential structure. Most don’t meet the minimum ground floor square footage required in the County Ordinance.

Mr. Vogel: What if others come in saying that they want to live in a tiny house, he is doing this as a business, but they are saying I need to live in this because I don’t have a house?

Mr. Howard: On the vote sheet it reads “if the strict application of the terms of the ordinance would create an unnecessary hardship.

Mr. Younce: No doubt that the system will be tested.

Mr. Milam stated that the city of Peru has about 15 skid runner type houses, maybe 10 or 12 feet wide and 22 feet long. They went in and bought a sheriffs sale house and the city tore it down and they rent or bought the lot and pulled one of those runner houses in.

Mr. Howard: I could see this being great in an existing mobile home park or possibly a development of these type units. I would not be opposed to that at all, but as we have talked I don’t want to see these spread all over the county and I don’t think we want the built rite type of portable utility buildings on runners considered as tiny homes for residential use.

Mr. Vogel asked if the McKillips are paying an Innkeepers Tax.

Mr. Howard replied that yes they are.

Mr. Vogel asked if there was any further business to address, there being none he asked for a motion to adjourn. Mr. Dale made the motion to adjourn; this was seconded by Mr. Younce.

The meeting adjourned at 7:40 pm.

Libby Cook
Secretary, Wabash County Board of Zoning Appeals
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