

WABASH COUNTY PLAN COMMISSION

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WABASH COUNTY PLAN COMMISSION **BOARD MEETING MINUTES**

OCTOBER 4, 2018

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

Board Members: Curt Campbell, Randy Curless, Scott Givens, Patty Godfroy, Doug Rice, Christian Rosen, David Schuler, Cheri Slee, Joe Vogel, Attorney Larry Thrush, Plan Director Mike Howard, Secretary Libby Cook

Present: Curt Campbell, Randy Curless, Scott Givens, Patty Godfroy, David Schuler, Cheri Slee, Joe Vogel, Larry Thrush, Mike Howard, Libby Cook, Tim Eviston, Tim Sparks, Mark Frantz

The Wabash County Plan Commission Board met on Thursday, October 4, 2018 at 7:00 pm. Board Chairman, Scott Givens called the meeting to order at 7:00 pm. Mr. Givens asked if there was a motion to approve the minutes of the September meeting. Joe Vogel made the motion to approve the minutes as written; this was seconded by Randy Curless. The minutes were approved as written.

Mr. Givens: The first item on the agenda is Special Exception #10, Tim Eviston requesting to construct a pond in an agricultural zoned area in Lagro Township.

Mike Howard: Tim lives 4471 N 300 E, Urbana, he has a 2 acre parcel there. The contractor will be Eads Bulldozing, the water surface area will be approximately 1/4 acre, Mr. Eviston will need a variance from the property line setback to the south and east, meets the required setback from the road, flowage easement is about 1/10 of an acre into pond, there will be no dam, overflow pipe will be 4", max depth would be about 8 1/2 feet, no emergency overflow, distance to the nearest certified drain is about 150 feet to the north/northeast an open ditch, the pond will not have a geothermal feed. The surrounding property is owned by Driscoll farms and they are in need of dirt to level a spot for a pole building.

Mr. Givens: Will you well feed the pond?

Mr. Eviston: Yes, I will.

Mr. Vogel asked about the overflow, would any overflow go to the neighbor's field?

Mr. Eviston: It should flow back to the north, towards an open ditch and they have another tile a little further to the east that if it should get in there that should capture it.

Cheri Slee: So your 4" just runs out on top of the ground? Maybe there is some grading that could be done to make sure it drains to the open ditch.

Mr. Eviston: Yes. I think he is just going to put a 4" overflow drain on it. I believe Scott plans to direct the water from the overflow to the open ditch.

Mr. Givens: Asked if there were any further questions for Mr. Eviston. Mr. Vogel made a motion to pass the request with a favorable recommendation to the Board of Zoning Appeals. This was seconded by Cheri Slee. The motion carried, the request will be heard by the Board of Zoning Appeals on Tuesday, Oct. 23, 2018.

Mr. Givens: The next item on the agenda is Special Exception # 8, TAS Welding and Grain Services, Tim Sparks.

Mr. Howard: Mr. Sparks is requesting to place a mobile home on a 2.69 acre parcel he owns at 5489 W Old 24. The mobile home would be used only as a housing benefit for one of Mr. Sparks' employees. Mr. Sparks is working to get us some photos of the mobile home.

Mr. Sparks: We have them on our server, but our server has been down. I should have them in the morning.

Mr. Howard: You are going to check to make sure the septic system is inspected and approved, the minimum residential square footage in an Ag zone is 800 square feet and most newer mobile homes meet this, does it have a gable type roof.

Mr. Sparks: Yes, Sewer Solutions will be out to the property in about a week to check the system. We have cleaned up the property, demolished 1 of the 2 houses. The interior of the second house has been redone. I have put in a 60 x 80 gravel lot with drainage for parking. As part of an employee wage package I would offer housing. I own another lot on one side of this property and Gaunt and Sons owns the property on the other side. It is a long narrow property that would be difficult to build a conventional home on, but would work well for a mobile home. It won't be a mobile home that gets run down. I have no problem meeting any requirements this Board would ask of me.

Mr. Howard: There are typically three standard conditions that we put on a permit for a mobile home.

1. No unlicensed vehicles parked outside.
2. If property sells the mobile home must be removed before selling.
3. The mobile home must be removed from the property when this use ceases to exist. As long as you own the property and it was a part of an employee package, I have no problem with that, would the Board consider this if it were for a non-employee?

Mr. Sparks: If you are asking if I would rent it out, I won't rent it out under any circumstances. It would be used as an employee benefit; I will not use it as a rental property, I have no desire to have someone living there that is not an employee of TAS. I have no problem with that at all.

Mr. Thrush asked Mr. Sparks why on his other property he is encroaching to the south on the neighboring property.

Mr. Sparks: I have a verbal agreement between Jim Keffaber and myself. It was with permission. There were bricks, rocks and junk back there, Mr. Keffaber allowed us to clean that up so that I could

use it until such time that I could get things moved to a new location. This was a verbal agreement between Jim Keffaber, his wife and myself. We are moving things out and once everything is moved we won't put anything back there.

Curt Campbell asked where the mobile home will be located on the property. Mr. Campbell stated that when the Board first started doing the mobile homes it was just to be for temporary use while someone was building a home, or for elderly people to live closer to family to assist them. It just seems like we have opened it to a lot more.

Mr. Howard: I agree, we have permitted a few. I am not quite as set against it with this location, and with someone taking ownership of it, using it for an employee.

Mr. Sparks: I understand that I need approval from neighboring properties, I have talked with them and they have no problem with it. It will be in the woods, and won't be seen from the road.

Mr. Campbell: I guess as long as the people in the area would not be opposed to this.

Mr. Howard: Property owners within a 250 foot radius of your property will be notified by mail of the Oct. 23rd public hearing prior to that date.

Mr. Givens: Basically all we can do at this Board level is give you approval to go on to the Board of Zoning Appeals. You would go on to the BZA regardless of whether we give you a favorable or unfavorable recommendation. A favorable recommendation would allow you to go on and at least let that Board know that we gave you a favorable recommendation. A lot of it will come down to once you notify all your neighbors if you have a lot of people come in and complain that next Board would probably not allow you to have it.

Mr. Sparks: I understand.

Mr. Givens, It is a good location for this, it is kind of a useless piece of ground. You can't build a house back there.

Mr. Sparks: I did get rid of the house that I could have let stand. I take ownership in what I have and what we do. I want my stuff to look nice and this is no different. It will look better than the old rundown house that was on the property.

Mr. Campbell: So we don't have pictures of the mobile home right now?

Mr. Sparks: I have them to e-mail, but our server is down.

Mr. Givens: You said there were two houses and you tore one down, will the second house become housing for an employee?

Mr. Sparks: It has been turned in to storage. The garage is to the east of the home. There were three structures on the property when we bought it, two of them remain one has been demoed. It will be in line with the mobile home and will be used for storage. I am waiting for sewer and water certifications.

Mr. Givens asked the Board and audience if there were any further questions for Mr. Sparks.

Randy Curless made a motion to give a favorable recommendation for this request to the Board of Zoning Appeals; this was seconded by Patty Godfroy. There being no further discussion the Board proceeded to vote. The motion passed, the request will be heard at the BZA meeting on Tuesday, October 23rd.

Mr. Givens: Next on the agenda is Sherman Gray. Mr. Gray is not present tonight.

Mr. Howard informed the Board that Mr. Gray had asked to be on the agenda for the last PC Board meeting on Sept. 6th, he was not present that night. Mr. Gray called the office a few days later and asked to be put on the Plan Commission Board agenda for 10/4/18, he is not present tonight. Both requests were in regards to setbacks for the river trail. At this time, I feel the best thing to do would be not to develop an ordinance that deals with setbacks but to look at each situation that may arise independently. The one thing we would have to do is to be sure we are being consistent with what we are doing. One thing I have found from American Trails Resources, Basic Elements of a Trail Design and Trail Layout. It talks about areas to avoid, old home sites, construction problem areas, wetlands and swamp areas, areas of exotic and invasive vegetation, stay 25 feet from a stream to avoid impacting the resource, and it recommended to stay 100 feet from adjacent land owners if possible. I have measured this out. From Gray's house west to their property line is approximately 35 feet, then it is roughly 35 feet from the property line to the beginning of the trail easement the easement width is generally 20 feet, trail width and the paved trail part is generally 10 feet in width centered in that 20 feet easement. Basically the total distance from the house to the trail would be about 75 feet. One of their concerns is privacy, and the possibility of theft. Would it make much difference whether 75 feet or 100 feet.

Mr. Vogel: Is there a plan for the use of that 35 feet between the property line and the easement?

Mark Frantz (attorney with the Wabash River Trail) Our easement is only the 20 feet and that is the property we will stay on, the rest would still be Tom Christman's property and I would have to check what portion it is but I believe it is in a conservation program.

Mr. Vogel: So they will just let that be native grass or whatever.

Mr. Frantz: Yes

Mr. Vogel: I was wondering if he would be farming that area.

Mr. Howard: The problem you run into when you try to establish a standard setback is it just doesn't work for all situations.

Mr. Frantz: Paradise Springs will remain under the control of Wabash City. The Wabash River Trail, which connects to Paradise Springs, will begin at the railroad underpass.

Mr. Campbell: There probably aren't any other properties as close to the trail as the Gray's.

Mr. Givens: I agree with Mr. Howard. I think we should look at it case by case. It would be dictating what a property owner can do with their own property.

Cheri Slee reminded Mr. Frantz about the county drain. Mr. Frantz stated that the WRT plans to present to the Plan Commission Board and the Drainage Board when the plans are finalized for the county jurisdictional area.

Mr. Givens: Next on the agenda is the Vicki Manley unsafe premise order in the town of Lagro.

Mr. Howard: The unsafe premise order began from a request by the town of Lagro. Mr. Scott Siders has contacted me and asked for us to hold off on this for a while as he believes the property could be sold and possibly repaired.

Mr. Howard gave the following updates:

- An anonymous letter was received by the PC Office regarding the Wabash River Trail.
- The Kowalczuk property in the town of Lagro, the court order states that they cannot live in the building, they have moved out. I would like to order that the building has to be removed. There is no permit for it to be on the property. Mr. Thrush stated that the original order states that it can't be there. Mr. Vogel asked how we go about this. Mr. Thrush replied that the judge can order this. Members agreed to proceed.
- Mr. Howard shared current photos of the Moser, Harney and Shelton properties in Urbana. None of the work has been done that Mr. Moser had told the Board he would do to clean up the properties. Mr. Moser was issued an unsafe premise order; I think that would cover this. Mr. Moser says that he is buying the Harney property on contract; however a contract has never been recorded. This has been an ongoing issue with Mr. Moser since 1998. The Shelton house was condemned by the Health Department in 2008. Mr. Curless stated that he would be in favor of getting done what we need to to go in there and tear it down. The properties are in an R1 zone, Mr. Moser had said that he would put metal siding on the house on his property and use it for storage. The County Ordinance requires that in an R1 zone there must be a residence on the property before an accessory building (storage shed) can be there. Mr. Vogel asked if the property taxes were current. Mr. Vogel made a motion to follow through with the three (3) Unsafe Premise Orders and to tear down the structures and clean up the properties, the Shelton house, the Harney house (leave the garage), and the Moser property. The motion was seconded by Mr. Campbell and carried. Ms. Godfrey asked if there will be a court order issued, Mr. Thrush stated that yes there would be.
- The mow/weed ordinance, I would like to schedule a public hearing and would like to put in effect 1-1-19 unless it is added to current ordinance draft.
- In the County Ordinance draft section 5.4 some changes have been made. Basically getting a little stricter. Previously allowed for the use of a mobile home for 2 – 3 years while building a new home. That has been changed to 1 year on a temporary permit; they can apply for a 6 month extension as long as the construction of the new home has been started. A temporary permit for a mobile home/travel trailer will not be issued until a permit application has been completed for the construction of the new home. Use of stationary or portable storage buildings, cargo containers, enclosed semi-trailers or like structures as a temporary residence is prohibited.
- The Todd Custer S. E. # 6 application which received a continuation approval during the 9/6/2018 meeting has not received all the additional information requested by the board therefore the continuation shall be carried forward.

There being no further business the motion to adjourn was made by Mr. Vogel and seconded by David Schuler. The meeting adjourned at 8:30 pm.

Libby Cook
Secretary, Wabash County Plan Commission Board
mth