

WABASH COUNTY PLAN COMMISSION

Wabash County Court House

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BZA MEETING MINUTES

MAY 28, 2019

**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: Joe Vogel, Mark Milam, Jerry Younce, Dan Dale, Larry Thrush, Plan Director Mike Howard, Secretary Libby Cook, Cheryl Shenefield, Jim Bolinger, Charles Pinkerton, Josh Wilcox, Ashley Wilcox, J.D. Curless

Board Chairman, Joe Vogel called the May 28th meeting of the Wabash County Board of Zoning Appeals to order at 7:00 pm. Mr. Vogel asked if there was a motion to approve the minutes of the April 23 meeting. Mark Milam made the motion to approve the minutes as written; this was seconded by Dan Dale. The minutes will stand approved as written.

Mr. Vogel: The first item on the agenda is Joshua Wilcox, SE #3 with a variance for reconstruction of a pond in Lagro Township. Plan director, Mike Howard stated that Josh lives at 2624 S 300 E, in Lagro Township on a 5.99 acre parcel; he then gave a review of the existing pond and the reconstruction that is being done to control the water better. The pond was constructed in 2018 without a permit. Mr. Wilcox was told by his contractor that no permit was needed unless the pond was over ¼ of an acre, which is not correct. In 2019 Mr. Wilcox hired another contractor to revamp the pond to control the water better, at that time we realized that the work was being done. We contacted Josh and he came into the office and filled out his permit application for the Special Exception for the pond. Mr. Wilcox is also seeking a variance from the west and south property line setbacks, the west would be 75 feet and the south would be 80 feet to the line. There are two rows of pine trees to the south side of the pond and the property line is approximately 10 feet to the south of those trees. The setback distance from the road is good. The pond is approximately ¼ acre, no floodplain or flowage easement issues with the property, on the south side of the pond is a little bit of a terraced area, I would not call it a dam the parcel is pretty level. 8" overflow drain with the outlet to the back of the property before going into the waterway in the field behind the property. Maximum depth of the pond will be 12 feet; emergency overflow is into the yard the beach area and lowest bank, 1 acre watershed into the pond, no geothermal feed. The closest

certified drain is Burr Creek and it is about 1,350 feet to the south. The pond overflow is out the southwest corner of the pond and runs down along the property line between Mr. Wilcox and the neighboring property to the west then runs along the west line into the fence area to Burr Creek. All downspouts from the home do feed into the pond for drainage purposes. Mr. Milam asked if the downspouts are above ground or underground, Mr. Wilcox replied that they are underground, they are 4 inch pipe going into the pond. Mr. Younce asked if that is the only thing draining into the pond. Mr. Wilcox replied that the sump pump drains into the pond. Mr. Howard stated that the Drainage Board did review the plan and gave a favorable recommendation to the Plan Commission Board. Mr. Vogel stated that with only one acre of watershed that there won't be much discharge.

Mr. Vogel then asked if there were any questions or comments from the audience.

Ms. Cheryl Shenefield, property owner to the south of the Wilcox's stated that since the pond has been constructed that it is taking longer for her property to dry up. With the extension of the pond this year it is supposed to take care of that and that with the amount of rain we have had this year it has been hard to judge. She has had a person come from Huntington County to assess the situation. She asked Mr. Wilcox if the pond has a liner of any type, is there a sealer that won't let the water come over to my property. Mr. Wilcox stated that it is a clay bottom. Mr. Howard stated that when he visited the property he did notice the water but he believes that most of the ground in that area is clay and the water just doesn't get away quickly. Ms. Shenefield stated that she has always had an issue with water up closer to the road. Ms. Shenefield speaking for a neighbor to the south of her stated that Mr. Blair was to put in drainage when he sold the property to the Wilcox's, that drain stopped in the middle of the neighbor's property and has created a big mess there it stays wet all the time. Mr. Howard asked if they had gone back to the real estate company, I know we had talked about that, they were the ones that initially wanted that done. Wilcox's stated that Brainard's Excavating did the work, we have reached out to him multiple times, and he has actually looked at it over the winter. Mr. Wilcox stated that that was all in the contingency for me to buy the property. I have even reached out to Lundquist Realty and they have offered to pay for it to fix it because it is coming from my property. Ms. Shenefield stated that they have found out that the drainage coming off of the Wilcox pond is actually draining out to the back but it is also whipping around and coming right back to the back of my property. I am not going to throw a big fit about that, it will just stay wet a little longer. I am more concerned about water around the house; I have always had trouble with one area at my driveway by my house. Mr. Howard stated that he would contact Brainard's and see if they could tell him where the drainage runs. Ms. Shenefield stated that she has told Josh (Wilcox) that she didn't have any problem with the pond. There being no further discussion the Board proceeded to vote on the variance request. Mr. Thrush tallied the votes, the variance was approved. The Board then proceeded to vote on the Special Exception, Mr. Thrush tallied the votes, and the Special Exception was approved.

Mr. Vogel: The next item on the agenda is Variance #3. J.D. Curless is requesting a variance from the setback for an accessory structure from a county road, the address for the property is 6615 E. Schmalzried Rd., Lagro Township. Mr. Howard reviewed the Curless property with the Board. Mr. Curless told the Board that an old barn on the property has been removed, the new building will be built closer to the home and will be 24 x 40 feet and he would like to put it approximately

45 to 50 feet from the center of the road. Mr. Vogel asked if the Board had any questions for Mr. Curless, there being none the Board proceeded to vote. Mr. Thrush tallied the votes, Variance #3 was approved.

Mr. Howard gave the Board updates on the following items:

- Amended CFO ordinance, this has been reviewed by the Wabash Co. Attorney, Mr. Steve Downs. The Public Hearing for the approval of the ordinance was continued and will be addressed at the Plan Commission Board meeting on Thursday, June 6. Once approved there it will go on to the Wabash County Commissioners for final approval.
- Complaints:
 - Moser property in Urbana, by court order everything on the property is to be removed, June 1 is the deadline for Mr. Moser to have anything removed he wishes to keep.
 - Bullard property in Lafontaine, Mrs. Bullard contacted the office; she does have an interest in keeping the property. She said that the house has been remodeled. I told her as long as she keeps working on it and keeps the property mowed we will work with her.
 - Stout property in Lafontaine, there was a house fire on April 14, 2019 and clean up has not been done yet. I have sent a letter that they need to secure the house and get the debris from the fire cleaned up.
 - Property in Roann, there was a house fire in December 2018, the deeded owner at that time did some clean up. The property was then sold and the new owner was asking for 2 year time frame to clean up the property. The property then sold again, the new owner was involved in an accident and will need additional time to clean up the property.
 - Cornett property in Roann, the house has been razed; the owner has a June 19 deadline to clean up the property.
 - Nelson property in Lagro, the mobile home was to be off the property by May 31, 2019, due to the extreme rainfall this has not happened.

The members of the Board of Zoning Appeals unanimously agreed to request the Wabash County Commissioners to retain BZA member David Schuler as a member for the remainder of the 2019 calendar year.

There being no further business, Mr. Vogel asked for a motion to adjourn. Mr. Milam made the motion to adjourn; this was seconded by Mr. Dale. The meeting adjourned at 7:50 pm.

Libby Cook
Secretary, Wabash County Board of Zoning Appeals
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