

# *WABASH COUNTY PLAN COMMISSION*

*Wabash County Court House*

*One West Hill Street*

*Wabash, IN 46992*

*Telephone 260-563-0661 EXT 1252, 1267*

*Fax 260-563-5895*

[\*plandirector@wabashcounty.IN.gov\*](mailto:plandirector@wabashcounty.IN.gov)

## **BZA MEETING MINUTES**

### **October 22, 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, Libby Cook, Alice Campbell, Larry Hunter, Kris Kerlin, Klay Bechtold, Todd & Heather Custer, Steve Freshour, Travis Boggs, Tiffanie King (representing Michael Weaver – Zoomers), Eddie R. Borkholder, Derek Borkholder, Lyndon Miller, Josie Borkholder, Lowell Lindzy, Todd Floor, Tyler Stoppenhagen

The October 22<sup>nd</sup>, 2019 meeting of the Wabash County Board of Zoning Appeals was opened at 7:00 pm by Board Chairman, Joe Vogel. Mr. Vogel asked if there were any additions or corrections to the minutes of the Sept. 24<sup>th</sup> meeting, there being none he asked for a motion to approve the minutes. 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 Variance #13, Zoomers, Lagro Twp. Mr. Howard stated that Tiffanie King, from Guenin's Law Office is here tonight to represent Zoomers. They are requesting a variance from the minimum parcel size required for an existing residential structure in an Industrial zoned area. The new parcel size will be .607 acres (+/-). The existing house is connected to the Town of Lagro water and sewage, so the 1 ½ acres required by the Health Department for a septic system is not a concern. Mr. Howard gave an overview of the property. Mr. Vogel asked Ms. King if the plan is to use the existing house as a residential building, she replied yes. Mr. Vogel then asked if the building had previously been used as a residence, Ms. King replied yes. Mr. Vogel then opened the floor to questions or comments from the Board members or the audience, there being none they proceeded to vote. Mr. Thrush tallied the votes, Variance #13 was approved. After this vote Mr. Younce was not feeling well and excused himself from the meeting.

Mr. Vogel: The 2<sup>nd</sup> item on the agenda is SE #9, Travis Boggs. Mr. Howard stated that Mr. Boggs is seeking to construct a pond in an agriculture zone on his property located at 4858 W St. Rd. 16, Roann, in Paw Paw Twp., Wabash County. Parcel size is 3 acres. The request has received the approval of the Wabash Co. Drainage Board and a favorable recommendation from the Plan Commission Board. He gave an overview of the pond: Troy Eads Excavating will do the construction, .4 acres water surface area, no variances required, no floodplain or flowage easement issues, the pond will have a dam, will have a 6" overflow on it which will connect to an existing tile on the property, no emergency overflow, approximately 15 feet maximum depth, watershed into the pond is approximately 1 acre, the nearest certified drain is 250 feet, the pond will have geothermal feed. Mr. Vogel asked if there were any questions or comments from the Board or audience, there being none the Board proceeded to vote. Mr. Thrush tallied the votes, SE #9 was approved.

Mr. Vogel: The 3<sup>rd</sup> item on the agenda is SE #10, Steve Freshour. Mr. Howard stated that Mr. Freshour is requesting to construct a pond on his property located at 1233W 1500 N, Silver Lake, Pleasant Twp., Wabash County. The Freshour parcel of land is 40 acres. Mr. Howard reviewed the plans submitted for the pond: the water surface area of the pond will cover approximately 1.1 acres, Mark Oldfather is the contractor, there are no variances required, no flood plain or flowage easement issues, the pond will have a dam, maximum depth will be 12 feet, no watershed into the pond, no geothermal feed, distance to the nearest certified drain is 531 feet. The Wabash County Drainage Board reviewed the request at their Oct. 21<sup>st</sup> meeting and found no issues with the plan. The request received a favorable recommendation from the Plan Commission Board at their October 3<sup>rd</sup> meeting. Mr. Vogel asked if there were any questions, there being none the Board proceeded to vote. Mr. Thrush tallied the votes, SE #10 was approved.

Mr. Vogel: The 4<sup>th</sup> item on the agenda is Variance #12, Jones Contracting. Mr. Howard stated that Jones Contracting is seeking a variance from non-conforming use and a variance from the property line setbacks for construction of a warehouse and fabrication shop at 3 Main St., Somerset, Waltz Twp. The new building will not be connected to the existing building. They want to construct a pole type building 48 x 110, not including the loading dock, in an R1 zoned area (as currently zoned, future zoning will be GB). They are also seeking a variance for a dock located on the Northeast corner of the proposed new structure. Board members reviewed plans for the building that were provided by Jones Contracting. Mr. Vogel asked where the entrance would be and if the dock would be blocking the street. Jones replied that the entrance would be off of Main St., and the dock would not be blocking the street. Mr. Howard stated that the area by the dock is included in the variance request as they are not sure if they can meet the setback requirements. Mr. Dale asked if the dock will be used to load and unload. Mr. Jones answered most generally materials come in a box truck but there are occasions that materials come in on a semi and they do need the dock to unload. Mr. Dale made note of the fence around the dock area. Mr. Vogel asked if there were any comments or questions. Mr. Howard stated for the record that in the Somerset Development Group, when I checked through the covenants they stated that land use and building type states no lot except lots 1 – 10 and the area designated as a shopping center shall be used except for residential purposes. These lots are 2 -5 so they are included in this area that is not required to be residential so they can be used for commercial. There being no further questions or comments the Board members proceeded to vote first on the variance from

the setbacks. Mr. Thrush tallied the votes, the request was approved. The Board then voted on the variance request for the non-conforming use, Mr. Thrush tallied the votes, the request was approved.

Mr. Vogel: Item 5 on the agenda is Special Exception #6, Eddie Ray Borkholder (Four Horsemen Ranch). Mr. Howard stated that Mr. Borkholder is seeking approval to operate a Commercial Outdoor Recreational Enterprise in an Ag zoned area on his property located at 5643 W 1400 N, N. Manchester, Pleasant Twp. Lori Keresztes who has been working with Mr. Borkholder at previous meetings is out of town and cannot be here tonight. The facility will be used as a deer hunting preserve. The Plan Commission Board has heard from the petitioner and concerned neighbors on 3 separate occasions, the first being a presentation by Lori Keresztes representing Mr. Borkholder; the second was the initial PCB hearing at which time the Board asked for a continuation to gather more information. At the Oct. 3<sup>rd</sup> PCB meeting the Board voted and ended up with a tie vote of four in favor and four opposed, board members were told that if they had recommendations they would like to share with the BZA members they could write these on their vote sheet. All BZA members attended the PC Board meeting. The request is being presented to the BZA with no recommendation from the PCB. Mr. Lyndon Miller is representing the Borkholder's tonight; Mr. Miller is a hunting guide with Four Horsemen Ranch. Mr. Howard then reviewed the following points of concern:

- There has been a lot of discussion of ethics, whether we as individuals agree or disagree with this has to be immaterial to this process. Each Board member probably has a feeling one way or the other as to this being right or wrong, but we have to decide this based on our ordinances, and there is nothing in our County Ordinance as to the ethical part of this.
- Cost, The Board has never made a decision based on the potential income that could be made by a business and we should not do that tonight.
- In the event that this Special Exception is approved the application applies only to Eddie Ray Borkholder, no descendants and no transfer or change of name of the deeded owner. It also applies only to the 135.5 acres. If for some reason down the road Mr. Borkholder was to purchase more ground it could not be added to the preserve, he would have to come back before the Board to include any additional ground.
- The property is currently deeded in two names, Mr. Borkholder is working with an attorney to get this corrected.
- 69.9 acres of the 135.5 acre parcel are listed as "forest reserve" ground. That has to come out of Forest Reserve in order to operate a deer preserve on it. Mr. Borkholder is aware of this and will get this taken care of if this is permitted
- A survey must be completed to secure property lines if not already identified.
- Placement of tree stands, #1 on the NW part of the property, there shall never be any shooting to the Northwest or North. This is about 10 acres, I would have no objections to bow hunting in this area but there shall not be any shooting to the north or northwest from this blind.
- Guides program, IDAC (IN Deer Advisory Council) we would like to see them initiate a training program for the guides. That is not something that is mandated on this particular application but we would certainly like to see that initiated.
- Shooting lanes, some blinds/stands on the south and east and west are near property corners and would limit you on the full 180 degrees. The rear of any hunting blinds must

be closed off so that only 3 sides are open for shooting, nobody could ever be shooting out the back of a blind towards a close property line.

- If the hunter doesn't want the meat we would like to be sure it is donated.
- Access to property should be designed so that no vehicles are sitting on the roadway while waiting to get in the entrance. Parking, make sure there is a sufficient parking area and that the roadway is not blocked.
- Premise security during hours of operation, gates locked, we want no unexpected entry.
- The cabin will be locked if all guides are out in the field.
- Lockers are to be provided for the clients, guests in the cabin will not have access to firearms or ammunition while guides are out in the field.
- BOAH (Board of Animal Health) requires a sign on any gates; I would like to see a sign on the fencing about every 200 yards plus the gates.

Mr. Milam stated that he feels the blinds should be blacked out to the back window so that there is no option to shoot out of that window, it needs to be boarded up. Mr. Milam then asked if the blinds are relatively close to where they will sit, Mr. Miller replied for the most part. Blinds 3 and 4 if they are set up in the corners, so that would only allow 2 sides to shoot out of so it would be a 90 degree shot and there wouldn't be an option to shoot behind the hill, you would just shoot out. Mr. Milam asked how far the 8 foot fencing would be from the property lines. Mr. Borkholder responded on the North and West sides 50 – 75 feet and on the East side it could be 30 feet from the property line, no closer than that.

Mr. Dale asked, no hunting on the outside of the fence by leasing that property to another hunter or anything that way. Mr. Borkholder replied, maybe the back sides but not along the front or west side by the houses. I will also suggest that once this is set up that if you guys want to come out and inspect I would highly recommend that.

Mr. Howard: So your fence will be 50 – 75 feet on the north and west and 30 feet from the east side. Mr. Borkholder replied yes, that is what we are talking now, we won't go any closer than that. Mr. Howard asked within your property but outside of the preserve you would allow somebody to lease and hunt in that spot. Mr. Borkholder replied yes, but that would be mostly for ourselves and close friends, we are not going to lease it out to the public, absolutely not.

Mr. Vogel: In that area of 50 feet you are going to leave that native wooded growth, you are not going to clear that? Mr. Borkholder stated that they are not, they are talking about planting some arborvitaes and trees along there to tighten up the screening. Only clearing will be to install fence and that will be minimal.

Mr. Howard reviewed the list of conditions that the Plan Commission Board would like to have discussed by the BZA:

- The length of the BOAH season is September 1 to March 1. At the PCB meeting Mr. Borkholder proposed that he would be willing to close down hunting Jan. 10, so that would be from Sept. 1 to Jan. 10<sup>th</sup> is that correct that you proposed Jan. 10<sup>th</sup>? Mr. Borkholder replied yes.
- One thing that came up through discussions was different times of the season for bow or firearm hunting, in the last meeting it was stated they would allow bow and firearm at the

same time. I am not sure I am in favor of that I would like to see an allotted time period for bow only and a time for firearm only. Mr. Milam stated that in their protocols it stated that there would be a maximum of 3 hunting parties in firearm season or 4 in archery season on the property at one time. Mr. Miller stated that it would be very rare that those two mix, most of the bow hunters don't want to be disturbed, I am not going to say that would never happen. Mr. Milam stated that he couldn't believe that it wouldn't be either bow hunting or firearm. Mr. Miller responded, normally the bow hunter would want to hunt with bow hunters and the gun hunter with gun hunters. Mr. Howard stated that he believes that it would be the Board's determination to be either bow hunts or gun hunt or if they would allow both at the same time. Mr. Vogel stated that he feels the group hunting should all be all the same weapons, either bow hunters or gun hunters; he had no objection to times it could be Bow hunters on Monday and firearm hunters on Tuesday and so forth. If you had people that wanted to hunt archery you would schedule them when they could come, but then you are not going to put a firearm hunter out there with them. Mr. Vogel stated that he thinks we should stick to 3 gun hunters or 4 bow hunters, that is the way your protocol reads. Mr. Howard talked about the northwest corner and he feels that area should be restricted to bow only absolutely no gun ever. Mr. Miller asked, so where stand number #1 is that should be or are you talking further up here? Mr. Howard stated basically that whole corner, when he measured it out it was about 10 acres. Stand 1 would be right at the line.

- No consumption of alcohol or any alcohol on the premise at any time, if there is they are to be removed from the property immediately.
- I wanted to check with Mr. Borkholder on this, you stated that there will not be any Sunday hunting. Mr. Borkholder, no Sunday hunting, it won't be an option.

Mr. Dale: You discussed that there will be a time to get the native deer out of the preserve area and place your herd in, will there be a time later down the road that you need to get your animals out and restock with fresh animals. Mr. Borkholder replied no. Mr. Dale asked so you will leave your animals there, there will never be a time when you purge out the herd. Mr. Borkholder replied that once the deer leave the farm they cannot go back to the certified pens. Mr. Dale stated that he was thinking about eliminating them, you won't have to do that? You will add new as time goes by. The initial getting out the native deer, will that be a hunting process or will you just drive them out. Mr. Borkholder replied that there will be no hunting, we will drive those out and then the DNR will check the property.

Mr. Howard: I am assuming that the facilities will not be prepared for the 2019-2020 season, would next fall possibly be the earliest the preserve could be in operation. Mr. Borkholder said at the earliest, if even then.

Mr. Vogel opened the discussion to the audience reminding them to address their questions or comments to the Board and only new topics should be brought before the board.

Tyler Stoppenhagen, asked if it is the NE or NW corner that firearms would not be allowed. Mr. Vogel answered that it will be the NW. Mr. Stoppenhagen: then that only gives them the opportunity to shoot in which direction, east? Mr. Howard stated South and East. Mr. Stoppenhagen asked, toward the highway, highway 15?

Todd Floor: I own the property on south side and west side, and I know their hunters have been over on us before. The 30 foot distance on one side from the property line doesn't sound very safe distance to me. If they are going to hunt the 50' strip outside the fence to the property line there are obvious problems there, you can't hardly hunt in a 50 foot strip, does that sound reasonable? Mr. Vogel replied that he understands what Mr. Floor is saying. Mr. Floor stated that they will be shooting on our property.

Mr. Vogel: Basically there are 4 or 5 stands, they may be close to property, on the inside of the fence, but they can't shoot back toward you on the south or west. They will have to shoot inward from the blinds. Mr. Floor asked, didn't he say they would be hunting outside the preserve area? Mr. Vogel stated that he heard that and that he feels this is a bad idea.

Mr. Borkholder, no hunting out there by the road or on the west side by the houses. Mr. Floor asked what about the south side. Mr. Borkholder stated that we hunt out there now. Mr. Floor replied that he knows this and that he feels that they hunt on his property. Mr. Vogel asked if there is a fence out there now that designates the property line? Mr. Floor: There are corner post, the survey didn't match up with the corner post. Mr. Vogel asked, you basically farm up to his property line.

Mr. Howard: I understand what Mr. Floor is saying; right or wrong we don't have the right to tell him where he can hunt on his property outside the preserve. The fact that if he goes out on Mr. Floor's property is a civil dispute, not something for this Board to control. The other side of it too is it may not be him or anybody he is leasing to, it might be a total stranger that is trespassing.

Mr. Vogel: He is going to have this eight foot fence up from 75, 50, or 30 feet and there is going to be an area out there and it is may be populated with wild, natural deer. They are going to be the only ones out there, correct? I think whoever owns that property has a right to shoot deer on his property, I don't think we can restrain him from that. You can put signs up and identify your property to keep people out.

Mr. Floor stated that he is just worried about safety of the neighbors, are they allowed to use high powered rifles? Mr. Vogel answered, whatever is legal in Indiana. Mr. Floor then asked if the Board members would like to have this by them. Mr. Vogel stated that he and the other Board members went out to the property, where the stands are they are going to be shooting down, they are not going to be shooting toward Mr. Bechtold's property or your property. With three people out there at one time that is going to be less people than are out there now. Mr. Howard stated that he understands what Mr. Floor is saying and that has been a big discussion in all of these meetings because everyone has their own opinion, would you rather it just be open shooting and anybody be out there or would you prefer that it is someone with a guide that knows the property with someone that doesn't showing them where he can and cannot shoot.

Mr. Floor: I know, you make it sound good but I don't think there should be any hunting outside their fence. Mr. Howard stated that he believes the BZA has no control over that. Mr. Floor asked if the Board had any control over the setback of the fence. Mr. Howard replied, we could

set the fence back 300 feet, but if somebody wanted to hunt out there and he wanted to let them we have no control over that. Mr. Floor asked how far back the fence will be on the south and west side. Mr. Howard stated that Mr. Borkholder said that on the west side it would be 50 – 75 feet, on the east side it would be 30 feet and on the south side it would be 50 feet. Mr. Borkholder stated that if it would make more sense we could move it in 75, that is not a set deal.

Mr. Floor asked if the Board thinks it is a good idea for people to hunt a 30 or 50 foot strip? Mr. Howard replied that we have no control over that.

Klay Bechtold: I appreciate that there seems to be some concern for safety now. To answer Mr. Howard's question if we would rather have it a free for all or organized, certainly the last few years that free for all has been troublesome but like Mr. Howard said there is nothing we can really do about that. Basically we are talking about a 2 week period where it is not that big of a deal, we need to huddle up in the house and be safe, we are talking about months here. Like I have said, my children play closer than what we are standing right now to the property line. I would encourage the County to look at things when it is a commercial facility and implement some things regarding setbacks.

Kris Kerlin: The strip around the property, where will they shoot in this narrow strip, will they shoot out on our properties? If this preserve is there would you be willing to buy a property next to it? Who monitors this to be sure all the procedures are being followed? Noble County has had issues. This should be similar to the marijuana law in MI, the state approved it but gave each county the voice to say yes or no, and I feel we should have this right with this. I feel the residents should be considered.

Larry Hunter: In Peru there is a housing development beside the preserve located there. As it is now any number of hunters can be in there now, with a preserve there is a guide. The weapons are the same for preserve hunting as they are for open hunting. With high fence it becomes a barrier.

Mr. Vogel: Guns are unloaded until they get in the stand, and then unloaded before leaving the stand. They will be hunting in 3 – 4 specific areas; this will be safer than in my area.

Mr. Bechtold asked if there is a time restriction. Mr. Vogel responded that is set by the state of Indiana. Mr. Bechtold then asked if that is something the Board could implement. He then stated that Mr. Hunter has enough land that he could put this preserve on his property.

Mr. Vogel: Where the stand is located you cannot see your house because of the hill.

Mr. Bechtold stated, "I think you would have a different perspective if it was your home.

Mr. Dale asked if there will be any additional building or clearing of the land. Mr. Miller said no buildings and that they will have to clear some area for fencing.

Mr. Stoppenhagen: I can see 3-4 of the stands when the leaves are off. I am a bow hunter. I am not in favor of any gun season. I just prefer bow hunting. One guide per hunter, I think your rules

are going to get overlooked. To the East is State Road 15, no housing to the south, to the North/Northwest is Klay's and my houses, this is a 5 month season. Mr. Dale asked Mr. Stoppenhagen if he wants to outlaw gun hunting in Wabash County entirely, this is going to be a safer way of hunting.

Mr. Bechtold asked what would be your reason for permitting this, what is the incentive? Mr. Vogel responded it is property rights, if it's my farm, it is my right to seek a desired goal with my property. Mr. Bechtold said that he understands property rights, but our county has a history of implementing stricter laws than the state has in place.

Mr. Howard: we cannot legally stop this application, initiate new ordinances or laws, and then re-open the application. It certainly is something the board will take a look at going forward.

Mr. Borkholder: Right now it is leased to seven hunters. On the East side we can hunt beyond the property line to the east. We are not going to hunt the strip on the west side. We will not lease the strips to the public, everybody will know the property line.

Lowell Lindzy: I don't like the ethics part of it, fair chase hunting, you are making it smaller when you move the fence in.

Mr. Kerlin: Safety, my peace of mind, I don't let my kids go out and play along the fence line, there could be a stray bullet. I respect personal property rights. This area is zoned agriculture. I don't see the incentive for permitting this.

Mr. Bechtold: This is a Special Exception; it falls in the gray area.

Mr. Vogel: People want to go to the country and buy 1 acre and build a house and then try to regulate the whole area.

Mr. Howard: The application was presented, for their requested use of the property. We can't deny the submission of an application.

Mr. Vogel: I respect what everybody is saying, we are not in charge of policing the ethics.

Mr. Milam: One concern I have is 1 guide per hunter, is there any guarantee that will always happen? Mr. Borkholder replied that for their own comfort that is the way it has to happen. Mr. Milam said that is to protect your investment.

Mr. Borkholder stated that if any neighbors have an issue I expect a call. Mr. Vogel asked if there could be a sign with a contact number so that anyone could call, Mr. Borkholder replied yes we can do that.

Mr. Bechtold asked if there is a way we can know when someone is out there. Mr. Howard asked Mr. Borkholder and Mr. Miller if they would be opposed to giving the neighbors a schedule of hunts.

Mr. Milam. A schedule would be good and some type of notification if hunting has ended for the day.

Mr. Borkholder: We can provide that information in some manner. Our goal is to work up to shooting 30 deer per year, that is about what we raise a year.

Mr. Vogel asked if there were any further questions or comments, there being none the Board proceeded to vote. Mr. Thrush tallied the votes, Special Exception #6 passed 3-0.

Mr. Vogel: The last item on the agenda is SE #6-2018, Todd and Heather Custer.

Mr. Howard: The Custer's are seeking to operate an Outdoor Commercial Recreational Enterprise on their property located at 3188 E 1425 N, N. Manchester, Chester Twp. This would consist of a campground, canoe rental and launch site. Todd and Heather have received all the necessary permitting from the DNR, Army Corps of Engineers, IDEM and will meet the requirements of the State Department of Health. They are requesting a variance from the rear and side property line setbacks. Board members reviewed maps and photos of the area. The perimeter of the area is a walking path per the site plan presented.

Mr. Custer: Along the property line the DNR and the County require a buffer of a planting that will be 8 feet high within 5 years. We are planning to plant a thick willow hedge to block off the campgrounds from the Campbell's property.

Mr. Howard: In a floodway you can't put in woven wire or chain link type fencing. The Custer's will put in single strand fencing. Mr. Vogel stated that strategically placed painted posts with no trespassing signs might work. Mr. Custer replied that the Campbell's have asked for a fence, DNR floodway issues control fencing in the floodway. The Campbell's property is an old historical mill race. We will put up no trespassing signs on both sides. There will be gates at the entrance with a split rail type fence.

Mr. Howard: reviewed some request that were made at the PCB meeting:

- 1 campfire per site either fire ring or pit.
- Notification, weather updates, a sign to tell people what to do.
- First Responders in the community familiarized with the property.
- Registration, name of all occupants, arrival and departure times, vehicle identification and license plate number, driver's license. The County Health Department can request this information at any time.
- Portable items anchored down, such as picnic tables, fire rings, playground equipment..
- No campers can be left on site without the owner present.
- Pets, the Custer's stated that they have decided not to allow pets.
- ATV's, none for public use only the Custer's personal use.
- Office location, Homeland security mandates that due to the type of structure the public will not be permitted to enter the office, it will have to be a walk up type service.
- Limit of time on 1 site at the campground. Custer's stated that they are planning 6 days maximum.

- Minimum age for person registering. The Custer's stated that the person must be at least 18 years of age or accompanied by an adult.
- Alcohol
- Firearms: Custer's said for personal protection only, no shooting in the campgrounds.
- Gray water disposal must be in container on a trailer so that it can be emptied or moved if needed.
- Port-a-pots must be on a trailer that can be moved if needed.
- Canoe rental rules:
- We had talked about having staff on the premises any time someone is on the property, other places do not require this such as state run campgrounds.
- Disturbances, if this happens multiple times or it becomes a problem and the neighbors are calling law enforcement the Custer's could potentially be cited for maintaining a common nuisance. If the Custer's are calling law enforcement to assist them with a situation that would be different.

Mr. Vogel asked if there will be quiet hours. Mr. Custer replied that they had discussed 10:00 pm to 6:00 am. Mr. Vogel reminded him that they will have to enforce this. Mr. Custer replied that they live just down the road; we reserve the right to ask anyone to leave.

Mr. Dale: Do you have a plan for controlling people coming in after hours.

Mr. Custer said that they will have a database, keep records. Mr. Vogel said you will have to police this and call for assistance if needed. Mr. Custer said hopefully that won't be necessary.

Mr. Dale asked what the plan is if a flood happens and people can't come. Mr. Custer said that the first time they would offer a rain check, the second time due to an act of God we would offer a refund, this year with all the rain we have had there haven't been any water problems on the property.

Mr. Vogel asked if there will be reservations. Mrs. Custer stated it will be by reservations only.

Mr. Vogel asked about the canoe rental process. Mr. Custer said that it will be first come first serve. The clients will call and make a reservation, we have a short bus and a trailer that we will transport them to the launch site, nobody else hauls our equipment.

Mr. Howard reminded the Board that this Special Exception applies only to the Custer's, if they sold the property and the new owner wants to continue to operate the campground they would have to apply for a Special Exception.

Alice Campbell, the neighboring property owner stated that a fence along the property line would catch a lot of trash, they like the idea of the willow plantings.

Mr. Custer stated that since they have owned the property we have seen a reduction of trespassing and misc. activities.

Mr. Vogel asked if there were any further questions or comments, there being none the Board proceeded to vote on the property line setback variance request. Mr. Thrush tallied the votes, the

variance was approved. The Board then voted on the Special Exception, Mr. Thrush tallied the votes; Special Exception #6-2018 was approved.

With no other business on the agenda Mr. Vogel asked for a motion to adjourn. Mr. Dale made the motion to adjourn; this was seconded by Mr. Milam. The meeting adjourned at 9:00 pm.

Libby Cook  
Secretary, Wabash Co. Board of Zoning Appeals  
mth