

# *WABASH COUNTY PLAN COMMISSION*

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## **Wabash County Board of Zoning Appeals**

**Wabash County Court House**

**Wabash IN 46992**

## **BZA MEETING MINUTES**

**September 22, 2020**

BZA MEMBERS: Dan Dale, Patty Godfroy, Mark Milam, Joe Vogel, Jerry Younce, and Attorney Larry Thrush

Present: Joe Vogel, Patty Godfroy, Mark Milam, Dan Dale, Jerry Younce, Mike Howard, Larry Thrush, Libby Cook, Doyle Silvers, Rev. Douglas Barton, Bobby & Kalene Brummett, Denver Cupps, Henry & Nellie Brovont, Ileen L. Silvers, Gary & Frances Dawson, Jay Reed, Carol McCray, and Jay Gillespie

The September 22, 2020 meeting of the Wabash County Board of Zoning Appeals was opened by Chairman, Joe Vogel at 7:00 pm. Mr. Vogel asked if there were any additions or corrections to the minutes of the August 25, 2020 meeting, there being none he asked for a motion to approve the minutes as written. Dan Dale made the motion to approve the minutes, this was seconded by Mark Milam. The minutes will stand approved as written.

Mr. Vogel: The first item on the agenda is SE #11, Gary Dawson for construction of a pond in Paw Paw Township.

Mr. Howard: The Dawson's reside at 5381 W St. Rd. 16, Roann, on a 6.37-acre parcel. The application was given a favorable recommendation to the BZA by the Plan Commission Board and has been reviewed and approved by the Wabash Co. Drainage Board. Kevin Musselman will be the contractor. There are no variances required from the property line setbacks or roadway. There are no floodplain or flowage easement involved. There will be a dam on the pond. The pond will have approximately 1.0 acres of water surface. There will be a 6" riser and overflow going into an existing 6" tile. The maximum depth will be 15 feet, the emergency overflow will be a grass waterway on the east/southeast corner of the pond. There is approximately 5 acres of watershed into the pond. The pond will not have geothermal feed. The overflow will feed into a private tile which is about 175 feet to the south.

Mr. Vogel asked if there were any questions or comments on the request.

Mr. Milam asked if they will use present drive access or will there be another access put in to the pond. Mr. Dawson stated that they will use the present driveway. There being no further questions Mr. Vogel called for a vote. Mr. Thrush tallied the votes, SE #11 was approved.

Mr. Vogel: The next item on the agenda is SE #12, Jay & Shelley Reed for construction of a pond in Lagro Township.

Mr. Howard: The Reed's reside at 7061 E 500 N, Urbana, on a 6.889-acre parcel. The Plan Commission Board and the Drainage Board both gave a favorable recommendation to the BZA. The contractor for the pond will be Eads & Son Bulldozing. There are no variances required, no floodplain or flowage easement issues. The pond will have approximately ¼ acre water surface, area, there will not be a dam. The pond will have a 6-inch outlet, the pipe will go east to the wooded area waterway. There will be a 6" depression 20 feet long for an emergency overflow. The pond will not be used for geothermal feed. The Peter Young drain is approximately 4,100 feet away to the northeast and Silver Creek is approximately 1,200 feet northeast. Mr. Vogel asked if there were any questions or comments, there being none the Board proceeded to vote. Mr. Thrush tallied the votes, SE #12 was approved.

Mr. Vogel: The next item on the agenda is SE #13, Bobby Brummett for construction of a pond in Waltz Township.

Mr. Howard: The Brummett's reside at 10560 S 600 W, Amboy, on a 5-acre parcel. The Plan Commission Board and the Drainage Board have given a favorable recommendation to the BZA. Smith Excavating will be the contractor. There are no variances required, no floodplain or flowage easements involved. The water surface area will be approximately 1.0 acres. The dam will be 125 feet long with an 8-inch overflow pipe that will drain to a natural water way going to the reservoir. The pond will be approximately 12 feet in depth. The emergency overflow will be to the northeast corner and will drain into a natural waterway. Watershed into the pond is approximately 30 acres. It will not be used for geothermal feed. There are no certified or non-certified drains other than private tiles south of there to the Mississinewa Reservoir. Mr. Vogel asked if there were any questions or comments, there being none he called for a vote. Mr. Thrush tallied the votes, SE #13 was approved.

M. Vogel: The next item on the agenda is Variance #8, Millard Brovont. The Brovont's are seeking a variance from the subdivision ordinance to make more than split or sale of less than 20 acres in a 5-year period.

Mr. Howard: The property is located at 12510 N 300 W, N. Manchester in Pleasant Township and is a 109.614-acre parcel. Mr. Howard provided the Board with copies of the survey. For Tract 3, they want to expand that parcel by 1 acre to the north side of the buildings to allow for more room to move equipment around the buildings. Millard Brovont would like to cut out a 2.175-acre parcel which is identified as Tract 2. The third tract would be to separate out a 5-acre parcel on the northwest corner of the farm for Henry Brovont. Mr. Vogel asked if these splits in the property

are all for family members, Mr. Brovont said yes. Mr. Vogel asked if there were any questions or comments, there being none he called for a vote. Mr. Thrush tallied the votes, Variance #8 was approved.

Mr. Vogel: The next item on the agenda is Denver Cupps for a pond violation in Liberty Township.

Mr. Howard explained to the Board that he was notified by Wabash Co. Highway Department who was informed of this by the Wabash Co. Sheriff's Dept. who was informed of it by DNR. Mr. Cupps started the construction of a pond in the road right-of-way and right up against the road. Mr. Cupps resides at 11780 S 100 E, LaFontaine. The road is a dead-end road; however, it does go to government land and is traveled by hunters to access the reservoir property, there is a hunter check at the intersection. Mr. Cupps is on the west side of the road, there is one lot on the east side of the road that is north of him that has not been developed. That is all Troyer Bridge Estates, which is a platted area. I have talked with Denver and taken photos, which were shared with Board members. I have discussed this with the County Highway Dept. In my discussion with Mr. Cupps he mentioned putting a guard rail in and he thought that maybe the County Highway would set his posts for him. I have talked with County Highway again and if your construction is in the road right-of-way you have to meet INDOT specifications, which means the guard rail would have to meet their specs. The second part of that is that INDOT would require that a certified contractor install the rail. That would be extremely expensive to do. My recommendation, and this is up for discussion tonight, after looking at it and talking with the different departments would be to fill in the east side of the pond and get out of the road right-of-way, then some type of barrier would have to be put in but it would not be in the road right-of-way and that would take INDOT out of the picture. But it would still be Mr. Cupps responsibility to make sure that barricaded area met BZA approval. Mr. Howard told Mr. Cupps that if he wanted to check with INDOT he was certainly welcome to do that, but when you start talking a certified installer to put in guard rails that gets extremely expensive, I would leave it up to him. It is unfortunate because it is a dead-end road but it still does get some use from hunters and things like that and there is the potential for the lot across the road to be developed. The current pond as it is constructed now, he was thinking is 30 yards across, when I measured it as it is right now it would require variances from the property line setback and the road setback. The water surface area, I estimated to be about .14 acres when full. He does have a 6-inch tile for overflow on the northwest corner of the pond, it goes to the northwest and goes out by his barn and across his property and would eventually hit a small creek or waterway which runs to the reservoir. Obviously, the biggest concern is how close he is to the road. Mr. Milam asked Mr. Cupps, with this information on the right-of-way, what would you propose to do. Mr. Cupps said that he has put in big rocks along the road and made a mound that goes back all the way down the side between the road and the pond, I could put in more rocks, I could get another truck load and put in there on that, would that be ok? That load cost me \$550.00 and I could get another load and have a mound of rocks. Mr. Milam said that he thinks it needs to be something substantial, something like a guard rail to deter a vehicle from going into the pond, is that what I am understanding Mike (Howard)? Mr. Howard said yes. Mr. Milam said it needs to be a certified structure through INDOT if it is going to be in the road right of way and as close as it presently is, or would the pond have to be moved back? Mr. Howard said that if Mr. Cupps moves back to what we would say is no construction in the road right-of-way area then he could have options with our approval on some type of barrier. Anything within the 20 feet from the center of the roadway to his side is under road right-of-way and would be considered INDOT. Mr.

Milam asked if the edge of the pond is presently at 20 feet. Mr. Howard said that based at what he looked at when he was at the site you would have approximately 4-5 feet of water in the road right of way. Mr. Vogel asked Mr. Cupps who did the construction for him. Mr. Cupps replied that he has friends that do that kind of work to do it for him. Mr. Dale asked for clarification on the location of the pond, if it was between Mr. Cupps house and the neighbors. Mr. Howard told him that it is between Mr. Cupps house and his barn, there is a neighbor directly across the road. Mr. Dale asked Mr. Howard, you said there would need to be a variance from the property line, would that be from the neighbor across the road? Mr. Howard answered yes. Mr. Dale asked Mr. Cupps if he has talked with the neighbors regarding the pond. Mr. Cupps stated that the neighbors are all for it, they like the pond. One of the things that makes it difficult as far as filling back in, he kept some of the topsoil, there are a couple of mounds of topsoil there at the property, but the clay they dug out the neighbors across the road have 3 or 4 piles in their yard and along the road there are piles of dirt in other yards. He has moved the dirt. I have talked with Cole Wyatt, Superintendent of Wabash Co. Hwy. Department and in order to protect Mr. Cupps and the county if the pond stays in the road right-of-way it would have to meet state specifications and have a barrier installed that would meet INDOT specifications and requirements. In talking with Cole he said you can't believe how expensive that gets. Cole doesn't want anything in the road right of way. I knew that the county could probably not help him with installing a barrier as they are not licensed or certified to help with any part of the guard rail, that has to be done by INDOT certified contractors, that would be extremely expensive to do it that way. My recommendation to Mr. Cupps would be to fill in the east side of the pond and get it out of the road right of way, then he would need to apply for a variance from the required road setback. There would still need to be a barrier installed but as long as it is not in the road right of way it would not have to meet INDOT standards. There is a 6-inch tile on the northwest corner of the pond, the tile goes northwest out behind his property to a waterway then to the reservoir ground. Mr. Milam asked Mr. Cupps what he thinks should be done. Mr. Cupps replied that he has put rocks (riprap) in and could put in more rocks. Mr. Milam stated that he thinks it should be something more substantial to keep a vehicle from going into the pond. Mr. Milam asked if the pond is right at the road right of way. Mr. Howard said that it is in the right of way. Mr. Vogel asked who constructed the pond, Mr. Cupps replied that he has friends who do that kind of work and they did it for me. Mr. Howard: as far as the dirt to backfill the pond, he has a couple of piles of topsoil on his property and there are some piles of dirt at some of the neighbor's property, he has pretty well removed the dirt from the property. My opinion would be that he could fill in the pond along the road and plant grass seed or stone the area of the road right-of-way and install some type of barrier out of the road right of way. Mr. Milam said that the biggest issue is public safety, somebody going down the road hits black ice or something like that and losing control and going off into the pond in the middle of the night maybe somebody would hear them maybe they wouldn't. With it being that close to the road we need some way to prevent that from happening. or move the pond on back farther on the property. Mr. Cupps stated that he was thinking about a steel cable with steel posts. Mr. Milam said as long as it is approved by the state, I don't know that that would be a problem, would we have to have approval from the State? Mr. Howard said yes if it is constructed in the road right-of-way. Mr. Younce asked if the pond could be moved back. Mr. Milam asked if the cable was right on the pond's edge would that be out of the road right-of-way? Mr. Howard reviewed photos of the property. Mr. Howard mentioned that there is concern about the roadside washing into the pond. Mr. Vogel asked what the required distance is from the center of the roadway. Mr. Howard told him that it should be at least 100 feet from the center of the roadway to the water level. Mr.

Milam said that he feels that there are just too many unknowns from County Highway what they would require for a guard rail, and nothing written from INDOT on what they would require and the information we need to go forward on this. Our rules state 100 feet and this is not even close to that, just too many unknowns we could say that a guard rail with INDOT specs would work, but we don't know that without their approval and authority. Mr. Howard said that his suggestion would be for him to go back and look at the pond again, I will lay it out and mark how far back he has to go to be out of the road right-of-way. I can give him the phone number for County Hwy. and he talk with them to find out what INDOT would require to see what he wants to do. Either way I am afraid it is going to be expensive but I think filling it in along the road would be the least expensive. Mr. Milam asked if this could be tabled for 30 days, he asked Mr. Cupps if that would give him time to look into what his options are. Mr. Cupps asked if a cement barrier would be ok, Mr. Milam replied that this Board can't tell him that it would be ok that would be up to what the County Highway Dept., and INDOT specifies. Mr. Cupps asked if he moved the stone back 20 feet if he could use cable or cement then. Mr. Howard replied I would recommend you get some ideas and pricing; it may just be that you have to push it on back. Mr. Dale asked if the Board could make a determination on the variance he would need. Mr. Howard replied that normally a pond request goes through the special exception process. Mr. Vogel stated that the road would need to be wide enough to get farm equipment through. Mr. Vogel asked Mr. Cupps if he could remove dirt from the back side and fill in by the road and keep the dimensions of the pond the same and just move the pond back. He reminded Mr. Cupps that he needs to look at the affordability of the options. We are probably not going to allow it to be in the road right-of-way and that is 20 feet from the center of the road to you. Mr. Vogel thanked Mr. Cupps for coming in tonight, we meet again on October 27th. Mr. Milam made a motion to table the matter until the October 27<sup>th</sup> BZA meeting at 7:00 to give Mr. Cupps time to do some research on cost and what can be done and what he wants to do, then come back and we can go through it. The motion was seconded by Ms. Godfroy, the motion carried. Mr. Vogel reminded Mr. Cupps that he can come in to the office and talk with Mr. Howard about the pond, Mr. Howard said that he will get with Mr. Cupps, review the site and provide the phone number for the Wabash Co. Highway Dept.

Mr. Vogel: The next item on the agenda is a follow-up on Bass & Bucks'

Mr. Howard: We talked with Mr. Glenn Butcher at the PCB meeting. Based on our discussion I did not see any particular violations other than the possible 7:00 a.m. start time on a Sunday morning with the 3 Gun Shooting special event and that is a grey area. Mr. Butcher apologized for that; he turns those events over to the event director. They are permitted 6 special events each year, and with this type of event they have to start earlier than their normal business hour opening time of 1:00 on Sunday morning in order to get all of the participants through a contest. As far as the shooting range I saw no problems that would be under our jurisdiction.

Mr. Vogel: The next item on the agenda is Doyle Silvers, permit extension.

Mr. Howard: The last permit extension that was issued to Mr. Silvers expired at midnight on Monday, September 21, 2020. Mr. Howard shared photos of the structure with Board members showing the current progress, the photos were taken on Tuesday, Sept., 22, 2020. Minutes of previous Board meetings addressing the permit were also shared with Board Members. Mr. Howard reviewed the list of requirements that were all to be done by the 9/21/2020 deadline. Those

include: any masonry, overhangs, soffit, fascia, guttering, porches, exterior lighting, painting, roofing, siding, windows, all doors, stucco, backfill – leveling and seeding. Mr. Silvers signed and dated the list of requirements which stated that he understood and agreed to the requirements.

Mr. Vogel asked Mr. Silvers to tell the Board his side of the story.

Mr. Silvers: The roof is on it, it has been papered, I had a guy from Kingdom Roofing doing the roofing. There is some sheeting that needs to be done on the back, I was more or less trying to get the curb appeal which is what everybody is worried about, I think. I have a 24 x 10 front porch to be put on, you have to put the stucco on before you can pour the cement. The east side of the house has the final coat of stucco on it. The west side is the scratch coat. The east side took me about a day to do that. I was putting the scratch coat on it when I ran out of daylight and time. There is probably \$400 – \$500 of sheeting that I still have to buy yet, the price of materials has gone through the roof, what I was paying \$15 a board for it is now \$50.00 a board. I work every day at my job, getting off at noon and coming home and work on it till 8:00 or 9:00, so it is not that I haven't been trying to meet your standards. I found out that I can't get the backfill that I need until October because they will not be stripping ground until the crops are off then I will be able to get the backfill I need. The topography of the property has not changed from the original home that was there if you look at the old home that was there, this is a remodel not a new home, the topography has not changed. Ms. Godfroy asked how the back fill prevents Mr. Silvers from working on the structure. Mr. Silvers replied it doesn't, what I am saying is backfill was part of the agreement that I was forced to sign. Ms. Godfroy asked, you felt like you were forced to sign it. Mr. Silvers said that if he didn't sign it, he wouldn't be getting the second permit. Ms. Godfroy asked what did he feel like should have happened at that time, what was his other choice to do. Mr. Silvers said stop completely because I wouldn't have gotten a permit. Ms., Godfroy noted in the photos the flooring and asked if it was ruined. Mr. Silvers states that a lot of it was leaves, some of it might be peeling but not all of it. It is under roof and tar papered now and waiting for shingles. Kingdom is the company doing the roof, Ms. Godfroy asked if they are out of Marion, Mr. Silvers replied yes, Ryan Smith works for them and he is the one doing it. Mr. Silvers said that the sheeting that needs to be done yet, it will probably take a day or two sealing it, then I can start shooting stucco. Mr. Silvers explained the problems he has had hiring people to work for him. Ms. Godfroy asked, so you are doing part of it and a contractor is doing part? Mr. Silvers stated that he has done 90% of it. Ms. Godfroy asked who the other contractors Mr. Silvers has lined up right now. Mr. Silvers replied just me, and when I get ready to pour concrete, I can pour it myself, Tony Beck bid the job for the front porch which is 24 x 10. If I am not mistaken there is probably 15 yards of concrete yet to be poured that will all come out of Speedway. Counting all the gravel and everything I have already put in is 80 tons of backfill in the patio area, that came from LaFontaine Gravel. Ms. Godfroy asked what is his new plan to have it done. Mr. Silvers stated he is hoping to have it under roof and be done with it in another month, to put the shingles on and have the outside of it done. I have to get the stucco on before the weather turns below 40 degrees consistently. Ms. Godfroy said shingles are the same way, 70 degrees Mr. Silvers said no, you can put shingles on in the middle of winter if you want to, they won't seal but you can do it. Mr. Silvers said that all this construction has been done by me. From June when I had nothing but the floor joists down till now, so in about 3 months I have done this much work. I am working ½ days at my job and ½ days at this which also means ½ the pay, it's been a struggle but it will be worth it in the end. Ms. Godfroy then asked Mr. Silvers if he remembered what he

signed in November of 2019. Mr. Silvers replied yes that he was supposed to have the whole outside done by yesterday (9/21/2020). Ms. Godfroy asked or what happens. Mr. Silvers stated that he would get fined the maximum. Mr. Silvers said that when you try to find people and you can't get them to work, that is the way it is. Ms. Godfroy asked what he would have them do, I thought you said you were doing the work. Mr. Silvers said I am doing the work, but what I am saying is you get people to help you do the work. I even went to the school, Heartland Career Center to see if a kid in the construction trades that might be interested in coming out and using what they have learned to help do it, I couldn't get anybody. I checked everywhere. Ms. Godfroy asked how are you going to get this done in a month. Mr. Silvers replied that what has to be done on the outside is not that much really to be honest with you.

Mr. Vogel asked, the stucco is the siding. Mr. Silvers replied yes. Mr. Vogel then asked, you have the roof all sheeted. Mr. Silvers said that he has to close in the gable ends. The front is a hip and all the ventilation for the overhangs and all that is under the porch and underneath the patio and that is for the attic. Mr. Vogel asked, once you have the final coating and you are done with the spray on stuff then you can put doors and windows in. Mr. Silvers said that the windows are in and they are covered.

Ms. Godfroy asked, the big opening is that a garage. Mr. Silvers replied yes. Ms. Godfroy then asked if he has the garage door. Mr. Silvers stated that he does have, it is in Muncie, it is the same color as the house, that is what I was looking for. Ms. Godfroy noted another door that needs to be put in. Mr. Silvers said that it is a 7-foot door that is a custom order. Ms. Godfroy asked when it will be put in. Mr. Silvers stated as soon as I get the money to them.

Mr. Silvers said the it will be sealed up; I know that is what everyone is worried about.

Mr. Milam: On the conditions of your last permit that is expired they include to have done any masonry, the overhang, soffit and fascia, guttering, porches, exterior lighting, painting exterior, roofing, siding, windows, all doors, stucco, backfill, leveling and seeding, and we have a start on most of those but not complete and you are saying that all of those can be done in one month? Mr. Silvers replied yes, they should be, I have to have them done in a month, the stucco especially. So, if you were to apply for another permit and have a permit granted with those stipulations it could be done by Dec. 1? Mr. Silvers said it has to be, there is no question about it. Mr. Milam asked, and if it is not what would be the correct thing to do on our end. Mr. Silvers said I am not sure what your abilities are or what you can do. Mr. Milam stated that we can cease any project from completion, is that correct Mr. Thrush? Mr. Thrush stated that it gets more difficult to apply penalties when it has gone time after time after time and you don't issue a violation. There comes a point in time when at the beginning it should have been stopped. Now you could apply to the court, if it follows the letter of the law, he will probably put a stop work order on it and make him stop, if he is lenient, he may give him more time, I don't know that would be up to the judge.

Mr. Dale: We would be within our rights to apply the financial penalty if he is in violation, because we have an agreement that he signed. Mr. Thrush reviewed the signed agreement and said that yes, we could enforce that.

Ms. Godfroy asked Mr. Silvers, you do see that I don't think anybody here wants to make it any harder on you. You agreed to this and we are trying to stand with you on that. We are not trying to be the bad guy here we are just trying to hold you accountable for what you said you would do. Mr. Silvers said that he understands what he was forced to sign, yes. If I had not signed that agreement, I would not have gotten any permit period. Mr. Milam asked Mr. Silvers, so any agreement you are asked to sign from here on you are going to say you were forced to do. Mr. Silvers replied I am not saying that, all I am saying is that at that point in time I didn't feel comfortable, let's put it that way. Mr. Milam said that we weren't aware of that. Mr. Silvers said he believes it is in the minutes that Mike says don't take the money out of Doyle's pockets let him finish the project, I don't know which meeting or whatever it was. I don't know how you guys want to proceed, but I know what has to be done and I know that we are at the point now that I know I can get the outside done in the time before December 1. That is plain and simple.

Ms. Godfroy asked, is that what you said before, I have to get it done, I will get it done, there is no two ways about it I have to get it done. Then we said ok go get it done and now here we are again.

Mr. Howard: I do not agree and would not agree that you were forced to sign anything, that is at your own discretion. We discussed options with you if you read through the minutes at one point in time you even offered to pay a penalty of \$1.00 a day if the Board would allow that. My comment was that I did not want to put a penalty on you that you had to pay now, I wanted the house done and if there was going to be a penalty it would be retroactive to the time that you start paying it once the outside of the house is completed then you start paying it. I did not offer to nullify or drop any penalty. Mr. Silvers said that he guessed that he misunderstood. Mr. Howard said that if you read through the minutes, I agree with what Ms. Godfroy is saying that every time you have been in you told us that you would get it done and then it doesn't happen. We understand that there were some extenuating circumstances at different times as to why and I think that is why the Board has been lenient and they have. But we are no longer at that point any more. Every time that you have been in you offer times that it will be done.

Ms. Godfroy reading from the minutes, Mr. Silvers said "If you give me until June 27, I will have it done".

Mr. Silvers: That was before we got hit with all this other stuff, before they shut everything down. I couldn't get the property transferred and couldn't get the mortgage done on it. I didn't actually get the mortgage completed until June 19<sup>th</sup> and from that day on it has been full bore to get it to this point. Every day except for when it was 100 degrees out.

Mr. Dale: Had construction been started already?

Mr. Silvers: I had the floor joists in and the radiant floor heat, I had put all that in before I got the mortgage. The rest of it I had already paid for out of my own pocket. The mortgage was to finish up what was left. That is where it has been, it is not that I am not trying to do and comply with everything you wanted. That is the truth, if you don't believe it my neighbor sitting back there is one of the guys that have helped me. He is the one that brought in the scaffolding so that I could

move along a little faster. It is not that I am not trying. It would be different if I just sat back and did nothing. There is a big difference between that and not trying to comply with you.

Mr. Vogel: You have 1 – 2 weeks left in September, Oct. & Nov. you have got quite a bit of building days to do this. I think we put a 12/01/2020 deadline on this to have everything done. I think you need to buy another permit because this one has expired. As the President I don't make a motion, but if the Board would see fit, I think you need to have it done by whatever date they come up with. You have a lot invested in it; you have come a long way. I told you this, that you needed it completed by June 27 and it didn't get done. We have had compassion we did go through Covid. Mr. Silvers brought up that the cost of a board that was \$15.00 goes up to \$50.00, Mr. Vogel said that he understands that. I think if we have to do this again, we are going to have to encourage you to work faster and we will probably have to come up with a per day fine to go past the Dec. 1 deadline.

Jay Gillespie: Introduced himself as being from the Town Board of Lafontaine. I was elected to the Lafontaine Town Board and took office January of 2016; this property has been an issue since then. It started out with promises made to get the old building that was there tore down, dates came and went. Mr. Howard finally got involved and the old building was torn down. Then it sat for months, nothing but a big hole in the ground. You guys know the story, promises were made and made and we are still here tonight. I am still getting complaints wanting to know what the town is going to do, when is it going to get done, when somebody is going to be held accountable.

Ileen Silvers: I think he has done a marvelous job. People in town, most of them feel that he has done a wonderful job. They go around and keep checking him out and say thumbs up, you are doing a good job. Mr. Silvers said there is a parade every night to see what is going on. Ms. Silvers continued; he has done the work by himself up until recently. He goes home from work and then goes over there and works until 9:00. This summer has been extremely hot, June and July they said were one of the hottest summers. He would come over and sit at my table, I thought he was going to die or pass out because he had worked so hard to get this done for his family. I'm a mother, we work together as a family. Mr. Vogel thanked Ms. Silvers for her comments and said he understands what she is telling us.

Mr. Silvers asked Mr. Gillespie, who has complained to you? Mr. Gillespie said the neighbors. Mr. Silvers said of course they will, they don't like that I am building a house. Mr. Gillespie replied during the course of this thing, since I have been on the Board since 2016 you have not complied with one deadline that I know of. You were asked to tear the old house down multiple times; those dates came and past. Then you have a permit and for months nothing happened.

Ms. Silvers said that she doesn't know of any other person who could do all that he has done by himself. He had to build the interior first before he could get the roof on, and to do that in 10 days by yourself and use 4,000 nails

Lamoine Silvers: Me watching my dad, I get it back in 2016 when there were complaints coming around about the house and stuff, I understand that, I really do and I will address that. But we also have the thing, there are conditions in this world and society that set us apart from everything else. We can't always say there is this deadline, meet it, there are conditions and instructions that

happen. Take this pandemic for example I was actually over in the Philippians. During the winter months he was actually supporting me, working on the house getting material around, and also providing for my sister while I was over there going to school. When I came back, I had to get a job to help out, and I get that, I really do. And then watching everything go down the drain because of the pandemic. I have seen it firsthand because I lived in a third world country, I have seen kids starve to death basically. Coming here, back to the states I realize how grateful I am. Now the fact is this, this Board and everybody that is present in this room understand that there are times that we can't get things where we want them to be at this particular moment such as the conditions set within the guideline. Grade level, stucco on, windows on, stuff like that. My dad has worked by himself this whole time up to about a couple of weeks ago when I started to. School was starting to come off a little bit and I was able to get over there. I go to school and I go to work at my old job, Hoffman's. I worked there and we both worked long days, so I understand what these past summer months have been like. I would tell him we have to get water, Gatorade, you have to help yourself out a little. Now, meeting these guidelines I understand it is a long shot but I know we can make it, I know he can make it. It's just that everything has to fall into place at the right moment at the right time. But we cannot control it, it is like a mathematical equation there are variables that we cannot control, but in the end the variable is what we can control, do you see what I am saying? If this Board allows my dad to get another permit, I feel like for me and myself we will be able to get it done within a reasonable time. Because like I said we also have to allow the compensation of time for that to even happen. Mr. Vogel said that is why I suggested Dec. 1<sup>st</sup>, do you think you can get it done by Dec. 1? Lamoine said if everything works out the way we think it is going to work out, such as the grade work, getting the porch in, the weather holding out for one. I understand that Ryan is a really good worker, I have worked with him a little bit, the guy from Kingdom. He is really good and really fast, I think he can get that roof done, as fast as he can get it done in my opinion. Now leveling grade, that is another story. I worked for Brainard's for a little bit so I kind of understand what is going on there, but that is going to take a little bit because we are going to be working with each other. Like I said the Dec. 1<sup>st</sup> deadline there are a lot of variables that come into play for that time, but yes, I think we can. Mr. Vogel said then we get into cold weather and you can't get it done for 4 or 5 months because it is too wet, then we are back to the neighbors. We are not against you, right now there is maybe one person that has questions going on from the council. There are probably a lot more people that would fill up this room because they don't like what is going on, that may be bad blood from things in the past. We gave you a chance to get it done and I think we are willing to give your one more chance, use that Dec. 1<sup>st</sup> deadline. Do you think you can get the outside done Doyle? Mr. Silvers stated that he will have the outside done.

Ms. Godfroy reviewed the original list of requirements which include: any masonry, overhangs, soffit, fascia, guttering, porches, exterior lighting, painting, roofing, siding, windows, all doors, stucco, backfill, leveling and seeding, this is the original list from Nov. of 2019. Mr. Howard said that in the discussion of this list which was created in Nov. of 2019 when we were going through winter and into the spring, as far as the lawn seeding, I would not feel so critical about it being done. If they got it done this fall that would be great but the lawn seeding if they wanted to wait and at least get their backfill put in and then they could do their seeding come spring.

Lamoine Silvers said that it is already too late to start seeding because of the weather getting cold and everything changing, I understand. He then asked, when you are talking about ground, are we talking about perfectly level like up to the street?

Mr. Vogel said that he feels that is your decision on how you want to finish it. It needs to be free of clutter, scrap, washes from the roof drippings. Clear of debris, no washes. I agree with Mr. Howard, I am not going to expect you to plant grass seed yet this fall, that it is probably too late to seed the lawn, the lawn would need to be done next spring.

Do you have electricity? Mr. Silvers replied, no we run off a generator.

Mr. Vogel: You have been with us several times, you know what we want, Mr. Silvers replied yes.

Mr. Howard: His permit has expired, if we issue a new one it will expire on 12/01/2020.

Mr. Dale: He has until 12/01/2020 to have the exterior done, but the house is not done on the inside, does he have to get a permit for that? Mr. Howard said no, as long as the requirements for the exterior are met, we won't worry about the interior. We do not issue permits for interior remodels and that is what I would consider the interior work to be.

Mr. Vogel asked if there was a motion to issue a new permit that would expire on 12/01/2020, to get the outside of the house done.

Mr. Dale made the motion to offer a new permit with the same guidelines as the last with the exception of seeding the yard. The permit will expire on 12/01/2020. This was seconded by Ms. Godfroy, the motion carried.

Mr. Howard gave an update on the Senate Enrollment Act regarding ANR/CED Extension Educators who do not live in the county where they are employed. We do have an ordinance in place now that will permit Geoff Schortgen to continue to serve as the voting member for the Wabash Co. Extension Board through 12/31/2020. As of January 1, 2021, the Extension Board will appoint Randy Curless to represent them on the Plan Commission Board as a voting member and Mr. Schortgen will continue on the Board in an advisory capacity.

There being no further business, Mr. Vogel asked for a motion to adjourn. Ms. Godfroy made the motion to adjourn, this was seconded by Mr. Dale. The meeting adjourned at 8:30 pm.

Libby Cook

Secretary, Wabash Co. Board of Zoning Appeals

mth