

# *WABASH COUNTY PLAN COMMISSION*

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

**Wabash County Court House**

**Wabash IN 46992**

## **BZA MEETING MINUTES**

**October 27, 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, Denver Cupps,

The October 27, 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 September 22, 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: Mr. Cupps is running a few minutes late so we will start by reviewing the request from Kelly Kerlin from Car Recyclers, north Manchester.

Mr. Howard: Mr. Kerlin has an opportunity to buy and sell cargo shipping containers and has inquired what the county requirements would be for them to be located on properties in the county. Board members have some information before them showing different types of shipping containers as an example. What I would like to do tonight is discuss what requirements would we need to put in place if we were to allow the shipping containers to be used by the residents of the county.

Board members discussed several points that should be emphasized if the containers were allowed to be permitted.

It was agreed that a list of requirements should be made for the use of the cargo shipping containers and presented to the board for further discussion and review.

Mr. Howard agreed that additional information should be gathered from Mr. Kerlin and that guidelines for the use should be established so Mr. Kerlin will know what is required by the county.

Mr. Vogel asked for a motion to table the request, gather additional information and create guidelines.

Mr. Milam motioned to table the request, gather additional information and create guidelines. Mr. Dale second the motion. Motion passed.

Mr. Vogel: Mr. Cupps is here now so we will go back to Item #1 on the agenda which is the review of the pond violation for Denver Cupps.

Mr. Howard: Board members have the information regarding the pond located at 11780 S 100 E Lafontaine, IN. Per last months discussion the pond was created without obtaining a permit and the pond water table is within approximately 6 feet from the road. The board requested Mr. Cupps work with the county highway superintendent and plan commission office to come up with a plan to minimize the hazards that could be approved by the board.

An engineer inspected the site and made his recommendations which are noted on page 18 of the information provide tonight.

Board members discussed the plans with Mr. Cupps as presented and required the following:

- The guard rail must be constructed of the materials as presented on page 20 in the packet of information. Supplier is Timber Barrier Products.
- The guard rail must be located no closer to the road than the steel post located along the north side of Mr. Cupps driveway as identified in photos on page #6, 7, and 13 of the packet.
- The guard rail will have a 90 foot linear run with the ends angle back from the road and down towards the ground.
- The installation of the guard rail must be supervised or completed by someone certified by INDOT to install guard rail.
- The current rock, as noted in the information photos, dated 9/17/2020, must be removed from along the road area and from the tiered layers going down into the pond. (This would be all of the area where the pond liner fabric and rip rap are to be installed).
- The pond must be lined along the road (east side) and around the north east and south east corners with pond liner fabric.
- The placement of the liner must be completed or supervised by a qualified contractor.
- Rip Rap will be placed over the pond liner fabric at a 2 to 1 ratio along the guard rail and around the corners of the pond.
- The installation of the Rip Rap will be completed or supervised by a qualified contractor.
- Mr. Cupps will provide documented proof of the qualified contractor who installs or supervises the installation of the pond fabric liner and Rip Rap.
- Mr. Cupps will provide documented proof of the qualified contractor who installs or supervises the installation of the guard rail.

Mr. Vogel: Are we satisfied with the requirements.

Mr. Howard: Mr. Cupps has provided us with the materials spec for the guard rail, a drawing of how the guard rail will be installed and quoted cost for the guardrail. The board has established the above listed requirements. Providing Mr. Cupps follows these requirements, I believe we can grant him approval to proceed.

Mr. Milam: I would motion to grant Mr. Cupps approval to proceed under the requirements as we have outlined here tonight and that Mr. Howard provide Mr. Cupps a copy of these requirements to be sure all are on the same page. Mr. Dale second the motion. Board member voted 5-0 in favor of the motion.

Mr. Cupps thanked the board for working with him on the matter.

Mr. Vogel: Next on the agenda is the Paul Osborne property conditions.

Mr. Howard: There was a mobile home fire located at 3212 E 500 S on 10/6/2020. EMA Director Keith Walters, while at the scene noted numerous issues which were of concern. Mr. Walters discussed the matter with the PC office. Because of the numerous potential violations which could involve several departments, the Sheriffs department was contacted. The Sheriffs Department scheduled 2 officers to visit the property and request a tour of the property. A video of the visit was reviewed by the board.

The PC office also received a complaint from the Lagro Township Fire Department regarding the conditions of the property as well as all of the dogs. The complaint was with regard for the safety of the volunteer firemen who responded to the mobile home fire. Overall property conditions are such that it creates unnecessary hazards for emergency responders.

Mr. Howard: I was contacted on 10/9/20 to see what the requirements were to place another mobile home on the property. I advised the caller that there are numerous issues/violations that must be corrected before an application for a mobile home could be considered.

Officer Hicks was to make a follow up visit regarding what the sheriffs office would require and the dogs were all the have there shots up to date by the end of October.

Mr. Thrush: What do they want the PC to do?

Mr. Howard: We have nothing to do with the animals on the property. After we receive the follow up report from officer Hicks and the action they intend to take moving forward, the plan commission can then submit an Unsafe Premise Order requiring the 3 mobile homes to be removed from the property along with all the inoperable and non-plated vehicles and require a general clean-up of all the miscellaneous junk. Only then should the plan commission consider a S.E. application for the placement of another mobile home.

They are currently living in an old camper on the property.

Mr. Vogel: last item on the agenda is discussion regarding the 11/5/2020 PC Board meeting.

Mr. Howard: The 11/5/2020 PC Board meeting agenda has 8 pond applications to be reviewed. With full attendance from the board, and numerous applicants and their contractors we could potentially have a large crowd.

With the recent climb in numbers of people with Covid, I feel it would be in the best interest of the county to complete the PC board reviews for the pond applications via e-mail correspondence as we did in the spring when the courthouse was on lock down.

I would like input from all BZA members, especially Ms Godfroy and Mr. Vogel since you also serve on the PC Board.

Ms; Godfroy and Mr. Vogel both agreed to have the application reviewed by PC Board members as we did in the spring and do not hold regular schedule board meeting on 11/5/2020. All other BZA board members agreed with the plan.

There being no further business, Mr. Vogel asked for a motion to adjourn. Mr. Younce made the motion to adjourn, this was seconded by Mr. Dale. The meeting adjourned at 8:55 pm.

Libby Cook

Secretary, Wabash Co. Board of Zoning Appeals

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