

# *WABASH COUNTY PLAN COMMISSION*

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

**Wabash County Court House**

**Wabash IN 46992**

## **BZA MEETING MINUTES**

**DECEMBER 15, 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, Victor Treska, Jared & Erica Cordes, C.J. Overmyer, Rick Rogers, Max Lange, Adam Knowles

The December 15, 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 October 27, 2020 meeting, there being none he asked for a motion to approve the minutes as written. Mark Milam made the motion to approve the minutes, this was seconded by Dan Dale. The minutes will stand approved as written.

Mr. Vogel read the following notice: "All legal ads and mailers were completed as required. The Council hearings for 11/24/20 were all sent a note advising of tonight's rescheduled meeting. It was also posted on the website and the Courthouse bulletin boards."

Mr. Vogel: The first item on the agenda is SE #5, Jarrod & Heather McKee for construction of a pond in Paw Paw Twp. The McKee's are being represented by their contractor, Victor Treska.

Mr. Howard: Jarrod McKee resides at 7579 N 200 W, N. Manchester. The McKee's submitted their SE application several months ago, however, due to floodplain issues on the property they have had to have several surveys and complete the approval with the DNR the division of water and flood plain administrators to have this pond located. We have worked with him to have located out of the flood plain so that there are no floodplain or floodway issues. Treska Brothers Excavating is the contractor for this. There is a variance request from the east property line setback 30 feet. The pond does meet the required setback from the road. No portion of the pond including

the toe of the dam is to be in the floodplain. There is no flowage easement. The pond will have approximate water surface area of .75 acre; total length of the dam will be 400 feet, base width will be 60 feet and the top width will be 8 feet; it will have a 6 inch overflow pipe that goes north to the Beargrass Creek; maximum depth will be 12 feet; emergency over flow SE corner of the pond and curve around and go north across the ground to the Beargrass Creek; watershed into the pond is 1.5 acres; it will have geothermal feed. Board members reviewed the pond information and maps. Mr. Howard asked Mr. Treska if the pole building will be removed. Mr. Milam asked if there is any concrete in the building, will it be removed? Mr. Treska said that the building will be removed, the concrete from the building along with the concrete from the silo will also be removed. Mr. Vogel opened the floor up to questions, there being none the Board proceeded to vote on the variance request. Mr. Thrush tallied the votes, the variance was approved. The Board then voted on the SE request, Mr. Thrush tallied the votes, the request was approved.

Mr. Vogel: The second item on the agenda is SE # 20, Alex Evolga, for construction of a pond in Paw Paw Twp.

Mr. Howard: Mr. Evolga is being represented by Victor Treska, his contractor. Mr. Evolga resides at 7494 N 200 W, N. Manchester. Mr. Evolga actually owns two parcels one that is 3.62 acres and the other one behind it with the house is 3 acres, in order to miss any floodplain from Beargrass Creek the pond will be located on the 3.62 acre parcel. The north line would be 50 feet and the south line would be 90 feet from the property lines. There is no required variance from the road setback. There is floodplain in the area but it is not involved in the construction area. There is no flowage easement. The approximate water surface area will be 1.5 acres; the dam will be 200 feet in length, 60feet base width, and a top width of 10 feet; 6 inch overflow pipe, outlet drain to water way which runs to Beargrass Creek; maximum depth of the pond will be 14 feet; emergency overflow to the west side across surface to waterway; watershed into the pond is approximately 4 acres; no geothermal feed, the distance to the nearest certified/non-certified drain is approximately 150 feet northwest to Beargrass Creek. Board members reviewed the information and maps of the property. Mr. Vogel asked if there were any questions or comments. Mr. Howard stated that all of the pond requests being heard tonight have been given favorable recommendations by the Plan Commission Board and the Wabash Co. Drainage Board. Board members voted on the variance request, Mr. Thrush tallied the votes, it was approved. Board members then voted on the Special Exception request, Mr. Thrush tallied the votes, it was approved.

Mr. Vogel: The third item on the agenda is SE #18, Tim Quinn, for a pond in Lagro Twp.

Mr. Howard: Mr. Quinn is being represented by his contractor, Victor Treska. Mr. Quinn resides at 5639 N 400 E, Urbana. This is pretty much just flat contour ground, so they will just be digging a hole in the ground. There are no variance from the adjoining property lines, however, they are requesting a variance to be 50 feet from the center of the road therefore we need to determine and set a buffer between the pond and the road. Mr. Milam noted that the drawings of the pond show that it sits on two different properties. Mr. Howard said that it does, it is on the Tim Quinn property and the Quinn Family Trust,, Tim's name is on both properties so we would not require a variance. The pond will require a variance from the required setback from the roadway, requesting to be 50 feet from the center of the roadway to the water line, this will require a buffer between the roadway and the pond. There is no floodplain or flowage easement; approximate water surface area will be

.1 acre; no dam; over flow will be a 4-inch tile; outlet drain will be a 4-inch tile running to field tile; maximum pond depth will be 8 feet; no emergency overflow, runs into farm field which is their own field, watershed into the pond is approximately .3 acres; no geothermal feed; distance to the nearest certified/non-certified drain approximately 2550 feet west to George Wolf ditch and Paw Paw Creek. Board members reviewed the information and maps. Mr. Vogel asked if there were any questions or comments. Mr. Treska said that they are open to ideas for the barrier, possibly a mound. Mr. Howard said that his recommendation would be from the driveway south and curved around the southwest corner a 5 foot mound, they could landscape. He stated that he would like to see it be at least 25 – 30 feet from the center of the road that would give you 30 feet and then 20 feet back to the water, you should be able to put a mound in within that area. Mr. Treska said that he agrees. Mr. Milam asked Mr. Treska if the mound barrier would block the vision for Mr. Quinn from his driveway, Mr. Treska said that it would not. Board members proceeded to vote on the variance request, Mr. Thrush tallied the votes, the variance was approved. Board members then voted on the SE request for the pond, Mr. Thrush tallied the votes, the request was approved. The following restrictions were listed: mound barrier between pond and road; mound back a minimum of 30 feet from center of road; mound height a minimum of 5 feet tall, can be taller and have additional landscape on top if desired; mound to start on south side of drive and extend south wrapping around south west corner of the pond where it can end; be sure mound does not interfere with vision of drivers exiting driveway on to county road.

Mr. Vogel: The next item on the agenda is SE #19, Kevin Cordes (Jared and Erica Cordes). Victor Treska the contractor is representing the Cordes', Jared and Erica Cordes are present.

Mr. Howard: The pond will be located at the Cordes Berry Farm, 6467 N 550 W, Roann. There is a variance request to be closer than the required 100 feet setback from the property line. They would like to be 80 feet from the north property line. There is no floodplain or flowage easement; approximate water surface is 1.0 acres; dam will be 200 feet in length, 60 feet base width, 10 feet top width; overflow size will be 8 inches; outlet drain, daylights across surface to ditch; maximum depth 14 feet; emergency over flow will be the south west corner / over surface; no geothermal feed; distance to nearest certified/non-certified drain is approximately 1250 feet north, the Henry Bowman drain. I have had one inquiry from neighboring property owner, Dave Vanbuskirk, I have reviewed it with him and he said he has no issues with it. Mr. Vogel asked Mr. Treska if there is much risk of overflow, Mr. Treska replied only if we have a tremendous rainfall. Board members reviewed the information and maps of the property, they then voted on the variance. Mr. Thrush tallied the votes, the variance was approved. They then voted on the SE request, Mr. Thrush tallied the votes, SE #19 was approved.

Mr. Vogel: The next item on the agenda is SE #15, Cecil Overmyer for a pond in Pleasant Township.

Mr. Howard: Mr. Overmyer resides at 14330 N 300 W, Silver Lake, he is present tonight. Mr. Overmyer stated that the contractor for the pond is Mark Oldfather. There are no variances required, the pond meets all required setbacks; there is floodplain in the area but it is not involved with the pond; no flowage easement; approximate water surface area will be 1.5 acres; the dam will be 600 feet in length, 150 feet base width, and a top width of 12 feet; overflow size will be a 10 inch pipe; outlet drain to creek; maximum pond depth will be 15 feet; emergency over flow on

the dam is a 1 foot reduced elevation; watershed into the pond is approximately 3 acres; no geothermal feed; there is a stream there but he does meet the utility easement setback required by the drainage board; the distance to the nearest certified/non-certified drain is 100 + feet to a stream. Mr. Vogel asked if there were any questions or comments, there being none the Board proceeded to vote. Mr. Thrush tallied the votes, SE 15 was approved.

Mr. Vogel: The next item on the agenda is SE #16, Rick & Shelby Rogers for a pond in Noble Township.

Mr. Howard: Mr. Rogers resides at 5429 S 500 W, Wabash. Troy Eads Excavating will be the contractor. There are no variances requested for this pond because the Rogers own the adjoining parcel. . There is no floodplain or flowage easement; the water surface area will be .1 acres; no dam; overflow will be 4' PVC pipe; outlet drain into his existing 4-inch tile; maximum depth will be 10 feet; emergency over flow is not required because there is no dam; watershed into the pond is .1 acre; no geothermal feed; closest drain or certified drain is Mill Creek which is approximately 1400 feet to the east. Board members reviewed the information and maps. Mr. Vogel asked if there were any questions or comments there being none the Board proceeded to vote. Mr. Thrush tallied the votes, SE #16 was approved.

Mr. Vogel: The next item on the agenda is SE #17, Max Lange for a pond in Lagro Township.

Mr. Howard: Mr. Lange resides at 2110 E 250 S, Wabash. The contractor will be Troy Eads Excavating. There are no variances required for this pond. There is no floodplain or flowage easement; approximate waster surface area will be 1.0 acres; dam will be 400 feet in length, 90 feet base width, 12 feet top width; overflow will be 6-inch PVC pipe; outlet drain, feeds into existing 8-inch tile; maximum pond depth will be 14 feet; emergency overflow 12 feet wide on the dam side; watershed into the pond is approximately 1.0 acres, no geothermal feed; distance to the nearest certified/non-certified drain in approximately 600 feet east, Burr Creek. A representative from the Asbury Church, inquired about the effect this could have on the surface drains on the property, I have talked with Troy Eads and he is aware of the drains and will make sure that those drains are not affected by the pond. Board members reviewed the information and maps of the property. Mr. Vogel asked if there were any questions or comments, there being none the Board proceeded to vote. Mr. Thrush tallied the votes, SE #17 was approved.

Mr. Vogel: The next item on the agenda is SE #22, Dan & Teresa Flora for a pond in Chester Township.

Mr. Howard: The Flora's could not be here tonight, I talked with Mrs. Flora, they have several significant farm chores and this time slot did not work well for those. The Flora's live at 7211 E 1100 N, N. Manchester. I have looked at the information, it has been given a favorable recommendation by the PCB and the Drainage Board. The contractor for the pond will be either Star Excavating or Zahm Excavating. There are no variances required; no floodplain or flowage easement; approximately .9 acre water surface area; the dam will be 600 feet in length, base width will be 58 feet, and the top width will be 10 feet; overflow size will be 12 inches; outlet drain will be a catch basin, 12 inch outlet into waterway, 24 inch inside; maximum pond depth of 12 feet; there will be an emergency over flow; water shed into the pond is less than 2 acres; no geothermal

feed; distance to the nearest certified/non-certified drain is greater than 1,000 feet. Board members reviewed the information and maps of the property. Mr. Vogel asked if there were any questions or comments, Mr. Milam asked how close the pond will be to the building. Mr. Vogel replied that he believes they intend to use the building as a bathhouse for the pond. There being no other questions the Board proceeded to vote. Mr. Thrush tallied the votes, SE #22 was approved.

Mr. Vogel: The next item on the agenda is SE #21, Adam Knowles to operate a firearms coating business including gun and accessories sales, gun cleaning, repair, and operate a shipping and receiving hub for firearms.

Mr. Howard: Mr. Knowles resides at 2579 W 300 N, Wabash, Noble Township. Mr. Howard then asked Mr. Knowles to explain the business he is hoping to operate. Mr. Knowles stated that he has a small machine shop at his home. He would like to start cera-coating firearms, gunsmithing, and be able to purchase firearms and have them delivered to his home. In order to do this, he has to get a Federal Firearms License, which would require the approval of this Board to operate his business in an Ag zoned area. He explained the safety measures that he would have in place for the building and business, including metal bars on the windows, a steel lock box for UPS and FED EX deliveries, he has to sign for any deliveries of guns. Mr. Vogel asked if there will be a test site for the firearm. Mr. Knowles stated that he would not return a gun to an individual without making sure that it fires properly, but that there would not be a firing range. Mr. Vogel asked how test firing could be done. Mr. Knowles stated that he was willing to work with whatever the Board would require, he explained that some test firing is into a steel drum filled with sand.

Ms. Godfroy asked what caliber firearm he is working with and what direction would the test firing be done?

Mr. Knowles said that he could work with any caliber firearm. The test firing would be to the south/southwest, there is nothing there for about 1400 meters.

Ms. Godfroy stated that she agrees with Mr. Howard that there needs to be something more than a barrel of sand, maybe a mound. Mr. Knowles said that he is open to all options. Mr. Vogel asked if there were any other questions, there being none he asked the Board to vote on the matter with the contingency that Mr. Knowles and Mr. Howard would work on the options for the test firing.

Mr. Howard stated some requirements that he would like to be stipulated:

- Mr. Knowles notify the local police agencies and fire departments what he is doing and what will be stored in the building and that there not be a public shooting range.
- No public shooting range.
- An alarm system on the building.
- No business signage to be located at the roadway.

Mr. Dale asked if this will be operated by appointment or could there be several customers there at one time? Mr. Knowles said that he feels it will be minimal people at one time.

Mr. Vogel asked about the driveway, would customers and delivery drivers be able to turn around and drive out or would they have to back out onto the roadway. Mr. Knowles said they would be able to drive out, no backing out onto the roadway.

Mr. Howard said that a PCB member had a question about the business hours, will this be your full-time job or part time. Mr. Knowles said that he works with a pool business that is owned by family, so this would be mostly in the off season.

Mr. Vogel: There being no further questions the Board will proceed to vote. Mr. Thrush tallied the votes, SE # 21 was approved.

\*On Wednesday, December 16, 2020 Mr. Howard e-mailed Mr. Knowles a list of restrictions for the business, Mr. Knowles responded that the list “seemed reasonable” to him.

Restrictions include:

- Notify law enforcement and local fire depart of the business.
- No open public shooting range. Owner can test repaired/coated guns.
- Gun test shooting area must meet plan as outlined below by BZA.
- 55-gallon barrel filled with sand with perimeter area backstop 5 feet above barrel and 5 feet to each side of the barrel.
- No test firing of guns for sale by customers.
- Alarm system on building.
- Secure drop off for deliveries.
- No public advertising of location on premise.

There being no further business, Mr. Vogel asked for a motion to adjourn the meeting. The motion was made by Mr. Younce, seconded by Ms. Godfroy. The meeting adjourned at 8:15 pm.

*Libby Cook*  
*Secretary, Wabash County Board of Zoning Appeals*