

WABASH COUNTY PLAN COMMISSION

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Wabash County Board of Zoning Appeals

Wabash County Court House

Wabash IN 46992

BZA MEETING MINUTES

NOVEMBER 23, 2021

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

PRESENT: Joe Vogel, Mark Milam, Jerry Younce, Dan Dale, Patty Godfroy, Larry Thrush, Mike Howard, Sheila Butcher, Glenn Butcher, Klay Bechtold, Kevin Bechtold, Aaron Dyson, Dan Krouse, Paul Pattee, Elden Stoops, Doug Unger

The Wabash County Board of Zoning Appeals met on Tuesday, November 23, 2021. Board Chairman, Joe Vogel called the meeting to order at 7:00 pm. Mr. Vogel asked if there were any additions or corrections to the minutes of the October 26^h meeting, there being none he asked for a motion to approve the minutes. Mr. Milam made the motion to approve the minutes as written, this was seconded by Mr. Younce, the motion carried.

Mr. Vogel: The first item on the agenda is Variance #10, Marui Long and Aaron Dyson, seeking a variance from the road setback requirements in Noble Township.

Mr. Howard provided the Board with information regarding the property located at 1628 N. St. Rd. 15, Aaron and Mauri have taken on the demolition of the existing structure. They are in the process of wanting to build a small structure there, I gave them permission to start on one section of it to get it closed back up. It will be 804 square feet and they will meet the minimum requirement of 800 square feet for a residential structure. Mr. Howard provided the board with photos of the utility type building that is 12 x 32 that is proposed to be set over the existing basement and attached to the what remains of the existing structure. I have talked with Aaron and Mauri about would this be a residential structure that they would rent, or a bed and breakfast, they are not really sure at this time. Mr. Dyson told the Board that they were intending to put the utility building over the basement but in looking at it, they are thinking they would be ahead to build over the basement, which would be approximately 17' x 32. Mr. Howard said the biggest thing they are here for tonight is the variance from the setback from the State Road. The set back from a state road is 105 feet, if you go 105 ft. from St. Rd. 15 and 105 ft. from St. Rd. 115 that would eliminate the entire property. I told them that is what they should apply for here tonight.

I really appreciate what they have done so far for the property. They have tore down the old structure and cleaned it up and are willing to build something new there. Mr. Dyson said that they would like to put minimal vegetation around the house and keep the rest of the property clear for visibility at the intersection. Mr. Vogel asked if there were any further questions or comments, there were none so he called for a vote on the request. Mr. Thrush tallied the votes, the variance was approved.

Mr. Vogel: Next on the agenda is Special Exception #14, Kevin & Klay Bechtold for CFO expansion in Pleasant Township.

Mr. Howard provided the Board with information on the expansion request. Kevin Bechtold resides at 12599 N 200 W, N. Manchester. On their property Klay and Kevin both work with MPS poultry, they are wanting to expand at the site where Kevin currently lives. This will increase the capacity for pullets. It would be a total of 5 – 7 structures over the next 5 years. They are looking to build 2 as soon as they can get started. We discussed that the best thing to do would be to apply the SE, as it is currently part of the CFO ordinance, for the entire project with the understanding that the initial start would be for 2 buildings. The PCB reviewed this and gave a favorable recommendation to the BZA. Klay said that they are looking to expand. The catalyst for this is we raise egg laying chickens, we get them the day they are hatched and keep them for about 16 weeks. We are contracted with MPS so then the chickens go to one of their layer facilities where they are set up to gather and package the eggs. This project is a result of the cage free egg becoming a bigger sector of the market so we are expanding due to that. The number of buildings seems a little overwhelming, with the cage free buildings they are less efficient because you get less birds per building. All of these buildings will be cage free, the buildings we currently have on the property are caged.

Mr. Howard asked, so the market for the cage free is increasing greatly. Mr. Dan Krouse said that the market for the cage free eggs has been growing steadily for the last 10 – 20 years, some states have rules in place requiring cage free eggs instead of conventional caged eggs, that is mostly out west. In our area Michigan is going all cage free soon so there will be an increase in demand for cage free eggs. He said the two houses that Klay is proposing to build in the near term would provide pullets for layer houses that we already have planned, we talked to this group about our 2 pretty unique chicken houses that are going in at our Hi-Grade farm in N. Manchester, these houses would be critical for supplying pullets for there. We anticipate the need for more cage free eggs in the future and Kevin and Klay have worked with us for a long time and they are fantastic pullet growers. The additional houses beyond these two initial buildings would just replace birds we already have here, so it wouldn't really be an expansion of our operation if we need to go that far it would mean taking out conventional birds and replacing those houses with cage free houses. We are already out of space on our farms we can't add any more without removing some that we already have.

Mr. Milam asked if they have plans for a new driveway system. Mr. Bechtold referred to the maps and explained their plans for the driveways. Mr. Howard said the plans show 72' x 500' buildings, that would be the maximum size the buildings would be, at the time they went before the PCB there was some uncertainty about size because they were looking at the different equipment that would be inside the structure. The size could be a little smaller but this would be the maximum size the buildings would be. Mr. Bechtold said that is correct, he believes the first two will be a little narrower than that. Mr. Howard reminded the Board members that granting

the Special Exception tonight doesn't get them the permits, they still have to go through the permitting process and it will have to go before the Drainage Board and get their approval before we can actually issue any Improvement Location Permits for any building.

Mr. Vogel asked if there were any questions, there were none.

Mr. Howard said that because of the way the confined feeding ordinance is currently written they have to apply for a Special Exception, within the request there are 3 variances they are asking for, those things will all be taken out of the ordinance but unfortunately they are still in effect.

- Variance from one time expansion of one structure on existing CFO site, in thinking about the poultry industry instead of the swine this doesn't really fit.
- They are an existing site, so they meet IDEM setbacks, they don't have to meet county setbacks. By doing so they are what we call a nonconforming use in that area. One thing it says is that their structures have to be placed farther away from any residential structure, if you think about it that has to be a residential structure somewhere that they would be going closer to. Variance from the directional location of new structures Ord # 219-85-03 Section 6.25G,G The expansion, extension, enlargement must only be in a direction that would not increase the nonconformity, (i.e., away from the residential or non-agriculture business structure.
- Variance from 1000 foot setback for any offsite well. Kevin's well is within 1,000 feet, it is his barn, his well, his property. He has no objection to that. Mr. Howard asked Mr. Thrush if the 3 variances could be put together in one motion and vote on the variances and then vote on the Special Exception, Mr. Thrush said I think you can do that.
- You are asking for a variance for a one time expansion of one structure on an existing site. You are asking for a variance for the directional location for a new structure. You are asking for a variance from 1,000 foot setback for an offsite well.

Mr. Vogel asked for questions or comments, there being none he asked for a motion on the request. Mr. Milam made the motion to accept the 3 variance requests as listed, this was seconded by Mr. Dale, the motion carried unanimously. The Board members proceeded to vote on the Special Exception, Mr. Thrush tallied the votes, it was approved.

Mr. Vogel: next on the agenda is Petition #1, Bass and Bucks, a petition to modify conditions established in the original Special Exception. Ms. Godfroy excused herself from participating in the discussion and voting on this matter.

Mr. Howard: In 2003 the Special Exception and Variances were granted for the parcels, except for the 22 acre parcel that Mr. Butcher bought in 2015. Through the conditions and his business change Mr. Butcher has submitted a petition requesting to adjust the conditions that were set by the BZA during the 2003 application hearing. Mr. Howard shared maps of the property with Board members. The 22 acre parcel has an address assigned to it, Mr. Butcher has an application in for a pond on that parcel and plans for his daughter to build a home there and eventually possibly an event center, His first hearing on the pond will be at the Dec. 2, 2021 PCB meeting. Mr. Butcher did ask to have the 22 acres included in the petition tonight. Board members were given copies of the February 2003 meeting minutes for the PCB and BZA, he noted on the last page of the

minutes that when Mr. Vogel called for a vote the members asked that list of conditions be applied and those are the conditions that were applied at that time.

Mr. Butcher said that 20 some years ago when we started the outdoor complex, over the years our market has changed we have had a lot more gun owners, the 4-H shooting sport program came on board with us, we have hunter education programs, we have a lot more law enforcement groups doing training at our facility so basically I need an update from our 2003 Special Exception that we had 20 years ago. I think I sent Mike clarification from the state on the camping, we have 2 – 3 events a year where we have 400 – 500 people from all over the nation. Most of the time when we first started it was tent camping now we have more people wanting RVs since most of it is over the summer and they want to plug them in. I contacted the state guy down in Indianapolis and he clarified what designates a campground and a temporary campground, basically in a nutshell we don't do 30 days of camping in a calendar year, usually it is 2 – 3 days in and out two to three times a year. We don't use 30 days in a calendar year so that keeps me in that range where I don't have to have that. Mr. Howard reviewed the rules from the state for a temporary campground: by State regulations and rules, camping cannot be operated more than 10 consecutive days per event or 30 days in a calendar year; temporary campgrounds are under the jurisdiction of the local health officer. After conferring with the local county health officer there is no local health ordinance covering temporary campgrounds in Wabash County. Mr. Howard note the thing in the first part of the original conditions is the word "primitive" in my understanding primitive means you are taking your gear and you are going out into the woods, there is no access, no roads, nothing; I would prefer the word primitive to be removed and it just be stated as RV campers or tents. Mr. Butcher said that is fine with him. Mr. Howard said that it does not include no electric hook-ups, it does mean that there is no individual sewer hook ups or individual hook ups for water. There can be a group source for getting water but no individual hook ups for water. Mr. Howard said it reads that the Wabash County Health Dept would investigate any complaints of any unsanitary conditions. Mr. Howard asked Mr. Butcher if he has any intentions of using the 22 acres for Bass and Bucks or will that just be for the pond, residence and event center? Mr. Butcher said not at this time, it is just to be my daughter building a new home, the pond and eventually the barn style event center. Mr. Dale asked if they are voting on the approval of an event center tonight. Mr. Howard clarified to the Board that they are not voting on the event center tonight, that would be a separate SE for a business in Ag zone. Mr. Butcher asked about the zoning of the property, Mr. Howard explained that currently it is all zoned AG, when the new County Ordinance is approved it will be zoned AG 2. The Special Exception just permits the outdoor commercial recreation business to operate in an AG zone. Mr. Butcher asked about the store hours, back 20 some years ago I was running my glass shop as well as starting up this business, we put down hours to work with the glass shop and obviously we are up to 16 employees, over 300 customers per day, things are changing right now our hours are listed and have been this for the last 5 – 6 years. I don't plan on changing it, but I just want to be sure that if I change it we don't have to go through all of this again if I want to close on Monday and open up on Wednesday. Right now, we are closed on Tuesday and Wednesday, the rifle range is closed then. On Sunday the range is open 1:00 – 5:00. The only time that we shoot on those days is when we have the 4-H shoots on Monday nights and then we start in February and go until fair time. Maconaquah, Northfield and Southwood have their trap league there on Tuesday evening, and use Wednesday as a rain date. That is what I am trying to get there, when the shop is open, when we are there I just want to have it that if the kids want to come in and shoot trap or there is a special training I don't have to come in here every time to do that. I just want to be able to revamp our hours without having to come in here every time

to do that. We have several agencies that come through here on the spur of the moment, they have to certify their weapons when they come into the state. They will call and say I need to do this this evening. I just want to be sure I am covered to work with them. Mr. Vogel asked if they ever come while the shop is open, Mr. Butcher said no, they come on Tuesdays or Wednesdays. Mr. Vogel asked if a staff member is with the people coming in for certifications or trainings. Mr. Butcher said we open the gates for them but we can't be anywhere near them, that is only like once to twice a year that happens. Mr. Vogel asked if the 4-H or high school kids are there when the range is open. Mr. Butcher said no for their safety and ours, and they have their own range officers with them. Mr. Butcher said the training is getting a lot busier, but that is what we want is everyone trained on their weapons. Mr. Howard asked so the 4-H, high school kids, and certifications are the only things after hours. Mr. Butcher said that if they have someone come in and buy a gun that has never owned one they like to take them out to the range after hours and train them on how to safely use the weapon, it doesn't happen often but it does happen. I live on that property, at 6:00 the range shuts down, especially in the summer time then you have 2-3 hours, we are not shooting all the time. Mr. Butcher noted that on #8 he put in that when they have special events there be no shooting on Sunday morning before 8:00 a.m. and we will hold to that. We are permitted for 6 special events, last year I think we only had 3, like I said that changes. Mr. Howard suggested taking this under advisement and coming back to it next month.

Mr. Vogel asked if there were any questions from the Board. Mr. Milam asked what a night shoot is. Mr. Butcher said it is usually 1 hour after dark and using night vision scopes, it is usually only 50 yards with an illuminated target and they use silencers so you can't hardly hear it, I always call in to the Sheriffs Dept. to let them know that we do have training going on. Mr. Milam asked, you said the high school shoots after hours. Mr. Butcher said in the spring time in the daylight, they usually start shooting at 4:30 on the days we are closed, they shoot until around 7:00 pm, they shoot 50 rounds per kid. The 4-H kids get there on Monday night and they shoot until 8:00 pm. Mr. Dale asked about the 6 sanctioned shoots, are they the same dates each year? Mr. Butcher said they will start in March and run through early September; these are held all across the country so it depends on how the calendar hits when our schedules will work out. Mr. Dale asked how did we come up with the number 6. Mr. Butcher said that is what the Board set, this year we used 3, last year we did all 6 because nobody would let them shoot because of Covid no other range would let them shoot, we let them shoot. Mr. Howard noted that in the 2003 minutes it reads that they asked for 12 and the Board limited it to 6 sanctioned events. Mr. Butcher said it will usually be around 2 – 3 but could be up to 6 of the sanctioned shoots.

Elden Stoops introduced himself, he is an attorney from N. Manchester. Paul Pattee asked me to be here and I have talked with several of the people involved and I have talked with Conservation Officer Engel with respect to some things he discovered when he was out there. Our primary concern right now is the track record and since 2003 how many of the requirements were ignored by the business itself. We have nothing against them, I understand Bass and Bucks is a member of the community and they are a valued resource in many respects but we want them to comply with the orders that were set by the Board. When you look through the minutes from 2003 there are a number of conditions and at least 4 of those conditions aren't even close to being met at this point. I agree with what Mr. Howard said that there be no decision made tonight we would ask that there be additional time to go through some of these things. My understanding is that many of the things that are represented are not particularly accurate in terms of what is actually going on

out there. As an example, the primitive campers from 2003 that has not been met for years and years, they have had campers out there, electrical hook-ups out there. I don't believe the representations that are made about how infrequently they have these large gatherings is accurate, I think there are people out there quite often. I understand that it is good for the business and that may be something the Board should consider. They need to be open and honest about what they are planning on doing and not coming in here and asking for one thing and doing something else. To be a little more specific, I mentioned the primitive camping sites, that isn't really the concern of the neighbors. The concern of the neighbors is the firing, shooting that is going on. The representation may be poor, they say the shooting isn't constant, but it is constant. I asked Paul when was the last Sunday without shooting, he said he couldn't remember. They didn't pay attention to the time periods that they were required. They didn't pay attention to the 6 Sunday shoots, those happen all the time, whether they are sanctioned events or not, there is shooting going on out there almost constantly and that was specifically not allowed. The only time during shop hours, that is not being followed, I think he said on Tuesdays and Wednesdays when they are closed there is no firing, that is true, but only for the very recent past since this process started, all of a sudden Tuesday and Wednesday, those have been discontinued on a short term basis but since 2003 to now it has been almost constant and it didn't have anything to do with store hours. I think probably one of the biggest concerns are this has been out there as a gun range for a long time, that is not what it was represented as. They were going to use limited firing, firing of guns that had been purchased, I understand their business changes, I understand they have more sales now but he didn't come back to the Board and say we are doing more of this we need to have broader permission; they just went ahead and did what they wanted to do and the fact that this is being used as a firing range, you come in and pay your money and go use the range. Much of this is not supervised, much of it is not controlled. One of the things I talked with officer Engel about when he went down there to look at the lower part of where they are shooting he found hundreds and hundreds of shell casings laying around, there is a huge amount of firing that is very noisy. My understanding is that there are some long range weapons being fired, there has been some damage done, and you folks have that in your reports with the damage to Mr. Unger's barn. They say it didn't come from there, that is the only place it could have come from, they went out and measured that they know where it is coming from no one else is shooting holes in that barn. There were trees that were sold this is in the woods adjacent to them, my understanding is that when the trees were sold the timber company complained because the trees were full of bullets. The number one concern is this Board approved this based on having a dirt backstop and side backstops, the sides don't exist, the backstop is not effective. I think there needs to be a safety plan presented by the petitioner before anything is considered because it is just a matter of time before instead of hitting a barn or a tree somebody is going to get shot. The neighbors should not be in a position that they cannot step on parts of their property not knowing when a bullet is going to be coming from this site, it is a similar issue at the Isaac Walton League in Liberty Mills, that was a concern, there were bullets going off site it was not being regulated. We don't believe there is a range master out there when they say there is going to be. I understand they need to continue to operate but it needs to be done safely. Those are our biggest issues as to how this is being taken care of, what we want to see is that they comply with the current conditions and that if they are going to apply for extensions and additional privileges that they provide a specific safety plan on how this is going to work so when they come before the Board and say something you can believe that what they are saying is true and you can believe that they are going to comply with it in the future. It is a danger and a nuisance. It is my understanding that the last time the Board was told that this is a

civil matter and yes it will be a civil matter and I think the neighbors can pursue a common nuisance action. But that is not this Board's concern, this Board has the responsibility of making sure the conditions are being followed and at this time they are not.

Tim Roberts: The only thing I can say is at the last meeting we talked about the firing in the bottom down below where there are no dirt berms. If you have a range you have to know where every bullet on that range is going to end up. You have to have it set up for that bullet to be contained on that range. You can't shoot at a rock bank; you could have a ricochet. You need to shoot at dirt and you need to have the bullets impact the dirt. As Glen stated at the last meeting, firing into the woods you can't see through the woods, you can't see through leaves but bullets can go through them. The firing down below, as a certified range safety officer I can tell you that the shooting down below is very dangerous when you are firing through a woods and you are counting on the woods to catch the bullets. I know this is a limited event, but if you are doing that, that is completely off the charts. An insurance company that was covering that range, if they knew that they would shut it down immediately. You cannot just fire into a woods and expect that to stop a bullet reliably. You don't know who is in the woods, you can inspect the woods before you start shooting, that doesn't mean kids could wander into the woods, that really bothers me when they are firing into a woods like that. Also, the wing berms, typically you have the main berm and the wing berms which may not be as high but they are high enough that if there is an errant shot it is still going to go into a berm it is not going to travel off the range. On the west side of Glens range there is no wing berm along that property line, it would be easy for somebody to launch a round off that property line. Those are my concerns, I am only here to discuss safety, I am not here to influence the Board on any of the other things that you are talking about. This is a series of true concerns.

Mr. Stoops: the reason I mention this is because we don't know about the insurance. I think the Board should know what kind of insurance coverage there is because it is a dangerous activity. I agree with the safety and getting people out there to introduce them to firearms and make sure they understand how to use them safely. What I don't agree with is you can't control the people out there especially if they just come in a pay and go out and use the range on their own, that is a liability and there needs to at least be some substantial insurance coverage and I don't know if the Board would be within their rights to ask if there would be some provision that there is going to be adequate insurance available to protect the community. My understanding is that some of the weapons could fire as far as a mile and a half or further, it doesn't take much of a change in elevation to go over the berm and you don't know where it's going to land. So, it's just a risky activity, necessary, but risky. We need to be protected from that.

Mr. Howard asked Mr. Stoops, you said 4 of the 6 conditions that they are not currently meeting would you please tell the Board what 4 they are not meeting? Mr. Stoops replied, primitive tent camping only, they have had RV's out there for a long time; no water or electricity hook-ups that is obviously not there; the 6 sanctioned public shootings, I don't know about the public shooting but there is shooting every single Sunday out there and has been for months, years, that is an issue; test fire for used gun hours, my understanding for the approval was basically for that, at the Board meeting before for that it was presented that 80% of the business was presented as archery, not nearly as dangerous an activity because the range is so much more limited but the fact that the limitless shooting isn't honoring that and it says NRA regulations in place, I am not sure that there is any evidence that is actually true. It sounds like NRA regulations and our regulations are not

being met, so that would be 5. That is our concerns. We are not here to say that they can't do it, but let's put some regulations on it and expect them to be met and protect the community around it.

Mr. Howard: How many other ranges are there in the county, and are they meeting the requirements that you are asking for? Mr. Stoops said I have not checked on any of those but Mr. Roberts could probably answer that. Mr. Roberts said that the Gun Club on Mill St., it is across the river and a little bit east of Mr. Butcher's property. We have a unique situation there; our club is an NRA affiliated club so when a new member comes on board we require them to demonstrate to us or our match directors that they know how to use a firearm and they can do it safely. We have large dirt berms, and on our pistol ranges we have super large dirt berms. All of our members have to be NRA members. We have complete liability insurance on our range through the NRA. I will say one other thing, NRA regulations, there is no such thing as NRA regulations. They have training, for certified safety officer, and a chief range officer. Our club has been there since 1956, since before 1956 and we have never had an accident. We do not have people come into our range and say I want to shoot on your range and we say well give us \$20.00 and then they just go off and we don't pay any attention to them, that does not happen. Our members take care of the range, they are limited to 4 guests and they are responsible for their guests. We take care of problems immediately and we have had very few. I have been President for over 10 years and I can think of maybe 3 people we have had to do something regarding safety. Mr. Vogel asked if they allow government agencies come to their range. Mr. Roberts said we have had government agencies come to our range. The National Guard from Huntington came over and used our indoor pistol range, they had to do that so the National Guardsmen could get qualified to carry handguns while on duty. Mr. Vogel asked on the side berms and the backstop how high are they? Mr. Roberts said our 400 yard range is our tallest backstop and it is about 20 feet. The problem with a taller back stop is you have to have about 3 times as much base as you have height so it is about 60 feet thick at the base.

Mr. Vogel asked that they write down their concerns and get them to Mike so we can take a look at it and see what your concerns are. He then asked Mr. Butcher if he had anything to say.

Mr. Butcher said this all goes back to when Mr. Unger bought the property next to mine, we never had a problem at all until he bought the property. This is no different from the hog house, I had a hog house there, he didn't like the smell and was going to do everything he could to shut us down, this is no different. We have been here 20 + years and not had any incidents at all until him and Mr. Pattee and now they have involved Tim Roberts in this. If there is something that I do that is wrong I correct it, I am not perfect. I am here running a business and it is going great and I am not stopping, it's going great and I am going to keep it going. As far as the shooting on Tuesdays and Wednesdays, I don't know who told them, we are closed on Tuesdays and Wednesdays, there is no shooting on Tuesdays or Wednesdays unless it is a training or something like that, it is very seldom. Sundays our hours are 1:00 to 5:00, we have always shot 1:00 – 5:00 on Sunday. When I came here the Board knew 100% that we were putting a full fledged rifle range in and an archery course, I wasn't trying to hide anything. As far as the camping I will admit, we have stopped all the camping until we get the state, I came down here a few years ago and I thought we were covered when the state said it didn't need state permit but it needed county permitting. There will be no RVs at my place until you guys vote it in that there can be electric hook-ups, that was my

bad. I have a 32 foot RV that is there most of the time if the neighbors complain. As far as the range officers, there are 4 or 5 ranges here in the county, the FOP, Mill St., Somerset, and ours, nobody has a day to day range officer when they shoot. I have a public range; I invite my public in we have safety protocols for the range and 20 some years not an issue. My berms are huge. My ground is not flat, when we do shoot in the woods there are at least 20 – 30 foot embankments behind and sand that we shoot into. Anytime you guys want to come out I will take you back and show you each station that we shot in one or two times a year and you can tell me if it's safe. As far as the hours for shooting I don't know how we can look at that one way or the other, it was never just for a test range, we put that in just to make sure we had the right to test, but that was 20 some years ago. If we need to correct that take the word test out and open my range up 24/7 and we will still . It is kind of like a hog house and saying it can't smell once you have already got it going. There is nothing unsafe about my range. Mr. Vogel said that he feels it would be a good idea for the Board to get together and look at it. At the last meeting we heard about the incident with the barn and it is hard to picture everything. We want to go as a Board not individually so we all see and hear the same things. Mr. Butcher said there is nothing to hide.

Mr. Howard asked Mr. Roberts, the meeting when we discussed Mr. Unger's barn being shot there were two theories on how it happened and it was agreed that we could not prove either one 100% is that correct. Mr. Roberts said that is correct, but I can tell you the rounds came from Glenn's property, we don't know when it happened. From my point of view, I am saying that it came from his property I am not sure when it happened and I am not saying it came from one of his registered shoots. It could have been trespassers. It could have come at another time when nobody was around, but it had to come from his property, that is what I think after examining it. Mr. Howard read Officer Engle's findings saying there were 3 possible scenarios: someone fired off the course completely; someone shot from Doug's on the hill; trespassers. Obviously with the safety officer you can rule out the first scenario. We are not 100% sure what did happen Mr. Stoops said he met Mr. Unger for the first time tonight, this is not about Mr. Unger, that is an example of what could happen, what could go wrong and become a tragedy but this isn't what drove any part of this It is about making sure it is being used safely and responsibly, we understand it is a business and it is going to grow but it needs to grow within the bounds of the area in which it is located and that is why we want the Board to pay particular attention to the requirements and make sure that they understand that they will be enforced if necessary. The community does need to be safe. Mr. Pattee stated that he had someone interested in buying his house, there just happened to be a 3 gun shoot down there, I came home sick from the hospital and at 7:30 pm they were still shooting, would you like to hear a tape from all that shooting, this is probably 1/2 - 3/4 of a mile. The people got out of their car and said we don't want this house because of all the noise. Mr. Butcher asked if Mr. Vogel could ask Mr. Roberts how many shots get fired on his range in the city limits? Mr. Roberts said thousands upon thousands, we probably have more shots fired on our range than Mr. Butcher does and we have had no noise complaints because we operate within certain hours, there is nobody living close to our range. Mr. Vogel said for them to look at the key issues and send them to Mike, the Board will go out to look at the property, Mr. Butcher said it would have to be on a Tuesday, Wednesday or Sunday morning. Mr. Vogel asked for a motion to continue this to the next meeting, Mr. Dale made the motion to table this until the Dec. 28th meeting, seconded by Mr. Younce, the motion carried.

Mr. Vogel: Next on the agenda is Special Exception #15, Scott & Sarah Hanes (Eel River Enterprises) to operate a warehouse business in Paw Paw Township. Mr. Howard informed the Board that the Hanes could not be here tonight due to health concerns, I agreed that we would hear this tonight and not delay it unless we came up with concerns tonight. The Hanes would like to operate a warehouse business in an R2 zoned area in Roann. They own 3.31 acres of land, the Plan Commission Board gave a favorable recommendation, the town of Roann is in favor of approval. The property was the old Hively Mfg. and has been used for multiple businesses over the years. They want to expand the business. Items used for paint coating to reduce fire damage, 3 products to make product. These items would be dropped off at the business then picked up usually within 24 hours. 3 days. Currently they operate a seed and feed storage business. Right now we are just granting them the opportunity to operate a business in an R2 zone. One thing that was talked about in the meeting with the Town of Roann was some type of spill containment system in case of an accident, they agreed to keep the materials on hand to contain any type of spill. Mr. Vogel asked for questions or comments, there were none. The Board proceeded to vote; Mr. Thrush tallied the votes, the request was approved.

Mr. Vogel: Next on the agenda Mark Trumbaer from Next Era Energy. Mr. Howard said that he met with Mr. Trumbaer regarding a solar company locating in Wabash County. Mr. Trumbaer is concerned with the noise levels and setback requirements that were established in the County Solar Ordinance. Mr. Howard said that he wasn't sure why they would have to lease the entire 500 (+/-) acre parcel and not use all of the land. Mr. Trumbaer will come back in 2022 to talk with the Board. There is an offer for a solar farm in the Somerset area. On December 2nd a marketing manager with Duke Energy will be here to talk to the PCB about how they work with the solar companies as far as connecting into their lines.

Mr. Howard gave the following updates:

- He is continuing to work with Mr. Downs on the County Ordinance draft.
- Imagine One 85, it was reported to Mr. Howard that the committee was not completely satisfied with what they received and sent it back to the company for revisions.
- Mr. Thrush is siting Mr. Rick Hollingshead for contempt. Mr. Hollingshead did not comply with the court order he was sent to clean up his property.
- Members of the BZA will meet at Bass and Bucks on Dec. 8th at 10:00 am for a tour of the property.
- Mr. Howard told the Board about a property in Urbana at 44 W 500 N, the garage is not all on the deeded property, the owner doesn't have an easement to enter. They are wanting to build a new garage on the property, I am working with them on vacating the alley and where the building can be placed on the property.
- NIPSCO 20% bonus for new construction 260-229-2425 NIPSCO.com/energy-efficiency.

There being no further business Mr. Vogel asked for a motion to adjourn. Mr. Dale motioned to adjourn; this was seconded by Mr. Milam.

Libby Cook
Secretary, Wabash Co. Board of Zoning Appeals
(per recording and notes from the meeting) MTH