

*WABASH COUNTY PLAN COMMISSION*

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**WABASH COUNTY PLAN COMMISSION**  
**BOARD MEETING MINUTES**

**JUNE 2, 2022**

**Wabash County Plan Commission Board  
Wabash County Court House  
Wabash IN 46992**

Board Members: Randy Curless, Jeff Dawes, Patty Godfroy, Sam Hann, Mark Milam, Doug Rice, Christian Rosen, Geoff Schortgen, Cheri Slee, Joe Vogel  
Attorney Larry Thrush, Plan Director Mike Howard, Secretary Libby Cook

Present: Jeff Dawes, Sam Hann, Mark Milam, Christian Rosen, Joe Vogel, Larry Thrush, Mike Howard, Libby Cook, Daniel Schul, Jason Robinson

Absent: Doug Rice, Patty Godfroy, Cheri Slee, Geoff Schortgen, Randy Curless

The Wabash County Plan Commission Board met on Thursday, June 2, 2022. Vice Chairman, Christian Rosen called the meeting to order at 7:00 pm. Mr. Rosen asked if there were any additions or corrections to the minutes of the May 5, 2022 meeting, there being none Mr. Rosen asked for a motion on the minutes. Mr. Dawes made the motion to approve the minutes, this was seconded by Mr. Hann. The minutes will stand approved as written.

Mr. Rosen: The first item on the agenda is the unsafe premise order, Rob Kowalczyk, in Lagro Corp., Lagro Township. Mr. Howard provided photos of the property and reviewed the timeline of the unsafe premise order:

- As of the last PCB meeting on 5-5-22 Mr. Kowalczyk sent a letter notifying Mr. Howard that there is a pending sale on the property. Mr. Kowalczyk has not provided the required information to Mr. Thrush. The Board filed a motion for an unsafe premise order on the property, this was approved.
- Reviewed the unsafe premise order dated 5/11/22, which states the structure located at 270 Main St. is to be removed from the property, all

construction material shall be removed from the premise or be buried below lot grade level while maintaining setbacks. The only structure to remain on the premise is the garage. The entire lot is to be excavated to grade level and seeded and the entire property shall be kept mowed at all times. The required action to be completed within 30 days of this notice, the work is to be done by 6/11/22.

- Mr. Kowalczyk was notified of the 6/2/2022 scheduled Plan Commission Board meeting at which time a hearing on this matter would be held. Mr. Kowalczyk was told that he was entitled to appear with or without legal counsel. He is not present tonight.
- Unsafe premise order 8/6/21, was the revised one from the original unsafe premise order which was issued on 7/6/2021 and was revised on 8/6/2021. Those two unsafe premise orders, the requirements were never met. That is where we are at this time. The permit has expired and I don't believe any work has been done, so there is no violation there.
- The property to the east of Mr. Kowalczyk's property has sold, the buyer provided proof by a survey that the setbacks were not met on part of the house on the east side of the property.
- Mr. Howard asked the Board for a motion for Mr. Thrush to proceed to file the court order.
- April 10, 2022, Mr. Howard received a letter from Mr. Kowalczyk stating that he (Rob Kowalczyk) has turned over all rights to the property located at 270 Main St., Lagro, IN to Roann Feigo of 167 Hornets Nest Ct., Charlestown, WVA. I have checked with Mr. Thrush and was told that this carries no weight at all, it doesn't mean anything. I checked today and the property is still deeded in Rob Kowalczyk's name. I did verify the name and address for Mr. Feigo, and it does show as that address, but when you look through the list of names of relatives the name Kowalczyk does come up so they must have some family relationship.
- Mr. Howard went over the list of requirements Mr. Kowalczyk would be required to notify someone he might be selling to that there is an unsafe premise order in place. Mr. Vogel asked if there were any liens against the property, Mr. Howard said none that he could find when he pulls up the Recorder's data. Mr. Dawes stated that he does feel bad for Mr. Kowalczyk, but we have extended his permit several times without much progress, it is just one of those things that financing wasn't available for him. Mr. Howard said that we have extended this permit twice, we gave him opportunity to provide proof of financial responsibility and he has not been able to do that which is unfortunate for him. Mr. Vogel asked if he has done anything new to the property. Mr. Howard said that he had old photos of the property and did not notice much difference. The most recent permit extension expired April 1<sup>st</sup> of this year. The front and east side area is fenced in with chain link fencing. Mr. Vogel asked about the timeline if Mr.

Kowalczyk doesn't clean up the property, how much time do we have before we can hire a private contractor to do this? Mr. Thrush said that would be up to the judge. Mr. Hann stated that he agrees with Mr. Dawes, we have given him plenty of time, I feel bad that we have to do this. Mr. Hann then made a motion to move forward and have Mr. Thrush file the necessary documents to resolve this issue, the motion was seconded by Mr. Dawes, motion carried. Mr. Thrush will file the paperwork.

Mr. Rosen: Next on the agenda is Special Exception #7, David Schul for construction of a pond in Liberty township. Mr. Howard gave the following specs on the pond: Mr. Schul resides at 6809 S 390 E on a 3.87 acre parcel; Brainard Excavating is the contractor; there is a variance request to be 25 feet from the base of the dam to the West property line; water surface area of approximately .5 acres; the dam will be 160 feet in length, 45 feet base width, 10 feet top width; overflow will be (1) 8 inch outlet pipe; outlet drain will be to surface; maximum depth is 14 feet; no emergency overflow; watershed into the pond is approximately 2 acres; the nearest certified/non-certified drain is the Revere Speicher drain, it is a non-certified drain and is approximately 650 feet north. The Drainage Board has not reviewed this yet, but will do so before the BZA meeting. Mr. Dawes reviewed the work that has been done on the Revere Speicher drain. Mr. Howard told Mr. Schul that Mr. Brainard would know if you need to put rip rap in, so that you don't wash out the waterway. Mr. Dawes made the motion to give the request a favorable recommendation to the BZA, seconded by Mr. Hann, motion carried. Motion passed.

Mr. Rosen: Next on the agenda is Special Exception #8, Optimum Construction Services (Jason Robinson) for construction of a pond in Chester Township. Mr. Howard reviewed the pond specs: the property is located at 386 E 950 N, N. Manchester; Optimum Construction, Mr. Robinson is the contractor; no variances are required, meets all setbacks; water surface area .05 acres; no floodplain or flowage easements; no dam or overflow; approximately 7 feet in depth, no geothermal feed; Starver Eckman ditch is approximately 1360 feet to the Southwest. Mr. Robinson stated that he would like to get the work done quickly before the ground gets much harder. Mr. Dawes noted that the Drainage Board has not reviewed this request yet, but will have a meeting before this would go to the BZA. Mr. Hann made a motion to give a favorable recommendation to the BZA, seconded by Mr. Dawes, motion carried.

Mr. Howard and Mr. Robinson discussed some possible work Mr. Robinson would like to do to the mobile home that is on the property. Mr. Howard told Mr. Robinson that our policy for a mobile home is that we would not issue a permit for a room addition to the mobile home as that would alter the manufacturer's specifications. However, what Mr. Robinson is wanting to do is to completely redo the interior, I don't have any objection to that as far as what he does to the interior of the home provided it does not compromise structure integrity. Mr. Robinson said the mobile home sits over a partial basement, it is a 14 x 16 basement underneath it, originally when we purchased the property we were going to build. We have had 3 realtors out and they all said that being right beside the railroad tracks and with the price of lumber we would never get our money back out of the property. I came up with the idea of finishing the foundation around the trailer first, then start re-studding, re-wiring, insulating, put a porch out to the front, put trusses on top of the walls so the only thing that would make it a mobile home that would be left is just the frame and the floor. I spoke to my realtor and she did not recommend this idea but if it did come to this

would this be a possibility? Mr. Howard said he would have no objection to the interior overhaul provided it does not compromise the structure integrity, however, I can not issue a permit to add an attached porch, it would have to be separate from the mobile home. Mr. Robinson asked what would it take for the county to not consider it a mobile home. Mr. Milan noted that a VIN # is attached to all mobile home frames and that would keep it a mobile home.

Mr. Robison re-iterated that his realtor recommends that he does not redo the mobile home, so at this time he is looking at alternatives.

Mr. Rosen: Next is discussion of the Solar Ordinance. Mr. Howard notified Board members that the County Attorney has approved the Solar Ordinance as written for the new Draft Ordinance.

Mr. Howard gave the following updates:

- A solar company by the name of NOVIS contacted the PC office. NOVIS is an American front for two Italian companies, most of their work has been in the New York area. I have checked with Hoosiers for Renewables and was told that they have not heard of any Novis projects in this area. Mr. Vogel asked if this company is looking at the same area as Next Era.
- Mr. Howard, not that we are aware of, I just wanted Board members to be aware that we have been contacted by NOVIS.
- Next Era solar company representatives are in the area working on land leases for a solar project.
- Imagine One 85 comprehensive plan, Grow Wabash County and the Community Foundation of Wabash County are working on scheduling a joint meeting of the Wabash County Plan Commission, Wabash City Plan Commission and the Town of N. Manchester Plan Commission to vote on the proposed countywide comprehensive plan. The meeting is being planned for Thursday, June 16, at the Wabash Middle School auditorium. I have e-mailed and asked for more information; however, Mr. Gillenwater and Ms. Zartman are both out of the country at this time. Mr. Hann asked if there were any outstanding concerns noted with the plan. Mr. Howard said that he feels that the concerns that were brought out during the May PCB meeting have been addressed. Mr. Howard said you will be voting to accept the comprehensive plan. Mr. Dawes noted that there seemed to be some confusion on the zoning and each of the three Plan Commission Boards will remain as they are with separate zoning capabilities. Mr. Thrush said that the plan will have to go to the County Commissioners for them to approve or disapprove it as the Comprehensive Plan.
- The County Ordinance draft is very close to the point for Board members to review the document.
- Reviewed the point system information for construction of residential or business structures in Ag 1 and Ag 2 land.

Complaints review:

- All permit fees collected in the county jurisdiction go into a fund called the unsafe premise fund, in the past and again this year we have used money from this fund to place dumpsters at Sandy Beach to help with clean-up of the area. There are people who live in the area that monitor the dumpsters and will let us know when they are full. I would like to do the same thing for the Town of Liberty Mills. I would reach out to the church in the town to ask if they would have people who would help to monitor the dumpsters. The request is open for discussion and I would like to have a motion to move ahead with this. Mr. Vogel made the motion to approve the use of the unsafe premise funds to pay for dumpsters to help with clean-up in the Town of Liberty Mills, seconded by Mr. Dawes, motion carried.
- Matthew Miller, Sandy Beach Estates, was before the judge last Friday, May 27<sup>th</sup>. Mr. Thrush noted that Mr. Miller was saying that he was confused as to what had to be cleaned up. Mr. Howard is to meet with Mr. Miller to go over what all needs to be cleaned up on the property. Mr. Miller is to appear in court again on July 1<sup>st</sup>.

Mr. Rosen asked if there was any other business to be discussed, there being none he asked for a motion to adjourn. Mr. Hann made the motion to adjourn, seconded by Mr. Milam. Meeting adjourned at 8:07 pm.

*Libby Cook*  
*Secretary, Wabash County Plan Commission Board*  
*mth*