

WABASH COUNTY PLAN COMMISSION

Wabash County Court House

One West Hill Street

Wabash, IN 46992

Telephone 260-563-0661 EXT 1252, 1267

Fax 260-563-5895

[*plandirector@wabashcounty.IN.gov*](mailto:plandirector@wabashcounty.IN.gov)

Wabash County Board of Zoning Appeals

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BZA MEETING MINUTES **MONDAY, DECEMBER 12, 2022**

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

PRESENT: Mark Milam, Joe Vogel, Dan Dale, Mike Howard, Plan Director; Brian Campbell, Plan Director (training); Larry Thrush, Board Attorney; Amanda Lyons, Board Secretary;

others present include: Dave Terflinger, Marthene Burnau

ABSENT: Jerry Younce

The Wabash County Board of Zoning Appeals met on Tuesday, December 12, 2022, in the Commissioners Meeting Room of the Wabash County Courthouse. 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 November 22, 2022 meeting, there being none he asked for a motion to approve the minutes as written. Motion to approve by Mr. Milam, second by Mr. Dale, motion carried unanimously 4 – 0.

Mr. Vogel: The first item on the agenda is Variance #11 for Mr. Dave Terflinger. Mr. Terflinger is requesting a variance from setback requirements for an accessory structure in a R2 zone at 60 W. Lakeside Drive, North Manchester in Pleasant Township, located in Sandy Beach Estates. Proposed structure is to be a 32' x 42' pole building. Mr. Terflinger presented the board with pictures of the property where he would like to build. He is asking to be 3' from adjoining property line to allow 26' from the house for fire protection and natural water flow. He intends to use the new building to store old cars. He plans for the new building to measure 32' x 32', with a 10' roof extension on the rear (lakeside) to create a pavilion type area. The project also includes a 12' addition to the existing house, closing garage doors at front, and placing garage doors on side. Mr. Vogel asked Mr. Terflinger where doors would be on the new building, Mr. Terflinger indicated they would be facing the street. Mr. Vogel asked about the fence along the property line, wondering if it would be taken down. Mr. Terflinger stated, no the fence would not be removed, that it is in relatively poor condition, and that the fence belongs to the Sandy Beach Association, even though a survey shows a portion of it does run on his property. Mr. Terflinger shared with the board that he is trying to be cautious not to obscure the view from the public area. A shed at the rear of the property will be removed and on side of the house a 6x12 section will be taken off to maintain access. He indicated measurements have been taken from the center of the road. Mr. Terflinger shared renderings of the project with the board. Mr. Dale asked if the gable faces the park area and if there were any concerns with the grade. Mr. Terflinger responded yes; the gable would face the park area. He plans to tile to run water from gutters to the lake. By staying towards the road, he will be able to avoid needing too much fill. Mr. Vogel asked for any questions or concerns from those in attendance. Mrs. Marthene Burnau, a neighbor of Mr.

Terflinger, shared with the board that she was disappointed Mr. Terflinger was asking for 3' setback because the Sandy Beach Estates Covenants call for 4' setback from adjoining property line. Mr. Thrush reminded Mrs. Burnau that the Plan Commission Board is not responsible for enforcing the covenants. Mr. Milam asked if the 26' separation for fire protection was specified somewhere. Mr. Terflinger shared that it was not a specification, but rather a distance he felt comfortable with due to the intended use of the new structure and that space also allows for maintaining the natural water flow. Ms. Godfroy asked Mr. Terflinger why he wanted to request 3' rather than 4' to meet the covenants. Mr. Terflinger indicated he was unaware of covenants until this evening, a board member provided him a copy of the setback information in the covenants. Ms. Godfroy asked Mr. Terflinger if he pays an association fee each year, he indicated he does not. Mr. Terflinger stated he was aware of two other projects that had been allowed 3' setbacks, one being his daughter's residence and one being Mrs. Burnau's residence. Mr. Vogel asked if the 3' setback request is from the roof / gutter or wall of the structure. Mr. Terflinger indicated 3' from the wall. Ms. Godfroy inquired how much of the fence is on his property, he responded about half. Ms. Godfroy then asked if the 3' setback was measured from the fence or the property line. Mr. Terflinger indicated it had been measured from the fence, but he could go from the property line. He also shared with the board that he plans to sell his current home in North Manchester and make this property his primary residence when the project is completed. Mr. Milam stated he felt a precedent had been established by the previous projects mentioned that 3' would be acceptable. Mr. Dale added further that the plans appeared to be a nice addition to the neighborhood. There being no questions or concerns, a motion to approve the variance on setback requirements was made by Mr. Dale, second by Ms. Godfroy. The board proceeded to complete their findings and roll call vote. Mr. Thrush stated that the variance from setback requirements passed 4-0.

Mr. Campbell and Mr. Howard gave the following updates:

- Solar Project Update: They expect to have a site plan in spring 2023, file for a Special Exception in spring 2023, with the final plan being complete in winter 2023-2024. After the final plan is created, the construction process will take approximately 18-24 months. Mr. Dale shared that they are doing some work at the site currently, appears to be some posts going in.
- Complaints
 - None that currently need to be brought before the board. Mr. Howard is working to close as many as of the on-going complaints as possible before his retirement at the end of the year.

Other business:

Mr. Vogel presented Mr. Howard with a plaque in appreciation for his years of service to the Wabash County Plan Commission. Mr. Howard will be retiring at the end of the year.

There being no further business Mr. Vogel asked for a motion to adjourn. Ms. Godfroy made the motion to adjourn, seconded by Mr. Dale, motion carried. Meeting adjourned at 7:32 pm.

Amanda Lyons

Secretary, Wabash Co. Board of Zoning Appeals

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