

# Wabash County Plan Commission

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## Wabash County Board of Zoning Appeals

Board Members: Dan Dale, Patty Lengel, Mark Milam, Joe Vogel, Jerry Younce

Staff: Larry Thrush, Board Attorney; Brian Campbell, Plan Director; Amanda Lyons, Administrative Assistant

## Meeting Minutes of Tuesday, July 25, 2023

Roll call was taken with the following present:

Board Members: Patty Lengel, Mark Milam, Joe Vogel, Jerry Younce

Staff: Larry Thrush, Board Attorney; Brian Campbell, Plan Director; Amanda Lyons, Administrative Assistant

Absent: Dan Dale

Others present: Barrie Bunnell, Teresa Bunnell, Matt Winger, Jeff Beeler, David Bowman, David Milliner, Tim Milliner, Doug Lehman, Robert Lundquist

The Wabash County Board of Zoning Appeals met on Tuesday, July 25, 2023, 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 June 27, 2023 meeting. There being none, Mr. Vogel asked for a motion to approve minutes as written. Motion by Mr. Younce, second by Ms. Lengel. Board proceeded to roll call vote; motion carried 3-0-1, with Mr. Milam abstaining since he was not present for the June meeting.

Mr. Vogel then asked for representatives from Pierceton Trucking to come forward to present their request for Variance #11, a variance from the front or roadway setback in Pleasant Township. Mr. Campbell informed the board Pierceton Trucking is located at 10322 Troyer Road, Laketon in Pleasant Township. The property is zoned GB (General Business), which has a minimum setback of 95 feet. They are seeking this variance to construct a 26' x 48' hoop barn on concrete forms for salt storage. The storage facility will be 22' high, which is 14' lower than the maximum height allowed in the GB zone. They are asking that the new barn be no closer to the road than the existing traditional pole barn to the west of this proposed barn which is approximately 40' off the center of the road. Mr. Campbell would consider this to be an accessory structure, but the ordinance for structures in a GB does not distinguish between residential or accessory structures in this zone, they all have the same setback requirements. Since the property is totally enclosed by 6' fencing preventing unwarranted entry to the property, the site vision at the intersection to the east of the proposed structure at Troyer Road will not impede in any way the view of any driver pulling out onto 1050 N since the proposed structure will be totally within the confines of the fenced in area, which the fence is approximately 20' off the center of the road or what is presumed to be the "right of way" of County Road 1050 N. Mr. Beeler and Mr. Winger introduced themselves and volunteered to answer questions the board or those in attendance may have. Mr. Winger also shared a little about their growing business and improvements that have been made recently, inviting any interested board members to visit the facility. Mr. Milam asked that in placing the building they consider making sure there is adequate space between the building and the fence for ground maintenance. Mr. Campbell encouraged the board to specify what setback distance they would be approving. Mr. Campbell added that there had been no questions or comments received by the Plan Commission Office regarding the project. There being no further comments, Mr. Milam made the motion to approve Variance #11 with 40' setbacks and clearance between the fence and new barn for maintenance. Second by Mr. Younce. Board proceeded to roll call vote; motion passed unanimously.

Mr. Vogel stated next on the agenda was Variance #12 for David Bowman property located at 2575 E. 200 N. in Lagro Township. Mr. Bowman and Mr. Lehman came forward and introduced themselves. Mr. Campbell shared with the board that Mr. Bowman is asking for a Variance from the Ordinance for more than 1 split of a property within a 5-year period less than 20 acres. A survey was completed by Mr. John Stephens on November 30, 2017 of the property in question. At that time the Bowman's did not complete the procedure to have the property split by recording the deed that was created by Mr. Stephens of the surveyed property in 2017 to make an official new parcel. The Bowman's then split off a 3-acre parcel on 200 North and sold that parcel to Nathan and Randa Wood for a new home site on September 10, 2021. Since that split of the parent parcel was recorded the owners time of 5 years for a new split started at the time of that official recorded split. If the Bowman's would have recorded the split for the requested 8.02 acres they are here for tonight in 2017 then they would have had to request a variance for the split off for the Woods tract prior to them building on that parcel. If the Bowman's had recorded the deed and went thru the official process of creating the deed for the proposed split, they would be well over the required time for another split, had they not sold off another parcel to the Woods in the meantime. The Plan Commission office never received any calls or emails either for or against the proposed action tonight from any adjoining property owners who were sent notification letters. Mr. Lehman then reviewed the parcel with the board on Beacon Schneider. He stated the Bowman's plan to sell their current home on the approximately 8-acre parcel and move to Mrs. Bowman's parents' home, as it is one-story. He added there will be no loss of farm ground with this split, and that the Bowman's have no plans to sell or develop anything else at this site currently. Mr. Campbell advised the board he would urge them to consider restricting any further splits out of the 8-acre parcel, and stated as per the new ordinance there would be a limit of one single family dwelling on the parcel. Mr. Vogel asked if there were any further questions or comments from board members or others in attendance. There being none, he asked for a motion on Variance #12. Mr. Milam made a motion to approve Variance #12 as presented with the restrictions suggested, second by Mr. Younce. The board proceeded to a roll call vote; motion passed unanimously.

Mr. Vogel indicated next on the agenda is Var #13, for Milliner Farms LLC / David Milliner. Mr. Campbell shared with the board that the Milliner property is located at 9518 S 50 E in Liberty Township. Milliner Farms, represented by David Milliner, is requesting to split off a parcel of property from the farm so it can be added to, sold to, or given to the east adjoining property owner Mr. and Mrs. Timothy Milliner. On 7-29-2019 (Nearly 4 years to the date) Milliner Farms split out the 3.13-acre parcel in the NE corner of the parent tract and conveyed it via warranty deed to Mr. and Mrs. Timothy Milliner on August 21, 2019. Milliner Farms is currently requesting the Variance so they can convey the 9.006-acre parcel to Mr. and Mrs. Timothy Milliner for the purposes of fee simple ownership. Most of the property is in a flowage easement per the US Army Corp of Engineers and can never be built upon in its current state and given our current ordinance. Since both parcels are or will be considered compliant pieces of property the requirement that the parcels be joined as one is not the case here, but the owners are certainly welcome to do so, this way the property is brought back to a larger overall parcel. All the required notices were sent to adjoining property owners and we have not received any calls, emails, or letters either for or against the requested action tonight. Mr. Milliner added that his son, Timothy Milliner, is selling his house. The buyers were interested in more property, so this area will be sold to the home buyers. Mr. Milliner and Mr. Campbell reviewed aerial photos of the property with the board. Mr. Campbell stated since there is not a buildable area on the parcel, he does not see a need for further restrictions. Mr. Vogel asked if there was any further questions or comments from board members or others in attendance. There being none, he asked for a motion. Mr. Milam made the motion to approve Variance #12 as it was presented, second by Ms. Lengel. Roll call vote was taken; motion passed unanimously.

Mr. Vogel then asked for a Complaints Update

Mr. Campbell shared with the board:

- 9 Complaints were rolled over from 2022, 38 new complaints have been received in 2023. Total worked year to date is 47, compared to a total of 41 for the year 2022. 15 complaints have been resolved.
- Proceeding with Unsafe Premise Order on Linda Trent property located at 1106 E. 800 S., Lafontaine. Owner did not appear at the Plan Commission Meeting July 6<sup>th</sup>. Paperwork has been forwarded to Mr. Thrush to proceed in court.
- Paperwork for the Myron Dill property, located at 231 E Wall St, Liberty Mills, has been filed. Mr. Thrush advised the Board Mr. Dill is scheduled to appear in court in September
- Zoomer's meeting was held June 29, with Ms. Weaver (Zoomer's owner), Mr. Bishop (Zoomer's engineer), Ms. Slee, Mr. Hauptert, Mr. Dawes, Mr. Thrush, Mr. Campbell, and Ms. Lyons present. At the meeting Zoomer's agreed to submit a drainage plan by July 14<sup>th</sup>. Mr. Thrush drew up an agreement for all parties to sign. It is noted, as of tonight's meeting, the owners have not signed, and as per Mr. Thrush he has not been paid for his services either.
- The Curt Arnett property located at 23 W. Branson St., Lafontaine has had no improvements. Mr. Arnett received a letter about the Unsafe Premise Order being issued, and requesting his presence at the Plan Commission Board meeting on Thursday, August 3. Mr. Arnett stopped by the Plan Commission office and was told he needed to bring a plan before the Plan Commission Board at the August 3<sup>rd</sup> meeting.
- The property that burnt at 1230 W. Main Street in Lagro has been cleaned up by the Bank of New York Mellon, as they are the deeded owner. This case has been closed.
- Coco Jo's Campground will be attending the August Plan Commission Board Meeting. On July 21 Mr. Campbell, Mr. Schultz with the County Assessment Team, and Mr. & Mrs. Weaver met regarding an addition to the campground that did not have proper plans submitted for approval.
- A complaint has been fielded today regarding vision at the intersection of 700 W and 800 N. It was noted that at least two have driven through the intersection because signage cannot be seen due to crops. Mr. Campbell is sending a letter to the deeded owners asking them to clear to be in compliance with the ordinance.

Mr. Vogel asked if there was any other business to be brought before the Board.

- Mr. Campbell shared he had submitted the Plan Commission budget to the Auditor's Office on Friday, July 21<sup>st</sup>.

Mr. Vogel asked if there was any other business from Board Members or the public. There being no further business, Mr. Vogel asked for a motion to adjourn. Motion made by Mr. Younce, second by Ms. Lengel. Motion passed 4-0. Meeting adjourned at 7:50 p.m.

*Amanda Lyons*

*Secretary, Wabash Co. Board of Zoning Appeals*

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