

# Wabash County Plan Commission

Wabash County Courthouse • One West Hill Street, Suite 205 Wabash, IN 46992

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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, November 28, 2023

Roll call was taken with the following present:

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

Absent: None

Others present: Valorie Clouse, Stephen Clouse, Tom Mills, Suzanne Peebles

The Wabash County Board of Zoning Appeals met on Tuesday, November 28, 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 October 24, 2023 meeting. There being none, Mr. Vogel asked for a motion to approve minutes as written. Motion by Mr. Younce, second by Mr. Milam. Board proceeded to roll call vote; motion carried 4-0-1, with Mr. Dale abstaining since he was not present for that meeting.

Mr. Vogel stated next on the agenda would be Special Exception #11, Community Capital Partners / Tom Mills, for construction of a pond at 7255 E. 250 N. Lot 3 in Lagro Twp. Mr. Campbell shared with the board that the project had received a favorable recommendation from the drainage board on October 16<sup>th</sup> and the Plan Commission on November 2<sup>nd</sup>. The drainage board did have a question about the outlet, but more detailed information was provided by Mr. Mills and his contractor, Tadd Eads. The pond is to be located 130' from the center of the road. Mr. Campbell noted the ordinance requires a barrier for a pond if within 150' of the center of the road; however, the elevation on this property creates a natural barrier. Ms. Lengel asked what the surface area of water would be; Mr. Campbell stated approximately one acre. Mr. Mills shared with the board that Tadd Eads would be the contractor for the project and he had been in to discuss the technical issues with Mr. Campbell. Mr. Mills continued to explain that the property has a 600' shared driveway and he intends to build a new home facing the pond eventually. Mr. Vogel asked if the other property owners sharing the drive also have homes on their parcels and if there was a safety concern with the location of the pond to the driveway. Mr. Campbell stated one does have a home on it, and one does not currently have a home on it. Mr. Campbell stated he had asked about the need for a barrier along the driveway in the Plan Commission meeting. At that time the Plan Commission felt it was the property owner's personal property and should be his personal decision. Mr. Mills stated he is trying to use the contours on the property. Mr. Thrush advised the board they could always impose conditions requiring a barrier. Mr. Milam asked if the shared drive was a recorded easement with a maintenance agreement. Mr. Mills stated yes, it is currently being updated because the original was for 100' but the new will be for 600'. Mr. Campbell added that the easement is 50' wide and the pond will be approximately 20' from the easement. Mr. Vogel asked if there were additional questions or concerns from board members or others in attendance. There being none, he asked for a motion. Mr. Milam made the motion to approve Special Exception #11 for construction of a pond as presented; second by Mr. Younce. Roll call vote was taken; motion passed unanimously. Next Mr. Campbell presented information regarding a variance of 80' from the property line setbacks for the proposed pond. Mr. Vogel asked if there were any questions or concerns regarding the variance. There being none, he

asked for a motion. Motion to approve the variance made by Mr. Dale; second by Mr. Younce. Roll call vote was taken; motion passed unanimously.

Mr. Vogel stated Special Exception #12, Adam Knowles, for the manufacturing and assembly of firearms in a zone not specifically authorized as a permitted use, in Noble Township would be next. Mr. Campbell indicated Mr. Knowles had contacted the Plan Commission Office requesting an extension due to a medical emergency. Ms. Lengel made a motion to continue Special Exception #12 to the December 27<sup>th</sup> meeting; second by Mr. Younce. Roll call vote was taken; motion passed unanimously. Mr. Campbell stated he will inform Mr. Knowles of the next meeting date.

Mr. Vogel then asked for a Complaints Update

Mr. Campbell shared with the board:

- 9 Complaints were rolled over from 2022, 63 new complaints have been received in 2023. Total worked year to date is 72. 33 complaints have been resolved.
- Update on the Unsafe Premise Order issued on the Curt Arnett property located at 23 W. Branson St., LaFontaine in Liberty Twp – the camper van is still located on the property, Mr. Campbell will contact the Town Marshal to have it tagged for removal.
- The Leo and Rosalie Elshire property (located at 10643 S. 550 W., Amboy in Waltz Township) that has been split contradictory to the deed restrictions previously placed by the Board – Mr. Campbell met with the Elshire's. The board had previously stated they would like the property put back together. The Elshire's state they do not intend to put the two parcels together. Mr. Campbell stated that further research has found that the current mobile home is not the mobile home that was approved. The original mobile home was replaced without board approval. The Elshire's stated they had a new septic installed in 2022 and had the property surveyed for the split in 2022 also; however, the deed was not recorded until 2023. Mr. Thrush advised the board they could ask the court to mandate they put the parcels back together. Mr. Milam asked how many acres were in the original property. Mr. Campbell explained it started as a 2.85-acre parcel and was then split into a 1.845-acre parcel and a 1.0-acre parcel. Ms. Lengel asked if they share a well; Mr. Campbell responded yes. Mr. Vogel inquired if their son still resides in the mobile home; Mr. Campbell responded yes. Mr. Thrush stated he could write a letter to the Elshire's and if no satisfactory resolution, then the matter could go to court. Mr. Dale asked if the trailer was intended for the son to have a home when the parents were gone. Mr. Campbell explained yes, that was the intention; however, the son has indicated he would like to have Leo and Rosalie's home; unsure what happens with the trailer at that point.

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. Dale, second by Mr. Younce. Motion passed 5-0. Meeting adjourned at 7:31 p.m.

*Amanda Lyons*

*Secretary, Wabash Co. Board of Zoning Appeals*

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