

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)

BZA MEETING MINUTES

January 28, 2020

Wabash County Board of Zoning Appeals

Wabash County Court House

Wabash IN 46992

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

Present: Dan Dale, Mark Milam, Joe Vogel, Jerry Younce, Larry Thrush, Mike Howard, Libby Cook, Barrie & Teresa Bunnell, Jerry Warnock, Miriam (Heeter), Lois Haupert, Alex Vandiepenbos, Anita Ketchem, Charles Cunningham

Board Chairman, Joe Vogel called the January 28, 2020 meeting of the Wabash County Board of Zoning Appeals to order at 7:00 pm. The first item on the agenda is the election of officers for 2020. Mr. Vogel opened the floor for nominations. Mark Milam nominated Mr. Vogel for Board Chairman, this was seconded by Dan Dale, and Mr. Milam made the motion to close the nominations, seconded by Mr. Dale. Mr. Vogel will serve as Chairman. Jerry Younce nominated Mr. Milam for Vice Chairman, this was seconded by Mr. Dale, and Mr. Younce motioned to close the nominations. Mr. Milam will serve as Vice Chairman. Mr. Dale nominated Libby Cook for Secretary, this was seconded by Mr. Younce, and Mr. Milam motioned to close the nominations, seconded by Mr. Younce. Mrs. Cook will serve as the Secretary.

The next item on the agenda was the review of the minutes of the December 10, 2019 meeting. Mr. Milam made the motion to approve the minutes as written, this was seconded by Mr. Younce, the motion carried and the minutes will stand approved as written.

Mr. Vogel: The next item on the agenda is Special Exception #1, Charles Cunningham, seeking to place a mobile home on property at Sandy Beach in Pleasant Township.

Mr. Howard: Mr. Cunningham currently resides at 3757 N 900 W, Cromwell, IN. Mr. Cunningham currently owns one property at Sandy Beach, it is located at 22 W. Lakeside Dr., there is a residential structure there. He wants to purchase another property at Sandy Beach, lots #368 & 369 which are addressed as 4 N. Robin Rd. What he would like to do is place a mobile home on the property at 4 N. Robin Road and reside in it while he demos the house at 22 W. Lakeside and builds a new home. Afterward he had talked about a couple of options with the mobile home either renting it or selling it, at the Plan Commission meeting and prior to that I told him that the Board would probably not approve using it as a rental that it would be best to

sell it after he is done with it. The mobile home could either stay there or be relocated, but either way the purchaser would have to apply for a Special Exception. Mr. Howard shared photos of the mobile home with Board members. Those lots were created many years ago and the size of the mobile homes have increased significantly. The mobile home is 66 x 14 for 924 square feet of living space and has a gable style roof both of which meet the county requirements. Mr. Cunningham will need a variance from the property line setbacks. The alley to the back of the lot is a 10 foot wide alley, per our ordinance you are permitted to use one half of the width of a rear alley as part of your setback. He would still require a variance for the setback as he would be down to about 15 feet. The recommended setback from the street is 35 feet, he would be closer than the recommended 25 feet from the rear property line, he would be down to about 15 feet. I told him that if the Board would so choose they could possibly allow him to come 5 feet closer to the road, but I wouldn't recommend less than 30 feet from the center of the road. Mr. Vogel asked if the alley at the back of the property is an unimproved alley, Mr. Howard said that it is, it is basically a utility easement alley. This property is on a corner lot.

Mr. Cunningham stated that there are two cement slabs on the property, 1 for an old mobile home, which he would enlarge to make it the same size as the new mobile home and one from a garage that has been taken down and he would like to rebuild.

Mr. Dale asked if the alley is used for traffic at all, Mr. Cunningham replied no.

Mr. Vogel asked if there were any questions from the audience. Jerry Warnock stated that he lives at Sandy Beach and he is opposed to the placement of any mobile homes, definitely to renting one. There have been too many that have just been left and are in run down condition. Mr. Howard explained that this Special Exception just applies to Mr. Cunningham, his intent is to live in the mobile home while he rebuilds the house at 22 W. Lakeside. After his home is built he cannot rent the mobile home, we have told him that. He could sell it when he is done with the house, the new owner would have to apply for a Special Exception to keep it on the property or to relocate it anywhere else in Wabash County. Mr. Warnock said that he is just against any more mobile homes up there, there are several there now that are sitting empty there are two (mobile homes) down the road from his home that are sitting empty, people just move out and leave them and then they fall down. He has nothing against the individual, just the trailers he feels that they have enough up there now and that trailers devalue the houses up there.

Mr. Vogel asked if there were any other questions or comments, he told Mr. Warnock that he appreciates his comments, that is what this Board is working towards, this is a little different situation where he will be tearing down a house. Mr. Cunningham said yes, he would take down a house that was built in the 1950's that has been in his family for about 60 years. Mr. Cunningham shared photos of the mobile home before he did some work on it. He stated that he is getting close to retirement and wants a nice house on the lake and decided this would be the best option to get it done. It is roughly 45 miles from the property at the lake to my workplace, I am at the point now that I need to do something.

Mr. Milam asked if there is a time frame for the tear down. Mr. Cunningham stated that he probably won't start tear down for about 3 years, he wants to get the mobile home on the property and then build the garage ,then start tear down on the house and that will probably take about 3 years, then another 3 years to build the house, he will be doing most of the work himself. Mr. Cunningham is hoping to be living in the mobile home by the end of April 2020, definitely May to be living there. The utilities have to be connected, a septic tank that has to be filled in and some trees that I want to cut down. I am afraid they are going to blow down on my property

or someone else's. Mr. Milam asked if Mr. Cunningham owns the lot, he stated that he does not yet, the stipulation is dependent on whether the Special Exception is approved or not. His understanding is that the lots have been vacant for about 7 years.

Mr. Vogel asked if there were any further questions or comments, there being none the Board proceeded to vote. Mr. Howard informed the Board that the first vote would be on the variance from the setback requirements. Mr. Thrush tallied the votes, the variance request was approved.

Mr. Howard went over the conditions that will apply to the S.E.
No unlicensed vehicles parked outside,
Mobile home is not to become a rental,
If property is sold mobile home must be removed before selling,
Mobile home shall be removed from premise when use ceases to exist,
S.E. applies for a 6 year period for the mobile home.
Mr. Cunningham and board members agreed to these conditions.

Mr. Vogel stated that he feels this is a little different scenario as he is just going to live in the trailer while he is working on his house, then then trailer will be gone. Mr. Milam stated that he would like to see proper upkeep on the trailer (paint, skirting) listed in the requirements for the Special Exception, Mr. Howard said that could be included. The Board then proceeded to vote on the Special Exception request to have the mobile home on the property. Mr. Dale asked if Mr. Cunningham owns the property, he replied that he is waiting to purchase the property until he knows he has the approval to place the mobile home on it. Mr. Warnock stated that he just wants to maintain the property values of the surrounding homes, he then asked about the timeline, could it extend into 20 years. Mr. Howard explained that it would be for 6 years, he would take 3 years to start tear down of the existing home and 3 years to rebuild it. Mr. Howard told Mr. Warnock that he appreciated his comments, the county has worked very hard in that area to help with clean-up. Board members proceeded to vote, Mr. Thrush tallied the votes, SE #1 was approved.

Mr. Vogel: Next on the agenda is Variance #1, Alex Vandiepenbos is seeking a variance from the property line setback for an accessory structure in Lagro Corp R3 zone. Mr. Howard reviewed the property information, the Vandiepenbos live at 720 Main St., Lagro lot 77 in the original plat of Lagro. In April 2017 they did get a permit for a utility shed and a carport, the carport is listed as being 20 x 31, I did measure it and it is very close to that. At that time they were not aware of the setback requirements, the setback in an R3 zone for an accessory structure is 6 feet from side lot lines so they are here tonight to ask for a variance from the setback for the carport from the property line. They placed the carport on an existing concrete slab from a previous grandfathered structure. After reviewing two surveys, the latest being recorded in 2007 it appears that the building is within the Vandiepenbos property lines, 8/10 of one foot at the rear of the property line and 6/10 of one foot at the front of the building from the property line. Mr. Vogel asked if Lois Hauptert is the property owner to the east of the Vandiepenbos property, Mr. Howard said that she is. Board members discussed the areas of properties in the area marked as Railroad Right of Way, would the building be sitting in the right of way? Mr. Howard said that part of it appears to be, but feels that is not a problem, several structures in the area are located in the railroad right of way. Mr. Vogel asked Ms. Hauptert if she had any questions or comments, she replied that she is going to have an updated survey done of her property. Mr. Vogel then asked if she had an issue with it, she replied no, I will just have a new survey done. Mr. Howard stated that there are 2 recorded surveys, the latest one being from 2007 both showing the same

lines. If the Board is not comfortable with this tonight we can wait until Ms. Hauptert can provide us with a new survey and vote on this request next month or you can go ahead and vote on it now. Mrs. Vandiepenbos asked if they would have to re-apply for the variance, Mr. Howard told him no, that it would just be a continuation of the original request. Mr. Vogel asked Ms. Hauptert if it is her intention to have a survey done, she replied yes. He then stated that his opinion is that if she is going to have the property surveyed that the Board should continue the matter until the next meeting. Ms. Hauptert said that she would like to use Bunnell Surveying; Mr. Bunnell was present at the meeting for another matter but stated that he thought a survey could be completed by the February 25 meeting, but noted that no contract or agreement has been completed at this time for us to do the work. Mr. Younce made the motion to continue the request to the February 25, 2020 meeting, this was seconded by Mr. Milam, the motion carried. Variance #1 will be continued and heard at the February 25th meeting at which time Ms. Hauptert is to provide the board with the new survey.

Mr. Vogel: The next item on the agenda is Variance #2, Anita Ketchem, seeking a variance to make more than 1 sale of less than 20 acres in 5 years. Mr. Howard stated that in 2017 the Board approved several splits of the Meredith Speicher L/E property. Mr. Speicher has since passed away and Ms. Ketchem has become the deeded owner of the 7.503 acres that we are discussing tonight, she is asking to split the parcel into two parcels. Mr. Howard reviewed with Board members the splits that were previously approved and what the plans were for those parcels. Mr. Howard told the Board that there is floodplain area in the 7.503 acre parcel, however there would still be room to build and stay out of the floodplain, he also noted 2 large drain tiles that come through from the north. Mr. Bunnell is working with Ms. Ketchem; he stated that might be a good location to split the tracts. Mr. Vogel asked if there were any further questions or comments, he also stated that he felt the Board could let Mr. Bunnell determine where the best location for the split of the property would be. Mr. Vogel also recommended that requirements for the variance would include no mobile homes on the parcels, and only single family dwellings.

Mr. Howard went over the conditions,
No further splits of the 2 new parcels,
Maximum of 1 single family dwelling per parcel,
Minimum of 1400 square feet above ground living space
\$/12 or greater roof pitch,
No unlicensed vehicles parked outside
Right to Farm Notice,
Do not obstruct tile drains coming from the north to Ross Run creek.

Mr. Dale asked if this would cause any problems for the CFO to the north, Mr. Howard said it would not, these parcel are beyond the 1320 foot setback. There being no further discussion the Board proceeded to vote. Mr. Thrush tallied the votes, Variance #2 was approved. Mr. Howard gave Ms. Ketchem a copy of the list of conditions that apply to the variance along with a copy of "The Right to Farm" law so that anyone who purchases the ground is aware of the agricultural area surrounding the property.

Mr. Vogel: The next item on the agenda is the 2019 Year End Report. Mr. Howard went over the report: in 2019 there were a total of 201 permits issued, 172 of these were building permits (23 permits issued were for new homes), 16 were Variances, and 13 were Special Exceptions. He also went over permit numbers from 1990 through 2019 and permits issued by category and township. The report concluded with the 2019 complaint review: total complaints worked on in

2019 were 60, 52 of these were new complaints in 2019, 8 were moved forward from 2018. 6 complaints were moved forward to 2020 (3 of these are unsafe premise orders), leaving a total of 54 complaints resolved in 2019.

Items Mr. Howard wanted Board members to be aware of:

- Reminded Board members of the changes that were made to the CFO ordinance in 2019. There is the potential of Special Exception/Variance requests from existing facilities who may be interested in growing their business.
- A gentleman in the town of Laketon is inquiring about putting a trailer (10/12' x 40') on his property to operate his apparel manufacturing process from. No application process has been started yet. He does only on-line sales so customers would not be coming to the property. Some things to consider: this could fall under Home Occupation, however the process would take place in the trailer, not in the home; delivery trucks for shipments; he currently purchases water for use in the process and said the trailer would not have restroom facilities in it. Mr. Dale asked if there would be other employees, Mr. Howard said that at this time it would just be the one person with the possibility of adding family members if the business grows. Board members noted that several exceptions to the county zoning ordinance would be required to approve the request and the board is not in favor of granting numerous exceptions.
- Mr. Howard invited BZA members to attend the February 6, 2020 Plan Commission Board meeting. Mr. Keith Gillenwater, President & CEO of Grow Wabash County will give a presentation on the recent study regarding population decline in Wabash County. Two staff members of ISDA will also be on hand to talk about Ag Based Strategy for Indiana.

Mr. Vogel asked if there was any other business, there being none Mr. Dale made the motion to adjourn, this was seconded by Mr. Younce. The meeting adjourned at 8:30 pm.

Libby Cook
Secretary, Wabash Co. Board of Zoning Appeals
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