

WABASH COUNTY PLAN COMMISSION

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Wabash County Board of Zoning Appeals

Wabash County Court House

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BZA MEETING MINUTES

MARCH 23, 2021

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

Present: Joe Vogel, Mark Milam, Jerry Younce, Patty Godfroy, Dan Dale, Mike Howard, Larry Thrush, Libby Cook, Josh Barton, Brady Rockwell, David Terflinger, Regina Wright, Sam Lento, Dan Eads, Andy Flinn.

The Wabash County Board of Zoning Appeals met at 7:00 pm on Tuesday, March 23, 2020 at 7:00 pm, Board Chairman Joe Vogel called the meeting to order. The minutes of the December 2020 meeting were reviewed. Dan Dale made the motion to approve the minutes as written, this was seconded Jerry Younce. The minutes will stand approved as written.

Mr. Vogel: The next item on the agenda is the election of officers for 2021.

For Board Chairman: Mark Milam nominated Joe Vogel, this was seconded by Patty Godfroy. Dan Dale motioned to close the nominations, seconded by Jerry Younce. The board voted unanimously for Mr. Vogel to be serve as Chairman.

Board Co-Chairman: Jerry Younce nominated Mark Milam, this was seconded by Patty Godfroy, Dan Dale motioned to close the nominations, seconded by Patty Godfroy. The Board voted unanimously for Mr. Milam to serve as Co-Chairman.

Board Secretary: Mark Milam nominated Libby Cook this was seconded by Dan Dale. Patty Godfroy motioned to close the nominations, this was seconded by Jerry Younce. The Board voted unanimously for Mrs. Cook to serve as Secretary.

Mr. Vogel: The next item on the agenda is Andrew Flinn, SE #2, requesting to operate a business in an ag zone area at 13174 N 325 E N. Manchester.

Mr. Howard: This was reviewed by the Plan Commission Board at the March 4, 2021 meeting and received a favorable recommendation to go before the BZA.

Mr. Flinn: I started the business about 2 months ago, fire extinguishers, fire suppression, commercial range hood cleaning for restaurants, and I am currently running it out of my house in Silver Lake. I own this property in Wabash County, in N. Manchester, it has some out buildings on it that are perfect for an office setting and warehouse building if I need it. I am currently running the business out of a tandem axel trailer, everything is on there, I do have some inventory there are different types and classes of extinguishers. There is a 2 -car garage on the property that I would be using to run the business out of. Mr. Howard asked if Mr. Flinn would be running the business out of there, but you would not have clients coming there, you would be going out to them, is that correct? Mr. Flinn said exactly. Mr. Howard noted on the maps provided how close one of the buildings would be to the property line, I would recommend a variance from the property line setback requirements, for the building that is already there, that way Mr. Flinn and the county are both covered. Ms. Godfroy asked if Mr. Flinn will sell and recharge fire extinguishers, he replied yes.

Mr. Vogel asked if there were any other questions, there being none the Board proceeded to vote on the variance for the property line setback, Mr. Thrush tallied the votes, the variance for the setback was approved. The board then voted on the Special Exception to allow a business in an ag zone area, Mr. Thrush tallied the votes, the request was approved.

Mr. Vogel: the next item on the agenda is SE #3, Dan Eads for construction of a pond in Lagro Twp.

Mr. Howard: The Special Exception received a favorable recommendation from the Plan Commission Board at the March 4th meeting. Mr. Eads resides at 3454 N 600 E; Troy Eads Excavating will be the contractor. He is asking for a variance from the property line setback to the north, the pond would be approximately 50 feet from the property line instead of the normal setback of 100 feet, no variance required from the road setback. No floodplain or flowage easement involved; the approximate water surface area will be ½ acre; the dam length will be 350 feet the base width will be 50 feet, the top width will be 20 feet; overflow will be a 6” PVC outlet going west to the wooded lot; maximum pond depth would be 12 – 15 feet; there will be an emergency overflow and that would be to the wooded area back to the west; approximate watershed into the pond is ½ acre; there is no geothermal feed; the closest certified or non-certified drains are the Lagro Creek which is 3,400 feet west and the Peter Schenkel non-certified tile is approximately 330 feet northeast of that property. Mr. Vogel asked if there were any questions, there being none the Board proceeded to vote on the variance for the setback, Mr. Thrush tallied the votes, the request was approved. The Board then voted on the SE request, Mr. Thrush tallied the votes, the request was approved.

Mr. Vogel: the next item on the agenda is Eel River Generator, Variance #1, for a variance from the setback requirements from a secondary county road for an accessory structure.

Mr. Howard: Brady Rockwell is here representing Eel River Generator. Mr. Howard shared photos of the property with the Board. They were looking at adding on to the existing structure,

however they have found the foundation and footers were in pretty bad shape so they decided to replace everything there. The field to the east is tillable ground and is theirs. What they want to do is cut the area with the buildings out and sell the tillable ground. They want to do some demolition work to the building that is there and add on to it. It is roughly 40 feet from the center of the road and that is a secondary county road, that normal setback would be 65 feet and they are asking to be no closer than the current structure so they can use the existing site area for the new building. Brady said they could even go to the north another 5 – 10 feet and that 40-50 feet without being into the drive very much. As far as the length goes, we could pretty much stay in that footprint. We would pretty much stay in that footprint. The mobile home you see in the photo will be leaving within the next month. Brady said his dad has had the property surveyed, and what you see as field in the photos will be sold to the farmer.

Mr. Vogel said that he is familiar with the location and where the building sits now doesn't have any effect on the visibility of the road.

Mr. Milam asked, what you are asking for right now is an expansion of this building only the footprint would go north. Brady R. said, the south wall could be farther from the road and we could move the north lines.

Mr. Dale asked if the new building will be roughly the same size. Brady R., said it will be about the same and won't be any taller. Mr. Vogel said that he would like to see the owners keep enough of the area around the building to be able to keep it cleaned and mowed.

Mr. Vogel asked if there were any further questions, there being none the Board proceeded to vote. Mr. Thrush tallied the votes, the request for the variance was approved.

Mr. Vogel: the next item on the agenda is Variance #2, David Terflinger requesting a variance from the setback requirements for a residential dwelling in an R2 zone in Chester Twp., Sandy Beach.

Mr. Howard: Gave Board members aerial photos of the property and drawings provided by Mr. Terflinger. Mr. Terflinger said the setbacks are the same, we were looking at putting in a modular home, we looked at a lot of plans and couldn't make them work on the property. We have hired a builder. Basically, what we are proposing to do is remove the existing home, set the new home on the same footprint, it will just be 4 feet longer going towards the lake and adding a proposed garage. The original plan had us 3 feet from the property line and on either side of the house and it would be blocking the access to the lake, the garage has a door at the front and back so you can drive through from the back yard to the front yard. The lot is 50 feet wide. The property has been surveyed by John Stevens. The plan right now is to keep the existing foundation and use it for part of the house, we just won't know until we get into demolition. The latest plan works better, it gives us 5 feet between the garage and the property line and you could get a lawn mower through there. Mr. Howard said the regulation setback from the road is 35 feet from the center of the street, we have talked about a few different lengths so I put it in the application. Mr. Terflinger said they would not be any closer to the road than the neighbor next door, they already have a variance, I think we want to stay a little closer to the house. I think 14 feet in front of the house is where the garage will be. Mr. Vogel asked if the property is a lake front lot, Mr. Terflinger said yes, the lot is 50 x 145.

Mr. Howard: just as a reminder to the Board, the house to the east already has a variance from the property line setbacks, it belongs to Gary & Marthene Burnau. Due to all of the restrictions that have been in place this year they have not been able to start.

Mr. Dale asked about the sewer lines, Mr. Terflinger said that it won't be any problem, it comes out of the house on the east side.

Mr. Terflinger said that the current home was built in the 1940's, we have no choice but to replace it as there are some structural issues.

Mr. Vogel asked if there were any questions, there being none the Board proceeded to vote. Mr. Howard explained that this will be done in two parts, the first variance is for the side property line setback for the residential structure. Mr. Thrush tallied the votes, the variance was approved. The Board voted on the variance from the road setback, Mr. Thrush tallied the votes, the variance was approved.

Mr. Vogel: The next item on the agenda is LRW Enterprises, Regina White, seeking a variance from the required minimum ground floor square footage for a one-story single-family dwelling in an ag district located at 5394 S. St. Rd. 15 formerly Prosser's Mobile Home Park. Ms. White said that they did keep the name "Prosser's Mobile Home Park".

Mr. Howard: Regina contacted our office about an inquiry from a resident asking her if they would be able to put a tiny home in the mobile home park and use it for their residential dwelling. We first talked about instead of doing this just for one individual why not do it for the entire park. This would allow the park some leeway on that. To do this we should come up with some requirements or conditions because I don't want to create an ordinance for this. these would be conditions that would be applied to this variance application. Mr. Howard shared aerial photos of the mobile home park with Board members. I researched defining a "tiny home". A tiny home that you put on a foundation or cement slab requires Indiana building code "Q Code" and it has to meet certain regulations and requirements, an example would be in the kitchen area there is a set minimum ceiling height. These units, because they are on a trailer and are mobile, don't qualify as tiny home structures so therefore building code is pretty much thrown out. 99% of them are registered through the BMV with a license plate instead of having a title like a mobile home would have. So from that standpoint we are looking at these strictly as units that were built on trailers. I have provided you some pictures of tiny homes for examples. I previously sent a copy of these conditions to Regina and she looked through them, she felt comfortable with them and thought they were fair and reasonable. I have gone through the list again and made some changes, she has had an opportunity to go through it but I would like to go through it with the Board and see if there is anything you feel is not reasonable and needs to be changed or that we need to add. In order for us to avoid making an ordinance, I felt like this first paragraph applies "The application of Variance #3 applies only to the tiny homes located in the LRW Enterprise LLC Community Park located at 5394 S St. Rd. 15, Wabash IN. The variance from the required minimum ground floor living space does not apply to any other type of residential structure that may be located in this park." Mr. Howard asked Ms. White if that sounded agreeable to her, she replied that it did. Attached is an official list of the requirements. Mr. Howard reviewed the list of requirements with

Ms. White and the Board members. Ms. White said she had no objections, she thought they were very fair.

Mr. Milam asked how many people could sleep in a tiny home. Ms. White said that the one the gentleman is sending her information on the main area when you walk in is the living and kitchen area, there is a lofted area for a bedroom and across from the kitchen is a couch that you can pull out for sleeping. That is why they tell you they can sleep 5 people.

Ms. Godfroy asked if she could purchase one and place it on her property if it is plated. Mr. Howard said no that it would not meet the minimum square footage of living space required. At the PCB meeting we discussed this and decided we wanted to give this a trial but we just did not want tiny homes scattered all over the county at this time. This is why we are trying this in this location to see how it works and how much interest there is.

Ms. Godfroy asked Ms. White how many lots there are at the mobile home park. Ms. White stated that currently there are 54, when they purchased it in July 27 were not occupied, currently we have 22 or 23 that are empty.

Mr. Vogel asked if there would be the option that if the resident kept the lot rent paid could they take the tiny home and go south for the winter and then bring it back. He questioned if people would do that. Ms. White said that she imagined that they would. She said that they would not be opposed to that. We are not trying to collect rent if you are not living there, but our goal is to have it be more of a home than something that they transport. I have talked with the gentleman that is asking about this and expressed to him that we would expect it to be skirted and look more like a home.

Mr. Vogel asked how these are strapped down. Ms. White said they wouldn't leave it setting on the tires, we have cement pads and they would use blocks to do the leveling, leaving it on the tires would just ruin the tires over time. Mr. Vogel asked if the pads have tie downs, Ms. White said that they do have chains anchored into the concrete.

Mr. Vogel asked about the difference in the size of a mobile home compared to a tiny home. Mr. Howard said that today a mobile home would be over 800 square feet. Ms. White said that they have some mobile homes that are 1,100 -1,200 square feet. Mr. Vogel asked if they would be allowed to add a deck, Ms. White said that they would.

Mr. Howard shared a copy of the Prosser's Mobile Home Park requirements with the Board members.

Ms. Godfroy asked who is the manager of the property now. Ms. White said that it is her, her brother, her sister and their adult children, whoever can make it down to Wabash, it is a very good park. We also can call on the Prosser's for help.

Mr. Vogel asked if there is a life expectancy on this type of tiny homes, Ms. White said she wasn't sure but would look at that. Mr. Howard said in his reading that if they are maintained properly they can last for up to 50 years but in general 30 years is expected to be more realistic.

Mr. Vogel asked if there were any further question, there being none the Board proceeded to vote. Mr. Thrush tallied the votes, Variance #1 was approved.

Mr. Howard asked if Ms. White had a numbering system in place for the lots at the mobile home park, she replied that they do have and she will e-mail a copy to Mr. Howard.

Mr. Vogel the next item on the agenda is Auto Recyclers, Kelly Kerlin. Mr. Howard we met with Mr. Kerlin at the Plan Commission Board meeting on March 4th. We reviewed some policy suggestions, I have printed a list for each of you, please look this over and get in touch with me if you see anything that you have questions or see something that you feel needs to be changed so that we can continue to move forward on it. Mr. Kerlin had questioned about the permitting of animal housing in a container, it was agreed that would require a Special Exception application, along with use as a primary residential structure, business structure. An Improvement Location permit will be required prior to the placement of any shipping container whether rented, leased or purchased, the permit fee shall be fixed a \$0.10 per square foot of the shipping container. Please see attachment for full listing of Shipping Container Policies.

Mr. Howard: House Bill 1381, and potentially what the State is looking at. Mr. Howard shared copies of to the Board members of what the bill looks like currently, if this passes the individual counties would not be able to put their own regulations on wind and solar farms. Mr. Howard asked Board members to review the bill and to express their opinions to legislators. You can see the entire Bill on-line.

Mr. Howard asked if Board members had any questions or comments on the March 4th meeting with Kyle May from Imagine One 85. I sent out a survey from Mr. May for Board members to participate. We had a good conversation with Mr. May, presenting documentation on the city zoning area and the area outside the city zoning area that is still under the jurisdiction how many acres that is and the area it covers for both the cities of Wabash and North Manchester. Mr. May sent me an e-mail telling how appreciative he was of that information and data. We also discussed what it would take to develop a subdivision out in the rural county with the infrastructure that would be needed.

Updates:

- Silvers property in Lafontaine, his permit expired in December so any work that he is doing on the outside right now is without a permit. Ms. Godfroy made the motion to have Mr. Silvers come back in to get another permit. This was seconded by Mark Milam. The motion carried.
- The Kowalczyk property at Lagro, Mr. Kowalczyk has one year to have the exterior of the home completed that time will expire in June of this year, at that time we need to be aware of the progress. I have heard from a concerned party about the hole in the ground and jet fuel cans sitting around the property. Josh Barton spoke on the conditions stating that there is a hole in the ground with rebar sticking up, Mr. Barton is concerned for the safety of the children in the area. Mr. Vogel said that we should ask him to put something up as a barrier and remind him of the June deadline. Mr. Barton said Mr. Kowalczyk does have a section of fence on the east side of the property but there is nothing on the other sides. Mr. Howard

said we will send a letter stating the concerns and reminding him of the timeline and will ask that the town of Lagro do the same.

- Board members were given copies of the 2020 year-end report for their review.
- The County Ordinance is still in review with Mr. Downs.
- Sam Hann will be the new County Council representative to the Plan Commission Board.
- Norman Sollars pond in the town of LaFontaine, the pond was constructed without a permit. Due to the location of the pond, it was determined that the Sollars' would be required to put a liner in the pond and fence the perimeter. They have withdrawn their request for the pond and will fill it in.

There being no further business Mr. Vogel called for a motion to adjourn. Mr. Milam made the motion to adjourn, this was seconded by Ms. Godfroy. The meeting adjourned at 8:30 pm.

Libby Cook

Secretary, Wabash County Plan Commission Board

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