

WABASH COUNTY PLAN COMMISSION

Wabash County Court House

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Wabash County Board of Zoning Appeals

Wabash County Court House

Wabash IN 46992

BZA MEETING MINUTES

MAY, 25, 2021

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

PRESENT: Joe Vogel, Patty Godfroy, Mark Milam, Jerry Younce, Larry Thrush, Mike Howard, Libby Cook, Andy Eads, Marty & David Wamsley, Alan & Denise Siepker, Rob Tarter, Mitch & Ashley Oetken

The Wabash County Board of Zoning Appeals met on Tuesday, May 25, 2021. 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 April 27, 2021 meeting. Patty Godfroy noted in two places it listed her name as Mr. Godfroy. Mr. Vogel asked for a motion on the minutes. Mark Milam made the motion to approve the minutes with the two correction to be made, this was seconded by Jerry Younce. The motion carried, the minutes will be corrected and will then stand approved as written.

Mr. Vogel: The first item on the agenda is SE #6, Eads Farms Inc. Mr. Howard said the Eads family is requesting to operate an event center in their barn. The barn is located at 4725 E 200 N on approximately 144 acres in Lagro Township. Andy Eads gave a history of the barn. Mr. Eads said that he did talk with his insurance agent and was told that if they held over 5 events per year they would have to be insured as a business. The family will keep the number of events to 5 per year. Mr. Eads said that they basically provide the building and water hookup for portable restrooms. All food and alcohol have to be catered in, the caterer and bartender have to be licensed, the barn has a capacity of 250 people, Mr. Eads stated that the people renting the building are responsible for: tables & chairs, linens, portable restrooms, and trash removal. Mr. Howard reviewed maps of the property and stated that there is plenty of parking area, he reminded Mr. Eads that there should be no parking along the roadway. Mr. Milam asked about guidelines for times such as cutoff time for events, last call for the bar and if there are any overnight guests. Mr. Eads said they do provide this information, there are no overnight guests, people do bring in campers to use for changing. Rob Tarter asked if there is a set cutoff time for events, Mr. Eads said by midnight. Mr. Tarter said that would be ok, he just didn't want to hear music all night.

There being no further comments the Board proceeded to vote, Mr. Thrush tallied the votes. SE #6 was approved.

Mr. Vogel: The second item on the agenda is Variance request #5. Norma Jean Bechtold and Denise Siepker are seeking a variance from the subdivision ordinance. Alan Siepker stated that they reside at 3200 S 300 E, they would like to build a new home to the south of their current residence, then they would sell their current home to their daughter. Mr. Howard reviewed a survey completed by Bunnell Surveying, it would be the 3.155-acre parcel, it is actually being split out of a 154.67-acre parcel. Mr. Howard asked if there were any conditions the Board would like to apply to the new parcel. This will be the third road frontage parcel split from this property, it is not written in the ordinance but it has always been an understanding that if you go to more than three road frontage parcels you would have to apply for a subdivision. Mr. Siepker assured the Board that there will be no further splits of the property. Mr. Howard explained that you could go back into the farm, but no more road frontage parcels, the 3.155-acre parcel cannot be split again. The Board proceeded to vote, Mr. Thrush tallied the votes, the request was approved.

Mr. Vogel invited Mr. David Wamsley and Dr. Mitchell Oetken to speak. Mr. Wamsley asked if there had been any communication from IDEM, the DNR, Army Corp of Engineers, anybody, e-mails, phone calls, correspondence on all things CAFO. Mr. Howard said that he has received an e-mail from John Eggen with a copy of the letter from the Army Corp of Engineers that they have re-opened and are reviewing the complaint, the violations at this point in time. At this time, we have annulled all of the pre-applications from Mr. Treska until we hear back from the Army Corp of Engineers IN DNR. Mr. Wamsley said alright and that he was glad to know that and that he would suspend his comments until we know more. Mr. Wamsley asked if there was anything from IDEM on repositioning or anything like that, Mr. Howard said no they have sent out new copies of the Fulford farm, Mr. Wamsley said that he did get that. Mr. Howard said that before we would issue any permit for that property, we would ask the Board to require a survey to assure that all setbacks are being met.

Mr. Vogel: Next on the agenda is the proposed solar energy ordinance. Mr. Howard provided the Board with copies of the proposed ordinance which covers both residential and commercial Solar Energy Systems (SES). Discussion included:

- Setback requirements, Dr. Oetken suggested possibly proportional setback requirements, the larger the Solar Energy System the larger the buffer.
- Drainage, if the land involved a county tile how would contractors be allowed to work on the tile.
- AG 1 and AG 2 ground, Mr. Howard said the point calculation system could be used to determine if the SES would be permitted in those areas.
- Decommissioning and removal of abandoned sites ways to make sure those costs were covered.
- Ways to curtail companies from walking away from a site and starting a new SES in another location.
- Damaged panels, hazardous materials and the eyesore created.
- Possible revenue boost for the county.

Mrs. Godfroy asked if anyone was aware of any problems with SES at Oakhill School. Mr. Wamsley said hail has been a problem as far as cracking, on a 45 degree incline a 2-inch hailstone will take it out.

Mr. Wamsley: Viable aid for wind farms, if you are set that you want a wind farm and your neighbor is dead set against it, you can pay that neighbor a certain amount of money to make him feel better about it being next door. Likewise, the counties that have these things going in are able to generate a tremendous amount of revenue and reduce property taxes, both on wind farms and solar by structuring it so that when the wind farm gets done and the farmer gets paid the county also gets paid.

Mr. Howard thanked Mr. Wamsley and Dr. Oetken for their input, he will continue to work on the ordinance and work on the proportional setback scale.

Complaint updates:

Mr. Howard shared photos of the Rob Kowalczyk property in the town of Lagro along with a copy of a letter that was sent to Mr. Kowalczyk stating exactly what needed to be done. The deadline for the removal of the dirt is Thursday, May 27, 2021, his building permit expires on June 24th, 2021. Board members discussed ways to curtail the problem of issuing permit extensions, including the possibility of requiring a performance bond.

Mr. Howard received an e-mail complaint about a property that lies within the Wabash City jurisdiction. Wabash City issues building permits to properties that lie within their jurisdiction but they do not handle the complaints such as this one where the property needs to be mowed those are sent to our office.

There being no further business Mr. Vogel asked for a motion to adjourn. Mr. Younce made the motion to adjourn, this was seconded by Mrs. Godfroy, the motion carried. The meeting adjourned at 8:20 pm.

Libby Cook
Secretary, Wabash County Board of Zoning Appeals
MTH