

WABASH COUNTY PLAN COMMISSION

Wabash County Court House

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Wabash County Board of Zoning Appeals

Wabash County Court House

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BZA MEETING MINUTES

OCTOBER 26, 2021

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

PRESENT: Joe Vogel, Mark Milam, Jerry Younce, Larry Thrush, Mike Howard, Libby Cook, Teresa Westendorf, John Murphy, Phil Dingman

The Wabash County Board of Zoning Appeals met on Tuesday, October 26, 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 September 28th meeting, there being none he asked for a motion to approve the minutes. Mr. Milam made the motion to approve the minutes as written, this was seconded by Mr. Vogel, the motion carried.

Mr. Vogel: The first item on the agenda is Special Exception #13, Phil Dingman, requesting to open a business on his property located in Pleasant Twp.

Mr. Howard: Mr. Dingman resides at 2538 W 1150 N, N. Manchester in Pleasant Township. He is requesting to operate a small business selling firearms and firearm accessories from his rural residence. Mr. Dingman stated that the business would be by appointment only and that no business signs would be placed on the property. Mr. Howard reviewed the conditions that apply to the operation of the business:

- Provide local fire department and law enforcement notification of the business and the items anticipated to be on hand, location of items on premise, etc.
- Alarm system on building housing the business
- All windows and doors of business are to be secured.
- If accepting deliveries by carrier, must have a secure drop off so that delivered items are not accessible to the public.
- Test firing of guns permitted by business owner only.
- Board may require containment device to have a bunker around 3 sides of device.
- No test firing of guns for sale by customers.
- No public advertising of business on deeded business site.

- Obtain all state required permitting for the business.

Mr. Dingman said that he has checked with both UPS and Fed Ex on securing deliveries, the hours of business will be Monday through Friday 5:00 – 7:00 pm and Saturday from 8:00 – 12:00 all by appointment only. Mr. Vogel asked if there were any further questions. Mr. Howard said that the Kennedy's, neighboring property owners, had called to ask if there would be a shooting range, they were told that there would not be a shooting range. The Kennedy's had no other concerns and are okay with the business. There being no further questions the Board proceeded to vote, Mr. Thrush tallied the votes, the request was approved with the conditions listed above.

Mr. Vogel: Next on the agenda is Variance #9, Nicholas Westendorf, requesting a variance from the subdivision ordinance and from the road frontage requirements.

Mr. Howard introduced Teresa Westendorf and John Murphy, and explained that due to the recent passing of Nicholas Westendorf they will be representing the parties requesting the Variance. The property is a 2 acre parcel located at 1961 S 300 E, in Lagro Township. There are two residential structures on the property, they are asking to split the property into two parcels. In 2006 a survey was completed by Randall Miller & Associates; this survey is the way they would still like to do the property splits. Chris Straub with the Wabash County Health Dept. has no objections to the property split. Neither parcel will meet the county requirements of 150 feet of road frontage. If the variance is approved the road frontage requirements will be considered as approved also. Mr. Dale asked if each parcel has its own well, Mrs. Westendorf stated that they each have their own well. Mr. Vogel asked for the requirement of no unlicensed vehicles parked outside on either property, one residential structure on each parcel, and a minimum square footage of 1400 square feet for a residential structure to also be stipulated. This would be to protect both property owners. Board members and Mrs. Westendorf and Mr. Murphy agreed to the conditions. There being no further questions the Board proceeded to vote, Mr. Thrush tallied the votes, the request was approved.

Mr. Vogel: next is the County Ordinance draft review. Mr. Howard stated that he is continuing to work with County Attorney, Steve Downs, on this.

Mr. Vogel: next is the review of proposed permit fees. Mr. Howard provided Board members with a copy of the proposed fee schedule and asked them to look it over and let him know if they had any concerns. Mr. Howard asked Mr. Thrush if the proposed fee schedule would have to be advertised, Mr. Thrush said he didn't think so. Mr. Howard asked if it would have to go to the Co. Commissioners for their approval, Mr. Thrush said no. The Board discussed the fee for the applicant to appeal a decision by the Board.

*Discussion of the Kenny Miller building addition, was it permitted, Mr. Howard will check with Mr. Dawes who serves as a Co. Commissioner and member of the Drainage Board.

Mr. Vogel: next on the agenda is the Solar Ordinance. Mr. Howard informed the Board that the Solar Ordinance has been approved by the County Commissioners. He has been researching the transmission lines in Wabash County and has invited Jim Hummel from Duke Energy to speak at the December 2, PCB meeting, BZA members are invited to attend if they would like to hear the

discussion. Mr. Vogel asked if REMC is interested in taking/buying back the excess power produced by either commercial solar or wind farms.

Mr. Vogel: next on the agenda is the update on the Imagine One 85 Comprehensive Plan. Mr. Howard said he believes they have a draft of the Comprehensive Plan.

Mr. Vogel: next is complaint updates.

Mr. Howard gave the following updates:

- The Kowalczyk property in the town of Lagro, Nov. 3, 2021 is the deadline for him to have the block work and foundation completed.
- Rick Hollingshead property at Anglin Rd. and St. Rd. 15, Mr. Thrush did get a judgement, he has 45 days to clean up the property, that time will be up Nov.
- Matthew Miller, at Sandy Beach Estates, sent an unsafe premise order, he has until 11/04/2021 to have the property cleaned up.

Mr. Vogel asked if there was any other business to be brought before the Board. Mr. Howard said that we have had some interest from Mauri Long and Aaron Dyson regarding placing a mini home on property that is deeded to Mr. Long and Mr. Dyson. The property is located at the intersection of St. Rd/ 15 and St. Rd. 115. Mr. Long forwarded photos of the mini home which is 12 x 32 feet. Board members shared the following questions and concerns:

- Will it be placed where the old house was?
- I would say no garage.
- Will it be a single person dwelling?
- Will they rent the house out, or sell the house & property?
- Mr. Howard said that they will have to apply for a variance from the following requirements: State Road setbacks, minimum square footage for a residential structure.

The Board reviewed the conditions that were placed on mini homes at the Prosser Mobile Home Park. Mr. Milam stated that he feels that before they apply for the variances they need to check with the County Health Department to see if a septic system would be permitted. Board members determined that if they could meet the conditions that they would give consideration to an application.

Mr. Howard gave the Board members copies of the proposed changes to the CFO ordinance. Mr. Vogel stated that he thinks this is “right on the money, if you (the applicant) meet the requirements you should be permitted”.

Board members discussed information that was recently presented at a meeting regarding Bass and Bucks

Mr. Vogel asked if there was any other business to discuss, there being none he asked for a motion to adjourn. Mr. Milam made the motion to adjourn, this was seconded by Mr. Dale. Meeting adjourned at 8:10 pm.

Libby Cook
Secretary, Wabash County Board of Zoning Appeals
MTH