

# Wabash County Plan Commission

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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, June 27, 2023

Roll call was taken with the following present:

Board Members: Dan Dale, Patty Lengel, Joe Vogel, Jerry Younce

Staff: Larry Thrush, Board Attorney; Brian Campbell, Plan Director; Amanda Lyons, Administrative Assistant

Absent: Mark Milam

Others present: Brian Evans, Nicky Burnsworth, Bill Burnsworth, Latheda Metzger, Chris Hickman, Tami Hickman, Jeff Buis, Kim Buis, Kevin Johns, Cynthia Ratliff, Raymond Johns, Marvin Johns

The Wabash County Board of Zoning Appeals met on Tuesday, June 27, 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 May 23, 2023 meeting. Ms. Lengel requested addresses be added to the complaint information. There being no other additions or corrections, Mr. Vogel asked for a motion to approve minutes with those additions. Motion by Ms. Lengel, second by Mr. Younce. Board proceeded to roll call vote; motion carried unanimously 4-0.

Mr. Vogel stated that first on the agenda would be Variance #8, for the Alice J Johns Irrevocable Trust. Mr. Campbell introduced Cynthia Ratliff, Raymond Johns, Kevin Johns, and Marvin Johns. Mr. Campbell stated Cynthia on behalf of her siblings has agreed to help spearhead the issue at hand. The parents of the children here tonight have regrettably passed away and left the entirety of their property to the children. The parents will, stated the property was to be split evenly amongst the children. As the property stands right now it is 61.106 acres per the GIS website. If you split the 61.106 acres 4 times it equals 15.276 acres for each parcel. The Ordinance reads you can split MORE than 1 parcel out of an overall parent parcel if the pieces are all more than 20 acres. This cannot happen in this case if the children want to split it evenly as the parents wished. I would like to let the Board know that prior to the USACOE taking approximately 20 acres for the reservoir and the family had purchased 80 acres total along with since having purchased approximately an additional 1.5 acres to add to the NW corner of the property the total acreage was 81.5 acres; which if split would be over 20 acres per parcel and conforming to our ordinance. The children are here tonight to ask for a variance from the Subdivision Ordinance to be able to split the property into four parcels as per the wishes of their parents and as shown on the maps provided to each board member totaling approximately 15.25 acres per parcel. Ms. Ratliff explained to the board that the family intends to maintain the farm ground as such. Her brother, Ray, would like to put a mobile home on the property but they understand that is not allowable per the current zoning ordinance. Due to the added expense he will incur for a residence on the property, he is looking to split his portion into a 5<sup>th</sup> parcel. He would keep 4 acres +/- and sell the remainder of his parcel (approximately 11 acres). The farmer currently working the ground is interested in purchasing that remainder. He does not own the adjoining property. Mr. Vogel asked if all parcels would have road access. Mr. Campbell and Ms. Ratliff indicated they would have the proper amount of road frontage for all, except the +/- 11 acres that would be sold. Ms. Ratliff stated they

would create an official easement to grant him access. Mr. Vogel stated he would encourage the family to have it included in the deed. Ms. Ratliff responded that after the survey is completed she would have their lawyer add it to the deed. Mr. Dale asked if parcel split lines were specific to the will. Ms. Ratliff responded no; the siblings had worked together to create the lines. Mr. Campbell asked board members if there were any restrictions they wanted to place on the new parcels created from the variance. It was agreed there would be no further splits of the +/-4 acre parcel, no unlicensed vehicles parked outside, and the Right to Farm agreement would be signed by all parcel owners. Ms. Ratliff agreed to these restrictions. Mr. Vogel asked if there were any further questions or comments from the public or board members. There being none he asked for a motion to approve the 5 splits proposed in variance #8. Motion was by Ms. Lengel, second by Mr. Younce. Roll call vote was taken; motion passed 4-0. Mr. Campbell reminded the family that before beginning construction they would need to get building permits from the Plan Commission office.

Mr. Vogel stated second on the agenda is Variance #9, a request from Brian Evans of EW Miller Investments. Mr. Campbell informed the board that Mr. Evans plans to build several homes on a parcel of property in Lagro that has a current address of 220 Harrison Street, Lagro. That parcel has an existing home that Mr. Evans will be razing. Mr. Evans came to me in late April asking what the process would be to split the parcel that he has in a different way and build 2 homes, one on each new parcel. I told Mr. Evans my main concern was that the total square footage of the property if split in half to create 2 parcels would be 0.15 acres per new parcel, which is approximately 700 square feet less than the required minimum square footage for a buildable lot, which is 0.166 acres. As a comparison to what Mr. Evans is requesting the property that is on the south end of Mr. Evans property off of Washington Street is a parcel with an existing home that has a parcel square footage of only 2145 sq. ft. or 0.049 acres or nearly one third the size of the proposed parcels Mr. Evans would like to build on. Mr. Evans told me he was in the early stages of preparing to raze the existing home on the property and I let him know he should talk to the Town of Lagro about the utilities and to get their blessing on the proposed plan for a Variance request. Mr. Evans did meet with the Town of Lagro on May 1<sup>st</sup> and received a favorable recommendation from the Town Board of Lagro for his plan. I sent Mr. Evans an email on April 27<sup>th</sup> with details that I thought pertinent to the process. One of those being the reason we are here tonight, which is to request a Variance from the minimum lot size for a buildable parcel. I also explained to Mr. Evans the minimum setbacks for building in an R3 zoning district along with the explanation of the new "Aggregate" setback distances in the new ordinance along with a couple of other items. The Plan Commission office did receive a call from a neighbor with concerns about this project. Mrs. Martha Willett who lives 3 properties to the west at 1070 West Main Street voiced her concerns as to whether the homes would become rentals or would Mr. Evans be selling the homes and what size houses would be placed on the parcels if approved for the variance. None of those questions were given an answer at that time and Mrs. Willett was encouraged at that time to come to the meeting to voice her concerns. I would note at this time Mr. Evans can without any issue build at least one home on the property without any consent from the County other than a building permit if he abides by the setback requirements of our ordinance. Mr. Evans further explained that he is seeking the variance to create two lots measuring 66' x 99'. He plans to build a (approx. 1350 sq foot) home with attached garage on each parcel. The homes would be ADA compliant, and when completed he anticipates would be in the \$160,000 range. He stated he has completed similar projects in the city of Wabash on Glenn Ave and Sivey Court. Ms. Lengel asked what had previously been on the empty portion of the lot. Mr. Evans responded that originally it had a house on it, but had been taken down previously. Mr. Vogel asked about the location in relationship to the St. Patrick's Catholic Church, Mr. Evans stated the church would be east of these lots. Mr. Vogel asked if there were any further questions or comments from the public or board members. Mr. Bill Burnsworth stated he would support the project and was excited to see improvements continuing in Lagro. There being no further discussion, Mr. Vogel asked for a motion to approve the variance request. Mr. Dale made the motion to approve, second by Ms. Lengel. Roll call vote was

taken, motion passed 4-0. Mr. Campbell reminded Mr. Evans to contact the Plan Commission for building permits before he begins construction.

Mr. Vogel then stated Variance #10 for Jeff Buis was next on the agenda. Mr. Campbell explained to the board that Mr. Jeff Buis' property is located at 744 S 475 W, Wabash. Mr. Buis, in conjunction with his mother Cindy Brown, recently requested and was granted a Variance from our Ordinance for the minimum road frontage. The variance was Variance #10 2022. At that time the exact size and location of his new home was not known. Mr. Buis came to get a permit for the new home and I had to deny his permit application until he could prove the setback off the side property line was within the confines of our ordinance. Mr. Buis was not sure the exact distance to the side property line for the new residential structure so I suggested he give a copy of the plans for his home to his surveyor and ask them to plot the home on the property and send me a copy. From that plot it was determined the side yard setback is 20.3 feet to the property line and the required minimum setback for this home would be 25 feet per our ordinance. Thus Mr. Buis is asking for a variance of 4.7 feet from the minimum setback of 25' for a residential structure in an A2 zone. Mr. Campbell also noted that we did have one inquiry into the nature of the variance. Mr. Buis neighbor to the north and also the property owner most affected by the location of the new home Kimberly Hodson. Mrs. Hodson came into the office with a copy of the notice letter that was sent and I explained to her the nature of the Variance request, of which she had no issue. I would also like to let the board know for transparency that I live directly across the street from Mr. Buis and was mailed a copy of the variance request letter like everyone else and I too have no issue with Mr. Buis variance request. Ms. Lengel asked Mr. Buis about his driveway location. He responded that it is a mutual driveway as was agreed upon in the previous variance due to lack of road frontage. He stated there is an official easement and maintenance agreement in place for the driveway. Mr. Vogel asked if there were any further questions or comments from the public or board members. There being none, he asked for a motion to approve Variance #10. Motion to approve by Mr. Dale, second by Ms. Lengel. Roll call vote was taken, motion passed 4-0. Mr. Campbell reminded Mr. Buis to get his building permit from the Plan Commission office before he begins construction.

Mr. Vogel then asked for a Complaints Update

Mr. Campbell shared with the board:

- 9 Complaints were rolled over from 2022, 33 new complaints have been received in 2023. Total worked year to date is 42, compared to a total of 41 for the year 2022. 2 new have come in to be worked this week, and 11 have been resolved.
- Proceeding with Unsafe Premise Order on Linda Trent property located at 1106 E. 800 S., Lafontaine. She has been sent notification of hearing with Plan Commission Board scheduled for 07-06-2023. The office has not heard from her, upon inspection the property appears to be getting worse.
- Paperwork for the Myron Dill property, located at 231 E Wall St, Liberty Mills, has been filed. Mr. Thrush advised the Board it will go to the courts on Friday, June 30, 2023.
- Zoomer's is scheduled for a meeting Thursday, June 29, 2023 due to not getting permits as required. This meeting will include the owners, Mr. Campbell, representatives from the Drainage Board, and Mr. Thrush
- Advised the board there has been no improvements to the Curt Arnett property located at 23 W. Branson Street, Lafontaine. He is working with Mr. Thrush to get the proper paperwork in place for the unsafe premise order.

- He is working with the town of Lagro and Bank of New York Mellon on a property located at 1230 W. Main St. The house is owned by the bank. It burnt, has been collapsed, but site needs cleaned up. Mr. Thrush filed unsafe premise paperwork; the bank has advised they are getting quotes for the clean-up.

Mr. Vogel asked if there was any other business to be brought before the Board.

- Mr. Campbell shared that SB 242 will take effect June 30, 2025 requiring Wabash County to have a certified floodplain administrator. To become certified Mr. Campbell will have to do some onsite trainings, he will check into what is available for funding. After certification he will also have to participate in continuing education.
- Mr. Campbell also shared a citizen has requested email addresses for Board of Zoning Appeals and Plan Commission Board members be listed on the county government website. Mr. Campbell is not sure this would be required, as the boards are not elected officials. Mr. Vogel expressed concern as members of the Board of Zoning Appeals are not to be contacted prior to a hearing by law. Ms. Lengel stated she preferred having information relayed through the Plan Commission office instead of to board members directly. Mr. Vogel agreed.

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. Younce, second by Mr. Dale. Motion passed 4-0. Meeting adjourned at 7:55 p.m.

*Amanda Lyons*

*Secretary, Wabash Co. Board of Zoning Appeals*

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