

# Wabash County Plan Commission

Wabash County Courthouse • One West Hill Street, Suite 205 Wabash, IN 46992  
(260) 563-0661 ext. 1252, 1267 • [plandirector@wabashcounty.in.gov](mailto:plandirector@wabashcounty.in.gov)

## **Wabash County Board of Zoning Appeals – Meeting Minutes**

Board Members: Dan Dale, Patty Lengel, Amanda Lyons, Mark Milam, Joe Vogel, Jerry Younce  
Staff: Mark Frantz, Board Attorney; Brian Campbell, Plan Director; Jennifer Hicks, BZA Secretary

**Tuesday, June 24, 2025**

### **1. Call To Order**

Mr. Milam, Chairman, called to order the Board of Zoning Appeals meeting to order at 7:00 pm.

### **2. Roll Call**

Ms. Hicks, BZA Secretary, called roll:

- ✓ Dan Dale – *Present*
- ✓ Patty Lengel – *Present*
- ✓ Amanda Lyons – *Present*
- ✓ Mark Milam – *Present*
- ✓ Joe Vogel – *Present*

Ms. Hicks declared a quorum was present.

### **3. Acknowledgement of newest Board Member**

Mr. Milam officially welcomed Patty Lengel back to the Board of Zoning Appeals. Ms. Lengel was appointed by the County Council to complete Mr. Jerry Younce's term ending December 31, 2025.

### **4. Approval of Meeting Minutes – April 22, 2025**

The minutes from the April 22, 2025 meeting were presented. Mr. Dale made a motion to approve the minutes as written. Mr. Vogel seconded the motion.

Jennifer Hicks called roll:

- ✓ Dan Dale – *yes*
- ✓ Patty Lengel – *yes*
- ✓ Amanda Lyons – *abstain*
- ✓ Mark Milam – *yes*
- ✓ Joe Vogel – *yes*

### **5. Approval of the Meeting Minutes – May 27, 2025**

The minutes from the May 27, 2025 meeting were presented. Mr. Vogel made a motion to approve the minutes as written. Ms. Lyons seconded the motion.

Jennifer Hicks called roll:

- ✓ Dan Dale – *yes*
- ✓ Patty Lengel – *abstain*
- ✓ Amanda Lyons – *yes*
- ✓ Mark Milam – *abstain*
- ✓ Joe Vogel – *yes*

## **6. New Business**

### **SE-25-005 – Fred & Rhonda Webb**

**Request:** Special Exception to maintain livestock (chickens) in a residentially zoned district.

**Address:** 356 E 500 N, Urbana, Lagro Township

#### **Staff Presentation:**

Mr. Campbell explained that the property at 356 E 500 N, Urbana, is currently zoned Residential. Mr. Webb had inquired about building a structure for additional chickens, at which time it was discovered the property had been rezoned from agricultural to residential during the 2023 zoning map update. Mr. Webb was unaware of the zoning change and believed the property remained agricultural.

The Plan Commission reviewed the request and issued a favorable recommendation, acknowledging the zoning designation may have been made in error. They also recommended that all associated fees be waived. Planning staff confirmed that no letters, emails, or phone calls of opposition were received.

#### **Board Questions & Discussion:**

Ms. Lyons asked if there were any setback concerns with the new structure. Mr. Campbell explained there were no setback concerns.

#### **Public Comment:**

No public comments or objections were received.

#### **Motion:**

Mr. Vogel made a motion to approve the special exception.

Ms. Lengel seconded the motion.

Ms. Hicks called roll:

- ✓ Dan Dale – yes
- ✓ Patty Lengel – yes
- ✓ Amanda Lyons - yes
- ✓ Mark Milam – yes
- ✓ Joe Vogel – yes

### **VAR-25-018 Fort Wayne Property Group dba Carriage House Estates**

**Request:** Variance from the minimum roof pitch in an R1 zoning district.

**Address:** 351 E 100 N, Wabash, Lagro Township

#### **Staff Presentation:**

Mr. Campbell explained that Carriage House Estates is requesting a variance from the minimum roof pitch requirement for mobile homes. The request applies to the entire mobile home park, so future home placements will not require individual variance hearings.

This is the third such request brought before the Board, and staff noted it is a recurring issue likely to be addressed in future zoning ordinance updates. The current ordinance requires a 5:12 roof pitch, which is not commonly manufactured in today's mobile homes. State building code

allows for lower pitches (e.g., 2:12 or 3:12) when using appropriate roofing materials such as shingles.

Mr. Roemmich, representative of Fort Wayne Property Group, provided photographs of sample manufactured homes that are and will continue to be placed in Carriage House Estates.

**Board Questions & Discussion:**

Mr. Milam asked if the BZA could set minimum roof pitch. Mr. Campbell expressed a staff preference that no roof pitch below 2:12 be allowed and emphasized that gable-style roofs are required per zoning ordinance.

Mr. Milam then asked if Fort Wayne Property Group manages multiple manufactured home parks. Mr. Roemmich stated they own 5 properties; all have resident owned homes. There are no rental units and only homes with shingled, peaked roofs are placed on the properties.

**Public Comment:**

No public comments or objections were received.

**Motion:**

Ms. Lyons made a motion to approve the variance with the restriction of a 2:12 minimum roof pitch.

Mr. Vogel seconded the motion.

Ms. Hicks called roll:

- ✓ Dan Dale – yes
- ✓ Patty Lengel – yes
- ✓ Amanda Lyons - yes
- ✓ Mark Milam – yes
- ✓ Joe Vogel – yes

**VAR-25-019 – Kenneth & Chasity Combs**

**Request:** Variance from the development standards to place 2 posts, patio pavers, hot tub, and lighted palm tree less than the required setback from a property line in an RL2 zoning district.

**Address:** 64 W Lakeside Dr, Sandy Beach, Pleasant Township

**Staff Presentation:**

Mr. Campbell explained that the petitioner is requesting a variance to allow a structure consisting of vertical posts and pavers within the required setback. The subject property is in an RL2 Lakeside zoning district, where the lakeside is considered the front yard. The structure in question includes multiple posts set with pavers and lighting. Mr. Campbell provided aerial imagery, a survey, photos, and application materials.

Mr. Campbell stated the original concrete slab/patio on the property had been permissible, the current structure goes beyond the approved footprint and is now located approximately 4.5–4.8 feet from the front property line. This is within the 10-foot side property line setback requirement.

The issue originated when Mr. Combs constructed the posts and began building a structure that exceeded the original scope of what was verbally described to staff (4 posts in the ground with metal

pipes between them to hang lights from). The matter was reviewed by the Plan Commission, who determined the posts constituted a “structure” under the zoning ordinance, referring to the structure as a “pergola”. Staff explained that the county’s ordinance currently defines any object touching the ground—or attached to something that does—as a structure, without exemptions.

A neighboring property owner submitted a letter, and another left a voicemail in opposition, citing concerns over lake views. However, Mr. Campbell noted that the second commenter lives several houses away and would not be directly impacted. Mr. Campbell confirmed the side yard setback violation is approximately 4.5 to 4.8 feet from the property line, per a submitted survey.

Plan Commission Office Staff reviewed the property’s impervious surface coverage. Based on current data, the property is 319 square feet under the 50% allowable lot coverage. The requested paver patio under the pergola was not calculated into the impervious coverage; however, if approved, coverage may approach the limit but would still be within compliance.

Mr. Campbell also noted that if the posts had been placed 10 feet over, the owner could have constructed a fully enclosed accessory structure. The lack of front yard setbacks on lakefront lots was acknowledged as a loophole that might need future ordinance review.

### **Board Questions & Discussion**

Ms. Lengel asked for clarification on the location of the property in question, as well as, the owners of the property on either side. She then confirmed the only person whose views would be affected would be Heather Terflinger at 66 W Lakeside Dr.

Mr. Campbell also made note that both the Kleintank’s to the east and Ms. Terflinger to the west both have solid structures closer to the property lines and water; however, both structures were built prior to Wabash County having a zoning ordinance and therefore are grandfathered in.

Ms. Lengel then asked for clarification that if the pergola was 10 feet from the property line, there would be no need for a variance. Mr. Campbell confirmed, stating in an RL2-Lakefront zone, the setback to the water (front) is open and the setback on the side property lines is 10 feet.

Ms. Lengel asked where the measurements would be from. Mr. Campbell explained that in a platted area, they would do their best to follow the beach area or water the best they could and put the property lines on those plats. Mr. Campbell explained about some property owners putting seawalls in the lake. Pointing out that Indiana DNR did come in and have Mr. Combs remove a few of the boulders that were too far into the lake, but approved the boulders that are there currently. Mr. Combs confirmed that he removed 4 boulders per DNR’s request since they were about 2-3 inches too far into the lake. Mr. Campbell and Mr. Combs showed the board exactly which boulders were removed from a photograph taken before they were removed.

Ms. Lengel asked for the current distance from the property line to the pergola. Mr. Campbell stated that per the survey provided the post closest to the house is 4.5 feet and the post closest to the water is 4.8 feet from the property line. He continued by stating the posts being closer than 10 feet is the purpose of the variance request. Initially the posts were not thought to be a structure since they were just going to be put in the ground to string lights between. However, rather than using metal pipes, wood beams were used with cross braces, this revision is what caused the posts to be declared a pergola. Initially, at the time that the structure was defined as a pergola, it was believed that the posts would have to be removed to take the boulders out of the lake, per DNR’s order;

however, that was not the case. Since the posts didn't need to be removed to take out the boulders, a letter was sent to Mr. Combs. We did not receive a response regarding the letter so a follow-up letter, sent via certified and first-class mail was sent, which Mr. Combs responded to immediately.

Ms. Lyons asked about the property's total structure and impervious coverage. Mr. Campbell stated the Plan Commission Office Staff ran the calculations on that and Mr. Combs' property is currently 319 sq ft under the maximum 50% coverage. The calculation did not take into account where the patio used to be located under the pergola since the staff cannot determine the permeability of the stone that is the current base.

Ms. Lyons asked if there were concerns with any aggregate distances. Mr. Campbell stated that there were no concerns regarding aggregate distances to any structures on the neighboring property.

Mr. Combs pointed out that the lines on the GIS are inaccurate. Mr. Campbell confirmed that they are rough representations of the location of the property lines.

Mr. Combs explained his intent was to create a lighted gathering area, initially using steel posts but switching to wood for aesthetics. Mr. Combs went on to express that the design was not meant to obstruct neighbors' views and that he had removed other privacy structures (a fence along the east property line) when concerns arose. Mr. Combs provided photos of the property before he purchased it, noting overgrowth, debris, and a previous post with lighting that was in a similar location. He emphasized he was attempting to improve the property and keep it open and neighborly. He also described efforts to clean and improve the property, including removing overgrowth and an old outhouse.

Mr. Combs also provided the board with a collection of signatures from over 60 neighbors who supported the improvements or had no objections.

Mr. Milam asked if the rocks were all there when he purchased the property. Mr. Combs stated that the ones in the water were there, the ones along the side shifted some, but they were there and they were always there as the seawall. Mr. Combs stated that Mr. Kyle Peterson from IDNR review the posts and stated are perfectly fine for anything that DNR would permit.

Mr. Milam summarized the situation to assure that everything was understood and that is what has led to the variance request.

Mr. Combs explained that there have been other variances approved in the same area including a garage that was built 3 feet off of a property line blocking views at the beach. He stated that he would appreciate approval to leave the posts where they are and be able to replace the patio where it was previously located.

Mr. Campbell explained the patio would be 14 ft x 16 ft, which would be 224 sq ft towards the impervious coverage, leaving Mr. Combs just under 100 sq ft of available impervious coverage. Mr. Campbell continued by stating he sees both sides – Mr. Combs and the complainant's – but had this been built 10 ft from the property line, it could be a complete, solid structure blocking everyone's views. Mr. Combs stated he didn't place a roof on the pergola to try to help not block the views from any neighbors.

Ms. Lyons asked if Mr. Combs was living in the home full-time. Mr. Combs confirmed it is a second home currently being used mainly on weekends, occasionally he goes up for a couple weeks. He

continued by saying that when the home was purchased it was about 90% completed and he has been working on finishing up the interior work.

Ms. Lyons asked to confirm the BZA has to take the most restrictive of the ordinance and the covenants. Mr. Campbell stated the BZA cannot enforce any covenants or restrictions, that is up to an HOA to enforce.

Mr. Combs provided the BZA with letters from people in favor of the variance request. Additionally, he provided information that the Assessor's office that the pergola is not a taxable structure.

Ms. Lyons asked if Mr. Combs had received any concerns from the HOA regarding the structure. Mr. Combs stated he has not, in fact, there are several of the board members that signed the petition he took around the area stating they either were in favor of the structure or didn't have any concerns. He stated there were board members from both the Sandy Beach and Ireland Beach sides.

Mr. Vogel asked for a summarization, asking to confirm there are no issues with the rocks. Mr. Campbell confirmed that from talking with DNR there are no concerns with the location of the rocks now. He went on to explain that the rocks along the side were there, but moved closer to the property line. Mr. Campbell's interpretation is that they are rocks – which are everywhere – and it isn't something that we would require a permit for. It isn't a fence; it's for decorative purposes which is allowable per the ordinance. Mr. Campbell continued by saying that if there was a drainage issue from the rocks, it would either be a drainage board or Army Corp, Clean Water Act, issue to deal with since it is outside the purview of the Plan Commission. It wasn't an issue before, not sure how it could be considered one now. Mr. Campbell asked if the rocks were taken out to the water, would it make a difference? Mr. Dale stated he would consider the rocks riprap for erosion control.

Mr. Vogel asked what was located in the center of the property. Mr. Campbell and Mr. Combs stated it was a beach area. Mr. Vogel then asked if Ms. Terflinger's beach was next to the property line on the east side of Mr. Combs' property.

Mr. Combs stated that he understands that if allowed to place the patio pavers back where he previously had them, he knows and understands that they would have to be pitched to avoid drainage on either his or Ms. Terflinger's beaches. They would be pitched for any runoff to go over the rocks and into the lake.

Mr. Dale asked about the drainage pipe in the center of the boulders on the lakeside. Mr. Combs stated it was the downspout for that side of the house. He continued by saying there are two pipes on the other side, the left one is for both his and his neighbor's downspouts and sump pump and the one on the right is for a perimeter drain around the house.

**Public Comment:**

Mr. David Hawkins stated he has been on the Lake Association board as an officer for over 20 years, and he believes that when the lots were originally platted, 10 ft along the lake belongs to the lake association it is not personal property. He stated the Lake Association pretty much allows people to do what they want with the property, but they don't allow permanent structures with footers that could be detrimental to the lake or property. He does not believe the Lake Association would have any issues with anything that is occurring on this property.

Mr. Phillip Kleintank, neighbor to Mr. Combs, stated that he appreciates what Mr. Combs has done with the property. He stated he felt the Board didn't do their job since Marthene and Gary built the

house differently than they said they were going to do. Mr. Kleintank stated the ordinance is supposed to protect him. He stated the BZA needs to the voice of the community. He stated when the house was rebuilt by the Burneau's it was built 4 feet higher than what it was blocking nearly his entire view of the lake. He stated his displeasure on the Plan Commission not being able to regulate the location of a dock. Mr. Kleintank also stated that he feels as though it was a failure to allow the previous owners to build the house in the first place.

Mr. Milam responded with letting Mr. Kleintank know that there isn't just the Board of Zoning Appeals, there is an HOA that is supposed to take care of the area as well.

Ms. Terflinger stated the issue is that a property owner gets permission to do one thing, but then does something else. If the patio was put back where it was originally, there wouldn't be an issue, but it didn't happen. There would be no complaints if the patio was where it was originally.

Mr. Terflinger asked about no exterior structures in front of the house like across the street. He continued by stating that there is no setback from the water. Mr. Campbell stated that in the development standards for this zoning district it is listed as "open" for primary and accessory structures. There is no specific setback requirement.

Mr. Combs stated that he would rather leave the posts where they are and add the patio back on then have to get rid of it and replace it with a gazebo or something that might block someone's view.

Mr. Terflinger stated he offered a compromise at least twice to move the two posts over to the other side. Mr. Terflinger continued by saying that when looking out the window of his daughter's house, the gathering area is all they can see.

Mr. Combs responded by saying it isn't a building, its 4 posts that you can see through, not a solid structure completely blocking anyone's view.

Ms. Lyons asked if the structure is forward the rear of the residence. Mr. Campbell stated the lake is considered the front. He continued by saying the street side is clear, nothing between the road and the structure to block visibility. Mr. Campbell stated the way he explained it is the way the ordinance has been applied the past 2 ½ years as this was the way it was explained to him.

Mr. Combs stated he is just asking to keep the posts where they are it is with the patio back where he previously had it and leave everything else alone. The patio blocks won't block the view.

Mr. Kleintank asked if Mr. Combs is planning on placing a shade cloth over the top. Mr. Combs responded that he has no plans to do so, but if he ever decided then he would call the Plan Commission office first to confirm. He isn't planning on a hot tub, screening or anything else.

Mr. Terflinger gave a presentation to the Board of Zoning Appeals. He provided the board with several photographs of the property prior to being owned by Mr. Combs, the property now, and a photograph taken from inside his daughter's home looking out the window. He stated that water is draining from Mr. Comb's property onto his property. Mr. Combs stated that the water doesn't drain onto other properties, it goes right down the middle of his property to the lake, that was shown when he seeded the lot. Mr. Terflinger expressed a concern regarding the lack of a "land use plan" filed by Mr. Combs so he was "robbed" of his right to be heard.

Ms. Lyons asked whether the pictures provided were taken while Mr. Combs owned the property or the previous owners. Mr. Terflinger responded saying that 2019 is when the Burneau's received a variance to rebuild the house to what it is now.

Mr. Terflinger continued by saying that when he initially called about the posts going into the ground, he was told that they were just four posts in the ground. He continued by saying his interpretation of the ordinance is that the structure is too close to the property line, there isn't supposed to be alternative structures in front of the home and the front is lakeside, there was no variance or permit until after it was built.

Mr. Terflinger stated that he also wanted the structure moved so that he could place fire rings on his beach and not have to worry about catching anything on fire. Mr. Terflinger continued saying that the state law says structures have to be rebuilt where they were, but this is not where the old patio was located.

Mr. Terflinger continued regarding permits for fences. He stated the requested black cyclone fence is not part of the ordinance, he feels it is required to be galvanized. He stated again that he felt as though Mr. Combs is intruding on his space. He requested the BZA follow the Plan Commission's recommendation and require Mr. Combs to move or remove the pergola.

Mr. Terflinger then asked about the lighted palm tree and when would it be lit. He stated he believes the palm tree to be a structure and requests that permit be denied too.

Mr. Terflinger then presented the BZA with the motion he wishes the board to make and vote on. Stating “

Ms. Lengel asked if the picture taken from the window of his daughter's home was taken at an angle, but if you look out the window straight is the pergola blocking any views. She continued by asking if the trees that were on the property previously blocked the view of the lake. Mr. Terflinger responded that you see the pergola no matter which way you look out the window. Ms. Terflinger responded that she could see the lake because the trees were in 'their yard' at the corner of her house. Mr. Combs clarified that the trees were all the way up the property line with a lot of brush. Mr. Combs continued by explaining the amount of work he had done cleaning up the property from the overgrowth.

Ms. Lengel continued by asking for clarification on the height of the structure since one of the photographs shows that both homes appear to close in height. Mr. Terflinger responded saying it was close, but he had never measured the structure height. He continued by saying that he knows the maximum from reading the standards. Mr. Terflinger continued by discussing the variance hearing for Mr. & Mrs. Burnau from 2019 for the same property.

Ms. Lengel asked if there was an ordinance regarding Airbnb on the property. Mr. Terflinger responded in the affirmative per the covenants, no businesses are allowed on any property other than two that were grandfathered in. Mr. Vogel asked if all of the homes in Sandy Beach are owned by the residents of the homes. Mr. Terflinger responded that they are not, a homeowner can rent a home, but Airbnb are different it's a business. Mr. Vogel stated that renting for a weekend is the same as renting it for a different amount of time. Mr. Terflinger stated the IRS states that an Airbnb must report the income. Ms. Lengel attempted to clarify by asking what the difference was between renting every weekend as an Airbnb and renting it and not calling it an Airbnb. Mr. Vogel stated he considers it the same – renting it to someone long term or renting it to someone short term since there isn't a large billboard showing it's an Airbnb. He continued by saying he was unsure how someone could take away Mr. Combs' right to use his property how he wants. Mr. Terflinger responded saying that you can rent homes month to month, six months at a time, or a year at a time, but when you start renting just weekends, he believes the IRS would view it differently.

Mr. Terflinger stated the law, or ordinance, required everyone within 250 feet to get a letter, Mr. Combs took it upon himself to go all the way around the lake and make everyone aware of what is going on with the property. He continued by asking what message the board wanted to send to the people in the area, do what you want and ask for a variance later or do what you want and we will deny your variance.

Ms. Lengel asked if legally Mr. Combs could move the structure over a few feet to within the 10 feet setback and put walls and a roof on it. Ms. Lyons confirmed she had the same question. Mr. Campbell stated that yes it could be permitted, there would be nothing that he feels would cause it to be denied.

Mr. Terflinger asked for clarification saying that he is confused since the Kleintank's garage and Ms. Terflinger's garage are grandfathered in and no one else can build in front of the house. Mr. Campbell responded with the structures in question was in regards to the location on the property with the side property line setbacks, not the fact they are between the primary structure and the lake.

Mr. Vogel asked for clarification if Mr. Terflinger's new barn on his property is in the front yard of his house. Mr. Terflinger stated the that his garage is not in front of his house.

Ms. Lengel asked Mr. Terflinger if he would rather have something over a few more feet that isn't see-through versus the current structure with just posts. Mr. Terflinger stated he was tired of looking at the structure knowing that nothing was granted and nothing accomplished other than removing the pavers. Mr. Terflinger stated that another structure would be over the permeability. Mr. Campbell corrected Mr. Terflinger stating that without the pergola area, Mr. Combs is under his maximum impervious coverage by 319 square feet.

Mr. Vogel asked what is visible when you look out the window on the right side of Ms. Terflinger's home as you are looking at it from the lake. Mr. Terflinger stated that you see her garage, but if you look out the window on the left side of the house (as you look at it from the lake) you see Mr. Comb's structure. Mr. Vogel then stated that the pergola is seen from all of Mr. Combs' windows; whereas, Ms. Terflinger has 2 posts. Mr. Terflinger responded by asking what happens when he builds a campfire on his beach. Mr. Vogel said it shouldn't be a concern if the fire is maintained and Mr. Terflinger can't allow his fire to go onto someone else's property. Mr. Terflinger responded by saying the structure was built without permits.

Mr. Campbell wanted to clarify to the BZA that the Plan Commission did not tell Mr. Combs to move anything. The Plan Commission ruled that the posts with the cross beams were a structure. They did not say anything needed to be moved, they just ruled on whether or not it was a structure. Mr. Dale asked when the decision was made. Mr. Campbell stated it was several Plan Commission meetings ago. Mr. Combs stated that is when he realized that a variance would be needed. Mr. Dale asked about the initial decision on it not being a structure. Mr. Campbell responded with initially it was a few posts with pipe between them, the same type of approval granted to Mr. Terflinger previously for posts on the property next door to this. Mr. Combs came in soon after the decision was made for Mr. Terflinger's property and I considered it the same thing. Mr. Campbell continued by saying the structure evolved into something a little more than initially thought, which Mr. Combs has admitted. Mr. Campbell stated that it was also thought that there was a chance that the posts would need to be removed to satisfy DNRs request to remove the boulders from the lake. Mr. Dale asked if Mr. Campbell had the information from the Assessor's Office stating they didn't deem the posts a

structure at the time. Mr. Campbell confirmed he did not have the information at the time. Mr. Dale stated that with it not being a taxable building, he doesn't consider it as a structure either. Mr. Campbell explained that there are no exceptions in the current zoning ordinance for what constitutes a structure, therefore items like bird baths, flag poles, and mailboxes are all considered a structure. When the Plan Commission stated they considered it a structure, we moved forward with this and that is the reason for the variance request.

Regarding the fencing concerns, Mr. Campbell explained that Mr. Combs has discussed a cyclone fence, which is a chain link fence, which is the only type of fence permitted in a front yard. He continued by stating that nothing in the ordinance states the chain link fence can't be coated or colored. Mr. Terflinger stated that it is in the covenants that it is required to be galvanized chain link; however, Mr. Campbell reminded Mr. Terflinger that the Plan Commission, nor the BZA, can enforce anything in the covenants.

Mr. Terflinger asked for clarification on the letter from the Assessor regarding it being a taxable structure. Mr. Dale read a portion of the letter regarding if it was concreted or wood underneath it could be taxable, Ms. Lengel added that if there was a roof it would be as well. Mr. Campbell further stated that the lack of a roof or even the slats across the top is what separated this from a pergola.

Ms. Lyons stated that she did not understand why this variance was needed based on what she saw either until speaking with Mr. Campbell and learning the Plan Commission had deemed this a structure. She continued by saying she has seen similar things around the county and in regards to the rocks, she did something similar on her own property to designate a parking area. Mr. Terflinger stated he was 'over the rock thing,' he stated he just wanted the pergola moved out of his view and further away from his grandchildren. He stated he was concerned about his grandchildren hearing adult conversation if a guest has had too much to drink. Ms. Lyons asked if the grandchildren could hear adult conversations anywhere.

Mr. Terflinger stated he didn't feel safe to have a campfire with the pergola and his rights to protest were taken away because the property owner didn't apply for a variance. Mr. Terflinger continued by stating that Mr. Combs was aware of the ordinance because he had been to a BZA meeting in the past for another resident in Sandy Beach. He continued by saying he didn't care what else was done he just wants it out of his living room window and far enough away he can have a campfire without intruding on his space.

Ms. Lengel stated that regardless of if the posts with boards is there or not, the property owner could put chairs up to the property line, regardless of if there is a campfire or not, so it doesn't seem like its as much of the grandchildren hearing things he doesn't feel they should hear.

Ms. Lyons stated she was pleased with the amount of work that everyone has done with their properties and to clean up the area.

Mr. Terflinger stated that he is not pleased with no permits and no variances. Ms. Lyons stated that she wouldn't have applied either because she doesn't feel like it's a structure. Mr. Terflinger countered her with the Army Corp of Engineers 'manufacturing land'. Ms. Lyons stated that she is aware of what he is talking about since she knows of a different property in which it is occurring. Mr. Terflinger stated that he has attempted to make compromises with Mr. Combs multiple times to avoid be adversarial. Ms. Lengel asked what was the compromise he offered Mr. Combs. Mr. Terflinger responded with moving the posts on the west side of the property closest to his property and moving them over to the east side of Mr. Combs beach. Ms. Lengel responded asking what is the

compromise, it should be give and take and, in this scenario, Mr. Terflinger would get what he wanted, but what would Mr. Combs get. Mr. Terflinger stated he would be able to keep his pergola.

Ms. Lengel asked if the biggest issue was that Mr. Terflinger feels as though the rules were broken or that the posts are there. Ms. Terflinger stated there was more to the story and it is uncomfortable and couldn't go into it.

Mr. Kleintank asked about the fence that has been referenced a few times. Mr. Campbell responded stating there are no variances required for the fence. Mr. Terflinger stated that he had spoken with Mr. Combs contractor and said other things are being done to the property. Mr. Combs stated the contractor is replacing the liner under the stone on the side of the house by Mr. & Mrs. Kleintank's property.

Mr. Terflinger stated he didn't feel it was fair that someone like him who has followed all the ordinances and got all of the necessary approvals and permits, if someone else doesn't have to follow the same procedure. Mr. Combs stating he could take the top wood off then it would just be posts in the ground for the lights. Ms. Lengel explained that something like that would be a compromise. Mr. Milam asked if it would still be a structure if there were 4 posts and pavers. Mr. Campbell stated the Plan Commission ruled it as a structure. Therefore, Mr. Combs was sent letters and he chose to apply for a variance to allow him to leave it where it is constructed.

Mr. Terflinger stated the pavers make it a patio and it needed to be moved to where it belongs. Mr. Combs responded that he was told to take them out and he did. Mr. Campbell states a permit was granted for the patio to replace one that was there previously. When it was determined that the patio was shifted closer to the property line, he was told to remove the pavers and Mr. Combs did. Mr. Combs is now asking for a variance to allow the patio to go where he requested.

Mr. Vogel asked if it was moved over 5 feet would it be acceptable and would the overhang be taken into account. Mr. Campbell stated that things are measured from ground floor square footage only, the Plan Commission office doesn't take overhangs into account just like on a house, only the foundation on the ground. Mr. Terflinger stated the overhang would still be on his side and he doesn't agree with that option, it would still be within his setback and he feels that it would be done in violation of the ordinance and the section about 'spite'.

Mr. Combs asked if he could leave the posts as light posts and make 4 smaller sections, likely wouldn't need any permits or approvals. Mr. Terflinger asked why Mr. Combs built it there in the first place. Mr. Combs stated that it was the location that makes the most sense based on the beach, the location of the walkout basement when it was there, and the dock. Mr. Terflinger responded that Mr. Combs has difficulty following rules, whereas he (Mr. Terflinger) follows all of the rules. Mr. Terflinger then stated that if the variance is approved there would be 'a bunch more' and if the board really wants to open this can of worms.

Ms. Lengel asked if the new plan would be permissible. Mr. Campbell responded that it would be splitting hairs. The ordinance isn't specific saying it can't be done, but should it be done. He further explained that this is part of the issue with the ordinance the way it is currently written.

Mr. Combs asked Mr. Terflinger if he removed the cross beams and just had the posts would that be acceptable. Mr. Terflinger and Ms. Terflinger discussed what they wanted amongst themselves. Mr. Terflinger asked if the petition was denied, could Mr. Combs appeal the decision to the courts. Mr. Campbell answered in the affirmative. Mr. Terflinger then asked if the petition is approved, could he

appeal the decision to the courts and would that stop the work until there is a ruling from the judge. Mr. Terflinger continued by saying that the courts is his next move, he has been encroached on for too long. Mr. Combs again asked if there was anything that could be done to satisfy everyone. Mr. Terflinger than said the only reason Mr. Combs was at the BZA meeting was because of him, therefore, he is not ok with anything being approved since the rules weren't followed. Mr. Terflinger stated he would not be accepting of a compromise at this point.

Mr. Milam read the approval guidelines for variances directly from the vote sheets. Mr. Terflinger requested to make comment on the guidelines. Mr. Campbell responded with the guidelines are the state law and what is required to base the decision on.

Mr. Milam stated he didn't feel as though a compromise would be made and asked if there were any more questions regarding the request. Mr. Combs stated he would like to make the neighbor happy and get along. Ms. Terflinger stated to take the patio and pergola down to 9 x 14. Mr. Combs stated he would take the top wood cross beams down. Mr. Terflinger responded with he feels as though in his experience; the patio and posts detracts from Ms. Terflinger's property value. He reiterated that he felt "robbed of his rights."

Ms. Terflinger stated he moved the beach and chose to place the patio in that specific location for a reason. She continued by stating that prior to everything Mr. Combs did the whole backyard was a beach.

Ms. Lengel read a portion of the approval guidelines regarding the use and value of the area adjacent to the property included will not be affected in a substantially adverse manner. Ms. Lyons stated which would someone prefer to see the overgrowth that was there previously or what is there currently. Mr. Terflinger stated that prior to the 'new home' being built there, nothing from the pictures taken previously was able to be seen out of Ms. Terflinger's window due to the houses being side by side. Mr. Dale stated that he believes that some people would think that Mr. Combs improved the view and therefore the value of the area. Mr. Terflinger repeated that it is because the pergola is 'right in front of the window' and there is supposed to be a 10-foot setback. Mr. Terflinger stated that Mr. Combs placed the patio there to have a party gathering area.

Mr. Vogel asked if Mr. Terflinger has parties on the property. Mr. Terflinger stated he does but not right up against the property line. He continued by saying there is a partial fence along the property line and during their parties they are only by the garage and only use the beach area for swimming and the campfire.

Ms. Lengel stated she is struggling to see the issue since the property looks great, she believes that the picture from the window is based on the angle it was taken. If the property owner wanted more view of the lake, they could take their garage/shed down to be able to see more of the lake. Mr. Terflinger stated he thinks it looks nice, but he doesn't like where the patio was placed.

Mr. Terflinger expressed his displeasure regarding the petitioner by forcefully placed a chair on top of a desk, and alleged that the petitioner would sit in the chair to 'glare down' at his teenage granddaughters. He further alleged the petitioner positioned a camera in his window directed toward Mr. Terflinger's daughter's kitchen, stating he was 'just telling the BZA the facts.'

Mr. Milam stated a motion was needed to either approve or deny the variance. Mr. Campbell clarified the motion needed would be to allow or not allow the existing structure and patio, not the

fence, hot tub, or lighted palm tree. Ms. Lengel asked about any restrictions. Mr. Campbell stated any reasonable restrictions could be added to the approval and they would be recorded.

Ms. Lyons asked about visiting the properties to be able to see the issues first hand rather than just in pictures.

Due to the lengthy discussion, the time was running short based on the Rules of Procedure requirement that the BZA meeting end by 10:00pm. Ms. Hicks read the Rules of Procedure rule on ending the meeting.

**Motion:**

Ms. Lengel made a motion to table the variance request until the next meeting due to time constraints.

Mr. Vogel seconded the motion.

Ms. Hicks called roll:

- ✓ Dan Dale – yes
- ✓ Patty Lengel – yes
- ✓ Amanda Lyons - yes
- ✓ Mark Milam – yes
- ✓ Joe Vogel – yes

**7. Motion for Adjournment**

Due to the Rules of Procedure, the meeting was required to be continued at 10pm and rescheduled to continue on Tuesday, July 22, 2025 at 7pm.

Ms. Lengel made the motion to adjourn.

Mr. Vogel seconded the motion.

The BZA Meeting adjourned at 10:04pm to reconvene July 22, 2025.

**Also Present:** Steve Hicks, Kyle Roemmich, Dave Terflinger, Heather Terflinger, Vicki Hawkins, Dave Hawkins, Linda Kleintank, Phil Kleintank, Nicky Burnsworth, Bill Burnsworth, Randy Van Vickie

Board Members: Dan Dale, Patty Lengel, Amanda Lyons, Mark Milam, Joe Vogel, Jerry Younce  
Staff: Mark Frantz, Board Attorney; Brian Campbell, Plan Director; Jennifer Hicks, BZA Secretary

**Tuesday, July 22, 2025 – Continuation of June 24, 2025 Meeting**

**1. Call To Order**

Ms. Lyons, Vice-Chair, reconvened the June 24, 2025 Board of Zoning Appeals Meeting at 7:00pm.

**2. Roll Call**

Ms. Hicks, BZA Secretary, called roll:

- ✓ Dan Dale – *Absent*
- ✓ Patty Lengel – *Present*
- ✓ Amanda Lyons – *Present*
- ✓ Mark Milam – *Absent*
- ✓ Joe Vogel – *Present*

Ms. Hicks declared a quorum was present.

**3. Continuation of June Agenda**

Ms. Lyons stated that since the continuation of the June meeting, Mr. & Mrs. Combs have withdrawn their variance petition.

Mr. Terflinger wished to continue his 'presentation' regarding VAR-25-019 despite the petition being withdrawn by the petitioner prior to the meeting. Mr. Terflinger provided the board with a list that was given to the realtor of improvements completed by Mr. Combs. Mr. Terflinger wanted to point out that he feels as though the list provides everything that Mr. Combs did on the property which should have required a building permit, a variance, or a 'land improvement plan'. He continued by referencing a "Lake Protection Act" which states 10 feet from the shoreline enforced by the stewards of the public trust which is in his opinion the Plan Commission. He feels as though Mr. Combs violated that state act with all of the work that he completed.

Mr. Terflinger referenced 6.2.4 of the Wabash County Zoning Ordinance, Lake Front Setbacks stating he believes there was a misinterpretation of the ordinance at the June meeting. He stressed the portion of the ordinance that states the 'Front Yard setback will be measured from structure to the high-water level.' Continuing on the discussion regarding the ordinance, he referred to page 5-33 of the Wabash County Zoning Ordinance, specifically the minimum front yard setback primary and accessory structure is open. Based on his interpretation that refers to the riparian rights that every property owner with lakefront property is entitled to. Mr. Terflinger referenced a chart located in the Wabash County Zoning Ordinance on page 5-35 that states front setback is 35 feet in an RL2 zoning district. He believes that open to the water implies there isn't supposed to be anything located in that area. Mr. Terflinger stated that based on his understanding of the ordinance and the riparian rights, the term 'open' in the ordinance refers to 'open view' not 'no setbacks'.

Mr. Campbell stated that also on that same page it says open to front and open to water. Mr. Terflinger stated it means it is open view per the riparian act. He continued by stating that Mr.

Howard (former Plan Director) would not allow Mr. Terflinger to build a 54-foot-deep barn because the front of the barn could not be in front of the house because then it would have been in the clear space. Mr. Terflinger brought up that across the street on non-lakefront properties different rules have been applied to those properties, so why not apply them to the lakefront properties as well.

Mr. Terflinger continued by stating that the riparian rights in Indiana give lakefront property owners certain exclusive or shared privileges, including access to the water, a reasonable unobstructed view of the water, use of the shoreline and bottomlands in front of your property, subject to DNR rules, the right to build or maintain piers or shore structures, with proper permits. He stated these rights are governed by Indiana Code 14-26-2 – the Lake Preservation Act.

Mr. Campbell pulled up an aerial view of Mr. Terflinger's property which shows that his garage is shown as closer to the water than the front of his home, therefore having the same reported issue. Mr. Terflinger stated the aerial view is wrong and his house sits closer to the water's edge than the barn.

Mr. Campbell read the ordinance where it said primary and accessory setback 'open'. Mr. Terflinger stated that means 'open view'. Mr. Campbell stated these are setback requirements and nowhere does it say open view. Mr. Terflinger argued that it is not a setback, it says 'open setbacks' meaning there is not supposed to be anything there. Mr. Terflinger then questioned why the chart on page 5-35 was placed in the ordinance stating 35 feet front setback. Mr. Terflinger continued by saying he understands where Mr. Campbell got the interpretation; however, he is contesting the ordinance. Mr. Campbell informed Mr. Terflinger that issues with the ordinance needs to be addressed to the Plan Commission not the BZA. Mr. Terflinger continued by saying that the information in the zoning ordinance was given to the Drainage Board and they made a decision made off of this ordinance. Mr. Campbell let Mr. Terflinger know that the BZA is not the Drainage Board. Mr. Terflinger stated the initial petitioner wanting to now place a gazebo and he doesn't want to see the county get sued for giving permission for a structure then taking it away. Mr. Vogel asked if Mr. Terflinger was at the Drainage Board meeting, to which Mr. Terflinger stated he was not; however, he contacted the Drainage Board after realizing what the plan was.

Ms. Lyons addressed the fact that the variance request was withdrawn and asked if any permits have been issued to the original petitioner. Mr. Campbell confirmed a permit was given. Mr. Vogel asked for confirmation that it was Mr. Combs that obtained a permit. Mr. Campbell confirmed Mr. Combs obtained a permit for a pergola. Mr. Terflinger then stated the new structure will be right in front of the Kleintank's view.

Mr. Terflinger then stated his 'rights' were clear in Indiana law. He feels like the interpretation that was given to the Drainage Board and Mr. Combs is an error. He continued to question why the ordinance would say setback from the high-water line if there is not a setback. Mr. Vogel asked how the high-water line is found. Mr. Terflinger stated it is in the state statute. Mr. Frantz stated the DNR is able to tell someone where the high-water line is located. Mr. Terflinger stated that DNR has been out and established where the high-water line is. Mr. Terflinger continued by saying that you can use GPS or look at the line of vegetation to determine where the line is

located. Mr. Vogel asked if the high-water line could change, for example in a wet year. Ms. Lyons stated that if you use the vegetation line there will be a variance in the location of the high-water line. Mr. Terflinger stated that was not true for this lake since DNR has a drain pipe where they control the lake level and unless the pipe is blocked the level of the lake will only go up or down 18 inches.

Mr. Terflinger reiterated that if the setback is supposed to be open then why does it say measure from the high-water line and why the chart is located in the ordinance regarding scenarios. Ms. Hicks explained that the chart is referencing examples and is not the actual ordinance and was just put in as an example of how to calculate lot sizes, setbacks, etc.

Mr. Frantz asked Mr. Terflinger where he received his information about riparian rights. Mr. Terflinger stated it was from a paralegal friend. Mr. Frantz then explained that nothing in Indiana has a law about an unobstructed view of the water, even the code that Mr. Terflinger sent to Mr. Frantz (IC 14-26-2), nothing says unobstructed view of the water. Mr. Terflinger reiterated if there is no setback why does the chart on page 5-35 state 35 feet and why does the ordinance say measure from the high-water line. Mr. Frantz explained that he has seen the drafts of the ordinance when it was being written and originally the ordinance had a 35-foot setback, but it was removed before the ordinance was approved therefore the chart on 5-35 is an error from the previous, unapproved draft.

Mr. Frantz explained the way he determines the interpretation of the ordinance and how it would be explained to a judge. Mr. Frantz continued by saying he agrees the ordinance is confusing and the setbacks like this are something that needs to be addressed in the ordinance review. Mr. Terflinger stated that an ordinance review doesn't help him or his neighbors because of a screw-up.

Mr. Terflinger then continued by stating under 'old business' he wants to address the patio and foundation are still there. He stated he went to the Drainage Board about this. He then backed up and stated that he contacted Mr. Campbell on July 26, 2024 regarding the patio being constructed and filed an official complaint. He stated he feels as though the complaint has not yet been handled. Mr. Terflinger stated he has emailed back and forth with Mr. Campbell regarding things being completed on the neighboring property. He stated that he attempted to fill to match the grade next to his property. He stated the neighbor has raised the grade of his property with boulders making him feel like he is in a hole when on his beach. Mr. Terflinger stated he decided he wanted to fill to match the grade to make it look better, but what he states he discovered is that there is a gap between the boulders and the property line. Since he can't place dirt on the neighboring property, if he slopes to his property line, he would create an illegal ditch under the state act and under the 'Drainage Commission'. He stated it would allow silt to go right to the lake. He asked how he would be able to get the boulders removed. He stated his contention is the boulders and the stone was the foundation for the patio that was ordered removed. He stated with the boulders and stones still being there, the patio is still there. Mr. Terflinger stated he feels as though the gap between the property line and the boulders, especially if he were to fill to match grade, would create a trip hazard and it wouldn't be able to be mowed, as well as creating the illegal ditch to the lake.

Mr. Vogel asked if Mr. Terflinger's daughter's home and the neighbor's home have even foundations. Mr. Terflinger stated the neighbor's is about 12 inches higher, he started to say that is another point of contention when 'they' got the building permit, 'they' never told the county about the walk-out basement which is what caused the house to be jacked up. Mr. Vogel asked how does someone try to control someone's yard when the ground isn't level. Mr. Terflinger stated that people need to go to DNR to get a permit and to the county to get a 'land improvement permit' to redo a backyard and raise the grade of the property 4 feet.

Mr. Terflinger stated when he purchased the property, both lots were level. He provided pictures to the board of the yards prior to Mr. Combs purchasing the property. Mr. Vogel stated that looking at the picture, you can see where there is a dip onto Mr. Terflinger's property. Mr. Terflinger stated that was caused by 2 years of runoff from the previous owners.

Mr. Terflinger stated that in September of 2024 he communicated with Mr. Campbell regarding the patio on the neighbor's property. He stated that Mr. Campbell told him the permit for the patio was rescinded until it could be determined where the initial patio was located. Mr. Terflinger continued by saying that despite being told to remove the patio, it is still there. Mr. Campbell stated that the patio had been removed upon request. Mr. Terflinger argued that the patio was still there, to which Mr. Campbell responded with the concrete interlocking block patio pavers that had been placed on the property have been removed. Mr. Campbell explained that the patio is no longer there, there is stone there, but not a patio. Mr. Terflinger countered with Mr. Combs put boulders in there, 2-foot of fill dirt, 2-foot of stone, and patio stones on top of it. Mr. Campbell stated the patio stones were removed. Mr. Terflinger again argued that removing patio stones is not removing the patio. He stated he still has issues with the patio. Mr. Terflinger claimed the stone violate the block wall ordinance and the fence ordinance. He continued by stating the boulders were on the property previously but 15 feet further over claiming that when they were moved the neighboring property owner damaged his property and property values.

Ms. Lyons asked about the fact that previously Mr. Combs stated that DNR has reviewed the boulder situation and had him make some adjustments, but they were okay with the boulders. Mr. Terflinger stated that was only partially correct. He stated at the point in time when DNR came out to the property, the gentleman who came was new to the area – named Kyle. At that point in time, Mr. Terflinger stated he was not aware of the violations that Mr. Combs was doing on the property, his only complaint at the time that was being addressed were the boulders that were in the water. Since finding the Lake Preservation Act, he believes that depending on what resolution the BZA provides him, he plans to make another complaint to DNR because he feels it is 'completely illegal'.

Ms. Lyons stated that if DNR gave their approval, the BZA doesn't have the authority to trump DNR's decisions. If there are complaints regarding the boulders and the lake, they need to be addressed with DNR. Mr. Terflinger stated the boulders in the lake are considered a seawall, which he stated Mr. Combs is in violation of that ordinance because he raised it up higher than it was which will cause water to go onto other properties. Ms. Lyons interjected that if the boulders have been there, DNR told him what changes to make, and he has made those changes, then it has been resolved and is in compliance. Mr. Terflinger claims that Mr. Combs told DNR that the previous property owner put the boulders there causing DNR to tell him to only move the ones on the water side.

Mr. Terflinger stated the only thing he needs from the BZA is an order to Mr. Combs to remove 5 boulders – that create an illegal fence and wall per the ordinance. He continued by saying that according to the Lake Preservation Act, the BZA is the stewards of the land. Mr. Frantz informed Mr. Terflinger that is not what the Act says, it says it is only enforceable through DNR. Mr. Terflinger argued that if you read more it says the first 12 feet of the water line is controlled by the public stewards which he believes is the Plan Commission. He stated that either way he views the boulders as being a violation of the fence ordinance since it is not a cyclone fence, it's a block wall. He wants the boulders removed so that he can have the yards sloped the way they were previously. He again stated that if he fills to match grade, he creates an illegal ditch and is the one in violation because of the neighbor's actions.

Mr. Frantz then stated again, that he reviewed the Lake Preservation Act and there was no reference to 12 feet in it so he is unsure where Mr. Terflinger is seeing that information. Mr. Frantz continued by saying that per what he reads in the Lake Preservation Act, 10 feet is still within the DNR's permitting review and jurisdiction. He continued by stating that the BZA cannot do anything because the variance has been withdrawn, so there is no decision that can be made.

Mr. Terflinger then asked about his complaint regarding the patio asking if the BZA agrees with the interpretation of the patio being just the patio stones not the stones under it. Mr. Vogel stated he didn't believe Mr. Terflinger was in the right venue for the interpretation of the ordinance. Mr. Campbell stated the Plan Commission is the entity responsible for the rules and regulations. He continued by saying that if Mr. Terflinger wants to make a complaint about it; however, it is stone and the Plan Commission office has never permitted stone for anything, anywhere in the county. He went on to say no where in the ordinance does it say that someone can't put stone in, just like how Mr. Terflinger put sand in all the way down into the water on his beach, where does it say it would have to be permitted. Mr. Terflinger stated that DNR told him all he had to do was put in a cement curb, which he did. Mr. Campbell then asked then what does this have to do with the Board of Zoning Appeals, to which Mr. Terflinger responded with this are not stones, they are boulders with stone. Mr. Campbell responded with it was the subbase, not the patio, and that stone has never been permitted anywhere else in the county. Mr. Terflinger argued that it was part of a structure because Mr. Combs had a pergola over it. Mr. Campbell and Ms. Lyons both responded saying the pergola is gone. Mr. Campbell further stated the patio is gone. Mr. Terflinger again argued that no it is not gone because the boulders and stone is still there. Continuing he stated the boulders are far enough away from the property line that there isn't room for a lawn mower and the property owner can't walk between the property line and the boulders.

Ms. Lengel responded to Mr. Terflinger stating that she believes everyone on the board understands where he is coming from but the DNR covered the big rocks. She continued by explaining that Mr. Campbell stated that gravel isn't something that the county permits for yards. Mr. Frantz explained to Mr. Terflinger that even if the BZA members agreed with him, they don't have the authority to order the neighboring property owner to remove it. He continued by saying the only thing the BZA can decide on is if a variance should be granted or not. If the petition is withdrawn, there is nothing to decide. Mr. Terflinger then asked if he needed to go to the Plan Commission, to which Mr. Frantz responded yes, just like when it was taken to the Plan Commission to determine if what was built would be interpreted as a structure or not.

Mr. Terflinger stated his next topic was a 'moot point' but he felt like he had to correct something from the previous BZA meeting and a question that Ms. Lengel had. He continued by reading a portion of minutes from a previous PC meeting regarding the neighboring property. Mr. Terflinger continued by stating that the boulders are taller than a legal fence and the neighboring property owner has damaged Mr. Terflinger's property because he feels like when he sits on his beach it feels like a 'mudhole', especially after it rains. Mr. Terflinger continued to read the minutes from the PC meeting regarding the definition of a structure. Mr. Campbell asked if the pergola was removed. Mr. Terflinger confirmed it has been removed, but he feels like now it is a bigger mess than it was previously. Mr. Campbell stated that Mr. Combs requested a variance rather than starting with removing which is permissible. Mr. Terflinger then stated that he was told the patio would be removed, to which Mr. Campbell stated the patio was removed. With that Mr. Terflinger requested to be placed on the Plan Commission meeting agenda for the August 7, 2025 meeting to discuss an ordinance review.

Mr. Vogel asked if the property was currently for sale. Mr. Terflinger stated it was not, but that he did just discover that the property owner owns a company named R & L Rentals LLC.

Mr. Terflinger asked where the new gazebo will be located based on the permit pulled by Mr. Combs. Mr. Campbell stated the site plan has the gazebo within the setbacks of the property. Mr. Terflinger asked to be able

Mr. Campbell provided an update on complaints for June. There were 50 unresolved complaints – 34 were open and being worked on by staff, 2 unsafe premise orders, 14 with legal. 82 Complaints have been worked year-to-date.

Mr. Vogel made a motion to adjourn the June meeting. Ms. Lengel seconded the motion.

June Meeting adjourned at 7:47pm on July 22, 2025