

# *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** **TUESDAY, AUGUST 23, 2022**

BZA MEMBERS: Dan Dale, Patty Godfroy, Mark Milam, Joe Vogel, Jerry Younce

PRESENT: Mark Milam, Joe Vogel, Jerry Younce, Dan Dale  
Mike Howard, Plan Director; Larry Thrush, Board Attorney; Libby Cook, Board Secretary;  
others present include: Gary Treska II, Gerald Enyeart, Pamela Enyeart, Kyle Wieland

ABSENT: Patty Godfroy

The Wabash County Board of Zoning Appeals met on Tuesday, August 23, 2022, 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 July 26, 2022 meeting, there being none he asked for a motion to approve the minutes as written. Motion to approve by Mr. Milam, second by Mr. Younce, motion carried unanimously 4 – 0, one member absent.

Mr. Vogel: The first item on the agenda is Variance #6, Gerald Enyeart seeking a variance from the road setback requirements in Pleasant Township. Mr. Howard gave the following information: the address is 5662 W 1400 N, N. Manchester; a .7 acre parcel; the required setback for a secondary county road is 65 feet from the center of the road, the Enyeart's are asking to be 40 feet from the center of the road for construction of a 30 x 32 garage; provided a drawing showing where the building would be located to the southwest corner of the house; no other variances are required. Mr. Enyeart reviewed the distances the structure will be from all property lines; the location would not block the visibility of any neighboring driveways; he also stated that he has not had any opposition from neighbors. Board members reviewed the information presented to them. Mr. Vogel asked about the doors on the building, would they be toward the road? Mr. Enyeart said no, the doors would be facing east toward the house. No one present at the meeting had any questions or concerns. The Board proceeded to vote, Mr. Thrush tallied the votes and stated that Variance #6 was unanimously approved, 4 – 0, with one member absent.

Mr. Vogel: The next item on the agenda is Special Exception #11, Gary Treska for expansion of a CFO in Lagro Twp. Mr. Howard gave the following information: the location for the expansion is 5700 E. Division Rd.; 83.94 acre parcel; the existing building was in place prior to the county ordinance on CFO's so IDEM setbacks apply for most of the setbacks. Mr. Treska applied to add

one building to house 2,000 head; under the County CFO Ordinance Mr. Treska meets the requirements for this site. The county received a letter from the DNR and Army Corp verifying that Mr. Treska has been cleared of all violations; the county ordinance requires the structure to be 1,000 feet from any public well, for the modular home to the south, the water supply comes from Swan's home well located by the garage. This which meets the setback requirement; the Forrester's home to the south of the proposed building is more than 1,000 feet away; because of this being an existing site, the existing CFO building was in place before the county CFO ordinance was in place. Mr. Treska would be required to meet IDEM requirements as far as property line setbacks, His plans meet IDEM requirements as far as setbacks; in review of aerial photos, the area zoned FR is all tillable farm ground that is owned by the farmers, it is not government land however it is part of the spillway for the Salamonie, the current ordinance from 1965 states that they have to be 2,640 feet from anything other than agricultural zoning, in the new ordinance this area will be changed from FR to Ag 1 or Ag 2, in the application I have included a variance request from the 2,640 feet as this area is still under the old county ordinance to cover this until the new ordinance goes into effect; a variance request is also applied to the non-conforming clause in the ordinance stating that "expansion, extension or enlargement must be only in a direction that would not increase the non-conformity, in other words away from a residential or non-agricultural business structure", no matter where you set a building on the property you would be getting closer to somebody's residence or business, so that clause in the ordinance is really ineffective but because it is in the ordinance a variance is being requested. Mr. Vogel asked if there were any questions, there were none from the public. Mr. Dale asked if Mr. Treska has received his permit from IDEM, a copy of the permit which was issued in November of 2021 was provided. Mr. Howard said the request has been given a favorable recommendation by the Plan Commission Board and the Wabash County Drainage Board. There being no further discussion the Board proceeded to vote. Mr. Thrush tallied the votes for the variance request and stated that it was unanimously approved, 4-0 with one member absent. Mr. Thrush tallied the votes for the Special Exception #11 and stated that the request was unanimously approved, 4-0 with one member absent.

Mr. Vogel: Next on the agenda is Variance #7, Kyle Wieland requesting a variance from the property line setback for a residential structure in an R2 district in Pleasant Township. Mr. Howard gave the following information: property location is 27 E. Ireland Dr., Lot 23; plans are to remove the existing home and construct a new two story home; the main structure would meet the setback requirements, but the plan has two proposed porches, one on each side of the new home that would extend into the required 10 foot setback, to the east it would be 7 feet and to the west it would be 6 feet from the property line. Mr. Wieland said that John Stephens has surveyed the property, the new structure will sit almost exactly where the existing house is, there is a pump house that sits close to the property line that will be removed if this is approved. Mr. Wieland asked about adding a deck toward the lake side of the home, is there a setback requirement from the lake, there are none that Mr. Howard is aware of, nothing in the ordinance that states how far it would have to be from the water's edge. Mr. Vogel asked about the distance from the road to the garage, Mr. Wieland said it would be over 30 feet. Mr. Wieland added that the well needs to be replaced, we have been told that it would have to be 50 feet from the grind station for the Laketon sewer system and we can't do this without tearing down the existing house, we want to keep the exact footprint of the existing house, we will be taking out some old trees and the neighbors are supportive of this and the new home. Mr. Dale asked about the drainage situation from the street to the lake. Mr. Wieland said it goes through his property; the crown is sloped towards our house on both sides so it does puddle in front of the door when we have rains so we would like to get that fixed as well. There being no further discussion the Board proceeded to vote. Mr. Thrush tallied the votes and stated that Variance #7 was unanimously approved, 4 – 0 with one member absent.

Mr. Howard gave the following updates:

- County Zoning Ordinance draft update: BZA members have received a copy of the final draft, he asked if the BZA members had any questions or concerns, none were noted. The Plan Commission Board discussed making changes to the wording on abandoned properties with pools with water in them, changing the wording on that. He hopes to get final approval from the PCB members at the September 1, 2022 meeting and will then give the ordinance to the County Commissioners and the incorporated towns of Lafontaine, Lagro, and Roann for their approval.

- Complaints:

Kowalczyk unsafe premise order, in the Town of Lagro. Contractor bids for demolition are due back on Friday, Aug. 26<sup>th</sup> to remove block walls, clean up property and what is down over the hill, grade and seed the property. Mr. Thrush noted that if the property were to be sold the property would still be subject to this unsafe premise order.

Myron Dill unsafe premise order in Liberty Mills, he did not comply so it went to court, he has been served a summons.

Clark/Wilcox unsafe premise order at Sandy Beach, the PCB gave them until Sept. 1, 2022 to get the roof on the house fixed and have the property cleaned up and kept mowed.

- Other business:

Commissioner Eppley received a complaint from Mr. David Terflinger at Sandy Beach regarding the Gary & Marthene Burnau property. His complaint is the setback from the street. The setbacks have always been interpreted from the center of the road. In the minutes of the November 2019 meeting, Mr. Burnau stated that the setback for the garage would be 24 feet from the edge of the road. The garage will be approximately 24 – 25 feet from the center of the road, not from the edge of the road. Mr. Howard stated, when asked by Ms. Burnau the setback was 24 feet from the center of the road. Mr. Vogel suggested that due to the size of the lots in residential areas such as this, going forward maybe the PC should require a site plan for construction be completed by a licensed surveyor to be sure the land owners are in compliance.

There being no further business Mr. Vogel asked for a motion to adjourn. Mr. Dale made the motion to adjourn, seconded by Mr. Milam, motion carried. Meeting adjourned at 8:25 pm.

*Libby Cook*

*Secretary, Wabash Co. Board of Zoning Appeals*

*MTH*