

WABASH COUNTY PLAN COMMISSION

Wabash County Court House

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Wabash County Board of Zoning Appeals

Wabash County Court House

Wabash IN 46992

BZA MEETING MINUTES

TUESDAY, NOVEMBER 22, 2022

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

PRESENT: Mark Milam, Joe Vogel, Jerry Younce, Mike Howard, Plan Director; Brian Campbell, Plan Director (training); Larry Thrush, Board Attorney; Amanda Lyons, Board Secretary
others present include: Jim Reynolds, Josh Petruniw, Cindy Brown, Jeff Buis, John Gotschall

ABSENT: Patty Godfroy, Dan Dale

The Wabash County Board of Zoning Appeals met on Tuesday, November 22, 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 October 25, 2022 meeting, there being none he asked for a motion to approve the minutes as written. Motion to approve by Mr. Younce, second by Mr. Milam, motion carried unanimously 3 – 0.

Mr. Vogel introduced Mr. Brian Campbell, the new Wabash County Plan Director. Mr. Vogel also thanked Mr. Mike Howard for his service to the Plan Commission, as he is retiring at the end of the year.

Mr. Howard: The first item on the agenda is Special Exception #14, J.M. Reynolds Oil seeking a special exception for a propane storage facility with a variance from the setback requirement from the center of a primary county road and an adjoining property line. The property is a 3.96-acre parcel located at 3477 W. 500 S., Wabash in Noble Township. J.M. Reynolds Oil would like to set 1 LP tank measuring 41.5' x 109" and 1 LP tank measuring 78' x 109" with docking facilities, with a 100' setback from the center of the road. Mr. Petruniw reviewed the site plan with Board. He indicated they will not be utilizing ground near any of the flood zone and that the overall footprint of the facility will be small in relationship to the size of the parcel. Mr. Howard reviewed the current ordinance requirements for this type of facility with the new ordinance requirements that take effect January 1, 2023. Mr. Reynolds stated the project is part of a 10-year plan, that they are looking for a south facility to better serve their growing customer base in the southern region. Mr. Reynolds indicated the project will include a gravel drive, meet all DOT security mandates including fencing, and follow all fire codes. The project involves moving the 18,000-gallon tank that is currently at the downtown facility and adding a 30,000-gallon new tank. Mr. Reynolds estimates this project is a \$200,000 investment. Mr. Milam asked if future plans for the site would

include any buildings. Mr. Reynolds indicated potentially a shack for paperwork transfer, but no other structures are planned. Mr. Younce inquired about where the fence would be located. Mr. Reynolds shared that the fence will be up close to the tank, situated in a manner to protect any valves and piping, include two gates, and be secured by utilizing the footer under the tanks. Mr. Howard informed the board he had researched the elevation and has no concerns regarding line of site for safety at the road entrance. Mr. Vogel asked for any questions or concerns from those in attendance. There being no questions or concerns, a motion to approve the variance on setback requirements was made by Mr. Milam, second by Mr. Younce. The board proceeded to vote, Mr. Thrush tallied the votes and stated that the variance from setback requirements passed 3-0. Then a motion to approve Special Exception #14 was made by Mr. Milam, second by Mr. Younce. The Board proceeded to vote, Mr. Thrush tallied the votes and stated that Special Exception #14 was unanimously approved, 3 – 0.

Mr. Howard: The next item on the agenda is Variance #10, Cindy Brown and Jeff Buis, seeking a variance from the subdivision ordinance to make more than one split / sell of less than 20 acres within a 5-year period with a variance from the minimum road frontage for a residential parcel. The parcel is located at 754 S 475 W, Wabash in Noble Township. They are seeking to split 1.5 acres from a 5-acre parcel. The new parcel would have 108.34' of road frontage. The required frontage is 150'. Mr. Howard explained to the board that both parcels will use the same driveway with an easement being established. He recommended to the property owners involved that the maintenance of the driveway be specified in the easement. Mr. Vogel asked the property owner about location of a future home. Mr. Buis indicated it would be beside the current structure on the property. Mr. Vogel reiterated getting the driveway agreement in place. Mr. Vogel then asked if anyone else in attendance had any questions or concerns. There being no further questions, Mr. Milam made a motion to approve the variance from road frontage requirement. Second was made by Mr. Younce. The Board proceeded to vote, Mr. Thrush tallied the votes and stated that the variance from the road frontage requirement passed 3-0. Mr. Younce then made a motion to approve the variance from the subdivision ordinance. Second by Mr. Milam. The Board proceeded to vote, Mr. Thrush tallied the votes and stated the variance from the subdivision ordinance passed 3-0.

Mr. Howard gave the following updates:

- Solar Project Update: Chris Neff of NextEra presented an update to the Plan Commission Board at their November 3, 2022 meeting. Mr. Howard reviewed handouts Mr. Neff provided the Plan Commission Board as well as minutes from that portion of the meeting. Currently they are doing field testing. They expect to have a site plan in spring 2023, file for a Special Exception in spring 2023, with the final plan being complete in winter 2023-2024. After the final plan is created, the construction process will take approximately 18-24 months. Mr. Milam asked if they indicated where the power generated would be going, Mr. Howard replied that they did not specify. Mr. Younce shared concerns about the ground maintenance, as he doesn't want the property to look overgrown like other solar projects in the area have become. Mr. Howard shared with the board that Mr. Neff indicated the ground maintenance is contracted for mowing, etc. and that they use very little chemicals to maintain grounds.
- Complaints

- Mr. Howard shared the Kowalczyk property demolition located at 270 Main Street, Lagro has been completed by Brainard Excavating. He shared pictures of the property with the board members and provided Mr. Thrush with pictures and the invoice from Brainards.
- Old State Road 15, north of Wabash (north of Bachelor Creek Church) is a property that Todd Jager from Huntington leases from the deeded owner. Mr. Howard shared with the board he called Mr. Jager on Friday, November 18th to advise him that the deadline to clean up the cars on the property is Friday, December 2. If the property is not cleaned up by December 2 the matter will be taken to court and charges filed against deeded owner. Mr. Howard indicated he had also sent these terms to Mr. Jager in writing via certified mail.
- Other business:

Mr. John Gotschall appeared before the board regarding his mobile home located at 71 S. State Road 524, Lagro. Mr. Howard shared with the board that Mr. Gotschall's mobile home is currently located in the floodway. He had previously appeared before the board seeking approval to move the mobile home to the west, where it would be in the flood plain, but out of the flood way, located approximately 75' from the center of the state road, elevated on cement pillars so that the floor level of the mobile home is 2' above the flood plain, which will have the trailer elevated approximately 7'. Mr. Howard reminded the board that this was previously approved as Variance #5 at the June 2022 meeting. Recently Mr. Gotschall has contacted Mr. Howard asking about using utility poles or pipes to elevate the mobile home. Mr. Howard shared that he had explained to Mr. Gotschall that utility poles would not meet the requirements specified by the board in his variance approval, and that to utilize pipes he would need to come before the board again for their approval. Mr. Howard reviewed with Mr. Gotschall and the board that the mobile home would need to be entirely skirted and include vents that would allow water flow. The skirting material chosen would also need to be able to withstand potential water flow. Mr. Howard reiterated to Mr. Gotschall and the board that this project must be completed properly so as to not risk flood insurance issues for others in the county. Mr. Gotschall presented the board with a picture of what he would like to do with the pipes. He indicated his plan is to use 5" x 12' pipes from Smith Brothers in Marion. He has purchased the pipes and is waiting on delivery. He is uncertain what schedule the pipes are. The pipes will be set in the ground with concrete. Mr. Milam asked if Mr. Gotschall was aware of the DNR or Army Corp of Engineers requirements for the project. Mr. Howard indicated Anita Nance at the state level stated dirt could be moved within the flood plain, Mr. Milam indicated he would like to know the requirements for placing anything in the ground in the flood plain, and that at this time he does not feel we have enough information about the requirements to decide. Mr. Vogel encouraged Mr. Gotschall to obtain engineered drawings to determine what is needed. Mr. Gotschall replied that he intends to have 5 pipes on each side with strapping over the trailer and I beams between the pipes. Mr. Vogel inquired about the entrance due to the elevation. Mr. Gotschall indicated he would have steps going up to the door. Mr. Howard added that the steps would also have to allow water to flow and would need to be located on the road side of the trailer. Mr. Howard reminded Mr. Gotschall that previous approval was for concrete pillars, that he may need to get an engineering plan to meet BZA and DNR / Army Corp of Engineers requirements to ensure the project is completed properly, and that the ordinance requirement for manufactured homes (including mobile homes) says that the home must be secured on foundation and elevated 2' above flood plain if in area. Mr. Gotschall responded that he is going to have someone help to make sure it

is done correctly, but that he will also be doing some of the work on his own. Mr. Vogel agreed with Mr. Milam and Mr. Howard that he would like to see more plans for the project. Mr. Gotschall stated he hopes to start when the weather breaks in the spring. He added the new location for the trailer has never been flooded that he is aware of, whereas the current location has had water up to floor level. Mr. Howard requested he bring engineered drawings showing skirting, vents, and pipe structure. Mr. Gotschall asked if it would have to skirted since it is elevated so much. Mr. Howard stated yes, all mobile homes in the county require skirting. Mr. Younce reiterated that yes it would need to be skirted, and he would think it would be needed for wind break underneath. Mr. Gotschall asked about using 4x8 sheets for skirting. Mr. Milam stated that would be acceptable if he presents a plan that has it secured adequately and vented properly for the water flow. Mr. Vogel advised Mr. Gotschall he is going to want to a contractor to assist with the project. Mr. Milam added that before he can proceed with the project he needs to know how deep the pipe must be and how big the pipe would need to be to support the structure. Mr. Gotschall indicated the project may be getting cost prohibitive.

Mr. Howard informed the board he had received a call from Sacha Sare requesting to have chickens at her residence at the intersection of 1000 N and 725 W, Lukens Lake which is in the Kingston Park Addition. The covenants for the addition specify no cattle or hogs are allowed on lots. The new county ordinance does not allow raising or boarding of livestock in a platted area. He reviewed the definition of livestock according to the ordinance. Mr. Vogel asked what the property is zoned, Mr. Howard replied it is R1. Mr. Vogel asked if the chickens would be enclosed or free. Mr. Howard indicated he was not sure what Ms. Sare intended. Mr. Howard encouraged the board to consider if they allow the chickens, what stipulations would they want put in place. He has already told Ms. Sare roosters would not be allowed. Mr. Thrush encouraged board members to consider the addition covenants. Mr. Howard advised it could be disputed as a nuisance by the neighbors. Mr. Vogel inquired if the property owner had considered the manure and flies. Mr. Milam shared that the potential of allowing them as pets or for recreational purposes makes him nervous for fear of it getting out of hand in neighborhoods. Mr. Younce questioned if they had enough room to provide an adequate shelter and run, and if allowed he would want to set limits on how many would be allowed. Mr. Milam shared he feels the covenants of Kingston Park are in place to keep this from happening; therefore, he would not be in favor. Mr. Thrush advised the board it might be best to contact Ms. Sare and inform her she can apply for a Special Exception for the chickens. This would allow the neighbors an opportunity to weigh in, but at this time the board is not in favor. Mr. Howard will contact Ms. Sare regarding Special Exception and the boards feelings on the issue.

There being no further business Mr. Vogel asked for a motion to adjourn. Mr. Milam made the motion to adjourn, seconded by Mr. Younce, motion carried. Meeting adjourned at 8:50 pm.

Amanda Lyons
Secretary, Wabash Co. Board of Zoning Appeals
MTH