

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: Mark Frantz, Board Attorney; Brian Campbell, Plan Director; Amanda Lyons, Administrative Assistant

Meeting Minutes of Tuesday, May 28, 2024

Roll call was taken with the following present:

Board Members: Dan Dale, Mark Milam, Joe Vogel,

Staff: Mark Frantz, Board Attorney; Brian Campbell, Plan Director; Amanda Lyons, Administrative Assistant

Absent: Jerry Younce

Others present: Paul Benedict, David Terflinger, Kurt Snyder, Amy Clark, Steve Clark, Nicky Burnsworth, Suzanne Peebles

The Wabash County Board of Zoning Appeals met on Tuesday, May 28, 2024, in the Commissioners Meeting Room of the Wabash County Courthouse. Board Chairman, Mark Milam called the meeting to order at 7:00 pm. Mr. Milam asked if there were any additions or corrections to the minutes of the March 26, 2024 meeting. There were no changes; however, Mr. Dale stated he would abstain. With only two other members in attendance, the minutes were left unapproved until the June meeting. Mr. Milam indicated a change in the agenda order for the meeting; stating the board would hear all the variances first.

Mr. Milam stated first on the agenda would be Variance #14, Paul Benedict, requesting a variance from the roadway setback for an accessory structure. Mr. Campbell stated the property address is 8177 S. 650 W. in Waltz Township. The accessory structure is a utility shed that was placed without a permit. Mr. Campbell sent Mr. Benedict a letter; when Mr. Benedict contacted the office a permit it was determined by the site plan that a variance would be required. Mr. Benedict's site plan indicates the shed is 58' from the center of the road, as this is a primary road the zoning ordinance requires a 95' roadway setback. Mr. Milam asked if there were concerns with obstructing the line of sight; Mr. Campbell stated no. Mr. Milam then asked if there were any other questions from board members or those in attendance. There being none, Mr. Vogel made a motion to approve the variance as presented; second by Mr. Dale. Board proceeded to roll call vote; motion passed unanimously. Mr. Campbell reminded Mr. Benedict to get a building permit from the Plan Commission office.

Next on the agenda was Variance #15, Kurt Snyder, requesting a variance of 13' from the north side property line aggregate distance requirement. Mr. Campbell stated the property address is 125 Church Street in Roann in Paw-Paw Township. Mr. Campbell explained to the board that Mr. Snyder can maintain the 13' property line setback; however, due to the location of a neighbor's shed he is not able to meet the 26' aggregate distance required. Board members reviewed the property on GIS. Mr. Milam asked where the entrance to the garage would be; Mr. Snyder indicated the plan is to place the garage as far in the corner as possible to allow room to turn into it from the alley. Mr. Dale asked about the alley to the east; Mr. Snyder explained it is for utilities and would be very tight. Mr. Milam asked if there were any further questions from board members or others in attendance. There being none, Mr. Dale made a motion to approve variance #15 as presented; second by Mr. Vogel. Board proceeded to roll call vote; motion passed unanimously. Mr. Campbell reminded Mr. Snyder to get a building permit from the Plan Commission office.

Variance #16, Mark & Connie Logsdon, requesting a variance from the side property line and the aggregate distance was next on the agenda. Mr. Campbell stated the property is located at 17 N. Canary in Sandy Beach Estates. Mr. Campbell informed the board he had contacted Mr. Logsdon regarding a complaint on the property, and when Mr. Logsdon attempted to remedy the complaint, he noticed structural concerns. The A frame portion of the structure is sitting on 3 mobile home frames currently. Mr. Logsdon intends to remove that portion, pour a footer and rebuild. The structure will be 6' from the north property line, the zoning ordinance requires a 13' setback. The rebuild will also require a 7' variance to the minimum aggregate distance. Mr. Campbell noted Ryan Weaver, a neighbor had contacted the office for information; after reviewing the plan, he had no concerns. Mr. Milam asked about the foundation; Mr. Logsdon stated it currently does not have a foundation, but will have after the rebuild. Mr. Milam asked if there were any further questions from the board or those in attendance. Mr. Terflinger asked about a time frame for the project; Mr. Logsdon indicated he plans to start tear down in June. Mr. Terflinger stated he would fully support the project, and thanked Mr. Logsdon for making improvements in the neighborhood. There being no further questions, Mr. Milam asked for a motion. Mr. Vogel made a motion to approve the side yard setback variance as presented; second by Mr. Dale. Roll call vote was taken; motion passed unanimously. Mr. Dale then made a motion to approve the variance to the aggregate distance as presented; second by Mr. Vogel. Roll call vote was taken; motion passed unanimously. Mr. Campbell reminded Mr. Logsdon to get a building permit from the Plan Commission office prior to construction.

Mr. Milam stated next would be Variance #17, Steven & Amy Clark, requesting a variance from the roadway setback for an accessory structure. Mr. Campbell informed the board the property is located at 8475 N 600 W in Pleasant Township. The proposed accessory structure is a detached garage. The zoning ordinance requires the building to be 65' from the center of the road, the site plan indicates the structure will be 58' from center of the road. Board members reviewed the property on GIS. Mr. Milam asked if there were questions from board members or others in attendance. There being none, he asked for a motion. Mr. Vogel made a motion to approve the variance as presented; second by Mr. Dale. Board proceeded to roll call vote; motion passed unanimously. Mr. Campbell reminded Mr. & Mrs. Clark to obtain a building permit from the Plan Commission office.

Mr. Dave Terflinger then presented the board with concerns on a property located at 32 N Lakeview Drive at Sandy Beach Estates. The board granted a variance for an accessory structure at the February 27, 2024 meeting (Variance #5). At that meeting the board and Ms. Poe, the property owner, also came to an agreement on clean up that would be required on property to come into compliance with the zoning ordinance. Ms. Poe agreed to having the clean up completed within 30 days. Mr. Terflinger shared pictures with the board showing that the clean up has not been completed to date. Mr. Campbell informed board members he had contacted Ms. Poe to inform her the property would be discussed at this evening's meeting; Ms. Poe indicated she would not be attending and that she would be unable to have the property cleaned up prior to the meeting. Mr. Milam asked if Ms. Poe had been made aware of what still needed to be done. Mr. Campbell and Mr. Terflinger explained at this time there is a pallet structure and a white metal shed that both need to be removed, the dog kennel has been moved but is now severely overgrown, and there is a large amount of trash and junk in the yard and on the porch. Mr. Campbell confirmed Ms. Poe is aware of the issues still needing resolved. Mr. Terflinger noted that the white shed sits in a Duke Energy easement and that the property lines on GIS are not correct. Mr. Terflinger stated that with property assessments on the rise, he would like assistance from the board getting the property cleaned up and inquired what the next step in the process would be. Mr. Campbell responded that fines can not be issued until found guilty of the violation. Mr. Frantz added that the court system would have to find the property owner guilty and then allow the fine process to begin. The fines could be \$10-\$300 per day; he would typically ask for \$100/day. Board members discussed how long that process might take and how expensive it would potentially be with Mr. Frantz and Mr. Terflinger. Mr. Milam asked if the Home Owners Association had taken any action, as they should be the first line of defense. Mr. Terflinger stated they were not financially able to take any action. Mr. Terflinger then inquired about getting the Health Department involved, as the living conditions are leading to rat problems for neighboring properties. Mr. Vogel indicated he felt that would be a good decision, as they might have other avenues available to help remedy the situation. Mr. Campbell stated he would notify the Health Department and work with Mr. Frantz to get a letter prepared for Ms. Poe. The board determined Mr. Campbell

should attempt to contact Ms. Poe to advise her of the letter being sent and actions being pursued. Mr. Frantz stated a letter could be sent yet this week giving her a 10-day deadline and if not completed file with the courts.

Mr. Terflinger then informed the board he had attended the previous County Council meeting and requested ARPA funds for the Plan Commission department. He requested \$50,000 over two years, to be used to help handle complaints and getting properties in compliance with the zoning ordinance. He added that he had contacted Alex Downard and Tenille Zartman with Grow Wabash County, informing them that if we want to attract people to Wabash County, we need to clean it up.

Mr. Campbell shared a complaint update:

- 59 open complaints including those rolled over from previous year
- 43 complaints rolled over from 2023, with 13 of those 43 being closed
- 51 new complaints worked in 2024, with 21 of those 51 being closed
- 94 complaints total, with 33 of those 94 being closed

Mr. Milam asked if there was any other business to come before the board.

- Mr. Dale asked if there had been any updates on Fountain Vue Mobile Home Park, as the end of May was the deadline given by the town. Mr. Campbell stated he had no updates on it at this time.

There being no other business, Mr. Milam asked for a motion to adjourn. Motion to adjourn was made by Mr. Vogel; second by Mr. Dale. Meeting adjourned at 8:15 p.m.

Amanda Lyons
Secretary, Board of Zoning Appeals

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