

# Wabash County Plan Commission

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## Wabash County Board of Zoning Appeals

Board Members: Dan Dale, Amanda Lyons, Mark Milam, Joe Vogel, Jerry Younce

Staff: Mark Frantz, Board Attorney; Brian Campbell, Plan Director; Jennifer Hicks, BZA Secretary

## Meeting Minutes of Tuesday, July 23, 2024

Roll call was taken with the following present:

Board Members: Amanda Lyons, Mark Milam, Joe Vogel

Staff: Mark Frantz, Board Attorney; Brian Campbell, Plan Director; Jennifer Hicks, BZA Secretary

Absent: Dan Dale, Jerry Younce

Others present: Mark Barnes, Steve Hicks, Zach Hiner, Gabe Kelley, Stacy Kelley, Brian Cook, Jeremy Rockstroh, Misty Rockstroh, Christy Schnelker, Jamie Schnelker, Abby Schnelker, Matt Schnelker

The Wabash County Board of Zoning Appeals met on Tuesday, July 23, 2024, in the Commissioners Meeting Room of the Wabash County Courthouse. Board Chairman, Mark Milam, called the meeting to order at 7:00pm. Mr. Milam asked Brian Campbell to introduce the new member. Mr. Campbell introduced Amanda Lyons, former secretary for the Plan Commission, who was approved as a Wabash County Commissioners appointee to the Board of Zoning Appeals. Ms. Lyons is taking over the term of Patty Godfroy-Lengel. Ms. Lengel's term started on January 1, 2024, so Ms. Lyons will be completing the four-year term concluding December 31, 2027. Mr. Campbell thanked Ms. Lyons for being on the board.

Mr. Milam asked if there were any additions or corrections to the minutes of the Tuesday, June 25, 2024 meeting. With no corrections, Joe Vogel made a motion to approve the minutes, Ms. Lyons seconded. Roll call vote; motion carried 3-0.

Mr. Milam requested that due to travel issues, he requested to move Special Exception #7, Todd and Diane Floor/TeleCad, requesting a communication tower in an Ag2 zone, Pleasant Township, to the first agenda item. With no objections being heard, Mr. Campbell called up Mark Barnes, representative from TeleCad. Mr. Campbell explained that on May 31, 2024, Mr. Todd Floor came to the Plan Commission office to file a Special Exception and ask for approval of a communication tower on his property on State Road 15, just south of the Wabash/Kosciusko County line. Emily Gonzales, Project Manager for TeleCad Wireless Site Design sent Mr. Campbell copies of the plans along with other relevant and required information about the site and the proposed tower. Mr. Campbell provided members of the board with copies of 4 of the pages of the proposed plans that were relevant to the request, but made available the entire packet of information for the board if they wanted to review the plans in its entirety. The Plan Commission reviewed the information at the July 2, 2024 meeting and gave a favorable recommendation. Mr. Campbell turned the meeting over to the board for any questions or comments. Joe Vogel asked if like Mr. Barnes stated in the Plan Commission meeting is the tower was self-supporting and if it were to go down, it would fold up. Mr. Barnes stated the towers are extremely tough and he has not personally seen any go down. He commented that he had seen a monopole that was lit on fire get so hot it turned orange and it just curved a little like a banana, but never folded. Mr. Barnes continued by saying that was

the worst one he had ever seen. He has never seen one break. The towers are in the ground so there aren't foundation pipes, they are either drilled piers or pad foundation with a huge amount of concrete. On average when installing they drill down 24 feet and a 7-foot diameter hole with each of the 3 legs. Mr. Barnes stated the towers are rated for 90 mph winds with 3 second gusts with radial ice on the tower. Mr. Campbell stated that the information relayed by Mr. Barnes is in the paperwork that was sent to the Plan Commission office. Mr. Milam asked what is the planned height of the tower. Mr. Barnes answered 245 ft. Mr. Milam confirmed the tower would be secured. Mr. Barnes stated that yes it would be surrounded by a 6-foot fence with 3 strand barbed wire. Ms. Lyons asked for confirmations that all the setbacks were met. Mr. Campbell stated that originally there were some issues but after working with TeleCAD there were some changes to accommodate the setbacks. Mr. Milam asked if there were any additional questions. With no additional questions being asked Mr. Milam asked if there was a motion. Mr. Vogel made a motion to approve Special Exception #7, Ms. Lyons seconded the motion. The special exception passed 3-0.

Next on the agenda was Variance #21, Brian Cook, a variance from the development standards of the roadway setback in Pleasant Township. Mr. Campbell informed the board that on June 12, 2024, Mr. Cook came into the Plan Commission office to obtain a permit for a private greenhouse on his property at 13902 N 100 W, North Manchester. After a review of the plans, it was determined that Mr. Cook would need a variance from the roadway setback to be able to place the structure in the location he would like to place it. Based on the provided site plan from Mr. Cook, the proposed building location would be approximately 50 feet from the center of the roadway. County road 100 West is considered a secondary roadway and thus has a 65-foot minimum setback requirement for structures. Mr. Campbell drove by the site to attempt to visualize an approximate building location and found no concern with any visual obstruction with a proposed greenhouse when pulling out onto the roadway from his existing driveway. There is a row of young trees approximately 15-20 foot tall along the front of Mr. Cook's property that are approximately 45 feet from the center of the road, thus placing the trees closer to the roadway and more likely to cause an obstruction than the proposed greenhouse. Even with the trees in their current location, no issues were seen with the greenhouse when it comes to visual obstructions. Mr. Vogel asked Mr. Cook what he was planning to grow in the greenhouse. Mr. Cook answered vegetables for him and his family. Mr. Milam asked if there were plans to put a drive directly from the roadway to the greenhouse or planning to use the existing driveway. Mr. Cook confirmed they would be using the existing drive if they ever planned to put a drive to it. Mr. Milam asked if the greenhouse was going to have a rounded top. Mr. Cook stated that it would have a gothic arch, so it would be rounded with a slight point. Mr. Milam asked if there were any additional questions. No additional questions were asked. Mr. Vogel made a motion to approve variance #21, Ms. Lyons seconded the motion. The variance passed 3-0.

The next item on the agenda was Special Exception #6, Gabe Kelley, requesting to build a pond with a variance from a side setback in Waltz Township. Mr. Campbell informed the board that Mr. Kelley came to the Plan Commission office on April 30, 2024 to file the special exception for a pond to be located at 7496 S 400 W, Wabash. The Wabash County Drainage Board gave a favorable recommendation for the pond on May 6, 2024. The location of the pond on the property necessitated the need for a variance from both the North and West sides of the property. Mr. Kelly was given a favorable recommendation from the Plan Commission on July 2, 2024. One member of the public, a neighbor to the property, ask questions regarding the pond. The property owner does not live around here, so a copy of the information on the pond was sent to him for review. Mr. Campbell read an email sent in response. It reads as follows: "Hi Brian, I do not have any objections to the current plans for the pond. Thank you for your help on this subject." The email was received from Mr. Brandon Pries who owns the property to the south of Mr. Kelley. Mr. Pries main concern was the tile that would be tapped into, but at this time he has no concerns

whatsoever. Mr. Milam asked if anyone had any questions. Mr. Milam asked Mr. Kelley if the pond was for swimming or fishing. Mr. Kelley responded with "both." Mr. Milam asked if there was a motion to accept or deny the special exception. Ms. Lyons made a motion to accept the special exception, Mr. Vogel seconded. The special exception passed 3-0. Mr. Milam asked if there was a motion for the variance. Mr. Vogel made a motion to approve the variance, Ms. Lyons seconded. The motion passed 3-0.

Special Exception #8, Robert Corn, to build a pond in Lagro Township was next on the agenda. Mr. Campbell informed the board that Mr. Corn came into the Plan Commission office on June 4, 2024 to complete the application process for a pond this property. The proposed pond is approximately  $\frac{3}{4}$  of an acre and approximately 190 feet from the edge of the pond to the centerline of 150 South and approximately 110 feet from the west property line. No variance was needed for this pond due to being within the setback requirements. Mr. Corn did receive a favorable recommendation from the Wabash County Drainage Board and a favorable recommendation from the Wabash County Plan Commission on July 2, 2024. Mr. Milam asked if the building seen on Beacon-Schneider was his home. Mr. Corn stated that no, it was his home growing up, but the house burnt down, but he was planning to build a house next year. Mr. Milam asked if anyone had any questions. A neighbor, Ms. Connie Harmon, asked regarding the drainage from the pond. She was concerned about the pond draining into the ditch that runs near the property and how that would impact the area. Mr. Corn stated that it wasn't likely to affect anything, it would drain into the ditch, then to the creek, and out into Salamonie. Ms. Harmon was concerned that she has seen the ditch run fast when it rains a lot. Mr. Corn explained that the pond would likely actually help with the ditch because the pond will slow down the rate of the release of water. Mr. Corn continued by saying that it will probably take 5 years to fill up the pond. Mr. Milam asked if there were any additional questions. No questions were asked. Ms. Lyons made a motion to approve Special Exception #8, Mr. Vogel seconded the motion. The motion passed 3-0.

The next agenda item was, Special Exception #9, Zach Hiner, to build a pond in Lagro Township. Mr. Campbell informed the board that Mr. Hiner came into the Plan Commission office on June 27, 2024 to application for a pond. The pond location is approximately 245 feet from the northerly, contiguous parcel, which is also owned by Mr. Hiner. The proposed pond is approximately 600 feet from the south property line and 1100 feet from the closest side property line. All the water overflow from the pond will be draining onto Mr. Hiner's property in a natural way. The drainage board voted to grant a favorable recommendation at their meeting on July 1, 2024. The Wabash County Plan Commission Board gave a favorable recommendation at their meeting on July 2, 2024. Mr. Milam asked if there were any questions for Mr. Hiner. None were asked. Mr. Vogel made a motion to approve Special Exception #9, Ms. Lyons seconded the motion. The motion passed 3-0.

The next agenda item was Variance #22, Vernon and Christy Schnelker, for a variance from the subdivision ordinance to ask for approval to split off more than 1 parcel from their property within a 5-year period since the property is less than 20 acres in Lagro Township. Mr. Campbell informed the board that the Schnelker's came into the Plan Commission Office to file the application for a variance on June 28, 2024. The Schnelker's were asking to split out a 1.65-acre and 2.63-acre parcel for their children to be able to build a home on. Ms. Lyons asked if the location of the neighbor's new pond could be show. Mr. Schnelker stated that it runs approximately 50 feet off the roadway and the Mills' had to file a variance. Mr. Campbell showed the board members and the public the approximate locations of the proposed property lines. Mr. Campbell confirmed the Schnelker's already have the easement in place for the driveway ingress, egress and utilities. Mr. Milam asked how far the current easement go down the property. Mr. Campbell stated the easement goes all the way down to the end of the parcel for access to all adjoining properties. There was a split in October of 2023 for Mr. and Mrs. Thomas Mills with an easement filed the same day. Mr.

Milam asked if there were any additional questions. Mr. Vogel asked them to confirm that when built the new residences would be homes, not trailers. The Schnelker family confirmed that they would all be stick-built homes. Mr. Campbell asked the board if they approve these splits, they put a restriction stating there will be no further splits since this will be the third split in a year. Mr. Milam asked if there were any additional questions. With none being asked, Mr. Vogel made a motion to approve the split with no further splits allowed, Ms. Lyons seconded. The motion passed 3-0.

The next agenda item was the complaint update from Mr. Campbell. There are currently 55 open complaints including those rolled over from 2023. 43 complaints were rolled over from 2023, of those 15 have been closed so far this year. 52 complaints have been received in 2024 with 25 of those being closed. In total there have been 94 complaints worked in 2024 with 40 being resolved.

Mr. Milam asked if there was any other business. With none being brought up, Mr. Vogel made a motion to adjourn the meeting, Ms. Lyons seconded. The meeting was adjourned at 7:39pm.

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