

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

Wabash County Board of Zoning Appeals – Meeting Minutes

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

Tuesday, October 22, 2024

1. Call To Order

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

2. Roll Call

Jennifer Hicks, BZA Secretary, called roll:

- ✓ Dan Dale – *Present*
- ✓ Amanda Lyons – *Present*
- ✓ Mark Milam – *Present*
- ✓ Joe Vogel – *Present*
- ✓ Jerry Younce – *Absent*

Jennifer Hicks declared a quorum was present.

3. Approval of Meeting Minutes – August 27, 2024

Dan Dale made a motion to approve the minutes from August 27, 2024.

Amanda Lyons seconded the motion.

Jennifer Hicks called roll:

- ✓ Dan Dale - Yes
- ✓ Amanda Lyons – Yes
- ✓ Mark Milam – Yes
- ✓ Joe Vogel – Abstained

The motion to approve the minutes passed 3-0-1.

4. Approval of Meeting Minutes – September 24, 2024

Joe Vogel made a motion to approve the minutes from September 24, 2024.

Amanda Lyons seconded the motion.

Jennifer Hicks called roll:

- ✓ Dan Dale - Abstained
- ✓ Amanda Lyons – Yes

- ✓ Mark Milam – Yes
- ✓ Joe Vogel – Yes

The motion to approve the minutes passed 3-0-1.

5. Old Business

❖ **Special Exception #10 – Kevin Cordes/Horvath Towers, Request to build a communications tower in an Ag1 Zone, Paw Paw Township – Continued from September 24, 2024 BZA Meeting.**

- Will Faber was present as a representative from Horvath Towers.
- Discussion: Concerns about potential health effects of the communication tower were raised. It was clarified that the Federal Telecommunications Act prevents the board from denying the tower location based on health concerns if the applicant has the necessary FCC permits. Horvath Towers confirmed they have all required permits. A letter from a neighbor expressing concerns about potential property devaluation, tree damage, and signal disruption was reviewed.
- No questions were asked by the board or from the public.
- Dan Dale made a motion to approve the communication tower in an Ag1 zone.
- Amanda Lyons seconded the motion.
- Jennifer Hicks called roll:
 - ✓ Dan Dale - Yes
 - ✓ Amanda Lyons – Yes
 - ✓ Mark Milam – Yes
 - ✓ Joe Vogel – Yes

The motion to approve the communication tower passed unanimously.

❖ **Variance #30 – Kevin Cordes/Horvath Towers, Variance from the Development Standard to place a non-ag related structure (communications tower) in an Ag1 Zone**

- Discussion: There would be minimal impact on agricultural land due to the location of the tower and access road.
- Amanda Lyons made a motion to approve the non-ag related structure in an Ag1 zone.
- Dan Dale seconded the motion.
- Jennifer Hicks called roll:
 - ✓ Dan Dale - Yes
 - ✓ Amanda Lyons – Yes
 - ✓ Mark Milam – Yes
 - ✓ Joe Vogel – Yes

The motion to approve the communication tower passed unanimously.

6. New Business

❖ **Special Exception #13 – Rhonda Shea, maintaining chickens in a residential area, Pleasant Township**

- Discussion: Rhonda Shea was not present at the meeting. It was noted that she had received a non-favorable recommendation from the Plan Commission Board. A

neighbor, Jeanette Tackett, expressed concerns about the chicken coop's location, stating it blocks access to power lines and is too close to residences. A letter from Dan Harshman, HOA president for Sandy Beach Estates, was read, expressing concerns about the number of chickens and potential for violation of HOA covenants.

- No action was taken since Ms. Shea was not present. The board will wait to see if Ms. Shea requests another hearing within 180 days. An ordinance violation will be filed if there are existing chickens on the property.

❖ **Special Exception #14 with a variance, Connor Keffaber, request to build a pond, lake or earthen structure with a water surface area greater than 400 square feet with a variance from the required setback from the west and south property lines, Lagro Township.**

- Discussion: The proposed pond is located on a property with an existing natural pond area. A neighbor to the south contacted the Plan Commission office regarding any potential issues with drainage, when the project was explained he had no objections.
- Joe Vogel made a motion to approved the special exception.
- Dan Dale seconded the motion
- Jennifer Hicks called roll:
 - ✓ Dan Dale - Yes
 - ✓ Amanda Lyons – Yes
 - ✓ Mark Milam – Yes
 - ✓ Joe Vogel – Yes

The motion to approve the pond passed unanimously.

- Dan Dale made a motion to approve the variance.
- Joe Vogel seconded the motion.
- Jennifer Hicks called roll:
 - ✓ Dan Dale - Yes
 - ✓ Amanda Lyons – Yes
 - ✓ Mark Milam – Yes
 - ✓ Joe Vogel – Yes

The motion to approve the setback passed unanimously.

❖ **Variance #39 – Matthew & Frank Driscoll, a variance of the subdivision ordinance to make more than one (1) split of less than twenty (20) acres in a five (5) year period, Lagro Township**

- Discussion: The variance request is to split a second piece of property from the overall farm within a 5-year period. Access and easement agreements are in place.
- Joe Vogel made a motion to approve the variance.
- Dan Dale seconded the motion.
- Jennifer Hicks called roll:
 - ✓ Dan Dale - Yes
 - ✓ Amanda Lyons – Yes
 - ✓ Mark Milam – Yes
 - ✓ Joe Vogel – Yes

The motion to approve the parcel split passed unanimously.

❖ **Variance #40 – Cody Michel, a variance from the ordinance requirements for a CFO within 1320 feet of multiple offsite residential structures, a variance from the ordinance requirements for the setback from a CFO to multiple proposed property lines, and a variance from the ordinance requirements for the setback from a CFO to an off-site water well, Chester Township.**

- Discussion: The variances are required due to the proximity of the proposed CAFO to residential structures, property lines, and a water well. A letter of support from a neighboring property owner was reviewed.
- Joe Vogel made a motion to approve the variance from the setback from a CFO to multiple offsite residential structures.
- Dan Dale seconded the motion
- Jennifer Hicks called roll:
 - ✓ Dan Dale - Yes
 - ✓ Amanda Lyons – Yes
 - ✓ Mark Milam – Yes
 - ✓ Joe Vogel – YesThe motion to approve the CFO setback from multiple residential structures passed unanimously.
- Joe Vogel made a motion to approve the variance from the property line setbacks for a CFO.
- Dan Dale seconded the motion.
- Jennifer Hicks called roll:
 - ✓ Dan Dale - Yes
 - ✓ Amanda Lyons – Yes
 - ✓ Mark Milam – Yes
 - ✓ Joe Vogel – YesThe motion to approve the property line setbacks from a CFO passed unanimously.
- Joe Vogel made a motion to approve the setback from a CFO to an offsite water well.
- Dan Dale seconded the motion.
- Jennifer Hicks called roll:
 - ✓ Dan Dale - Yes
 - ✓ Amanda Lyons – Yes
 - ✓ Mark Milam – Yes
 - ✓ Joe Vogel – YesThe motion to approve the setback from a CFO to an offsite water well passed unanimously.

❖ **Variance #41 – Troy Michel, a variance from the ordinance requirements for a CFO within 1320 feet of multiple offsite residential structures, a variance from the ordinance requirements for the setback from a CFO to multiple proposed property lines, and a variance from the ordinance requirements for the setback from a CFO to an off-site water well, Chester Township.**

- Discussion: The variances are required due to the proximity of the proposed CAFO to residential structures, property lines, and a water well. A letter of support from a neighboring property owner was reviewed.
- Joe Vogel made a motion to approve the variance from the setback from a CFO to multiple offsite residential structures.
- Dan Dale seconded the motion
- Jennifer Hicks called roll:
 - ✓ Dan Dale - Yes
 - ✓ Amanda Lyons – Yes
 - ✓ Mark Milam – Yes
 - ✓ Joe Vogel – Yes

The motion to approve the setback from a CFO to multiple residential structures passed unanimously.
- Joe Vogel made a motion to approve the variance from the property line setbacks for a CFO.
- Dan Dale seconded the motion.
- Jennifer Hicks called roll:
 - ✓ Dan Dale - Yes
 - ✓ Amanda Lyons – Yes
 - ✓ Mark Milam – Yes
 - ✓ Joe Vogel – Yes

The motion to approve the property line setback for a CFO passed unanimously.
- Joe Vogel made a motion to approve the setback from a CFO to an offsite water well.
- Dan Dale seconded the motion.
- Jennifer Hicks called roll:
 - ✓ Dan Dale - Yes
 - ✓ Amanda Lyons – Yes
 - ✓ Mark Milam – Yes
 - ✓ Joe Vogel – Yes

The motion to approve the setback from a CFO to an offsite water well passed unanimously.

❖ **Variance #42 – Jason Johnston, a variance from the ordinance requirements for the setbacks from a secondary roadway to an accessory structure, Chester Township.**

- Discussion: The variance request is to allow a pole barn to be built closer to the roadway to avoid encroaching on a floodway.
- Dan Dale made a motion to approve the variance.
- Amanda Lyons seconded the motion.
- Jennifer Hicks called roll:
 - ✓ Dan Dale - Yes
 - ✓ Amanda Lyons – Yes
 - ✓ Mark Milam – Yes
 - ✓ Joe Vogel – Yes

The motion to approve the setbacks from a secondary roadway passed unanimously.

❖ **Variance #43 – Lisa Mayo, a variance from the ordinance setback requirements from a water body to a residential & accessory structure, Paw Paw Township.**

- Discussion: The variance request is for a residential structure located close to the river. Concerns were raised about the structure's proximity to the top of the river bank, potential flood zone, and a wetland area identified on the National Wetlands Inventory map. It was noted that a stop work order has been issued for the structure.
 - Joe Vogel made a motion to approve the variance contingent on obtaining base flood elevations and wetland approval.
 - Dan Dale seconded the motion.
 - Jennifer Hicks called roll:
 - ✓ Dan Dale - Yes
 - ✓ Amanda Lyons – Yes
 - ✓ Mark Milam – Yes
 - ✓ Joe Vogel – Yes
- The motion to approve the setback requirements from a water body with the contingency to obtain the base flood elevations and wetland approval passed unanimously.

7. Other Business

❖ **Countywide Complaints Update**

- 41 open complaints, including those rolled over from 2023
- 43 rolled over from 2023, 22 of those closed so far this year
- 64 new complaints in 2024; of those 37 have been closed
- 107 total complaints worked; 59 have been resolved

❖ **Any other business to be brought before the Board of Zoning Appeals**

- No additional business was discussed.

❖ **Motion for Adjournment**

- Joe Vogel
 - Motion to adjourn
- Amanda Lyons
 - Second the motion to adjourn
- Meeting adjourned at 8:34 pm.

Also Present: Jeanette Tackett, Matt Smith, Lisa Mayo, Jason Johnston, Daryn Cordes, Ashley Cordes, Bill Bussard, Bill Burnsworth, Nicky Burnsworth, Joe Menna, Jennifer Menna, Dave Terflinger, Connor Keffaber, Will Faber, Suzanne Peebles, Dave VanBuskirk, Rhonda VanBuskirk

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