

Wabash County Plan Commission

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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

Monday, December 16, 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 – October 22, 2024

Joe Vogel made a motion to approve the minutes from October 22, 2024.

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 minutes passed unanimously.

4. Old Business

❖ **No Old Business**

5. New Business

❖ **Special Exception #16 with a variance – Town of Roann/Roann Park Committee, Request to build a lack, pond or earthen structure with an area greater than 400 sq ft with a variance from the required setback to the side property line, Paw Paw Township.**

- Discussion: Bob Ferguson, Roann Clerk-Treasurer, presented a request to build a detention pond in the area of the new planned park where the old Roann School was located. The detention pond is needed for runoff from a planned parking area and future planned structures. The detention pond is designed with an underground discharge and will not have standing water. Discussion was had regarding the depth of the retention area, drainage concerns for neighboring properties, and the possibility of overflow. The neighboring farm expressed concern regarding the proximity to his existing field and potential issues with water on his property. Approval from the drainage board and the Plan Commission was confirmed.
- Joe Vogel made a motion to approve the special exception of a detention pond.
- 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.
- Amanda Lyons made a motion to approved the variance of the side setback.
- 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.

❖ **Special Exception #17 – Bass & Bucks, request to operate a firearm manufacturing and assembly business in a zone not specifically authorized as a permitted use, Noble Township.**

- Discussion: Glen Butcher, owner of Bass & Bucks, presented the requested special exception to operate a firearm assembly business. Mr. Butcher recently purchased the firearm company Thompson Center. In order to obtain a specific license from the ATF, it is required to have the approvals of the county in which the products will be located. There will be no machining on the site, just assembly of parts. The operation will be in an existing building, no new construction is planned. Assembly of parts that are shipped in will take place on site, followed by sales. No other changes to the existing gun range or surrounding area are planned. Eventually, Mr. Butcher anticipates opening a manufacturing facility in a different location.
- Joe Vogel made a motion to approved the special exception.
- 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 pond passed unanimously.

❖ **Variance #44 – Torey & Amy Thomson, a variance from the side setback requirements for an accessory structure, Lagro Township.**

- Discussion: Torey Thomson presented his request for a variance to build a pole barn approximately 2 feet from the property line. The barn is intended to help provide privacy between his home and his neighbor's new home. Mr. Thomson will potentially rent an area of the pole barn to the neighbor whose property line is closest to the proposed barn. The eave height will be 10 feet.
- 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 #45 – James Crager, a variance from the development standards to place an accessory structure closer to the side yard than permitted by the ordinance and a variance from the development standards to reduce the aggregate distance between accessory structures than allowed by the ordinance, Lagro Township.**

- Discussion: James Crager presented his proposal to extend the size of the existing pole barn from 15x28 to 33 x 28. The expansion will involve removing the west wall of the existing structure, new trusses and new siding and roof. The purpose is to create space for his classic car.
 - Amanda Lyons made a motion to approve the variance from the side setback
 - Joe Vogel seconded the motion
 - Jennifer Hicks called roll:
 - ✓ Dan Dale - Yes
 - ✓ Amanda Lyons – Yes
 - ✓ Mark Milam – Yes
 - ✓ Joe Vogel – Yes
- The motion passed unanimously.
- Joe Vogel made a motion to approve the variance from the aggregate distance to a neighbor's accessory structure
 - 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 passed unanimously.

❖ **Variance #47 – Greg & Treccia Proffitt, a variance from the development standards to place an accessory structure closer to a stream or creek than permitted by the ordinance, Lagro Township.**

- Discussion: Greg & Treccia Proffitt presented information on their variance request. Mr & Mrs. Proffitt would like to replace an existing 24 x 32 garage with a 38 x 56 pole barn with a 6-foot porch. The proposed building would be approximately 55 feet from the stream, which the ordinance requires a 75-foot setback from waterbodies. The building will not infringe on a floodway or flood fringe. The section of property for the pole barn is on a significant hill overlooking the stream.
- 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 passed unanimously.

6. Other Business

❖ **Countywide Complaints Update**

- 42 open complaints, including those rolled over from 2023
- 43 rolled over from 2023, 26 of those closed so far this year
- 66 new complaints in 2024; of those 41 have been closed
- 109 total complaints worked; 67 have been resolved

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

- Dave Terflinger provided an update on an ongoing complaint with a neighbor's construction project. The neighbor placed boulders in the lake and constructed a pergola to close to the property line. Mr. Terflinger was concerned that the neighbor did not obtain the required building permits or variance for the construction of the patio and pergola. Mr. Terflinger also noted that the construction was within 75 feet of a body of water, in violation of county ordinance. The neighbor also allegedly destroyed a previously existing patio with an excavator and misrepresented the original location to Brian Campbell. The pergola is approximately 4 feet from Mr. Terflinger's daughter's property line and with the boulders creates a wall-like structure impacting his daughter's ability to enjoy the lake. Mr. Terflinger requested a letter be sent to the neighbor to relocate/remove the pergola and patio to the original location and remove the remaining boulders. Mr. Terflinger was also concerned that the construction has altered the water drainage and impacted his section of the beach. The BZA acknowledged Mr. Terflinger's concerns and would discuss the matter with Brian to review the information provided. Mark Frantz also clarified that even if a homeowner's association does not enforce its own covenants, the county's zoning ordinances still apply.

❖ **Motion for Adjournment**

- Joe Vogel

- Motion to adjourn
- Amanda Lyons
 - Second the motion to adjourn
- Meeting adjourned at 7:54 pm.

Also Present: Greg Proffitt, Treccia Proffitt, James Crager, Bob Ferguson, Glen Butcher, Torey Thomson, _____ Byrum, _____ Byrum, Dave Terflinger

(Director Campbell was not present at the meeting to review the minutes)