

Wabash County Plan Commission

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Wabash County Board of Zoning Appeals – Meeting Minutes

Board Members: Dan Dale, Patty Lengel, Amanda Lyons, Mark Milam, Joe Vogel, Jerry Younce
Staff: Mark Frantz, Board Attorney; Brian Campbell, Plan Director; Jennifer Hicks, BZA Secretary

Tuesday, May 27, 2025

1. Call To Order

Amanda Lyons, Co-Chair, 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*
- ✓ Patty Lengel – *Absent*
- ✓ Amanda Lyons – *Present*
- ✓ Mark Milam – *Absent*
- ✓ Joe Vogel – *Present*

Jennifer Hicks declared a quorum was present.

3. Approval of Meeting Minutes – April 22, 2025

The minutes from the March 25, 2025 meeting were tabled

4. New Business

SE-25-003 – Rueben Hilty - Request to build a school in an A2 zoning district.

Address: S 200 E, Wabash, Noble Township

Staff Presentation:

Mr. Campbell presented the petition and location details, noting that the property in question is a 2-acre parcel split from a larger tract recently purchased by Mr. Hilty. The petitioner is seeking a special exception to build a 32' x 84' schoolhouse with a buggy garage in the front. The project received a favorable recommendation from the Plan Commission on May 1, 2025, with the contingency that the petitioner obtains state approval for restroom facilities, which is required to receive a building permit regardless.

Mr. Campbell further noted a discrepancy in the site plan. The submitted drawing shows a 25-foot setback from the property line, while zoning ordinance requires a 50-foot setback for

schools. Because this variance was not filed in time, it could not be heard at this meeting and must be applied for separately. If the applicant proceeds with the 25-foot setback, a variance request will need to be brought before the board at a future meeting.

Board Questions & Discussion:

Ms. Lyons asked about the school calendar and Mr. Hilty confirmed the school would operate August through May and be used exclusively as a school.

Mr. Dale inquired about student capacity. Mr. Hilty estimated it to be around 80 students, though exact figures were unknown. Mr. Campbell noted capacity limits may be dictated by classroom size and the state design release process.

Ms. Lyons expressed concern regarding traffic safety along Dora Road during school hours and reported she had contacted the County Commissioners and Highway Department about signage or potential speed reductions. Mr. Campbell added that any signage or speed zone changes would need to be approved by the Commissioners and may require a traffic study per a conversation with Mr. Cole Wyatt from the Wabash County Highway Department.

Additional Public Comment:

Mr. Terflinger asked whether a septic system could be approved for the 2-acre lot. Mr. Campbell clarified that the applicant is pursuing a privy and must obtain approval through the State Department of Health, as the local health department does not regulate those systems. A permit for the school cannot be issued until state approval is received.

Clarification of Request:

Mr. Dale asked for a clarification of what would be voted on. Mr. Campbell confirmed that the only action required at this meeting is a decision on the special exception to allow a school in the A-2 zoning district. Approvals for restrooms and potential setback variances would be handled separately.

Motion:

Mr. Vogel made a motion to approve the special exception.

Mr. Dale seconded the motion.

Ms. Hicks called roll:

- ✓ Dan Dale – yes
- ✓ Amanda Lyons – yes
- ✓ Joe Vogel – yes

SE-25-004 – Spencer & Kristin Ballinger – Request to place a kennel/pet boarding facility in an A2/R1 zoning district with a variance from the authorized use to allow a kennel/pet boarding facility in an R1 zoning district

Address: 411 E Kendall St, LaFontaine, Liberty Township

Staff Presentation:

Mr. Campbell presented the petition and displayed the zoning map. The property consists of 2.1 acres, with the front portion zoned R-1 and the rear portion zoned A-2. A pet boarding facility is

permitted in the A-2 zone with a special exception, but not in an R-1 zone—necessitating a variance for the front portion of the property where the current facility is located. There are no existing structures on the A2 portion of the property. The residential (R1) portion sits within the town limits of LaFontaine, and the applicants had previously received informal support from the town. Upon request from staff, they returned to the town council to present the proposal during an open public meeting, where they received formal approval. The Plan Commission also issued a favorable recommendation at their May meeting. The applicants submitted supporting materials including state animal health registration, a business plan, and letters from nearby neighbors.

Board/Public Questions & Discussion:

Mr. Dale inquired about the number of dogs allowed. The applicants stated they accommodate up to 10 dogs at one time, with no outdoor runs.

Ms. Lyons asked about pickup/drop-off hours. The Ballingers stated typically the earliest would be 7:00 AM and latest 7:30–8:00 PM.

Mr. Terflinger asked how close the facility is to other residences. The applicants confirmed they are in close communication with the nearest neighbors and noted additional insulation to reduce noise (a room within a room structure).

Mr. Terflinger then asked the number of dogs to which the Ballingers confirmed the maximum capacity is 10 dogs at any time.

Mr. Dale referenced a public comment letter from Teresa Snyder, which expressed concern about setting a precedent. Mr. Campbell clarified that this petition does not involve rezoning and that the town's support in an open meeting holds significant weight with the board.

Motions:

Mr. Dale made a motion to approve the variance.

Mr. Vogel seconded the motion.

Ms. Hicks called roll:

- ✓ Dan Dale – yes
- ✓ Amanda Lyons – yes
- ✓ Joe Vogel – yes

Mr. Dale made a motion to approve the special exception.

Mr. Vogel seconded the motion.

Ms. Hicks called roll:

- ✓ Dan Dale – yes
- ✓ Amanda Lyons – yes
- ✓ Joe Vogel – yes

VAR-25-012 – Midwest Poultry Services – A variance from the development standards to allow a residential structure to be less than the required setback from a CFO than allowed by ordinance & to allow more than one residential structure on a single parcel in an A2 zoning district.

Address: 2378 W 1300 N, North Manchester, Pleasant Township

Staff Presentation:

Mr. Campbell explained that the property owner, Midwest Poultry Services, is requesting two variances due to the unique circumstances surrounding the replacement of a residential structure that recently burned. The original home, located on the front portion of the parcel, was destroyed by fire in late 2024 or early 2025. Upon reviewing records, staff could not locate an original building permit for the residence. Because of this, the proposed rebuild is being treated as a new structure under the current zoning ordinance.

Under the updated ordinance, the new home would fall within the 1,320-foot setback from a CAFO, which now requires a variance. Additionally, the parcel already contains two residential structures, necessitating a second variance to allow more than one dwelling on a single lot. The applicants have received approval for two separate septic systems and do not intend to relocate the new structure substantially, though it may be shifted slightly west toward the private drive to accommodate drainage. The proposed home is slightly larger than the original—approximately 120 square feet more—but is not encroaching further toward the CAFO.

Additional Comments:

Mr. Fierstos (representing the applicant) confirmed that no change of ownership is occurring; the properties remain under company ownership.

Ms. Lyons asked about the age of the original home. Mr. Campbell stated research shows it was built around 1972, while the associated pole barn dates to 1970. Detached garage records also exist from that time. IDEM data confirms barns were built in 1973.

The existing well services both homes and is maintained per standard protocol for the facility. BC explained that because no original permit was found, the rebuild is not eligible for a waived fee and must be treated as a new application.

Public Comment:

Mr. Terflinger raised concerns about setting a precedent if another resident, such as a hypothetical “Farmer Johnson,” requested similar variances in the future. Ms. Lyons noted that the difference in this case is that a house previously existed on-site and was destroyed by fire. Mr. Campbell confirmed that property tax records show three residences were assessed on the parcel and reiterated that any future structure would still require a new variance under the current ordinance.

Board Discussion:

Ms. Lyons emphasized she would only be comfortable approving this with the understanding that no additional residences would be permitted on the property. Mr. Campbell agreed and confirmed that the current request is limited to replacing a previously existing structure and that the ordinance now prohibits multiple residences without approval.

Motions:

Mr. Vogel made a motion to approve the variance to allow a residential structure within 1320 feet of a CAFO, second by Mr. Dale.

Ms. Hicks called roll:

- ✓ Dan Dale – yes
- ✓ Amanda Lyons – yes
- ✓ Joe Vogel – yes

Mr. Vogel made a motion to approve the variance to allow more than one residential structure on a single parcel, second by Mr. Dale.

Ms. Hicks called roll:

- ✓ Dan Dale – yes
- ✓ Amanda Lyons – yes
- ✓ Joe Vogel – yes

VAR-25-014 – Anthony & Hannah Heagy – A variance from the development standards to place a residential structure closer to the rear (westerly) property line than permitted by ordinance.

Address: 10552 N Ogden Rd, North Manchester, Pleasant Township

Staff Presentation:

Mr. Campbell introduced the request and provided a location overview. The property is situated northeast of Manchester Intermediate School on Ogden Road. The petitioners previously requested a variance to build an accessory structure before the principal residence when the parcel was zoned residential. With the adoption of the new ordinance, the zoning reverted to agricultural.

The current request is to build an addition onto the existing residential structure, extending approximately 8 feet from the current footprint. Due to the angle of the property and the inclusion of roof overhangs, the proposed addition would reduce the rear setback to approximately 24 feet—just under the 25-foot minimum required by ordinance. To comply, the applicants are requesting a 1-foot variance.

Board Discussion:

Mr. Dale asked for clarification on whether the new addition would be closer to the property line than the existing pole barn. Mr. Campbell confirmed it would be slightly closer—about 8 feet closer—but the pole barn itself already sits only 13 feet from the property line. Mr. Campbell demonstrated the approximate footprint and location of the proposed addition. He noted the overhangs could impact final measurements slightly but confirmed that the setback would remain within a foot or so of compliance.

Motion:

Mr. Vogel made a motion to approve the variance, second by Mr. Dale.

Ms. Hicks called roll:

- ✓ Dan Dale – yes
- ✓ Amanda Lyons – yes
- ✓ Joe Vogel – yes

VAR-25-015 – Eric Benedict – A variance from the development standards to place a shed closer to a local street than permitted by ordinance for an R3 zoning district.

Address: 5 Clark St, LaFontaine, Liberty Township

Staff Presentation:

Mr. Campbell presented the variance request, noting that the shed is located near the east side of town, along what is labeled as Maple Street. Mr. Campbell explained that while Maple Street is listed as a street, it functions more like an alley. The town designated it as a street in order to assign formal addresses to the homes whose driveways connect to it.

Mr. Benedict had previously received a permit for a 6-foot privacy fence, which now surrounds the proposed shed. Aerial photos included in the board packets show both the fence and the current placement of the shed. The applicant intends to replace the shed in approximately the same location.

Although the town refers to Maple Street as a street, it was vacated by the town on its eastern end and functions as a rear alley. Given the ambiguous classification, staff recommended Mr. Benedict apply for a variance to cover all legal bases regarding required setbacks. Based on its true function as an alley, the shed's current location is compliant with typical alley setbacks.

Board Discussion:

Mr. Dale asked if the shed is entirely enclosed within the privacy fence. Mr. Campbell confirmed that it is and noted that visibility is not a concern, as the fence blocks the view of the shed from the alley.

Mr. Campbell also confirmed that only one property owner routinely uses the alley, along with two neighboring properties with driveways accessing it. No visibility or access concerns were identified. The Plan Commission Office verified with the town's street department and reviewed records from the county recorder's office confirming the vacation of the alley, further supporting the request.

Public Comment:

No comments or objections were received from the public or neighboring property owners.

Motion:

Mr. Dale made a motion to approve, second by Mr. Vogel.

Ms. Hicks called roll:

- ✓ Dan Dale – yes
- ✓ Amanda Lyons – yes
- ✓ Joe Vogel – yes

VAR-25-016 – Urbana Yoke Parish – A variance from the development standards to place a sign (accessory structure) closer to a roadway setback than required by ordinance.

Address: 75 E Half St, Urbana, Lagro Township

Staff Presentation:

Mr. Campbell presented the variance request for Urbana Yoke Parish to install a new electronic sign closer to the right-of-way than allowed by ordinance. Although the property is along State Road 13, this section of road through Urbana is classified as a feeder street—not a state highway—and therefore falls under county jurisdiction, not INDOT.

The proposed sign will replace the existing one, maintaining the same base and footprint but expanding approximately one foot wider on each side. The new sign will feature an LED message board.

Mr. Campbell visited the site and conducted a visibility analysis. Photographs presented to the board demonstrated that visibility at the intersection remains clear, even with the sign's adjusted size and location. He noted that a nearby tree actually obstructed the line of sight more than the sign itself. Staff found no visibility or safety issues.

Sign Details:

The top portion of the sign is an LED light box on a timer, illuminated only at night. The electronic message center auto-dims according to natural light, operating at 100% brightness during the day and around 10% brightness at night.

Board Discussion:

Ms. Lyons asked whether any nearby property owners expressed concerns. BC confirmed that no objections were received.

The sign is being installed by the same company that handled signage for Southwood and Northfield schools. One brightness complaint was previously resolved to satisfaction, and no further issues have been reported.

Public Comment:

No public comments or questions were received.

Motion:

Mr. Vogel made a motion to approve, second by Mr. Dale.

Ms. Hicks called roll:

- ✓ Dan Dale – yes
- ✓ Amanda Lyons – yes
- ✓ Joe Vogel – yes

Comment: The board complimented the applicant, noting the sign was a “very nice” improvement.

VAR-25-017 – Dewayne Smith – A variance from the development standards to build a residential structure on a parcel with less than the required 1.5 acres

Location: 64 W Slocum Blvd, LaFontaine, Waltz Township

Staff Presentation:

Mr. Campbell presented the variance request for Dwayne Smith, who owns three combined lots (Lots 10, 11, and 12) at the end of a cul-de-sac in Somerset. Mr. Smith acquired Lots 11 and 12 from his father. Although the parcels are contiguous, their combined area totals approximately 1.35 acres—short of the 1.5-acre minimum required for residential construction in areas using private septic systems.

Mr. Campbell explained that the shortfall in acreage was due in part to small portions of the lots being taken by the federal government for flowage easements related to the nearby reservoir. Without those takings, the combined lots would have met the minimum acreage.

Mr. Smith has road frontage and has already consulted the Health Department. Chris from the department confirmed that a septic system would be permissible on the property despite being under the 1.5-acre threshold.

Contextual Clarifications:

The west side of the subdivision uses private septic systems, necessitating the 1.5-acre minimum.

The east side of the subdivision is on a regional sewer system, where smaller lot sizes (as little as 0.3 acres) are permitted.

Mr. Smith's parcel does not have access to the regional sewer system, and thus falls under the stricter lot size requirement.

Board Discussion:

Ms. Lyons asked whether there were any flood concerns associated with the flowage easement. Mr. Campbell clarified that the flowage easements are precautionary and only apply in the rare event of dam failure. There are no floodplain or water hazard issues currently affecting the property.

Public Comment:

No public comments or objections were received.

Motion:

Mr. Dale made a motion to approve, second by Mr. Vogel.

Ms. Hicks called roll:

- ✓ Dan Dale – yes
- ✓ Amanda Lyons – yes
- ✓ Joe Vogel – yes

5. Other Business

Complaint Updates

Mr. Campbell provided an overview of the current complaints:

- 49 unresolved complaints total
 - 33 are confirmed open complaints
 - 14 are currently being handled by legal counsel
 - 2 have unsafe premise orders filed
- 59 complaints were rolled over from 2024
- 22 new complaints have been received in 2025
- 32 complaints have been closed so far in 2025

In addition:

- 1 case is under initial investigation and has not yet been confirmed as a formal complaint.

- 15 properties are being monitored but are not yet actionable. These have received calls but have not met the threshold for enforcement. If they escalate, they will be reclassified as active.

Public Comment:

Mr. Terflinger requested an update on the ongoing zoning issue at 64 W Lakeside, Sandy Beach, owned by Ken Combs.

Mr. Campbell confirmed a certified letter was recently sent to the property owner, giving them 10 days to respond. If no response is received, legal action will be pursued. Due to a conflict of interest, Plan Commission Attorney, Mark Frantz, cannot represent the Plan Commission in this matter as the property owner is a past client.

Mr. Campbell confirmed with the County Auditor that there are funds available to retain outside counsel if needed. The Plan Commission will be asked to authorize the use of these funds and potentially retain Larry Thrush, former Plan Commission Attorney, to represent the county.

Mr. Campbell also stated the issue regarding this property is primarily under Plan Commission jurisdiction, not the Board of Zoning Appeals, though Mr. Campbell shared the update during the BZA meeting for transparency.

Mr. Campbell clarified that the intent was simply to provide a status update, not to take formal action at this time.

Adjournment

With no further business:

- Motion to adjourn was made by Dan Dale
- Seconded (not named, but assumed from context)
- Meeting adjourned at 8:11 PM

6. Motion for Adjournment

With no further business, Mr. Vogel made a motion to adjourn, Mr. Dale seconded the motion.

The BZA Meeting adjourned at 8:11 pm.

Also Present: Steve Hicks, Cheryl Ross, Barrie Bunnell, Teresa Bunnell, Will Adams, Tracie Hensley, Brian Linkenhoker, Andrew Schulenburg, Mike Ritenour, David Terflinger, Raymond Schwartz, Mose Graber, Lerri Schwartz, Matthew Hilty, Ruben Hilty, Jim Campbell, Tracy DuBois, Kyle DuBois, Roberta Ancil, Libby Cook, Joe Cook, Brian Enyeart, Kasy Fierstos, Deb Dale, Dewayne Smith, Eric Benedict, Anthony Heagy, Julie Shepherd

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