

Wabash County Plan Commission

Wabash County Courthouse • One West Hill Street, Suite 205 Wabash, IN 46992

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Wabash County Plan Commission Board

Board Members: Randy Curless, Jeff Dawes, Sam Hann, Mark Milam, Doug Rice, Christian Rosen, Mike Ruse, Geoff Schortgen, Cheri Slee, Joe Vogel

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

Meeting Minutes of Thursday, September 5, 2024

Roll Call was taken with the following present:

Board Members: Jeff Dawes, Sam Hann, Mark Milam, Christian Rosen, Mike Ruse, Geoff Schortgen, Cheri Slee, and Joe Vogel.

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

Board Members Absent: Randy Curless, Doug Rice

Others Present: David Terflinger, Cheryl Ross, Phil Kleintank, Linda Kleintank, Bill Burnsworth, Nicky Burnsworth, Kevin Cordes, Dave Blocher, Deborah Bogner, Will Faber

The Wabash County Plan Commission Board met on Thursday, September 5, 2024 in the Wabash County Commissioners Meeting Room at the Wabash County Courthouse. The meeting was called to order at 7:00pm by Board Co-Chairman Mr. Mark Milam.

Roll Call was taken and a quorum was declared with 7 voting board members present and 2 absent.

Minutes from the Thursday, August 1, 2024 meeting were reviewed and approved. A motion to approve the minutes as written was made by Sam Hann, second by Mike Ruse. The motion passed 6-0-1 (Christian Rosen abstained).

Brian Campbell presented a monthly report on recent activity done by the Plan Commission office. The monthly report included information on permit activity (an increased was noted due to reassessment efforts by the Assessor's office), reassessment letters and the resulting permits, financial report, and fund balances. No action was required.

Old Business:

None to be discussed

New Business:

Special Exception #10, Kevin Cordes/Horvath Towers, Paw Paw Township, request to build a communications tower in an Ag1 Zone.

Will Faber, agent for Kevin Cordes, was present to answer questions regarding the communication tower's purpose, construction and potential impact.

Brian Campbell provided a summary regarding the special exception request. The plan commission office received information on August 8, 2024 regarding a request to build a 195-foot self-supporting communication tower in Paw Paw Township on N Bowman Road, to the East of the Town of Roann. Mr. Campbell stated he has reviewed the plans, there are no issues with the fall zone and setbacks. The only initial issue was that the proposed tower location is in an Ag1 zoning district. The BZA will be reviewing the variance for the non-ag structure in an Ag1 zone at their next meeting. Mark Milam stated he notes a fence on the property and asked if there was going to be a power unit inside the fence. Mr. Faber confirmed there would be utilities brought underground to the location and there will be a secured fence. Mr. Faber also stated there would be an access road from the county road to the tower for maintenance and tower upgrades. Mr. Campbell pointed out the board that there is an existing swale through the field near the proposed location. Mr. Milam asked for information on the access road. Mr. Faber confirmed the access road would be gravel. He continued to state that the positioning of the access road was to avoid the swale as much as possible by following the tree line that had been there previously. Mr. Milam asked if the tower was for lease. Mr. Faber confirmed that the tower was contracted by Verizon Wireless and the land is under a lease contract. Mr. Milam asked how far the signal from the tower will reach. Mr. Faber stated it depended on which antenna is placed on the tower, for the LTE Verizon antenna it will likely reach 6 to 7 miles with reasonable coverage. Mr. Faber stated the tower is robustly built and will be able to handle additional antennas for municipal communications or other cellular companies. Mr. Milam asked if the board or public had any additional questions. Dave Terflinger gave an example of a clause the Town of North Manchester included in an approval for a tower regarding if the tower is no longer in use, it must be removed within 60 days. Mike Ruse asked if the tower would be upgraded if the current technology became obsolete. Mr. Faber stated that in the lease agreement with Mr. Cordes there is a clause about removal provisions and that Horvath Towers constantly monitoring technology and would upgrade as needed. Mr. Campbell stated that the Plan Commission office receives permit requests for tower upgrades frequently. Mr. Faber stated the tower is a significant investment and maintaining compliance in excess of the standards of the engineering code. Dave Blocher asked how many Verizon towers are in Wabash County. Mr. Faber did not have that number readily available at this time. Mr. Blocher asked how many total communication towers are there in the county. Mr. Campbell stated he has a file of all of the towers in the county, but we don't have a number off hand. Mr. Blocher asked if there was a minimum or maximum number of towers are that are permitted in the county. Mr. Campbell answered that no there are no limits currently. Nicky Burnsworth asked how much land the tower would take. Mr. Faber stated just a small section. Mr. Campbell stated the area is approximately 100' x 100', so less than a ¼ acre. Jeff Dawes made a motion to give a favorable recommendation for the communication tower, Cheri Slee seconded. The motion passed 7-0.

Special Exception #11, Bachelor Creek, Noble Township, request to build a pond, lake or earthen structure with a water surface area greater than 400 square feet with a variance from the development standards from the setback requirements for a pond, lake, or earthen structure.

Ted Little was present as a representative from Bachelor Creek.

Brian Campbell gave a summary of the special exception request. The detention pond already exists and was built to solve drainage issues. The Wabash County Drainage Board has already reviewed the project and approved it. Mr. Little stated he wants to bring the property into compliance. The church was unaware at the time the detention pond was built that it would require a permit. Mr. Little also stated that decisions made years ago, not knowing the restrictions, made the decision to asphalt the parking lots causing the property to be over its impervious coverage. The church was not aware they were out of compliance until they started the process for a new construction project. Sam Hann asked if the asphalt and pond were approved under the old ordinance and now not in compliance with the new ordinance. Mr. Campbell stated the church paved the parking lot additions not realizing it wasn't allowed due to the impervious coverage. The church did not receive any permissions for paving because they didn't know. With the new ordinance they are over their impervious 40% on the Ag2 portion, however they are wanting to purchase a portion of Ag1 land to bring their property into compliance with the impervious, but the Ag1 zone has a maximum impervious coverage of 35%. Mr. Milam asked to confirm if the additional land was to level out the impervious coverage. Mr. Little stated they do not have any plans to build or change the additional section of land they wish to purchase; it will remain tillable. Cheri Slee confirmed if the church does want to do anything on the additional piece, they would have to come before the drainage board with a new drainage plan. Joe Vogel asked to confirm there hasn't been any flooding or issues. Mr. Little confirmed that he has never seen any issues nor has the detention pond ever been full to his knowledge. Mr. Milam asked if there were any additional questions. With none being asked Joe Vogel made a motion to make a favorable recommendation, Sam Hann seconded the motion. The motion passed 7-0.

Special Exception #12, Deborah Bogner/Hugh Pennington, Lagro Township, request to maintain a pet pig in a residential zoned area.

Deborah Bogner was present to answer any questions regarding the request.

Brian Campbell gave a summary of the request. Mr. Campbell stated that the Plan Commission office has not heard from the landlord for Ms. Bogner regarding permission to keep the pig as a pet on his property. Ms. Bogner stated that Mr. Pennington is okay with it as long as the board gives approval. Mr. Campbell provided a copy of the ordinance regarding livestock in residential zoned areas. Ms. Bogner stated it is a mini pig and she has had it as a pet for 9 years. Mr. Milam asked if it was indoors. Ms. Bogner confirmed it was. She continued by saying that her pig is like anyone else's dog. It is a pet. The pig goes outside to do its "duty" then comes back inside. Mike Ruse asked why the neighbors had issues with it. Ms. Bogner stated they just don't like that she has a pig and that pigs belong on farms. Sam Hann asked how long Ms. Bogner has lived in this home. Ms. Bogner stated she has lived there since November, prior to that she lived in the county. Mr. Ruse asked if she was aware of the ordinance before this came up. Ms. Bogner stated she wasn't aware. Mr. Campbell stated that the only reason this has come before the board is because Ms. Bogner now lives in a residential zone. Mr. Campbell stated that for the BZA meeting neighbors will be notified and can speak their opinion. Jeff Dawes asked if there were any issues with the pig getting out of the yard. Ms. Bogner stated no. Sam Hann asked to confirm the pig has not caused any damage or anything. Ms. Bogner stated no. Mr. Ruse asked if she has a fence. Ms. Bogner and Mr. Campbell confirmed the entire yard is fenced in. Ms. Bogner also stated that there is a pen located in the yard for if she wanted to have the pig outside longer. One of her neighbors told her

that she doesn't like having to look at the pen. Ms. Bogner continued by stating that others have pens for dogs so what is the difference with the pen for a pig. Mr. Ruse asked if there was any issue with odor from the pig. Ms. Bogner again stated no. Geoff Schortgen asked how much the pig weighs. Ms. Bogner stated the last time she was weighed, it was about 90 lbs. Mark Milam asked if it was one of the short-legged pigs. Ms. Bogner stated yes. Christian Rosen asked if the pig was indoors more than outdoors. Ms. Bogner confirmed it was. David Terflinger asked what she did with the manure. Ms. Bogner stated she uses it in her garden. Mr. Ruse asked if the landlord would be required to be at the next meeting. Mr. Campbell stated yes and that he would have to sign off on the special exception being advertised prior to the Plan Commission office sending out the mailers and submitting the ad to the newspaper. Mr. Ruse asked if anyone had spoken to the landlord. Mr. Campbell stated the Plan Commission office has only spoken with Ms. Bogner at this time and that any approvals can be contingent on the landlord's approval. Mr. Ruse asked if the special exception should be tabled. Joe Vogel stated the BZA would be able to sort it out. A member of the public stated they had a neighbor who had a pet pig and it would get out and destroy their garden. Ms. Bogner stated that it was likely because they didn't train their pig like hers. Mr. Milam asked if the public member was a close neighbor. They stated no they were just stating a potential issue with pet pigs. Dave Blocher asked if there was an ordinance regarding dogs, other kinds of pets, or the number of dogs. Mr. Milam confirmed there is regarding the number of dogs he knows. Mark Frantz confirmed there is a separate animal control ordinance that covers dogs and cats. Cheryl Ross asked if there was a way to have a change to the ordinance regarding only one pig per household so that no one starts breeding pigs, like dogs. Mr. Frantz stated that it would be a condition the BZA could put on an approval on a case-by-case basis. Dave Terflinger asked if the ordinance is no farm animals in a residential zone, is this pot belly pigs really a farm animal. He continued by saying you could look at it both ways, like with service animals they have today where is the line drawn. Mr. Rosen made a motion contingent on the landlord contacting the Plan Commission office. Mr. Campbell stated it would be required either way. Mr. Rosen stated that even though it is a pig, it isn't a hog like on his farm. Mr. Campbell read the ordinance definition of livestock, which states about whether the animal is domesticated or not, it is still considered livestock. The ordinance does not specify what kind of pig. Mr. Blocher asked what the why behind why the ordinance is, why does the ordinance state no pigs in residential areas. Mr. Ruse stated that it can be a health concern. Mr. Blocher asked health for who, humans, the pigs? He continued by stating that there are a lot of farms in Wabash County. He stated that residential areas are designed to house people and that would be his assumption as to why it was added to the ordinance. Mr. Hann stated that we are in an ag community, but people don't always want to live on a farm, if there are farm animals in a residential area that could cause issues with manure, noise, odor, rooting, etc. Ms. Ross asked what other animals that can be household animals that are considered farm animals. For example, she knows people with rabbits in their homes. Mr. Milam stated that residential areas are typically closer homes with less yard. Ms. Ross once again asked how many other types of animals that are kept in a house that the ordinance considers farm animals, rabbits, goats. Mr. Milam stated that there probably are others, but we don't know about them because there aren't people complaining about them. Ms. Ross asked if the City of Wabash has an ordinance about having chickens, but no roosters, with a lot of stipulations. Mr. Frantz explained that there can be a residential structure in an area zoned agricultural, it is dependent on the actual zoning of the area. Mr. Hann made a motion for an unfavorable recommendation; Mr. Ruse seconded the motion. The unfavorable recommendation passed 7-0. Mr. Campbell informed Ms. Bogner that in order to move forward to the

BZA, the Plan Commission office needs the confirmation from the landlord, despite the unfavorable recommendation.

Public request for a review of Ordinance 6.1.14(d)(1), Fencing Types

Brian Campbell explained to the board that the ordinance currently states that any fencing forward the front of a house shall be chain link, not to exceed 4 foot in height. He continued by stating he has had people come to the Plan Commission office asking about picket fences or wrought iron fences, something more decorative than chain link. Mr. Campbell continued by stating that if a change is recommended, it specify the size of the pickets/wood so that the fence can still be seen through to avoid any potential visibility concerns. One situation that brought up the concern with the ordinance is in an RL2 zone, on lakes, the front of the home is considered the lakeside, and as such certain types of fences could block the neighbors view of the lake. Mr. Campbell stated he would be willing to investigate fencing types further if the board wishes. Mike Ruse asked if the ordinance should be updated to say the fence needs to be see through. Sam Hann asked if something that could be put in about requesting a variance. Mark Frantz informed the board that a variance from the Board of Zoning Appeal could be requested already with the way the ordinance is written. Mr. Ruse asked how long the fencing type has been in the ordinance. Mr. Campbell informed him that he was unsure about the old ordinance, but the current ordinance was put into place on January 1, 2023. He continued that if there is an uptick in the number of requests for a variance for the fencing type, the Plan Commission could revisit a potential change at that time. Mr. Campbell continued that the fence is required to be 3 feet from the right of way, one of the only places in the ordinance where the setback is the right of way not the center of the roadway. Dave Terflinger spoke regarding lakeside properties. He stated that several people who live on a lake in the county would like RL1 and RL2 zoned areas to remain as is with chain link only in the front of homes because everyone shares the view of the lake. He continued by asking what happens if someone fills their yard with 3 feet then puts a 4-foot fence on top of that, it now becomes a 7-foot fence. He stated that he is not in favor of changing the ordinance. Mr. Terflinger also stated that the PVC white picket fences are even worse because of the way the light reflects off of it. Phil Kleintank spoke stating that they have an issue with a neighbor trying to put a hot tub and 8-foot fence around it next to where he lives on the lake which would change his view. Mr. Milam reminded the public that this was just a review of the ordinance. Mr. Campbell stated that he brought it to the board on the public's request. Mr. Milam confirmed that if someone request a variance from the ordinance for fencing the neighbors would all be notified and able to voice their opinion at the meeting. Mr. Milam asked the board unless there is a motion to investigate the fencing types to leave it as is. Mr. Frantz agreed. No motion was made.

Additional changes to the Wabash County Solar Ordinance to review for the Special Meeting on September 12, 2024.

Brian Campbell summarized for the board that Mike Howard came into the Plan Commission office after the initial review and had a couple of wording changes for the ordinance, such as removing the words from the right of way. The purpose of the changes was just to clean up the wording and make it a little simpler. Mr. Campbell asked if a motion would be needed to make the changes. Mark Frantz confirmed a motion would be needed to allow the changes to be available at the solar meeting on September 12, 2024. Sam Hann made a motion to approve adding the changes from Mike Howard, Jeff Dawes seconded. The motion passed 7-0

Countywide Complaint Update

Brian Campbell provided an update on the county's complaints. There are 61 open complaints, including those rolled over from 2023. 43 complaints were rolled over from 2023, 15 of which have been closed so far this year. There have been 58 new complaints in 2024, of those 25 have been closed. 101 complaints have been worked in total, 40 have been resolved.

Any other business

Dave Terflinger spoke regarding requesting a silt fence ordinance and a final grade ordinance to match the pre-existing grade at the waterline of lakefront and riverfront properties. Mr. Terflinger provided photographs to the board regarding the need for such ordinances. He expressed concerns regarding property damage and additional issues that can be caused by the runoff. Mark Milam asked the status of the Sandy Beach Board. Mr. Terflinger stated they were "dysfunctional" and the covenants gave them no power to do anything. He stated he complained to the Corps of Engineers and contacted DNR regarding issues he was having. Mr. Campbell stated that DNR was aware of the situation previously and had no issues with it. He continued by saying that he remained in contact with DNR regarding this situation and they are reinvestigating the situation. Mr. Campbell also clarified that it is just DNR and the Corp of Engineers doesn't have jurisdiction.

Conner Smith with Double J Dairy asked if he was missed on the agenda regarding shipping containers. Mr. Campbell apologized and stated he thought their request was just for BZA. Mr. Campbell will call Mr. Smith in the morning to make sure everything is taken care of.

Cheryl Ross asked if the meeting on September 12, 2024 regarding the Solar Ordinance would be a favorable/non-favorable vote and if it would then go to the Wabash County Commissioners. Mark Frantz confirmed it would be a favorable/non-favorable vote and the Wabash County Commissioners would have 90 days to affirm.

With no additional business brought to the board Christian Rosen made a motion to adjourn, Joe Vogel seconded the motion. The meeting adjourned at 8:39 pm.

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