

PLAN COMMISSION MINUTES

Monday, September 28, 2009

7:00 P.M.

A. ROLL CALL

Members Present:

Mike Hall - President
Dennis Kraus, Jr. – Vice-President
Mark Lehmann
Mike Hornbach
Jake Hoog
Dan Lansing
Ken Nelson
Ralph Thompson
Russell Beiersdorfer

Mark McCormack – Director of Planning
Arnold McGill – Attorney

Members Absent:

None

B. ACTION ON MINUTES

Mr. Beiersdorfer made a motion to approve the August 24, 2009 minutes, as written. Mr. Thompson seconded. All in favor. None opposed. Motion carried.

C. OLD BUSINESS SCHEDULED TO BE RE-OPENED

There was no old business.

D. OLD BUSINESS TO REMAIN TABLED

There was no old business.

E. NEW BUSINESS

- 1. Request:** Waiver of requirements in Article 2, Section 200 to create a parcel.
- Applicant:** Robert Brinkmoeller / Owner: Seever Inc.
- Site Location:** North Dearborn Road
- Legal:** Sec. 27, T7, R2, Map #02-27, Parcel #014
- Township:** Kelso **Size:** .018 Acres
- Zoning:** Agricultural (A)

Mr. Kraus states that he has a conflict of interest, but requests that he be able to present the application and (then) step out of the room during Board discussion. The Board agrees with his request.

Mr. McCormack states that the applicant is requesting a waiver to create a non-adjoining, non-buildable tract—for the purposes of meeting the North Dearborn Water Corporation’s requirement(s) to serve the Brinkmoeller property with public water. He explains that Mr. Brinkmoeller is required by the North Dearborn Water Corporation to have title to the tract in which the proposed water meter is placed. Mr. Seever is willing to transfer a 10-foot wide strip from North Dearborn Road to Mr. Brinkmoeller’s access drive to meet the requirement. He further states that the applicant’s proposal involves a division of land for the transfer of a tract that adjoins an access easement to the Brinkmoeller property; Mr. Brinkmoeller’s property does not abut the proposed land division. Therefore, a waiver of Article 2, Section 200 of the Dearborn County Subdivision Control Ordinance is required for this subdivision of land to occur. Mr. McCormack presents the staff report and shows slides.

Mr. Kraus states that his client, Mr. Brinkmoeller, owns a parcel of ground with no road frontage and has a driveway via easement to North Dearborn Road. He states that water runs down North Dearborn Road and the water company’s requirement is that you must own the land that they place your meter on. He states that he is willing to answer any questions that the Board may have.

Mr. Nelson states that he has seen these situations in the past and there are usually 2 options: a lot combination, and a non-building lot. He asks what led to the decision to request a non-buildable lot.

Mr. Kraus states that his client does not own any road frontage to his property, which is over 1000ft. away, so a non-building lot is being requested (as it is the only option at this time).

Mr. Kraus leaves the room.

No public to comment.

Mr. Thompson made a motion to approve the waiver for the property because it constitutes an undue hardship which is peculiar to this property and its condition and has no adverse effect on the neighborhood. Mr. Beiersdorfer seconded. All in favor. None opposed. Motion carried.

Mr. Kraus rejoins the Board.

F. ADMINISTRATIVE

Memo to Comprehensive Plan Members-update on participation survey sent in July.

Proposed Ordinance changes: Article 18 – Wind Energy Conservation Systems

Mr. McCormack states that in order to address emerging issues with wind structures, otherwise known as Wind Energy Conversion Systems (WECS), and to address concerns noted by the Dearborn County Plan Commission members, County staff has prepared the following draft amendments to the Dearborn County Zoning Ordinance. If approved, this draft text would be included as a new Article to this Ordinance. He asks the Board to review this draft amendment text for the next meeting.

Enforcement:

Mixed Martial Arts / Cage Fighting

Mr. McCormack states that there have been concerns expressed with businesses/bars in the County holding martial arts/cage fighting events on their premises. He is checking into how these uses are addressed within other Counties.

Mr. Beiersdorfer made a motion to adjourn the meeting. Mr. Lansing seconded. All in favor. None opposed. Motion carried.

Meeting adjourned at 8:12 P.M.

Mike Hall, President

Mark McCormack, Director of Planning & Zoning