



Dearborn County Plan Commission

215 B. West High Street
Phone: (812) 537-8821

Lawrenceburg, IN 47025
Fax: (812) 532-2029

www.dearborncounty.org/planning

PLAN COMMISSION AGENDA

Monday, March 28th, 2016

7:00 P.M.

A. ROLL CALL

B. ACTION ON MINUTES

C. OLD BUSINESS SCHEDULED TO BE RE-OPENED

1. Request: Waiver to create a non-conforming Panhandle Tract for building purposes
Applicant: Seig and Associates, Inc.
Owner: William and Emma Werner
Site Location: Dog Ridge Road
Legal: Sec. 22, T7, R2, Map #02-22, Parcel # 009.000
Township: Kelso Size: 21.79 Acres
Zoning: Agricultural (A)

D. NEW BUSINESS

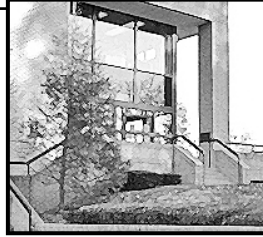
Proposed ordinance changes to the Dearborn County Zoning Ordinance, the Plan Commission fee schedule, and administrative items.

E. ADMINISTRATIVE

DEARBORN COUNTY PLAN COMMISSION

WERNER WAIVER

STAFF REPORT



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NATURE OF REQUEST: *The Applicant is requesting to split an existing panhandle tract in half, in terms of frontage, to create an additional non-conforming tract fronting on Dog Ridge Road.*

Site Information:

- 1) This property—situated within Kelso Township, Township 7N, Range 2W, Section 22—located off of the southwestern portion of Dog Ridge Road, is situated within an Agricultural Zoning District.
- 2) The Existing Land Use of the property is considered Agricultural, as classified in the 2009 Comprehensive Plan Update.
- 3) Dog Ridge Road is currently considered a Category II Local Road, as determined by the Dearborn County Department of Transportation & Engineering.

Background:

- 4) Please refer to Article 3, Section 315c of the Dearborn County Subdivision Control Ordinance.

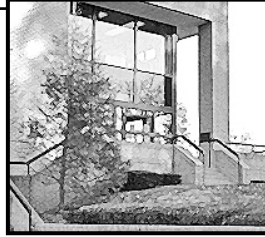
SECTION 315 - Lot Arrangement and Sizes

“c. Flag Lots - Flag lots can be used in those locations where because of limited road frontage or geometric, topographic, or other natural features, it would be impractical to extend a public street. Flag lots shall have a panhandle extending to a publicly dedicated street for the purpose of access, and shall have two conforming lots adjoining the flag lot.

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(Continued from page 1 of the Staff Report...)

Single flag lots shall have a minimum of thirty feet (30') and a maximum of sixty feet (60') of panhandle width on a publicly maintained street. A second, contiguous flag lot may be accessed by the panhandle established for the initial flag lot land division; however, for two contiguous panhandle lots, an (equal) deeded strip of land for each lot is required for a common unobstructed access easement to the public street...

All proposed access points on the land division plat shall contain the Land Surveyor's certification that indicates the approximate number of feet of sight distance that exists for both directions at the intersection with the public road—or the conditions that must be addressed to meet the requirements set forth in Article 24, Section 2410 of the Dearborn County Zoning Ordinance. All flag lots shall have a panhandle for a minimum distance of one hundred fifty (150) feet from a publicly dedicated street. In no case shall more than two flag lots be contiguous to each other at the publicly dedicated street..."

*In this case, the Applicants' proposed tract does not conform with the above-referenced, underlined portion of Section 315c, as the 150-foot distance has historically been interpreted/determined necessary to be a continuous, contiguous distance.

- 5) Please refer to Article 1, Section 160 of the Dearborn County Subdivision Control Ordinance.

SECTION 160 - Appeals and Waivers

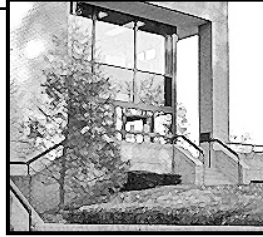
"...Upon written request to the Plan Commission, an applicant can seek a waiver of any of the Subdivision regulations in this Ordinance. The individual request shall be reviewed and granted only under unusual or extreme circumstances or if an equal or better alternative can be provided that is not in agreement with this Ordinance. The Planning Director or his designee shall review the request and provide a recommendation to the Commission regarding the merits of the request.

The Plan Commission shall review and take action on all waiver requests that involve the Subdivision Control Ordinance. The Board of Zoning Appeals shall review and take action on all variances—including those involving subdivision setbacks—and conditional uses to the Dearborn County Zoning Ordinance. As a condition of granting a waiver under this Section, the Plan Commission may allow or require a commitment to be made (as outlined in IC 36-7-4-1015).

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Staff Comments & Findings:

6) *In reviewing this application, the Plan Commission staff has noted:*

- There is no indication on the current plan that any passing blisters are being provided for the shared (approx.) 600 to 900-foot section of the existing driveway.
- The actual sight distances that have been observed in the field by the applicants have not been provided; *however, during the Department of Transportation & Engineering staff's inspection, there weren't any significant concerns that this item could not be adequately fulfilled or addressed. *A permit for a new driveway access to Dog Ridge Road was issued on March 11, 2016.*
- The Department of Planning & Zoning received a permit from the Dearborn County Health Department for an individual sewage disposal system (and a preliminarily-approved secondary septic site) to be placed on the parent tract. **The Health permit was issued on October 5, 2015.*

7) **Please refer to the Applicant's statement(s) and enclosures.**