



# Dearborn County Plan Commission

215 B. West High Street  
Phone: (812) 537-8821  
[www.dearborncounty.org/planning](http://www.dearborncounty.org/planning)

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

## PLAN COMMISSION AGENDA

Monday, August 22<sup>nd</sup>, 2016

7:00 P.M.

### A. ROLL CALL

### B. ACTION ON MINUTES

### C. OLD BUSINESS SCHEDULED TO BE RE-OPENED

### D. NEW BUSINESS

1. Request: To address the Plan Commission for the purposes of: 1) creating two access points onto an Arterial Road which do not meet the minimum driveway spacing requirements; and 2) creating a direct access point onto an Arterial Road (State Road 48)  
Applicant: Justin Noppert  
Owners: Justin and Natalie Noppert (1/3) Andrew and Susan Long (1/3), and Jeremy and Sonya Strom (1/3)  
Site Location: Adjacent to 7689 State Road 48 (to the West)  
Legal: Sec. 35, T 6N, R 2W, Parcel# 15-05-35-300-046.000-019  
Sec. 2, T 5N, R 2W, Parcel# 15-08-02-200-002.000-019  
Township: Manchester  
Size: 40 Acres  
Zoning: Agricultural



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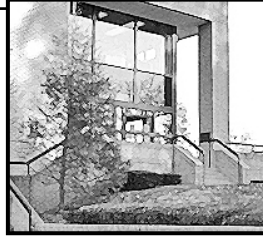
## E. ADMINISTRATIVE

- Discussion(s) involving proposed ordinance changes
- Staff Updates:
  - 911 / Addressing Project
  - BEP Update
  - Comprehensive Plan Update
  - New Intern

# DEARBORN COUNTY PLAN COMMISSION

NOPPERT WAIVERS

STAFF REPORT

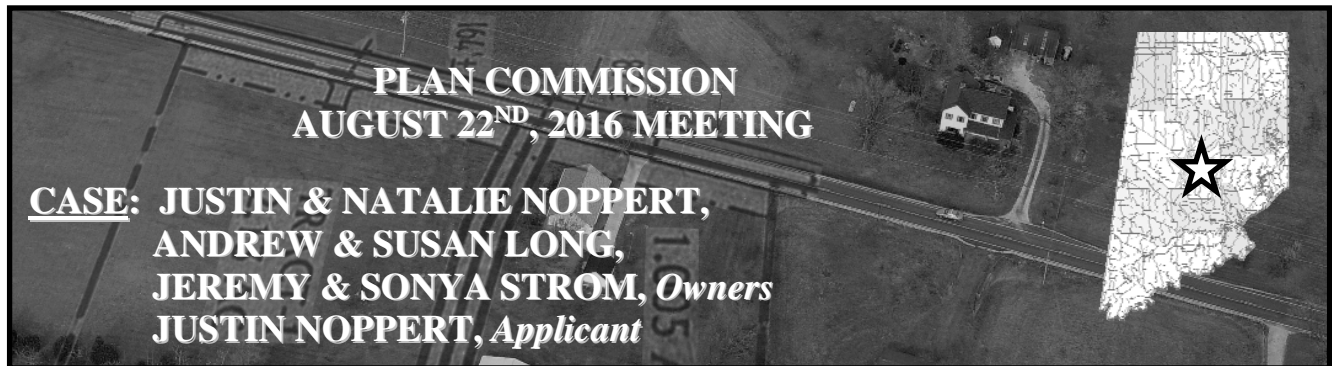


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**NATURE OF REQUEST: ACCESS WAIVERS**

***Staff Report:***

- 1) The affected property, which contains a total of 40 acres, is located in Section 35, Township 6N, Range 2W and Section 2, Township 5N, Range 2W of Manchester Township—and is located within an Agricultural (A) Zoning District.
- 2) The Applicant, Justin Noppert, is requesting two (2) waivers of the Dearborn County Subdivision Control Ordinance. The first waiver request is:

**WAIVER REQUEST # 1**

*To create two access point(s) onto an Arterial road (State Road 48) which do not meet the driveway spacing requirements.*

- 3) **Please refer to Article 24, Section 2406 of the Dearborn County Zoning Ordinance** regarding the Minimum Spacing of Driveways.

**SECTION 2406 - Minimum Spacing of Driveways**

“In order to minimize the potential for accidents and delay to through vehicles, all adjacent driveways onto public roadways must be separated by the minimum distance shown in **Table 24.4**. These minimum spacing requirements may be adjusted slightly to better accommodate minimum sight distance requirements. Local residential streets shall be exempt from the driveway spacing listed...”

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- 4) Please refer to Article 24, Section 2408 of the Dearborn County Zoning Ordinance regarding the Minimum Corner Clearances of Driveways.

## **SECTION 2408 - Minimum Corner Clearances of Driveways**

“In order to minimize the potential for accidents and delay to through vehicles, all adjacent driveways onto public roadways must be separated by the minimum distance shown in Table 24.4. These minimum spacing requirements may be adjusted by up to 20% to better accommodate minimum sight distance requirements if determined by the Technical Review Committee that such adjustment is necessary to preserve the intent of these regulations. Waiver requests exceeding 20% must be reviewed by the Dearborn County Plan Commission and must conform, to the extent feasible, to the standards sets forth in Article 24 of the Zoning Ordinance and Article 3 of the Subdivision Control Ordinance.”

### ***\*Please note:***

The Applicant’s proposed access for Tract 1 is approximately 164 feet from the proposed access to Tract 2 and the remaining property (proposed in the land division concept). ***This makes the access point for Tract 1 approximately 111 feet deficient / short (to the east) of meeting the driveway spacing standards set forth in Article 24, Table 24.4 of the Zoning Ordinance.***

***As an additional note:*** A panhandle tract was created in 1987 (when current access standards were not in effect) immediately to the west of the Applicant’s proposed Tract 1. The driveway location for the panhandle tract, if / when developed, would be approximately 171 feet away from the Applicant’s proposed access for Tract 1—which would make this access point approximately 104 feet deficient / short (to the west) of meeting the driveway spacing standards set forth in Article 24, Table 24.4 of the Zoning Ordinance (assuming that a 12-foot wide driveway is constructed).

The Applicant’s proposed access for Tract 2 and the remaining property (proposed in the land division concept)—which already exists and has been approved by INDOT in 2014—is approximately 87 feet from the existing property to the northeast. ***This makes the access point for Tract 2 and the remaining property approximately 188 feet deficient / short of meeting the driveway spacing standards set forth in Article 24, Table 24.4 of the Zoning Ordinance.***

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- 5) The Applicant's second waiver request, with respect to the Dearborn County Subdivision Control Ordinance, is:

## **WAIVER REQUEST # 2**

***To create one (1) direct access point onto a Category II Arterial Road.***

### **SECTION 305 - Street Design**

#### **B. Access to Arterial or Collector Streets**

"...Where a Subdivision borders on or contains an existing or proposed Arterial roadway—or a Collector roadway that exceeds 1000 vehicle trips per day—**individual lots shall not be permitted direct access** to such streets without approval of the Commission (*Please refer to Article 24 of the Dearborn County Zoning Ordinance*)...Direct access to an arterial or collector roadway shall only be permitted if the other access scenarios such as local street access, frontage roads, shared driveways and other forms of access control are unacceptable, unsafe or inappropriate as determined by the Commission.

*\*Please note: According to the Applicant's prepared statement, the "Owners are requesting a direct access point on Tract # 1 to have accessibility for one additional tract split in the future. The direct access point would then be used as a shared driveway for the two lots."*

- 6) **Please refer to Article 24, Section 2410 of the Dearborn County Zoning Ordinance** regarding the Minimum Sight Distances.

### **SECTION 2410 - Minimum Sight Distances**

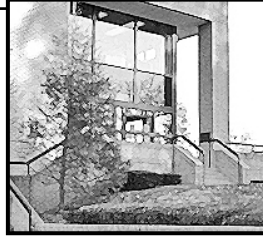
"All driveways and intersecting roadways for Residential use shall be designed and located so that the minimum sight distances as shown in **Table 24.5** are provided. The sight distance for speeds not located on the chart should be computed by dividing the speed limit by five (5) and multiplying that number by 35 feet [(speed limit / 5) 35]..."

*\*Please note: The Applicant's proposed access points for both Tract 1 and Tract 2 (and the remaining lands), exceed the required sight distances set forth in this Section for the proposed residential uses.*

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- 7) Please refer to Article 24, Section 2416 of the Dearborn County Zoning Ordinance regarding the Number and Location of Access Points.

## **SECTION 2416 – Number and Location of Access Points**

“(1) Where an undeveloped parcel adjoins another undeveloped parcel on a collector or a arterial roadway, access points shall be located along common property lines of such parcels, providing the potential access meets other applicable portions of these regulations. When the second undeveloped parcel is developed, it shall utilize the common access. Where access is provided along common property lines, an easement granting common access shall be provided. In addition, such access easements shall be of sufficient depth to provide adequate stacking distance for vehicles entering the access point from a public street, and shall also provide for dedication of right-of-way if the access should ever be developed into a public street...

*(4) If a property cannot be served by any access point meeting these standards, the Plan Commission will designate one or more access point(s) based on traffic safety, operational needs, and conformance to as much of the Zoning Ordinance requirements as possible.”*

- 8) Please refer to Article 24, Section 2446 of the Dearborn County Zoning Ordinance regarding the Waiver of Requirements.

## **SECTION 2446 – Waiver of Requirements**

The Plan Commission may reasonably waive or modify, with conditions, the requirements of this Article, if it is determined that such action is warranted given the nature of an individual project and such action will serve to preserve the purpose and intent of these regulations.

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## 9) Staff Comments:

- At the time of County staff's inspection, there were a couple of site-specific issues that were identified that will likely need to be addressed during a subsequent platting process (through staff review):
  - The primary onsite sewage disposal system for the existing house on Tract 2 (as proposed) as well as the planned secondary area for a septic system are located in an area where the proposed property / lot lines for Tract 2 and the remaining property may have to be reconfigured—or otherwise the planned secondary area may need to be relocated to another portion of Tract 2.
  - There are 2-3 buildings on Tract 2 that do not appear to have been constructed in accordance with any Improvement Location Permit on file with the County. *One of these structures appears to be very near, if not within, the existing or planned septic area(s) associated with this particular proposed lot. These structures must be addressed prior to the approval of any subsequent survey plat—and will be treated as an enforcement issue if they remain otherwise (as-is).*
  - The adjoining property owner / neighbor to the west of proposed Tract 1 (Schuh) indicated during a conversation with County staff that he has concerns with the storm water runoff associated with this property and any additional development—particularly as it pertains to the drainage along the front of his property. *Staff recommends that with respect to this particular item, that the Applicant be advised to either direct any additional storm water volumes or velocities towards the rear of the Owners' property (involved with this request) and / or that improvements be required that will reduce the impact (volumes and / or velocities) to pre-development rates, if not improve existing conditions.*
  - In March of 2016, a new 1.005-acre parcel was created through a certified survey process. As part of the condition of approval of this particular plat, the applicant was required to note on the survey that the existing barn was being demolished, to address a non-compliant building setback that was being created as a result of the parcel split. At the time of the County staff's inspection, this building remained on the property in a non-compliant area. Therefore, this building must be removed—or the proposed land configuration must be changed so that the existing building meets the County's side and rear setback requirements (of 5 feet). *It is not known whether this latter item is possible or achievable, with the new house on the adjoining southern property and its associated septic areas.*

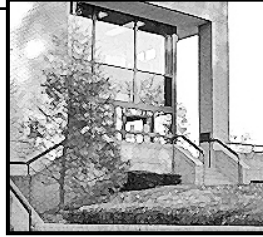
10) \*Please refer to the County Engineer's report, dated August 8th, 2016.

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- 11) Please refer to Article 1, Section 160 of the Dearborn County Subdivision Control Ordinance regarding Appeals and Waivers.

## **SECTION 160 – Appeals and Waivers**

*“...Upon written request to the 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 Plan Commission shall review and take action on all waiver requests that involve the Subdivision Control Ordinance...”*

- 12) Please refer to the Applicant’s proposed concept plan (including sight distance information), and other enclosure materials.





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## Dearborn County Highway

10255 Randall Avenue  
Aurora, IN 47001

Telephone (812) 655-9394  
Fax (812) 655-9424

August 8, 2016

Dearborn County Planning Commission  
215B West High Street  
Lawrenceburg, IN 47025

Re: Noppert/Long/Strom Subdivision Plat

Dear Commission,

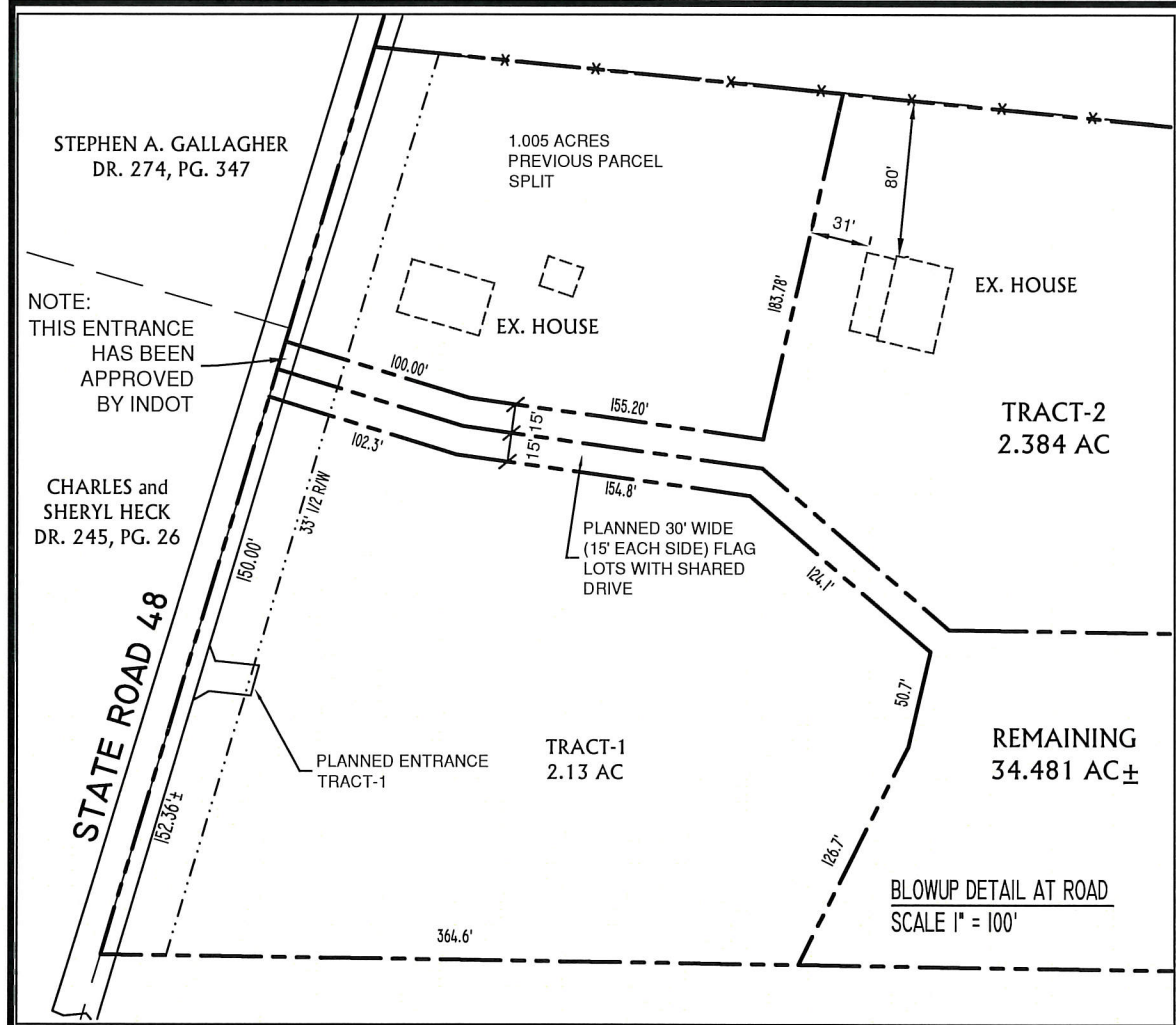
I have reviewed the proposed plat and visited the site. SR-48 is a Category II Arterial Road with a speed limit of 55 mph. The driveway spacing requirement for Arterial roads with a speed limit of 50 mph or greater is 275 feet. Driveways need to be limited on high speed arterials and collectors for safety reasons. The original split and driveway was constructed without driveway spacing considerations. The existing driveway which will be servicing Tract 2 and the remainder lot does not meet spacing requirements and was constructed without a Dearborn County driveway permit; however, a State access permit was issued which does not consider driveway spacing. The proposed driveway intended to serve Tract 1 also does not meet the County's driveway spacing requirement. The Highway Department office recommends that the driveway point for Tract 1 be connected to the existing, shared driveway that is currently intended / proposed to serve Tract 2 and the remainder tract.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Todd Listerman".

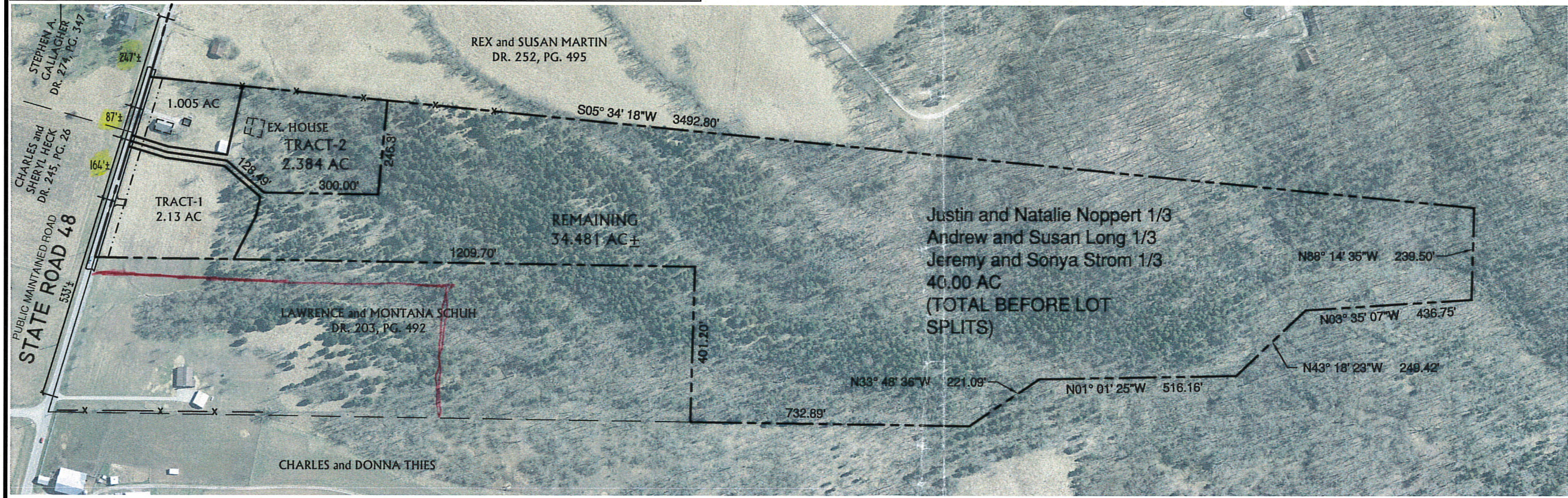
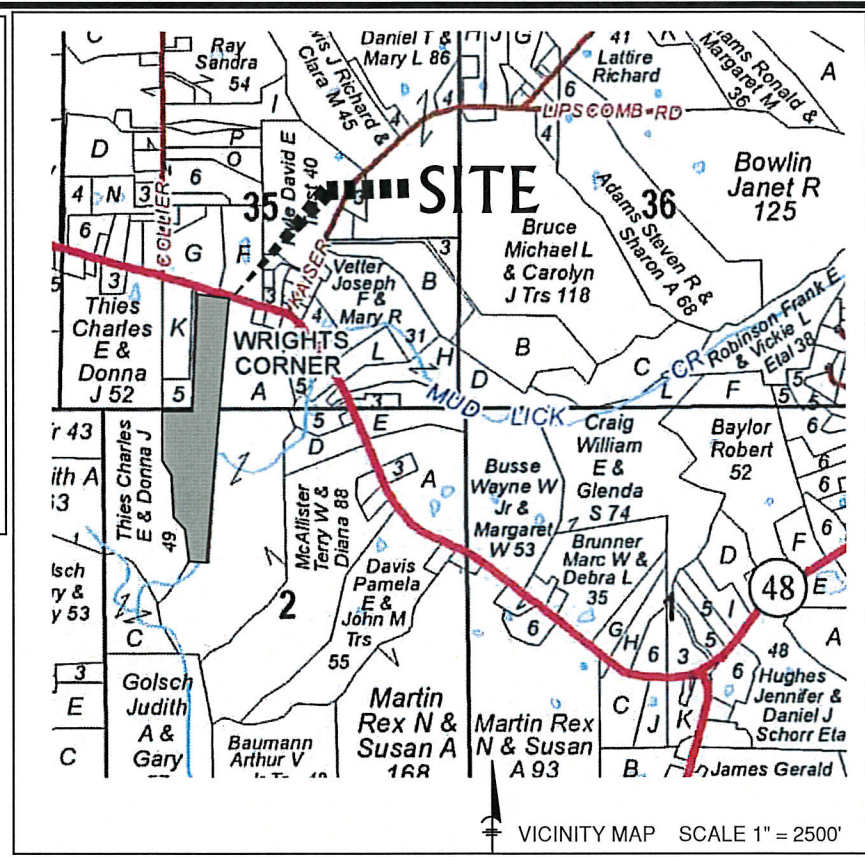
J. Todd Listerman  
County Engineer





### GENERAL NOTES

1. WAIVER REQUEST IS TO ALLOW FOR A DIVISION OF EXISTING PROPERTY INTO PARCELS AS INDICATED ON LAYOUT SHOWN WITH ENTRANCES AS SHOWN.
2. SHARED DRIVE IN PANHANDLE IS PLANNED FOR TRACT-2 AND REMAINING AREA.
3. CURRENT ZONING OF SITE IS "A". AREA AND SETBACKS TO MEET ZONING REQUIREMENTS.
4. AN APPROVED SUBDIVISION PLAT (CERTIFIED SURVEY) WILL NEED TO BE RECORDED PRIOR TO ANY BUILDING PERMITS OR CONSTRUCTION.
5. SITE DISTANCES (BY VISUAL INSPECTION) OF PROPOSED ENTRANCES  
 TRACT-1 WEST = 550'  
           EAST = 564'  
 TRACT-2 WEST = 714'  
           EAST = 400'



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 448 Meadow Lane  
 Madison, IN 47250  
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RELEASE

WAIVER FOR A LAND DIVISION OF THE  
 NOPPERT, LONG & STROM PROPERTY  
 SOUTH SIDE OF S.R. 48  
 MANCHESTER TOWNSHIP, DEARBORN COUNTY, INDIANA

DATE : 07.1516
DRAWN BY : PDR
CHECKED BY :
APPROVED BY :
PROJECT # : SUR1810.02

1





# DEARBORN COUNTY PLAN COMMISSION

County Administration Building, Suite 300, 215B West High St., Lawrenceburg, IN 47025  
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## LAND DIVISION APPLICATION

### Applicant / Contractor Information

Name: Justin Noppert	Phone No: 812 584-0037
Address: 315 W Center St	
Street Address	City State Zip Code

### Owner Information (if different from above)

Name: <del>Justin</del> Justin + Natalie Noppert	Phone No: (812) 584-0037
Address: 7689 SR 48	Avrora IN 47001
Street Address	City State Zip Code

### Site Information

Location: 7689 SR 48	Section: 35	Township (#): (6)	Range: 2	Acreage: 40
Property Map # 150535300046000019	Zoning: Ag.	Subdivision: —	Lot: —	

Flood Zone X - 18029C0115C → + 150802200002.000019

### Certified Survey: Requires 3 paper copies at time of Application (2 buildable lots or less, + remainder tract)

Date Received:	Fee, based on current Fee Schedule:	Receipt #		
Parent Parcel Acreage:	Lot 1:	Lot 2:	Lot 3:	Remainder:
(acres)	(acres)	(acres)	(acres)	(acres)

### Tech Review: Requires 6 paper copies

Date Received: JUL 08 2016	Fee, based on current Fee Schedule: \$792.66	Receipt # 16787
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### Primary Plat: MINOR SUBDIVISION - Requires 6 paper copies (7 buildable lots or less, + remainder)

MAJOR SUBDIVISION - Requires 14 paper copies (8 buildable lots or more, + remainder)

\*Please list all required Waiver(s) and /or Variance(s): \_\_\_\_\_

\*Is the proposed subdivision within 2 miles of an incorporated area? If so, please list: \_\_\_\_\_

Date Received:	Fee, based on current Fee Schedule:	Receipt #				
Utilities / Services:	Sewer:	Water:	Electric:	Gas:	Fire / EMS:	Schools:

### Improvement Plan: Requires 6 paper copies

Date Received:	Fee, based on current Fee Schedule:	Receipt #
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### Secondary Plat: Requires 5 paper copies at time of Application

Date Received:	Fee, based on current Fee Schedule:	Receipt #
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As applicant, I understand that this application is being submitted in accordance with the Dearborn County Zoning & Subdivision Control Ordinances, and that I am responsible for the accuracy and completeness of this application. Further, I have read and understood the instructions associated with this application and understand that incomplete or inaccurate information may result in the delay or denial of this request.

X Justin Noppert  
Applicant's Signature Date

X \_\_\_\_\_  
Planning Official's Signature Date

DEARBORN COUNTY ADJOINING PROPERTY OWNER LIST

♦ APPLICANT

Name: Justin Noppert
Request:

♦ ADJOINING PROPERTY OWNERS

All individuals who are making a request for Subdivision Review are required to compile a list of all property owners that adjoin the subject site. Adjoining property owners include any person who owns land that shares a property line with the subject site, or adjoins along the centerline of any roadway. The adjoining property owners can be indicated in the space below.

Assessor's

Name: Schuh, Lawrence E + Montana
Address: Street Address 7801 SR 48 City Aurora State Zip Code 47001

Name: Thies, Charles E + Donna J
Address: Street Address 7847 SR 48 City Aurora State Zip Code

Name: Martin, Rex N + Susan A
Address: Street Address 7655 SR 48 City Aurora State Zip Code

Name: Heck, Charles E + Sheryl A
Address: Street Address 18372 Collier Ridge Rd City State Zip Code

Name: Gallagher, Stephan A + Carol S
Address: Street Address 7660 SR 48 City Aurora State Zip Code

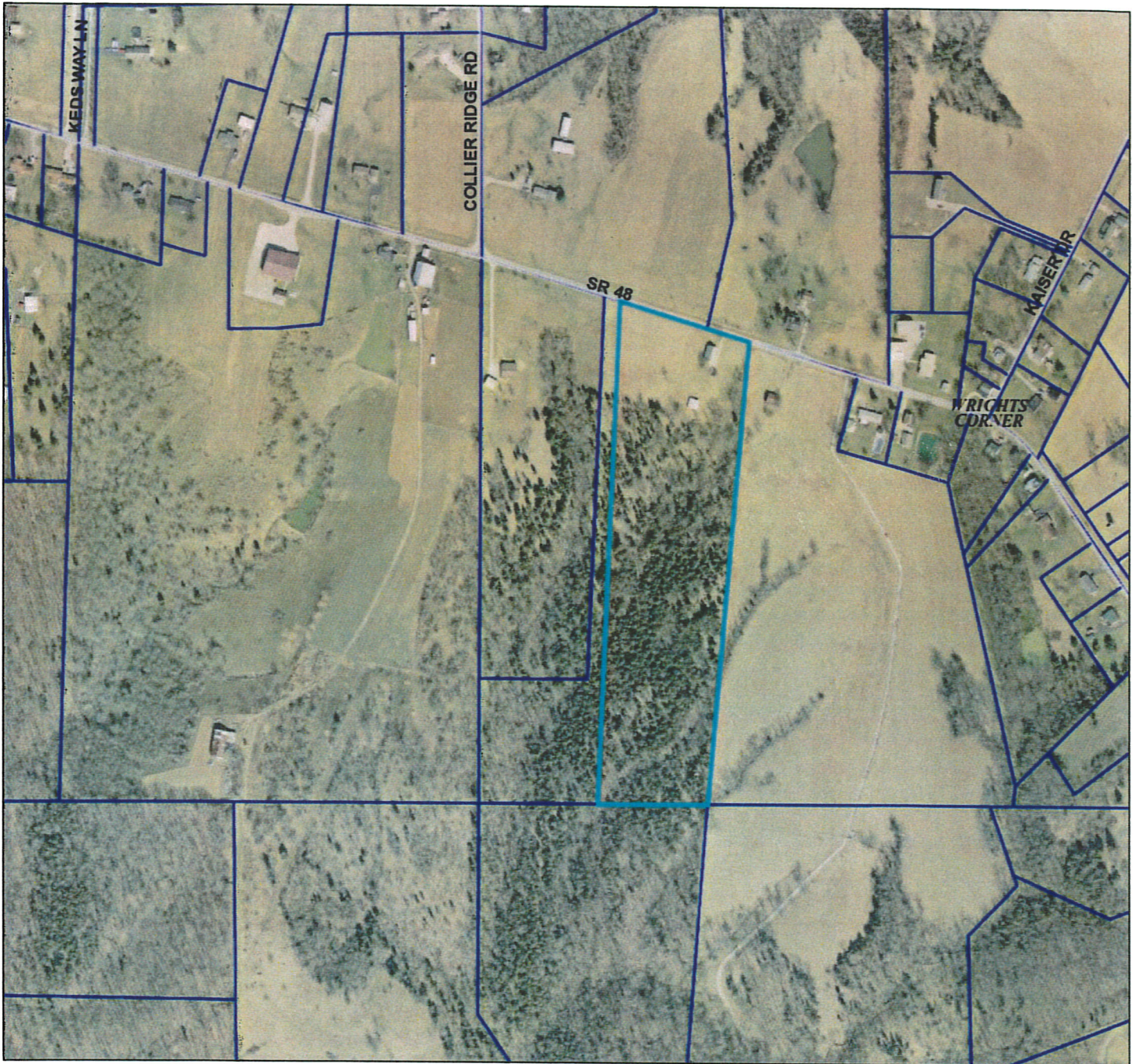
Name: <del>Strom, Joemy + Sanja</del>
Address: <del>Street Address 7205 SR 48 City Aurora State Zip Code 47001</del>

Name:
Address: Street Address City State Zip Code

Name:
Address: Street Address City State Zip Code

Name:
Address: Street Address City State Zip Code






**Parcel ID** 15-05-35-300-046.000-019  
**Sec/Twp/Rng** 0035-0006-2  
**Property** 7689 Sr 48  
**Address** Aurora  
**District** Manchester  
**Brief Tax Description** 34-29 PTS 1/2 35-6-2 16.184A  
 (Note: Not to be used on legal documents)

**Alternate ID** 019-000963-00  
**Class** AGRICULTURAL - CASH  
 GRAIN/GENERAL FARM  
**Acreage** 16.184

**Owner** Noppert, Justin & Natalie(1/3), Andrew & Susan Long(1/3) & Jeremy & Sonya Strom(1/3)  
**Address** 7689 S R 48  
 Aurora, IN 47001

Date created: 7/8/2016

 Developed by  
 The Schneider Corporation

*Driveway spacing requirement*  
 $\approx 275'$

*\* Proposed driveway spacing*  
 $\approx 160'$

**Direct Access Point Tract 1:**

Owners are requesting a direct access point on Tract #1 to have the accessibility for one additional tract split in the future. The direct access point would then be used as a shared driveway point for the two lots.