

Dearborn County Plan Commission Minutes
Monday, June 26, 2017
7:00pm

A. Andrew Baudendistel’s reading of the Voluntary Title VI Public Involvement Survey –

As a recipient of federal funds, and in support of Dearborn County’s efforts to ensure nondiscrimination and equal access to all citizens, the County gathers statistical data regarding participants in county activities. Therefore, we have provided a Voluntary Title VI public Involvement Survey at this meeting. You are not required to complete this survey. However, the form is anonymous and will be used solely for the purpose of monitoring our compliance with Title VI and ADA.

B. ROLL CALL –

Members present:

Russell Beiersdorfer

Jake Hoog

Mark Lehmann

Eric Lang

Dan Lansing

Dennis Kraus, Jr.

Jim Thatcher

Art Little

Mark McCormack – Planning Director

Andrew Baudendistel – Attorney

Members absent:

Liz Beiersdorfer

C. ACTION ON MINUTES:

Mr. Kraus stated that there were no minutes were presented to the board. Mr. McCormack noted that the board would get minutes this coming week. There was no action on minutes.

D. OLD BUSINESS TO BE REOPENED:

Request:	Requesting 2 Waivers; (1) Create an access point which does not meet the minimum driveway spacing requirements. (2) Create a direct access point onto Jamison Road.
Applicant / Owner:	Judy Traynor
Site Location:	24140 Mayfield Lane/Jamison Road
Township:	Harrison
Legal:	Sec. 35, T 7N, R 1W
Zoning:	Agricultural (A)
Size:	6.449 acres

Mr. McCormack presented the staff report. The affected property, which contains a total of 6.449 acres, is located in Section 35, Township 7N, Range 1W at 24140 Mayfield Lane in Harrison Township. This parcel is zoned Agricultural (A). Mr. McCormack presented new information, relative to the case (as it had been previously tabled to request specific, additional information). A letter from Mrs. Traynor, the Applicant, was presented and discussed. Mrs. Traynor's letter indicated that the proposed driveway (which has already been installed) is used once or twice per day and is safer for school bus pick up. The neighbor had also been using the driveway for larger vehicles (such as semis) but has indicated that he will be moving some, if not all, his large vehicles off of his adjoining property. Mrs. Traynor's proposed driveway request is for residential use only.

Mr. McCormack received an email on Friday, June 23rd, from an adjoining property owner who expressed concerns about the fill that is being placed on the Traynor property. The additional fill could potentially block the culvert and water could end up crossing the road. Mr. McCormack noted that he had visited the site today and had taken pictures of what was visible in terms of neighbors' concerns. On June 13th, Mr. McCormack had also received an email from an IDEM official with respect to soil and erosion control (Rule 5) issues. The Applicant (Mrs. Traynor) and her neighbor (Mr. Willis) were sent a letter regarding State enforcement issues. On July 7th, the IDNR and IDEM will be coming out to look at property and perform a joint inspection. Mr. McCormack asked his IDEM contact about the proposed driveway, in terms of the upcoming inspection, and was told that the driveway area is one of three areas of potential enforcement / concern.

Mr. McCormack stated that the culvert under the driveway has been covered and buried (apparently by accident) by the Traynors. He noted that there has been additional fill material placed near and around the driveway since the plan commission meeting in which this case was last reviewed. Mr. McCormack noted that when he was at the property today, there were no trucks entering or exiting on the Traynor property. He acknowledged that there is no definitive information to confirm whether or not there is a trucking business operating on the adjoining, southern property. Mr. McCormack indicated that he noticed a slight difference in elevation from Jamison Road to the driveway entrance, from his previous site visit. There is now a drop about half a foot. At some point, the driveway will have to be leveled out. Mr. McCormack notes that if the driveway is going to be residential and approved by the board, the driveway should only be about 20 feet wide instead of 50+ feet wide.

Mr. McCormack noted that even if the driveway is allowed for residential use only, the joint IDEM and IDNR inspection on July 7th could result in additional problems related to the driveway and surrounding area on the Traynor property (as well as the neighboring property). He acknowledged that the board should consider this when making a decision regarding this case. Mr. McCormack asked the board if they had any questions.

Mr. Little asked if the County's guardrail had been cut without permission. Mr. McCormack confirmed that it had. Mr. Little said that a penalty should be given for whoever had cut and removed the guardrail.

Mr. Baudendistel said that the guardrail incident could be considered criminal. Mr. Lehmann confirmed that the Traynor's were not the ones who cut the guardrail but they will have to fix the problem.

Mr. McCormack said that the activity he saw today (owners working on cars) is also more of a concern now than it was at the last meeting.

Mr. Thatcher asked if a safety issue had ever been presented with a case like this. Mr. McCormack said that as far as he is aware, there hasn't been one.

Mrs. Traynor (Applicant) approached the microphone. Mrs. Traynor stated that her son and father work on tractors and cars, but there is no business on the property. She has heard from the IDNR and was mailed a list concerning what regulations need to be met. She and her family will do whatever they have to do to complete what has to be done. She noted that the proposed driveway is a safer driveway location for the buses and cars. There were no other questions for Mrs. Traynor from the board.

Mr. Thatcher made a motion to open public discussion. Seconded by Mr. Lehmann. All in favor. None opposed. Motion carried.

Mrs. Traynor's neighbor, Mr. Brandon Willis, approached the microphone. He has owned the adjoining property since 2004. He feels that the new driveway is much safer than the old driveway. Mayfield Lane is the same length as the new driveway and that is important. The buses stop farther down Jamison Road, away from the bend in the road, which is safer as well. As far as Mr. Willis' business, he noted that he sometimes parks his trucks at the farther entrance down the road. Mr. Lang asked about the culvert size. Mr. Willis said it is about 3 feet in diameter and has been covered. He noted that if there had been a problem with complete failure (of the culvert), it would have been made evident to him and others by now (which it hasn't). Mr. Willis would be willing to put a sign that says "No Dumping" on property.

Mr. Lansing asked about the guardrail issue. Mr. Willis said that because the driveway is safe, he doesn't feel the need to be concerned about the guardrail. Mr. Lang noted that because of the guardrail situation at hand, the complexity of the situation has increased.

Mr. Willis said that the guardrail was taken apart, piece by piece, but it can be put back into place. Mr. Lang agrees but notes that there is a much greater concern in how the guardrail was improperly removed in the first place. Mr. Willis explained that if he could get a permit to fix the guardrail issue, he would, but he cannot because he is not the property owner.

Mr. Willis noted that when he bought his property, he said he bought it knowing it was commercially zoned. Mr. McCormack acknowledged that there had been an excavating business on the property previously that had a Paragraph C (which is similar to the Conditional Uses in the more modern ordinance) years ago. Mr. McCormack noted that the excavating business had ceased at some point and the property remained vacant for more than a year. Therefore, there is (in fact) no commercial zoning for the property—or a Paragraph C, or a Conditional Use which would (currently) allow an excavating or trucking business. Mr. Willis noted that he uses his property to help with parking because he owns a warehouse business in Cincinnati.

Mr. Lehmann asked Mr. Willis if the IDNR had set a clear path for him about what has to be completed. Mr. Willis said that he can't speak on behalf of what they are asking. There were no other questions for Mr. Willis from the board.

Mr. Beiersdorfer made a motion to close public discussion. Seconded by Mr. Lehmann. All in favor. None opposed. Motion carried.

There was discussion amongst the board. Mr. Lang asked Mr. McCormack if the driveway meets the requirements. According to Mr. McCormack, it does not meet the requirements.

There was discussion in regards to driveway spacing and sight distance. Mr. McCormack said that the sight distance is at least 25 feet deficient. The access point does not meet the required driveway spacing distances set by 92 feet to the northwest and by 116 feet to the southeast. The board also discussed whether or not there should be a penalty for not properly obtaining a permit for a situation like this.

Mr. Lang made a motion that the Applicant be required to reinstall guardrail, to the same condition as it was prior to its removal, within the next 30 days—to the satisfaction of the county engineer. Additionally, the Applicant's request is indefinitely tabled until such time as she can: 1) properly re-apply for a residential (only) driveway permit as well as driveway spacing waivers; and 2) adequately address and bring into compliance all IDNR, IDEM and / or other agency action items. Seconded by Mr. Thatcher. All in favor. None opposed. Motion carried.

E. OLD BUSINESS TO REMAIN TABLED: None

F. NEW BUSINESS: None

G. ADMINISTRATIVE:

- Proposed ordinance changes to the Dearborn County Zoning Ordinance
- Financial Guarantee Report

The sign ordinance amendment proposals have been updated. The items in yellow were the original proposed changes by staff at previous meetings. The blue items are new, additional proposed changes. Mr. McCormack would like for the board to look over proposed ordinance changes, especially the items in blue. He would like for the board to vote on the proposed ordinance changes in July, if possible. Most of the proposed new changes are minor; however, Mr. McCormack would like the board to closely look at Section 2015 (numbers 3 and 4), and Section 2070 (as more significant changes were made to these sections). Mr. McCormack would like the board to look over the proposed changes during the course of the next month and to contact him with any questions or concerns.

With respect to the financial guarantee report, Mr. McCormack will be sending out a bond letter on Tuesday, June 25th and he will email an updated report shortly afterwards.

Mr. Beiersdorfer made a motion to adjoin the meeting. Seconded by Mr. Kraus. All in favor. None opposed. Motion carried.

Meeting adjoined at 9:16 pm.

Dennis Kraus, Jr., President

**Mark McCormack, Secretary
Planning Director**