

DEARBORN COUNTY PLAN COMMISSION MINUTES

Monday, February 26, 2018

7:00 pm

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.

A. ROLL CALL –

Members present:

Russell Beiersdorfer

Jake Hoog

Dennis Kraus, Jr.

Eric Lang

Mark Lehmann

John Hawley

Michael Lynch

Mark McCormack – Planning Director

Andrew Baudendistel – Attorney

Members absent:

Jim Thatcher

Bill Ullrich

B. ACTION ON MINUTES--NONE

C. OLD BUSINESS SCHEDULED TO BE RE-OPENED—NONE

D. OLD BUSINESS TO REMAIN TABLED—NONE

E. NEW BUSINESS—NONE

F. ADMINISTRATIVE—

1. Article 3, Section 305D—Street Design, Subdivision Control Ordinance—Proposed Changes:

Mr. McCormack noted that based on recurring issues associated with direct access points on Arterial and Collector Roads, the Plan Commission staff—in coordination with the County Engineer and in consideration and consultation with INDOT—has prepared the proposed amendments to this Section. Access to an Arterial or Collector currently requires permits through the County Departments via staff(s) as well as permits through INDOT, as well as a public hearing request with the Plan Commission or BZA. The proposed ordinance would only make it necessary for a request to be heard by the Plan Commission or BZA if the driveway access involved the use by three or more residential units (or 30 or more vehicle trips per day, regardless of the use involved). This Section / Ordinance would only apply for access points onto all Arterials or higher-level Collector roads. Any proposed driveway access would still be subject to all other transportation standards, such as sight distance and driveway spacing. All other driveways on an arterial or collector that would involve less than three residential units (or less than 30 vehicle trips per day, regardless of the use involved) would be subject to the Technical Review Committee for review and approval.

The Board had no questions related to these proposed changes.

2. Article 24, Sections 2416, 2442, 2444, and 2446 of the Zoning Ordinance—Proposed Changes:

Section 2416—Mr. McCormack discussed the other proposed ordinance changes related to access in the Zoning Ordinance. Minor changes to the text were made with respect to accesses to tracts of land that are basically considered pre-existing, non-conforming buildable tracts. All other proposed changes were very minor for the four items listed in Section 2416.

Section 2442—The only change that is being proposed in this Section is to reference Article 3, Section 305 D of the Subdivision Control Ordinance.

Section 2444—The majority of the Section is being proposed to change in order to match the changes that are being proposed for Article 3, Section 305 D of the Subdivision Control Ordinance, regarding the review and approval of access points on Arterial and Collector roads.

Section 2446—The only change to this Section is to include the possibility of the Technical Review Committee to be able to approve minor waivers of a certain amount or distances related to access points. As an example, the Technical Review Committee can already approve a waiver of up to a 20% decrease of the regulations on an access point without the need of Plan Commission approval (for sight distance).

Mr. Kraus asked about the pre-existing, non-conforming tract with relationship to an access point. He wanted to know how the proposed changes would tell a property owner where he or she can put a driveway.

Mr. McCormack stated that a pre-existing, non-conforming tract of ground would be one that was created prior the current ordinances (around 2000-2001), in which the road frontage may not meet all the standards for a driveway access point to the existing tract. The proposed changes would still allow at least one access point, so as not to deny access to a pre-existing, non-conforming tract. In most cases, a decision regarding access would be based on where the Applicant would have the best / most sight distance (which in some cases might require an easement).

The Board discussed and decided that the 20% waiver language should be added to Section 2446 to allow minor waivers to be approved by the Technical Review Committee.

The Board opened the floor for any public discussion for the proposed changes as discussed.

There was no public comment.

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

Mr. Lang made a motion to forward a favorable recommendation to the County Commissioners for the proposed changes as discussed for Article 3, Section 305 D of the Dearborn County Subdivision Control Ordinance. Seconded by Mr. Lehmann. All in favor. None opposed. Motion carried.

The Board opened the floor for any public discussion for the proposed changes as discussed for Article 24 of the Zoning Ordinance.

There was no public comment.

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

Mr. Lang made a motion to forward a favorable recommendation to the County Commissioners for the proposed changes as discussed for Article 24, Section 2416, 2442, 2444 and 2446, adding that the Technical Review Committee should be able to grant waivers up to a 20% of the technical requirements as suggested for Section 2446. Seconded by Mr. Lehmann. All in favor. None opposed. Motion carried.

3. Article 3, Section 300, 315, 320 and 322 (new section) of the Zoning Ordinance—Board of Zoning Appeals—Proposed Changes:

The proposed changes better reflect the criteria for findings of fact for the Board of Zoning Appeals to make decisions on requests. These changes would make the County ordinances match the requirements set forth by the Indiana Code. The proposed amendments would add language to acknowledge two different type of variances (which are listed in the Indiana codes): development standard variances and use variances. There was one minor change proposed with respect to the criteria for a conditional use request. There would be only three criteria for development standard variances, which would more closely match the State code. Section 322 of this Article would be a new section to add language and

criteria for a use variance request as an option through the Board of Zoning Appeals. This would be in-line with IC 36-7-4-900 et. seq. Mr. McCormack noted that these types of requests have already been made through the Board but had been forced to use the standards for a variance as currently outlined in the County Zoning Ordinance (which were originally designed for dimensional / developmental standard variances). This additional section would add the language as it is written within the Indiana code.

The Board opened the floor to the public for comments on the proposed changes of Article 3.

Mrs. Chris Mueller, citizen of Dearborn County (18203 Pribble Road, Lawrenceburg, IN), approached the Board to ask whether or not the current “e” should be removed from the ordinance for variances. She believed that the language in this subsection should stay in the County’s Zoning Ordinance.

The staff acknowledged that the reason that this language is proposed to be removed is that the Board of Zoning Appeals has been struggling with this particular item—because there are a lot of requests that technically can be interpreted to be happening as a result of the Applicant but that are not detrimental to the area if the variance is approved. The Board (BZA) has felt that almost all requests could technically be determined to the result of the Applicant, therefore making it impossible to answer this question. To approve a variance request, all criteria have to be met and leaving this item in the criteria could make it almost impossible to ever approve a variance request if it is interpreted and applied in a literal manner.

There were no other public comments.

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

Mr. Beiersdorfer made a motion to forward a favorable recommendation to the County Commissioners for the proposed changes as discussed for Article 3, Sections 300, 315 and 320, and for (the new addition of) Section 322, of the Dearborn County Zoning Ordinance. Seconded by Mr. Lang. All in favor. None opposed. Motion carried.

4. Town of West Harrison, Indiana Interlocal Governmental Agreement:

Mr. McCormack had given the Board for review the updated / revised Interlocal Agreement with the Town—which included the County Engineer reviewing driveway permits, adding the fee schedule for the Building Department, and revising the annual sum which is due to adding services for the Comprehensive Plan creation and maintenance, and maintenance of ordinance-related items.

Mr. Hoog made a motion to approve the Interlocal Governmental Agreement, as revised with the Town of West Harrison. Seconded by Mr. Hawley. All in favor. None opposed. Motion carried.

(Although the Board has approved the Interlocal Agreement, it would still need to be approved by the County Commissioners, County Council and the Town of West Harrison before the agreement could be adopted.)

5. Comprehensive Plan Update:

Mr. McCormack stated staff has been working on some items for the Comprehensive Plan and a draft outline of the issues, goals, and strategies / policies would be available for the Plan Commission members within the month or so. This will be given to the members when some additional items have added and after a few interviews and conversations with people have concluded.

6. End of Year Report numbers:

Mr. McCormack discussed the end of year report numbers for permits, land divisions, new tracts and enforcement cases throughout the year. The Board received handouts outlining trends.

7. State Bills:

Mr. McCormack discussed potential bills that have been drafted and are currently being considered by the State legislature, which could affect the County.

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

Meeting adjourned at 9:04 p.m.

Dennis Kraus, Jr., President

Mark McCormack, Secretary
Planning Director