

DEARBORN COUNTY PLAN COMMISSION MINUTES

Monday, October 23, 2017

7:00 pm

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:

Jake Hoog

Mark Lehmann

Jim Thatcher

Dennis Kraus, Jr.

Dan Lansing

Russell Beiersdorfer

Eric Lang

Art Little

John Hawley

Mark McCormack – Planning Director

Andrew Baudendistel – Attorney

Members absent: None

C. ACTION ON MINUTES

Mr. Beiersdorfer made a motion to approve the August 28th meeting minutes, as written. Seconded by Mr. Lehmann. All in favor. None opposed. Motion carried.

Mr. Hoog made a motion to approve the September 25th meeting minutes, with the correction that "Sawhill Road" be changed to "Sawmill Road" and that John Hawley be added to the roll call. Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.

D. OLD BUSINESS SCHEDULED TO BE RE-OPENED: NONE

E. OLD BUSINESS TO REMAIN TABLED: NONE

F. NEW BUSINESS

1. 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 Whites Hill Road.
- Applicant/Owner: Nick Lerch
Owners: Nicholas & Emily Lerch
Site Location: Whites Hill Road
Legal: Sec. 21, T 7N, R1W, Parcel #15-01-21-500-006.005-018
Township: Logan
Zoning: Agricultural (A) Size: 25.0 Acres

Mr. McCormack presented the staff report. The zoning for the subject property is Agricultural. The speed limit on Whites Hill Road, a Category II Collector Road, is 45 miles per hour (per the Highway Department's records). The proposed driveway would be a direct access point. The required driveway spacing, based on the speed limit for this section of Whites Hill Road, is 230 feet. The waiver requests are derived from Article 24, Section 2408 and Section 2416 of the Zoning Ordinance, and Article 3, Section 305B, and Article 1, Section 160 of the Subdivision Control Ordinance. A driveway cannot be installed on the site until the waivers are granted; the board has to approve a driveway for this property (somewhere). The Applicant's proposed access is about 145 feet deficient of the County's driveway spacing requirements. The sight distance for this property can be best achieved at the proposed driveway location, according to the County Engineer. No phone calls were received from property owners in the area. Letters were sent out to adjoining property owners and most have been delivered with receipt of notice. There were no questions from the board for Mr. McCormack.

The Applicant was not present to speak on this matter.

There was no one from the public to speak on this item.

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

No further discussion from the board.

Mr. Lang made a motion to grant the first waiver request: To create an access point which does not meet the minimum driveway spacing requirements for a Category II Collector Road as presented, where there is the greatest sight distance. Seconded by Mr. Lansing. All in favor. None opposed. Motion carried.

Mr. Lehmann made a motion to grant the second waiver request to create a direct access point onto Whites Hill Road with the condition that all necessary vegetation be removed to make it meet the required sight distance. Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.

G. ADMINISTRATIVE

*** Proposed Changes to the Fee Schedule (including legal ad fee adjustment, zoning verification letters, and verification/enforcement inspection fees)**

Mr. McCormack noted that the fee schedule is in draft form and the effective date can be changed (at the top of the schedule). The legal ad fees need to be increased to cover the actual costs for the average ad in the local newspaper. Mr. McCormack discussed staff's time and effort for zoning verification letters, and inspections—noting that it is necessary to establish fees for time-intensive requests that are not quick and easy requests for information.

Sample zoning verification letters and some forms were given to the board members to look at and give input. Mr. McCormack explained that there are varying views on creating these types of forms and letter--and the duties in regards to fulfilling these types of requests for information. The proposed verification letters and inspection fees are just an idea to cut down on time-intensive efforts where the County staff is being asked to do research on property that is above and beyond the norm. In the past year or two, staff has had an increasing number of these types of requests—and has often been doing the work of the property owner's or financial institution's consultant.

For the vast majority of all information requests, the office staff is able to provide information from Beacon and what is in the County's databases without any problem or need for a zoning verification form or inspection.

Mr. Lang made a motion to approve the fee schedule, as presented. Seconded by Mr. Thatcher. All in favor. None opposed. Motion carried.

*** Proposed amendments to the Dearborn County Subdivision Control Ordinance**

Flag lots with panhandle requirements:

Mr. McCormack presented the proposed change to the existing text to the board—proposing to add text to the portion of the ordinance that references the 150-foot minimum distance of the “flag” or “panhandle”—to provide clarification regarding the application of the 150-foot distance.

Mr. Lehmann made a motion to give favorable recommendation to the Commissioners to change Article 3, Section 315c (of the Subdivision Control Ordinance) regarding lot arrangements and sizes to include the sentence: “which can include where the panhandle turns, bends, opens, or increases in size.” Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.

***Financial Guarantee Report**

No new information to report. Mr. McCormack will be sending an updated report soon.

***Jamison Road (Traynor Case Update)**

The guardrail that had been cut on the road has been put back. The County didn’t have to pay to have it fixed. Planning and Zoning will keep an eye on the adjoining properties for illegal / unauthorized activities.

***New Hire**

A new code enforcement officer (part-time) has been hired: Amber McClain.

***Working Session to discuss potential ordinance amendments**

Mr. McCormack notes that there is a property owner building / placing a lot of storage buildings and containers on his 6.5-acre property. The buildings are apparently used for personal storage only, at this time. There are a number of homes that surround the property owner. The neighbors are worried about why the property owner has so many structures and have complained due to other concerns about property values in the area. Mr. McCormack acknowledged that this situation is pretty unique. The buildings do not appear to be arranged in any order, although they are relatively clustered.

Mr. McCormack stated there could be some concerns with respect to the amount of increased impervious surface created from this many improvements on a residential use. He asked the board members what their opinions on the matter were and wonders if anything should be done to prevent this type of situation from happening somewhere else in the future. The board members and attorney weren't sure how or if this particular type of situation could be addressed, unless the ordinance is changed and an impervious surface / stormwater issue is apparent at that time—or otherwise if it could be proven that an illegal or unauthorized use is on the site.

***Driveway Accesses**

Mr. McCormack brings up driveway accesses. He asks the board whether applicants should continue to come to the board for review or if these matters could be handled at the tech review sessions instead. There was discussion amongst the board members. There could possibly be modifications made to the ordinances to where only some of the requests would fall under board review (at a public hearing). If owners can prove that they have exhausted all of their resources and would like a board to review it, then that is an exception.

***Tiny Homes**

There have been some people who have made requests about tiny homes. There are special conditions for “tiny home communities” being built elsewhere in the state. There was discussion amongst the board. This is an issue that may need to be revisited. Some of the primary issues can be addressed by the building codes for residential structures in Indiana.

***Airbnb/VRBO uses, etc.**

Staff recently became aware that there are several Airbnb properties in the Hidden Valley Lake Area. There are also a few other Airbnb properties / uses that staff is aware of in the County. The State legislature is working on a bill to pre-empt local zoning ordinances, which is expected to pass in the next session. It may make more sense to revisit this issue after a State bill has been passed. In the meantime, these uses can be treated as bed and breakfast-types of uses.

**Mr. Beiersdorfer made a motion to adjourn the meeting. Seconded by Mr. Lehmann.
All in favor. None opposed. Motion carried.**

Meeting adjourned at 9:03 p.m.

Dennis Kraus, Jr., President

Mark McCormack, Secretary
Director of Planning & Zoning