

DEARBORN COUNTY PLAN COMMISSION MINUTES

Monday, August 28, 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:

Art Little

Jake Hoog

Mark Lehmann

Jim Thatcher

Dennis Kraus, Jr.

Dan Lansing

Russell Beiersdorfer

Eric Lang

John Hawley

Mark McCormack – Planning Director

Andrew Baudendistel – Attorney

C. ACTION ON MINUTES

Monday, June 26th meeting: Mr. Beiersdorfer moves to approve the minutes, as presented. Seconded by Mr. Lehmann. Mr. Lehmann then noted that the chairman of the meeting in the minutes was incorrect. A vote was taken on the first motion. Two in favor. Seven members opposed. Motion denied. Amendment made to change the chairman of the meeting. Mr. Beiersdorfer moves to approve the minutes, as amended. Seconded by Mr. Lang. All in favor. None opposed. Motion carried.

Monday July 24th meeting: A change is necessary to show that Mr. Lansing was in attendance on July 24th. Motion made by Mr. Beiersdorfer to approve the minutes with the addition of Mr. Lansing in attendance. Seconded by Mr. Lehmann. All in favor. None oppose. Motion carried.

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

E. 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 an Arterial Road (S.R. 48).
- Applicant/Owner: Matthew Parker
Site Location: 9787 State Road 48
Legal: Sec. 33, T 6N, R 2W, Parcel# 15-05-33-200-025.000-019
Township: Manchester
Zoning: Agriculture (A) Size: 1.4 Acres

Mr. McCormack presented the staff report. The Applicant's request involves creating a direct (driveway) access onto a Category II Arterial Road, SR 48, which does not meet driveway spacing requirements (by approximately 80 feet). The Existing Land Use, Zoning, Vicinity, and Site maps were shown to the board. The pictures taken of the proposed driveway site were shown. Mr. McCormack noted that there is a utility pole, about 5 to 6 feet away from the site of the proposed driveway. The utility pole will stay in place, but there might be some vegetation that may need to be taken out to achieve better sight distance. The septic area for the existing house on the site is located at the rear of the property. Mr. McCormack referenced Article 24, Sections 2406, 2408, 2410, 2416, and 2446. He noted that other issues to consider, from County Engineer's report include: the Applicant will need to make sure that the proposed driveway will not encroach on the neighboring property to the NW, once it leaves INDOT's R/W. Mr. McCormack stated that the driveway is intended to be for accessory, residential-related uses. He noted that there have been concerns reported from a neighboring property owner. Mr. McCormack concluded his presentation by stating that the Board will need to consider whether or not the applicable waiver criteria and ordinances have been satisfied and adequately addressed.

Mr. McCormack acknowledged that 4 letters were sent out for this case; all 4 were confirmed as being received. Mr. Lehmann asked Mr. McCormack what the ramifications would be to the board if it decides to overturn the INDOT permit approval for the Applicant's driveway. Mr. McCormack acknowledged that generally-speaking, the County's rules can be more restrictive than the State's rules.

Mr. Lehmann asked Mr. McCormack about giving authorization to cross the property line. Mr. McCormack informed him that the board cannot give authorization to cross the property line, even if they wanted to do so. According to the INDOT permit reviewer, the Applicant is allowed to utilize the area within the INDOT road right-of-way but once his driveway leaves the right-of-way it must be on his own property. Mr. Lehmann asked what would happen if a denial was given from the board. Mr. McCormack said if that were to happen, the Applicant would have to access the rear of his property by utilizing his existing driveway access to the site—and run a driveway extension across the front of his property (which is where the secondary septic site is for this property). The original placement of the rear storage building wasn't ideal, but the property was owned by different owners at that time.

Mr. Hoog asked if there was sewer access to this property. Mr. McCormack acknowledged that there is not. He noted that the existing building is not a portable unit. He also noted that there is an existing garage that is also not portable.

Mr. McCormack is estimating that the proposed driveway would only be used a couple of times per day, on average. The Applicant told Mr. McCormack that the use would be for his own purposes; it wouldn't be used for any business. There were no further questions for Mr. McCormack.

No speaker cards were given to the board. **Mr. Thatcher made a motion to open public discussion. Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.**

There was no one present in the audience to speak on this matter.

Mr. Beiersdorfer moved to close public discussion. Seconded by Mr. Hoog All in favor. None opposed. Motion carried.

Discussion from the board. Mr. Hoog feels that the Applicant has no other option to put in another driveway access. Without knowing the exact location of the primary site of existing septic system, as well as the location of a secondary septic site, there are few options to put an additional driveway access somewhere else, other than to extend the existing driveway across the front yard—where it could cause problems with septic in the future.

The owner purchased the property relatively recently. The sight distance is currently deficient but can be addressed. The proposed use is for residential/storage purposes. Mr. McCormack feels that the main concerns to be addressed with the proposed driveway access point is sight distance, and making sure that the driveway is located on the Applicant's property once it leaves INDOT's road right-of-way.

Mr. Kraus doesn't know that INDOT's approval of the Applicant's permit for a new driveway is in anyone's best interest, since it doesn't meet State or local requirements. If any motion is made, it should contain some language about how the County does not give the Applicant permission to do something that is off of his property.

Mr. McCormack noted that the shed on the property was permitted in September of 2001. Right now, the owner is driving through the yard to get back to pole barn. Mr. Lang said that his gut feeling is that the sight distance currently being deficient isn't that big of an obstacle to overcome. He doesn't feel that the overall impact would be that great if the request would be granted.

Mr. Hoog said that the building could be increased in size in the future, which might mean the driveway would be used more often.

Mr. Lang acknowledged that the neighbor has expressed some concerns about the driveway but he isn't sure where the real problems lie. When Mr. McCormack was at the site, he didn't see any significant issues with the existing use of the field access or with outside storage, from the road. The owner uses the rear building for the storage of trailers, trucks, personal equipment, etc.

Mr. Parker, Owner / Applicant, approaches podium (as he entered the meeting late). Mr. Parker stated that he just wants to be able to get back to his pole barn. The property, when wet, gets a lot of ruts in it when he drives back to that building now. He doesn't want to drive over the septic system either—now or in the future. He intends to use the driveway for taking his camper and trailers back there to store. He uses the building for storage of his lawnmower and personal hobby equipment. Mr. Parker just bought his property this past February but didn't realize that the yard would be so wet when driving back to the rear storage building. There were no further questions for Mr. Parker.

Mr. Lang made a motion to allow Mr. Parker to create a direct access point onto an arterial road (SR 48), provided that the apron for said drive does not encroach onto the adjacent property as it leaves INOT's road right-of-way. Seconded by Mr. Lehmann. All in favor. None opposed. Motion carried.

Mr. Beiersdorfer made a motion to grant waiver request #2, provided that all necessary vegetation and shrubbery is removed to achieve adequate sight distance. Seconded by Mr. Lehmann. All in favor. None opposed. Motion carried.

F. ADMINISTRATIVE

- **Proposed ordinance changes to the Dearborn County Zoning Ordinance**

The staff had sent letters to all property owners in areas zoned Highway Interchange (H-1)—notifying people of the proposed / potential changes to the Zoning Ordinance and Map. He reiterated that everything is the same in the B-2 Zoning Districts as it is in the H-1 Zoning Districts—that the H-1 Zoning Districts are unnecessary as they literally accomplish nothing different in terms of uses, setbacks and other dimensional standards, etc. He noted that the County’s signage requirements have already been changed and these areas are considered in an equal manner. He noted that the biggest difference is that the H-1 zoning areas are purple on the Zoning Map and the B-2 zoning areas are red on the Zoning Map. He acknowledged that the uses in Article 13 would be changed to “Industrial” districts, instead of “Manufacturing” districts—and that the Zoning Map will also reflect these changes, if approved

Mr. Dave Deddens approached podium. He was present on behalf of his father, Gerhard Deddens. He questioned why his father didn’t get a letter of the proposed changes. Mr. McCormack indicated that Mr. Deddens’ father’s property was in the Town of St. Leon—and was therefore subject to the Town’s own Zoning Ordinance and Zoning Map. Mr. Deddens has no problem with the changes proposed to the county Zoning Ordinance and Map.

Mr. Eli O’Connell, from Shelton Fireworks in West Harrison, approaches the podium. He acknowledged that the owner of Shelton Fireworks would like to see an increase in the permitted building height for the commercial zoned area, like for a stadium (which is an allowable use in a B-2). Mr. McCormack notes that the maximum building heights is currently 50 feet in the ordinance—and no change is proposed to this particular dimensional requirement. A variance for a height above this amount would require a variance request to the Board of Zoning Appeals, just like it does now. There were no further questions for Mr. O’Connell.

Mr. Kraus asked about the drawbacks of raising the proposed height in the B-2 Zoning District. Mr. McCormack said that the building height allowance typically is in line with the requirement for a front building setback. The front setback in an area zoned B-1 is 50 feet and in B-2 and H-1 areas, the setback is 55 feet. Mr. McCormack noted that variances for building heights are very uncommon. Mr. Lang doesn’t feel that changing the height requirement is necessary at this time.

Mr. Lehmann moved to make a motion to forward the proposed amendments to Articles 11, 13, and 25 (Table 25.1), including the repeal of Article 12, to the Zoning Ordinance and Map, as written and proposed. Seconded by Mr. Beiersdorfer. All in favor. None opposed. Motion carried.

- **Proposed ordinance changes to the Dearborn County Subdivision Control Ordinance**

Mr. McCormack went over the draft, ordinance amendment proposals for Article 2, sections 244, 260, and 262 of the Dearborn County Subdivision Control Ordinance. Mr. McCormack asked the board to take the draft texts into consideration and noted that he would bring these items up again at the September Plan Commission meeting—for final revisions and action(s).

Mr. McCormack presented the updated new interlocal agreement with the Town of Dillsboro, highlighted some differences between the current agreement, and the proposed agreement moving forward. Mr. McCormack clarified a couple of items that were questioned by the board—and noted that the Town of Dillsboro has already adopted the new agreement. **Mr. Beiersdorfer made a motion to have Mr. Kraus sign the updated, new interlocal agreement with the Town of Dillsboro, for the rest of 2017 and for the years to follow. Mr. Lang seconded. All in favor. None opposed. Motion carries. The agreement will proceed to the County Commissioners.**

Mr. McCormack briefly went over the following items, for informational purposes only. He noted that he would be bringing some of these items back to the board at one or more future meetings.

- **Proposed changes to the Fee Schedule (including a legal ad fee adjustment, zoning verification letters, and zoning verification inspection fees)**
- **Financial Guarantee Report (Update)**
- **Staff Changes (Update)**

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

Meeting adjourned at 9:10 pm.

Dennis Kraus, Jr., President

Mark McCormack, Secretary
Planning Director