

**AREA PLAN COMMISSION MINUTES  
OCTOBER 4<sup>TH</sup>, 2004**

**PUBLIC HEARING OF THE AREA PLAN COMMISSION OF GRANT COUNTY** was held on Monday, October 4th, 2004 at 7:00 P.M. on the first floor of the Grant County Office Complex at 401 South Adams Street, Marion, Indiana. The following members were present: Kim Windle, John Woodmansee, John Bonham, Tom Walters, Dick Trobridge, Karen Owen, Myron Brankle, Dick Treon, Dennis Fox, and Tony Manry. Absent were Keith Roorbach, Rana Vetor and David Glickfield. Staff present was: Tanya Ford, Executive Director and Betty Jones.

Richard Treon moved, Dick Trobridge seconded to approve the minutes from the previous meeting as submitted. All members present voted yes.

Tanya asked the Board members if they had any contact with any petitioner, or with anyone else regarding any of the petitions. Karen stated she had been contacted in reference to the article she wrote. She had discussed the contact with Tanya Ford; and she informed Mrs. Owen that there is no conflict with that contact. Myron Brankle was contacted; however, he was not asked to change his vote. All other members present answered no.

**Docket:** #05P-2004 (Continued)

**Name:** Hummel Creek

**Address:** 4203 E. 650 N., Marion

**Zoning District:** Agricultural

**Legal Description:** Being 34.41 acres and located in the Northwest Quarter of Section 02 in Washington Township.

**Request:** To create a 7 lot residential subdivision.

**Larry Manship, 401 South Washington Street**, represented the petition. Mr. Manship stated that he had walked through with all parties involved and had gone back before the Drainage Board for the second approval. He responded to a question by **Tanya Ford** that Jim Todd, Larry Yeager, Myron Brankle and other neighbors were a part of this, 'walk through.' **Tanya** stated that the proposed pond needs to be moved slightly, because it could not be in a Public Utility Easement. Mr. Manship stated it was an oversight and that it would be taken care of.

**Tanya Ford** shared with the Board information she had received from DNR on the issue of wells for subdivisions. This information clarified a lot of concerns for the membership.

**Dick Trobridge** asked if the barn would be allowed to remain on the property. Tanya responded that it met all of the requirements therefore, it would be allowed to remain.

**OBJECTORS:**

**Carolyn Kindley – 3876 E 650 N** stated that she realized that she had no legal recourse however, she wanted the Board to be aware that she had tests performed and found that Marion wells have caused their wells to drop at least 6 feet. She also reiterated that there is a petition with sixty names on it opposing the subdivision in the file.

**Cindy Clark – 4203 E. 650 N** expressed her concerns about the creek. She stated that when the creek fills to the top some of the water has to overflow. Mrs. Clark feels that the creek should be dredged before construction begins. She asked the Board to consider the public feelings.

**Dale Pattison – 6260 N. 400 E.** stated that he is concerned about the property value for the subdivision. He feels that the restrictive covenants do not cover the issue of property values. He shared concerns over line item #13 adding that the property owners could add or delete portions from this section at anytime

making it null and void. He further stated there is nothing in the covenant that addresses his concerns. He urged the Board to vote against approving the petition.

## **REBUTTAL**

**Charity Schabo – 1221 N. Sheridan Road** stated that although she is one of the developers, she does not consider herself as such. In regards to the wells, she has done a lot of research and found that DNR have no real concerns. Mrs. Schabo requested that Tanya Ford would read correspondence from Helvie & Sons, which affirms that drilling will not affect the area or pose a threat. In addressing the matter of drainage, she stated that it was brought up in the meeting that Mrs. Clark's drainage would actually be enhanced. Mrs. Schabo stated that she has followed up on all the recommendations from everyone and tried to cover all their issues and concerns and now feels that the board should approve her petition.

**Larry Yeager, County Highway Department** stated that he attended the drainage board meeting and there should be no problem caused by the creek's level with the weather. The creek might rise a minor tenth or hundredth of an inch.

**Myron Brankle, Board member** stated that he was concerned about the subdivision going in and what would happen to lots once they are sold. Would they become junk and have all kind of debris on them even with a new home being built? He has spoken with Mrs. Kindley and Mrs. Clark, and, he is very opposed to the subdivision.

**Charity Schabo** stated that item #13 of the covenants was placed there as a sales pitch to provide her with an option to add or delete things at a later date; however, that item has been deleted from the new covenants. In the new covenant the problem with lot size for MobileHomes have also been addressed. Mrs. Schabo assured all that she takes pride in the neighborhood and her wish is to make improvements in the area, not to bring it down.

In other discussions the Board emphasized that the Area Plan Commission cannot enforce subdivision covenants and that Area Plan does not require covenants in order to approve a subdivision.

Mr. Manry questioned whether all issues had been addressed; Tanya responded yes.

Proof of Publication is in the file.

**MOTION:** Richard Treon moved to approved Docket 5P-2004 with the changes that were made to the preliminary plat, Richard Trobridge seconded. Five members: (Bonham, Treon, Trobridge, Woodmansee and Manry) voted yes; the remaining five members: (Brankle, Fox, Owen, Walters, and Windle) voted no; votes split, motion died.

**MOTION:** Myron Brankle moved to deny Docket 5P-2004, Dennis Fox seconded. Five members: (Brankle, Fox, Owen, Walters, and Windle) voted yes; The remaining five members: (Bonham, Treon, Trobridge, Woodmansee and Manry) voted no; votes split, motion died.

**Tanya Ford** reminded the Board that as long as all the requirements are met the request for a subdivision must be approved according to state statute.

The petition was continued until the November meeting.

**Docket: #5Z-2004 (Public Hearing)**

**Name:** Jesse Williams

**Address:** 1543 S. 400 E., Marion

**Zoning District:** Residential Suburban

**Legal Description:** Being 3.881 acres and located in the Southwest Quarter of Section 14 in Center Township.

**Request:** To allow the change in zoning from Residential Suburban to General Business.

**Jesse Williams** represented the petition. Mr. Williams stated that he wished to put a full-blown convenience store in, with gas pumps. He was requesting that just a small strip be rezoned.

The Board discussed that this would be spot zoning, and were against its approval.

There were no objectors in the audience and none were on file.

Proof of publication was not on file.

**MOTION:** Richard Trobridge moved to give Docket 5Z-2004 an unfavorable recommendation to the County Commissioners, Richard Treon seconded. All members present voted yes; motion carried.

**OTHER BUSINESS:**

Jim Hayes came forward to compliment the Area Plan Commission for the part they played in the Carl Miller property clean up. Tanya stated she could not take the credit but that David Glickfield and the other Commissioners deserved most of the credit.

**Tanya Ford** stated that the Drainage Board took it upon themselves to agree that when a subdivision goes in they would do a preliminary drainage approval and the final approval would come after the Area Plan Commission meeting. This should eliminate drainage issues for the Area Plan Commission Board.

**There being no other business, the meeting was adjourned on a motion by Dick Treon and seconded by Richard Trobridge. All members present voted yes; motion carried.**

---

**Tony Manry, President**