

**AREA PLAN COMMISSION MINUTES
DECEMBER 6TH, 2004**

PUBLIC HEARING OF THE AREA PLAN COMMISSION OF GRANT COUNTY was held on Monday, December 6th, 2004 at 7:00 P.M. on the fifth 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, Dick Trobridge, Karen Owen, Myron Brankle, Dick Treon, Dennis Fox, Tony Manry, Keith Roorbach, Rana Vctor and David Glickfield. Absent was: Tom Walters. Staff present was: Tanya Ford, Executive Director and Betty Jones.

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

Tanya read and explained the procedures then asked the Board members if they had any contact with any petitioner, or with anyone else regarding any of the petitions. All members present answered no.

Docket: #07Z-2004 (Public Hearing)

Name: David & Lora Case

Address: Walnut & Washington, Van Buren

Zoning District: Residential-1

Legal Description: Being 1.39 acres more or less located in the Southwest Quarter of Section 15 in Van Buren Township.

Request: To change zoning from Residential-1 to Residential-3.

Bill Davidson, **1328 W. 2nd Street, Marion** represented the petition. Mr. Davidson stated that he thought that the L-shaped piece was zoned Agricultural however, he found it was zoned R-1. He is requesting to rezone to R-3 because they would like to divide it into a more normal sized lot.

Tanya Ford stated that all of the surrounding properties are zoned R-3. There is some R-1 to the east but to the north, northeast, west and south there is all R-3 zoning. She explained that the R-3 zoning would better fit with the area plus it would allow an additional, smaller lot that would fit in with the neighborhood.

Mr. Davidson informed the Board that there is a possibility that this property maybe annexed into Van Buren in the very near future.

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

Proof of publication is in the file.

MOTION: Richard Treon moved to give Docket 7Z-2004 a favorable recommendation to the County Commissioners, Richard Trobridge seconded. All members present voted yes; motion carried.

Docket: #06P-2004 (Public Hearing)

Name: Rolling Acres

Address: Intersection of 1000 E. & 825 S., Upland

Zoning District: RS

Legal Description: Being 5.02 acres and located in the Northwest Quarter of Section 23 in Jefferson Township.

Request: To create a 2 lot residential subdivision.

Tanya Ford reminded the Board that this petition had come before them last month with a request to have a one-lot subdivision. The process for approval has to be completed because they went from one lot to two lots. She announced that the Drainage Board would be hearing the petition on December 13th.

Randall Miller, 145 E. 3rd Street, represented the petition. Mr. Miller stated that the owner of the property owns 40 plus acres. His plans are to split off 5 acres and build a house on the south side of the roadway. The owners' parents would live in the existing house; he would live in the new house in order to be closer to his parents.

The Board questioned the reason for the shape of the lot and Mr. Miller explained that it was shaped like that in order that the setbacks could be met. There was also consideration of the depth to width ratio, the pond and spacing between the two houses.

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

Proof of publication is in the file.

MOTION: Keith Roorbach moved to approve Docket 6P-2004, with the stipulation that drainage approval is submitted, Myron Brankle seconded. All members present voted yes; motion carried.

Docket: #07P-2004 (Public Hearing)

Name: Springer Subdivision

Address: Old Kokomo Rd, E. of Deer Creek, S/SD Rd.

Zoning District: Residential-1

Legal Description: Being 22 acres and located in the Northwest Quarter of Section 31 in Mill Township.

Request: To create a 1 lot residential subdivision.

Randy Miller, 145 E. 3rd Street represented the petition. Mr. Miller stated that the Springer own 22 acres and are requesting to split 2.27 acres and put in a single family residential home. There is an existing home that will remain on the 22 acres. The lot is at least 7/8 wooded thus, the new house will not be seen from the road. There is a maintenance agreement for ingress and egress, in order to maintain the existing driveway for both properties so that the parcel to the south will not have to create a new driveway. It will have a well and septic and the new house will be located in the southeast corner on the high ground. At present there are no plans for the remainder 19 acres.

Tanya Ford stated that the final drainage approval would be on December 13th. All drainage issues will be voted on at that time. She responded that portions of the property are in the Floodplain; however, a large portion is not in the Floodplain. It was her understanding that the petitioners are proposing to build in an area that would be outside of the Floodplain. If they were to build in the Zone A, they would have to meet a whole new set of requirements. It is delineated on the plat and will be recorded as such so that it is of record in case someone would purchase lots from them.

Tanya Ford stated that there are three unlicensed, inoperable vehicles on the property that need to be removed before the thirty-day period is expired.

Mr. Miller agreed to send a letter to the property owners, send a copy of that letter to Mrs. Ford and to send Mrs. Ford a copy of the response, which will detail how this situation will be taken care of.

Tanya Ford commented that the office had received a complaint about someone living in two sheds that are on the property. She discovered that there is no evidence to substantiate that claim. She requested that Mr. Miller show the shed located in the front of the house on the survey in order to make sure it meets the setbacks. Mr. Miller agreed to present that survey to Mrs. Ford the following day.

OBJECTOR: Myron Harner, 845 W. Old Kokomo Road. Mr. Harner stated he wasn't interested in impeding progress by stopping anyone from building a home in Grant County. He is concerned about the disabled, unlicensed vehicles parked next to him. He had spent a large amount of money in making improvements to his property so he is concerned about what is coming in next to him. He questioned where the leachfield would go and the driveway.

Tanya explained that the Health Department approved the plans for the leachfield and where it would be located. He would also need to talk to Alice Quinn in the Health Department on the soil drainage and perk test information. She commented that they would not approve a system unless they feel confident it will work in that area. She responded to Mr. Harner's question that a mobile home could be put on the property, because it is in the unincorporated county and there are no restrictions. Tanya informed Mr. Harner that Larry Yeager, Highway Department was present and could answer any questions on the driveway.

Larry Yeager, County Highway Engineer stated that typically they approve multiple driveways or multiple properties having one driveway because it lessens the number of driveway cuts and maintenance that their office have to do to maintain the culverts and driveways onto a county road. There are no additional improvements that need to be made to upgrade the driveway at this particular location.

OBJECTOR: Barbara Hasty, 265 W. Old Kokomo Road shared concerns about the driveway. She too is not opposed to new people coming into the area, but would like to have a lot of good common sense applied when a home is brought in. She questioned whether two mobile homes remained at that location. His thoughts were that the new home would be better suited being built at another location on the property. Since you can't see the home from the road, she felt it would make no difference whether it would be built in the front or back of the property (where the area is flat). The proposed location has a fall off, which causes her to worry about erosion. She stated that she would like to know where the well

is going to be located and what type of septic is going to be put in. She admonished the Board to give serious consideration as to where the house is going to be located.

REBUTTAL: Randy Miller stated the vehicles would be taken care of in 30 days otherwise they wouldn't be able to record the Plat. Secondly, the drainage issues would be handled at the Drainage Board Meeting. Health Officials have approved the Leachfield. There is no problem with it. The Health Department has also approved the Absorption Field Approval that was required. Mr. Miller shared pictures of the house stating that it is a very expensive, beautiful home. He explained that there is a maintenance agreement on the driveway that states that the owners will keep it up. He stated that there are plans to move the shed and that he will be submitting those plans to Mrs. Ford. He further stated that the house met the setback requirements and it's not in a flood zone; therefore, there is no problem with where the home will be located.

Barbara Hasty questioned how the maintenance on a driveway could be monitored when the ownership of the property could change.

Tanya explained that it is a private issue. Mr. Miller suggested the Homeowner's Association or the Civil Courts to enforce those agreements.

Proof of publication is in the file.

MOTION: John Bonham moved to approve Docket 7P-2004, with the stipulation that drainage approval is submitted and all inoperable, unlicensed vehicles are removed, Richard Trobridge seconded. All members present voted yes; motion carried.

OTHER BUSINESS:

Executive Format – Tanya explained that the Executive Board meets once or twice a year. It has five members and has customarily been comprised of the chairman, vice chairman and three other board members. The Rules of Procedure require that the Chairman and Vice-Chairman be on the committee. The other members could technically be from the rest of the membership. The current Executive Board Members are: Tony Manry, David Glickfield, Richard Treon, Myron Brankle and John Bonham. There are three new volunteers Richard Trobridge, Rana Vetor and Keith Roorbach who replaces Myron Brankle, David Glickfield and John Bonham.

MOTION: Richard Treon moved to accept Richard Trobridge, Rana Vetor and Keith Roorbach as the two new volunteers to the Executive Committee, Myron Brankle seconded. All members present voted yes; motion carried.

Tanya Ford requested the Board to consider having the APC Meeting and the BZA Meeting on the same night (1st Monday of each month). This will be discussed and decided at the January 2005 meeting.

Mr. Glickfield received applause from the Board Members for eight years of service; this was his last meeting.

Tanya Ford informed the Board that she has taken a new position and will be leaving in May. She stated that applications for her position would be taken until February 1st.

There being no other business to come before the Board, John Bonham moved to adjourn the meeting at 8:42 p.m., Richard Trobridge seconded; motion carried.

Tony Manry, President