

AREA PLAN COMMISSION MEETING

MINUTES MARCH 13th, 2019

6:00 P.M.

President Marvin Rees called the meeting to order at 6:00 P.M.

ROLL CALL: Present were Bruce Levi, Ralph Adams, Kelly Land, Tom Monka, Phil Shanahan, Ben Wicker, and Marvin Rees and new Board member Mary Richardson representing Glenwood. Also present was Attorney Geoff Wesling, Executive Director Gregg Duke and Secretary Linda Ashwill. Jeff Slayton was absent.

APPROVAL OF MINUTES: for January 9th and February 13th, 2019 minutes. Ben made the motion to approve the January 9th minutes. Seconded by Phil. All in favor. Motion carried. Phil made the motion to approve the February 13th minutes. Seconded by Kelly. All in favor. Motion carried.

NEW BUSINESS:

1. **APC-2019-2 Jerry Knecht** is seeking **Secondary Plat** approval for a 2.99 acre subdivision at 5267 South Base Road in Anderson Township .Parcel # 70-11-31-200-002.000-001. Gregg gave **Findings of Fact** as follows: Mr. Knecht received primary plat approval to create a 2.99 acre subdivision on February 12th, 2019 contingent upon receiving variances to development standards 7.10.2 (a, b & d1) for lot size and front yard setback and the lot width from the BZA. On March 12th, 2019 Mr. Knecht received the variances to allow this 2.99 acre subdivision and the seventy-eight (78) foot setback. **Recommendation:** Planning staff recommends secondary plat approval. Marvin asked for questions from the Board. None. Floor was opened for questions from the audience. None. Marvin asked for a motion from the Board. Ben made the motion to approve this Secondary plat. Seconded by Phil. All in favor. Motion carries.

Ben recuses himself from the next agenda do to family relationship.

2. **APC-2019-4 Doris Hungerford Trust** and agents Michael and Carolyn Wicker are seeking Secondary Plat approval for a 1.11 acres subdivision in the 3500 block of West 650 South in Anderson Township. Gregg gave **Findings of Fact** as follows: The Hungerford trust and the Wickers received primary plat approval to create a 1.11 acre subdivision on March 12th, 2019 contingent upon receiving a variance to development standard 7.10.2 (a & b) (lot size, and front lot width) from the BZA. On March 12th, 2019 the trust and Wickers received the variances to allow this 1.11 acre subdivision, and the one hundred thirty (130) foot front lot width. The BZA also required the Wickers to combine this 1.11 acre subdivision on this parcel 70-14-03-200.002.000-001 at 6223 South 325 West. **Recommendation:** Planning staff recommends **Secondary plat** approval. Marvin asked questions from the Board. Bruce had questions as to the location of the property that this is to be added to and the location of the septic. Gregg showed visual as to where the actual subdivision was that was to be added

to the existing property owned by the Wickers. Gregg stated he actually had the replot already. Marvin asked if there were any more questions from the Board. None. Marvin asked questions from the audience. None. Floor was opened for a motion. Kelly makes the motion to approve the Secondary Plat approval. Seconded by Ralph. All in favor. Motion carried.

3. APC-2019-5 Elmer and Ida Knepp and agent Andy Scholle are requesting a three (3) lot subdivision located at 9308 South Prill Road in Orange Township. Parcel # 70-14-19-100-004.000-005. Gregg gives **Finding of Facts** as follows: The original parcel of land is 56.02 acres. The proposed subdivisions created from the parent parcels will be 6.2 (lot #1) 6.0 (lot #2) and .9 (lot #3) acres. This leaves a resultant parcel size of 42.92 acres. The land is being subdivided to allow the sale of the subdivided property. The proposed 6.2, 6.0, & .9 acre lots are significantly less than the forty (40) acres required and will need a variance to 07.10.2 (a) granted by the BZA. Further the two acre lot (Lot 33) only has 112 feet of road frontage. Development standard 7.10.2 (b) requires a front lot width of 250 feet. Additionally, the 6.2 acre lot (lot #1) contains a dwelling only fifteen (15) feet from the county right of way. Development standard 7.10.2 (d1) required a 100 foot minimum front yard setback from the county right of way. The proposed subdivision complies with all standards as set forth in Title III, requirement and Principles, of the Rush County Subdivision Control Ordinance with exception of variances listed above. All application materials (including the property owner affidavit and deed of dedication), and legal notice comply with Title IV, Procedure, of the Subdivision Control Ordinance. All adjoining neighbors were notified by mail. **Recommendation:** Planning staff recommend primary plat approval contingent upon the variances being requested and received from the Board of Zoning Appeals. Staff also recommends this survey be contingent upon the .9 acre lot # 3 being combined with a larger parcel to at least achieve a subdivision ordinance minimum of one (1) acre.

Andy Scholle, surveyor, was present as representative for the Knepp's. Andy stated this is the same subdivision that have be presented the last two months. He stated last month we had to have a withdrawal because owner wanted to change the size of Lot #3. Andy said Mr. Knepp has already moved to Wisconsin. He came home a month or so ago and saw the stakes and said that was too much ground. This was on Lot 3 3 the ground he is selling to Mr. Branson. The participation was withdrawal and resurveyed with new stakes. Lot #1 & Lot #2, Lot #1 has the house and Lot #2 has the barns and the other out building on the other side of the road. Neither one of these lots changed. The change was to Lot # 3. It was two (2) acres and he decided to take it down to .9 of an acre. Andy stated he did add it as showing the Branson house on the survey. You can see the corner of the house is only eight (8) feet away from the property line. The Branson's have requested to purchase Lot #3 and when this is purchased the lot will be replotted together with their property of 1.42 acres and this will take them up to about three (3) acres. Andy stated he does have a contract with Branson for this replot. If everything get approved after closing, once they get the property in their name, he will replot this. This will bring the house in compliance with the setback of forty (40) feet. Right now it is only eight (8) feet from the property line. Marvin asked if there was any questions from the Board.

At this time Gregg wanted to put to the record that Mr. Monka was in attendance.

There were no questions from the Board. Marvin asked for questions from the audience. None. Marvin asked the Board if they had any further questions if not floor was opened for a motion. Ben asked if the replot should be in the motion. Gregg stated yes. Andy asked if there were any other questions that he could answer since Board was hesitate in making the motion. Ben makes the motion

to approve this subdivision with the contingency of the variances being approved by the BZA and of Lot #3 being replotted with the other lot. Seconded by Kelly. All in favor. Motion carries.

OLD BUSINESS: None

REPORTS:

Attorney: Geoff stated he a prepared an Ordinance proposal with the help of Mr. Duke to present to the work group this evening. As you know the work group had as for suggestions from him and Gregg and he has prepared one just so they could kind of see what they had in mind.

Director: Gregg had nothing.

Adjournment: Marvin asked for a motion to adjourn. Kelly makes the motion to adjourn. Seconded by Ralph. All in favor. Meeting adjourned 6:15 P.M.

Zoning Ordinance Workshop

Marvin Rees
President

Linda Ashwill
Secretary