

MINUTES
DEKALB COUNTY PLAN COMMISSION
Wednesday, May 16, 2018

The Regular Meeting of the DeKalb County Plan Commission was called to order at 7:00 P.M. in the DeKalb County Commissioner's Court by President Tim Griffin.

ROLL CALL:

Members Present: Tim Griffin, Sandra Harrison, Bill Van Wye, Jerry Yoder, Randall Deetz, Frank Pulver, Elysia Rodgers and Sarah Delbecq

Members Absent: Mike Kline

Staff Present: Plan Commission Attorney David Kruse, Director/Zoning Administrator Chris Gaumer, Assistant Director Dawn Mason & Secretary Caeli Hixson

Community Representatives Present: None

Public in Attendance: Todd Bauer, Kyle Yarde, Laura Yarde

The Pledge of Allegiance was led by the President.

APPROVAL OF MINUTES:

Motion was made by Sandra Harrison and seconded by Jerry Yoder to approve the April 18, 2018 minutes. Motion carried.

CONSIDERATION OF CLAIMS:

Motion was made by Bill VanWye and seconded by Sandra Harrison to accept the April 2018 claims as presented for \$10,616.51. Motion carried.

OLD BUSINESS:

None

NEW BUSINESS:

A public hearing was conducted pursuant to proper legal notice.

Petition #18-09 - Kyle Yarde requesting a 1 lot subdivision. The property is located on the East side County Road 3 between County Road 48 and County Road 52 in Garrett, Indiana and is zoned A1, Conservation Agricultural.

Assistant Director Dawn Mason read the report.

Mr. Deetz asked if the shared access easement shown on the plat was going to be the driveway and if it was going to be a shared driveway.

Mrs. Mason said that it was and she believed that it was all family owned but that Todd Bauer would be able to confirm that.

Todd Bauer, with ForeSight Consulting representing Mr. and Mrs. Yarde, said that the intent is to create a new building parcel for the Yarde's home. It is being cut out of their existing farmstead acreage which is why there is shared access for the driveway. The access will be the driveway that also goes back into the farm, the Yarde's own all the property but under two different parcels so it is shared but it is shared with themselves and their farming operation.

Mr. Kruse asked if this would be lot 2.

Mr. Bauer said no it is a separate subdivision. The parcel to the North is Yarde Subdivision and this will be Yarde Place.

Mr. Bauer said that the parcel has unique dimensions and an unusual shape to provide adequate setbacks around some existing structures.

Mr. Kruse asked where they would be building.

Kyle Yarde, owner, said that they would like to build in the corner between a barn and the pond. They had a house fire and they need to build a new house but with their new mortgage they cannot include any barns so they had to get a section of land without any barns on it to build a new home.

Mr. Kruse asked why they were cutting out a hook in the property.

Mr. Yarde said that it was for septic system requirements; they needed a secondary system.

Mr. Griffin asked if there were any questions or concerns from the audience.

There were none.

Mr. Griffin closed the public hearing.

JURISDICTIONAL FINDINGS:

The petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.

1. Application completed and filed on 4/6/18
2. Legal notice published in The Star on 5/3/18 and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff. **YES**
4. Letter form the County Board of Health, dated 4/24/18
5. Letter from the County Highway Department, dated 4/6/18
6. Report from the DeKalb County Soil & Water Conservation District 4/6/18
7. Letter from the County Surveyor or Drainage Board, dated 4/17/18
8. Airport Board report, if applicable – AC7
9. Plat prepared by **ForeSight Consulting, LLC**
10. The real estate being developed is in Zoning District **A1, Conservation Agricultural** which permits the requested development.

FINDINGS OF FACT - UDO REQUIREMENTS:

1. **Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?**

Yes, the minor subdivision will be used for residential purposes, which is compatible to the existing and adjacent land use.

2. **Does the Minor Subdivision conform to the following UDO standards:**

- a) *Minimum width, depth & areal of lot(s)*
- b) *Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. Adequate access off: **County Road 3.***
- c) *The extension of water, sewer & other municipal services, if applicable or required. Or private septic system and water: **private.***
- d) *The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.*

Yes, all applicable standards conform to the UDO requirements.

CONDITIONS OF APPROVAL:

STANDARD CONDITIONS TO BE RECORDED ON OR WITH THE PLAT:

1. This lot shall be included in any subdivision arising from any further development of the land involved. However, there is no intention that any terms, conditions or restrictions on a future plat would have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on this site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants shall be on the plat.
5. The appropriate drainage covenants shall be on the plat.
6. The appropriate airport zone covenants shall be on the plat.

CONDITIONS THAT WILL NOT BE RECORDED BUT MUST BE MET:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with any floodplain management ordinance.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant if needed for compliance with Airport Board requirements.
6. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. And further, where applicable, file written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION, YARDE PLACE, PETITION #18-09, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 16th DAY OF MAY, 2018.

Elysia Rodgers made motion to approve Petition #18-09, Yarde Place, seconded by Bill VanWye.

Vote tally: Yes: 8

No: 0

_____ _____
Randall Deetz
_____ Bill VanWye
Bill VanWye
_____ Sarah Delbecq
Sarah Delbecq
_____ Jerry Yoder
Jerry Yoder

_____ Elysia Rodgers
Elysia Rodgers
_____ Frank Pulver
Frank Pulver
_____ Sandra Harrison
Sandra Harrison
_____ Tim Griffin
Tim Griffin

REPORTS FROM OFFICERS, COMMITTEES, AND STAFF OR TOWN/CITY LIAISONS:

Plat Committee Set-Up - Zoning Administrator Chris Gaumer discussed set-up of the Plat Committee. Since the subdivision ordinance was changed late last year he wanted to see if the Plan Commission was ready to establish the Plat Committee. He said it would take the place of the Plan Commission meeting so the types of subdivisions like Yarde Place would be heard at a separate subcommittee meeting. They would still have to follow the same rules and regulations and there would still be notifications. The Plat Committee would consist of up to 4 members. Mr. Deetz asked if rezones, text amendments, etc would still come to the Plan Commission. Mr. Gaumer said yes, the Plat Committee would only be for subdivisions. Mr. Griffin asked what would happen if there were disagreements or controversy over a plat. Mr. Gaumer said that there were regulations put in place so that if there were issues it would automatically be kicked to the Plan Commission and if there were any objections or situations that couldn't be resolved by the Plat Committee it would be sent to Plan Commission as well. Mr. Deetz asked if the members of the Plat Committee needed to have a political affiliation. Mr. Gaumer said no. Mr. Griffin asked if anyone had any comments in regards to getting the Plat Committee set up or if there were anyone against it.

There were none.

Mr. Gaumer asked if there were anyone who would like to be on the Plat Committee.

Sandra Harrison, Elysia Rodgers, Bill VanWye and Tim Griffin volunteered.

Mr. Gaumer said that he and Mrs. Mason would sit down and work out a schedule. The meeting would still need to be in Commissioner's Court due to the need for the recording equipment however, the meeting will be held during the day. He will try to have the Plat Committee set up for the subdivision coming forward in June.

Primary Structure vs. Accessory Structure - Mr. Gaumer brought forward questions for clarification on accessory structures when there is no primary structure. He said that there are cases coming to the Board of Zoning Appeals where people want to build an accessory structure without there being a primary structure. The Ordinance states that accessory structures are permitted but not prior to the erection of a principle building except strictly for storage purposes and not for human occupancy.

There was discussion on two prior cases involving accessory structures without a primary structure.

Mr. Gaumer said that he feels the language is written fine but he wants clarity from the Plan Commission that it is ok for people to build an accessory structure without there being a primary structure if it's strictly for personal storage.

Mrs. Mason said that part of the concern was that people were claiming it as an accessory structure but then using it as living quarters.

Mr. Gaumer suggested adding something to the uses that allows a structure used for personal storage only as a permitted use.

Mr. Yoder asked what the minimum size was for a primary structure.

Mr. Gaumer said 1200 sq. ft.

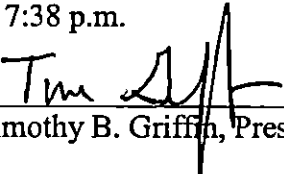
Mr. Yoder said that there are many people who build a pole barn and put living quarters in it and reside there until they build their primary. He said that he has done that in Noble County several times before and it has worked out well.

Mr. Gaumer said that he has no problem with that either but he wants to make sure that however it is written in the Ordinance is how it is practiced and that it is clear. It specifically states that it is not for human occupancy but they can add that it could be used for human occupancy up to 2 years or something similar.

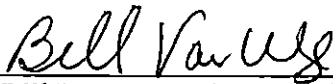
Mr. Kruse asked if Mr. Gaumer thought there needed to be changes.

Mr. Gaumer said that he could look into it and see if there was something in the permitted uses and adding something in the permitted uses that if it is an accessory structure or a personal storage building it is permitted. He said that he will work up a new use that would allow for personal storage.

There being no further business to come before the Plan Commission, the meeting was adjourned at 7:38 p.m.



Timothy B. Griffin, President



Bill VanWye, Vice President