

Minutes of the Owen County Plan Commission

August 2nd, 2007 7:00 P.M.

Owen County Courthouse, Commissioners Room 2nd Floor

Members Present Gwen Dieter, Citizen Member
 Dwight Dunigan, Citizen Member
 Mark Evans, Ag Agent
 Regina Gaphart, Citizen Member
 Anton Neff, Council Member
 Benton Pittman, Citizen Member
 Wiley Truesdel, County Commissioner
 Gib Tucker, County Surveyor

Members not Present: Edward Raymer, Citizen Member

Public Present: Michael Greiver
 Mike Branham
 Gordon Campbell
 Francis Sallier
 Ruth Sallier
 Fran Woodard

In the Matter of Conducting the Minutes

Meeting was called to order by Anton Neff with the pledge to the flag.

In the Matter of Minutes

Wiley Truesdel: Motions to approve the July 5th 2007 minutes

Gib Tucker: Seconds the minutes

Passes 7/0 with Regina Gephart Abstaining due to being absent at that meeting

In the Matter of Old Business

There was no Old Business

In the Matter of New Business

Gordon Campbell

Gordon Campbell came before the Board to ask that his land be rezoned from Agricultural to Residential due to the lay out of the land. He has seven acres just off of Highway 42 in Cloverdale. The land has approximately two acres to build on the rest of the land is ravine. He is wanting to replace four mobile homes with three or four mobile homes in better condition. The old homes range for 10' to 12' wide and the new ones will range from 12' to 14' wide. All units will be total electric (No LP, natural gas, or oil heat). The will have City water. He is putting new septic systems in for the homes.

Anton Neff: The four units on the diagram.

Gordon Campbell: That's proposed

Anton Neff: That's propose, and right now the four that had been there occupied these approximate locations. Is that right.

Gordon Campbell: Yes, you see two of them in the middle that is diagonal the others were vertical. I am doing that so that there is more ground.

Wiley Truesdel: How many acres are here?

Gordon Campbell: 7.1

Anton Neff: Right now these spots are empty?

Gordon Campbell: Yes they are. Every thing here is empty with exception of this which I am working on.

Anton Neff: These homes were there and the property is zoned agricultural they are grandfathered. He wants to basically upgrade the size of these mobile homes. Not by much but replace the existing mobile homes. Pretty much the same spot, no additional building sites, no additional sewer, nothing like that.

Gordon Campbell: We will have to put a whole new sewer system in.

Anton Neff: But not for an additional building site?

Gordon Campbell: No, to facilitate these.

Anton Neff: So my question is, Why does he need a rezone? If he is upgrading existing?

D.J. Bault: It was a recommendation from Mr. Lorenz.

Benton Pittman: It looks like it should have been zoned as residential.

Anton Neff: The lay out of the property like you said is pretty rough.

Gordon Campbell: Just in that little area that you see is about the only flat ground there is.

Anton Neff: That is the only place where building sites could be put in on this property.

Gordon Campbell: Exactly

Anton Neff: My only concern is, if we change the zoning to residential technically don't have any regard for the way the land is laid out now, but technically you can put one home per acre. So these are existing and that's one thing but further homes could be put on the property. It may be technically impossible, but what I am saying is if you look at the acreage and look at the zoning technically one home per acre is what you could split off.

Gordon Campbell: Under the new zoning correct?

Anton Neff: Yes

D.J. Bault: They would have to pass the septic issue, and the way these four are sitting and I talked to John (Health Department) about this today, with the three that his got and correct me if I am telling them the wrong thing, He (John Reeves) told me that the 14 x 60 would be on one septic and the other two if he

could not fit two of them they could go on one septic. He preferred to see three of them back in there and if he puts a forth one he would like a forth septic if possible.

Gordon Campbell: Not four septics excuse me.

D.J. Bault: Not four septics?

Gordon Campbell: No, I made since then his recommendation showing the septic system and the way John described wanted it. We did get the soil test done Friday John got the paper work Monday, I have the paper work here.

Mark Evans: Sir it says Municipal or Rural water cooperative service.

Gordon Campbell: That right now is on a well and I have contact Cataract water because I want City water. And they are in agreement to give me a commercial meter, one meter for all so I do not have to put a meter on all of them. Water is to the area right now, Club 42 has City water. And we have agreed to abandoned the old wells. The well that is there is not potable water.

Wiley Truesdel: Are these four mobile homes there now?

Gordon Campbell: I have destroyed them all.

Wiley Truesdel: You have destroyed them all?

Gordon Campbell: They are all gone.

Wiley Truesdel: And you are going to put in a 12x60 you know for sure. You know for sure this is the size of home you are putting there.

Gordon Campbell: The 14x60 I have already acquired. It is on location but it is not set. I had to get it off by June 1st, and that is before all of this came up if you will. So I had to get it off the property and pulled it over there but it is sitting there.

Wiley Truesdel: How old is it?

Gordon Campbell: It is a 1972, I have the title.

Wiley Truesdel: A 1972

Gordon Campbell: It has cooper wiring, you would think I'm not trying and I would love for you to go look at it, you would think that it was a 1990 or 95 it is in excellent condition. And it is all cooper wiring.

Wiley Truesdel: Does it have axels under it?

Gordon Campbell: Yes, Borrowed axel's if you will. They will be removed. I have three other units pending I get all the approval lined up. I am only going to use two I believe basically because of pocket book.

Wiley Truesdel: Gordon, That is a thirty five year old mobile home.

Gordon Campbell: Yes it is sir.

Wiley Truesdel: I have never seen to many thirty five year old mobile homes that is worth anything.

Gordon Campbell: I haven't either. If you approve what I am doing and not the unit I will pursue elsewhere to get a better unit. But the only thing I have had to do with that is tear out all the carpet, and the

linoleum and replace it. I did not have to replace the windows they have all storm windows, and I have painted it. I had a saggy floor in the bathroom which is not unusual totally have redone that. Other than that everything in there is in A 1 shape. I know it is hard to believe.

Anton Neff: Let me clarify for the discussion, the petition is for a rezone, and you can talk about the color of shutters and things like that, that is not what we are here to decide now. But I even though Richard Lorenz said this might be the way to go, I'm still not comfortable as to why we need to do a rezone anyway. That is my question mark.

Gordon Campbell: May I intervene, My Attorney Mike Bonnell when I discussed this with him he said "Gordon you don't have to, that falls under grandfather also" However he said "that is the Board's decision and they may wish to do that whether you come to the Board for tax purposes. Which I understand, But that was his opinion verbally to me.

Anton Neff: I just do not think that if you are not going to gain anything by additional building lots anyway. You are not putting in additional mobile homes you know, you are not doubling up I don't see why we would need to mess with any technical aspect of the zoning. Unless you were truly changing the operation. If you were putting in a business there is a situation.

Wiley Truesdel: You have a 500 foot septic field on all of these two tanks, right?

Gordon Campbell: Yes

Wiley Truesdel: How big are the tanks?

Gordon Campbell: They are going to be brand new ones.

Wiley Truesdel: How big are the tanks?

Gordon Campbell: I leave that to John Reeves.

Wiley Truesdel: Are they 2000 gallon? They should be 2000 gallon if you are hooking two homes to it.

Gordon Campbell: If that is what is required that is what we will do. I will go by John's recommendation.

Wiley Truesdel: I'm not going to disagree with John's word, and I'm not making up new rules. But I can not vote for a 1972 mobile home.

Gordon Campbell: On what grounds sir?

Wiley Truesdel: On what grounds, Because of the age of it and the way they are built. They are not built like a stick built home to start with. And they do not last, You have got something that is not as good as stick built home to start with and you have got something that is 35 years old.

Gordon Campbell: I don't think any body will argue that any mobile home is as well built as a stick built home. I wouldn't not even a double wide. A unit that is in sound condition I don't know why it could be objected to because of its age. I'm 68 years old and I'm in pretty good health praise God okay, so irrelevantly I don't know how you can compare age unless you can see and know there is fault there. I don't like junk stuff.

Wiley Truesdel: This old of a home and you are putting in a new septic system, you are trying to clean it up and then you put a 35 year old trailer in there to me that does not make sense. Are you going to rent this?

Gordon Campbell: Yes

Anton Neff: Any other questions from the Board before we go to the public comment.

Gwen Dieter: I guess I need some clarification on what you mean by the R.V. Parking. Because to me that is a different kind of scenario.

Gordon Campbell: That was a thought in our mind. That potentially there are people out there that like winter storage for their R.V.'s. I have ground out there where they can be parked and stored.

Anton Neff: Right now that land is not used for that purpose?

Gordon Campbell: No.

Anton Neff: But that is what you are thinking about?

Gwen Dieter: It is just to store it and not for people to park there and camp.

Gordon Campbell: Correct.

Mark Evans: That's a good point there, If you would do that would that not be considered a business?

Gordon Campbell: Having rental units?

Mark Evans: No, Having the R.V. parking. That's a business

Gordon Campbell: We can cross that off, that was just a thought.

Anton Neff: Does anyone in the public have any comments.

Mike Branham: I think that there are only seven States that allow movement of mobile homes that are over ten years old from one place to another, and Indiana is one of them. In the State of Florida a mobile that is five years old can not be moved. It has got to be junked.

Gordon Campbell: How was it I was able to get my permits?

Mike Branham: Because the State of Indiana allows it. Indiana is one of seven States that allows it. But there are various options left to the Counties. I would suggest that the Board take a hard look at that because we many places in the County that, I've seen trailers moved into that's just barely get them in, in fact I have seen one moved into on Drunkards Pike and the frame came in two. It broke in two when they moved it in. That goes along with what Mr. Truesdel said, They reach an age where they are no long feasible to live in.

Fran Woodard: The cabin that he referred to is not actually a cabin, it is a trailer with a shell built around it.

Anton Neff: The structure that you are referring to is what it say Lennie Shields on this diagram is that what she is referring to?

Gordon Campbell: Yes it is, She's exactly right as far as it originally a trailer. Some body in the years I don't know when I think it was Mr. McGilley encompassed it and roofed it with regular stud walling and so forth. I say that is not part of the proposal because she is going to buy that property.

Francis Sallier: My concern is the condition of the property right now and the way it has been for the last twenty years. I am concerned about the septic systems and so forth. I have ten acres and they had to hunt all over to get proper drainage for it. The other problem is I have a concern about the ravine that separates my property and his. They have dumped everything all over this ravine they have got bath tubs, washing machines, they all this stuff setting here.

Gordon Campbell: I am concerned about both ravines also, on the bottom paragraph (of his proposal) Though the years the large ravines located on the property has accumulated a large amount of trash and other discarded articles, it is the owners intent to clean these ravines out however this may not begin until the reconditioned units are in place and leased and revenue begins.

Michael Greiver: Will this bring up the higher tax bracket?

Anton Neff: If it is zoned Residential it is going to be assessed at a different scale then what Agricultural, but I can tell you it probably wont be that big of an impact anyway. I just cant imagine the assessment going up a hundred thousand dollars for instance. It would be mute change if any I would imagine. But that is only if it is rezoned.

Michael Greiver: Would the petition stop him from getting City water?

Anton Neff: This would be independent of him getting City water. That is not are decision to make.

Regina Gephart: What year did you say the mobile home was?

Gordon Campbell: 1972

Regina Gephart: It says here in the Ordinance Book that “Mobile Homes must meet or exceed Federal and State mobile home construction codes of 1976.

D.J. Bault: One of those is the wiring issue. The wire must be cooper and not aluminum.

Regina Gephart: What does construction consist of other than wiring. Does that not include walls, studs, frame and plumbing too.

Mark Evans: That would be the building inspector.

Gordon Campbell: That’s my understanding, but I have not had the building inspector out there yet because everything has been put on hold.

Anton Neff: I think the reference in the Ordinance to that is that the home must be manufactured to those specs. It is not a requirement that the home be of those specs to be installed on that property. A home can not be manufactured to pre 1976 standards.

Gordon Campbell: I stand corrected, not that it makes any difference but it is a 1974.

Benton Pittman: It would appear to me that we have two factions here, one who wants to rezone and have trailers there. And the other factions is that they want the place be cleaned up and probably no trailers there. Either way the trailers are going to be there I think because it grandfathers in. Whether you clean the place up or not, I’m not sure is that is something this Board determines. It is certainly not agricultural ground I don’t know what you could raise on it. I would like to know if there would be anything adverse to the neighbors if we grant that change in zoning from agricultural to residential. If there is not I do not see any reason not to grant it.

Gwen Dieter: I have a question, as far as grandfathering in something I understand that meaning when we changed our ordinance there were mobile homes there and we don’t make them move them, once those homes are removed then is it truly grandfathered to bring in new ones.

Benton Pittman: I think Mr. Lorenz clarified that the other day, he said “as long as the were bigger and better”.

Wiley Truesdel: What age of mobile homes are you going to put in the other spots?

Gordon Campbell: To tell you the truth, I am not sure what age I have got ear marked. I have not seen the title on them. I have not even bought them. If I am required to go with a certain age then that is what I will do. I look my at the condition than I do age.

Anton Neff: There are three things this Board can do

- 1) Don't do anything and let the County Commissioners make the decision
- 2) Make a Motion to recommend to the County Commissioners to rezone
- 3) Not to grant a rezone.

Have you paid the fee for the rezone to be considered?

D.J. Bault: Mr. Lorenz said that due to the situation he recommended that the fees should be waived.

Wiley Truesdel: That is for this Board to decide.

Gordon Campbell: I offered to pay it when I made out the application.

Anton Neff: Normally what triggers the petition is payment of the fee in addition to the application. We technically should not be giving any decision until those requirements are met. If the fees are requested to be waived or refunded then separate request that has to be on record to do that. And then if we say sure we will waive it and you would get your money back.

Gordon Campbell: If I may say, I was there and ready to pay the fee and was advise I did not need to at this time for the same reason D.J. mentioned. So I don't think that should be held against me.

Anton Neff: As my opinion of the Board member I do not think that any rezone has to occur. To me we have two different arguments here one is, you have got folks that want to bring property back to the way it use to be. Where there is not twenty mobile homes on a small parcel of land, or there is not junk in a ravine, that we return things back to the way the natural beauty as it was. There others that agree that grandfathering is the way to go because there has already been four homes on this property and nothing is really changing. In my opinion that there does not need any change at this particular time in the zoning. If you have four homes and you are going to upgrade to four newer homes however newer they may be, there I nothing we can do to prevent that. The things that would trigger a problem is if you added a home a fifth home or more, or you split the property off, or you put in a R.V. parking lot or facility for that, or change the operation of the land. I think that if we leave it agricultural we are in essence keeping some what of a restriction on his operation here. If we change it to residential then he can petition to split off that other home.

Mark Evans: How long has the land been vacant?

Gordon Campbell: I started around the first of June.

Gwen Dieter: What does vacant Mean? Does that mean empty or does that mean removed from the property?

Anton Neff: I do not think it is a occupancy question because we do not deal with occupancy we deal with structure.

Benton Pittman: Makes a motion to recommend to the Commissioners to grant the rezone from Agricultural to Residential.

Gib Tucker: Seconds the motion.

Motion does not pass with a 2-4-2 vote with Wiley Truesdel and Dwight Dunigan Abstaining (Issue begin at 017 on tape)

Other Business

No Other Business.

Public input

Tracy Downing asked the Board about Shoreline Holdings Subdivision. She was informed that Mr. Gilman had not been in contact with the Board since March of 2007. And at that point was asked he would be attending that meeting. Mr. Gilman or his client did not come to that meeting and has not been heard from since.

Adjourning

Wiley Truesdel: Motions to Adjourn

Mark Evans: Seconds the Motion

Passes: 8-0

Next meeting is scheduled for September 13th, 2007 due to budget hearings

Minutes approved this _____ day of _____, 2007
Minutes prepared by Daniel J. (D.J.) Bault, Plan Commission Administrator

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Edward Raymer, President

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Anton Neff, Vice President

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Benton Pittman

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Gwen Dieter

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Regina Gephart

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Wiley Truesdel

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Mark Evans

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Gilmer Tucker

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