

Minutes of the Owen County Plan Commission

September 13th, 2007 7:00 P.M.

Owen County Courthouse, Commissioners Room 2nd Floor

Members Present:

Regina Gaphart, Citizen Member
Anton Neff, Council Member
Benton Pittman, Citizen Member
Wiley Truesdel, County Commissioner
Gib Tucker, County Surveyor

Members not Present: Gwen Dieter, Citizen Member
Dwight Dunigan, Citizen Member
Mark Evans, Ag Extension Agent
Edward Raymer, Citizen Member

Public Present: Richard Lorenz
Louella Scamihorn
Danny Duckworth
Vic Farkas
Amy Parrish

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

Gib Tucker: Motions to approve the August 2nd, 2007 minutes

Benton Pittman: Seconds the minutes

Passes: 5-0

In the Matter of Old Business

There was no Old Business

In the Matter of New Business

Twin Tulip Minor Subdivision/Danny Duckworth

Danny Duckworth has Approximately 30 acres located on Denmark Road. He is wanting to split up this property into four lots containing a 9.90 acre lot, a 8.35 acre lot, a 5.78 acre lot, and a 5.74 acre lot which would keep this as Agricultural land. His intent was to sell this property as an investment.

Anton Neff: You have notified all the land owners per the ordinance. Is that correct?

Vic Farkas: We made a mistake and sent the letters out not certified, but we did send letters out, we do have notification from the News Paper. But we are very willing to resend the notifications out if that's what you feel we should.

D.J. Bault: I did have two people come in and show me their letters. Mr. Rose and Mrs. Parrish.

Anton Neff: I think to follow the Ordinance we are not going to waste your time this evening and not have you speak. But I think what we are going to have to do is hold off on any official action until we have a legal hearing with the letters to the land owners. The fees were paid?

D.J. Bault: Yes

Anton Neff: With that why don't we let you have the floor and explain what you would like to do with the property.

Danny Duckworth: I bought this property as an investment. I bought it for recreation for my own use and there is a lot of people in the suburbs that would like to get out and get away and have a place to hunt enjoy the landscape. These lots have potential lake sites or pond sites on them. The reason that I am sub dividing it is for investment purposes. Whether they sell in the near future or the future on down the road is yet to be decided, but I want to get this part of it done.

Vic Farkas: All the lots are over five acre lots, they are all pretty big lots. The property lines were put in there like that so that they would be nice for lake sites and I do not think Mr. Duckworth wants to split it up any more.

Danny Duckworth: It would not be feasible for these lots to be split up anymore.

Anton Neff: Due to the terrain?

Danny Duckworth: Terrain, yes exactly.

Anton Neff: Of course when you plat it as a minor that is going to be fairly restrictive then at that point to further divide it. So that kind of seals that up. The Road that is in here, there is an access point here that rides along tracts 3 and 4 and gives that access for the back two that road would be up to the County standards for a gravel road.

Danny Duckworth: If that's what is required then yes.

Anton Neff: I think that is per the ordinance.

Danny Duckworth: Can that be built before a Building Permit?

Anton Neff: Yes, The Road is independent of the Building.

D.J. Bault: Since this is coming off of a County Road you would have to get a Drive Way Permit to make sure the culvert is big enough and long enough for that type of Drive Way.

Benton Pittman: I don't think it would be advisable to build the road until it is officially approved.

Wiley Truesdel: I do not think we can tell him how to build that road. Not in the sub division.

Danny Duckworth: Would it go under a home owners association?

Richard Lorenz: The private drive can be described by any manner that the home owners want. The Only matter here is the Drive Way Permit and there is a permit for that.

Anton Neff: I guess I am speaking from, we has a little experience with County road issues and associations that have gone arie and wanting the County to take over a road. And of course if that would occur youwould have to meet.

Danny Duckworth: I think it would be the Counties best interest to be a home owners interest.

Anton Neff: Does the Board have any questions about the request.

D.J. Bault: This Board will need a letter from the health Department pertaining to the Septic issues.

Richard Lorenz: The Health Department will prefer to come out one time and determine whether there is a septic tank location that would be reasonably accommodate the particular tract. And if it can not then it would not be a residential tract.

Danny Duckworth: A letter from the Health Department would be fine?

Anton Neff: Yes, As far as the Board with the absence of having any questions we did have a lady here tonight who is an adjacent land owner we will give her a chance to ask any questions if she has any at this point even though you have not been officially noticed but did you want to ask anything.

Amy Parrish: I live right across from where this is going to be, I want to make sure that this can not be divided up any more. I really don't want it across from me anyway, that is why I live out there. Most of the tracts I think the smallest tract out in our area is only 12 acres and they are dividing them even smaller than that. I want to make sure they don't get out of hand because that is a gravel road, it is not in the best shape this is going to add a lot of traffic to the road.

Anton Neff: To answer your first question, as far as further division, that would be limited per the ordinance because of what they are doing. Once it has been platted and it is official with these four lots it is going to be extremely difficult to further break that up. I think there would be a zoning change because I think that is agricultural. As far as road access unfortunately there is not much that can be done with that because it is already zoned to support it. Any other question or concerns?

Danny Duckworth: The only thing I can say is that it is going to be a long time before there is anything that is going to be developed.

Vic Farkas: I think it is safe to say that there will not be any breaking up of the property.

Anton Neff: any other comments from the public? I think at this point that we hold it until the next meeting make sure they are on the agenda and by then go ahead and notice the people and have them on file, and other than that I do not think they need to bring anything else with them.

Benton Pittman: The Soil test

Anton Neff: Yes the septic recommendation.

D.J. Bault: I am not trying to be picky, but are you going to have covenants on this land.

Danny Duckworth: I am not going to have trailers on there if that's what no trailers.

Vic Farkas: No homes with wheels. Maybe modular's with brick foundation but that would be the closest.

Next meeting will be October 4th, 2007
(Issue begins at 016 on tape)

Louella Scamihorn

Louella Scamihorn came before the Board to get approval for her split of property. She has got the variance approval from the BZA Board for Less than one acre lots.

Richard Lorenz: I told her I would do that for her at this time, let me first disclose I am not representing her in this particular proceedings, but I have represented her in the past and will probably represent her in the future. But my purpose here today is more pro bono and assist everyone in the understanding of a fairly complicated situation in the County that we need to resolve. The bottom line is for the record let me show you that we do have the publishers affidavit prior to the meeting, and appropriate certified mail returned by all the adjacent landowners. As correctly noted for the record this is a subdivision that has been talked about for some time with the Auditors Office in terms of getting the best arrangements for this situation. This arose of the use of the property prior to the time the ordinance being passed. It was a nonconforming use at that time. What happen here is that they have units on each of these particular parcels and what has been done now is to draw the lines that would make each of these a separate parcel property, separately individually taxed, and Separately available for transfer. At the Board of Zoning Appeals on this matter we presented a letter from the Health Department that showed that each of these parcels had it own separate septic facility and in fact had an additional ground available for an alternate site if required. The footprints of the modular units on each of these things have not changes what so ever. They are the same as before. What we are asking at this point and time is for the Commission to consider approving this particular parcel and platting of it. There are no restricted covenants on here, This is direct access to the County Road. Nothing is literally changing at all. All we are doing is changing the taxing authorities availability to handle the individual lots and individual properties. Since some of these properties were on rental with options to buy, again pre dating the ordinance, we are left with another hardship with these particular properties could not otherwise be sold even though they were contracted before the zoning ordinance was passed. In those regards I think that would bring you up to speed about where we are right now. This particular plat again is laid out here with all the surveyors notes, reports, and legal descriptions set in there.

Anton Neff: Does the Board have any questions, you have reviewed this before and you have got the new information in front of you. Any Questions.

Wiley Truesdel: Where is this property at?

Louella Scamihorn: Just west of Dale Dubois.

Anton Neff: Action has been taken by the BZA, and the copy of that is in the packet. She has done that leg work there. Now it is an issue of whether she is able to record the plat as presented and finalize the recording aspect of it.

Regina Gephart: I think if the BZA approved it I do not see a problem.

Gib Tucker: Motion to Approve Mrs. Scamihorns Issue

Benton Pittman: Seconds the Motion.

Passes: 5-0
(Issue begins at 186 on tape)

Adjourning

Benton Pittman: Motions to Adjourn

Gib Tucker: Seconds the Motion

Passes: 5-0
Next meeting is scheduled for October 4th 2007

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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Dwight Dunigan