

Minutes of the May 27, 2004
Regular Meeting of the
Marshall County Plan Commission
112 West Jefferson Street, #302
Plymouth, Indiana 46563

MINUTES

President David Dinius called the meeting to order at 7:30 p.m. on Thursday, May 27, 2004, in Room #307 of the Marshall County Building. Present were: Commission Members David Dinius, Larry Fisher, Randy Glinge, Fred Lintner, Ronnie McCartney, Wayne Neidlinger, and Harold VanVactor, Plan Director Troy Kiefer, Planning Assistant Dave Rockaway and interested parties. Absent were Plan Commission members Clifford Allen, and Max Watkins.

The first item of business was the review of the minutes from the April 22, 2004 meeting. Mr. Neidlinger moved and Mr. Van Vactor seconded a motion to pass the minutes with corrections. The motion passed by voice vote.

The second item of business was case 04-PC-09, Terry Gerstbauer, A tabled request for a two lot subdivision located South of 12th Road on the West side of Michigan Road, Section MRL 16, Center Township. Mr. Gerstbauer & Mr. Al Bustamante were present to represent the request. Mr. Kiefer gave the details of the request and presented the findings of fact. He stated that the applicant has presented a plat that would meet the requirements for a Subdivision Plat. Mr. Kiefer stated that there is an encroachment dispute between Mr. Gerstbauer and Ms. Drudge who is present. He stated that he did not feel that it would have any bearing on the request, as it would be a private property dispute.

Mr. Gerstbauer stated that he would like to split the main house away from the bulk of his property. He stated that Mr. Bustamante currently lives in the house and would like to

purchase it. He stated that the race track uses the property about twice a year for parking. He stated that he does not have any further plans for the property.

Mr. Kiefer stated that the Plymouth Plan Commission recommended a non-access easement on Michigan Road. He stated that it is not on the plat, but the board might want to consider requiring that it be amended to include the easement. Mr. Dinius asked how wide the easement would be. Mr. Kiefer stated that usually it would be five feet the length of the property, so that a driveway could not be placed on Michigan Road. Mr. Dinius stated that there currently is a drive on Michigan Road for the home. Mr. Kiefer stated that was correct and would remain open for access to the home. Mr. Dinius stated that the easement would assure that future development would be accessed from 12th Road.

Mr. McCartney moved and Mr. Neidinger seconded a motion to open the public hearing. The motion passed by acclamation.

- Cindy Drudge, 12173 Michigan Road, spoke regarding the request. She asked if she would be able to get an easement. She stated that her driveway goes over the property line.

Mr. Dinius asked if there was encroachment on both lots 1 & 2. Mr. Gerstbauer stated that there was about 5' on lot #2 and the balance on lot #1. He stated that according to the surveyor, the corner of the house is 2 ½' over the line and beyond that was her septic system, as well as the circle driveway. Ms. Drudge stated that the home will be built in 1995. Mr. Fisher asked if Mr. Bustamante were willing to work with her. Mr. Bustamante stated that he did not have a problem. Mr. Fisher stated that it could be a major problem. Ms. Drudge stated that she would like something in writing. Mr. Dinius stated that she would not be able to sell the property, although as Mr. Kiefer stated, it is not an issue for the board. Mr. McCartney stated that they need to find a comfortable ground, but it is not an issue for the board to deal with.

There no one further was present to speak either in favor of or against the request. Mr. Lintner moved and Mr. Fisher seconded a motion to close the public hearing. The motion passed by acclamation.

Mr. Dinius asked Mr. Kiefer if he saw a legal problem, if they acted on the request. Mr. Kiefer stated that he did not see any legal problems for the board if they acted on the request.

Mr. Lintner moved and Mr. Fisher seconded a motion to approve the request with the stipulation that a five foot (5') easement be included in the plat. The motion passed with Mr. Fisher, Mr. Lintner, Mr. McCartney, Mr. Neidlinger, and Mr. Dinius voting in favor, and Mr. Glinge and Mr. Van Vactor voting against.

The third item of business was 04-PC-10, Paul & Linda Dyer, A request for a Special Exception to permit an eight lot Recreational Vehicle Park on property located at 14273 State Road 17., in an A-1, Agricultural District, Section 33 of Union Township. Ms. Dyer was present to represent his request. Mr. Kiefer gave the details of the request and presented the findings of fact. He stated that the Plan Commission will review the request and give a recommendation to the Board of Zoning Appeals. He stated that there would be two access points for the park. He stated that one would be an entrance and one exit with parking in between the access points. He stated that Ms. Dyer proposed eight camping sites with water and portable facilities. He stated that it would be primitive camping. He stated that a secondary accessory use had been proposed for canoe rentals. He stated that Ms. Dyer would transport the canoes and patrons from the camp site to a drop off on 13th Road, returning to the camp site on the river.

Mr. Kiefer stated that camp grounds are regulated by the State Department of Health. He stated that the County also has regulations that would have to be met. He stated that he has reviewed the plans and they meet all the requirements.

Mr. Neidlinger asked if the current Comprehensive Plan calls for campgrounds to be along the river? Mr. Kiefer read the Conservation Land Use section of the Comprehensive Plan.

Mr. McCartney asked how far up stream the canoes would be launched? Ms. Dyer stated that it would be a six and one half miles and would take about three hours to run. Ms. Dyer stated that she had applied to the State and received notice that her camp ground is not large enough for State approval, but she would be required to follow the County requirements.

Mr. Neidlinger asked Ms. Dyer if people would bring their own campers, or would she be renting campers. Ms. Dyer stated that it would primitive camping and people would be renting the lots. She stated that it would be for tent camping or self contained campers. She stated that she did not have any electric hook up or dumping station for the larger RV's.

Mr. Neidlinger asked about an operating schedule. Ms. Dyer stated tentatively May through October.

Mr. Neidlinger moved and Mr. McGlinger seconded a motion to open the public hearing. The motion passed by acclamation. There was no one to speak either for or against the request. Mr. Neidlinger moved and Mr. Glinge seconded a motion to close the public hearing. The motion passed by acclamation.

Mr. Lintner asked what kind of privies would be available. Ms. Dyer stated that they have purchased two plastic portable units. Mr. Fisher asked if someone lived on site all year round. Ms. Dyer stated that was correct. She stated that they now own and live in one of the trailers. Mr. McCartney stated that there should be some provisions for fire control, specifically for the dry months. Ms. Dyer stated that there is a water source within 200 feet of all points of the campground.

Mr. Lintner stated that one issue for the BZA to consider is the point of entrance/exit would be on State Road 17. Ms. Dyer stated that she had not addressed that with the state, but the driveway she currently has is large. She stated that she did not see a traffic problem with only eight lots. Mr. Kiefer asked if Ms. Dyer has experienced any vision problems because of the bridge. She stated that she has not as the top of the drive allows for you to see well in either direction. Ms. Dyer stated that she has received the permit from the state for her second drive. She stated that she has also been in contact with the Department of Natural Resources regarding the river.

Mr. Dinius asked if the tower pictured in the video was fenced. She stated that it was fenced.

Mr. Glinge moved and Mr. Fisher seconded a motion to pass this item to the Board of Zoning Appeals with a favorable recommendation. The motion passed unanimously.

The fourth item of business was 03-PC-32, Plan Commission, Tabled proposed Amendment to the Marshall County Zoning Ordinance Article 3 et seq. regarding Subdivisions in an A-1, Agricultural Districts and the creation of a Rural Residential District. Mr. Kiefer reviewed the amendment. He stated that the Comprehensive Plan has been adopted and there has been a Committee formed to update the Zoning Ordinances. Mr. Kiefer stated that he would like to propose that the Plan Commission dispose of the request as he felt that it is no longer a necessary amendment. Discussion was held on what would be the procedure.

Mr. McCartney asked why this would no longer be viable. Mr. Kiefer stated that they were concerned about the time frame of the Comprehensive Plan. He stated that he felt that

since they are now in the process of developing the new ordinances this amendment would not be beneficial to the process. Mr. Dinius stated that he concur with Mr. Kiefer that if approved it would cause confusion with out major revisions. He stated that the Committee working on the Zoning Ordinances were making progress.

Mr. Neidlinger asked how the amendment was brought before the board. Mr. Kiefer stated he presented it on behalf of the Plan Commission. Mr. McCartney asked what type of time table could be expected for the adoption of a new ordinance. Mr. Kiefer stated that he expected an adoption by the end of the year/early 2005.

Discussion was held on the pros of cons of waiting for the adoption of the Zoning Ordinances as opposed to the adoption of the amendment.

Mr. McCartney moved and Mr. Neidlinger seconded a motion to hear the matter at the next meeting. The motion passed by acclamation.

Mr. Kiefer briefly reviewed the meeting of the second Zoning Ordinance Subcommittee.

President Dinius asked for other business. There being none, The meeting was adjourned.

Respectfully submitted,

Harold VanVactor
Secretary