NEW WHITELAND PLAN COMMISSION

APRIL 28, 2015

7:00 p.m.

Scott Alspach began the April meeting at 7:00 p.m. Members present were Scott Alspach, Jeff Weaver, Frank Vaughn, Marshall Walker, Frank Telakowicz and Wendell Johnson. Attorney, Lee Robbins and Zoning Administrator, Tim Guyer were also in attendance. John Perrin was not in attendance.

MINUTES:

Jeff Weaver motioned to approve the minutes as presented from the October 2014 meeting. Marshall Walker seconded the motion. Vote was 6 affirmative.

ADMINISTRATOR’S REPORT:

There were several Administrator’s reports from November 2014 through April 2015.

ELECTION OF OFFICERS:

CHAIRMAN: Frank Vaughn motioned to elect Scott Alspach as Chairman. Marshall Walker seconded the motion. Wendell motioned to close the nominations for Chairman. Frank Telakowicz seconded the motion to close the nominations for Chairman. Vote was 6 affirmative to close the nominations. Vote was 6 affirmative to have Scott Alspach serve as chairman of the Plan Commission.

CO-CHAIRMAN: Scott Alspach motioned to elect Jeff Weaver for Co-Chairman. Frank Vaughn seconded the motion. Frank Vaughn motioned to close the nominations. Wendell seconded the motion to close the nominations. Vote was 6 affirmative to close the nominations. Vote was 6 affirmative to have Jeff Weaver serve as Co-Chairman of the Plan Commission.

OLD BUSINESS:

807 Delbrook: Scott asked Tim Guyer if the garage has been completely tore down? Tim replied, yes.

NEW BUSINESS:

***Consideration of plat of prior Town Hall property at 401 Mooreland Drive***:

Lee states that he requested the Plan Commission meet tonight due to a time sensitive matter.

The Town Council has decided to offer for sale the old Town Hall on Mooreland. This will be offered for sale at auction on May 15th.

Until recently the Town Hall and the parking lots, that serve it, were all included in one parcel of ground that was the entire park area, about 14 acres. There wasn’t a separate legal description that defined just that building and parking lots, separate from the rest of the park ground running from Mooreland all the way to the Fire Station.

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***Consideration of plat of prior Town Hall property*** *(continued)*

The Town had a surveyor draw up a legal description, and prepare a plat, for purposes of dividing it into a separate lot, so we can sell it. We did it in a form that could be signed and recorded as a plat, with the County, and that has happened. The Town Council approved it and signed it.

Lee continued; The Town has a Subdivision Control Ordinance that requires certain procedures be followed anytime property is subdivided, from a larger parcel into two or more parcels. When we think of a subdivision, we think of a new neighborhood. There are all kinds of concerns, how the ground is going to be laid out, the size of the lots, how the streets are configured, sewers, curves, development standards, emergency vehicle access and drainage.

It’s a pretty thorough process. This requires a developer who wants to subdivide it, to submit a sketch plan to the Town. Tim reviews sketch plan, a preliminary plat is submitted, then there is a final plat. That is how a big subdivision gets described as lot # such and such, in a certain subdivision.

That also holds true when you divide ground into two lots. Lee gave a handout to members concerning Exempt Divisions from our Sub Division Control Ordinance. If there is a division of land that meets certain criteria, it doesn’t have to be done pursuant to this procedure. We did file a petition to divide that land.

Lee Robbins believes that the 401 Mooreland property falls under #2 “A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division.”

If you are trying to resolve a discrepancy, and if you all are comfortable in interpreting the Sub Division Control Ordinance, that will cause this division to be considered an exempt subdivision, then we have done what we need to do. And that is to draw a legal description, and plat and have it recorded with the County.

The error was made when the ground that is the old Town Hall got included with the park property in the first place. The Town Hall property was a single family lot to begin with, the Town Hall and the frontage on Mooreland was a platted lot in a subdivision. Then it got merged into the larger 14 acre parcel. And someone drew a big boundary around the whole thing without regard to the separate parcels that made up the Town Hall ground.

We did that by having a legal description made and a plat drawn – we corrected that error and re-established it as a separate lot. We are not developing it in a way for future development.

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***Consideration of plat of prior Town Hall property*** *(continued)*

All the improvements are in place. Lee will get a statement of compliance written for Tim Guyer to sign.

Frank Vaughn motioned to treat the creation of a separate parcel that is the 401 Mooreland Drive property (the old Town Hall) an exempt division of land under the Town Sub Division Control Ordinance, subject only to those provisions of the Sub Division Control Ordinance that relate to exempt divisions. Wendell Johnson seconded the motion. Vote was 6 affirmative.

***ZONING ORDINANCE 7-203(d)(2) INTERPRETATION***:

Lee Robbins states that it is the responsibility of the Plan Commission to interpret the zoning ordinances when necessary. A problem came up with a resident having too many sheds and having them right on the property line to his adjoining neighbor. The adjoining neighbor attended a Town Council meeting and filed a complaint. The issue with this particular problem is the side yard, and according to the zoning ordinance, the shed(s) should be 6’ from the property line, for property that is zoned RS3.

The problem is a cluster of sheds on the property line, one shed is a three sided shed, with trash and junk exposed. There is also an aluminum shed in poor condition on the property line. The neighbor has seen mice. In addressing this problem the question came up as to which zoning ordinance governs storage sheds, pertaining to set back requirements.

The contradiction is between Zoning Ordinance 7-203(d)(2) “In all residential districts, shall not be located closer to any rear lot line than five (5) feet, but in no case shall it encroach upon any easement. Sheds constructed on skids and not anchored to the ground may be located upon an easement.” And Zoning Ordinance 6-201 Lot & Yard Requirements, Table B, which states in Zoning RS3, there is a 6’ minimum side setback requirement, and 20’ in the rear.

Lee Robbins states that a shed is considered a “structure” and defined as a fixed location on the ground.

Lee states that when there are two or more rules, the specific rule dominates. At the beginning of Ordinance 7-203 “Accessory Use Requirements”, “Accessory uses in all zoning districts, ***unless otherwise specified in this ordinance***, shall comply with the following requirements”. Lee states that it is otherwise specified, under Table B Lot & Yard Requirements. Should a resident go by the required set back requirements for their zoning or 5 feet on the rear?

There was discussion about controlling drainage problems and discussion about small sheds. Discussion that if the Town requires a 20’ setback off the rear property line, hardly anyone

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***ZONING ORDINANCE 7-203(d)(2) INTERPRETATION*** *(continued)*

would be able to have a storage shed. Tim Guyer states that the Town currently does not require a building permit for a storage shed under 140 square feet. Some residents build a shed wherever they want. So depending on what the board decides tonight, we may have to

change the ordinance and have a resident pull a building permit for all sheds. It’s something to think about. No one offered to change it tonight.

Jeff Weaver motioned to interpret Zoning Ordinance 7-203 (d)(2) that it will control the placement of accessory buildings on the rear, five feet from the rear set back. This does not pertain to side yards, only rear yardage. Frank Telakowicz seconded the motion. Vote was 6 affirmative.

OPEN TO THE PUBLIC:

Nothing

Scott Alspach adjourned the meeting at 7:46 pm.

 Respectfully submitted:

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Approved By: Recording Secretary