

DRAFT MEETING MINUTES
WAYNE COUNTY PLANNING COMMISSION
JULY 13th, 2011 - 3:00 PM

COUNTY ADMINISTRATION BUILDING, 2ND FLOOR MEETING ROOM

Members Present: Carl Finley, John Fitzpatrick, Robert Holland, Karl Kanehl, Matthew Long, David Mann, Joel Montgomery, Dick Stull and Steve Wheeler.

Members Absent: Ann Obrecht and Marlin Wengerd.

Others Present: Bill Gasbarre, Janet Johns, Gary Johns, Robert Murray, Rob Kastner and Vaughn Anderson.

Staff Present: Betsy Sparr, Lisa Johnson and Jenny Frost.

Chairman Mann called the meeting to order at 3:00 pm.

Secretary Fitzpatrick called the roll; a quorum was present.

Chairman Mann administered the oath to anyone intending to speak at the meeting.

June 8th, 2011 Meeting Minutes

Member Fitzpatrick made a ***motion*** to accept the minutes as written.

Member Stull made a ***second***.

All in favor, motion carried.

Minor Subdivision Report:

Member Wheeler made a ***motion*** to accept the report as written.

Member Kanehl made a ***second***.

All in favor, motion carried.

VARIANCES

V-11-02, JANET JOHNS, BAU 2 NW, 17048 FULTON RD, SURVEYOR: R. W. Gasbarre & Associates (planning fees paid)

The applicant is proposing to split 12.054 acres on 134' of road frontage. Though additional frontage is available, it would not be usable because of a watercourse that runs north and south along the proposed lot line. Of the original 64.1-acre parcel, 6.233 acres would be annexed to an adjoining property to the north and 10.893 acres would be annexed to an existing 2-acre parcel to the west. This would leave a remainder of 36.79 acre with the existing house and frontage along Fulton Road.

Bill Gasbarre, P.E. for the proposal represented the project; the applicant was in attendance.

Staff cited Section 201.11 of the Subdivision Regulations that was used to review the proposal regarding the criteria for the consideration of a variance by the planning commission stating that hardships cannot be considered for a variance if brought upon by actions of the applicant.

The lot splits that are there did not reduce the frontage and the applicant did not do them.

Staff views this ditch as a physical constraint to this lot and sees no reason to extend the frontage beyond that ditch even though there is frontage available. It would not make sense to have some on one side of the ditch and some on the other.

Staff recommended approval of the variance contingent upon compliance of the requirements of the Health Department due to the physical constraints caused by the location of the watercourse.

Staff pointed out that at this point the proposed 12 acres could go directly to the Map Office as an agricultural exemption or personal recreational use exemption under Section 711.33. However, the

applicant is proposing the variance at this time because in the future they would like this to be a buildable site.

Mr. Gasbarre commented that that was correct.

Member Wheeler made a **motion** to grant the variance as recommended by staff.

Member Montgomery made a **second**.

Upon hearing no further discussion, motion carried.

Old Business:

Member Finley submitted a recommendation regarding the 201 IGR notification process business item that was discussed at the June 8th 2011 meeting.

Per the Planning Commission Bylaws, **Member Finley** recommended that a 201 committee be created with the following criteria:

1. Committee shall consist of three members.
2. The Committee shall be notified of all 201 meetings by the Planning Department, Board of Commissioners (either singularly or as a board) and the SWCD.
3. The Committee shall be notified of any meetings between Planning Department staff and any entity regarding 201's.
4. The Committee is allowed to request its' own meetings with any 201 entity.
5. The Committee is authorized to seek outside opinions other than just Planning Department staff.
6. The Committee is authorized to establish direct liaison with NEFCO and/or other NEFCO members who could provide information or recommendations.

Member Finley made a **motion** to recommend that the Planning Commission create a sub-committee of three members based on the above criteria.

Member Montgomery suggested that the required details be forwarded to staff in order to have a chance to comment before making a decision; he was not ready to vote on a motion today.

Member Long commented that as a designee for one of the Commissioners, he would want to run this past his appropriate Commissioner before voting one way or another on this issue.

Chairman Mann suggested that the County Prosecutor review this as well.

Member Finley stated that according to the Bylaws, the Planning Commission could appoint a committee anytime they want.

Chairman Mann felt that based on the members' comments received this should not be voted upon until the August 10th, 2011 meeting at which time the Prosecutor and staff will have had a chance to review and comment.

Chairman Mann asked that staff forward **Member Finley's** suggestions to the County Prosecutor.

The **motion** died due to the lack of a second.

Upon hearing no further business, **Member Finley** made a **motion** to adjourn.

All in favor, motion carried.

Meeting adjourned at 3:12 p.m.

Date
David Mann, Chairman
Wayne County Planning Commission

Date
John Fitzpatrick, Secretary
Wayne County Planning Commission

Respectfully Submitted,
J.Frost – August 10th, 2011