

October 11, 2017

The Hendricks County Area Plan Commission Administrative and Plat Committee held a meeting on Wednesday October 11, 2017 at 9:00 a.m. in the Hendricks County Government Center, Rooms 4 & 5, 355 South Washington Street, Danville, Indiana. Members present: Mr. Tim Dombrosky, Planning Director and Chairman; Mrs. Sonnie Johnston, Plan Commission Member Representative; Mrs. Ginger Harrington, Environmental Health Department Representative; and Cory Gehring, County Surveyor Representative. Also present was: Mr. Nick Hufford, Planner; and Mrs. Joanne Garcia, Recording Secretary.

Mr. Dombrosky called the meeting to order with the Pledge of Allegiance. There was a quorum with four (4) members present.

Mr. Dombrosky then called for approval of the minutes for the September 13, 2017 meeting minutes.

Mrs. Johnston made a motion to grant approval for the September 13, 2017 meeting minutes.

Mr. Gehring seconded the motion with Mrs. Harrington abstaining.

FOR – 3 – AGAINST – 0 – ABSTAINED – 1 –

Mr. Dombrosky then moved on to the first Business Session item as follows:

MRP 080/17: LEO & KATHY BENNETT; a 1-lot minor residential subdivision, 2.00 acres, Liberty Township, S25-T15N-R1W, located on the south side of East County Road 300 South, approximately 0.24 mile east of County Road 225 East. (Survey First, LLC)

Mr. Tim Higbie of Survey First, LLC appeared along with the applicants, Leo & Kathy Bennett. Mr. Higbie reviewed their request to create a one lot minor residential plat on 2.00 acres plus right-of-way. Mr. Higbie discussed the staff recommendation to remove several large rocks within ten feet of the roadway.

Mr. Dombrosky stated that typically the staff recommendation would apply to trees and that the Engineering Inspector, Roger Salsman, noticed some large boulders at the site that needed to be moved back ten feet from the roadway. Mr. Dombrosky stated that applied to anything over two feet tall. He stated he had been expecting the County Engineer, John Ayers, to certify exactly what needed to be moved.

Mr. Higbie asked if meeting with Mr. Salsman on the site and determining exactly what needed to be moved would be acceptable.

Mr. Dombrosky stated they could also meet with Mr. Ayers or someone from the Engineering Department on site. He stated that there had been a note added late to the list from the Health Department.

Mr. Higbie stated he had read something about showing the existing septic system and tank. He stated that they had located the tank but were not sure exactly where the fingers were located. He stated Mr. Bennett had then pointed them out to Mr. Higbie and he had drawn them in at the location indicated by Mr. Bennett. He added that they were located behind Mr. Bennett's driveway and were 100 feet long and that there were five of them. He stated, however, that they were located outside of their septic set aside easement.

Mr. Dombrosky asked about the drain running through that area.

Mr. Higbie stated he did not think the drain ran through that area and he discussed the matter further with Mr. Bennett.

October 11, 2017

Mrs. Harrington discussed what her record indicated on the matter and that it showed there were only four fingers plus the perimeter drain. There was further discussion between the parties on the location of the perimeter drain.

After further discussion, Mr. Higbie stated that the set aside area easement could be moved fifteen feet to the east, if necessary.

Mrs. Harrington agreed with that solution.

Mr. Dombrosky asked Mrs. Harrington if she would be okay to approve contingent on those changes.

Mrs. Harrington looked at the plans and stated she would be okay with the suggestion to move the easement and would be okay with approval contingent on those changes.

Mr. Dombrosky added for them to also find a suitable secondary septic field location.

Mrs. Harrington responded yes.

Mr. Higbie stated that they were also asked to show the right-of-way and remainder in a bold line on the plans and he had done that.

Mr. Dombrosky then asked about the acreage of the pond on the lot.

Mr. Higbie responded about 150' x 185'.

Mr. Dombrosky then called for a motion.

Mrs. Harrington made a motion to grant approval for **MRP 080/17: Leo & Kathy Bennett** subject to the following conditions and recommendations:

1. Conditions & recommendations in staff's letter dated October 11, 2017; and
2. Creation of a satisfactory secondary septic field location.

Mrs. Johnston seconded the motion.

FOR – 4 – AGAINST – 0 – ABSTAINED – 0 –

The staff conditions and recommendations were as follows:

DRAINAGE CONDITIONS:

Subject to Drainage Board approval and the conditions of the County Surveyor.

STAFF RECOMMENDATIONS:

1. There are several large rocks and other obstruction within 10' of the road. These should be moved back to at least 10'.
2. The applicant must show the location of the existing onsite septic system with perimeter drain and the location of the existing well.

CONDITIONS OF APPROVAL:

1. A properly executed County/Owner Inspection Agreement must be provided prior to approval with all appropriate fees paid prior to the start of any construction.
2. This project is subject to the National Pollutant Discharge Elimination System (NPDES) General Permit covering storm water quality. Procedures there under are governed locally by the Hendricks County Stormwater Management Ordinance and corresponding Technical Standards Manual. An application, fees, construction plans, specifications and Stormwater Pollution Prevention Plan must be presented for approval to the Hendricks County Drainage Board separately from the application to the Hendricks County Area Plan Commission. Secondary Stormwater Approval for a plat, PUD or development plan must be obtained from the Drainage Board prior to Secondary Approval (or Approval in the case of minor plats) by the Plan Commission or its Administrative and Plat Committee. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
3. A septic system must be designed for these lots prior to building permit application to reflect the actual house location and size. The initial review of the submitted soil analysis indicates that the soils are rated severe and that septic systems are feasible on these lots. Additional soil borings for each lot may be required at the time of septic permit application. Proposed subsurface drain outlet elevations are needed on each lot prior to final approval.
4. The absorption field areas must be fenced in such a way that accidental crossing of the site with equipment is prohibited. This may be done by farm fence, snow fence, or other similar materials. Preservation of the absorption field areas is the responsibility of the developer and if these areas are not preserved it could make the lots unbuildable.
5. Secondary septic field easements (SSFE) must be shown on the plat, or separate easement document to be recorded with the plat must be provided.
6. Prior to recording a statement must be added to the plat that states: Those designated as secondary septic field easements (SSFE) are secondary septic field easements that are hereby expressly reserved for the purpose of the placement of a sewage disposal field. Uses shall be limited to those consistent with the proper operation of a septic system and that will not result in soil compaction. The easement shall terminate only with the written approval of the Hendricks County Health Officer.
7. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.

MAP 40/17 (REPLAT): BLUE VALLEY ESTATES, SEC. 1, LOT 1; a 1-lot major subdivision replat, 0.75 acres, Guilford Township, S4-T14N-R1e, located on the west side of South County Road 600 East, approximately 0.25 mile north of the intersection with East County Road 600 South. (Kruse Consulting, Inc.)

Mr. Dale Kruse of Kruse Consulting, Inc. appeared on behalf of the applicant, Sara Svendsen. He stated they were asking for approval for a replat to combine some property to construct a barn. Mr. Kruse then reviewed the location of the property. He stated he had spoken with Julie Haan, the Environmental Health Director, about a set aside area being shown on the plans. He stated that there would be no room for a set aside area as the ground being picked up by this replat would be where the barn was to be located.

Mr. Dombrosky commented that it had been his understanding that the barn would be constructed over the building setback line and not over onto the right-of-way area.

October 11, 2017

Mr. Kruse stated that it would straddle the line.

Mr. Dombrosky then added that he thought the barn would be located at the end of the existing driveway in the thirty (30) foot width area.

Mr. Kruse stated the size of the proposed barn would encroach in the side setback. Mr. Kruse stated his idea was to not include the vacated street in the replat and only replat their lot and remove the building setback line. He stated the current building setback line would not be required anymore because there would not be a street. He explained then there would be two parcels next to each other and the proposed building could straddle the lot line.

Mr. Dombrosky responded that he did not believe that would solve the problem and would create more.

Mr. Kruse then asked if the policy had changed as to allowing a structure to straddle a lot line.

Mr. Dombrosky stated yes and that he did not know why that policy had been initiated.

Mr. Dombrosky and Mr. Kruse then discussed the policy further and why it might have been started. Mr. Dombrosky explained why he did not understand what the creation of this replat would accomplish.

Mr. Kruse stated it would be just a metes and bounds legal description.

Mr. Dombrosky stated that it would be inside of a major plat and the question would be whether it was a buildable parcel or not.

Mr. Kruse stated it would be its own metes and bounds vacated street right-of-way.

Mr. Dombrosky still asked if it would be a buildable parcel.

Mr. Kruse responded that in the past we could build accessory structures on parcels that had not been through platting. He added in other words if it was not eligible for a principle structure, an accessory structure would be.

Mr. Dombrosky stated he knew that it had been done but did not understand why.

Mr. Kruse stated he did not know why but that this was the first time he had heard otherwise and that if it would be a new policy not to allow that, he understood.

Mr. Dombrosky stated the only thing he could now go on was if that parcel was buildable and could a permit be issued for it.

Mr. Kruse added that the parcel was created when the plat was done. He stated that they had changed ownership of the parcel and had changed the potential use of the parcel in that it would not be a street anymore. He added that was why they had requested the replat to combine it with Lot 1. He stated again that there would not be room for a set aside area and if they could not construct the barn, then they should withdraw the petition for the replat.

Mr. Dombrosky asked if the ground was suitable for a set aside.

Mr. Kruse responded that he did not know as no soil tests were done.

Mr. Dombrosky asked why it would not be large enough for a set aside area to be included.

October 11, 2017

Mr. Kruse responded that there would be the new barn and a drive to that structure would also be needed. He stated they would be using the existing drive and that he was not sure if there would be enough room for the set aside area. He stated he did not know where the contours laid.

After some further discussion, Mr. Kruse suggested that a soil test be done and see if a set aside area would fit.

Mrs. Harrington asked if there was a sufficient drain.

Mr. Kruse responded that he did not know and there was further discussion on the options available to satisfy the Health Department's concerns.

Mr. Kruse then advised that they could do a soil test and contour shots and either ask for a continuance or the replat could be approved contingent upon approval for a set aside area.

Mr. Dombrosky stated he would be okay with that with the understanding that no building permit would be issued until the replat was recorded.

After further discussion, Mr. Dombrosky asked Mrs. Harrington if she was comfortable with the plan.

Mrs. Harrington stated that she was okay but that if they did an easement that was not on the parcels that were being replatted, there would need to be a connection point.

Mrs. Harrington then made a motion to grant approval for **MAP 40/17: Blue Valley Estates, Sec. 1, Lot 1 (Replat)** subject to the following conditions:

1. Staff conditions and recommendations in letter dated October 10, 2017; and
2. Determination of a suitable site for a secondary septic field easement prior to recording of the replat.

Mrs. Johnston seconded the motion.

FOR – 4 – AGAINST – 0 – ABSTAINED – 0 –

The staff conditions and recommendations were as follows:

DRAINAGE CONDITIONS:

Subject to Drainage Board approval and the conditions of the County Surveyor.

STAFF RECOMMENDATIONS:

1. This development is still subject to the conditions of approval of the original Major Plat of Blue Valley Estates.
2. According to the Assessor's records, this home was built in 1966 and the Health Department does not have a record of a permitted septic system, however staff was able to locate at least two fingers with a tile probe. The Health Department has no objection to the continued use of the existing fingers as long as they continue to adequately treat the wastewater generated.
3. If this replat creates additional buildable area on the lot, than a reasonable area within an easement for a secondary septic system must be provided for future use.

October 11, 2017

CONDITIONS OF APPROVAL:

1. A properly executed County/Owner Inspection Agreement must be provided prior to secondary approval with all appropriate fees paid prior to the start of any construction.
2. This project is subject to the National Pollutant Discharge Elimination System (NPDES) General Permit covering storm water quality. Procedures there under are governed locally by the Hendricks County Stormwater Management Ordinance and corresponding Technical Standards Manual. An application, fees, construction plans, specifications and Stormwater Pollution Prevention Plan must be presented for approval to the Hendricks County Drainage Board separately from the application to the Hendricks County Area Plan Commission. Secondary Stormwater Approval for a plat, PUD or development plan must be obtained from the Drainage Board prior to Secondary Approval (or Approval in the case of minor plats) by the Plan Commission or its Administrative and Plat Committee. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
3. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.

There being no further business, the meeting was adjourned at 9:40 a.m.

Tim Dombrosky, Chairman