MINUTES OF MEETING OF
WASHINGTON COUNTY PLAN COMMISSION
BOARD OF ZONING APPEALS
Held March 5, 2018
Washington County Government Building

The Washington County Plan Commission was called to order at 7:00 p.m. by President, David Hoar. Board members present were David Hoar, Danielle Walker, Preston Shell, Ervin Day, Anthony Scifres, Deirdre Miller and Kevin Baird. Absent were Mark Hartman and Todd Ewen. Board of Zoning Appeals members present were Max Greene, Darrell Tye, and Anthony Scifres. Absent were John Mishler and Mark Hartman. Also present were WCPC/BZA attorney John Mead, Plan Director Travis Elliott, and members of the public Rhonda Greene, Ben Bowling, K.K. Gerhart-Fritz, David Allen, and Mary Finkle.

The Pledge of Allegiance was led by Anthony Scifres; Kevin Baird offered prayer.

Minutes of the February 5, 2018 meeting were reviewed. Upon motion by Preston Shell, second by Anthony Scifres, the minutes were unanimously approved as presented.

David Hoar recognized David Allen who presented for approval a subdivision plat for Forest Grove, property owned by Future Development, LLC and David P. Allen. The plat is an addition to Coni's Cove Subdivision. The plat proposes to add twenty (20) additional lots to the subdivision. David stated that Merwyn Fisher, who developed Coni's Cove, had sold only two (2) lots. David presented proposed restrictive covenants for the subdivision. He stated that the developers' plans are for private roadway to be maintained and managed by a property owner's association which has been created. David stated that the restrictive covenants were modeled after Southern Hills Lake. He stated that rural water was available, and the property had been tested for septic.

Ervin questioned the sufficiency of the road. David stated that the intent was that the roads would be under control of the property owners association but the developers would retain control until half of the lots were sold. No storm water management plan was presented.

David Hoar stated that he wants to see a watershed plan regarding drainage, ample parking spaces for residences, and detail regarding entrance off of Wathen Road.

Further discussion on the subdivision plan was tabled until the next meeting.

Plan Director Travis Elliott presented a copy of Chapter 10 from Lebanon, Indiana's ordinance which addresses enforcement and penalties. This is for review by the Commission. David commented that the Commission needs a better method of enforcement. K.K. commented that ticketing of ordinance violations similar to a traffic ticket is effective in some communities. She stated that this provides a means of flexibility.

There was discussion regarding issues with enforcement. Ervin described the situation in Charlestown, Indiana which has resulted in a major lawsuit against the Town as a result of efforts by Charlestown to enforce its ordinance. The Commission asked K.K. to search through the state data bases to locate other counties or communities using ticketing as a method of

enforcement. The Chapter 10 approach is more comprehensive than what Washington County presently has on the books.

Travis stated that he has issued approximately twenty-five (25) stop work orders in the last year, but there could have been more. Travis stated that, generally, contractors come into compliance with whatever the issue was leading to the stop work. One effective method is to cause power to be removed from the site.

David asked everyone to review the Chapter 10 document provided with the thought of seeing if any of the provisions can be locally adopted. K.K. stated that the Commission has spent a lot of time creating its ordinance and it has to have a reasonable means of enforcement.

David recognized County Councilman Ben Bowling. Ben stated that he was interested in the Plan Commission process and was willing to devote some time as an alternate. Rhonda Greene was concerned about another elected official serving on the Commission. It was questioned whether Ben could be a citizen member since he is an elected official. The alternate would need to be designated by an appointing authority. There was discussion regarding the Surveyor's position on the Commission and Todd's designation as representative. K.K. commented that in every other county she is familiar with, the designated represented has always been someone employed in the Surveyor's Office and not another public official. David stated he had raised the issue with Todd and asked him to speak with the County Surveyor.

K.K. presented her draft of changes and additions to the zoning ordinance to address non-conforming uses. She commented that the present ordinance has numerous gaps. K.K. stated that this is Part 1 of non-conforming uses. Another section will relate to agricultural non-conforming.

Section 400 of the Ordinance is intended to address non-conforming uses. K.K. went through the draft and explained different sections with discussion by the Board.

The Board reviewed Section 401.3.1 in detail. Discussion related to hearing by the BZA on established non-confirming use changes requested by a property owner. There was a question regarding how much of allowance to permit for repairs and maintenance.

There was discussion regarding vested rights by property owners on the adoption of ordinance changes. K.K. referred to I.C. 36-7-4-616 and I.C. 36-7-11.1-13.1.

David asked the Board to review the draft in detail before the next meeting and to be prepared for discussion leading to adoption.

Discussion returned to David Allen's proposed subdivision. K.K. questioned whether this was a major subdivision or a minor subdivision. At present, our ordinance does not define major or minor. Travis pointed out that there is a review checklist that is to be completed on subdivision plans. Allen did not present a completed checklist. It was concluded that Allen had not submitted a completed application for approval of the subdivision.

There being no additional business to come before the meeting, upon motion by Ervin Day, second by Preston Shell, the Commission unanimously approved to close the meeting at 9:16 p.m.

The Board of Zoning Appeals was not called to order; no action taken.

Washington County Plan Commission by:

David Hoar, President

Danielle Walker

Todd Ewen

Ervin Day

Mark Hartman

Anthony Scifres

Preston Shell

Kevin Baird

Deirdre Miller

WCPC Attorney:

John W. Mead