

## **PUTNAM COUNTY PLAN COMMISSION MINUTES**

The Putnam County Plan Commission met for its regular monthly meeting on July 13, 2022, at 6:30 p.m. in the Putnam County Courthouse, 1 West Washington Street, 1<sup>st</sup> Floor, Greencastle, IN 46135. Wendell Underwood called the meeting to order at 6:30 p.m. A roll call was taken to determine a quorum. The following members were present: Wendell Underwood, Randy Bee, Ken Heeke, Jenna Nees, Jay Alcorn, Rick Woodall, and David Penturf. Eric Hayman, and Kevin Scobee were not present. Also, present was Jim Ensley, County Attorney; and Lisa Zeiner, Plan Director. Audience present see attached sign in sheet.

Wendall Underwood requested that all audience members that want to speak, please sign the sign in sheet. Mr. Underwood requested that for this meeting all votes be done with a roll call. Mr. Underwood explained that because of the controversial issues the votes need to be more clarified.

### **REVIEW OF MINUTES**

Wendell Underwood asked if the board had any corrections, additions, or other changes to the June 8, 2022, meeting minutes. Mr. Underwood stated that on page nine (9) second to last paragraph should state: *“Mr. Underwood stated that alternative power sources is happening and if there is not any ordinances to deal with in the county has no say so on the control”*. Mr. Underwood explained that the word “not” was missing from the comment.

Ken Heeke made a motion to approve the June 8, 2022, minutes contingent on correction being made.

Jay Alcorn seconded the motion.

A roll call vote was taken as follows: Wendell Underwood voted yes, Randy Bee voted yes, Ken Heeke voted yes, Jenna Nees voted yes, Jay Alcorn voted yes, Rick Woodall voted yes, David Penturf voted yes.

The June 8, 2022, minutes were approved contingent on correction with all in favor.

### **OLD BUSINESS:**

**AMENDMENT TO ZONING ORDINANCE** – Amend the Putnam County Wind and Solar Ordinance to be more in line with Senate Enrolled Act 411 that was recently passed.

Mr. Underwood reminded the board that this was discussed last month, and revisions were requested.

Lisa Zeiner stated that all spelling errors were corrected, and the references to Plan Commission were removed where needed. Mrs. Zeiner explained that this ordinance was inline with the Senate Rule that went into effect July 1<sup>st</sup>. Mrs. Zeiner stated that HWC reviewed the ordinance and found it to be acceptable.

Mr. Underwood stated he was glad that HWC reviewed it.

Rick Woodall asked what the word on page eight, paragraph E line 2 was.

Mrs. Zeiner stated that it was appurtenant.

Dave Penturf made a motion to approve **Amendment to the Wind and Solar Ordinance** as presented.

Randy Bee seconded the motion.

A roll call vote was taken as follows: Wendell Underwood voted yes, Randy Bee voted yes, Ken Heeke voted yes, Jenna Nees voted yes, Jay Alcorn voted yes, Rick Woodall voted yes, David Penturf voted yes.

The **Amendment to the Wind and Solar Ordinance** passed with all in favor.

**NEW BUSINESS:**

**2022-PC-12: MAURICE BUTLER – REPLAT LOT 1 WRIGHT SUBDIVISION:** A replat to create an additional building site by splitting lot 1 into two lots; Madison Township, 11 & 12/14N/5W; Zoned A1 (located at the intersection of CR 100 N and CR 400 W).

Greg Williams, ASA Land Surveying and agent for petitioner, approached the board. Mr. Williams stated that the parcel is part of Wright subdivision. Mr. Williams explained that lot 1 is currently 180 acres. Mr. Williams stated that Mr. Butler was wanting to survey off the wooded area of 2 acres for a new building site. Mr. Williams explained that BZA has already granted approval for the reduction of the front setback to be 20 feet for Lot 1A.

Mr. Underwood asked what was surrounding the area.

Mr. Williams stated that it was tillable ground. Mr. Williams showed on a map the location of the proposed new lot in conjunction with Madison Hills Subdivision that is across the road from the property.

Mr. Bee asked if any letters had been submitted.

Mrs. Zeiner stated that one person came in and asked a question about it, but did not seem to have any issues.

Mr. Williams stated that he had someone call him about it. Mr. Williams explained that the person calling was concerned about a business being placed on the property. Mr. Williams stated that it would be a home with a workshop.

Mr. Underwood asked for clarification on the workshop.

Mr. Williams stated that the potential buyer was a general contractor and would be doing woodworking in a barn, no heavy equipment.

David Penturf stated that based on the aerial, the road makes a good bend at the northeast corner of the two-acre parcel. Mr. Penturf was concerned about road frontage. Mr. Penturf stated that there is only 40 feet of frontage, and the ordinance requires 200 feet of frontage.

Mr. Williams stated that road frontage is considered as right-of-way, not edge of pavement.

Mr. Penturf stated that there is not a clear definition of road frontage.

Mr. Williams explained that he looked at the county's right-of-way map. Mr. Williams stated that the right-of-way for this county road is 40 feet. Mr. Williams explained that when you look at the original subdivision plat, the county made them dedicate additional right-of-way to make it a twenty-five-foot half right-of-way, which is shown on the proposed replat. Mr. Williams stated that the from the section corner to the west along the property line, the new right-of-way is intersected at 279.5 feet.

Mr. Penturf stated that if the road surface is used, there is only 40 feet.

Mr. Underwood asked if the right of way was discussed at the BZA meeting.

Mr. Williams stated that it was not. Mr. Williams explained that there are several properties in the county where the pavement varies off the section line, which would make the landowners have no road frontage.

Mr. Underwood asked if this was a situation where practice needs to dictate the policy or is policy not being practiced.

Mr. Penturf stated that this is an unusual situation. Mr. Penturf explained that usually a lot will intersect a road at a 90-degree angle, so that there is no difference between frontage hitting the road surface and right-of-way.

Mr. Woodall asked how far away the west line was from the road.

Mr. Williams stated that the edge of pavement was 400 feet from the property line. Mr. Williams explained that additional right-of-way was dedicated to the county, which is 279 feet of frontage.

Mr. Underwood asked if the concern was the driveway or something else.

Mr. Penturf stated his concern was not having enough road frontage.

Mr. Woodall stated that his concern was that the road frontage is being misrepresented. Mr. Woodall asked how far out the property line goes.

Mr. Williams stated that to the dedicated right-of-way, there is 279.5 feet of frontage.

Mr. Woodall stated that was 400 feet from the road.

Mr. Williams stated that Mr. Woodall asked how far the west property line was from the road.

Mr. Woodall stated that the property line is not all of the road frontage.

Jim Ensley stated that this is already a platted subdivision.

Mr. Penturf stated that the subdivision was approved with more road frontage.

Mr. Ensley stated that this is not like a new split that would require 200 feet of road frontage, it is an existing parcel that could be built on as it sits, they are just replating the lot. Mr. Ensley stated that they are changing one of the lots within the subdivision.

Mr. Williams stated that the original subdivision has been replated three times.

Mr. Penturf asked if he split out a lot with no road frontage would it be approved.

Mr. Ensley explained that a subdivision is like one big development standards variance, it is not like when someone comes before the BZA wanting to split off one parcel with 150 feet of road frontage. Mr. Ensley stated that when the plat was originally approved, they had to go through all the steps to get that approval. Mr. Ensley explained that now they are asking to replat one of the lots. Mr. Ensley stated that the road frontage does not apply.

Mr. Penturf stated that the neighbor to the north needs to be considered when the driveway is constructed.

Mrs. Zeiner stated that a driveway cut permit would be required from the County Highway Department and they would verify that the location of the driveway is acceptable with site distance and other factors.

Mr. Heeke stated that he has a conflict of interest as he lives in the area. Mr. Heeke explained that he did not see a problem as across the road is a subdivision with fifty-foot entries onto cul-de-sacs and down the road is an area that is very narrow driveway.

Mr. Ensley stated that any dwelling would have to get access from the road with an easement within the subdivision and not across someone else's property.

Mr. Williams asked Mr. Penturf what line of site was used going west, when measuring.

Mr. Penturf stated that he used the railroad spike on the east end and a rebar on the west end.

Mr. Underwood asked if there was anyone from the audience that wanted to speak on this project.

Gary Stout, neighbor to the proposed replat, approached the board. Mr. Stout stated that he was concerned about the increase of water flow on his property. Mr. Stout explained that he has already replaced a 16-inch culvert with a 42-inch culvert and installed a bridge on his property. Mr. Stout asked if there would be anything added to the plat to control the water.

Mr. Williams stated that is not a part of the platting process. Mr. Williams explained that this replat was just for one lot not several lots.

Mr. Stout stated that a dwelling would add more runoff. Mr. Stout explained that a neighbor who just built a dwelling with a flat roof, and the water is flooding the bridge. Mr. Stout stated that the county has placed rock to maintain the road, but it is getting soft and shifting.

Mr. Ensley stated that Jim Peck was going out there.

Mr. Williams stated that the creek was on the south and west side of the property, therefore the water would go south.

Mr. Stout disagreed. Mr. Stout stated that there is a lot of water coming from the hillside. Mr. Stout requested that water control be put into place.

Mr. Penturf stated that when the dwelling was being built, the builder would have to control disturbed soil with straw or something to contain mud runoff.

Mr. Stout stated that when the dwelling is completed there would be additional runoff.

Mr. Penturf asked if they had been approved for a septic.

Mr. Williams stated that a soil analysis was completed.

Mr. Woodall stated that the water issues would have to go before the drainage board.

Mr. Williams stated that the drains could go to the creek behind the dwelling instead of the roadside ditch.

Mr. Stout requested that something be in place to control the water that would be draining onto his property.

Mr. Williams stated that there is not an avenue to manage that, since the county does not have a drainage board.

Mr. Underwood stated that was a legitimate concern. Mr. Underwood asked if there was anyone else that wanted to speak on this project. No one came forward, Mr. Underwood closed the public hearing for this case.

Mr. Bee asked if there was anyone else effected by the flow of water.

Mr. Stout stated that he has been out there for thirty years. Mr. Stout explained that he has been attempting to slow the water down.

Mr. Woodall asked what happens to the water after it leaves Mr. Stout's property.

Mr. Stout stated it goes to Jones Creek.

Mr. Bee asked if there were any plans to correct the county road culvert.

Mr. Woodall stated that it was a culvert that was on Mr. Stout's property not a county road culvert.

Mr. Bee stated that the replat should not be a hinderance to the neighbors, but he was not sure how much water would be affected by the construction of a dwelling.

Mr. Underwood asked if there were any field tiles.

Mr. Williams stated he was not sure.

Mr. Stout stated that the area has always been wooded.

Mr. Ensley stated that if the board does not approve the replat, a dwelling could still be placed in the area as it is already a buildable lot.

Mr. Underwood stated that this is just a replat.

Mr. Stout asked who was responsible for the runoff of water onto a neighbor.

Mr. Ensley stated that it would be the owner of the dwelling.

Mr. Woodall agreed that it would be builder of the dwelling that would be responsible for the drain off.

Mr. Alcorn stated that if Butler's still owned the lot, the issue would be with the Butlers; however, if the water is coming on to Butler's from this other lot, then the issue would be the builder.

Mr. Ensley stated that it is a buildable lot as it sits as 189-acre parcel.

Mrs. Zeiner explained that once the stormwater, sedimentation, erosion control ordinance is drafted and passed, it would be on the building department to verify that mitigation of runoff is being done. Mrs. Zeiner stated that currently there are no standards in place for the mitigation of stormwater runoff, erosion control or sedimentation control.

Mr. Ensley asked when the original subdivision approved.

Mrs. Zeiner stated in the 2006.

Mr. Ensley stated that when this subdivision was approved, someone could have built in this area at that time. Mr. Ensley explained that the request is to parcel off to make that area a separate lot.

Mrs. Zeiner stated that there are no ordinances in place that addresses Mr. Stout's issue. Mrs. Zeiner explained that the ordinances are being drafted.

Mr. Penturf stated that at the time when this was platted Mr. Wright platted out the smaller lots on the south side of the farm field.

Mr. Stout asked why property is being downsized.

Mr. Underwood stated that there are areas in the county that are not suitable for farming, but good for dwellings. Mr. Underwood explained that this is already approved for a dwelling to be built. Mr. Underwood stated that this is for a replat so that the 2 acres could be sold.

Mr. Alcorn asked about the road frontage for a subdivision.

Mr. Ensley explained that road frontage could be fifty feet. Mr. Ensley stated that the subdivision across the street that has parcel with no road frontage because they are building off a cul-de-sac.

Mr. Alcorn stated that the road issue that was brought of earlier does not apply.

Mr. Ensley stated that it is already a platted subdivision. Mr. Ensley explained that this subdivision was already approved, if that was an issue then the plat would not have been approved.

Mr. Pentruff stated that if the parcel was not a platted subdivision, and someone wanted to split off the two acres, it would not be allowed. Mr. Pentruff explained that since this is a platted subdivision that was already approved.

Mrs. Zeiner stated that road frontage is not defined in the ordinance, only frontage.

Mr. Ensley stated when a subdivision is being platted, that is when all the conditions must be met. Mr. Ensley explained that there were no special conditions that was recorded with this subdivision.

Mr. Bee made a motion to approve **2022-PC-12: Maurice Butler – Replat of Lot 1 of Wright Subdivision** as presented with the condition that this replat must follow any conditions set with the original plat.

Mr. Alcorn seconded the motion.

A roll call vote was taken as follows: Wendell Underwood voted yes, Randy Bee voted yes, Ken Heeke abstained, Jenna Nees voted yes, Jay Alcorn voted yes, Rick Woodall voted yes, David Pentruff voted yes.

The **REPLAT OF LOT 1 OF WRIGHT SUBDIVISION** was approved with the majority of the members in favor.

**2022-PC-13: CRAIG HINSHAW – REZONE:** Rezone from A2 to CG to allow boat storage; Floyd Township (7383 E CR 525 N).

Craig Hinshaw, petitioner, approached the board. Mr. Hinshaw stated that he owns Heritage Lake Boat Storage and Repair facility just off of Heritage Lake HOA. Mr. Hinshaw explained that the property was zoned Residential 2 in 1992. Mr. Hinshaw stated that his insurance company informed him that he should zone it commercial if he ever wanted to sale the property. Mr. Hinshaw explained that it has been commercial for 20 plus years. Mr. Hinshaw stated that there were three buildings and a mechanic's shop on the property. Mr. Hinshaw explained that he is just wanting to bring this property into compliance with the current zoning rules.

Mr. Woodall asked if the insurance company would not insure the property if it was not rezoned.

Mr. Hinshaw stated that the property would still be insured. Mr. Hinshaw explained that it was a recommendation that the property should be rezoned if he wanted to sell the property.

Mr. Underwood asked if there was anyone in the audience who wanted to speak on this petition.

Shannon Akers, adjoining property owner, stated that she did not have an issue with the request. Ms. Akers asked why change the zoning when the taxes would increase. Ms. Akers asked if the use would stay the same if this property was sold.

Mr. Hinshaw stated that the use would stay the same as it would be a condition of the sale.

Mr. Ensley stated that they could not expand on the use unless it came back before the plan commission.

Ms. Akers asked if the new owner purchased adjoining property if that property would then automatically be zoned commercial.

Mr. Ensley stated that it would not, they would have to petition the board to get the property rezoned. Mr. Ensley explained that the zoning map is in the process of being redone. Mr. Ensley stated that if this property is rezoned to commercial general, the use could also change to anything that is allowed under commercial general, unless the board put comments on the rezoning.

Mr. Hinshaw stated that the current use was boat storage and repair shop.

Mr. Underwood asked if there was anyone else in the audience that wanted to speak on this case. No one came forward, Mr. Underwood closed the public hearing portion for this project.

Mr. Heeke asked how specific the comments need to be.

Mr. Ensley stated that the comments could be as simple as stating that the use cannot be expanded on or to be used as its current use.

Mr. Heeke made a motion to approve **2022-PC-13: CRAIG HINSHAW – REZONE** to Commercial General with the condition that it retain its current business operation as boat storage and repair.

Mrs. Nees seconded the motion.

A roll call vote was taken as follows: Wendell Underwood voted yes, Randy Bee voted yes, Ken Heeke yes, Jenna Nees voted yes, Jay Alcorn voted yes, Rick Woodall voted yes, David Penturf voted yes.

**2022-PC-13: CRAIG HINSHAW – REZONE to Commercial General** with the condition that it retain its current business operation as boat storage and repair will all in favor.

Mr. Underwood asked if there was any other business to discuss.

Mr. Ensley gave an update on the comprehensive plan. Mr. Ensley stated that stakeholder meetings are being held and the zoning map has been updated.

Mrs. Zeiner presented the updated map to the board.

Mr. Ensley stated that different zoning districts could still be created. Mr. Ensley explained that the map presented is what the current zoning except it is by parcel not just lines.

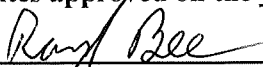
Mr. Underwood stated that this meeting would be his last meeting. Mr. Underwood expressed his appreciation for serving on the board. Mr. Underwood explained it was time to get new blood on the board and resigned his position.

There being no other business, Mr. Woodall made a motion to adjourn the meeting.

Mr. Heeke seconded the motion.

Meeting adjourned at 7:44 p.m.

Minutes approved on the 12<sup>th</sup> day of October 2022.

  
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~~Wendell Underwood, President~~  
Randy Bee, Vice President

PUTNAM COUNTY ADVISORY PLANNING COMMISSION  
AGENDA

WEDNESDAY JULY 13, 2022

6:30 P.M.

Commissioner's Meeting Room -Putnam County Courthouse  
1 W Washington Street - Greencastle, IN 46135  
(765) 301-9108

1. CALL TO ORDER

ROLL CALL DETERMINATION OF QUORUM

Wendell Underwood  Eric Hayman  Kevin Scobee  Randy Bee  Ken Heeke  
 Jenna Nees  Jay Alcorn  Rick Woodall  David Penturf  Jim Ensley, Attorney  Lisa Zeiner, Plan Director

2. REVIEW OF MINUTES – June 8, 2022

3. PUBLIC HEARINGS - Public hearing items have been advertised according to law. For items involving a piece of land, courtesy notices have been sent to some property owners. Testimony for and against each proposal will be taken and a decision by the plan Commission made. The Commission may continue an item to another date for hearing if the public is better served by such a continuance.

OLD BUSINESS:

AMENDMENT TO THE ZONING ORDINANCE: Amend the Wind and Solar Ordinance to be more in line with Senate Enrolled Act 411 that was recently passed.



❖ NEW BUSINESS:

2022-PC-12: MAURICE BUTTLER – REPLAT LOT 1 WRIGHT SUBDIVISION: a replat to create an additional building site by splitting lot 1 into two lots; Madison Township; 11 & 12/14N/5W; Zoned AG (Located at the intersection of CR 100 N & CR 400 W)

2022-CRAIG HINSHAW – REZONE: Rezone from A2 to CG to allow boat storage; Floyd Township (7383 E CR 525 N)

4. BUSINESS SESSION - In its business session, the Plan Commission meets in open session to discuss each item and make a decision. By law, a business session agenda is posted at least 48 hours prior to this meeting. This is not a public hearing. No testimony is taken unless the Plan Commission requests it. The Plan Commission may continue an item to another date for the hearing if the public is better served by such a continuance.
5. OTHER BUSINESS
6. WISHES TO BE HEARD

Information pertaining to these cases is available to the public weekdays from 8:00 a.m. to 4:00 p.m. at the Department of Planning & Building, Putnam County Courthouse 1 W Washington St, 4<sup>th</sup> Floor Room 46 Greencastle, Indiana 46135. There are times during routine application processing when files may not be immediately available. Written objections to any item on the agenda may be filed with the secretary of the Plan Commission before the hearing. At the hearing, oral comments concerning each Public Hearing proposed will be heard. The jurisdiction of the Plan Commission is all of Putnam County except the City of Greencastle, and the Towns of Bainbridge, Cloverdale, and Roachdale. For more information call (765) 301-9108.

FOR SPECIAL ACCOMODATIONS A NEEDED FOR HANDICAPPED INDIVIDUALS PLANNING TO ATTEND THIS HEARING. PLEASE CALL, THE PLANNING SECRETARY AT (765) 301-9108 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING.



PUTNAM COUNTY PLAN COMMISSION

July 13, 2022

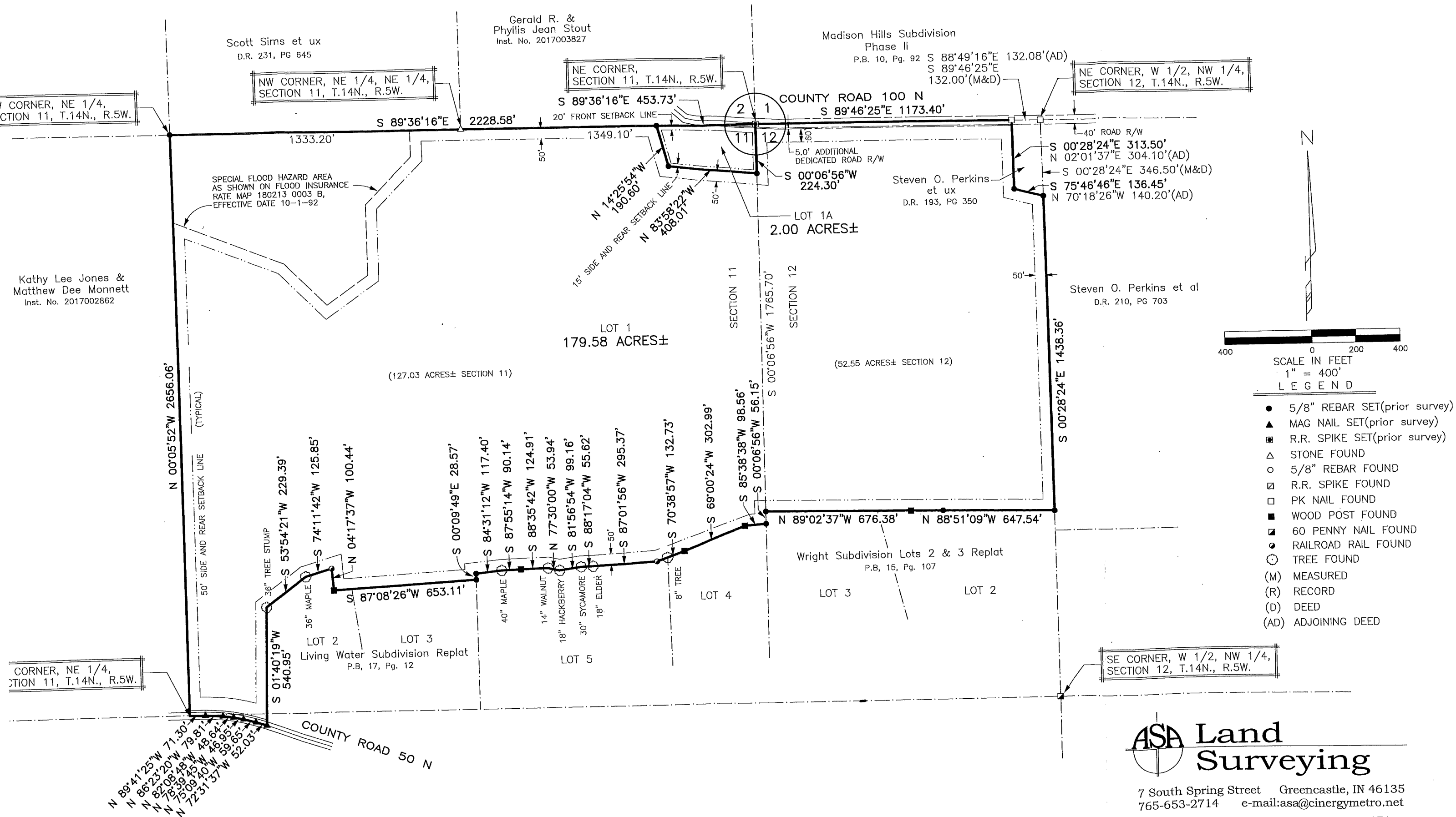
SIGN IN SHEET

PLEASE PRINT CLEARLY

NAME	ADDRESS
GREG WILLIAMS	
SHANNON ALBERS	
Corey SHERIFF	
JACK GEATRY	

# WRIGHT SUBDIVISION LOT 1 REPLAT

FINAL PLAT



N

SCALE IN FEET  
1" = 400'

LEGEND

- 5/8" REBAR SET(prior survey)
- ▲ MAG NAIL SET(prior survey)
- R.R. SPIKE SET(prior survey)
- △ STONE FOUND
- 5/8" REBAR FOUND
- ▣ R.R. SPIKE FOUND
- PK NAIL FOUND
- WOOD POST FOUND
- ▣ 60 PENNY NAIL FOUND
- RAILROAD RAIL FOUND
- TREE FOUND
- (M) MEASURED
- (R) RECORD
- (D) DEED
- (AD) ADJOINING DEED

**ASA Land Surveying**

7 South Spring Street Greencastle, IN 46135  
765-653-2714 e-mail:asa@cinergymetro.net