

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

25-W-VAC-2 PARTIAL PLAT VACATION
Bryce & Abby Emerick, Bruce & JoAnne Emerick
Vacation of Lot 1 of Emerick Estates

**MAY 21, 2025
AGENDA ITEM: 4**

SUMMARY OF PROPOSAL

Current zoning:	AG, Agricultural	<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of vacation:	5.96 acres	Combined parcel area: 1.837 acres	20+ acres
Remaining lot area:	NA	Comb. parcel width: 225'	550'±
Dedicated ROW:	NA	Comb. parcel frontage: 50'	530'±

The petitioners, owners of the subject property, are requesting vacation of 1 Lot of Emerick Estates. The property is located at 8762 S. 500 East in Section 21 of Jefferson Township. The subject property is currently improved with a residence.

Emerick Estates was platted in 2021 by Bruce Emerick, one of the petitioners, and consists of the single lot proposed to be vacated.

The petitioners now desire to work with the owner of the adjacent 35.94±-acre parcel, a family member, to combine the parcels and split them evenly. The resulting two parcels would then both exceed the 20-acre threshold for platting.

The proposed vacation and combine appears to comply with the development standards of the zoning code as shown in the above table.

UTILITY AND REVIEW COMMENTS

Comment letters received (as of date of staff report)

Electric	Health	Cable TV	Parcel Cmte.	X
Gas	Co. Engineer	Sanitary Sewer	NA	
Telephone	SWCD	Water	NA	

Being a developed lot proposed to become larger, no specific comments were received. If any utilities utilize any platted easements, they would retain the facilities.

The Parcel Committee had no comments, other than verifying that the vacation would be recorded prior to the combine being recorded.

VACATION REVIEW CRITERIA

Indiana Code §36-7-4-711, the Subdivision Control Ordinance, and the Zoning Code provide standards for plat vacations, including a requirement to make determinations regarding the criteria listed below. Staff's comments are under each criterion.

1. Conditions in the platted area have changed so as to defeat the original purpose of the plat;

As originally approved, the Emerick Estates plat was intended to create a single building site of a minimal area. Now, the petitioner desires to increase the area of the parcel in combination with their family member's adjacent acreage. To do so requires at least a replat, and because the areas involved exceed the 20-acre threshold, it can also be achieved by simply vacating the platted area to combine unplatted parcels. So, it does seem that the conditions that necessitated the original subdivision no longer will apply.

2. It is in the public interest to vacate all or part of the plat; and

Because this vacation is being done to allow the expansion of the parcel to a point beyond that required for platting, and it would not eliminate the established building site, the proposed vacation does not seem contrary to the public interest.

3. The value of that part of the land in the plat not owned by the petitioner will not be diminished by the vacation.

The entirety of the Emerick Estates subdivision is owned by the petitioner. Further, most of the adjacent property is owned by the petitioner's family member that would be combined with the vacate parcel. So the value would not be diminished.

SUGGESTED CONDITIONS

Staff suggests the following condition(s):

1. The dedicated right-of-way for 500 East will not be vacated.
2. The vacated acreage must be combined with the adjacent parcel to create a parcel totaling more than 20 acres.

Date report completed: 5/15/25

PLAN COMMISSION RECORD OF ACTION

Motion:

By:

Second by:

Approve

Approve w/conditions

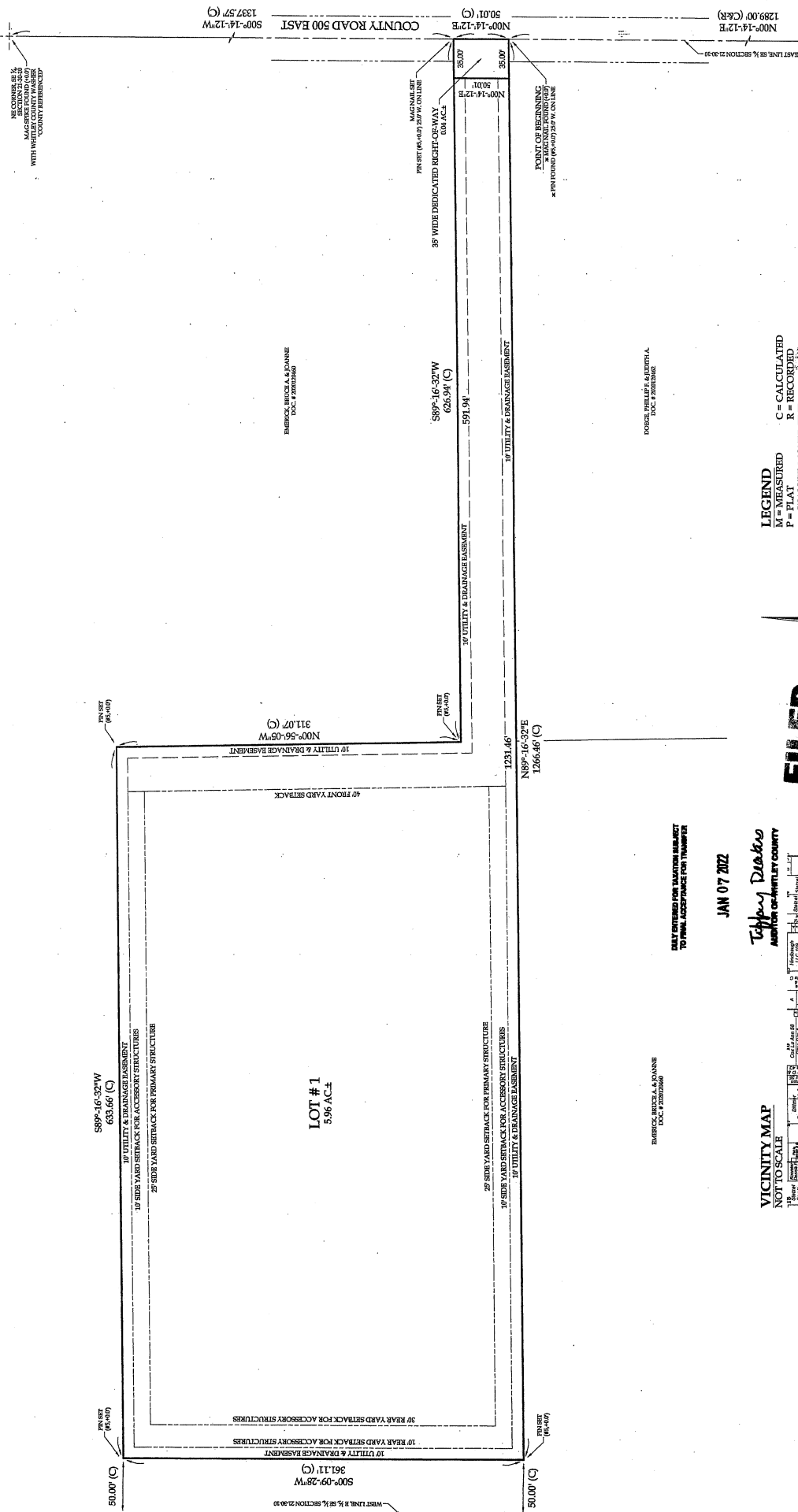
Deny

—
—
—

<i>Vote:</i>	Baker	Banks	Drew	Emerick	Green	Hodges	Johnson	Kurtz-Seslar	Wolf
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									

2022010127
ROSEMARY BROWN
WHITLEY COUNTY-REG
COLUMBIA CITY, IN
\$ 30.00 TX: 4031204
01/07/2022 10:59:09
Recorded as Received

SITUATED IN THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA



VICINITY MAP
NOT TO SCALE

Tippling Dealers

IAN 07 2022

FILE

24-00000

Tippony Dealers
AMERICAN ARTISTS AND MOUNTAIN

LEGEND
M = MEASUREMENT
P = PLANT
X = WALKER

C = CALCULATED
R = RECORDED
ENT

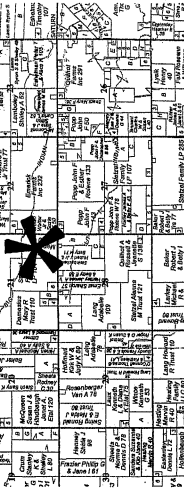
FIELD WORK COMPLETED ON 9-14-2021

BASIS OF BEARINGS

The basis of bearings for this drawing is GPS bearings. Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.

AREA NOTES

The Plat of Emerick Estates contains 6.00 acres.
Lot Number 1 contains 5.96 acres.
There is 0.04 acre of Dedicated Right-of-Way.

WALKER & ASSOCIATES
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RS-120C-09-14-21

Books, Thomas J

More
Family Real
Estate, Llc

Damasius, Mary Rebecca,
Trustee Of The Mary
Rebecca Damasius Trust

Lee,
David A &
Cheryl S

Snouffer,
Steven E
& Diane M

Lee, David A
& Cheryl S

Vanderpool,
Matthew E

Beber, Pete
& Allison

Smart, Bernard
J & Laura L

Hartley,
James A

Smart,
Bernard J
& Laura L

Cooper, Larry
T & Rebecca S

Hartley,
James A

Steinbacher,
Josef R &
Deborah K

Stetzel
Family Limited
Partnership

More Family
Real Estate Llc

Emerick
Bryce
& Abby

Emerick Bruce A &
Joanne Mansfield,
David & Cari

Doege, Phillip
F & Doege,
Judith A

Hill, Kylene
G & Darcy L

Jackson, Rae
A & Stephen S

Vanover,
Amanda R

Steinbacher,
Josef R &
Deborah K

B & B Farms
Of Whitley
County, In, Llc

Frazier,
Garry F &
Margaret L

Young,
Kenneth A

Popp, John F

Popp, John F &
Esther Rolene

Burgess,
Zachary

Emerick
Farms, Inc

Brown, Walter Jr
& Brown, Suzie K

Rodenbeck,
Kirk M &
Margaret A

Hartan,
Barry T
& Traci

Labenz,
Dakota E &
Brooke D

Stetzel,
Noah Daniel &
Allissa Marie

Bradbury,
Daniel R

Hamilton,
Richie &
Theresa L

Schwartz, Erin &
Ernewein, Bruce

Stetzel, Noah D

Rodenbeck, Kirk
M & Margaret A

Holley, Paul A
& Elizabeth S