

**WHITLEY COUNTY ADVISORY PLAN COMMISSION  
STAFF REPORT**

**23-W-SUBD-1    PRIMARY REPLAT APPROVAL**  
Scott A. & Jessica M. Smith  
Scott and Jessica Smith Subdivision  
2015 N. State Road 9

**FEBRUARY 15, 2023  
AGENDA ITEM:    1**

**SUMMARY OF PROPOSAL**

Current Zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	2.42 acres	Lot size:	1.837 acre	2.42 acre
Number of lots:	1 lot	Lot width:	225'	275'±
Dedicated ROW:	0 acre	Lot frontage:	50'	275'±

The petitioner, owners of the subject property, is requesting preliminary plat approval for a one lot subdivision/replat of "Smith Kids" subdivision to be named "Scott and Jessica Smith Subdivision." The proposed replat is located on the west side of State Road 9, approximately 0.5 mile north of 150 East, primarily located in Section 27 of Thorncreek Township. The property is currently improved with a house and detached garage.

The proposed replat would include the original one-lot Smith Kids subdivision, combined with an additional 50' wide property to its north. This 50' section of land was originally the frontage needed for the parcel to the west of subject property, which is now proposed to be combined with another property with frontage. So, the 50' strip is no longer needed for that parcel's required frontage and may be combined as proposed.

The proposed plat 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	X	Health	X	Cable TV		Parcel Cmte.	X
Gas		Co. Highway		Sanitary Sewer	NA		
Telephone		SWCD	X	Water	NA		

Being a reconfiguration of an existing platted lot, there were few substantive comments received. The Parcel Committee did suggest shortening or abbreviating the proposed subdivision name for indexing convenience, but it was also noted that the name did not exceed the maximum number of characters.

The Committee also noted that since the platted lot would be located in Sections 27 and 34 of Thorncreek Township, the lot would be comprised of two tax parcels. This is no change from the existing situation.

A 40' wide right-of-way for the state road was previously dedicated. 10' drainage and/or utility easements are shown on the perimeter of the lot.

**WAIVER REQUESTS**

There are no waiver requests.

**REVIEW CRITERIA**

Subdivision primary plats are reviewed for compliance with the standards of Subdivision Control Ordinance and the Zoning Code. Staff finds that the proposed primary plat appears consistent with the standards, with the following condition(s):

1. Consider shortening the proposed subdivision name.

2. The "Larry J. Alles" parent parcel must be combined with an adjacent parcel to retain the required 50' of road frontage.
3. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 2/8/23

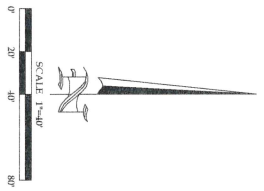
**PLAN COMMISSION RECORD OF ACTION**

Motion: \_\_\_\_\_ By: \_\_\_\_\_ Second by: \_\_\_\_\_  
 Approve \_\_\_\_\_  
 Approve w/conditions \_\_\_\_\_  
 Deny \_\_\_\_\_

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

# SCOTT AND JESSICA SMITH SUBDIVISION (PRELIMINARY)

BEING A REPLAT OF LOT NUMBER 1 IN SMITH KIDS, TOGETHER WITH PART OF THE NORTHEAST QUARTER OF SECTION 34, ALSO TOGETHER WITH PART OF THE SOUTHEAST QUARTER OF SECTION 27, ALL BEING IN TOWNSHIP 32 NORTH, RANGE 9 EAST, WHITLEY COUNTY, INDIANA



**LEGEND**  
M = MEASURED  
P = PLAT  
R = RECORDED  
W = WALKER MONUMENT

FIELD WORK COMPLETED ON 1-6-2023

## PROPERTY ADDRESS

2015 N S R D 9

Columbia City, IN 46725

## BASIS OF BEARINGS

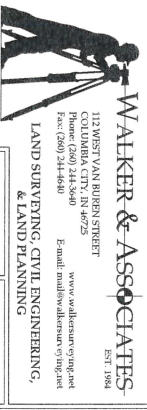
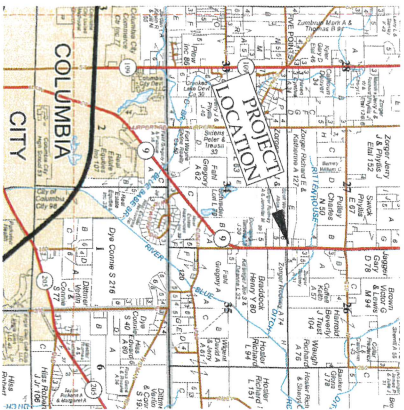
The basis of bearings for this drawing is a deed bearing of 239°52'00" E, 225.00' (C&R) for the Northeast Quarter of Section 27, Township 32 North, Range 9 East, Whitley County, Indiana. Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey.

## AREA NOTES

The Plat of Scott and Jessica Smith subdivision contains 2.42 acres. There are 2.00 acres in the Plat of Smith Kids. There are 2.24 acres in the Southeast Quarter of Section 27, Township 32 North, Range 9 East, Whitley County, Indiana. There are 0.18 acres in the Northeast Quarter of Section 34, Township 32 North, Range 9 East, Whitley County, Indiana.

## VICINITY MAP

NOT TO SCALE



**WALKER & ASSOCIATES, INC.**  
EST. 1984

112 WEST VAN RUSEN STREET

COLUMBIA CITY, IN 46725

Phone: (219) 341-4680

www.walkerandassociates.com

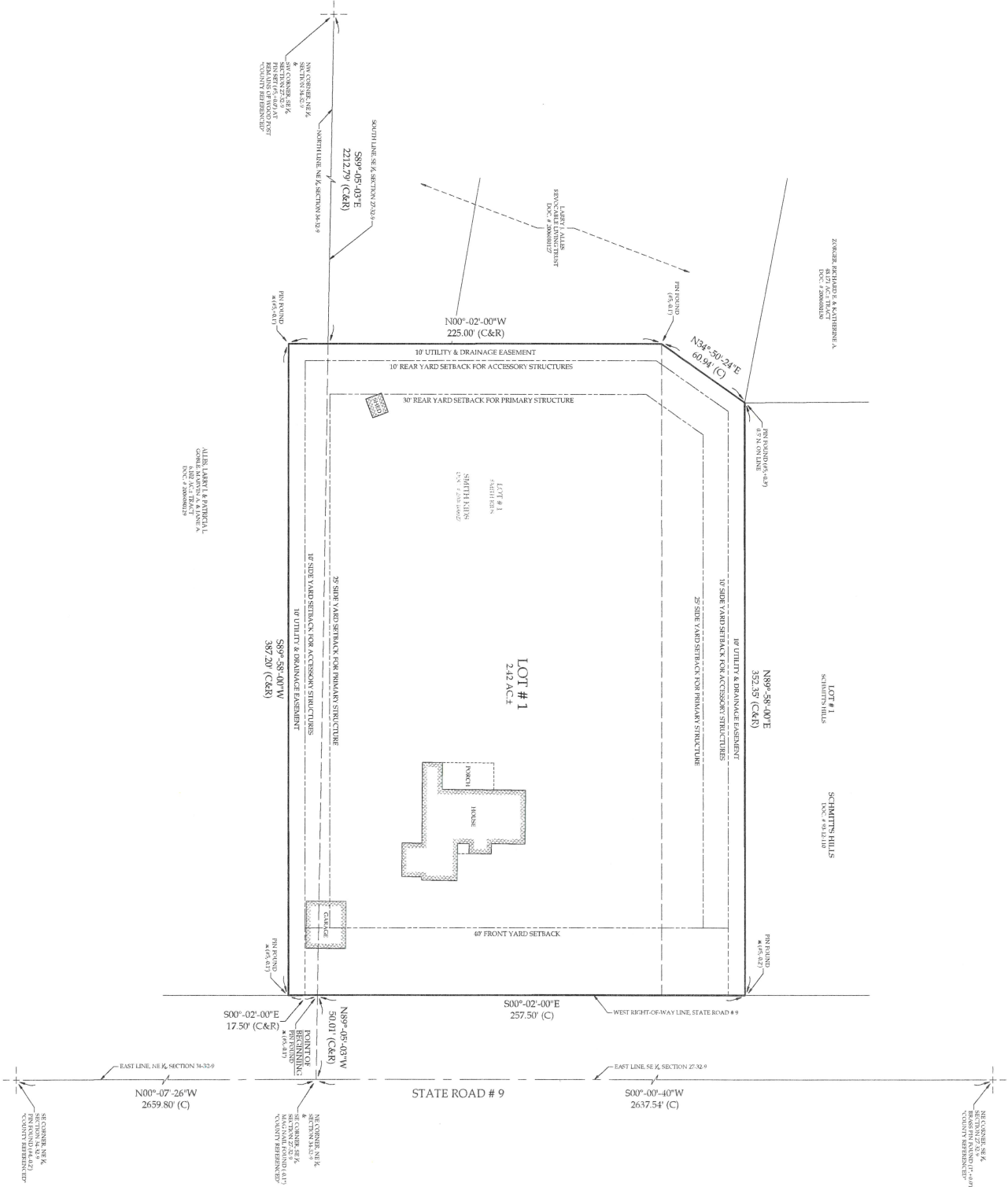
Email: info@walkerandassociates.com

Fax: (219) 341-4680

LAND SURVEYING, CIVIL ENGINEERING,  
& LAND PLANNING

PAGE 1 OF 2

RQ-170-01-06-23

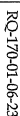


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Lot Number 1 in the Plat of Smith Kilds as recorded in Document Number 2006010007 in the records of Whitley County, Indiana, together with part of the Northeast Quarter of Section 34, also together with part of the Southeast Quarter of Section 27, all being in Township 32 North, Range 6 East, Whitley County, Indiana (This description prepared by Kevin R. Malen, LS90870006, as part of original survey Plat of Scott and Jessor Smith subdivision completed by J.K. Walker and Associates, P.C., dated January 17, 2023), all together being more particularly described as follows, to wit:

**FLOOD HAZARD STATEMENT**  
The accuracy of any flood hazard data shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. The surveyed tract appears to be situated in Zone "v", which is not in a flood plain, as said land plots fly scale on Map Number 18188C0155C of the Insurance Rate Maps for Whitley County, Indiana, dated May 4, 2015.

This is an original secondary survey of Lot Number 1 in the plat of Smith Kids, together with part of the Northeast Quarter of Section 34, also together with part of the Southwest Quarter of Section 27, all being in Township 32 North Range 9 East, Whitley County, Indiana, located at 2015 N State Road Number 9, Columbia City, Indiana. The surveyed tract is a combination of Two (2) tracts of land as recorded in Document Number 2006100071 and Document Number \_\_\_\_\_ in the records of Whitley County, Indiana. The surveyed tract was created as \_\_\_\_\_ by a representative of the owner:



www.walkersurveying.net  
E-mail: mail@walkersurveying.net

Columbia City IN 46725

In accordance with the Title 865 IAC 1-12 "Rule 12" of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties of the location of the lines and corners established on this survey as a result of:

(B) Occupation or possession lines.  
None were observed.

(D) The relative positional accuracy of the measurements

## NOTES

3. Origin of monuments unknown unless noted on survey.

Reference survey(s) by J.K. Walker & Associates, P.C., dated 11-05-86, 12-16-91, 06-02-93, 05-11-94, 10-01-98  
09-23-04 10-19-04 07-11-16 07-13-06 (2) 11-27-06 03-02-07 09-18-08 02-10-14 04-07-20 12-08-22 01-13-23

Primary approval granted on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Whitley County Advisory Planning Commission.

Troy Joe Wolf, Plan Commission Secretary

Approved and accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Board of Commissioners of the County of \_\_\_\_\_, State of Indiana.

Theresa Baysinger

**PLAN COMMISSION STAFF CERTIFICATION OF APPROVAL**  
Secondary approval granted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the Staff of the Whitley County Advisory Plan Commission.

**REDACTION STATEMENT**  
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. - Kevin Mischel

in accordance with true and established boundaries of said Survey, and that this Survey and accompanying report has been completed in accordance with Title 868-LAC 1-12 and all other amendments thereto.

I hereby certify that to the best of my knowledge the above Plat and Survey are correct.

  
Kevin R. Michel, Professional Surveyor



We the undersigned, Scott A. Smith and Jessica M. Smith, owners of the real estate shown and described herein by virtue of certain deeds recorded as Document Number 2006100071 and Document Number \_\_\_\_\_, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with this plat.

A perpetual easement is hereby granted to any private or public utility or municipal department, their successors and assigns, within the area shown on the plat and marked "Utility Easement," to install, lay, construct, renew, operate, maintain and/or remove conduits, cables, pipes, poles and wires, overhead and underground, with all necessary bracing, guys, anchors and other equipment for the purpose of serving the subdivision or adjoining property with telecommunication, electric, gas, sewer, and water service as a part of the respective utility system, and the right is hereby granted to enter upon the lots at all times for all the purposes aforesaid.

The owners of a Registered Drain Easement Right-of-way runs may use the land in any manner consistent with Indiana Code 36-36-2 and the proper operation of the drain. Permanent structures may, on any right-of-way without the written consent of the Whitley County Drainage Board, be placed upon or over the right-of-way without the written consent of the Board, but shall be removed immediately if the owner wishes to exercise any right-of-way for any other purpose. Any structures placed on or over the drain, in the location or in the vicinity of the drain, may be damaged without liability on the part of the surveyor, the Board, or their representatives. Trees, shrubs, and woody vegetation may not be planted in the right-of-way without the written consent of the Board, and trees and shrubs may not be planted in the right-of-way without the written consent of the Board, and trees and shrubs may be removed if necessary, to ensure the proper operation or maintenance of the drain.

Areas designated to the public as "Drainage Easement" are hereby reserved to the County, or subsequent governmental authority, for the purpose of constructing, maintaining, operating, removing and replacing drainage control facilities, be it surface or subsurface, for the purpose of controlling, diverting, removing, storing, filtering, or otherwise disposing of water, or for the purpose of controlling, diverting, removing, storing, filtering, or otherwise materials shall be placed in the Drainage Easement so as to impede the flow of storm water. Drainage Easements shall not be disturbed in a manner as to interfere with the flow of storm water and all grades shall be maintained as constructed. Responsibility for the maintenance of Drainage Easement stormwater facilities, including but not limited to, drainage control facilities, shall remain with the owner or owners of property within the plat, and moving of common stormwater diversion areas, shall remain with any successive owner and such responsibility shall pass to any successive owner.

The removal of any obstructions located in any Utility Easement or Drainage Easement by an authorized person or persons performing maintenance or other work authorized herein shall in no way obligate the person in damages or to restore the obstruction to its original form.

No owner of any Lot or other parcel within this Plat shall at any time demonstrate against or attempt to cause the cessation of any farming operation, whether now existing or existing in the near future which interferes with the residential uses of the Lot or tract owned by the person, or the tract owned by the person or persons owning said Lot or tract, within this Plat, and that activities on such agricultural uses exist adjacent to or near this Plat, and that activities on such agricultural uses may result in normal farm interference such as noise, odor, dust, agricultural implement traffic, unusual hours, and other normal agricultural uses.

In addition to the Eas, Rights-of-way, Easements, and Building Lines dedicated on the face of this plat, the property is also subject to additional "Protective Covenants and Restrictions" that may be recorded together with this plat.

The foregoing covenants, or restrictions, are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2049, at which time said covenants, or restrictions, shall be automatically removed for successive periods of ten years unless amended through the Plan Commission. Invalidation of any one of the foregoing covenants, or restrictions, by judgment or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected, or maintained in violation hereof, is hereby dedicated to the public, and reserved to the owners of the lots in this subdivision and to their heirs and assigns.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Jessica M. Smith

State of Indiana )  
County of Whitley )

Before me, the undersigned Notary Public in and for said County and State, personally appeared Scott A. Smith and Jessica M. Smith, and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Notary Public

### My Commission Expires



Pulley,  
Charles N

Hinen, Todd M

Emrick,  
Gregory A  
& Laura A

State Of  
Indiana

Simmons, Jeanne,  
Sheets, Karen S  
& Craig, Diane L

Rice, Brian  
J & Lori R

Coffelt,  
Keith A

Zorger, Richard  
E & Katherine A

Harlan,  
Michael D &  
Diane K

Taylor, Kevin  
M & Jennifer L

State Of Indiana  
Department Of  
Transportation

Lickey, Brian  
E & Krista K

Zorger,  
Rodney A

Alles,  
Larry J

Smith, Scott  
A & Jessica M  
Smith, Scott  
A & Jessica M

NSR-9

Alles, Jacob John  
& Michelle Renee

Alles, Jacob John  
& Michelle Renee

Alles, Larry J &  
Patricia L & Goble,  
Marvin A & Jane A

Wise, Stephen  
Matthew & Wneistine,  
Mercedes J

Zorger,  
Rodney A

Krider, Brian  
D & Heidi J

Scott, Wayne  
H & Alicia C

Zorger, Rodney A  
& Jennifer Marie

King, Kristopher  
K & Brenna Lynn

Braddock, James  
D & Braddock,  
Dennis R