

WHITLEY COUNTY ADVISORY PLAN COMMISSION

STAFF REPORT

18-W-VAC-1 VACATION AND PRIMARY PLAT APPROVAL

AUGUST 15, 2018

18-W-SUBD-11 Thomas and Laurell Schroeder
Vacation of part of Lot 4, Pfeiffer's Addition
Primary Plat approval of Schroeder's Addition (replat of part of Lot 4 and
3 of Pfeiffer's Addition)

AGENDA ITEM: 2,3

SUMMARY OF PROPOSAL

This proposal consists of two public hearings: one for a partial plat vacation of part of Lot 4 of Pfeiffer's Addition to Tri-Lakes Resort, and the second for a replat of Lot 3 and the remainder of Lot 4 into a one-lot subdivision to be called Schroeder's Addition. The vacated part of Lot 4 would then be combined with the adjacent metes and bounds parcel to the west by way of a deed combination. The net result would be one unplatted parcel at 2450 E. Shirley Ave, and one platted lot at 2466 E. Shirley Ave.

Because this is one project, this staff report covers both the vacation and the replat (which itself inherently includes a vacation and new subdivision plat).

Vacation request

The petitioner is seeking to vacate the west half of Lot 4 from the plat of Pfeiffer's Addition. Doing so would allow them to combine the parcel with the adjacent parcel they already own. As it is, platted and unplatted parcels cannot be combined for tax purposes. Because it is a split to an adjacent property, the split itself is exempt from platting requirements if it does not create a buildable lot, but the vacation is necessary to remove the area from the plat.

Being that both the vacated and remainder parts of Lot 4 are to be incorporated into the adjacent properties, and a non-compliant Lot of Record is removed, staff finds that the vacation request is consistent with the requirements of the SCO and Zoning Code.

Subdivision (replat)

Current zoning:	LR, Lake Res.		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	7,400± sq. ft.	Lot size:	10,000 sq. ft.	7,400± sq. ft. *
Number of lots:	1 lot	Lot width:	70'	50' *
Dedicated ROW:	NA	Lot frontage:	50'	50'

This replat would combine Lot 3 of Pfeiffer's Addition with the remaining platted part of Lot 4. A dwelling previously occupying the site was removed earlier this year. Proposed is a 7,400± sq. ft. lot. No additional right-of-way is to be dedicated for the county road.

While 7,400 sq. ft. area and 50' lot width are not compliant with the standards, the proposed plat would reduce the existing nonconformity that could be otherwise continued if replatting did not occur. Therefore, the lot created may be considered a revised Lot of Record.

Comment letters received (as of date of staff report)

Electric		Health		Cable TV	
Gas	X	Co. Highway		Sanitary Sewer	
Telephone		SWCD	X	Water	NA

At the time of this writing, the comment letters received have generally stated that the proposed plat is adequate. The County Engineer and Health Dept. stated informally that they had no comments.

Separate restrictive covenants have not been submitted at this time.

WAIVER REQUESTS

There are no waiver requests.

REVIEW CRITERIA

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

1. The vacated part of Lot 4 shall be combined with adjacent parcel #92-03-11-000-115.000-011 after the required 30-day appeal period of the vacation.
2. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 8/9/18

PLAN COMMISSION ACTION

Motion:

By:

Second by:

<i>Vote:</i>	Hodges	Deckard	Johnson	Mynhier	Western	Wolf	Wolfe	Woodmansee	Wright
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									