

WHITLEY COUNTY ADVISORY PLAN COMMISSION

STAFF REPORT

20-W-SUBD-11 PRIMARY (RE)PLAT APPROVAL

JULY 15, 2020

Steven & Linda Tincher

AGENDA ITEM: 3

Tincher Resort Amended, 10534 S Raber Rd, 2,400' north of SR 114

SUMMARY OF PROPOSAL

Current zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	10.00 acres*	Lot size:	1.837 acre	1.84± acre
Number of lots:	2 lots	Lot width:	225'	225'
Dedicated ROW:	0.30± acre*	Lot frontage:	50'	215'

** ROW was previously dedicated, so the current plat acreage is 9.70 acres; apparent rededication of the ROW should not pose a problem*

The petitioner, owner of the property, is requesting a replat approval for Tincher Resort Amended, a proposed two-lot subdivision located on the west side of Raber Road, about 2,400' north of State Road 114 (house address of 10534 S. Raber Rd-92). The proposed lots require platting because of previous splits from the parent tract. This property was previously platted in 2018 as Tincher Resort; the petitioner proposes now to reconfigure the lots to place the large shed on Lot 1. Doing so requires a replat. These are the two lots being created from the 2018 parent tract allowed under AG, so any replat to create additional lots will warrant rezoning out of AG.

Proposed are a 7.86-acre Lot 1, 1.84-acre Lot 2, and previously dedicated right-of-way for the county road (0.30 acre). The property is improved with an existing residence, outbuildings, and a pond.

The proposed plat appears to comply with the development standards of the zoning code. Some of the existing buildings do encroach into the required setbacks, but this would be legal nonconforming due to their age. Similarly, the plat proposes to split the existing pond, which would create encroachments into the required pond setbacks.

Comment letters received (as of date of staff report)

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

A 30' wide right-of-way for Raber Road was previously dedicated. 10' drainage and utility easements are shown on the perimeter of the lots.

At the time of this writing, the comment letters received have generally stated that the proposed plat is adequate. NIPSCO stated that it does not have facilities nearby and would require approximately 3,000' of gas main to be installed if the site requires gas.

The Parcel Committee reviewed the plat and had no additional comments.

Separate restrictive covenants were recorded with the original plat of Tincher Resort, and are comparable to other covenants for small plats, with a clarification added that modular homes would be permitted. If desired, these covenants should be recorded with the new plat for clarity.

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. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 7/9/20, MC; reviewed 7/9, NB.

PLAN COMMISSION ACTION

Motion:

By:

Second by:

<i>Vote:</i>	Hodges	Johnson	Mynhier	Western	J. Wolf	B. Wolfe	Woodmansee	Wright	<i>Vacant</i>
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									

SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 30 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA



TINCHER RESORT AMENDED (PRELIMINARY)

SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 30 NORTH, RANGE 10 EAST, WHITLEY COUNTY, INDIANA

DESCRIPTION

Lots Numbered 1 and 2 in Tinchter Resort recorded in Document Number 2018040307 in the records of Whitley County, Indiana.

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 "X", which is not in a flood plain, as said land plots by scale on Map Number 18189C0279C of the Flood Insurance Rate Maps for Whitley County, Indiana, dated May 4, 2015.

THEORY OF LOCATION

This is a retracement boundary survey of Lots Numbered 1 and 2 in Tinchter Resort, located at 10534 S Raber Road-92, an 10536 S Raber Road-92, Roanoke, Indiana, recorded in Document Number 2018060460 and Document Number 2018100264 in the records of Whitley County, Indiana.

Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey. The Northeast corner of said Southeast Quarter is county referenced. An iron pin was found at this corner and was held this survey.

The Southeast corner of said Southeast Quarter is county referenced. A Harrison marker was found at this corner and was held this survey.

The Northwest corner of said Southeast Quarter is not county referenced. A steel fence post was found at the position of the Northwest corner of said Southeast Quarter. It was apparent that the steel fence post had been accepted for a substantial number of years and was the best available evidence in perpetuating the corner location. Said steel fence post was held this survey.

The Southeast corner of the surveyed tract was established on the East line of said Southeast Quarter, a decided distance of 440.00 feet (20-2/3 rods) South of the Northeast corner of said Southeast Quarter. A Mag nail was set at this corner.

The Northwest corner of the surveyed tract was established on the North line of said Southeast Quarter, a decided distance of 990.00 feet (60 rods) West of the Northeast corner of said Southeast Quarter. A 5/8-inch iron pin capped "Walker" was set at this corner.

The Southwest corner of the surveyed tract was established using decided distances. A tree stump is located at this corner.

See survey for other monuments found near the surveyed tract.

See survey for monuments found that are referenced.

SURVEYOR'S REPORT

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:

(A) Availability and condition of referenced monuments.
See comments above concerning monuments set or found and held this survey. The monuments found are in good condition unless otherwise noted. Certain monuments are referenced as shown.

(B) Occupation or possession lines.
Fences exist as shown on this survey.
Fence exists as shown on this survey.

(C) Clarity or ambiguity of the record description used and of adjoining descriptions and the relationship of the lines of the subject tract with adjoining lines.

None

(D) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

(E) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

(F) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

(G) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

(H) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

(I) The relative positional accuracy of the measurements.

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(J) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

(K) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

(L) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

(M) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

(N) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

(O) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

(P) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

(Q) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

(R) The relative positional accuracy of the measurements.

The Relative Positional Accuracy (due to random errors in measurements) of the corners of the subject tract established by this survey is within the specifications for Suburban surveys: 0.13 feet (40 millimeters) plus 100 parts per million as defined by IAC 865.

(S) The relative positional accuracy of the measurements.

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(T) The relative positional accuracy of the measurements.

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(U) The relative positional accuracy of the measurements.

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(V) The relative positional accuracy of the measurements.

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(W) The relative positional accuracy of the measurements.

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(X) The relative positional accuracy of the measurements.

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(Y) The relative positional accuracy of the measurements.

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(Z) The relative positional accuracy of the measurements.

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PLAN COMMISSION CERTIFICATION OF APPROVAL

Primary approval granted on this _____ day of _____, 20____ by the Whitley County Advisory Plan Commission.

Douglas Wright, Plan Commission President

John Johnson, Plan Commission Secretary

COUNTY COMMISSIONERS CERTIFICATION OF APPROVAL AND ACCEPTANCE

Accepted and accepted this _____ day of _____, 20____ by the Board of Commissioners of the County of Whitley, State of Indiana.

George Schumpf

Don Amber

Thomas Western

PLAN COMMISSION STAFF CERTIFICATION OF APPROVAL

Secondary approval granted this _____ day of _____, 20____ by the Staff of the Whitley County Advisory Plan Commission.

Nathan Bilger, Executive Director

DEVELOPER

Steven R. Tinchter

Linda Sue Tinchter

10534 S Raber Road-92

Roanoke IN 46783

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 Michel

SURVEYOR'S CERTIFICATION

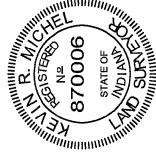
I, the undersigned Registered Land Surveyor licensed in compliance with the laws of the state of Indiana, hereby certify that I am duly qualified to perform the duties of a land surveyor, and that I have personally supervised the making of the survey shown on the plat hereto attached, and that all the monuments shown thereon actually exist, that the lines and streets shown in the Plat have been established in accordance with true and established boundaries of said survey, and that this Survey and accompanying report has been completed in accordance with Title 865-IAC 1-12 and all other amendments thereto.

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

Prepared by:

Kevin Michel

Kevin R. Michel, Professional Surveyor



DEED OF DEDICATION

We the undersigned, Steven R. Tinchter and Linda Sue Tinchter, owners of the real estate shown and described herein by virtue of a certain deed recorded as Document Number 2018060460 and Document Number 2018100264, 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.

This subdivision shall be known and designated as "TINCHER RESORT AMENDED", a subdivision in Whitley County, Indiana. All rights-of-way of public roads, streets, and alleys shown and not heretofore dedicated, are hereby dedicated to the public. Front yard building setback lines are hereby established as shown on this plat, and the plat is subject to the provisions of the Indiana Plat Act, Indiana Code, Title 36, Chapter 4, and to the building or structure, except as in conformance with the requirements of the Whitley County Zoning Ordinance.

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 remove conduits, cables, pipes, poles and wires, overhead and underground, with all necessary trusses, 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 systems, and the right is hereby granted to enter upon the lots at all times for all of the purposes aforesaid.

The owners of land over which a Regulated Drain Easement right-of-way runs may use the land in any manner consistent with Indiana Code 36-9-27 and the proper operation of the drain. Permanent structures may not be placed on any right-of-way without the written consent of the Whitley County Drainage Board. Temporary structures may be placed upon or over the right-of-way without the written consent of the Board, but shall be removed immediately by the owner when so ordered by the Board or by the County Surveyor. Crops grown on a right-of-way are at the risk of the owner, and if necessary, in the reconstruction or maintenance 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 be removed by the surveyor, if necessary, to ensure the proper operation or maintenance of the drain.

Areas designated on the plat as "Drainage Easement" are hereby reserved to the County or subsequent owners of the land over which the drainage easement runs, and shall be subject to the provisions of the drainage easement, including the right of the County Engineer, or comparable agent of a subsequent governmental authority, to install, lay, construct, renew, operate, maintain and remove conduits, cables, pipes, poles and wires, overhead and underground, with all necessary trusses, 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 systems, and the right is hereby granted to enter upon the lots at all times for all of the purposes aforesaid.

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 dilute the person in damages or to restore the obstruction to its original form.

No owner of any Lot or any other parcel within this Plat shall at any time remonstrate 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 use of the Lot or tract owned by the person or the tract owned by the person or persons remonstrating. Any person accepting title to a Lot or tract within this Plat, acknowledges that general agricultural areas exist adjacent to or near this Plat, and that activities on such agricultural areas 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 Lots, 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, 2046, at which time said covenants, or restrictions, shall be automatically renewed 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____.

Steven R. Tinchter

Linda Sue Tinchter (Linda Thomson)

State of Indiana }

County of Whitley }

Before me, the undersigned Notary Public in and for said County and State, personally appeared Steven R. Tinchter and Linda Sue Tinchter, and each separately, and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed. _____, 20____.

Witness my hand and notarial seal this _____ day of _____, 20____.

Notary Public

My Commission Expires

WALKER & ASSOCIATES

EST. 1984

112 WEST VAN BUREN STREET

COLUMBIA CITY, IN 46725

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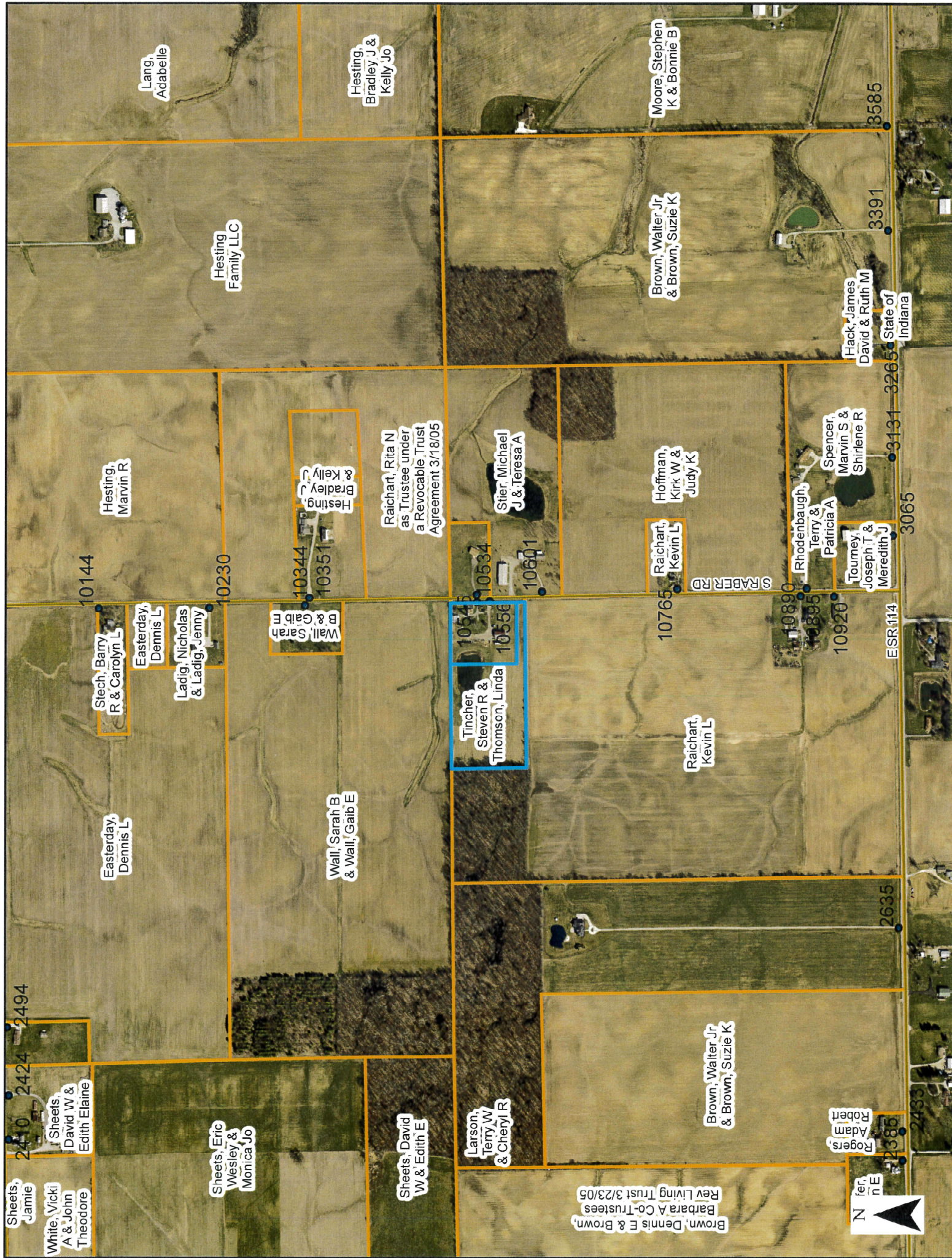
www.walkerandassociates.net

Email: info@walkerandassociates.net

LAND SURVEYING, CIVIL ENGINEERING, & LAND PLANNING

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Sheets, Jamie
White, Vicki
A & John
Theodore

2410 2424 2494

Sheets, Eric
Wesley &
Monica Jo

Easterday,
Dennis L

Stech, Barry
R & Carolyn L

10144

Hesting,
Marvin R

Sheets, David
W & Edith E

Wall, Sarah B
& Wall, Gaib E

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Family LLC

Lang,
Adabelle

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W & Edith E

Wall, Sarah B
& Wall, Gaib E

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Adabelle

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W & Edith E

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& Wall, Gaib E

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