

**WHITLEY COUNTY ADVISORY PLAN COMMISSION  
STAFF REPORT**

**20-W-SUBD-12 PRIMARY (RE)PLAT APPROVAL**

Kim & Diana Hare  
Schuman Woods Amended

**AUGUST 19, 2020**

**AGENDA ITEM: 2**

**SUMMARY OF PROPOSAL**

Current Zoning:	AG, Agricultural		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	3.30 acres	Lot size:	80,000 sq. ft.	3.10± acres
Number of lots:	1 lot	Lot width:	225'	302'±
Dedicated ROW:	0.20 acre	Lot frontage:	50'	289.39'

The petitioner, owner of the subject property, is requesting a replat approval for Schuman Woods Amended, a proposed one-lot subdivision located on the north side of W. Schuman Road, approximately ½ mile west of W. Lincolnway (house address of 2850 W. Schuman Rd) in Section 36 of Richland Township. The property was previously platted in 2008 as Schuman Woods; the petitioner proposes now to reconfigure the lot to place an accessory structure to the southeast of the existing residence. Petitioner is in the process of acquiring the additional acreage from the adjacent property owner. As this is a not a new platted lot being created, there is no change in the number of platted lots permissible before rezoning.

The property is improved with an existing residence. There is a legal drain that runs the length of the western boundary of the subject property. The Department of Natural Resources has identified approximate floodway and floodplain along this drain. Both of these are noted.

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

*Comment letters received (as of date of staff report)*

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

A 30' wide right-of-way for the county road would be dedicated. The above referenced legal drain easement is shown on the plat. Per standard practice, approximate floodway and floodplain are not depicted on the plat.

10' drainage and/or utility easements are shown on the northeast and southeast parcel lines. Setbacks for primary and accessory are shown on the northeast and southeast parcel lines; setbacks for all structures are shown on the southwest parcel line along W. Schuman Road. At the time of this writing, the comment letters received have stated that the proposed plat is generally adequate. The County Engineer stated that any permanent structure that would encroach on the legal drain easement would need approval of the Whitley County Drainage Board.

The Parcel Committee stated that the acreage being added to the existing lot would need review at the time it is split from the parent tract and the document number of said split will need to be added to the plat.

Separate restrictive covenants were recorded with the original plat in 2008. As they apply to the underlying property, these covenants do not necessarily need to be recorded with the amended plat, but doing so would clarify their applicability.

**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. The acreage being added to the existing lot is subject to further review of Parcel Committee.
2. The name and document number of the acreage being added to the existing lot must be added to the plat.
3. Secondary plat approval delegated to the Plan Commission Staff.

Date report completed: 8/13/20, MC. Reviewed 8/13/20, NB.

### **PLAN COMMISSION ACTION**

Motion:

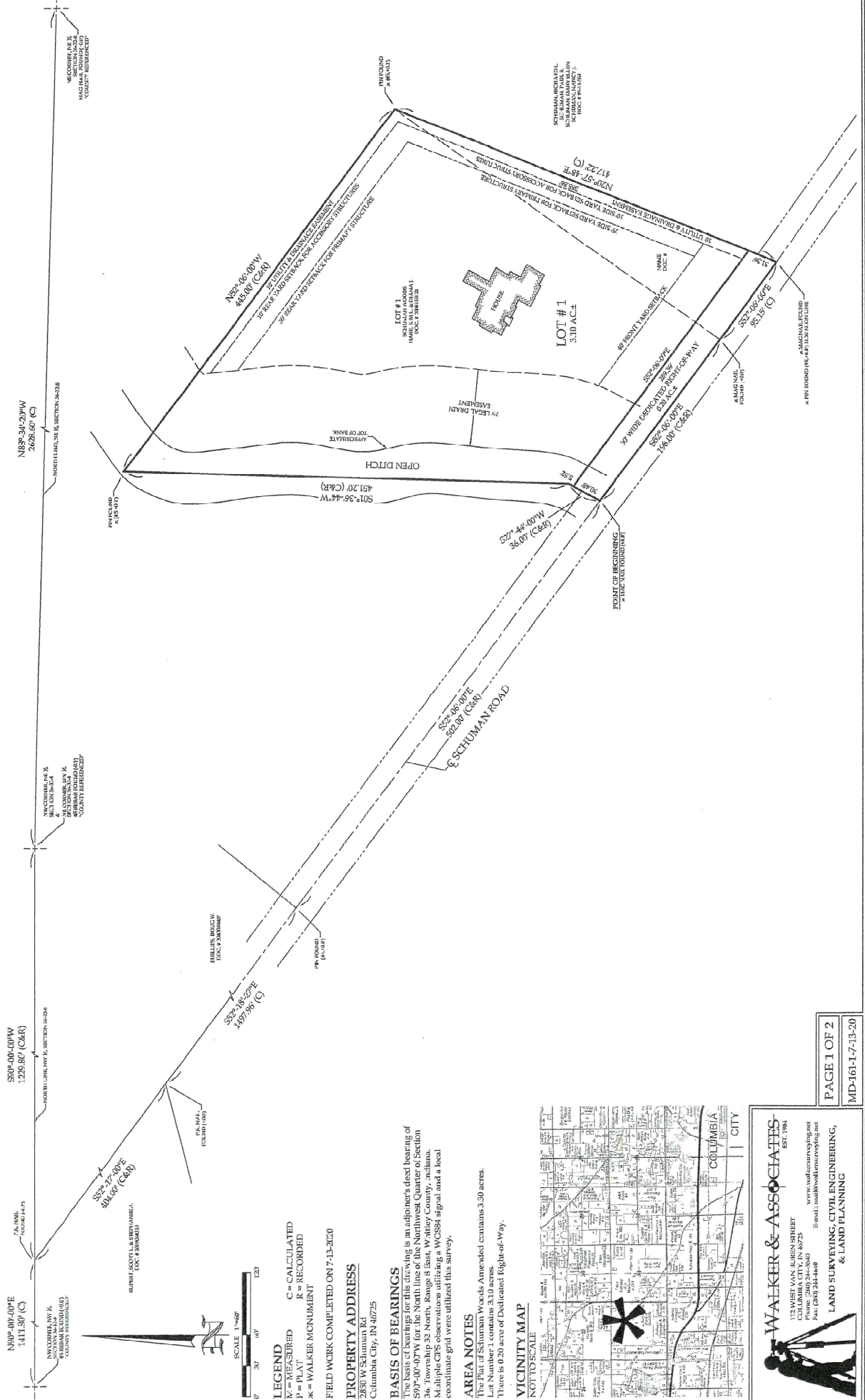
By:

Second by:

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

# SCHUMAN WOODS AMENDED (PRELIMINARY)

SITUATED IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 32 NORTH, RANGE 8 EAST, WHITLEY COUNTY, INDIANA



**LEGEND**  
 M = MEASURED  
 C = CALCULATED  
 P = PLAT  
 R = RECORDED  
 \* = WALKER MONUMENT  
 FIELD WORK COMPLETED ON 7-13-2020

**PROPERTY ADDRESS**  
 2850 W Schuman Rd  
 Columbia City, IN 46725

## BASIS OF BEARINGS

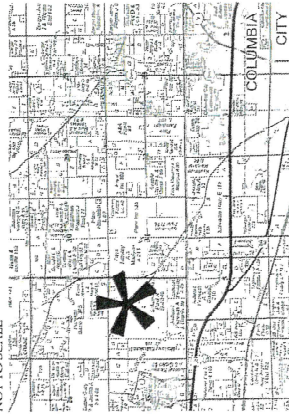
The basis of bearings for this drawing is an adjacent's deed bearing of S97°40'07\"/>

## AREA NOTES

The Tract of Schuman Woods Amended contains 3.30 acres. There is a 0.20 acre of Dedicated Right-of-Way.

## VICINITY MAP

NOT TO SCALE



**WALKER & ASSOCIATES**  
 EST. 1984  
 112 WEST VAN BUREN STREET  
 COLUMBIA CITY, IN 46725  
 Phone: (260) 244-2461  
 Email: mull@walkerandassociates.net  
 Fax: (260) 244-4469  
 LAND SURVEYING, CIVIL ENGINEERING,  
 & LAND PLANNING

SITUATED IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 32 NORTH, RANGE 8 EAST, WHITLEY COUNTY, INDIANA

Part of the Northeast Quarter of Section 36, Township 32 North, Range 8 East, Whitley County, Indiana (this description prepared by Kevin R. Michel, LS0803006, as part of original survey Schumann Woods A tract, completed by J.K. Walker and Associates, P.C., dated July 22, 2023), being more particularly described as follows, to wit:

## FLOOD HAZARD STATEMENT

This is a retracement boundary survey of part of the Northeast Quarter of Section 35, Township 32 North, Range 8 East, Whitley County, Indiana, located at 2350 W Schuman Road, Columbia City, Indiana, recorded in Document Number 2008110121 and Document Number \_\_\_\_\_ in the records of Whitley County, Indiana.

## SURVEYOR'S REPORT

(A) Availability and condition of revered 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) Occupancy or possession lines.  
None.

(c) Any ambiguity of the record description used and of adjacent descriptions and the relationship of the subject tract to adjacent tracts.  
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 specification for Suburban surveys: 0.13 feet (40 millimetres) plus 100 parts per million as defined by IAC 905.

**COLUMBIA CITY, IN 46725**  
**Phone: (260) 244-3640**  
**Fax: (260) 244-4640**  
**E-mail: [mail@walkersurveying.net](mailto:mail@walkersurveying.net)**  
**[www.walkersurveying.net](http://www.walkersurveying.net)**

LAND SURVEYING, CIVIL ENGINEERING,  
& LAND PLANNING

PAGE 2 OF 2

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MD-161-1-7-13-20

1. This survey is subject to any facts and / or easement that may be disclosed by a full and accurate title search. The undersigned should be notified of any additions or revision that are required. The undersigned was not provided with a current title commitment for use on this survey.
2. For monuments found and set, see survey. All pine set are #5 Rebars with caps marked "Walker".

Reference survey(s) by J.K. Walker & Associates, P.C., dated 08-21-03

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

John Johnson, Plan Commission Secretary

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

Whitley, State of Indiana.

Thomas Western

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

**Kim L. Hare**

Diana J. Hare  
2850 W Schuman Road  
Columbia City IN 46725

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 Mitchell

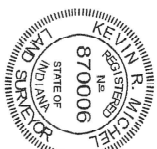
I affirm, under the penalties for perjury, that I have read this document, unless required by law. - Kevin Michel

The undersigned registered land surveyor licensed compliance with the laws of the state of Indiana, hereby certify the herein Plat to correctly represent a Survey of the real estate described above as made under my direction that all the monuments shown hereon actually exist, that lots 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 have been completed in accordance with Title 36B-1-AC 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 R. Michel, Professional Surveyor



We the undersigned Kim L. Hare and Diana J. Hare, owners of the real estate shown and described herein by virtue of certain deeds recorded as Document Number 200810721 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.

in accordance with this plat.

structure, except as in conformance with the requirements of the Whitley County Zoning Ordinance.

A perpetual easement is hereby granted to any owner of a public utility or municipal department, their successors and assigns, within the area shown on the plat and entitled "Utility Easement," to install, lay, construct, renew, operate, maintain and remove conduits or cables, pipes, poles and wires, overhead and underground, with all necessary bracing, guys, anchors and other equipment for the purpose of serving the subdivision with all 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 and through for all the purposes aforesaid.

The owners of a farm or other a regulated Drain (except right-of-way trams) may not place the hand in any form not consistent with Indian Act 56-9-2 and the proper operation of the drain. Permits are structures may not be placed on any right-of-way without the written consent of the White River County Drainage Board. Permitted structures may be placed upon or across the right-of-way of a drain by the County Engineer. Structures placed on a right-of-way are at the risk of the owners, and if necessary, the reconstruction or maintenance of the drain, may be damaged without liability on the part of the owner, 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 sewerer, if necessary, to ensure the proper operation or maintenance of the drain.

[illegible]

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 to restore the obstruction to its original form.

No owner of any Lot or any other parcel within this Plat shall at any time demonstrate neglect or attempt to cause the cessation of all farming operations on the Lot or any other parcel within this Plat, nor shall any person occupying the Lot or any other parcel within this Plat fail to plant crops on the Lot and sooned by the person or persons immediately adjacent to it. Any person accepting title to a Lot or other parcel within the Plat, acknowledges that general agricultural uses exist adjacent to or near this Plat, and that activities on such agricultural means may result in normal farm interference such as noise, odor, dust, glare, 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 "Prohibitive Covenants and Restrictions," that they 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 notice amended through the City Commission. Invalidation of any one of the foregoing covenants, or restriction ones, 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\_\_\_\_\_.

Kim L. Hare

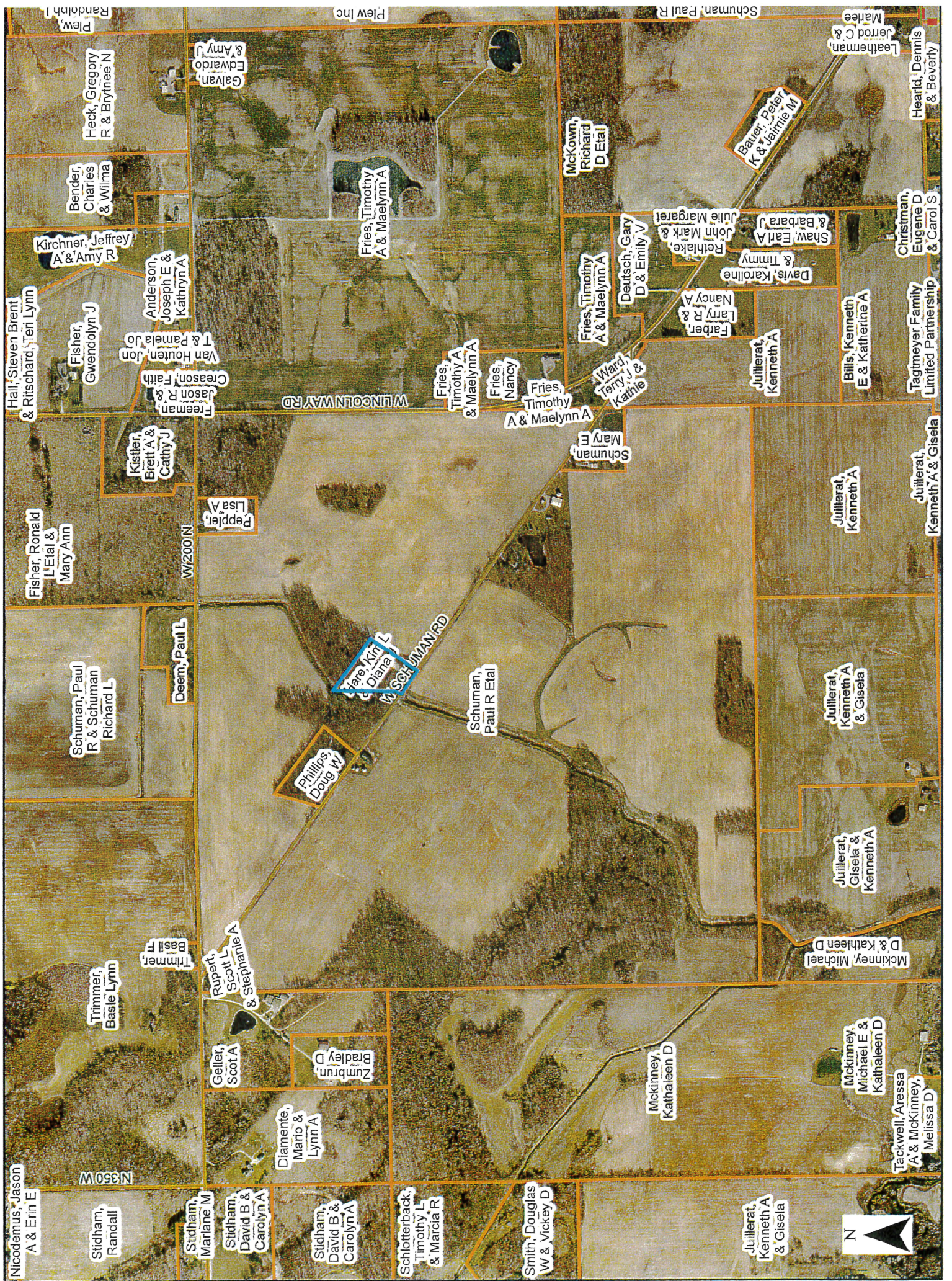
Dianna J. Hare

Witness

State of Indiana )  
County of W/itiley )

Before me, the undersigned Notary Public in and for said County and State, personally appeared Kim L. Hare and Diana J. Hare, each separately and severally acknowledge the execution of the foregoing instrument as their voluntary act and deed, and \_\_\_\_\_ Witnesses their hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public \_\_\_\_\_  
My Commission Expires \_\_\_\_\_



Nicodemus, Jason  
A & Erin E

Stidham,  
Randall

Stidham,  
Mariane M

Stidham,  
David B &  
Carolyn A

Stidham,  
David B &  
Carolyn A

Schlotterback,  
Timothy L  
& Marcia R

Smith, Douglas  
W & Vickie D

Juillerat,  
Kenneth A  
& Gisela



Tackwell, Aressa  
A & McKinney,  
Melissa D

McKinney,  
Michael E &  
Kathaleen D

McKinney, Michael  
D & Kathaleen D

Juillerat,  
Gisela &  
Kenneth A

Juillerat,  
Kenneth A  
& Gisela

Juillerat,  
Kenneth A

Juillerat,  
Kenneth A & Gisela

Tagmeyer Family  
Limited Partnership

Christman,  
Eugene D  
& Carol S

Heard, Dennis  
& Beverly

Leatherman,  
Jerrold C &  
Marlee

McKinney,  
Kathaleen D

McKown,  
Richard  
D Etal

Shaw, Earl A  
& Barbara J

Davis, Karoline  
& Timmy

Rehlaake,  
John Mark &  
Julie Margaret

Deusch, Gary  
D & Emily V

Fries, Timothy  
A & Maelynn A

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## Mark Cullnane

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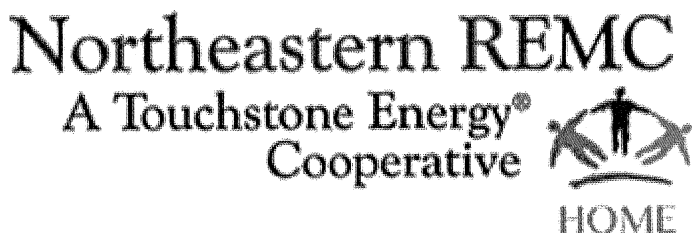
**From:** Brad Deutsch <b\_deutsch@nremc.com>  
**Sent:** Thursday, August 6, 2020 8:14 AM  
**To:** Mark Cullnane  
**Subject:** RE: Request for Comment on 20-W-SUBD-12 Schuman Woods Amended

Mark,

NREMC has no comment.

Brad Deutsch  
Field Engineering Supervisor  
O: 1-888-413-6111 ext. 427  
C: 260-229-6662

4901 East Park 30 Drive | Columbia City, IN 46725



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**From:** Mark Cullnane <wcplanning2@whitleygov.com>  
**Sent:** Monday, August 3, 2020 3:39 PM  
**To:** Emily Romine <wctaxdeputy@whitleygov.com>; Brandon Forrester <wcengineer@whitleygov.com>; Scott Wagner <swagner@whitleygov.com>; Gotz, Jon - NRCS-CD, Columbia City, IN <Jon.Gotz@in.nacdn.net>; Brad Deutsch <b\_deutsch@nremc.com>; jrkanouse@NiSource.com; steven.m2.lederle@centurylink.com  
**Subject:** Request for Comment on 20-W-SUBD-12 Schuman Woods Amended

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am reaching out to request comment on proposed subdivision 20-W-SUBD-12 Schuman Woods Amended. Petitioner is requesting a 1-lot subdivision. The parent tract, more commonly known as 2691 W. Schuman Road, Columbia City, is located on the north side of W. Schuman Road, approximately ½ mile west of N. Lincolnway in Section 36 of Richland Township. As this is a sale to an adjoining property owner, the split itself does not require platting, but the combine to create the new Lot #1 does require (re)platting. The preliminary plat is attached. The surveyor is aware that the page 1 of the plat is missing information for the 0.436± acre addition to existing Lot #1.

## Mark Cullnane

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**From:** BAuld@nisource.com  
**Sent:** Monday, August 3, 2020 4:23 PM  
**To:** Mark Cullnane  
**Subject:** RE: Request for Comment on 20-W-SUBD-12 Schuman Woods Amended

Hi Mark,

We do not have any facilities in the area.

- Brad Auld -

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Brad Auld | Engineer II | Northern Indiana Public Service Company

**NIPSCO** | 1501 Hale Ave | Fort Wayne, IN 46802 | ☎ O: (260) 257-6608 C: (260)241-4141 | ✉ :bauld@nisource.com

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From: Mark Cullnane <wcplanning2@whitleygov.com>  
To: "bauld@nisource.com" <bauld@nisource.com>,  
Cc: "jrkanouse@NiSource.com" <jrkanouse@NiSource.com>  
Date: 08/03/2020 16:02  
Subject: RE: Request for Comment on 20-W-SUBD-12 Schuman Woods Amended

USE CAUTION: This email was sent from an external source. Think before you click links or open attachments. If suspicious, please forward to [security@nisource.com](mailto:security@nisource.com) for review.

Brad,

I forgot that you are now the preferred contact for comment on subdivisions and mistakenly sent the following request to Jonelle...

I am reaching out to request comment on proposed subdivision 20-W-SUBD-12 Schuman Woods Amended. Petitioner is requesting a 1-lot subdivision. The parent tract, more commonly known as 2691 W. Schuman Road, Columbia City, is located on the north side of W. Schuman Road, approximately ½ mile west of N. Lincolnway in Section 36 of Richland Township. As this is a sale to an adjoining property owner, the split itself does not require platting, but the combine to create the new Lot #1 does require (re)platting. The preliminary plat is attached. The surveyor is aware that the page 1 of the plat is missing information for the 0.436± acre addition to existing Lot #1.

Schuman Woods was originally platted in 2008 (08-W-SUBD-10) as a 2.864 acre lot. The owners, Kim & Diana Hare, wish to acquire an additional 0.436± acres to the east of the existing lot.

Please let me know if you have any questions or concerns.

Thank you,

Mark Cullnane

# WHITLEY COUNTY HIGHWAY

801 SOUTH LINE STREET COLUMBIA CITY, IN 46725

PHONE: (260) 248-3123 FAX: (260) 248-3125

e-mail: [whitleyhighway@whitleygov.com](mailto:whitleyhighway@whitleygov.com)

August 6, 2020

Columbia City/Whitley County Joint Planning & Building Department  
220 W Van Buren St Ste 204  
Columbia City IN 46725  
Attention: Nathan Bilger

Subject: Schuman Woods Amended

Dear Nathan:

The subject subdivision plat and site have been reviewed for drainage requirements. The open ditch which adjoins the proposed lot is a county regulated drain. There is a right-of-way for maintenance purposes which extends seventy-five (75) feet on either side of the top of the bank of the drain. Any new permanent structures proposed within the 75 feet would require the approval of the Whitley County Drainage Board.

Per IC 36-9-27-33(d), *"The owners of land over which the right-of-way runs may use the land in any manner consistent with this chapter and the proper operation of the drain. **Permanent structures may not be placed on any right-of-way without the written consent of the 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 the proper operation or maintenance of the drain.**"*

The proposed lot location was inspected for the sight distance requirements for driveway installation. The existing driveway meets the site distance requirements.

Thank you,



Brandon C Forrester, PE  
Whitley County Engineer

**Whitley County Soil and Water Conservation District  
788 West Connexion Way—Suite C  
Columbia City, IN 46725  
Phone 260-244-6266 ext. 3  
Fax 260-248-2062**



August 5 2020

Mark Cullnane, Planner I  
Columbia City/Whitley County  
Joint Planning & Building Department  
220 W. Van Buren Street, Suite 204  
Columbia City, Indiana 46725

Re: Schuman Woods Amended Preliminary Plat of Subdivision

Mark:

Please let me know if some kind of construction is planned subsequent to the amendment to the plat. Otherwise, the Soil and Water Conservation District has no concerns regarding the amended plat.

Sincerely yours,

*Jon Gotz*

Jon Gotz  
Whitley County Soil and Water  
Conservation District

## Mark Cullnane

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**From:** Gotz, Jon - NRCS-CD, Columbia City, IN <Jon.Gotz@in.nacdnet.net>  
**Sent:** Thursday, August 13, 2020 9:14 AM  
**To:** Mark Cullnane  
**Subject:** RE: Request for Comment on 20-W-SUBD-12 Schuman Woods Amended

Mark:

Thanks for the update. I don't have any concerns about the proposed building.

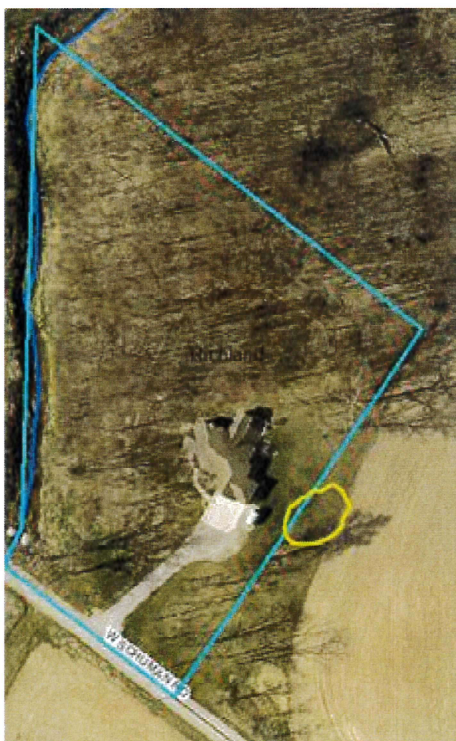
Jon

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**From:** Mark Cullnane <wcplanning2@whitleygov.com>  
**Sent:** Wednesday, August 12, 2020 3:58 PM  
**To:** Gotz, Jon - NRCS-CD, Columbia City, IN <Jon.Gotz@in.nacdnet.net>  
**Subject:** RE: Request for Comment on 20-W-SUBD-12 Schuman Woods Amended

Jon,

In your comment letter you asked to be notified if construction is planned after the change to the plat. The petitioner has indicated to me that he is purchasing the land so as to be able to construct a building for personal storage in the approximate location indicated below:



Please let me know if this impacts your comment.

Thank you,

Mark Cullnane