

**WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT**

23-W-SUBD-14 PRIMARY REPLAT APPROVAL

Matthew Wolf, Peter Horne
Horne Wolf Subdivision
3499 and 3495 W. Shoreline Drive

OCTOBER 18, 2023

AGENDA ITEM: 1

SUMMARY OF PROPOSAL

Current Zoning:	LR, Lake Residential		<u>Code Minimum</u>	<u>Proposed Minimum</u>
Area of plat:	0.66 acres	Lot size:	10,000 sq. ft.	12,364 sq. ft.
Number of lots:	2 lots	Lot width:	70'	75'±
Dedicated ROW:	NA	Lot frontage:	50'	69.10'

The petitioner, owners of the subject property, is requesting a replat approval for a two-lot subdivision to be named "Horne Wolf Subdivision." The proposed replat is located on the south side of Shoreline Drive, 140' east of the intersection of Oak Drive, in Section 12 of Etna-Troy Township. The area is comprised of Lots 26, 27, and 28 and a platted access strip of the Oak Park Subdivision (recorded in 1950) and Lot 1 of the Elm Park Addition to Goose Lake (recorded in 1953). The parent property is currently improved with two dwellings and outbuildings.

The purpose of the proposed replat is to reconfigure the four lots into two while shifting the 10' wide access strip between the lots. This will create two zoning-compliant lots from the four legal nonconforming lots of record. As described to staff, the intention of the reconfiguration is to make both properties more usable for the owners.

Note that the ownership of the 10' access strip is not clear since the original plat did not designate what the strip was and no ownership was conveyed. If it is assumed to be a sort of right-of-way, the adjacent landowners, the petitioners, would have the underlying fee in the land and may be able to shift the right-of-way or easement if they do not remove the interests of others. Further, a shift in location of an access strip has previously been considered possible using a replat process since any interest holders in the strip would have an opportunity to speak about the relocation at the public hearing.

Platting is required as this is a replat. Being zoned LR already, no rezoning is required. 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	Health	X	Cable TV	Parcel Cmte.	X
Gas	Co. Engineer	X	Sanitary Sewer		
Telephone	SWCD	X	Water	NA	

Being developed lots, few comments were received. No concerns were raised if no new construction were proposed. Health Department had no issues as long as water wells were at least 5 feet from property lines.

No right-of-way would be dedicated since the right-of-way of Shoreline Drive was already dedicated in the existing plats and approximately compliant with standards.

No drainage and/or utility easements are shown on the perimeter of the lots, which reflects the parent plat.

No covenants have been submitted, but covenants from the parent plats, if any, would continue in effect.

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: 10/11/23

PLAN COMMISSION RECORD OF ACTION

Motion:

By:

Second by:

Approve

Approve w/conditions

Deny

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



SITUATED IN THE PLATS OF OAK PARK SUBDIVISION AND ELM PARK SUBDIVISION, WHITLEY COUNTY, INDIANA

ADDITIONAL NOTES:
The Plat of Horne Wolf Subdivision contains 0.66 acres.
Lot Number 1 contains 0.29 acres.
Lot Number 2 contains 0.33 acres.
Walkway contains 0.04 acres.



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