

AGENDA

BOARD OF ZONING APPEALS
Ellettsville Town Hall
1150 W. Guy McCown Drive, Ellettsville, Indiana
Wednesday, January 15, 2025 - Meeting Starts at 6:00 P.M.

Pledge of Allegiance

Roll Call

Election of Officers

Approval of Minutes – December 11, 2024

Monthly Conflict of Interest Statement

Old Business

New Business

Request for Twelve (12) Variances from Development Standards Regarding Reduced Lot Widths and Setbacks, Fencing Requests, On-Street Parking and Parking Spaces, located at 7633 W. State Road 46; Petitioner Harman Farms Land LLC; Case No. BZA 25-01

Request for a Variance from Development Standards to Reduce the Side Yard Minimum Setback, located at 220 W. Ritter Street; Petitioner: Authentic Homes, Inc., Case No. BZA 25-02

Planning Department Comments

Next meeting is February 12, 2025

Board of Zoning Appeals Comments

Adjournment



Town of Ellettsville

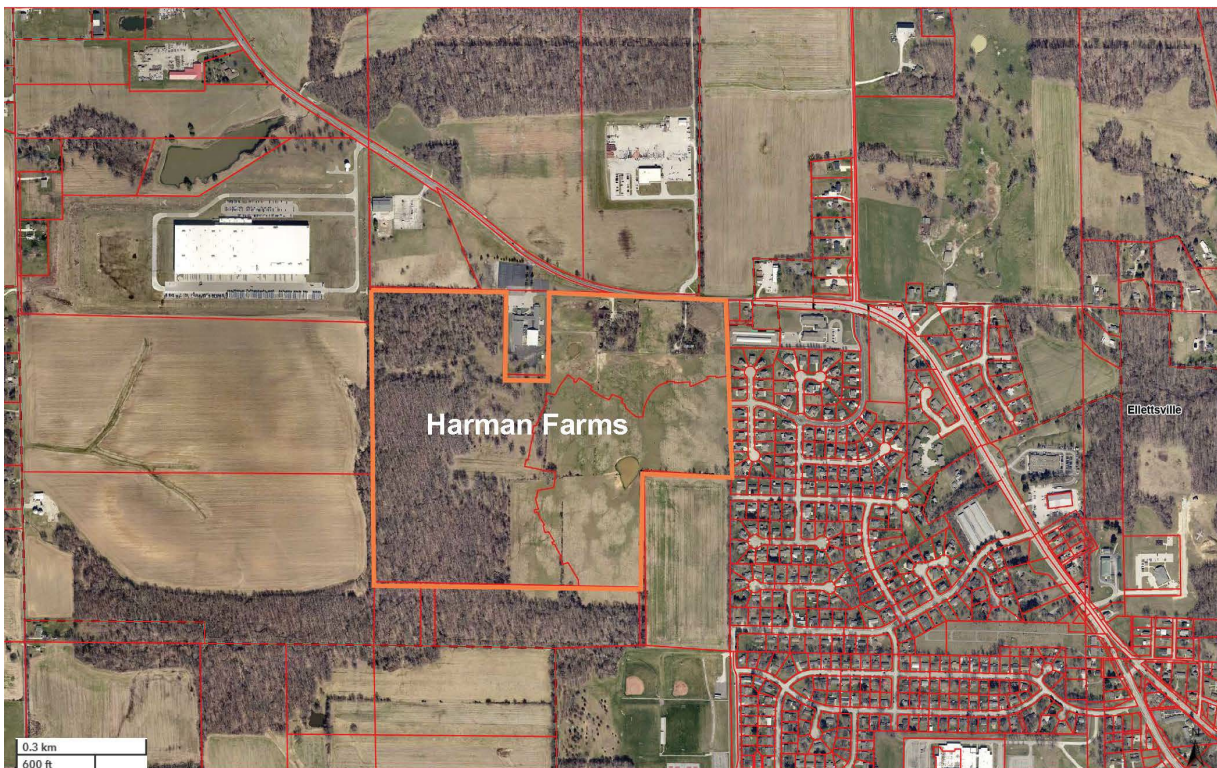
Department of Planning & Development

BZA 25-01 –Variance from Development Standards Staff Report

Petition

Case - BZA 25-01. A request by Harman Farms for twelve (12) variances from development standards: (1) Reduction in lot width to a 40' minimum; (2) Reduction in lot width to a 20' minimum; (3) Reduction of the front yard setback to a 10' minimum; (4) Reduction to a 7' minimum rear yard setback; (5) Remove fences from accessory structure section of the UDO; (6) Allow fences within access easements created by the developer for shared side yards; (7) Amend language of UDO Section 4.2.G.1.c to allow fences to be placed on the property line; (8) Removal of certain items from UDO Section 4.3.G.2; (9) Amend UDO Section 4.7.G.1 to allow on-street parking; (10) Request to allow parking spaces within a setback along a property line created by a platted alley; (11) Request a minimum of 8' for parallel parking; and (12) That traffic isle widths do not apply to parking spaces along private alleys and 22' minimum two-way traffic aisles. The subject parcels are located at 7633 W. State Road 46.

Surrounding Zoning Districts & Uses



Zoning District	Property Use
North: C-3; General Commercial, A-1; Agricultural and I-1; Light Industrial	Religious Institution and Agricultural/Vacant Land and Industrial
South: R-1; Single Family Residential and AG/RR; Agricultural/Business-Industrial Overlay (County)	Agricultural and Public Land (Town of Ellettsville)
East: PUD; Planned Unit Development and R-1; Single Family	A subdivision
West: I-1; Light Industrial and AG/RR; Agricultural/Business-Industrial Overlay (County)	Light Industrial and Agricultural

Considerations

1. The Petitioner is requesting twelve (12) variances from development standards in the Harman Farms Subdivision:
 - (1) Reduction in lot width to a 40' minimum;
 - (2) Reduction in lot width to a 20' minimum;
 - (3) Reduction of the front yard setback to a 10' minimum;
 - (4) Reduction to a 7' minimum rear yard setback;
 - (5) Remove fences from accessory structure section of the UDO;
 - (6) Allow fences within access easements created by the developer for shared side yards;
 - (7) Amend language of UDO Section 4.2.G.1.c to allow fences to be placed on the property line;
 - ~~(8) Removal of certain items from UDO Section 4.3.G.2; **(WITHDRAWN)**~~
 - (9) Amend UDO Section 4.7.G.1 to allow on-street parking;
 - (10) Request to allow parking spaces within a setback along a property line created by a platted alley;
 - (11) Request a minimum of 8' for parallel parking; and
 - (12) That traffic isle widths do not apply to parking spaces along private alleys and 22' minimum two-way traffic aisles.
2. The Petitioner's request for twelve (12) development standard variances are the only items to be considered by this Board of Zoning Appeals.
3. Indiana Code (IC 36-7-4-918.5) requires the following criteria be met in order to approve a variance of use request:
 - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - c. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
4. Additionally, Town Code requires the following criteria to be satisfied:
 - a. The approval does not interfere substantially with the comprehensive plan.

- b. The approval is not based solely upon financial hardship or mere convenience; and
 - c. The approval is in conformance with all other Town Ordinances.
5. In order to be considered a practical difficulty, the following criteria should be met:
- a. The need for a variance arises from unique conditions on the property and is not shared by neighboring properties in the same zone;
 - b. Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use, or would render conformity necessarily burdensome;
 - c. The particular request, or a lesser relaxation of ordinance standard, would provide substantial justice to the landowner and neighbors; and
 - d. The need for a variance is not the result of a self-created action by the current or any former property owner.
6. The property is zoned C-1; Neighborhood Commercial.
7. Petitioner’s Engineer, Bynum Fanyo & Associates, has provided a narrative which is attached to the Staff Report.

8. Variances

- (1) In the UDO, the minimum lot width for C-1 is 50 feet. At the BZA meeting on December 11, 2024, Petitioner requested a minimum lot width of 40 feet measured at the property line for residential uses. Petitioner is requesting that the reduction of the lot width to a minimum of 40 feet be measured from the setback for residential crescent lots to avoid irregular pie shaped lots.
- (2) Petitioner is requesting a reduction to a 20-foot minimum lot width for single family attached residential. While the lot width is not defined under Commercial 1 zoning, it is in Section 2.4(B), Medium Density Residential, of the Unified Development Ordinance and it is 25 feet.
- (3) Request for a 10-foot minimum front yard setback for single family residential. At the BZA meeting on December 11, 2024, Petitioner received approval for a 12-foot front yard setback. Petitioner wanted to make the revision from 12 foot to 10 foot at the meeting on December 11, 2024, but public hearing notices had already been published and mailed.
- (4) Request for a reduction to a minimum 7-foot rear yard setback for single family residential. At the BZA meeting on December 11, 2024, Petitioner was granted a rear yard setback reduction to 15 feet. Petitioner is requesting a 7-foot rear yard setback for the primary structure on a single-family residential lot.
- (5) Request to remove fences from UDO, Section 4.2.C.1 which states *“Unless specifically stated, accessory structures shall not be constructed within any type of easement, including drainage, access and utility easements. This shall include fences.”* Petitioner intends to install several different types of decorative fencing closer to pedestrian walkways than allowed by the UDO. Fences will not be installed in the public right-of-way. Petitioner points out that some lots will utilize the side yard of adjacent lots. When this occurs, an access easement will be platted in the side yard to allow the adjacent property owner to work on their home.
- (6) Request to allow fences within an access easement created by the Petitioner/developer

for shared side yards and within utility/drainage easements with written approval from the Town of Ellettsville Utilities Department. Petitioner understands fencing in the easement may be removed for repairs or maintenance.

- (7) UDO, Section 4.2.G.1.c, provides that while fences and walls do not need to comply with accessory structure setbacks and may be placed on the property line with approval from the adjoining property owner(s), *they must be at least five feet from any right-of-way and comply with all other standards of the UDO.* Petitioner is requesting a variance to state the following *“Fences and walls do not need to comply with accessory structure setbacks and may be placed up to the property line. Privacy fences, opaque fences, or fences exceeding 40 inches in height cannot extend past the front building wall of the home and comply with all standards of the UDO.”*
- (8) **WITHDRAWN**--Request for a variance for permitted building material for street facades.
- (9) Request for marked on-street parking be permitted for the development. Petitioner has received approval from the Street, Fire and Planning Departments with BZA approval for marked on street parking on the typical street cross sections. Parking will be on one side of the street.
- (10) Request to allow parking spaces within a setback along a property line created by a platted alley. UDO, Section 4.7.H.3, states parking spaces shall maintain a setback of 10 feet from property lines and rights-of-way. Further, no parking spaces shall be placed within a setback.
- (11) Request for a minimum 8-foot width for parallel parking. This variance will not obstruct travel lanes. UDO, Section 4.7.L. states the parking space width is 9 feet.
- (12) Request for traffic isle widths to not apply to parking spaces along private alleys and allow a 22-foot minimum two-way traffic aisles. Petitioner contends that some parking spaces within the development are accessed by 12-foot private alleys, are not a typical parking lot and will have limited access. The Fire, Street and Planning Departments agree to allow 22-foot minimum two-way traffic aisles and for the traffic isle widths to not apply to parking spaces along private alleys pending BZA approval.

Criteria For Decisions – Variance from Development Standards

In taking action on all variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of Indiana Code. The Board may grant a variance of development standards from this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

DECISION CRITERIA – USE VARIANCE

- 1. General Welfare:** The approval of the variances from development standards (will or **will not**) be injurious to the public health, safety, morals, and general welfare of the community.

Staff Finding:

Approval would not cause any significant problems in relation to public health and safety.

- 2. Adjacent Property:** The use or value of the area adjacent to the property included in the variance (will or **will not**) be affected in a substantially adverse manner.

Staff Finding:

The development standard variances will not affect adjacent properties in a substantially adverse manner. The variances will improve the design of the development.

3. Practical Difficulty: The strict application of the terms of the zoning ordinance (**will** or **will not**) result in practical difficulties in the use of the property.

Staff Finding:

Approval of the variances from development standards will permit the construction of mixed-use residential which aligns with the mixed-use village center in the Comprehensive Plan.

4. Compliance with Comprehensive Plan: The variance request (**is** or **is not**) substantially in compliance with the existing comprehensive plan.

Staff Finding:

The variances from development standards will provide the mixed-use village center outlined in the Comprehensive Plan.

5. Financial Hardship: The need for the variance (**does** or **does not**) arise from some condition peculiar to the property involved.

Staff Finding:

While the current status of the development does not result in a financial hardship for the Petitioner, it will do so if the variances are not approved as it will limit the build out of the project.

6. Compliance with other Town Codes: The variance request (**is** or **is not**) substantially in compliance with other Town Codes.

Staff Finding:

The property is currently in compliance with all other Town Codes.

Board of Zoning Appeals Action

The Board of Zoning Appeals action shall be in the form of *approval, approval with conditions, denial, or a continuance*. The Board of Zoning Appeals takes final action on all variance petitions.

Staff Recommendation

The purpose of a variance is to provide relief in situations where the land or other condition offers resistance to meeting a particular zoning regulation through no fault of the occupant of the land.

Therefore, based on the above analysis, it is of Staff opinion that the variances meet all requirements and, therefore, recommends approval of all variance requests. The Board may approve the variances if, after testimony and discussion, it finds that the requests meet all six (6) of the stated requirements. If the Board denies a variance, it shall state which requirement(s) have not been met.

Submitted by Denise Line
Director of Planning, Town of Ellettsville
January 15, 2025



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

December 13th, 2024
Revised December 20th, 2024

RE: Harman Farm Subdivision
Variance Requests – Revision 1

Denise Line or To Whom It May Concern:

Our client, Chris Smith, respectfully requests approval of the twelve development standard (12) variances listed below for the Harman Farm Subdivision.

Project Narrative:

The proposed development consists of the construction of a neighborhood commercial district on 115 acres. The project will include single-family residential, multi-family residential, and commercial and has been designed to create a downtown center/neighborhood commercial district. The residential development will consist of varying scales and densities to offer a variety of dwelling styles. The total lot count and lot mix for the entire site has yet to be determined. This project is expected to be a long term development and will evolve as construction progresses. The property is currently zoned C-2 but a petition will be heard at the November Plan Commission to rezone to C-1.

This proposed development is proposing twelve (12) variances from the current UDO:

1. UDO Section 2.7 (B) – C1 Development Standards and Uses – 50-foot minimum lot width
 - a. Request 40-foot minimum lot width measured at the setback.
 - b. This is a revision to the variance approved at the December 11th BZA meeting. Our intention was for the lot width to be measured at the setback to avoid irregular pie shaped lots. When measuring the lot width at the property line along the curve the lots become very large at the rear. If the lot width is measured at the buildable frontage it reduces the difference in lot width at the front and rear of the lot.
2. UDO Section 2.7 (B) – C1 Development Standards and Uses – 50' minimum lot width
 - a. Request 20-foot minimum lot width for single-family attached residential.
 - b. The dimensional standards for C1 do not provide alternative lot dimension standards for single-family attached residential. Single-family attached residential are lots that share a common wall. Our development will include townhomes which are a type of single-family attached structure. Other sections of the UDO reference reduced lot width standards for single-family attached residential. The purpose of this variance is to add dimensional standards for single-family attached residential.

3. UDO Section 2.7 (B) – C1 Development Standards and Uses – 20’ Minimum Primary Structure Front Yard Setback
 - a. Request 10’ minimum front yard setback for single-family residential
 - b. Rear loaded lots remove the driveway and garages from the public roadway frontage. With the driveways and vehicles removed from the public road frontage this area becomes a large front yard space which is not consistent with a neighborhood commercial district. A 12’ front yard setback was approved at the December 11th BZA meeting. We were unable to update our petition prior to the meeting because the public notice had already been sent out. Our client would like to revise the approved variance to 10’.
4. UDO Section 2.7 (B) – C1 Development Standards and Uses – 15’ Minimum Primary Structure Rear Yard Setback
 - a. Request 7’ minimum rear yard setback for primary structures for single-family residential
 - b. A 7’ accessory structure rear yard setback was approved at the December 11th BZA meeting. Our development will include some building footprints where the garage is connected to the home by a breezeway or other architectural features. This variance would ensure that these lots remain compliant with the UDO.
5. UDO Section 4.2.C.1 – Unless specifically stated, accessory structures shall not be constructed within any type of easement, including drainage, access, and utility easements. This shall include fences.
 - a. Request to remove fences from this section.
 - b. Our development plans to install several different types of decorative fencing closer to the pedestrian walkways than the UDO allows. The fencing will not be installed in the public right-of-way but will be installed in the setback areas. Additionally, some lots will utilize the side yard of adjacent lots. In this situation, an access easement will be platted in the side yard to allow the adjacent property owner to work on their home.
6. UDO Section 4.2.G.1.b – No fence or wall shall be allowed to be located within any type of easement, including drainage, access, and utility easements.
 - a. Request to allow fences within access easements created by the developer for shared side yards and within utility/drainage easements with written approval from the Town of Ellettsville Utilities Department.
 - b. Same as reasons as above. Additionally, the Town would not be responsible for replacing fences that must be removed for repairs/maintenance.

7. UDO Section 4.2.G.1.c – Fences and walls do not need to comply with accessory structure setbacks and may be placed up to the property line with written approval from the adjoining property owner(s). However, they must be at least five feet from any public right-of-way and comply with all other standards of this UDO.
 - a. Request that this section is updated to read, “Fences and walls do not need to comply with accessory structure setbacks and may be placed up to the property line. Privacy fences, opaque fences, or fences exceeding 40 inches in height cannot extend past the front building wall of the home and comply with all other standards of this UDO.
 - b. Our client wishes to install decorative fencing up to the front property line in some areas of the site to improve the aesthetics of the pedestrian walkways. These fences will be decorative in nature and will not obstruct the public right-of-way or sight triangles of roadways.
8. UDO Section 4.3.G.2 – Permitted Building Materials for Street Facades
 - a. Request that this section removes the Items 8, 9, and 11 from the limited materials list.
 - b. Our client has taken special care to create strict architectural requirements for homes in this development. Home builders would be required to follow the pattern book created by the developer and his architects. To meet target price points for the new homes the developer requests that they not restrict the use of Vinyl board and batten, Vinyl shakes, or Vinyl and aluminum siding (shiplap or clapboard pattern). The pattern book created by the developer incorporates several additional architectural features to improve the aesthetics of the facades facing the public street.
9. UDO Section 4.7.G.1 – Parking Access
 - a. Request that on-street parking be permitted for this development
 - b. Our development proposes marked on-street parking. We have coordinated on-street parking with the planning department, fire department, and street department and obtained approval from all departments on our typical street cross sections. It is typical for vehicles to park on the street in residential subdivisions. Our development has designated the on-street parking areas and has worked closely with the town to ensure the parking does not obstruct the use of the roadways. The use of alleys to access residential properties allows us to provide on-street parking without creating conflicts with driveways and residential access.
10. UDO Section 4.7.H.3 – All parking spaces, travel aisles, and loading areas shall maintain a setback of 10 feet from property lines and rights-of-way. However, no parking spaces, parking area, or loading areas shall be placed within a setback, planting area, or required buffer yard unless it is a shared parking lot for a single-family or two-family dwelling.
 - a. Request a variance to allow parking spaces within a setback along a property line created by a platted alley.
 - b. In some cases, there will be parking spaces along the platted alleys. These alleys are privately owned and maintained. The purpose of this UDO requirement is to create a buffer between public right-of-way and parking lots and lot lines between two properties.

11. UDO Section 4.7.L – Minimum Parking Space and aisle dimensions
 - a. Request a minimum 8’ width for parallel parking
 - b. We worked closely with the fire department, planning, and street department to determine the final road cross sections for this development. The on-street parking is set at 8’ width and will not obstruct the travel lanes. The travel lanes were increase to 12’ where on-street parking is located.
12. UDO Section 4.7.L – Minimum Parking Space and aisle dimensions
 - a. Request that traffic isle widths do not apply to parking spaces along private alleys and allow 22’ minimum two-way traffic aisles.
 - b. Some of the parking spaces in our development are accessed by 12’ private alleys. These parking areas are different than a typical parking lot and will have limited access. The alley widths were approved by the planning department, fire department, and street department. Additionally, the parking for the townhome areas and small apartments will be smaller parking lots accessed by alleys.

After you have had a chance to review our petition please feel free to contact us at anytime questions regarding our submission.

Sincerely,
Bynum Fanyo & Associates, Inc.

A.J. Willis, Project Engineer



Town of Ellettsville

Department of Planning & Development

BZA 25-02

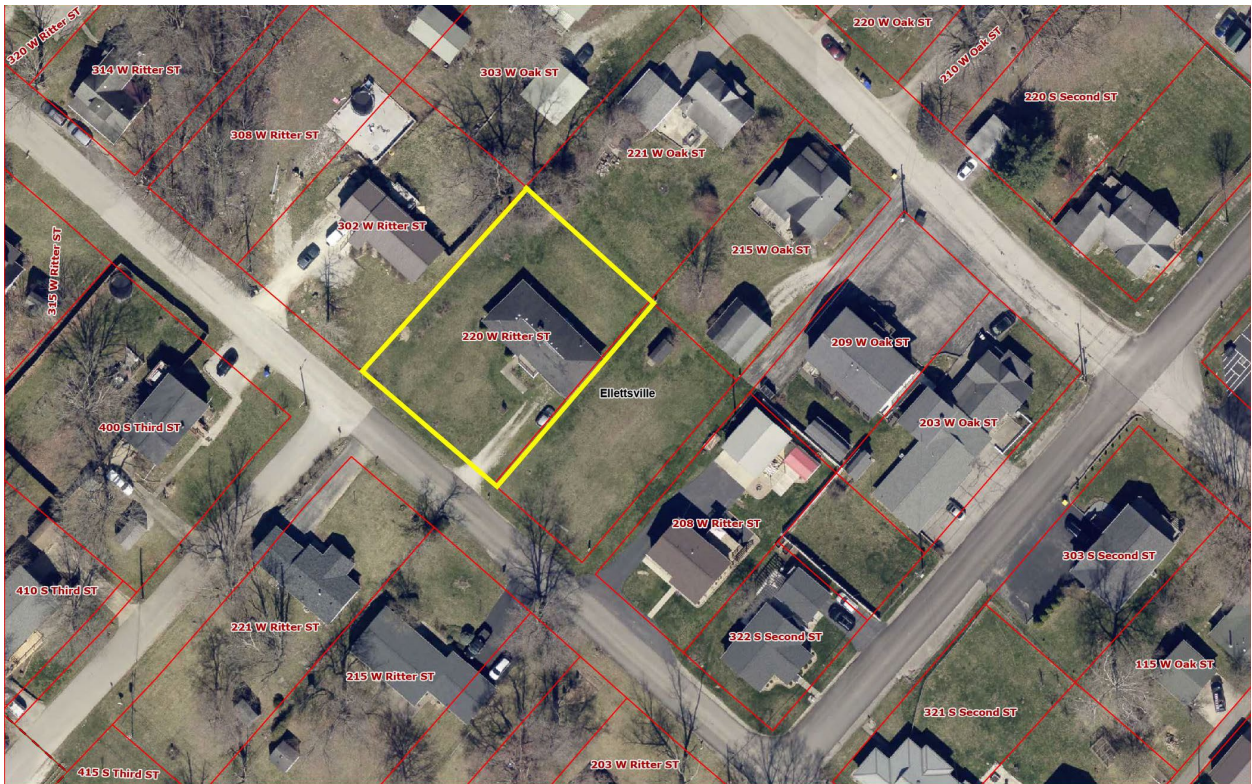
Variance from Development Standards

Staff Report

Petition

Case - BZA 25-02. A request by Authentic Homes, Inc. for a variance from development standards to reduce the side yard setback to a minimum of five feet. The subject parcels are located at 220 W. Ritter Street.

Surrounding Zoning Districts & Uses



Zoning District	Property Use
North: R-1; Single Family Residential	Single Family Residential
South: R-1; Single Family Residential	Single Family Residential
East: R-1; Single Family Residential	Single Family Residential
West: R-1; Single Family Residential	Single Family Residential

Considerations

1. The Petitioner is requesting a variance from development standards to reduce the side yard setback to a minimum of 5-feet at 220 W. Ritter Street.
2. The Petitioner’s request for a development standard variance is the only item to be considered by this Board of Zoning Appeals.
3. Indiana Code (IC 36-7-4-918.5) requires the following criteria be met in order to approve a variance of use request:
 - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - c. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
4. Additionally, Town Code requires the following criteria to be satisfied:
 - a. The approval does not interfere substantially with the comprehensive plan.
 - b. The approval is not based solely upon financial hardship or mere convenience; and
 - c. The approval is in conformance with all other Town Ordinances.
5. In order to be considered a practical difficulty, the following criteria should be met:
 - a. The need for a variance arises from unique conditions on the property and is not shared by neighboring properties in the same zone;
 - b. Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use, or would render conformity necessarily burdensome;
 - c. The particular request, or a lesser relaxation of ordinance standard, would provide substantial justice to the landowner and neighbors; and
 - d. The need for a variance is not the result of a self-created action by the current or any former property owner.
6. The property is zoned R-1; Single Family Residential.
7. Petitioner’s Engineer, Bynum Fanyo & Associates, has provided a narrative which is attached to the Staff Report.

Criteria For Decisions – Variance from Development Standards

In taking action on all variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of Indiana Code. The Board may grant a variance of development standards from this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.5) that:

DECISION CRITERIA – USE VARIANCE

1. **General Welfare:** The approval of the variance from development standards (will or **will not**) be injurious to the public health, safety, morals, and general welfare of the community.

Staff Finding:

Approval would not cause any significant problems in relation to public health and safety.

- 2. Adjacent Property:** The use or value of the area adjacent to the property included in the variance (will or **will not**) be affected in a substantially adverse manner.

Staff Finding:

The development standard variance will not affect adjacent properties in a substantially adverse manner.

- 3. Practical Difficulty:** The strict application of the terms of the zoning ordinance (**will** or will not) result in practical difficulties in the use of the property.

Staff Finding:

The strict application of the Unified Development Ordinance keeps the parcel with a status of a legal non-conforming use.

- 4. Compliance with Comprehensive Plan:** The variance request (**is** or is not) substantially in compliance with the existing comprehensive plan.

Staff Finding:

The variance from development standards will remove the legal non-confirming status of the property there for making a conforming lot as outlined in the Comprehensive Plan.

- 5. Financial Hardship:** The need for the variance (does or **does not**) arise from some condition peculiar to the property involved.

Staff Finding:

While the current status of the development does not result in a financial hardship for the Petitioner, it will do so if the lot doesn't conform with the Unified Development Ordinance. Granting of the variance will not only bring 220 W. Ritter Street (Lot 32) into compliance but it will allow the Petitioner to construct a home on the adjoining lot (Lot 31).

- 6. Compliance with other Town Codes:** The variance request (**is** or is not) substantially in compliance with other Town Codes.

Staff Finding:

The property is currently in compliance with all other Town Codes.

Board of Zoning Appeals Action

The Board of Zoning Appeals action shall be in the form of *approval, approval with conditions, denial, or a continuance*. The Board of Zoning Appeals takes final action on all variance petitions.

Staff Recommendation

A special exception is authorized when a particular use is appropriate for the zoning district it is in. The purpose of a variance is to provide relief in situations where the land or other condition offers resistance to meeting a particular zoning regulation through no fault of the occupant of the land.

Therefore, based on the above analysis, it is of Staff opinion that the variance meets all requirements and, therefore, recommends approval of the special exception and variance requests. The Board may

approve the variance if, after testimony and discussion, it finds that the requests meet all six (6) of the stated requirements. If the Board denies the variance, it shall state which requirement(s) have not been met.

Submitted by Denise Line
Director of Planning, Town of Ellettsville
January 15, 2025



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

December 12th, 2024

Denise Line
Town of Ellettsville
1150 W. Guy Mccown Drive
Ellettsville, Indiana 47429

RE: 220 W. Ritter Street, Ellettsville, In 47429
Variance Request

Board of Zoning Appeals or To Whom It May Concern:

Our client, Authentic Homes, Inc., respectfully requests approval of the development standard variance listed below for the purpose of amending Lot 31 and Lot 32 of 'PLAT AMENDMENT, LOT 31, LOT 32 AND PART VACATED THIRD STREET RITTER'S ADDITION TO THE TOWN OF ELLETTSVILE'.

Project Narrative:

Our client has purchased Lot 31 and Lot 32 in Ritter's Addition subdivision. There is an existing single-family residence on Lot 32 and Lot 31 is currently vacant. The existing single-family residence was constructed 0.4' over the existing lot line shared between the two lots. Our client is planning to amend the plat to shift the existing property line to the east so that the residence, in its entirety, is located on Lot 32. The amended Lot 31 would be compliant with all UDO standards for the R1 zoning district. However, to meet the minimum lot width requirement for Lot 31 a side yard setback variance is required for Lot 32. Please refer to the primary plat amendment included with the petition for additional details.

This proposed plat amendment is proposing a development standard variance (1 item) from the current UDO for Lot 32 of Ritter's Addition:

1. UDO Section 2.3 (B) – R1 Development Standards and Uses – 5 foot minimum primary structure side yard setback
 - a. Request 5-foot minimum primary structure side yard setback
 - b. Findings of Fact:
 - i. The reduction of the side yard setback for Lot 32 will not have an impact on the public or any adjacent properties. Our client owns both Lot 31 and 32 and the variance only applies to lot 32. Additionally, the only lots affected by the plat amendment are Lot 31 and 32.

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404
FAX 812-339-2990

- ii. It is not possible to construct and sell a single-family home on Lot 31 since the existing home sits on both lots of records. The lot line adjustment in the plat amendment has been strategically placed so that Lot 31 and 32 are compliant with all UDO requirements with the approval of the variance request.

After you have had a chance to review our petition, please feel free to contact us at anytime with questions regarding our submission.

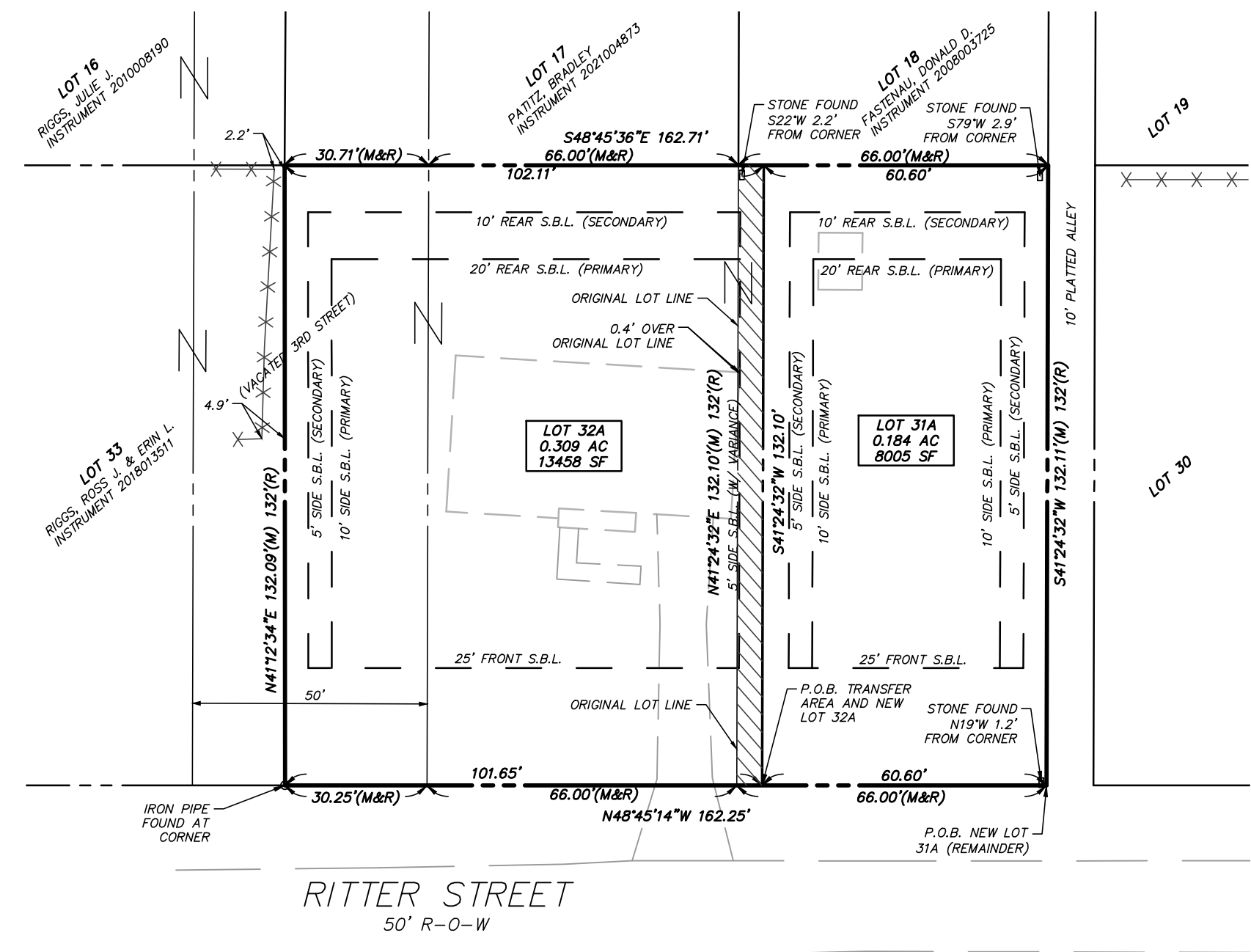
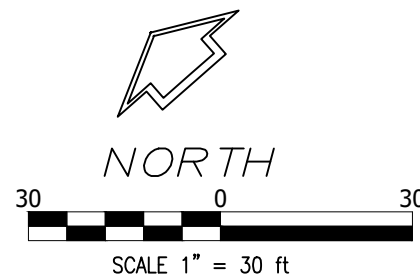
Sincerely,
Bynum Fanyo & Associates, Inc.

A.J. Willis, Project Engineer

DESCRIPTION: (Source of Title: Instrument 2024012033)

Lots Thirty-one (31) and Thirty-two (32) in Ritter's Addition to the Town of Ellettsville, Monroe County, Indiana, as recorded in the Office of the Recorder of Monroe County, Indiana.

ALSO, a part of the East one-half of the Vacated Third Street described as follows: Beginning at the Northwest corner of said Lot Number Thirty-two (32) in Ritter First Addition to the Town of Ellettsville, Indiana, thence running with the West line of said Lot for One Hundred Thirty-two (132.00) feet and to the North right-of-way of Ritter Street, thence running with said right-of-way North Fifty-four (54) degrees West for Thirty and Twenty-five Hundredths (30.25) feet, thence leaving said right-of-way and running with the centerline of said Vacated Third Street Northeast One Hundred Thirty-two (132.00) feet and to a point that is North Fifty-four (54) degrees West a distance of Thirty and Seventy-one Hundredths (30.71) feet from the Northwest corner of said Lot Number Thirty-two (32), thence leaving said centerline of said Vacated Third Street South Fifty-four (54) degrees East Thirty and Seventy-one Hundredths (30.71) feet and to the point of beginning.



SURVEYOR'S REPORT

According to Indiana Administrative Code (865 IAC1-12-12), the following is the theory of location applied in establishing the lines established this survey:

- 1. The Southwest line of the subject property was established by using monuments found to establish the Northeastern right of way line of Ritter Street.
2. The Northwest line of the subject property was established by using monuments found and plat dimensions to establish the Southeast lines of Lots 14 & 35 in Ritter's Addition, then applied the geometry of said plat.
3. The Northeast line of the subject property was established by using the geometric information in said plat of Ritter's Addition with the established Southwest and Northwest lines.
3. The Southeast line of the subject property was established by creating a line parallel with said Northwest line at the platted distance southeasterly from said Northwest line.

The following is a professional opinion of the cause and amount uncertainty in the lines and corners of the surveyed parcel because of the following:

A. Availability and condition of reference monuments.

- 1. Pinch top iron pipe found flush with surface on the Northeast right of way at Ritter Street at the Southeastern corner of the portion of Third Street described in Instrument 2009012548, as shown.
2. Iron pipe found flush with surface at the Southeastern corner of Lot 35 in said Addition (not shown).
3. Pinch top iron pipe found flush with surface at the Northeastern corner of Lot 14 in said Addition (not shown).
4. Iron pipe found flush with surface N63°E 1.7' from the Northwestern corner of Lot 15 in said Addition (not shown).
5. Pinch top iron pipe found flush with surface S41°W 0.4' from the Southwestern right of way of Oak Street at the section where the portion of vacated Third Street meets said right of way (not shown).
6. Rebar found flush with surface N33°W 2.9' from the Northwestern corner of Lot 19 in said Addition (not shown).
7. Iron pin found flush with surface on the Northeastern right of way of Ritter Street, S49°E 5.0' from the Southeastern corner of Lot 29 in said Addition.
8. 12" x 6" stone found flush with surface S79°W 2.9' from the Northeastern corner of Lot 31 in said Addition, as shown.
9. 12" x 6" stone found flush with surface S22°W 2.2' from the Northwestern corner of said Lot 31, as shown.
10. 12" x 6" stone found flush with surface N19°W 1.2' from the Southeastern corner of said Lot 31, as shown.
11. The maximum relative positional difference between found monuments and record position = 5.0'

B. Occupation or possession lines

- 1. Fence line along a portion of the northwestern line varies from 2.2' to 4.9' northwesterly of said northwestern line, as shown.
2. The maximum relative positional difference between occupation and/or possession lines and record position = 4.9'.

C. Clarity or ambiguity of record description and adjoiners' record descriptions.

- 1. No discrepancies or conflicts were discovered when comparing the subject property's description with adjoining property descriptions due to being within a platted subdivision.

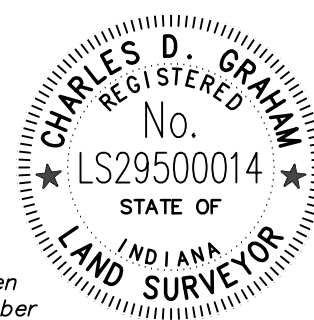
B. Relative Positional Accuracy.

- 1. The Relative positional accuracy of the measurements is 0.13 feet (40mm) +/- 100 ppm, and is consistent with a 'Suburban Survey' as defined by Indiana Code.

Prepared by:

Signature of Charles D. Graham

Charles D. Graham
Registration No. LS29500014



CERTIFICATION:

I certify that the survey as shown by the plat was performed wholly under the direction of myself, a registered land surveyor in the State of Indiana, and to the best of my belief and knowledge was executed according to 865 IAC 1-12.

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

PLAT AMENDMENT, LOT 31, LOT 32 AND PART VACATED THIRD STREET RITTER'S ADDITION TO THE TOWN OF ELLETTSVILLE

RECORDER STAMP

DESCRIPTION: TRANSFER AREA (PART OF LOT 31 TO BE ADDED TO LOT 32)

Five and four tenths (5.4) feet of even width off of the Westerly side of Lot 31 in Ritter's Addition to the Town of Ellettsville, Indiana, as recorded in the Office of the Recorder of Monroe County, Indiana, as shown on the plat of survey by C.D. Graham, PS 9500014, dated November 15, 2024, as job number 5024117 for Bynum Fanyo & Associates, Inc. and more particularly described as follows:

Commencing at the Southeast corner of said Lot 31; thence North 48 degrees 45 minutes 14 seconds West (basis of bearing Indiana SPC West Zone) 60.60 feet along the Southerly line of said Lot 31 to the point of beginning; thence continuing along said Southerly line North 48 degrees 45 minutes 14 seconds West 5.40 feet to the Southwest corner of said Lot 31; thence North 41 degrees 24 minutes 32 seconds East 132.10 feet along the West line of said Lot 31 to the Northwest corner of said Lot 31; thence South 48 degrees 45 minutes 36 seconds East 5.40 feet along the Northerly line of said Lot 31; thence leaving said Northerly line South 41 degrees 24 minutes 32 seconds West 132.10 feet parallel with the said West line to the point of beginning. Containing 0.016 acres (713 square feet), more or less.

DESCRIPTION: NEW LOT 31A (REMAINDER OF ORIGINAL LOT 31)

A part of Lot 31 in Ritter's Addition to the Town of Ellettsville, Indiana, as recorded in the Office of the Recorder of Monroe County, Indiana, as shown on the plat of survey by C.D. Graham, PS 9500014, dated November 15, 2024, as job number 5024117 for Bynum Fanyo & Associates, Inc. and more particularly described as follows:

Beginning at the Southeast corner of said Lot 31; thence North 48 degrees 45 minutes 14 seconds West (basis of bearing Indiana SPC West Zone) 60.60 feet along the Southerly line of said Lot 31; thence leaving said Southerly line North 41 degrees 24 minutes 32 seconds West 132.10 feet parallel with the West line of said Lot 31 to the Northerly line of said Lot 31; thence South 48 degrees 45 minutes 36 seconds East 60.60 feet along said Northerly line to the Northeast corner of said Lot 31; thence South 41 degrees 24 minutes 32 seconds West 132.11 feet along the Easterly line of said Lot 31 to the point of beginning. Containing 0.184 acres (8006 square feet)

DESCRIPTION: NEW LOT 32A

Lot 32, five and four tenths (5.4) feet of even width off of the Easterly side of Lot 31, and a part of vacated Third Street, all in Ritter's Addition to the Town of Ellettsville, Indiana, as recorded in the Office of the Recorder of Monroe County, Indiana, as shown on the plat of survey by C.D. Graham, PS 9500014, dated November 15, 2024, as job number 5024117 for Bynum Fanyo & Associates, Inc. and more particularly described as follows:

Commencing at the Southeast corner of said Lot 31; thence North 48 degrees 45 minutes 14 seconds West (basis of bearing Indiana SPC West Zone) 60.60 feet along the Southerly line of said Lot 31 to the point of beginning; thence continuing along said Southerly line of Lot 31, the Southerly line of Lot 32, and the extension thereof North 48 degrees 45 minutes 14 seconds West 101.65 feet to the Southwest corner of the portion of said vacated Third Street as described in Instrument 2009012548 in said Recorder's Office; thence leaving said Southerly line North 41 degrees 12 minutes 34 seconds East 132.09 feet along the Westerly line of said described area of vacated Third Street to the Northwest corner of said described area; thence South 48 degrees 45 minutes 36 seconds East 102.71 feet along the Northerly line of said described area, Lot 32 and Lot 31 to the Northeast corner of a 5.4 foot strip off the Westerly side of said Lot 31; thence South 41 degrees 24 minutes 32 seconds West 132.11 feet parallel to the Westerly line of said Lot 31 to the point of beginning. Containing 0.309 acres (13458 square feet), more or less.

Authentic Homes, Inc., the owner of the real estate shown and described herein, do hereby lay off, plat, and subdivide said real estate in accordance with this plat.

This plat amendment shall be known and designated as PLAT AMENDMENT OF LOT 31, LOT 32 AND PART OF VACATED THIRD STREET IN RITTER'S ADDITION TO THE TOWN OF ELLETTSVILLE

This plat amendment requires no additional right of way dedication

This subdivision shall consist of Lot 31A and Lot 32A of Ritter's Addition to the Town of Ellettsville.

Front, rear and side yard building setback lines are hereby established as shown on this plat. Between which lines and the property lines of the adjacent streets no building or other structure shall be erected or maintained.

The strips of ground varying in width as shown on this plat and marked "Easement" are reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures shall be erected or maintained upon said strips of land, but owners, of lots in this subdivision, shall take their title subject to the rights of the public utilities, and to the rights of the owners of other lots in this subdivision.

WITNESS my Hand and Seal this _____ day of _____, 20____.

BY: Authentic Homes, Inc. - Signed (Representative) and BY: Authentic Homes, Inc. - Printed (Representative)

STATE OF INDIANA }
COUNTY OF MONROE } SS:

Before me, the undersigned Notary Public, in and for the said County and State, personally appeared _____, representing Authentic Homes, Inc., and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and seal this _____ day of _____, 2024.

County of Residence _____ Commission Expires _____

Notary Public Signature _____ Notary Public Printed _____

Signed and Sealed this _____ day of _____, 20____.

PLAN COMMISSION NOTE: None of the terms of this plat, except the private restrictive covenants, shall be changed without the approval of the Plan Commission.

TOWN PLAN COMMISSION APPROVAL - PLANNING AND ZONING ADMINISTRATOR

I, _____, being the Planning and Zoning Administrator and designated authority of the Town Planning Commission for the Town of Ellettsville, State of Indiana, hereby certify that the said authority duly approved this plat of PLAT AMENDMENT OF LOT 31, LOT 32 AND PART VACATED THIRD STREET IN RITTERS ADDITION TO THE TOWN OF ELLETTSVILLE and is hereby accepted this day of _____, 20____.

Planning and Zoning Administrator

TOWN OF ELLETTSVILLE PLAN COMMISSION APPROVAL

Under the authority provided by United Development Ordinance adopted by the Town of Ellettsville, Indiana, 9-9-2024, this plat was given approval by the Town of Ellettsville Plan Commission on this _____ day of _____, 20____.

President, Plan Commission Secretary



VICINITY MAP (NOT TO SCALE)

ACCEPTANCE BY TOWN COUNCIL:

Be it resolved by the Town Council of the Town of Ellettsville, Indiana that the attached plat of PLAT AMENDMENT LOT 31, LOT 32 AND PART OF VACATED THIRD STREET, RITTER'S ADDITION are hereby accepted. Adopted by the Town Council of the Town of Ellettsville, Indiana this _____ day of _____, 20____.

President, Town Council

Clerk - Treasurer

SHEET ONE OF ONE

PLAT AMENDMENT, LOT 31, LOT 32 AND PART VACATED THIRD STREET RITTER'S ADDITION TO THE TOWN OF ELLETTSVILLE

BBB BYNUM FANYO & ASSOCIATES, INC. 528 North Walnut Street Bloomington, Indiana 47404 Phone (812)332-8030 Fax (812)339-2990