

## **AGENDA**

**BOARD OF ZONING APPEALS  
Ellettsville Town Hall  
1150 W. Guy McCown Drive, Ellettsville, Indiana  
Wednesday, February 12, 2025 - Meeting Starts at 6:00 P.M.**

### **Pledge of Allegiance**

### **Roll Call**

### **Approval of Minutes – January 15, 2025**

### **Monthly Conflict of Interest Statement**

### **Old Business**

### **New Business**

Request for a Variance from Development Standards to Include Single Family Attached Homes as Exempt from Architectural and Site Layout Standards Under Section 4.3(B)(1) of the Unified Development Ordinance; 7633 W. State Road 46; Petitioner Harman Farms Land LLC; Case No. BZA 25-05

Request for a Variance from Development Standards to Allow Signage that Exceeds the Maximum Allowed in the Unified Development Ordinance; 4200 N. Kemp Road; Petitioner: KB Wash World, LLC; Case No. BZA 25-04

Request for Three (3) Variances from Development Standards to Reduce the Minimum Front, Side and Rear Yard Setbacks; 3655 W. State Road 46; Petitioner: Todd Borgman Representing Convivial Properties, LLC; Case No. PC 25-03

### **Planning Department Comments**

Next meeting is scheduled for March 12, 2025

### **Board of Zoning Appeals Comments**

### **Adjournment**

## January 15, 2025

The Ellettsville, Indiana Board of Zoning Appeals met on Wednesday, January 15, 2025 David Drake called the meeting to order at 6:01 p.m. David Drake led the Pledge of Allegiance.

**Roll Call:** Members present were: David Drake, President; Travis Conyer; and Pat Wesolowski.

### **Election of Officers of 2025**

Pat Wesolowski made the motion to keep the same officers. Traves Conyer seconded. Motion carried.

### **Approval of Minutes-December 11, 2024**

Pat Wesolowski made a motion to approve the minutes from December 11, 2024. Traves Conyer seconded. Motion carried.

### **Meeting Dates for 2025**

David Drake entertained a motion to approve the meeting dates. Pat Wesolowski made a motion to approve the 2025 Meeting Dates. Traves Conyer seconded the motion. Motion carried.

### **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**

**Denise Line, Planning Director**, explained that the Petitioner is requesting twelve (12) variances from development standards in the Harmon Farms Subdivision, 7633 W. State Road 46. The twelve (12) variances are as follows:

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 Unified Development Ordinance (UDO);
6. Allow fences within access easements created by the developer for shared side yards.
7. Amend language of UDO Section 4.2G.1.c to allow fences to be placed on the property line;
8. 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.

**Chris Smith, Petitioner**, discussed the reasoning for the variances and fences on the property lines. The Petitioner explained with the lots being smaller, they are more compact. They will push the houses to the left, so there will be a bigger side yard.

David Drake made a motion to approve the eleven (11) variances from Development Standards Case No. BZA 25-01 and Pat Wesolowski seconded the motion. Roll call: David Drake-yes; Traves Conyer-yes; and Pat Wesolowski-yes. Motion Carried.

**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**

**Denise Line, Planning Director**, explained the Petitioner is seeking approval of a development standard variance to decrease the minimum side yard setback to 5 feet

**A.J. Willis, Project Engineer for Bynum Fanyo & Associates, Inc. Authentic Homes, Inc.**, discussed the development standard variance. The client purchased Lots 31 and 32 in Ritters Addition Subdivision. There is an existing single-family residence on Lot 32 and Lot 31 is currently vacant. The 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.

Pat Wesolowski made a motion to approve the lot standard variance and Traves Conyer seconded the motion. Roll Call: David Drake-yes, Pat Wesolowski-yes and Traves Conyer-yes. Motion Carried.

**Planning Development Comments**

Next meeting will be February 12, 2025

**Adjournment**

Meeting adjourned at 6:43 p.m.

\_\_\_\_\_  
David Drake, President

\_\_\_\_\_  
Traves Conyer

\_\_\_\_\_  
Pat Wesolowski

\_\_\_\_\_  
Renee Jones, Secretary



# Town of Ellettsville

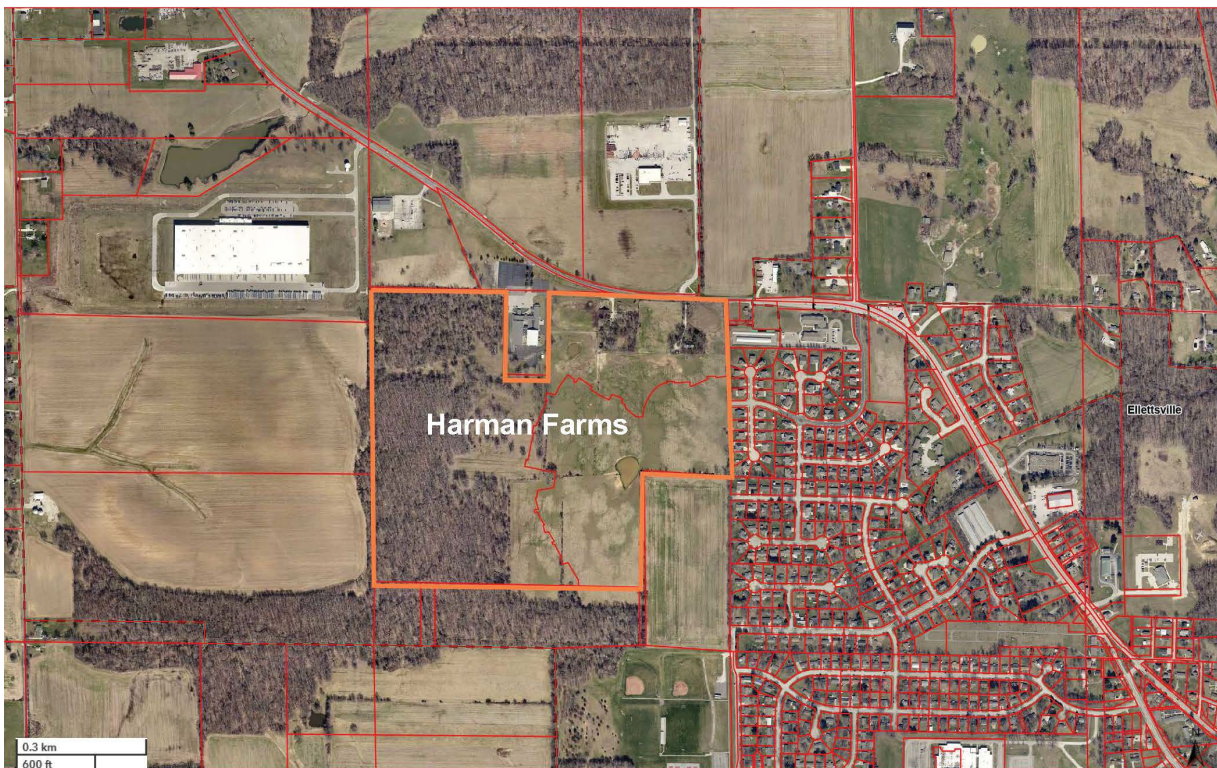
## Department of Planning & Development

### BZA 25-05 –Variance from Development Standards Staff Report

#### Petition

**Case - BZA 25-05.** A request by Harman Farms Land, LLC for consideration of a variance from development standards to include single family attached homes as being exempt from architectural and site layout standards under Section 4.3(B)(1) of the Unified Development Ordinance. The subject parcels are located at 7633 W. State Road 46.

#### Surrounding Zoning Districts & Uses



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

## **Considerations**

1. The Petitioner is requesting a variance from development standards, specifically Unified Development Ordinance (UDO) 4.3(B)(1), Applicability of Architectural Standards, to include single family attached dwellings as being except from architectural and site layout standards in the Harman Farms Subdivision.

UDO 4.3(B)(1) states “1. *The architectural and site standards shall apply to all uses and zoning districts, except single-family and two-family dwellings and the AG zoning districts.*”

2. One of the intents of Architectural Standards (UDO 4.3(A)(1)) is to allow for creativity in building design.
3. The Harman Farms Subdivision will include residential uses that include single family and two-family dwellings as well as single family attached or townhomes.
4. 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.
5. 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.
6. 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.
7. The property is zoned C-1; Neighborhood Commercial, and was granted a special exception to allow single family dwellings by the Board of Zoning Appeals on December 11, 2024.
8. 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 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 variance will not affect adjacent properties in a substantially adverse manner. The variance 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:*

The strict application of UDO 4.3(B)(1) will interfere with 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 variance from development standards will provide mixed-use residential in the village center concept 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 variance is 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 variance meets all requirements and, therefore, recommends approval of the variance request. The Board may approve the variance if, after testimony and discussion, it finds that the request meets 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  
February 12, 2025



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

February 3<sup>rd</sup>, 2025

RE: Harman Farm Subdivision  
Variance Requests – Revision 2

Denise Line or To Whom It May Concern:

Our client, Chris Smith, respectfully requests approval of the development standard variance 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 one additional variance from the current UDO:

1. UDO Section 4.3.B.1 – Architectural Standards -- Applicability
  - a. Request that this section reads “The architectural and site layout standards shall apply to all uses and zoning districts, except single-family, two-family, and single-family attached dwellings and the AG zoning district.”
  - b. Our project includes townhomes that are classified as single-family attached structures. The intent of this section of UDO is to provide standards for commercial structures where large facades are visible from public rights-of-way. Townhomes include architectural features that break up the façade so each unit stands out. We believe single-family attached should be exempted from this section because each unit is already distinguishable from the adjacent units.

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

528 NORTH WALNUT STREET  
812-332-8030

BLOOMINGTON, INDIANA 47404  
FAX 812-339-2990





# Town of Ellettsville

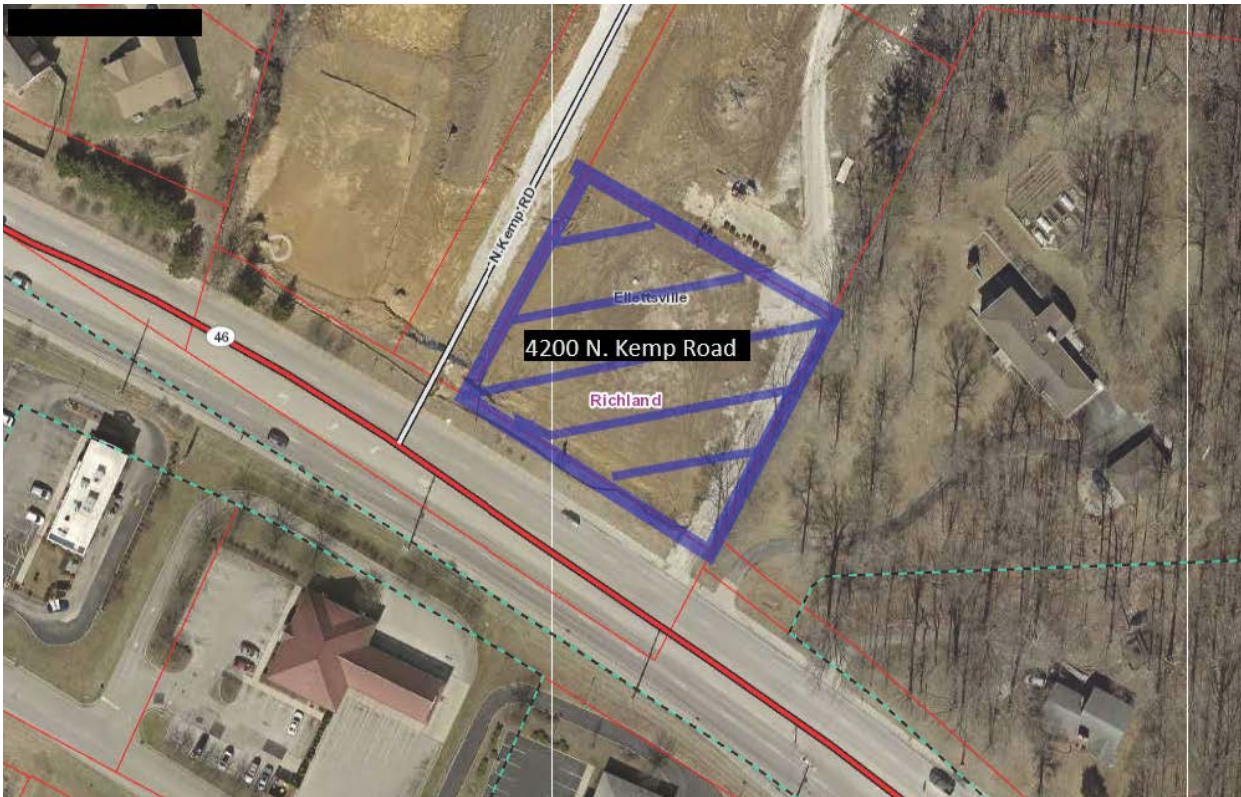
## Department of Planning & Development

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### BZA 25-04 - Variance from Development Standards Staff Report

**Petition**

**Case - BZA 25-04.** A request by Petitioner, Blackwell Contractors, Inc., for a variance from development standards to allow for signage that exceeds the maximum allowed in the Unified Development Ordinance. The subject parcel is located at 4200 N. Kemp Road.



**Surrounding Zoning Districts & Uses**

Zoning District	Property Use
<b>North:</b> PUD; Multi Family Residential	Apartments
<b>South:</b> C-3; General Commercial	Commercial Business
<b>East:</b> C-3; General Commercial	Single Family Residential
<b>West:</b> R-1; Single Family Residential	Single Family Residential

**Considerations**

1. The Petitioner is requesting a variance from development standards to allow for signage that exceeds the maximum limit of allowable signage for a parcel pursuant to the Unified

Development Ordinance.

2. Petitioner is requesting to install two (2) menu boards, each totaling 8.33 ft<sup>2</sup> or 16.66 ft<sup>2</sup> for both. Signs will be attached to columns of a carwash.
3. The Town of Ellettsville's Unified Development Ordinance, Table 4.13, Permitted Permanent Signs, provides for a maximum of 200 ft<sup>2</sup> for all signs in a Commercial-2 zoning district.
4. At its December 11, 2024, meeting, the Board of Zoning Appeals approved a sign variance for a wall sign measuring 140 ft<sup>2</sup>.
5. The Petitioner's request for a development standard variance is the only item to be considered by this Board of Zoning Appeals.
6. Indiana Code (IC 36-7-4-918.5) requires the following criteria be met in order to approve a variance of development standards 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.
7. 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.
8. 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.
9. A variance, once granted, runs with the property no matter who owns the property.

### **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

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

*Staff Finding:*

Approval of the variance request to exceed the allowed signage area will not cause 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 variance request is related to the size of the signage and will not affect the use or value of adjacent properties. The signage will not have lighting and will be located on the west side of the building so it will not affect neighboring properties to the east.

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 UDO will not allow the Petitioner to provide the information needed by its customer which results in practical difficulty in the use of the property.

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

*Staff Finding:*

The proposed signage is in compliance with 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:*

The requested variance is about the maximum cumulative area of all sign faces which is not peculiar to the property.

6. **Compliance with other Town Codes:** The variance request (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, staff recommends approval of the two 30" x 40" signs totaling 16.66 ft<sup>2</sup>.

The Board may approve the variance if, after testimony and discussion, it finds that the request does 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  
February 12, 2024

**Staff Photos – Location of Area for Placement of the Signage (marked with an X):**



**Proposed Signage:**

**KB WashWorld Menu Signs In Ellettsville, IN**

Printed / Laminated Sign

Sign Dimensions: 30" W x 40" H

Material/Thickness: 1/8" B-bond metal

Colors: Multiple Colors 4C Printing



WELCOME TO ...

# KB WashWorld



## **PREMIUM** Wash

- UNDERCARRIAGE SPRAY
- DUAL PASS PRESOAK
- RINSE
- CLEARCOAT
- RAIN PROTECTANT
- RINSE
- SPOT FREE RINSE
- VELOCITY DRYER
- CERAMIC COAT  
ADDITIONAL \$3

## **DELUXE** Wash

- UNDERCARRIAGE SPRAY
- DUAL PASS PRESOAK
- RINSE
- CLEARCOAT
- RINSE
- SPOT FREE RINSE
- VELOCITY DRYER
- CERAMIC COAT  
ADDITIONAL \$3

## **SUPER** Wash

- UNDERCARRIAGE SPRAY
- DUAL PASS PRESOAK
- SPOT FREE RINSE
- VELOCITY DRYER
- CERAMIC COAT  
ADDITIONAL \$3



# Town of Ellettsville

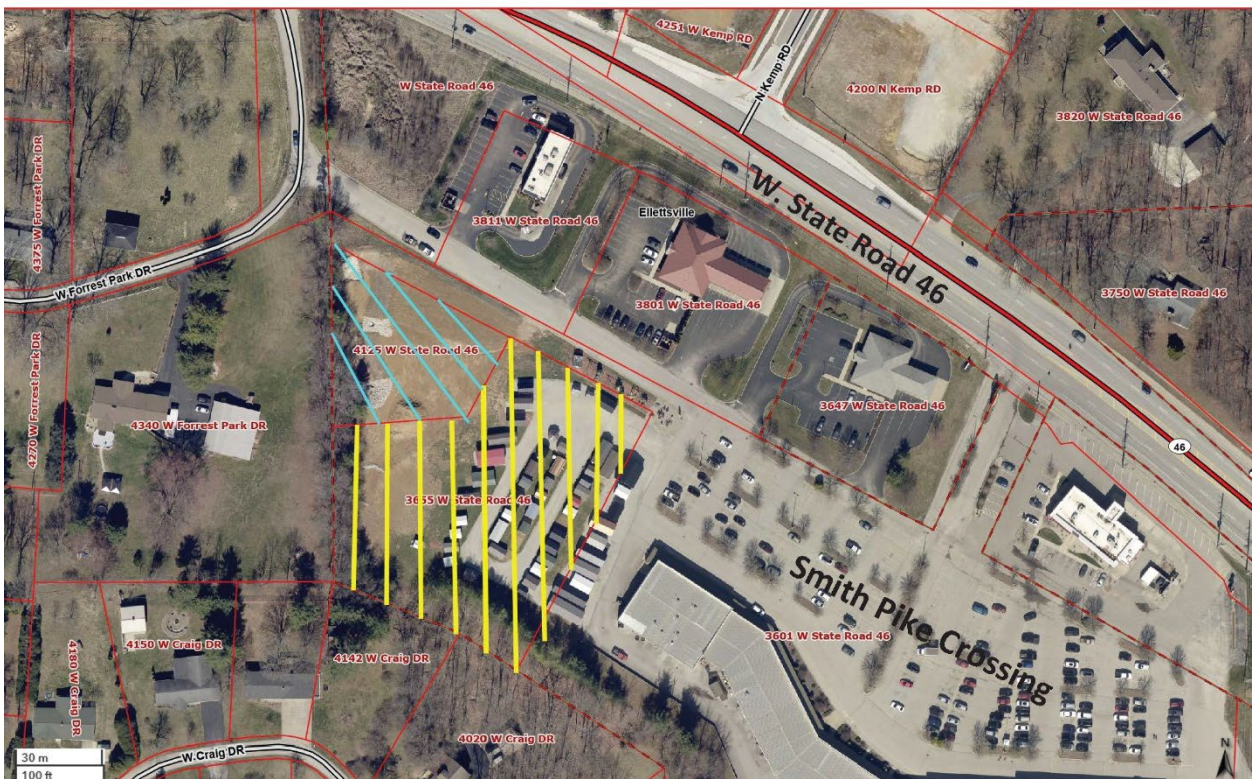
## Department of Planning & Development

### BZA 25-03 –Variance from Development Standards Staff Report

#### Petition

**Case - BZA 25-03.** A request by Todd Borgman for consideration of three (3) variances from development standards: Reduction of the front, side and rear yard minimum setbacks. The subject parcels are located at 3655 W. State Road 46.

#### Surrounding Zoning Districts & Uses



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

## **Considerations**

1. The Petitioner is requesting three (3) variances from development standards at 3655 W. State Road 46:
  - (1) Reduction of the front yard setback to a 15' minimum (Unified Development Ordinance {UDO} requires 25')
  - (2) Reduction of the side yard setback to a 5' minimum (UDO requires 15') and
  - (3) Reduction to a 15' minimum rear yard setback (UDO requires 20').
2. Property is zoned Commercial 2, General Commercial.
3. Petitioner will be creating a commercial subdivision with four (4) lots.
4. The Petitioner's request for three (3) variances from development standards are the only items to be considered by this Board of Zoning Appeals.
5. 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.
6. 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.
7. 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.

### **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 will 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:*

If the strict application of the Unified Development Ordinance is observed, it will result in a practical difficulty with the layout and positioning of the subdivision. It would go against the desire for a commercial subdivision 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 a commercial subdivision as described 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 Owner, it will do so if the variances are not approved as it will limit the commercial subdivision.

- 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**

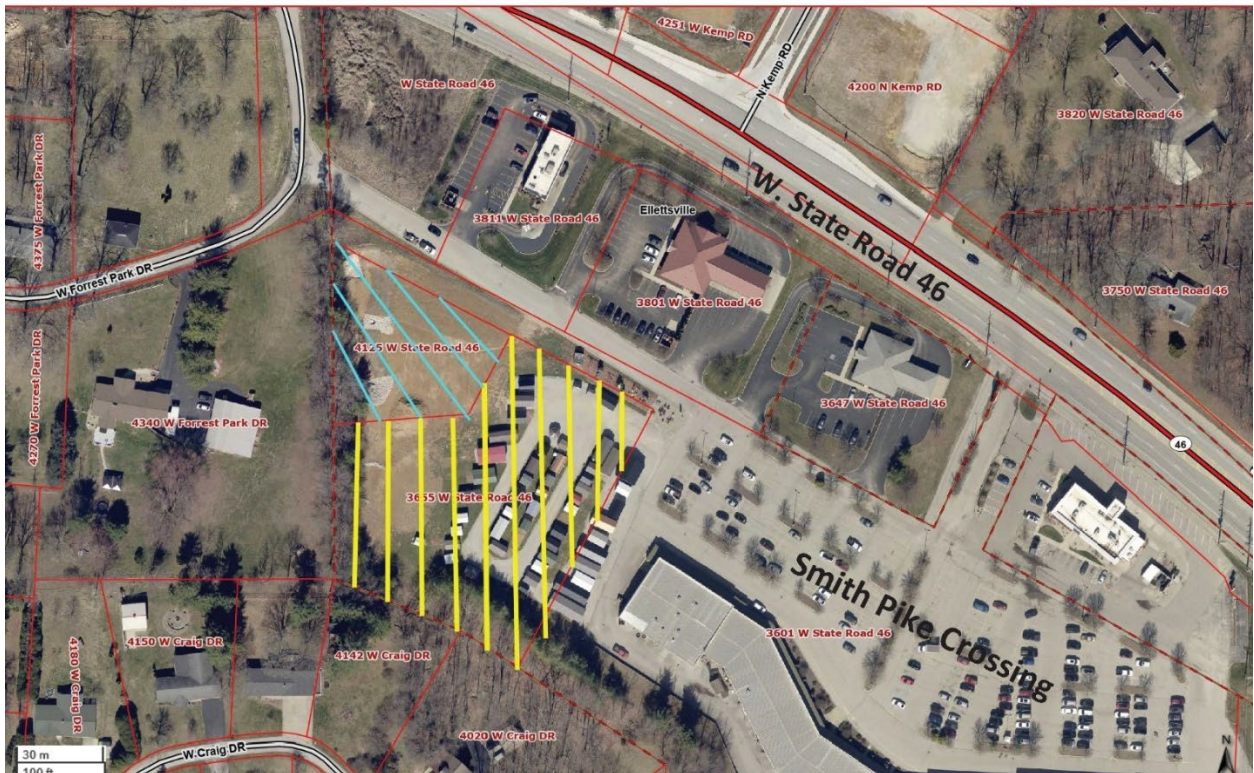
The purpose of a variance is to provide relief in situations where the land or other condition offers

resistance to meeting a particular zoning regulation through no fault of the occupant of the land.

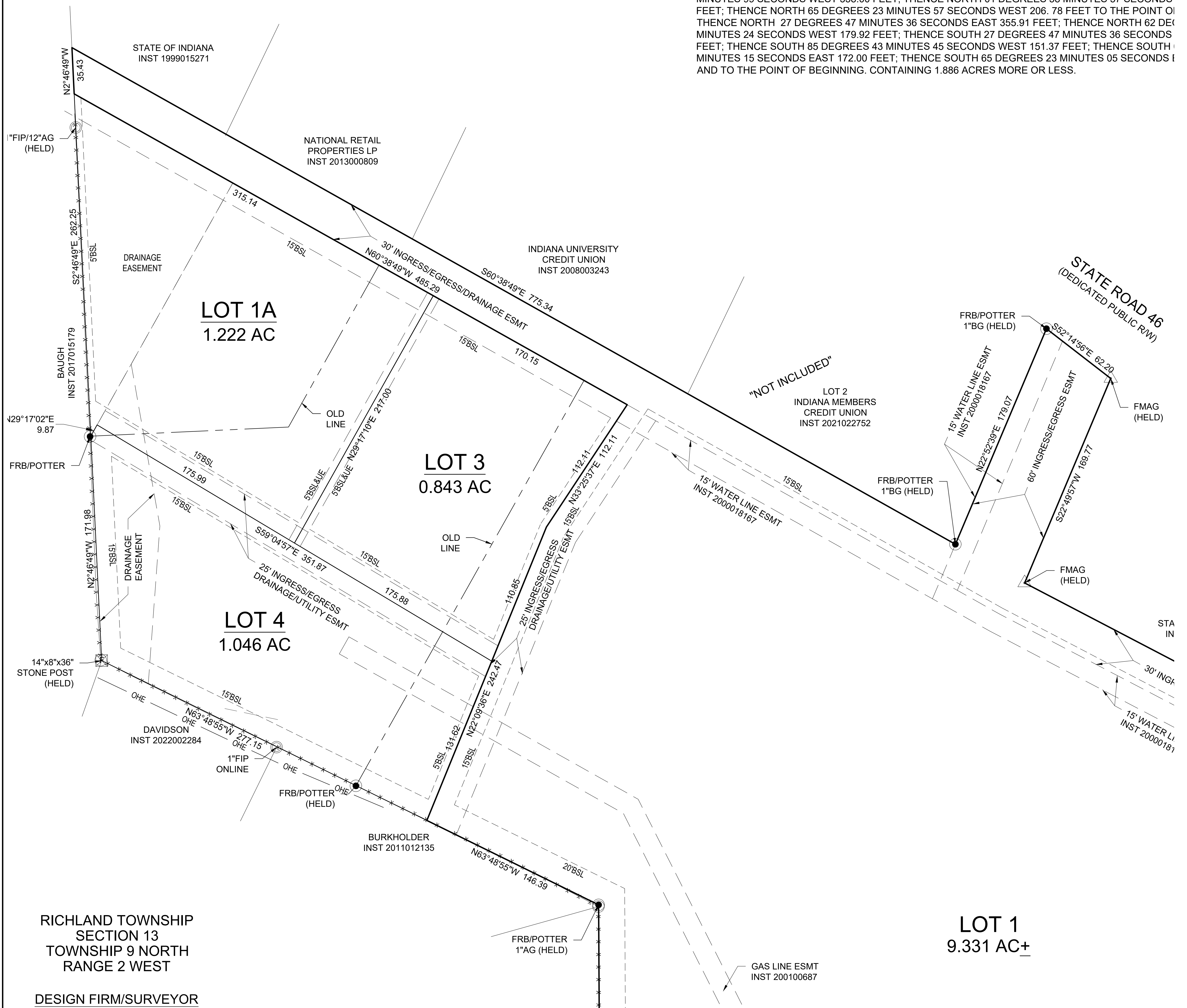
Therefore, based on the above analysis, it is of Staff opinion that the variances meet all requirements and, therefore, recommends approval of all variance requests. The Board may approve the variances if, after testimony and discussion, it finds that the requests meet all six (6) of the stated requirements. 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  
February 12, 2025

**Site location:**



CONTINUING NORTH 88 DEGREES 49 MINUTES 18 SECONDS WEST 312.67 FEET; THENCE NORTH 88 MINUTES 99 SECONDS WEST 358.00 FEET; THENCE NORTH 01 DEGREES 58 MINUTES 57 SECONDS FEET; THENCE NORTH 65 DEGREES 23 MINUTES 57 SECONDS WEST 206.78 FEET TO THE POINT OF THENCE NORTH 27 DEGREES 47 MINUTES 36 SECONDS EAST 355.91 FEET; THENCE NORTH 62 DE MINUTES 24 SECONDS WEST 179.92 FEET; THENCE SOUTH 27 DEGREES 47 MINUTES 36 SECONDS FEET; THENCE SOUTH 85 DEGREES 43 MINUTES 45 SECONDS WEST 151.37 FEET; THENCE SOUTH MINUTES 15 SECONDS EAST 172.00 FEET; THENCE SOUTH 65 DEGREES 23 MINUTES 05 SECONDS I AND TO THE POINT OF BEGINNING. CONTAINING 1.886 ACRES MORE OR LESS.



RICHLAND TOWNSHIP  
SECTION 13  
TOWNSHIP 9 NORTH  
RANGE 2 WEST

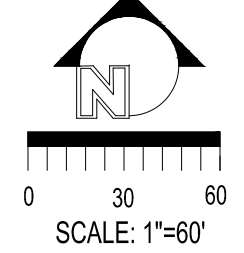
DESIGN FIRM/SURVEYOR

LOT 1  
9.331 AC+

**LEGEND**

- RR SPIKE
- STONE
- REBAR
- IRON PIPE
- MAG NAIL
- FENCE POST
- FENCE
- FLOOD ZONE
- M MEASURED
- P PLATTED
- R RECORD
- FRB FOUND REBAR
- SRS SET REBAR
- FIP FOUND IRON PIPE
- FRS FOUND RAILROAD SPIKE
- FMAG FOUND MAG NAIL
- SMAG SET MAG NAIL
- BC BUILDING CORNER
- FND FOUND
- POD POSSIBLE DEED OVERLAP
- PDC POSSIBLE DEED GAP
- BG BELOW GRADE
- AG ABOVE GRADE
- ASH ASPHALT
- GRAV GRAVEL
- CONC CONCRETE

BASIS OF BEARINGS:  
INDIANA STATE PLANE, WEST ZONE  
VERTICAL DATUM: NAVD 88



**LEGAL DESCRIPTION**

LOT NUMBERS 1 AND 1A IN RICHLAND SQUARE FINAL PLAT AMENDMENT ONE, AS SHOWN ON THE RECORDED PLAT THEREOF, RECORDED AS INSTRUMENT 2011004881 IN THE OFFICE OF THE RECORDER OF MONROE COUNTY RECORDER.

ALSO:  
PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 9 NORTH, RANGE 2 WEST, RICHLAND TOWNSHIP, MONROE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT A REBAR FOUND AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER, THENCE NORTH 01 DEGREES 50 MINUTES 32 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER AND ALONG SMITH PIKE 163.73 FEET; THENCE NORTH 88 DEGREES 49 MINUTES 18 SECONDS WEST 16.52 FEET; THENCE CONTINUING NORTH 88 DEGREES 49 MINUTES 18 SECONDS WEST 312.67 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 59 SECONDS WEST 358.00 FEET; THENCE NORTH 01 DEGREES 58 MINUTES 57 SECONDS WEST 303.79 FEET; THENCE NORTH 85 DEGREES 23 MINUTES 57 SECONDS WEST 206.78 FEET TO THE POINT OF BEGINNING; THENCE NORTH 27 DEGREES 47 MINUTES 36 SECONDS EAST 355.91 FEET; THENCE NORTH 62 DEGREES 12 MINUTES 24 SECONDS WEST 179.92 FEET; THENCE SOUTH 27 DEGREES 47 MINUTES 36 SECONDS WEST 141.89 FEET; THENCE SOUTH 85 DEGREES 43 MINUTES 45 SECONDS WEST 151.37 FEET; THENCE SOUTH 04 DEGREES 16 MINUTES 15 SECONDS EAST 172.00 FEET; THENCE SOUTH 85 DEGREES 23 MINUTES 05 SECONDS EAST 217.22 FEET AND TO THE POINT OF BEGINNING, CONTAINING 1.886 ACRES MORE OR LESS.

**TOWN OF ELLETTSVILLE 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 ARVIN SUBDIVISION, AND IS HEREBY ACCEPTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
DENISE LANE, PLANNING AND ZONING ADMINISTRATOR.

**TOWN OF ELLETTSVILLE PLAN COMMISSION APPROVAL**

UNDER THE AUTHORITY PROVIDED BY CHAPTER 153- MUNICIPAL CODE ORDINANCE ADOPTED BY THE TOWN OF ELLETTSVILLE, INDIANA, 2003, THIS PLAT WAS GIVEN APPROVAL BY THE TOWN OF ELLETTSVILLE PLAN COMMISSION AT A MEETING HELD ON THE: \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
PLAN COMMISSION PRESIDENT

\_\_\_\_\_  
PLAN COMMISSION SECRETARY

**ACCEPTANCE OF DEDICATION & STREET VACATION BY TOWN COUNCIL**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE ELLETTSVILLE, INDIANA THAT THE DEDICATIONS SHOW ON THE ATTACHED PLAT OF RICHLAND SQUARE FINAL PLAT AMENDMENT TWO ARE HEREBY ACCEPTED AND ANY AND ALL PREVIOUSLY PLATTED, UNNAMED AND UNIMPROVED STREETS WITHIN THE BOUNDARY OF ARVIN SUBDIVISION ARE HEREBY VACATED. ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ELLETTSVILLE, INDIANA.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
TOWN COUNCIL PRESIDENT

\_\_\_\_\_  
CLERK TREASURER

**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.

**SURVEYOR'S CERTIFICATE**  
THIS SURVEY WAS PERFORMED UNDER THE DIRECTION OF THE UNDERSIGNED, AND TO THE BEST OF THIS SURVEYOR'S KNOWLEDGE AND BELIEF WAS EXECUTED ACCORDING TO SURVEY REQUIREMENTS IN 865 IAC 1.12 FOR THE STATE OF INDIANA.

DATED OCTOBER 28, 2024

TODD M. BORGMAN  
REGISTERED LAND SURVEYOR NO. 21200021  
STATE OF INDIANA

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. (TODD BORGMAN)

**OWNER**

CONVIVAL PROPERTIES, LLC, OWNER OF REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY LAYOFF, PLAT AND SUBDIVIDE THE SAME INTO PARCELS IN ACCORDANCE WITH THIS PLAT. THE WITHIN PLAT SHALL BE KNOWN AS THE RICHLAND SQUARE FINAL PLAT AMENDMENT TWO.

THERE ARE EASEMENTS AND BUILDING SETBACKS ON THE PLAT UPON WHICH NO STRUCTURES MAY BE ERRECTED OR MAINTAINED.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
CHAD STEPHENS, MEMBER

STATE OF INDIANA)SS:

COUNTY OF \_\_\_\_\_)

BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE AND COUNTY SHOWN HEREON, PERSONALLY APPEARED, CHAD STEPHENS, PERSONALLY KNOWN TO ME TO BE THE A MEMBER OF CONVIVAL PROPERTIES, LLC, OWNERS OF THE DESCRIBED REAL ESTATE, AND WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING SUBDIVISION OF THE REAL ESTATE AS SHOWN AS A VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AN NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

SIGNATURE: \_\_\_\_\_ PRINTED NAME: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_ COUNTY OF RESIDENCE: \_\_\_\_\_

**OWNER**

DON COWDEN FOUNDATION, INC, OWNER OF REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY LAYOFF, PLAT AND SUBDIVIDE THE SAME INTO PARCELS IN ACCORDANCE WITH THIS PLAT. THE WITHIN PLAT SHALL BE KNOWN AS THE RICHLAND SQUARE FINAL PLAT AMENDMENT TWO.

THERE ARE EASEMENTS AND BUILDING SETBACKS ON THE PLAT UPON WHICH NO STRUCTURES MAY BE ERRECTED OR MAINTAINED.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
CRAIG COWDEN, PRESIDENT

STATE OF INDIANA)SS:

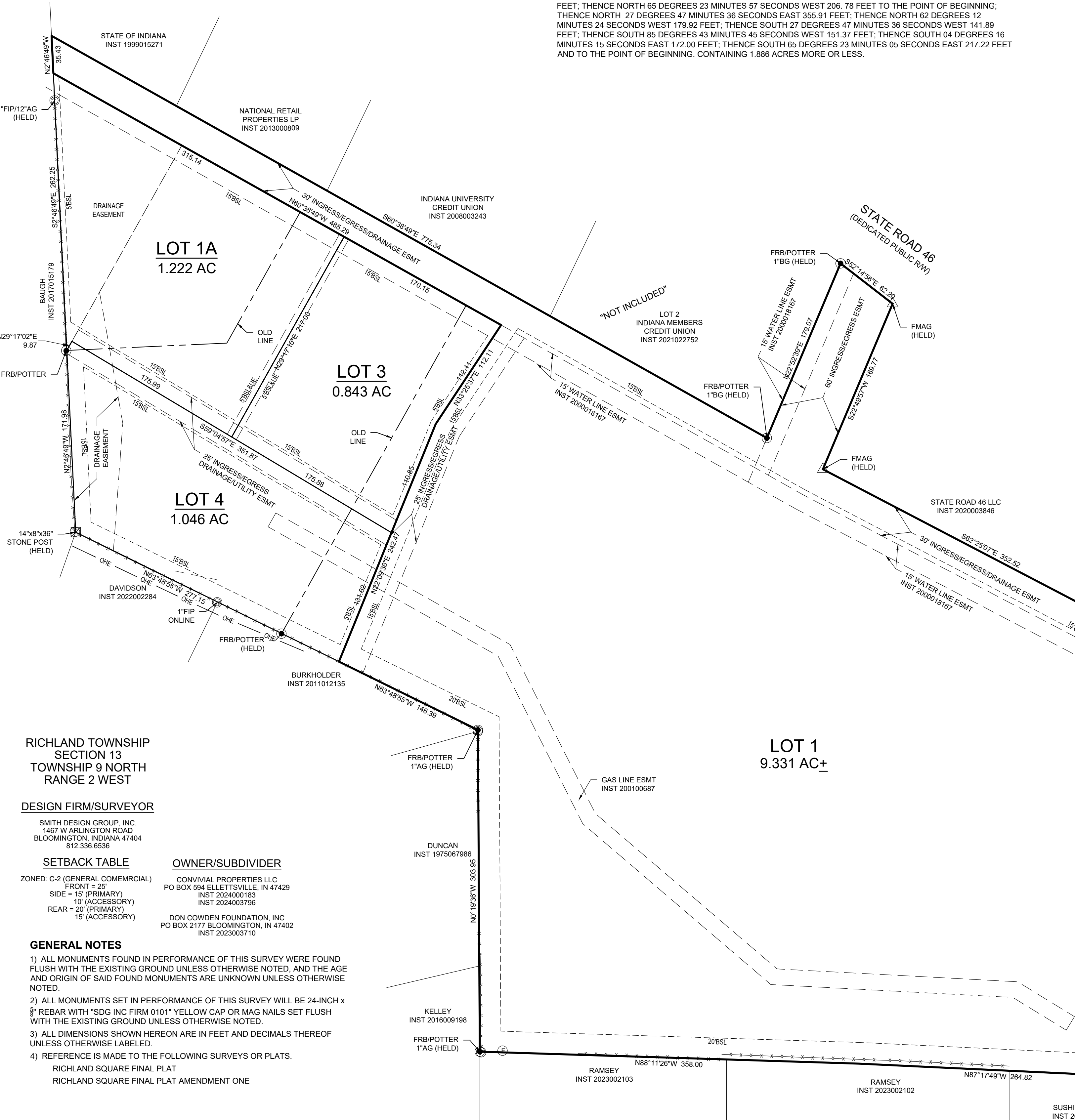
COUNTY OF \_\_\_\_\_)

BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE AND COUNTY SHOWN HEREON, PERSONALLY APPEARED, CRAIG COWDEN, PERSONALLY KNOWN TO ME TO BE THE PRESIDENT OF THE DON COWDEN FOUNDATION, INC, OWNER OF THE DESCRIBED REAL ESTATE, AND WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING SUBDIVISION OF THE REAL ESTATE AS SHOWN AS A VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AN NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

SIGNATURE: \_\_\_\_\_ PRINTED NAME: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_ COUNTY OF RESIDENCE: \_\_\_\_\_



RICHLAND TOWNSHIP  
SECTION 13  
TOWNSHIP 9 NORTH  
RANGE 2 WEST

**DESIGN FIRM/SURVEYOR**

SMITH DESIGN GROUP, INC.  
1467 W ARLINGTON ROAD  
BLOOMINGTON, INDIANA 47404  
812.336.6536

**SETBACK TABLE**

ZONED: C-2 (GENERAL COMEMRCIAL)  
FRONT = 25'  
SIDE = 15' (PRIMARY)  
REAR = 20' (PRIMARY)  
15' (ACCESSORY)

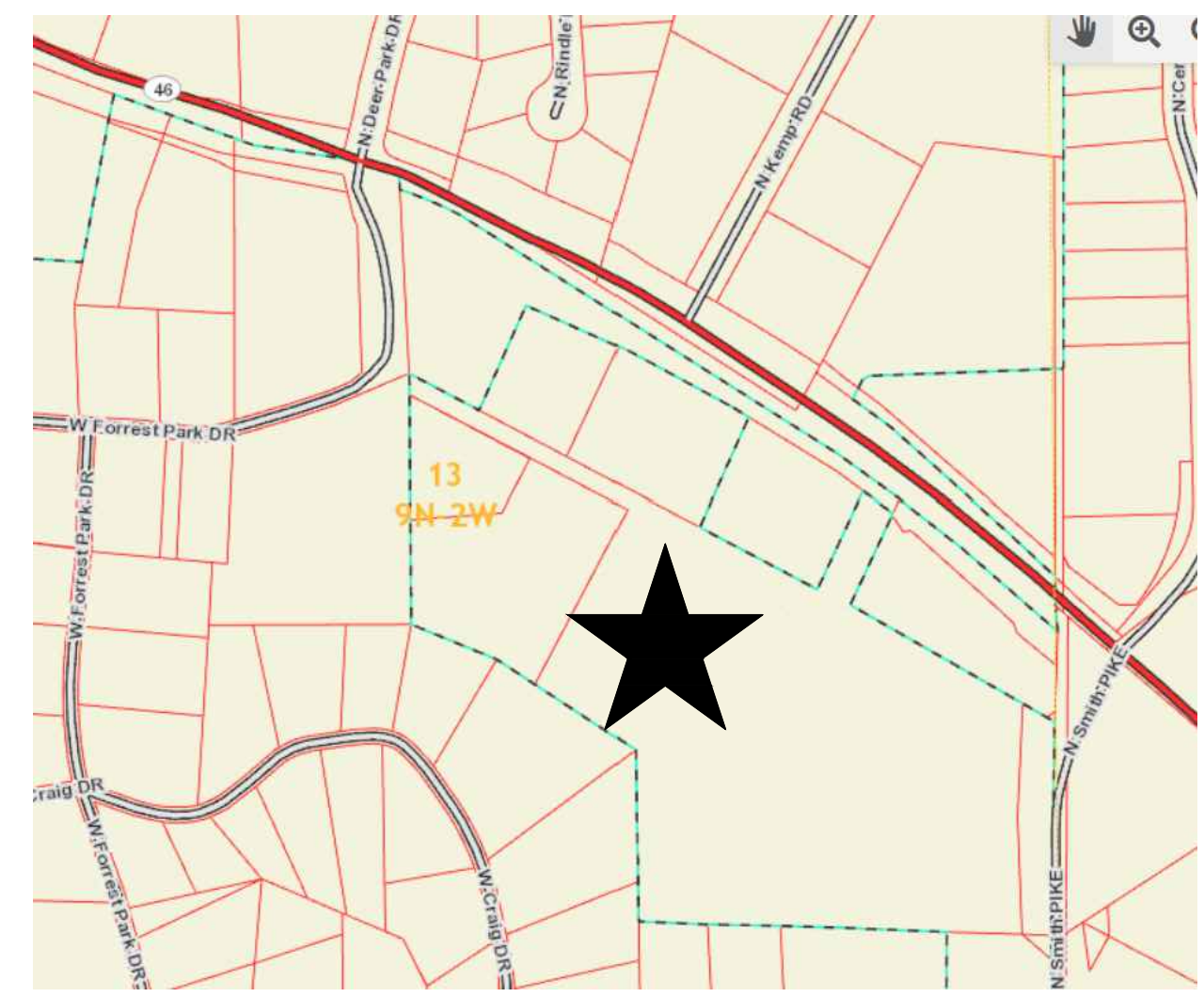
**OWNER/SUBDIVIDER**

CONVIVAL PROPERTIES LLC  
PO BOX 594 ELLETTSVILLE, IN 47429  
INST 202400183  
INST 2024003796

DON COWDEN FOUNDATION, INC  
PO BOX 2177 BLOOMINGTON, IN 47402  
INST 2023003710

**GENERAL NOTES**

- 1) ALL MONUMENTS FOUND IN PERFORMANCE OF THIS SURVEY WERE FOUND FLUSH WITH THE EXISTING GROUND UNLESS OTHERWISE NOTED, AND THE AGE AND ORIGIN OF SAID FOUND MONUMENTS ARE UNKNOWN UNLESS OTHERWISE NOTED.
- 2) ALL MONUMENTS SET IN PERFORMANCE OF THIS SURVEY WILL BE 24-INCH x 3/4" REBAR WITH "SDG INC FIRM 0101" YELLOW CAP OR MAG NAILS SET FLUSH WITH THE EXISTING GROUND UNLESS OTHERWISE NOTED.
- 3) ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE LABELED.
- 4) REFERENCE IS MADE TO THE FOLLOWING SURVEYS OR PLATS.  
RICHLAND SQUARE FINAL PLAT  
RICHLAND SQUARE FINAL PLAT AMENDMENT ONE



**RICHLAND SQUARE SECTION TWO FINAL PLAT AND RICHLAND SQUARE FINAL PLAT AMENDMENT TWO**

SMITH DESIGN GROUP, INC., 1467 W ARLINGTON ROAD, BLOOMINGTON, INDIANA 47404  
T: 812.336.6536 W: www.smithdgc.com Job: 6860 Page 1/1 Date: January 2, 2025

