

City of Angola Plan Commission Staff Report  
Public Meeting and Public Hearing:  
PC CASE No.: 2020-11-01  
Hearing Date: November 9, 2020

Applicant/Property Owner: Tom and Amy Buchs  
Request: Vacation of Lot 3 only (partial plat request) within Herman's Five Buch Run Subdivision Amended. The Vacation of Lot 3 includes the platted Lot 3, lot lines, setbacks, and restrictive covenants. Applicable easements subject to approval by those other entities.

Location/Address: 1383 S West Fox Lake Road, Angola, Indiana 46703 (address use is for notice purposes)

Publication of Legal Notice and Notice to property owners: Served in accordance with applicable statutes and ordinances and per the City of Angola, Indiana, Unified Development Code. Publication advertised in the Herald Republican newspaper on October 29, 2020.

Zoning District: Agricultural (AG)

Angola Municipal Code Title 18 Unified Development Code Criteria:

- Chapter 18.28 Agricultural District Sections 18.28.010 District Intent through 18.28.050 Additional Development Standards.
- Applicable Indiana Code 36-7-4-711; Proceedings controlling vacation of plats; hearing; conditions for approval; appeals and 36-7-4-714 Vacation of recorded covenants.

SUMMARY: The Applicants, Tom and Amy Buchs are requesting a Vacation of Lot 3 from Herman's Five Buch Run Subdivision Amended. The vacation includes the following: the platted Lot 3, remove lot lines, setbacks, and restrictive covenants. Applicable easements subject to approval by other entities. There are no city utilities, rights of ways, easements, etc. involved as this property is located within the City's Extra-Territorial Jurisdiction. If development comes forward, they will have to meet all development standards criteria for the zoning district. Lots 1 and 2 will remain as Herman's Five Buch Run Subdivision Amended. The property owners propose to combine the (former Lot 3 with their existing properties to the north).

The property is located within the City of Angola's Extra-Territorial Jurisdiction that includes planning, zoning, and building codes criteria. The roads are not within the city of Angola's jurisdiction these fall under the Steuben County Highway Department.

Economic Development and Planning: Vivian Likes

1. The property owner/project surveyor is responsible for contacting any Steuben County departments for any comments applicable to this vacation.
2. If the lots are sold in the future for development purposes, contact the City Planning Department for development criteria of said properties.

MS4: Kristen Thomas: The project has no applicable requirements for MS4.

Engineering: Amanda Cope: No comment. Approved.

Street: Doug Anderson: No Comment.

Fire Dept.: TR Hagerty: N/A

The project is compatible with the surrounding land uses and in conformance with Angola's Comprehensive Plan dated October 15, 2012; Angola Municipal Code current through Ordinance 1651-2020, passed October 5, 2020.

**Determination to approve or disapprove as Indiana Code 36-7-4-711 Proceedings controlling vacation of plats; hearing; conditions for approval; appeals Sec. 711 (a)**

The plan commission (or plat committee acting on its behalf), proceeding in accordance with IC 36-7-3-10 or with this section has exclusive control over the vacation of plats or parts of plats.

(f) After hearing the petition, the plan commission or plat committee shall approve or disapprove the request. The commission or committee may approve the vacation of all or part of a plat only upon a determination that:

(1) conditions in the platted area have changed so as to defeat the original purpose of the plat;

(2) it is in the public interest to vacate all or part of the plat; and

(3) the value of that part of the land in the plat not owned by the petitioner will not be diminished by the vacation.

(g) The commission or committee may impose reasonable conditions as part of any approval. The commission or committee shall furnish a copy of the commission's or committee shall furnish a copy of the commission's or committee's decision to the county recorder for recording.

Action of the Angola Plan Commission based on the Findings of Fact:

- Motion to Approve:

\_\_\_\_\_  
- Motion to Approve with Conditions: (as per the attached staff report) and any additional comments made by the Plan Commission.

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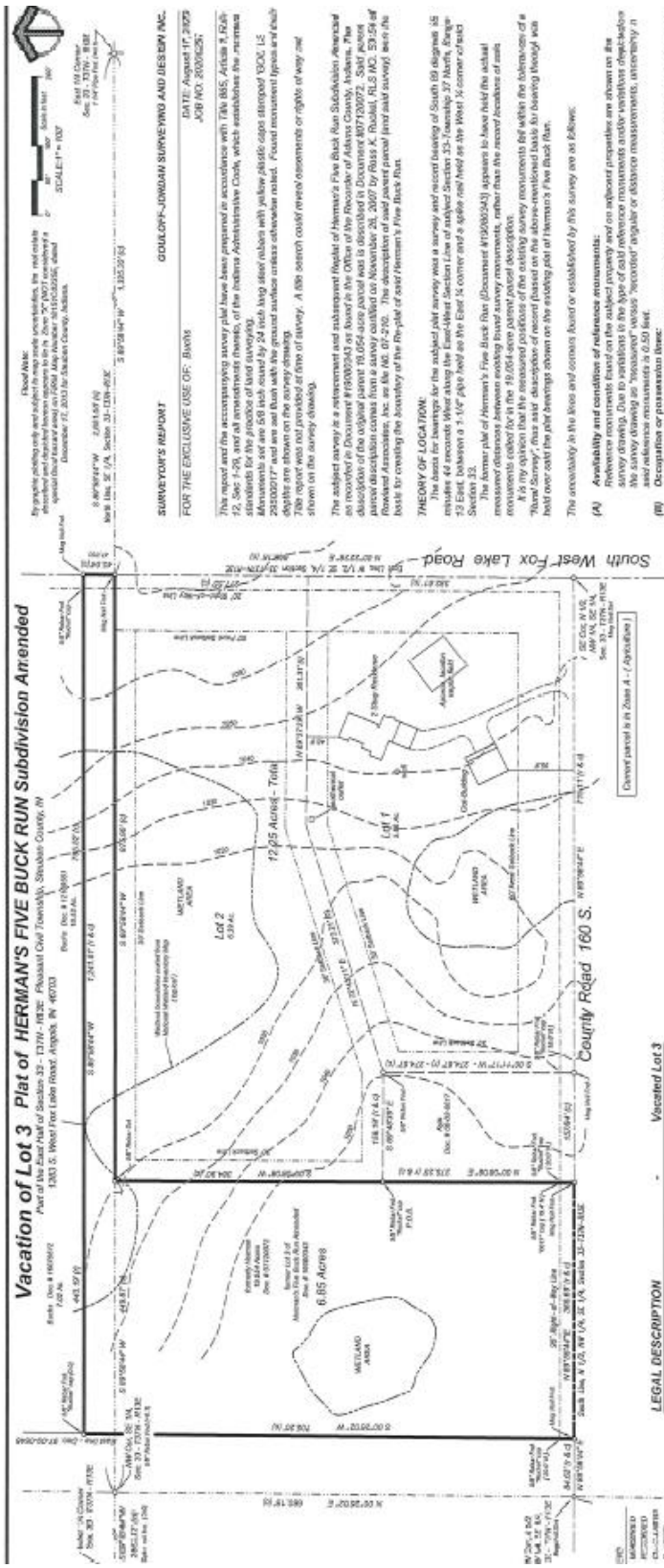
- Motion to Disapprove Deny based : due to the following:  
\_\_\_\_\_

Vote by Angola Plan Commission

Name:	Approve	Deny	Abstain	Absent
Gene Burd	Approve	Deny	Abstain	Absent
Veryl Carpenter	Approve	Deny	Abstain	Absent
Amanda Cope	Approve	Deny	Abstain	Absent
Josh Fletcher	Approve	Deny	Abstain	Absent
Tina King	Approve	Deny	Abstain	Absent
Jeff Martin	Approve	Deny	Abstain	Absent
Jerry McDermid	Approve	Deny	Abstain	Absent
Jeff Peters	Approve	Deny	Abstain	Absent
Charles Sheets	Approve	Deny	Abstain	Absent
Anne Watkins	Approve	Deny	Abstain	Absent
Craig Williams	Approve	Deny	Abstain	Absent

The Plan Commission Staff report was prepared and submitted by Director Vivian Likes and attachments will be submitted into record and minutes.





**THEORY OF LOCATION:**  
 The areas for bearings for the subject plat survey was a survey and recent bearing of South 89 degrees 00 minutes 00 seconds East, a distance of 135.00 feet, from the West 1/4 corner of Section 33, Township 37 North, Range 13 East, Pleasant Civil Township, Steuben County, Indiana, to the West 1/4 corner of said Section 33.

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**SURVEYOR'S REPORT**  
 FOR THE EXCLUSIVE USE OF: BONY  
 DATE: August 17, 2020  
 JOB NO: 2000257

**GOULOFF-JORDAN SURVEYING AND DESIGN, INC.**  
 1303 S. West Fox Lake Road, Argos, IN 46703  
 Phone: 765-226-8100  
 Fax: 765-226-8101  
 Website: www.gjsurveying.com

**LEGAL DESCRIPTION**  
 Part of a 19.054-acre parcel described in Document #07-12-0072 as found in the Office of the Recorder of Steuben County, Indiana, and being part of the East Half of Section 33, Township 37 North, Range 13 East, Pleasant Civil Township, Steuben County, Indiana, described as follows:

REV. NO.	DATE	DESCRIPTION	REV. NO.	DATE	DESCRIPTION

**CERTIFICATION**  
 I, the undersigned Land Surveyor, registered as provided by law in the State of Indiana, here certify a survey of the above tract and attached description and I certify that this plat is a correct representation thereof, completed under my direction, on August 17, 2020, and that all measurements shown attainsy steel and their location, and material are accurately shown.

**GOULOFF - JORDAN SURVEYING AND DESIGN, INC.**  
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**Scale: 1" = 100'**  
**Sheet: 1 of 7**

**Professional Seal:** Surveyor, State of Indiana, No. 2000257, August 17, 2020.

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**APPLICATION FOR PLAN COMMISSION  
MEETING AND/OR PUBLIC HEARING**

**Office Use**

Date Received Completed Application and  
Required Plans

**City of Angola Plan Commission**

Department of Economic Development and Planning  
210 N. Public Square, Angola, Indiana 46703-1960  
Phone: 260.665.7465 Fax: 260.665.9164  
Department email: [planning@angolain.org](mailto:planning@angolain.org)

Case No.: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_

Refer to the City of Angola Municipal Code of Ordinances (Unified Development Code) for zoning districts, platting and zoning information, development standards and as a checklist for processes to submit with the application and applicable plans.

**CONTACT INFORMATION**

Applicant Name Latrielle Wheat  
Address 107 West Maumee Street, Angola, IN 46703  
Phone 260-665-8100 Email: wheat@wheatlawoffice.com Fax: 260-665-8002

Property Owner Name Tom Buchs and Amy Buchs  
Address 1383 S. West Fox Lake Road, Angola, IN 46703  
Phone 260-235-0503 Email: tombuchs@gmail.com Fax: \_\_\_\_\_

Developer Name No Developer is involved  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ Email: \_\_\_\_\_ Fax: \_\_\_\_\_

**PROJECT INFORMATION**

Project Name: Vacation of Lot 3, Herman's Five Buck Run Subdivision Amended  
Subdivision/Addition Name: Herman's Five Buck Run Subdivision Amended

**Zoning District Information**

\* Current Zoning District(s): AG  
\* Proposed Zoning District(s): No change in zoning is requested (If request to rezone)

**Property Information**

Addressing is issued by the City Engineer or Steuben Co. Plan Commission once plans are approved.  
Street names to be approved by Plan Commission and the Executive Officer.

Current Address West 160 South, Angola, IN 46703  
Request (New) Address: No request  
Parcel No(s), per recorded deed/survey: 760633000034000011  
Lot/Land Area: Please see attached survey documents (sq. ft./acre)  
Number of Lots: Requesting vacation of Lot 3 and vacation of restrictions/covenants on Lot 3  
Lot Coverage: \_\_\_\_\_  
Setback(s): Front: \_\_\_\_\_ Side: \_\_\_\_\_ Rear: \_\_\_\_\_  
Height (Number of stories) \_\_\_\_\_ Size of proposed buildings: None  
Floodplain/Floodway/Flood-fringe/Wetland: (Yes/No) \_\_\_\_\_

Tom Buchs and Amy Buchs – Application for Vacation of Lot

This request is focused on an area that is currently comprised of three parcels of ground which we own. The proposed vacation of Lot 3, Herman's Five Buck Run Subdivision Amended and the modification of boundary lines for the other two parcels which we own will clean up and align parcel lines and reduce the number of parcels from the current three to two parcels. The current parcels are 760633000008040011, 760633000008030011 and 760633000034000011.

The attached survey drawing shows the present Lot 3 of Herman's Five Buck Run Subdivision Amended. We request vacation of Lot 3 and vacation of all covenants and restrictions which were imposed on Lot 3 as a result of the lot having been platted as a part of the subdivision.

If the Plan Commission grants the request for vacation, we will record the document evidencing the Plan Commission action and then record a quitclaim deed to create two parcels: part of Lot 3 will be a part of a 13.33 acre parcel and the remainder of Lot 3 will be a part of an 11.07 acre parcel.

The change in boundary lines will result in total access to all areas of each parcel from the respective road frontages. We believe this proposed change will result in two sizable parcels in this area that will help support and maintain if not increase the values of all other properties in the area.

ATTACHED DRAWINGS AND DESCRIPTIONS PROVIDED BY SURVEYOR:

Page 1 – Description of Lot 3

Page 2 – Drawing of Lot 3