

CITY OF BLOOMINGTON



May 8, 2024 @ 2:00 p.m.

In-Person Location: Kelly Conference Room #155

Virtual Link: <https://bloomington.zoom.us/j/88225451589?pwd=SkQxQmQvTnBXc202M0ZPano1eW9rdz09>

Meeting ID: 882 2545 1589

Passcode: 897298

CITY OF BLOOMINGTON
HEARING OFFICER (Hybrid Meeting)
May 8, 2024 at 2:00 p.m.

City Hall, 401 N. Morton Street
Kelly Conference Room #155

❖ **Virtual Link:**

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Petition Map: <https://arcg.is/KXmaP>

PETITIONS:

V-12-24

Eric Deckard

3615 E. Post Road

Parcel: 53-05-35-400-062.000-005

Request: Variance from the lot width standards to allow creation of a new lot by subdivision in the Residential Medium Lot (R2) zoning district.

Case Manager: Gabriel Holbrow

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**BLOOMINGTON HEARING OFFICER
STAFF REPORT
Location: 3615 East Post Road**

**CASE #: V-12-24
/ VAR2024-04-0029
DATE: May 8, 2024**

PETITIONER/OWNER: John and Sherry Myers
3615 East Post Road
Bloomington, IN

CONSULTANT: Deckard Land Surveying
1604 South Henderson Street
Bloomington, IN

REQUEST: The petitioner is requesting a variance from the lot width standard to allow creation of a new lot by subdivision in the Residential Medium Lot (R2) zoning district.

REPORT: The variance request is for one lot of a proposed subdivision of property off Post Road and Hollywood Drive in the Grandview Hills neighborhood. The existing property to be subdivided has an address of 3615 East Post Road and contains approximately 4.2 acres, extending to the north from Post Road, west of properties on Meadowlark Lane, toward but not reaching 10th Street (State Route 45). The property and all surrounding properties are located in the Residential Medium Lot (R2) zoning district. Surrounding properties contain detached single-family dwellings, with a small number of vacant undeveloped lots.

The petitioner has proposed a subdivision which would create two lots by separating the land around the existing house at 3615 East Post Road (proposed lot 2) from the remaining land (proposed lot 1). Lot 1 is proposed to contain 3.55 acres with frontage on Post Road and an end stub at the end of the right-of-way of Hollywood Drive. After subdivision, lot 1 would be vacant land, but could be developed with one detached single-family dwelling or any of the other land uses allowed in the R2 district. In the future, there is the possibility that lot 1 could be further subdivided, but that would require construction and dedication of a public street to provide access to further lots, and the petitioner is not proposing any such further subdivision at this time.

The “leg” of lot 1 that extends to Post Road is the remnant of a portion of Hollywood Drive that was shown on an unrecorded plat for Grandview Hills 3rd Addition in 1967. The plat was never recorded, and this portion of Hollywood Drive was never dedicated nor accepted as public right-of-way. Because of this history, some maps, including Monroe County Elevate, show a continuation of Hollywood Drive across the property, but those maps are not correct, as confirmed by a letter from the Monroe County Auditor included in the packet. So that portion of land remains privately owned and a part of this petition site.

In the Unified Development Ordinance (UDO), the minimum lot width standard in the R2 district is 60 feet without affordable housing incentives. Per the UDO definition of lot width, lot width is measured not on the front lot line but instead at the minimum front setback distance. Although the undedicated and unimproved corridor of Hollywood Drive is 50 feet wide, the lot width of lot 1’s frontage on the stub end of Hollywood Drive measures far more than 60 feet because the property widens out behind (south of) the front lot line. Lot 1’s Hollywood Drive frontage is compliant with

the minimum lot width standard. Immediately behind lots 1's frontage on Post Road, however, the property does not widen out and therefore the lot width is 56.73, similar to the length of the front line along Post Road. (This lot width is greater than the 50-foot width of the Hollywood Drive corridor because the corridor meets Post Road at an angle.) Lot 1's Post Road frontage is not compliant with the minimum lot width standard. The petitioner is requesting a variance from the minimum lot width standard for the Post Road frontage of proposed lot 1 in order to proceed with the subdivision of the property.

For lots with multiple frontages, the lot width on each frontage must comply with the minimum lot width standard. This means that the existing property is not compliant with the minimum lot width standard for its existing second (eastern) frontage on Post Road, which will become lot 1's Post Road frontage. However, this lawful nonconforming width can continue for the existing property, as long as there is not development or other activity on the property that requires this site feature to come into compliance. Subdivision is an activity that requires compliance, hence the need for a variance. Although the proposed subdivision is the impetus for this variance request, the variance if granted would apply to the property in perpetuity, regardless of whether or not the proposed subdivision were ever completed.

The length that the lot width is short by is only 3.27 feet, which is 5.45 percent of the required lot width. This is generally within the range of minor modifications allowed by staff-level approval per the UDO, which allows modifications by 5 to 25 percent of the requirement depending on the standard. However, the UDO only authorizes minor modifications for a defined list of standards and this list does not include minimum lot width. A minor modification is not a possible option for this case.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.06.080(b)(3)(E)(i) Standards for Granting Variances from Development Standards: A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

PROPOSED FINDING: A lot width only 5.45 percent less than the required minimum will not be injurious to the public health, safety, morals, and general welfare of the community.

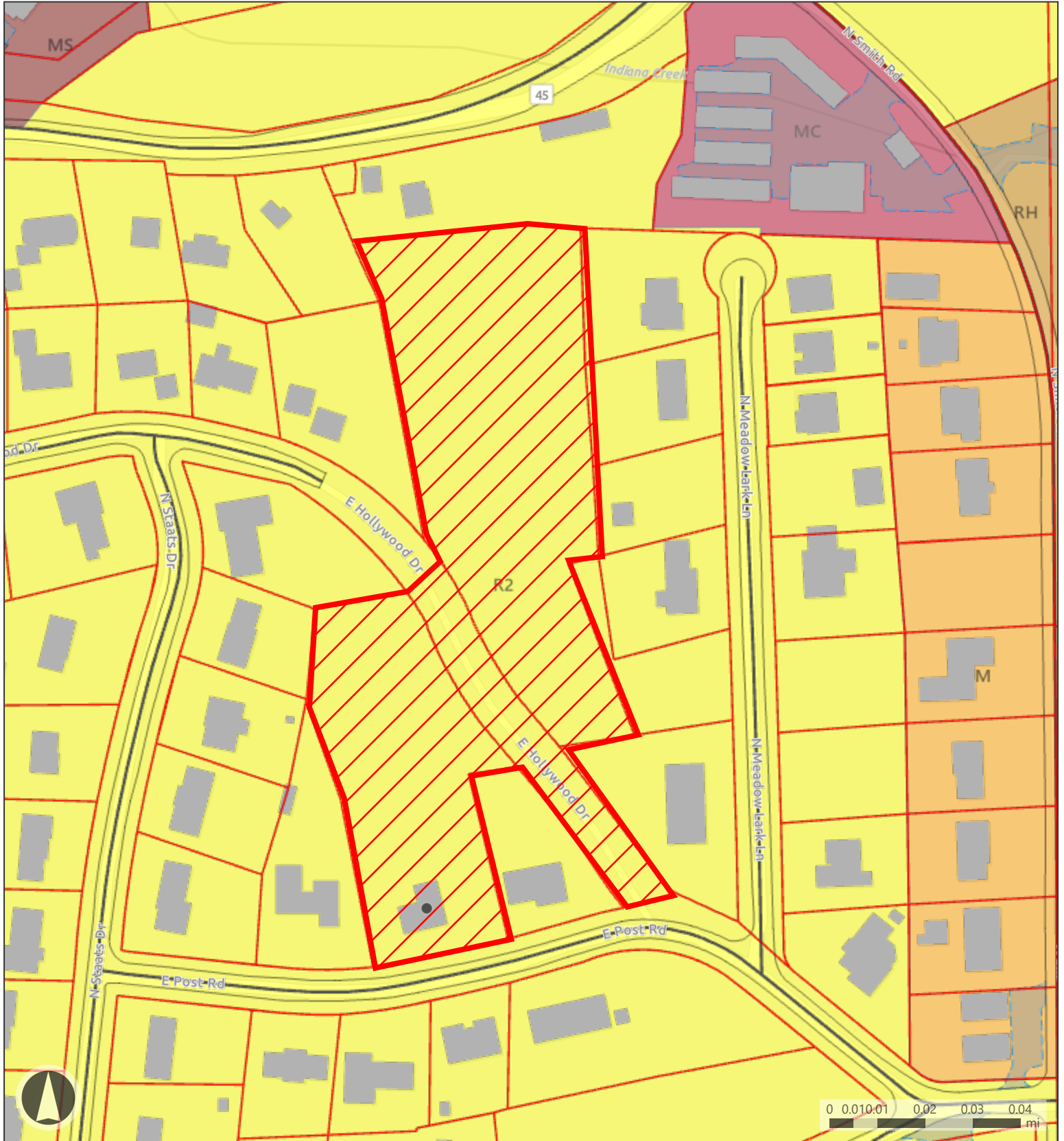
- 2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

PROPOSED FINDING: A lot width only 5.45 percent less than the required minimum will not substantially affect adjacent properties. The width is sufficient to allow access to lot 1 without affecting either abutting property. The width is even sufficient to construct a house up to 34 feet wide in the limited-width "leg" of lot 1 without encroaching into the required side setback adjacent to either abutting property.

- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

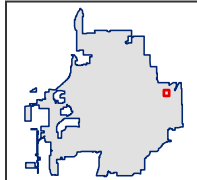
PROPOSED FINDING: The limited existing width of the property adjacent to this Post Road frontage created by a right-of-way design in an unrecorded plat is a peculiar condition of the property. The existing property width was lawfully created prior to the adoption of the first subdivision ordinance in Bloomington. It would not be possible to comply with the minimum lot width standard without acquiring additional land from the abutting developed properties. Given this peculiar condition, strict application of the terms of the UDO would prevent any subdivision of the property because each new lot must meet lot design requirements. The existing property contains more than four acres, which is more than 20 times the minimum lot area of the R2 zoning district where the property is located. Inability to subdivide the property due to a lawfully created peculiar condition of the property is a practical difficulty. The requested variance is necessary to relieve the practical difficulty.

RECOMMENDATION: Based upon the written findings above, the Department recommends that the Hearing Officer adopt the proposed findings for V-12-24 / VAR2024-04-0029 and grant the requested variance.



Map Legend

- | | | |
|-----------|-------------------|---------------------------|
| Parcels | Paved Parking Lot | Mixed-Use Corridor |
| Buildings | Current | Mixed-Use Student Housing |
| Pavement | | Residential Medium Lot |





Map Legend

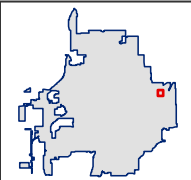
- Parcels
- Contributing
- Notable

- Pavement

Parking Lot Type

- Paved Parking Lot
- Current

- Zoning District Boundary



1604 S. Henderson St.
Bloomington, IN 47401
Ph. 812.961-0235
Fax 812.323-7536

March 5th, 2024

To: Members of the Board of Zoning Appeals:

RE: Myers Minor Subdivision

I have been asked by Sherry Myers to request a Lot Width Variance and a Sidewalk Waiver.

These are my findings and recommendations.

Lot Width Variance. The property is located in zone R2 (Residential Medium Lot), which has a minimum Lot Width of 60 feet. The primary plat shows Lot 2 currently has a lot width of 56.73 at the 15 foot front setback line. We respectfully request consideration by the Board of Zoning Appeals to grant a lot width variance for Lot 2 along E. Post Road.

Lot 1, per
the Plat

Sidewalk Waiver. The property is located at 3615 E. Post Road, Bloomington, IN 47408. No sidewalks exist in the area and the construction of future sidewalks in the area is improbable. This requirement would create a stretch of sidewalk that is +/- 150.00 long with a gap of +/- 130.00 feet along the adjoining property (Harris) and another stretch of sidewalk that is +/- 58.00 feet long with no extension to other walkways in the area. We respectfully request consideration by the Board of Zoning Appeals to grant a Sidewalk Waiver for Lot 1 and Lot 2 along E. Post Road.

Not part of petition V-12-24
/ VAR2024-04-0029 before
the Hearing Officer

Chapter 20.06.080 lists the findings that must be met for a modification of the subdivision requirements including a variance for lot width. The criteria and a description of how this modification meets those criteria are as follows:

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

- Leaving this area in its current condition would not negatively impact this area.
- The possibility of future connectivity of the sidewalk is most unlikely.

2). *The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner:*

- There are no other sidewalks in the immediate area and the area would remain the same as it was before the platting of the subdivision.

3). *The strict application of the terms of this UDO will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties:*

- The construction of sidewalks for the landowner would be a large financial undertaking and unnecessary due to no other sidewalks in the area being constructed.

AREA FOR COUNTY RECORDER

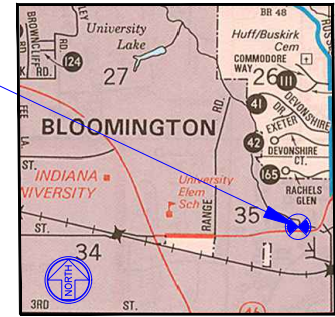
BLOOMINGTON TWP.
TOWNSHIP 9 N
RANGE 1 W
SECTION 35

DEVELOPER, APPLICANT &/OR OWNER
JOHN & SHERRY MYERS
3516 E POST ROAD
BLOOMINGTON, INDIANA, 47408
812-340-2618

MYERS MINOR SUBDIVISION - PRIMARY PLAT

A PART OF THE NORTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 1 WEST MONROE COUNTY, INDIANA

PROJECT LOCATION



LOCATION MAP (NTS)

NOTES:

- 1/2" rebar will be set at all property corners.
- Fieldwork completed October 2023.
- Basis of bearing (State Plane-Indiana West).
- Source of title Now or Formerly owned by John and Sherry Myers as found in Instrument Number 2015013362 in the Office of the Monroe County Recorder.
- Source of title Now or Formerly owned by John and Sherry Myers as found in Instrument Number 2023009446 in the Office of the Monroe County Recorder.
- Coordinates shown hereon were obtained from GPS observations, Indiana West Zone, NAD83, State Plane Grid Coordinates, US Survey Feet, Geoid model ContinentalUS_NGS2018.
- Coordinate data was collected using a Carlson BRX7 GPS and a Topcon FC-5000 Data Collector. Coordinate positions are grid north (Indiana State Plane West Zone).
- If access to a public water system is not available, the Subdivider shall require on each lot, as a condition of sale, the installation of a private water system in accordance with all minimum standards and requirements of the Indiana State Board of Health or other State or County agency per 865-38.
- All utilities, including but not limited to gas, sewer, electric power, telephone and CATV shall be located underground throughout the subdivision per 856-41.
- Drainage Easements are identified on the plat. Drainage Easements are intended to be 50' on both sides of existing drainage centerlines as shown on the plat.
- This survey is not complete without the accompanying surveyor's report.

I affirm, under penalty for perjury, that I have taken responsible care to redact each Social Security Number in this document, unless required by law.
-ERIC L. DECKARD

REFERENCED SURVEYS:

1. Reference is made to a survey performed by Eric L. Deckard for Link dated May 8th, 2012. (Instr. 2012007973)
2. Reference is made to a survey performed by Eric L. Deckard for Link dated May 7th, 2012. (Instr. 2012007970)
3. Reference is made to a survey performed by Eric L. Deckard for Link dated April 24th, 2012. (Instr. 2012007971)
4. Reference is made to a survey performed by Eric L. Deckard for Link dated April 20th, 2011. (Instr. 2011007689)
5. Reference is made to a survey performed by Eric L. Deckard for Staats dated October 16th, 2003.
6. Reference is made to a survey performed by Robert W. Brunnemer for Staats dated December 10th, 1967. (Dr. 184, Pgs 121-122)
7. Reference is made to the plat of Grandview Hills 3rd Addition performed by John T. Stapleton dated July 1963.
8. Reference is made to the plat of Grandview Hills performed by John T. Stapleton and recorded on December 4th, 1957.

CERTIFICATION

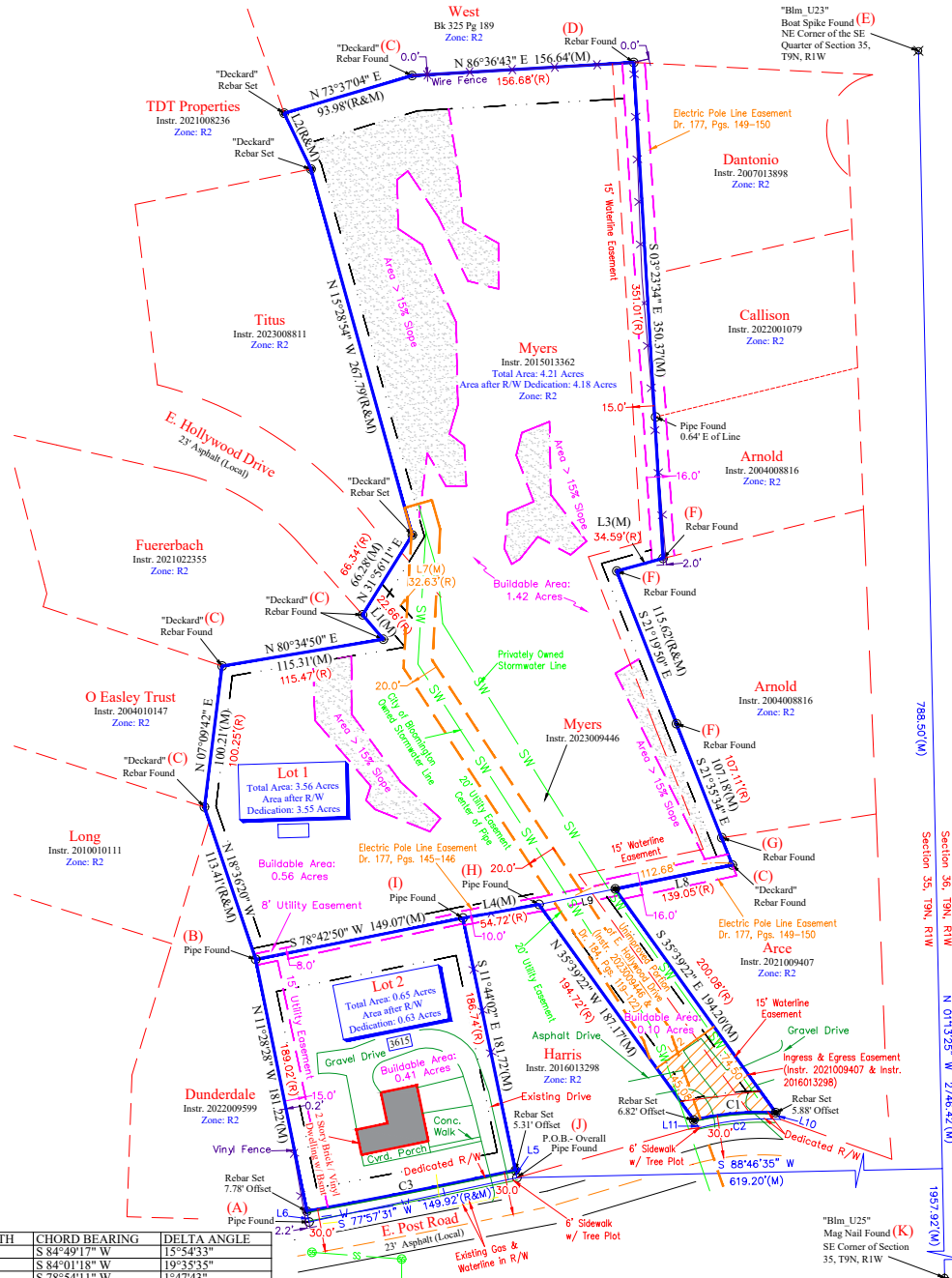
This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.

Easements have not been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

Subject to the above reservation, the survey work shown hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 1-12-1 through 19.

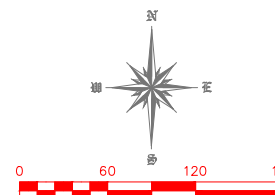
Certified this _____ day of _____, 2024.

Eric L. Deckard
Registered Surveyor LS 29900112
State of Indiana



LEGEND

- STONE FOUND
- ⊙ PROPOSED SEPTIC AREA
- ⊙ REBAR FOUND
- ⊙ REBAR SET
- ⊙ MAG NAIL FOUND
- ⊙ BOAT SPIKE FOUND
- PIPE FOUND
- CALCULATED CORNER
- OP — OVERHEAD POWER LINE
- X — FENCE
- SS — SANITARY SEWER
- SW — STORMWATER
- (C) CALCULATED RECORD
- (M) MEASURED ADDRESS
- 1234 AREA > 15% SLOPE
- ▨ EASEMENT AREA



SCALE 1" = 60'

SETBACK TABLE

Front - 15 Feet or the median front setback of abutting residential structures, whichever is less
Front Loading Garage / Carport: 25 Feet
Side - First Floor: 8 Feet
Each Story above the Ground Floor: 10 Feet
Rear - 25' for Residential / Accessory Structures
ZONE: RESIDENTIAL (R2)

Line Table

LINE	BEARING	DISTANCE
L1	N 40°24'17" W	22.66'
L2	N 25°33'13" W	43.72'
L3	S 74°43'00" W	33.84'
L4	S 79°53'28" W	54.56'
L5	S 11°44'02" E	5.31'
L6	N 11°28'28" W	7.78'
L7	N 41°25'28" W	32.21'
L8	S 78°28'43" W	84.33'
L9	S 78°28'43" W	54.79'
L10	S 35°39'22" E	5.88'
L11	N 35°39'22" W	6.82'
L12	N 54°20'38" E	50.00'

Curve Table

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	209.61'	58.20'	58.02'	S 84°49'17" W	15°54'33"
C2	169.11'	57.83'	57.55'	S 84°01'18" W	19°33'53"
C3	4783.67'	149.90'	149.89'	S 78°54'11" W	1°47'43"

DECKARD LAND SURVEYING
100 S. HENDERSON STREET
BLOOMINGTON, INDIANA 47403
TELEPHONE 812.340.2618
FAX 812.340.2619
WWW.DECKARDLANDSURVEYING.COM

MYERS MINOR SUBDIVISION
A PART OF SECTION 35, T9N, R1W

23-137
1 OF 2
DATE: 04/04/24
BNDY.SHT

SURVEYOR'S REPORT

In accordance with Title 865, I.A.C. 1-12 sections 1-30 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location of lines and corners established on this survey as a result of:

- A). (Variances) in the reference monuments
- B). (Discrepancies) in the record description and plats
- C). (Inconsistencies) in lines of occupation and;
- D). (Relative Positional Accuracy) "RPA"

The relative positional accuracy (due to random errors in measurement) of this survey is within that allowable for a Suburban survey (0.13' plus 100 PPM) as defined I.A.C. Title 865 ("relative positional accuracy" means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level.")

SUBJECT PROPERTY:

A boundary retracement survey was performed on the properties now or formerly owned by John Myers and Sherry Myers as found in Instrument Numbers 2015013362 & 2023009446 in the Office of the Monroe County Recorder. The purpose of this survey is to retrace the boundary lines of the subject property as located in Section 35, Township 9 North, Range 1 West of the Second Principal Meridian, Monroe County, Indiana.

REFERENCE MONUMENTS:

A). A 3/4 inch diameter pipe was found flush with grade marking the Southwest corner of the subject property (Lot 2). The origin of this pipe is unknown, however was found to be referenced in a survey performed by Eric L. Deckard for Staats dated October 16th, 2003. This pipe was found to agree with other monuments in the area and was accepted and held as said corner. The record versus measured distance between this monument and the monument described in line "J" is 149.92 feet versus 149.92 feet respectively.

B). A 3/4 inch diameter pipe was found 3 inches above grade marking the Southwest corner of the subject property (Lot 1). The origin of this pipe is unknown, however was found to be referenced in a survey performed by Eric L. Deckard for Staats dated October 16th, 2003. This pipe was found to agree with other monuments in the area and was accepted and held as said corner. The record versus measured distance between this monument and the monument previously described in line "A" is 189.02 feet versus 189.00 feet respectively.

C). Several 5/8 inch diameter rebar with caps stamped "Deckard" were found marking corner of the subject property (Lot 1). These rebar were set in a survey performed by Eric L. Deckard for Staats dated October 16th, 2003. These rebar were found to agree with other monuments in the area and were accepted and held as said corners.

D). A 5/8 inch diameter rebar with pink cap was found 2 inches above grade marking the Northeast corner of the subject property (Lot 1). The origin of this rebar is unknown, however was found to be referenced in a survey performed by Eric L. Deckard for Staats dated October 16th, 2003. This rebar was found to agree with other monuments in the area and was accepted and held as said corner.

E). A 1 3/4 inch diameter boat spike was found 2 inches below grade marking the Northeast corner of the Southeast Quarter of Section 35, Township 9 North, Range 1 West. This spike is referenced as Corner I.D. Blm_U23 in the Office of the Monroe County Surveyor and was accepted and held as said corner.

F). Several 5/8 inch diameter rebar were found marking corners on the east line of the subject property (Lot 1). The origin of these rebar is unknown, however were found to be referenced in a survey performed by Eric L. Deckard for Staats dated October 16th, 2003. These rebar were found to agree with other monuments in the area and were accepted and held as said corners.

G). A 5/8 inch diameter rebar was found 2 inches above grade marking a point on the east line of the subject property (Lot 1) and the Northwest corner of the land now or formerly owned by Arce (Instr. 2021009407). The origin of this rebar is unknown, however was found to be referenced in a survey performed by Eric L. Deckard for Staats dated October 16th, 2003. This rebar was found to agree with other monuments in the area and was accepted and held as said point on line and corner.

H). A 3/4 inch diameter pipe was found 2 inches below grade marking a corner on the south line of the subject property (Lot 1) and the Northeast corner of the land now or formerly owned by Harris (Instr. 2016013298). The origin of this pipe is unknown, however was found to be referenced in a survey performed by Eric L. Deckard for Staats dated October 16th, 2003. This pipe was found to agree with other monuments in the area and was accepted and held as said corners. The record versus measured distance between this monument and the Southeast corner of the subject property (Lot 1) previously described in line "C" is 139.05 feet versus 139.12 feet respectively.

I). A 3/4 inch diameter pipe was found flush with grade marking the Northeast corner of the subject property (Lot 2). The origin of this pipe is unknown, however was found to be referenced in a survey performed by Eric L. Deckard for Staats dated October 16th, 2003. This pipe was found to agree with other monuments in the area and was accepted and held as said corner. The record versus measured distance between this monument and monument previously described in line "H" is 54.72 feet versus 54.56 feet respectively.

J). A 3/4 inch diameter pipe was found 1 inch above grade marking the Southeast corner of the subject property (Lot 2). The origin of this pipe is unknown, however was found to be referenced in a survey performed by Eric L. Deckard for Staats dated October 16th, 2003. This pipe was found to agree with other monuments in the area and was accepted and held as said corner. The record versus measured distance between this monument and monument previously described in line "I" is 186.74 feet versus 187.05 feet respectively.

MYERS MINOR SUBDIVISION - PRIMARY PLAT
A PART OF THE NORTHEAST QUARTER AND A PART OF THE
SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 1
WEST MONROE COUNTY, INDIANA

AREA FOR COUNTY
RECORDER

K). A mag nail was found flush with grade in East 3rd Street marking the Southeast corner of Section 35, Township 9 North, Range 1 West. This nail is referenced as Corner I.D. Blm_U25 in the Office of the Monroe County Surveyor and was accepted and held as said corner.

LINES OF OCCUPATION

The lines of occupation, which affect this survey, are detailed as follows:

- 1). The centerline of E. Post Road was found running east and west along the south line of the subject property (Lot 2). This centerline meanders from +/- 24.7 feet south of line at the east end to +/- 22.2 feet south of line at the west end.
- 2). A vinyl fence was found running north and south along a portion of the west line of the subject property (Lot 2). This fence meanders from +/- 2.2 feet west of line at the south end to +/- 0.2 feet east of line at the north end.
- 3). A wire fence was found running east and west along a portion of the north line of the subject property (Lot 1). This fence is on line at the west end and on line at the east end.
- 4). A wire fence was found running north and south along a portion of the east line of the subject property (Lot 1). This fence meanders from on line at the north end to +/- 2.0 feet east of line at the south end.

RECORD DESCRIPTIONS:

- 1). The subject property was previously surveyed by Eric L. Deckard in a survey for Robert E. Staats dated October 16th, 2003. The monuments found and/or set in said survey were found in this survey and are noted on the plat.
- 2). The subject description (Instr. 2015013362) describes a 3.99 acre parcel of land located in Section 35, Township 9 North, Range 1 West that encompasses the unimproved portion of Hollywood Drive. This description was derived from the survey mentioned above in line "1". After further research was conducted, it was found that a description of the said unimproved Hollywood Drive was described in Instrument Number 2023009446 from James F. Staats, as the Trustee of the Robert E. Staats Revocable Trust, Charles R. Staats and Sally A. Link to John Myers and Sherry Myers. With the discovery of this transfer, I would recommend a title search be conducted on the subject property to eliminate any discrepancies.

SURVEY DESCRIPTION

OVERALL

A part of the Northeast Quarter and a part of the Southeast Quarter of Section 35, Township 9 North, Range 1 West, Monroe County, Indiana, being that 4.21 acre parcel surveyed by Eric L. Deckard, Indiana Professional Surveyor #29900012 and shown on a plat of survey as Deckard Land Surveying Job No. 23-137, being more particularly described as follows:

Commencing at a mag nail marking the Southeast corner of said Section 35; thence along the east line of the Southeast Quarter of said Section 35 North 01 degrees 13 minutes 25 seconds West for a distance of 1957.92 feet; thence leaving said east line South 88 degrees 46 minutes 35 seconds West for a distance of 619.20 feet to a pipe marking the Point of Beginning; thence South 77 degrees 57 minutes 31 seconds West for a distance of 149.92 feet to a pipe; thence North 11 degrees 28 minutes 28 seconds West for a distance of 189.00 feet to a pipe, passing through a rebar stamped "Deckard" on the north right of way of E. Post Road at 7.78 feet; thence North 18 degrees 36 minutes 20 seconds West for a distance of 113.41 feet to a rebar stamped "Deckard"; thence North 07 degrees 09 minutes 42 seconds East for a distance of 100.21 feet to a rebar stamped "Deckard"; thence North 80 degrees 34 minutes 50 seconds East for a distance of 115.31 feet to a rebar stamped "Deckard"; thence North 40 degrees 24 minutes 17 seconds West for a distance of 22.66 feet to a rebar stamped "Deckard"; thence North 31 degrees 56 minutes 11 seconds East for a distance of 66.28 feet to a rebar stamped "Deckard"; thence North 15 degrees 28 minutes 54 seconds West for a distance of 267.79 feet to a rebar stamped "Deckard"; thence North 25 degrees 33 minutes 13 seconds West for a distance of 43.72 feet to a rebar stamped "Deckard"; thence North 73 degrees 37 minutes 04 seconds East for a distance of 93.98 feet to a rebar stamped "Deckard"; thence North 86 degrees 36 minutes 43 seconds East for a distance of 156.64 feet to a rebar; thence South 03 degrees 23 minutes 34 seconds East for a distance of 350.37 feet to a rebar; thence South 74 degrees 43 minutes 00 seconds West for a distance of 33.84 feet to a rebar; thence South 21 degrees 19 minutes 50 seconds East for a distance of 115.62 feet to a rebar stamped "Deckard"; thence South 21 degrees 35 minutes 34 seconds East for a distance of 107.18 feet to a rebar stamped "Deckard"; thence South 78 degrees 28 minutes 43 seconds West for a distance of 84.33 feet to a rebar stamped "Deckard" on the east line of E. Hollywood Drive; thence along said east line South 35 degrees 39 minutes 22 seconds East for a distance of 200.08 feet to the intersection of the north line of E. Post Road and the east line of E. Hollywood Drive, passing through a rebar stamped "Deckard" at 194.20' on the north right-of-way of E. Post Road; thence leaving said east line and along the north line of E. Post Road 57.83 feet along a 169.11 foot radius non-tangent curve to the left whose chord bears South 84 degrees 01 minutes 18 seconds West for a distance of 57.55 feet to the intersection of the north line of E. Post Road and the west line of E. Hollywood Drive; thence leaving said north line and along said west line North 35 degrees 39 minutes 22 seconds West for a distance of 193.99 feet to a pipe, passing through a rebar stamped "Deckard" on the north right-of-way of E. Post Road at 6.82 feet; thence leaving said west line South 79 degrees 53 minutes 28 seconds West for a distance of 34.56 feet to a pipe; thence South 11 degrees 44 minutes 02 seconds East for a distance of 187.03 feet to the Point of Beginning, passing through a rebar stamped "Deckard" on the north right-of-way of E. Post Road at 181.72 feet, containing in all 4.21 acres, more or less.

Subject to the Right-of-Way of E. Post Road, E. Hollywood Drive, and all legal easements of record. Acreage less dedicated right-of-way 4.18 acres, more or less.

DEDICATION OF PUBLIC RIGHTS-OF-WAY:

John Myers and Sherry Myers (Owners), of the real estate shown and described herein do hereby certify, lay off and plat Lots numbered 1 & 2 to be known as Myers Minor Subdivision - Final Plat. Rights-of-way not heretofore dedicated are hereby dedicated to City of Bloomington. In accordance with this plat and certification, this plat shall be known as Myers Minor Subdivision - Final Plat.

The right-of-way to be dedicated for E. Post Road shall measure 25 feet perpendicular to and parallel with the existing centerline of E. Post Road. Any interest that said parties have within said right-of-way is hereby dedicated to City of Bloomington.

There are building setbacks on this plat upon which no structures may be erected or maintained.

Witness our hands and seals this _____ day of _____, 20_____.

John Myers (Owner)
3615 E. Post Road
Bloomington, IN 47408
(812) 340-2618

Sherry Myers (Owner)
3615 E. Post Road
Bloomington, IN 47408
(812) 340-2618

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Before me, the undersigned Notary Public, in an for said County and State, personally appeared John Myers and Sherry Myers (Owners), each separately and severally acknowledged the execution of the forgoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 20_____.

Notary Public: _____

County of Residence: _____ (Seal)

My Commission Expires: _____

STORM & SURFACE DRAINAGE:

This is to certify that the subject property is located in Zone "X", according to FHBM, Panel Number 18105C0161D dated December 17th, 2010.

CERTIFICATE OF APPROVAL OF PLAT COMMITTEE:

Under the authority of Indiana Code 36-7-4 700 series, enacted by the General Assembly of the State of Indiana and ordinance adopted by the Common Council of the City of Bloomington, Indiana, this plat was given approval by the City of Bloomington as follows:

Pursuant to Bloomington Municipal Code 20.06.060(c)(3)(C)(i)(1), approval authority was delegated to the Planning and Transportation Department by the Plat Committee at their hearing on: _____

The Planning and Transportation Department approved this plat, Myers Minor Subdivision - Final Plat on: _____

Scott Robinson , Director of Planning and Transportation

REFERENCED EASEMENTS:

PER SCHEDULE B OF TITLE COMMITMENT NUMBER 53-53831
(Policy Number 5011400-1247889c)

1). A 50 foot non-exclusive roadway Easement running through the real estate as described in Deed recorded May 11, 2012 as Instrument 2012007295.

2). Easement in favor of Public Service Company of Indiana, Inc. for electric pole line and incidental purposes recorded May 10, 1967 in Book 177, pages 143-144.

3). Easement in favor of Public Service Company of Indiana, Inc. for electric pole line and incidental purposes recorded May 10, 1967 in Book 177, pages 145-146.

4). Easement in favor of Public Service Company of Indiana, Inc. for electric pole line and incidental purposes recorded May 10, 1967 in Book 177, pages 147-148.

5). Easement in favor of Public Service Company of Indiana, Inc. for electric pole line and incidental purposes recorded May 10, 1967 in Book 177, pages 149-150.

DECKARD
LAND SURVEYING
100 S. HUNTERDON STREET
BLOOMINGTON, IN 47403
TEL: 317.340.2618
FAX: 317.340.2618



MYERS
MINOR SUBDIVISION
A PART OF SECTION 35, T9N, R1W

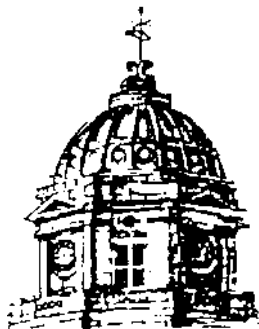
DATE	
BY	
REVISIONS	
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DESCRIPTION	

REVISED BY	DATE
OLSH	
ZHW	
CEW	
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WAP	

PLAT NUMBER	23-137
OF	2
OR	2
DATE	04/04/24
FILE	BNDY.SHT

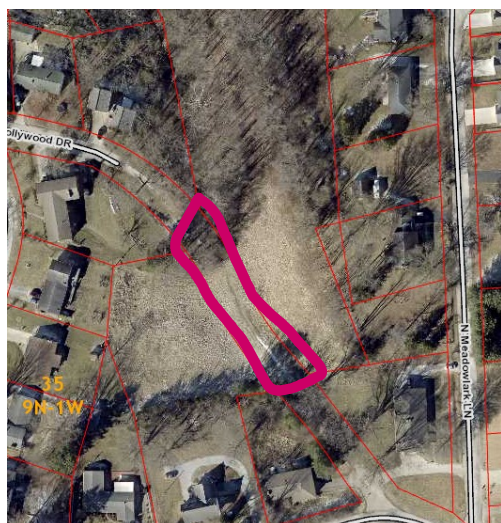
Brianne Gregory
Monroe County Auditor

100 W Kirkwood Ave
Courthouse, Room 209
Bloomington, IN 47404
Office (812) 349-2510
March 5, 2024



To whom it may concern,

On Elevate for Monroe County, there are parcel lines drawn for what appears to be at one time planned roadway for Hollywood Dr through the parcel located at 3615 E Post Rd connecting E Hollywood Dr to E Post Rd and these lines currently reflect as “roadway” within the subdivision roadways of the area.



These lines for this specific area are based on documents presented to the Auditor’s Office from a 1967 unrecorded plat (attached) for Grandview Hills 3rd Addition. Since this unrecorded plat, we find any further additions, amendments or subdivisions addressing the roadway aside from the survey included in the 2012 and 2015 deeds for 3615 E Post Rd in which it reflects as a 50 ft nonexclusive easement and a 2023 deed in which the previous owner quit claimed any interest in unimproved roadway for Hollywood Dr. To the best of my knowledge, aside from the previously mentioned documentation-there is no dedicated, deeded, or platted roadway and the GIS for this area is reflecting what was intended per the 1967 unrecorded plat.

If you have any questions at all, please let me know.

Warm regards,

Stephanie Carter
Property Director
scarter@co.monroe.in.us
812-349-2839