

On October 1<sup>st</sup>, 2019 I filed a complaint with the Planning Office. I was forced off the road by a log truck on West Robertson Road on September 30, 2019.

After I filed my complaint, Chuck Braden and Christine Ritzman, from the Planning Commission, sent letters to Christine Buccos to inform her that she was operating a logging yard inside of an R2 District, which was prohibited by the Brown County Ordinance. See attached letters and zoning map.

Zoning maps are part of the Brown County Ordinance. Section 2.2 of the Ordinance "A. The boundaries of the districts established by Section 2.1 are as shown on the zone maps, which are a part of this ordinance." "...such boundaries may be changed only by amending this ordinance."

However, between October 22, 2019 and January 3<sup>rd</sup>, 2020, Christine Ritzman had a conversation with Michael Magner, Brown County Highway Superintendent. I don't know how this happened. I would like to know what caused Ms. Ritzman to reach out to the Highway Superintendent when she had all relevant information at her fingertips. Did a county commissioner instruct her to perhaps? Ms. Ritzman testified in the board hearing that she was working with Commissioner Biddle on the speed limit for West Robertson Road. She later told me she was working with Commissioner Biddle when I filed a complaint on the RV park owned by Christine Buccos. (This RV park needs to be documented in the Planning Office.) After Ms. Ritzman and Michael Magner spoke, Mr. Magner wrote a one sentence email that identified Gartner Road as a private road. It is not. Because of this case and misinformation from two county employees, Christine Buccos now believes she owns a public asset. She has placed a no trespassing signs on this public road and resurfaced it. How does this get corrected? We can also look at the land survey included with the application submitted by Ms. Buccos and see that the surveyor also calls Gartner Road a public road. A survey that Ms. Ritzman had in her possession.

Why is identifying Gartner Road as a private road important? Ms. Ritzman, David Schilling and members on this board believe that there is an imaginary line 300 feet off of public roads that makes a parcel two different zoning districts. See exhibit, you will find item #21 in the signed and approved finding of facts submitted by this board to the court, which states, "Pursuant to the Brown County Zoning Ordinance, properties adjoining County roads are zoned Residential 2. However, land located greater than 300 feet from a County road is zoned Forest Reserve." This is an error of law, a misinterpretation of the zoning ordinance. The ordinance states in Section 2.2 that "D. If the boundary line of a district divides a lot having frontage on a street so that part of the lot lies in one district and part of the lot lies in another, a restriction that applies to the front part of the lot applies to the entire lot." Section 2.5 of the ordinance reads " A. The boundaries of R1 and R2 Districts, other than those specifically shown on the Zone Map, are intended to be parallel, or approximately parallel, to the existing state and county highways, and include lands adjacent to those highways for a distance of 300 feet on each side of the highway centerlines, the R1 District adjoining the state highways and the R2 District adjoining the county highways; however, any parcel of land fronting on a public high-way and having

a lot width of at least 100 feet, to be improved for one principal building, or as a subdivision for which a plat is to be recorded, is included within the R1 District, if adjoining a state highway, or the R2 District, if adjoining a county highway, irrespective of the distance between the highway centerline and the rear lot line.”

On January 29<sup>th</sup>, 2020, Ms. Ritzman testified to the public and to the BZA board that Christine Buccos owned property in an FR District. This was not true as this property fronts on West Robertson Road, see plat map.

My husband and I then filed a complaint with the court. As I am digging up information on this case, I found the zoning maps located on GIS within the county website. See the document attached. This map clearly shows Gartner Road as a public road and the Buccos property inside of a R2 District. Within a matter of weeks of filing our complaint with the court, this zoning map disappeared from the county website. I called Tom Reoch, the GIS coordinator. Mr. Reoch informed me that Ms. Ritzman had come to his office and explained that there were errors involved in the zoning map and had it removed. Inexplicably, Gartner road was also changed to a private road on the GIS map. Under who’s authority was Ms. Ritzman acting? Was she acting on her own behalf? What about the GIS coordinator, did he make this decision alone? Were elected officials responsible for these offices consulted?

As it was known from the very beginning of this case that Christine Buccos was operating a logging yard inside of a R2 District, I ask the Board to reimburse my family for the \$2900 we paid to Michael Carmin for legal services and that an injunction be issued to Christine Buccos. Further, I ask the Board how the citizens of this county are going to regain their faith in Christine Ritzman as the Director of the Planning Commission. I know my faith has been shattered.



## BROWN COUNTY GOVERNMENT Plan Commission/ Building Department

201 Locust Lane  
P.O. Box 401  
Nashville, Indiana 47448

Phone: (812) 988-5490  
Fax: (812) 988-5488  
[www.browncounty-in.gov](http://www.browncounty-in.gov)

October 21, 2019

Thomas & Christina Buccos  
7705 Gartner Drive  
Morgantown, IN 46160

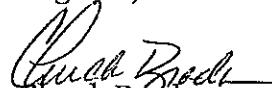
Dear Thomas & Christina,

This office has received a complaint about a potential business you are operating in the R2 zoning district. Per the Brown County ordinance your operation would be considered general industry which is allowed in the FR or I zoning districts. In an earlier phone conversation, it was explained to me that this operation has been in existence for many years. However, records indicate that it has been in existence for about 6 years.

Please come to our office to discuss with us the nature and history of your operation so this can be cleared up. If you have any questions or concerns, please contact me at 812-988-5490 or at [bradenc@browncounty-in.us](mailto:bradenc@browncounty-in.us).

Thank you in advance for your cooperation.

Regards,

  
\_\_\_\_\_  
Chuck Braden,  
Zoning Inspector

CC: Christine Ritzmann, Plan Director



## BROWN COUNTY GOVERNMENT Plan Commission/ Building Department

201 Locust Lane  
P.O. Box 401  
Nashville, Indiana 47448

Phone: (812) 988-5490  
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October 22, 2019

Thomas & Christina Buccos  
7705 Gartner Drive  
Morgantown, IN 46160

Dear Thomas & Christina,

I am following up on the notice that Zoning Inspector Chuck Braden mailed to you yesterday and which he copied to me.

I visited the site today and while it appears to be kept as neat and tidy as is possible for a logging operation, it seems to meet the General Industrial use definition according to the County Zoning Ordinance:

*General Industrial- means manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which some operations, other than transportation, are performed in open areas.*

General Industrial use is allowed in Forest Reserve (FR) and Industrial (I) districts with Special Exception approval from the Board of Zoning Appeals.

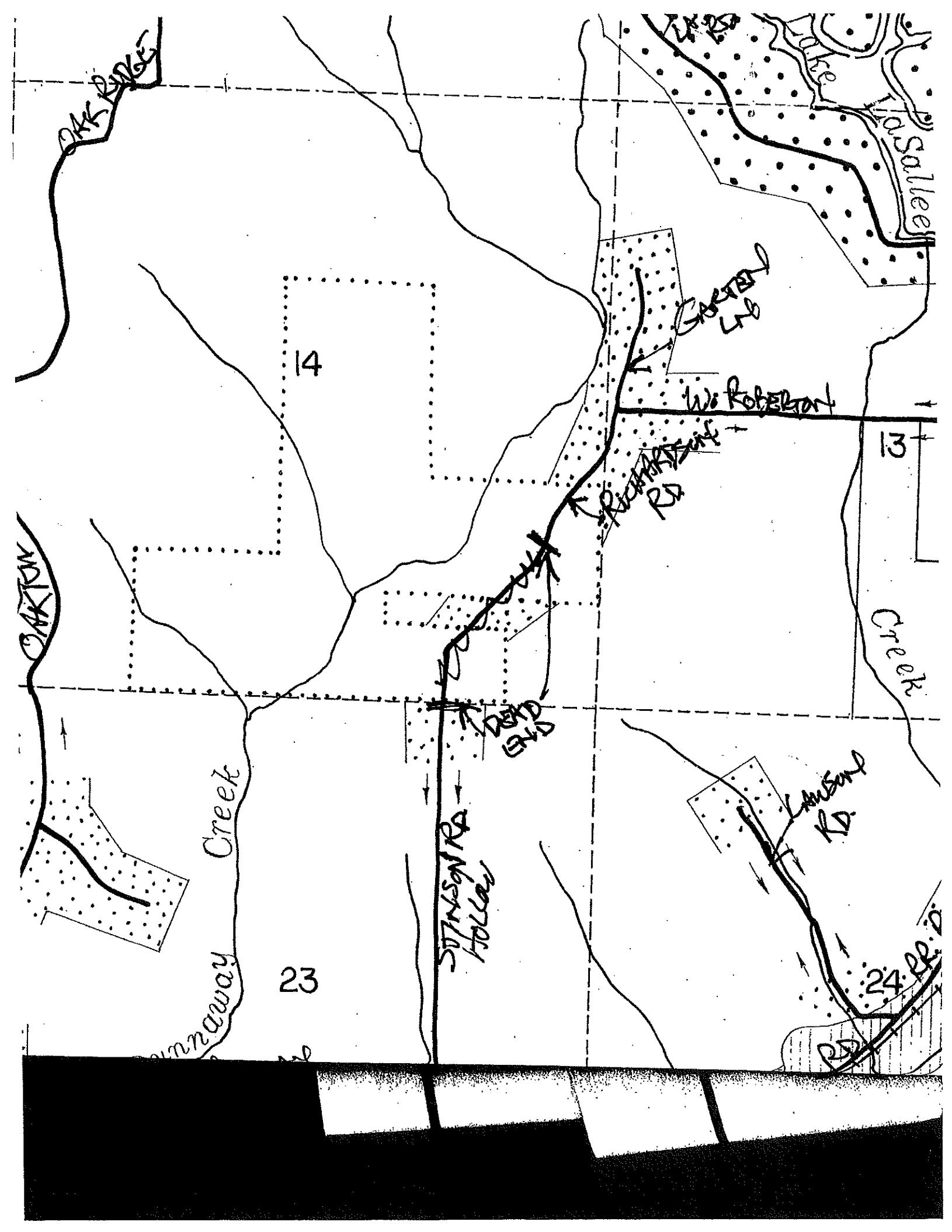
The property located at 7705 Gartner Drive is zoned Secondary Residential (R2). There are procedures to file for a change of zoning and for Special Exception filings and I am available to assist you with the necessary procedures.

Regards,

A handwritten signature in black ink, appearing to read "Christine Ritzmann".

Christine Ritzmann, Plan Director

CC: Chuck Braden



# ZONE MAP LEGEND

- FP - FLOOD PLAIN
- FR - FOREST RECREATION
- RI - PRIMARY RESIDENCE
- R2 - SECONDARY RESIDENCE
- LR - LAKE RESIDENCE
- GB - GENERAL BUSINESS
- AB - ACCOMMODATION BUSINESS
- I - INDUSTRIAL

NOTE: ALTHOUGH AGRICULTURAL AREAS ARE EXEMPT FROM OTHER ZONING ORDINANCES, THEY SHALL OBSERVE THE ZONING SETBACK PROVISIONS.

NOTE: PRIVATE HOLDINGS PLANNING STUDY AREA A R2 WITHIN 300 FEET OF

**Ritzmann, Christine**

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**From:** Magner, Michael  
**Sent:** Friday, January 3, 2020 3:00 PM  
**To:** Ritzmann, Christine  
**Subject:** Gartner Drive

Gartner Drive is a Private Road.

Thanks

***Michael J. Magner***

Superintendent  
**Brown County Highway**  
(812) 988-4545  
cell (812) 361-6937

27.341 ACRE DESCRIPTION

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE  
SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 10 NORTH, RANGE  
2 EAST OF THE SECOND PRINCIPAL MERIDIAN, JACKSON TOWNSHIP, BROWN COUNTY, INDIANA  
DESCRIBED AS FOLLOWS:

BEGINNING AT A GRANITE STONE FOUND MARKING THE NORTHWEST CORNER OF THE NORTHWEST  
QUARTER OF SAID SECTION 13; THENCE SOUTH 88 DEGREES 44 MINUTES 08 SECONDS EAST  
(BEARING FROM ADJOINING SURVEY) ON AND ALONG THE NORTH LINE OF SAID NORTHWEST  
QUARTER 786.53 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438) SET; THENCE  
SOUTH 14 DEGREES 15 MINUTES 34 SECONDS WEST 732.04 FEET TO A 5/8 INCH CAPPED REBAR  
(STAMPED BENNETT S0438) SET; THENCE SOUTH 41 DEGREES 41 MINUTES 41 SECONDS WEST 113.67  
FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438) SET; THENCE SOUTH 21 DEGREES 36  
MINUTES 34 SECONDS WEST 217.90 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438)  
SET; THENCE SOUTH 04 DEGREES 03 MINUTES 03 SECONDS WEST 735.16 FEET TO A 5/8 INCH CAPPED  
REBAR (STAMPED BENNETT S0438) SET; THENCE SOUTH 26 DEGREES 49 MINUTES 32 SECONDS WEST  
72.51 FEET TO A 2 INCH MAG NAIL WITH ALUMINUM DISC (STAMPED BENNETT S0438) SET IN THE  
CENTER OF GARTNER DRIVE COUNTY ROAD; THENCE THE FOLLOWING EIGHT (8) COURSES ARE  
WITH THE CENTER OF SAID GARTNER DRIVE COUNTY ROAD: SOUTH 06 DEGREES 46 MINUTES 45  
SECONDS EAST 30.46 FEET, SOUTH 16 DEGREES 00 MINUTES 18 SECONDS WEST 54.74 FEET, SOUTH 41  
DEGREES 29 MINUTES 42 SECONDS WEST 125.11 FEET, SOUTH 22 DEGREES 49 MINUTES 10 SECONDS  
WEST 93.41 FEET, SOUTH 08 DEGREES 30 MINUTES 57 SECONDS WEST 114.89 FEET, SOUTH 05  
DEGREES 12 MINUTES 53 SECONDS WEST 198.84 FEET TO A 2 INCH MAG NAIL WITH ALUMINUM DISC  
(STAMPED BENNETT S0438) SET MARKING THE NORTHWEST CORNER OF A TRACT DESCRIBED TO  
ROBERT GARTNER JR. IN INSTRUMENT NUMBER 2008-3143 IN THE OFFICE OF THE RECORDER OF  
BROWN COUNTY, INDIANA, SOUTH 06 DEGREES 55 MINUTES 28 SECONDS WEST 170.04 FEET TO A 2  
INCH MAG NAIL WITH ALUMINUM DISC STAMPED BENNETT S0438) SET MARKING THE SOUTHWEST  
CORNER OF SAID ROBERT GARTNER JR. AND SOUTH 07 DEGREES 00 MINUTES 36 SECONDS WEST  
134.30 FEET TO A 2 INCH MAG NAIL WITH ALUMINUM DISC (STAMPED BENNETT S0438) SET ON THE  
SOUTH LINE OF SAID NORTHWEST QUARTER IN THE INTERSECTION OF SAID GARTNER DRIVE  
COUNTY ROAD AND RICHARDSON DRIVE COUNTY ROAD, ALSO WEST ROBERTSON COUNTY ROAD;  
THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON AND ALONG SAID SOUTH LINE  
165.74 FEET TO A US GOVERNMENT CONCRETE MONUMENT FOUND MARKING THE SOUTHWEST  
CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 00 DEGREES 03 MINUTES 36 SECONDS  
EAST ON AND ALONG THE WEST LINE OF SAID NORTHWEST QUARTER 2689.50 FEET TO THE  
BEGINNING, CONTAINING 27.341 ACRES MORE OR LESS.  
SUBJECT TO A TWENTY (20) FOOT WIDE EASEMENT AS RECORDED IN DEED RECORD NUMBER 167,  
PAGE 85 IN THE OFFICE OF THE RECORDER OF BROWN COUNTY, INDIANA.  
SUBJECT TO GARTNER DRIVE COUNTY ROAD.  
ALSO, SUBJECT TO RICHARDSON DRIVE COUNTY ROAD.  
ALSO, SUBJECT TO WEST ROBERTSON COUNTY ROAD.

47.067 ACRE DESCRIPTION

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE  
SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 10 NORTH, RANGE  
2 EAST OF THE SECOND PRINCIPAL MERIDIAN, JACKSON TOWNSHIP, BROWN COUNTY, INDIANA  
DESCRIBED AS FOLLOWS:

BEGINNING AT A 1 INCH (INSIDE DIAMETER) IRON PIPE FOUND MARKING THE NORTHEAST CORNER  
OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE SOUTH  
00 DEGREES 07 MINUTES 51 SECONDS EAST (BEARING FROM ADJOINING SURVEY) ON AND ALONG  
THE EAST LINE OF SAID NORTHWEST QUARTER, NORTHWEST QUARTER 1320.45 FEET TO A 1/2 INCH

(INSIDE DIAMETER) IRON PIPE FOUND MARKING THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER, NORTHWEST QUARTER, ALSO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE NORTH 89 DEGREES 45 MINUTES 51 SECONDS WEST ON AND ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, NORTHWEST QUARTER 439.62 FEET TO THE EAST LINE OF A TRACT DESCRIBED TO BUCCOS IN DEED RECORD NUMBER 167, PAGE 85 IN THE OFFICE OF THE RECORDER OF BROWN COUNTY, INDIANA; THENCE NORTH 03 DEGREES 03 MINUTES 00 EAST 34.51 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438) SET MARKING THE NORTHEAST CORNER OF SAID BUCCOS; THENCE NORTH 88 DEGREES 04 MINUTES 00 SECONDS WEST 225.00 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438) SET MARKING THE NORTHWEST CORNER OF SAID BUCCOS; THENCE SOUTH 03 DEGREES 03 MINUTES 00 SECONDS WEST 387.20 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438) SET MARKING THE SOUTHWEST CORNER OF SAID BUCCOS; THENCE SOUTH 00 DEGREES 20 MINUTES 13 SECONDS WEST 275.32 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438) SET; THENCE NORTH 85 DEGREES 44 MINUTES 07 SECONDS EAST 291.62 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438) SET; THENCE NORTH 14 DEGREES 39 MINUTES 04 SECONDS WEST 254.31 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438) SET MARKING THE SOUTHEAST CORNER OF SAID BUCCOS; THENCE NORTH 03 DEGREES 03 MINUTES 00 SECONDS EAST 304.40 FEET TO THE NORTH LINE OF SAID SOUTHWEST QUARTER, NORTHWEST QUARTER; THENCE SOUTH 89 DEGREES 45 MINUTES 51 SECONDS EAST 439.62 FEET TO SAID NORTHEAST CORNER OF SAID SOUTHWEST QUARTER, NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 24 MINUTES 08 SECONDS WEST 1338.91 FEET TO A PK NAIL OVER A RAILROAD SPIKE FOUND IN WEST ROBERTSON COUNTY ROAD MARKING THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER, NORTHWEST QUARTER; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON AND ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, NORTHWEST QUARTER WITH SAID COUNTY ROAD 109.09 FEET TO A 2 INCH MAG NAIL WITH ALUMINUM DISC (STAMPED BENNETT S0438) SET MARKING THE SOUTHEAST CORNER OF A TRACT DESCRIBED TO STEPHEN AND KATE GARTNER IN INSTRUMENT NUMBER 2005-2291 IN THE OFFICE OF THE RECORDER OF BROWN COUNTY, INDIANA; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 217.80 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED CKW) FOUND MARKING THE NORTHEAST CORNER OF SAID STEPHEN AND KATE GARTNER; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 400.00 FEET TO THE NORTHWEST CORNER OF SAID STEPHEN AND KATE GARTNER; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST 217.80 FEET TO A MAG NAIL FOUND ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, NORTHWEST QUARTER IN SAID COUNTY ROAD MARKING THE SOUTHWEST CORNER OF SAID STEPHEN AND KATE GARTNER; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON AND ALONG SAID SOUTH LINE WITH SAID COUNTY ROAD 655.36 FEET TO A 2 INCH MAG NAIL WITH ALUMINUM DISC (STAMPED BENNETT S0438) SET IN THE INTERSECTION OF SAID COUNTY ROAD AND RICHARDSON DRIVE COUNTY ROAD, ALSO GARTNER DRIVE COUNTY; THENCE NORTH 07 DEGREES 00 MINUTES 36 SECONDS EAST WITH THE CENTER OF SAID GARTNER COUNTY DRIVE 134.30 FEET TO A 2 INCH MAG NAIL WITH ALUMINUM DISC (STAMPED BENNETT S0438) SET MARKING THE SOUTHWEST CORNER OF A TRACT DESCRIBED TO ROBERT GARTNER JR. IN INSTRUMENT NUMBER 2008-3143 IN THE OFFICE OF THE RECORDER OF BROWN COUNTY, INDIANA; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 526.50 FEET TO THE SOUTHEAST CORNER OF SAID ROBERT GARTNER JR.; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 168.80 FEET TO THE NORTHEAST CORNER OF SAID ROBERT GARTNER JR.; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 506.00 FEET TO A 2 INCH MAG NAIL WITH ALUMINUM DISC (STAMPED BENNETT S0438) SET IN GARTNER DRIVE COUNTY ROAD MARKING THE NORTHWEST CORNER OF SAID ROBERT GARTNER JR.; THENCE THE FOLLOWING SIX (6) COURSES ARE WITH SAID GARTNER DRIVE: NORTH 05 DEGREES 12 MINUTES 53 SECONDS EAST 198.84 FEET, NORTH 08 DEGREES 30 MINUTES 57 SECONDS EAST 114.89 FEET, NORTH 22 DEGREES 49 MINUTES 10 SECONDS EAST 93.41 FEET, NORTH 41 DEGREES 29 MINUTES 42 SECONDS EAST 125.11 FEET, NORTH 16 DEGREES 00 MINUTES 18 SECONDS EAST 54.74 FEET AND NORTH 06 DEGREES 46 MINUTES 45 SECONDS WEST 30.46 FEET TO A 2 INCH MAG NAIL WITH ALUMINUM DISC (STAMPED BENNETT S0438) SET; THENCE LEAVING THE CENTER OF SAID GARTNER DRIVE NORTH 26 DEGREES

49 MINUTES 32 SECONDS EAST 72.51 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438) SET; THENCE NORTH 04 DEGREES 03 MINUTES 03 SECONDS EAST 735.16 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438) SET; THENCE NORTH 21 DEGREES 36 MINUTES 34 SECONDS EAST 217.90 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438) SET; THENCE NORTH 41 DEGREES 41 MINUTES 41 SECONDS EAST 113.67 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438) SET; THENCE NORTH 14 DEGREES 15 MINUTES 34 SECONDS EAST 732.04 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438) SET ON THE NORTH LINE OF SAID NORTHWEST QUARTER, NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 44 MINUTES 08 SECONDS EAST ON AND ALONG SAID NORTH LINE 547.55 FEET TO THE BEGINNING, CONTAINING 47.067 ACRES MORE OR LESS.

SUBJECT TO A TWENTY (20) FOOT WIDE BASEMENT AS RECORDED IN DEED RECORD NUMBER 167, PAGE 85 IN THE OFFICE OF THE RECORDER OF BROWN COUNTY, INDIANA.

SUBJECT TO GARTNER DRIVE COUNTY ROAD.

ALSO, SUBJECT TO RICHARDSON DRIVE COUNTY ROAD.

ALSO, SUBJECT TO WEST ROBERTSON COUNTY ROAD.

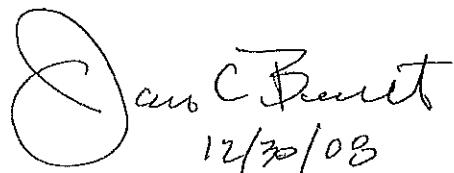
#### 1.548 ACRE DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 10 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, JACKSON TOWNSHIP, BROWN COUNTY, INDIANA DESCRIBED AS FOLLOWS:

COMMENCING AT A  $\frac{1}{2}$  INCH (INSIDE DIAMETER) IRON PIPE FOUND MARKING THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE NORTH 89 DEGREES 45 MINUTES 51 SECONDS WEST (BEARING FROM ADJOINING SURVEY) ON AND ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, NORTHWEST QUARTER 439.62 FEET TO THE EAST LINE OF A TRACT DESCRIBED TO THOMAS AND CHRISTINA BUCCOS IN DEED RECORD NUMBER 167, PAGE 85 IN THE OFFICE OF THE RECORDER OF BROWN COUNTY, INDIANA; THENCE SOUTH 03 DEGREES 03 MINUTES 00 SECONDS WEST WITH SAID EAST LINE 304.40 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438) SET MARKING THE SOUTHEAST CORNER OF SAID THOMAS AND CHRISTINA BUCCOS AND THE BEGINNING THENCE SOUTH 14 DEGREES 39 MINUTES 04 SECONDS EAST 254.31 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S048) SET; THENCE SOUTH 85 DEGREES 44 MINUTES 07 SECONDS WEST 291.62 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438) SET; THENCE NORTH 00 DEGREES 20 MINUTES 13 SECONDS EAST 275.32 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED BENNETT S0438) SET; THENCE SOUTH 88 DEGREES 04 MINUTES 00 SECONDS EAST 225.00 FEET TO THE BEGINNING, CONTAINING 1.548 ACRES MORE OR LESS.

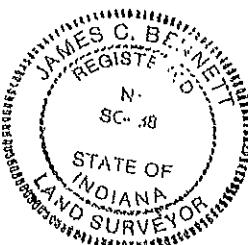
SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS EXISTING OR OF RECORD AFFECTING SAID REAL ESTATE.

I, JAMES C. BENNETT, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED WITH THE LAWS OF THE STATE OF INDIANA, AND IN ACCORDANCE WITH TITLE 865, ARTICLE 1.1, CHAPTER 12, SECTIONS 1 THROUGH 34 OF THE INDIANA ADMINISTRATIVE CODE, THE ABOVE PLAT AND DESCRIPTION CORRECTLY REPRESENTS A LAND SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AND ARE TO THE BEST OF MY KNOWLEDGE AND BELIEF ACCURATELY SHOWN, DATED DECEMBER 30, 2008.

  
12/30/08

RLS #S0438

SURVEY FILE NUMBER: 2008-B82



13. Shady Oaks Logging traffic on West Robertson Road is sporadic, some weeks involving one truck per day, other weeks involving 5 trucks per day. Several months may pass without Shady Oaks Logging truck traffic traveling West Robertson Road.

14. Other large vehicles (vehicles 8 feet wide, or more) frequently travel West Robertson Road, including school buses, dump trucks, excavators, dually pickup trucks. Combines and tractors with widths of 14 use West Robertson Road to access agricultural fields.

15. Logging trucks and school buses are able to safely pass each other on West Robertson Road.

16. One of the three West Robertson Road remonstrators testified that she had nearly collided with a logging truck on West Robertson Road in the Fall of 2019. Her account was disputed by the logging truck driver Christopher Buccos. The remonstrator also claimed that someone had a mirror torn off of their vehicle on West Robertson Road. That claim was disputed as well. No other reports of accidents or problems on West Robertson Road were presented or cited by the remonstrators or other speakers.

17. The remonstrators did not complain of noise, runoff, pollution, odor, vibration, hours of operation, visual blight, the blocking of light or air, associated with the existing operation of the log yard on the Petition site.

18. The remonstrators did not claim that the existing log yard operation on the Petition site, or the Board's sanctioning of that operation, did or would interfere with the use, enjoyment, or value of their properties. Rather, each of the remonstrators exclusively expressed concerns regarding the safety of the use of a public road, specifically West Robertson Road, by logging trucks.

19. The remonstrators' concerns are largely speculative concerns and are not supported by reported incidents, accidents, traffic studies, or other data.

20. Brown County roads tend to be narrow, curvy, and hilly and vehicles must frequently slow down, pull over, and stop so that vehicles can safely pass, and pedestrians, joggers, and other users must be vigilant and alert while using the roads.

21. Pursuant to the Brown County Zoning Ordinance, properties adjoining County roads are zoned Residential 2. However, land located greater than 300 feet from a County road is zoned Forest Reserve.

22. Pursuant to the Brown County Zoning Ordinance, general industrial uses are allowed as special exception uses within Forest Reserve Districts.

23. By authorizing general industrial special exception uses in Forest Reserve Districts, it is clear that the County Commissioners contemplated that traffic associated with general industrial uses would, of necessity, pass through Residential 2 districts over County roads.





**CARMIN PARKER PC**

116 W. 6TH ST., SUITE 200  
P.O. BOX 2639  
BLOOMINGTON, INDIANA 47402-2639  
FED. ID. NUMBER: 47-0963245  
(812) 332-6556

August 4, 2020

Benjamin and Sherrie Mitchell  
971 West Robertson Road  
Morgantown, IN 46160

Invoice# 20295 MLC

Our file# 24817 0001  
Billing through 07/31/2020

**DUE ON RECEIPT. INTEREST  
ACCRUES AT 1.5% PER MONTH,  
AFTER 25 DAYS.**

Special Exception Approval

Balance forward as of invoice dated July 6, 2020	\$3,246.61
Payments received since last invoice	2,900.00
A/R adjustments made since last invoice	<u>(346.61)</u>
Accounts receivable balance carried forward	\$0.00

Billing Summary

Total of new charges for this invoice	<u>\$0.00</u>
<b>Total balance now due</b>	<b><u>\$0.00</u></b>