

**BROWN COUNTY AREA PLAN COMMISSION
STAFF REPORT NEUBAUER REZONE**

Docket No.: 22-RZ-01

Hearing Date: April 27, 2022

Request: To rezone 24 acres from Primary Residential (R1) to General Business (GB).

Petitioners: Luke Neubauer

Owner: Mike Morris, Morris Group, LLC

Location: 1040 Morris Lane, Nashville, in Washington Township. Morris Lane intersects with State Road 135 South approximately 3/4ths of a mile south from the intersection with State Road 46 East.

Zoning and Current Use: The property is currently zoned Primary Residential (R1) with two cabins and three barns existing. The property is located outside of the 1% Annual Chance Flood Area per the effective FIRM.

General Findings:

1. The petitioners wish to begin using the existing cabins as tourist homes.
2. Two adjoining properties to the north are zoned General Business (GB) as is the Humane Society located approximately 1/2 mile away. Across the highway and 853 feet to the south, the Camp Roberts property is zoned General Business (GB). Harmony Tree Resort located 500 feet to the south and on the same side of the road is also zoned General Business (GB) with the remaining nearby properties zoned Primary Residential (R1) and Forest Reserve (FR).
3. The homes are set back to a distance in excess of 300 feet from the highway providing a buffer between the tourist cabins and traffic.
4. General Business Districts according to the County Zoning Ordinance, are established to include areas that are appropriate to all kinds of business and services.
5. A change to GB zoning would allow additional uses at the location including residential, agricultural, light industrial and a variety of

other business uses with and without the necessity of a special exception.

6. The Petitioners have provided a signed document authorizing their application for rezoning from the current owner.
7. Electricity is provided by Duke Energy. Water service is provided to the area by Brown County Water Utility.
8. Septic records were provided Tourist Home guest occupancy would be limited by the septic system requirements and in any case no tourist home may have more than 10 guests per the Tourist Home definition. Also a receipt was provided for a recently conducted soil analysis.
9. The Tourist Home Resolution/Guidelines state: *Only one (1) tourist home building should be located on a lot or plat and no other business or industrial use may be conducted on the tourist home lot, unless: multiple tourist home buildings and uses are authorized as part of an approved Planned Unit Development; or the tourist home is located in a GB or AB district.*
10. The two cabins are located too close together to reasonably expect approval by special exception and the owners are considering development of additional tourist homes on the same property.
11. INDOT indicated that a (new) driveway permit is not necessary for access to two tourist homes. If additional tourist homes are developed, the driveway entrance would need to be upgraded and a sub-minor commercial permit issued.
12. The County Comprehensive Plan under Overall Goals provides: "*To consider the impact of changing land use development on adjoining land-owners.*"
13. Also, under Development (Commercial Uses) Objectives states: "*...To encourage commercial development that takes into consideration the county's environment and culture.*" And: "*To recognize that commercial development should serve the community's economic development needs.*"
14. Under Elements that guide the plan: "*The desire to discourage economic decline and foster economic development are two sides of the same coin, and both are important elements in guiding a comprehensive plan for Brown County. Of the two, the desire to discourage economic decline is the more important, for without it, there will be too few residents to preserve anything. In this regard, existing economic activities, such as farming, logging, arts and crafts of all sorts, tourist-oriented businesses, home*

maintenance businesses, etc.-should be protected, encouraged, and accommodated, as long as they remain compatible with the desire to preserve."

I.C. 36-7-4-603 describes the criteria to be used for review of zoning requests by the Plan Commission and the legislative body. Both shall pay reasonable regard to:

- a. the comprehensive plan;
- b. the current conditions and the character of current structures and uses in each district;
- c. the most desirable use for which the land in each district is adapted;
- d. the conservation of property values throughout the jurisdiction and
- e. responsible development and growth.

Staff Recommendation: Because State Road 135 South is a State Highway route popular with tourists and providing access to many tourist oriented businesses, because the property opens to larger dimensions over 300 feet from the public highway providing a buffer between guest use and traffic, and because there are many examples of General Business zoning and uses in the same vicinity, Staff recommends the rezoning request.

MAP LEGEND

Site Plan

1040 Morris Ln
Nashville, IN 47448

Forest land use

Residential land use

Jerome Patricia Miller

Residential land use
Melanie Voland

Residential land use
Robert Joyce Muehlen

Residential land use

Talli Zycht
John Sehr

Residential land use

Steven Lowry

Residential land use

Brian Spears

Map data ©2022 Google Terms 100 ft

State Parcel Number

07-07-33-200-140.000-004

Legal Description

PT N 1/2 NE 33-09-03 16.053 (C) 7/17/2019 Revised (C)

See Exhibit "A" on the Deed, Parcel No 1.

Location Address

1040 Morris Ln

Nashville, IN 47448

Parking area 1
160'x54'

Drive to
parking area
90'x17'

Parking area 2
139'x35'

Cabin 1
35'x26'

Barn 1
35'x21'

Barn 2
61'x36'

Barn 3
31'x21'

Driveway
1605.6' x 11ft

1040 Morris Ln
24 Acres

Soil
Sample
Area

Cabin 2
32'x23'

Pool
195'x66'



BROWN COUNTY GOVERNMENT
Plan Commission

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

Phone: (812) 988-5490
www.browncounty-in.gov

AREA PLAN COMMISSION - APPLICATION FOR HEARING

This application must be typed or printed neatly in ink.
Applications that do not include all the required items are incomplete and will **NOT** be docketed.
Complete applications must be submitted by 2:30 pm of the submission deadline day.
Complete applications and all checklist items must be delivered in person.

FOR OFFICE USE ONLY:

Hearing Date: 4/26/2022
Docket # 22-RZ-01 Fee \$315.00 Receipt # 22-31561 Date 4/4/2022

PLEASE COMPLETE THE FOLLOWING:

Minor Subdivision _____ Major Subdivision _____ Primary _____ Secondary _____
NO. Lots _____ Rezoning X _____ PUD _____ Other _____

MAIN CONTACT PERSON: If additional information is needed, this individual is responsible for contacting all other parties involved with this application.

Luke Neubauer

Name(s) _____

1424 Lakeside Ct Lagrange, KY 40031

Address _____

Luke.Neubauer@gmail.com

Email _____

(502) 296-0599

Phone number _____

() _____

Fax number _____

PROPERTY OWNER(S):

Michael P. Morris, (Morris group LLC)

Name(s) _____

4737 State Road 135 South Nashville, IN 47448

Address _____

(574) 340-8408

Phone number _____

APPLICANT(S):

Luke Neubauer

Name(s) _____

1424 Lakeside Ct Lagrange < KY 40031

Address _____

Luke.Neubauer@gmail.com

Email _____

() _____
Home telephone

502) 296-0599
Cell phone

Revised 6/11

BRIEFLY EXPLAIN TYPE OF REQUEST:

Request to rezone from R1 to GB

CURRENT ZONING: R1

SIZE OF PROPERTY: 24 ACRES OR SQ. FT. 1932

If applying for a SUBDIVISION/PUD LIST NAME: _____

If REZONING: FROM R1 **TO** GB **CURRENT USE:** residential use

FLOOD PLAIN DESIGNATION: 18013C0140E **TOWNSHIP:** _____

PROPERTY ADDRESS: 1040 Morris Lane Nashville, IN 47448

LAND SURVEYOR INFORMATION:

NAME: _____ **PHONE NO. ()** _____

The site is on the _____ corner of the intersection of
NE, NW, SE, SW

Name of Road

AND

Name of Road

OR

The property is on the _____ side of
N, E, S, W

Name of Road

AND the nearest cross roads are:

State Highway No135

Name of Road

N

Distance N, E, S, W

Name of Road

Distance N, E, S, W

THIS SECTION MUST BE SIGNED BY ALL OWNER(S) OF RECORD

I (we) hereby attest that the foregoing information is true and complete to the best of my (our) knowledge and belief.

I (we) authorize this application and authorize the Board of Zoning Appeals, its staff and any other person(s) designated by the staff or the Board to enter the property designated in this application in order to conduct a review of the proposed request.

Morris Group LLC

doLoop verified
03/17/22 2:27 PM EDT
GOES-4GYV-IAE2-ZLVF

Signature

Date

Signature

Date

Signature

Date

Signature

Date



allan cook <allancook.properties@gmail.com>

Letter of authorization

Mike Morris <MMorris@recycletoday.com>

Thu, Mar 10, 2022 at 11:41 AM

To: Mike Morris <MMorris@recycletoday.com>, allan cook <allancook.properties@gmail.com>

To Whom it may concern,

I Michael P. Morris authorize Luke Neubauer and or their agents to act on behalf as agent for Morris Group LLC and myself as partner for Morris group LLC.

As it pertains to planning and zoning for property located at 1040 Morris Lane, Nashville, In. 47448.

Any questions feel free to call me directly at 574-340-8408.

Regards,

Mike Morris

Morris Group, LLC.



4737 State Road 135 SOUTH, Nashville, Indiana USA 47448

UPS: 4747 State Road 135 SOUTH, Nashville, INL 47448

Cell: 574-340-8408

mmorris@recycletoday.com

1040 Morris Ln
Nashville, IN 47448

Flood Plain District: 18013C0140E
County Parcel Number: 003-05300-00
State Parcel Number: 07-07-33-200-104.000-004
Legal Description, See attached Deed, Exhibit "A", Parcel No1.

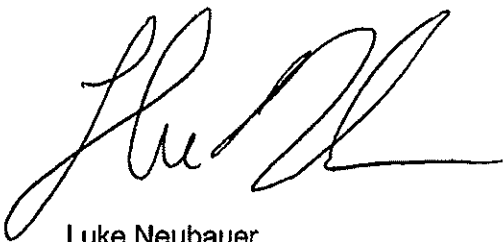
Re: Statement Of Your Request

To whom it may concern,

Luke Neubauer and the property owner, Michael Morris; request to rezone 1040 Morris Ln from R1 to GB zoning. We intend to use the existing two cabins as tourist homes.

We spoke with INDOT and a driveway permit is not required at this time. If more than 2 cabins exist on the property, then they would require us to upgrade the driveway entrance and apply for a sub-minor commercial permit at that time.

Thank you for your time and consideration,

A handwritten signature in black ink, appearing to read 'Luke Neubauer', with a stylized flourish at the end.

Luke Neubauer
1424 Lakeside Ct.
Lagrange, KY 40031
502-296-0599
Luke.neubauer@gmail.com

Quality On Tap! Brown County Water Utility Inc.
5130 N State Road 135
Morgantown IN 46160
TEMP RETURN SERVICE REQUESTED

ACCOUNT NUMBER: 035001525-001
BILLING DATE: 01/17/2022
ACCOUNT NAME: MICHAEL PAUL MORRIS
SERVICE LOCATION: 1040 MORRIS LN

Office Hours: 8:30 AM - 4:30 PM Mon - Fri
Phone: (612) 988-6611

Consumption for the Past 12 Months

gallons X 100

Reading Date From: 12/15/2021
Reading Date To: 01/17/2022

| Meter Readings | | | USAGE GALLONS | SERVICE TYPE | AMOUNT |
|----------------|---------|---|--------------------|--------------|--------|
| PREVIOUS | CURRENT | | | | |
| 72 | 72 | 0 | Prior Bill Balance | \$27.33 | |
| | | | Total Payments | -\$27.33 | |
| | | | Balance Forward | \$0.00 | |
| | | | Water | \$25.54 | |
| | | | State Tax | \$1.79 | |

Thank you for choosing ACH. The amount due will be deducted from your bank account on 02/18/2022

TOTAL AMOUNT DUE → **\$27.33**

BANK DRAFT - DO NOT PAY

Service Message: If frozen water lines, exposed to cold air, stream of water running, pipes are below zero, doors under sinks, for shutoff valve emergency.

Debit card service 1-288-1786 (will apply)

Draft (drawal) service.

L MORRIS


**DUKE
ENERGY.**

 duke-energy.com
 1.800.521.2232

Your Energy Bill

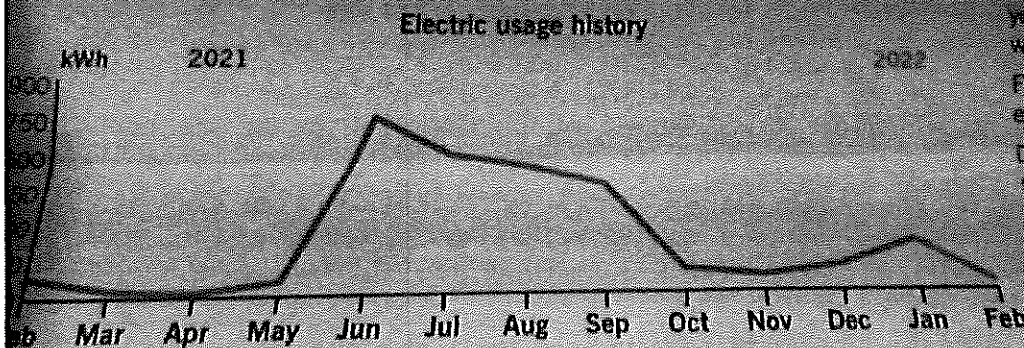
Service address

 MICHAEL P MORRIS
 1040 MORRIS LN
 NASHVILLE TN 37248

Billing summary

| | |
|--------------------------------|----------------|
| Previous amount due | \$48.56 |
| Payment received Feb 16 | 48.56 |
| Current Electric Charges | 15.62 |
| Taxes | 1.09 |
| Total amount due Mar 17 | \$16.71 |

Your usage snapshot



| | Current Month | Feb 2021 | 12-Month Usage | Avg Monthly Usage |
|--|---------------|----------|----------------|-------------------|
| Electric (kWh) | 31 | 88 | 3,060 | 255 |
| Month usage based on most recent history | | | | |



Thank you for your payment.

Your current rate is Residential Service.

Your current electric charges include:

The connection charge is a fixed fee and covers the cost of providing service and maintaining customer records, bills, your account. It is an existing charge whether or not electricity is used.

 For a complete listing of all fees, visit energy.com/rates.

 Do you or someone you know need essentials as a result of the pandemic? New and existing assistance programs started, visit 211.org, dial 211.

 Winter's cold weather can bring new challenges and resources to help control energy costs. Visit energy.com/BetterWinterBill.



8419 Bob Allen Road
Freetown
Indiana 47235
812-988-7053

Mike

Salen

| | | | |
|--------------------------|---|--------------------|--------|
| NAME Luke + Christine | | DATE 3/16/22 | |
| ADDRESS Neubauer | | | |
| PHONE | | | |
| SOLD BY | CASH | C.O.D. | CHARGE |
| | | | |
| QTY. | | DESCRIPTION | AMOUNT |
| 1 | Soil Evaluation to be completed by 3/26/22 1040 Morris Lane Nashville | | 300 - |
| | | #282 Thank You! | |
| RECEIVED BY | | TOTAL | 300 - |

2373

ALL SALES FINAL

Thank You

L

Sewage Disposal System

000485

PERMIT

No. 91-10496

Is hereby issued to [x]

(X) Owner Mike Morris

(X) System Contractor Bardeen

() Building Contractor

For a (system size) 1000 gal / 1000 sq ft

at 135 So Camp Creek
Lot Subdivision Road or Drive

on this 14 day of Nov 19 91 by the

Brown County Department of Health

Norm
County Health Officer

Sam R. Hahn E.H.S.
Backfill Approval

Sewage Disposal System

PERMIT

No. 80-1638

Is hereby issued to [x]

() Owner Bob Galm

() System Contractor Mike Nichols

() Building Contractor

For a (system size) Pump + Dry Well 6x6

at Lot Subdivision 135 South
Road or Drive

on this 23 day of April 1980 by the

Brown County Department of Health

Robert M. Feckel M.D.
County Health Officer

Backfill Approval