

**MINUTES**  
**DEKALB COUNTY PLAN COMMISSION**  
**Wednesday, September 20, 2017**

The Regular Meeting of the DeKalb County Plan Commission was called to order at 7:00 P.M. in the Commissioner's Court of the DeKalb County Courthouse by President Tim Griffin.

**ROLL CALL:**

Members Present: Tim Griffin, Sandra Harrison, Frank Pulver, Randall Deetz, Bill Van Wye, and Sarah Delbecq.

Members Absent: Mike Kline, Jerry Yoder, Elysia Rodgers

Staff Present: Plan Commission Attorney David Kruse, Director/Zoning Administrator Chris Gaumer, Assistant Director Dawn Mason & Secretary Caeli Hixson

Community Representatives Present: Mike Benbow

Public in Attendance: Tyann Kryder, Walt Kryder, Vicki Tennant, Mary Bergner

The Pledge of Allegiance was led by the President.

**APPROVAL OF MINUTES:**

Motion was made by Sandra Harrison and seconded by Frank Pulver to approve the August 16, 2017 minutes. Motion carried.

**CONSIDERATION OF CLAIMS:**

Motion was made by Randall Deetz and seconded by Bill Van Wye to accept the August claims as presented for \$7,885.74. Motion carried.

**NEW BUSINESS:**

A public hearing was conducted pursuant to proper legal notice.

Petition #17-23 – Vicki Tennant requesting a minor 1 lot subdivision. The property is located on County Road 45 South of County Road 28, Waterloo, Indiana and is zoned A2, Agricultural.

Assistant Director Dawn Mason read the staff report. She stated that the parcel in question is not a parent tract and the petitioner has previously gone through the BZA on July 10, 2017, for a variance on the maximum number of splits which was approved. She said that the proposed 1 lot subdivision meets all requirements with access off CR 45 and dedicated road right of way of 30ft.

Mr. Griffin asked if there were any questions for staff. There were none.

Vicki Tennant stated that she is going through the process so she that she can build.

Randall Deetz asked if she was looking at this for a single family dwelling. Mrs. Tennant said yes.

Mrs. Tennant said she would not be putting in a pond.

Mr. Van Wye asked if there were wetlands on the back side and if it was wooded. Mrs. Tennant said that there are woods of about 5 acres, there is a small field and that there are some wetlands in the back.

Mr. Griffin asked if it was scrub brush or good woods. Mrs. Tennant said they are mostly Shag Bark and Hickory trees.

Mrs. Tennant asked what the existing drainage shown on the plat was.

Mrs. Mason said that it was something Jerry Teders had put on the plat and that it was not something the Planning Department required. She said that Jerry had said he already spoke with Cathy at the Health Department and her letter states that the tanks, absorption field and subsurface drainage have been installed and inspected.

Mr. Gaumer said the existing drainage on the plat is the absorption field for the septic.

Mr. Griffin asked if anyone in the audience had objections or comments. There were none.

Mr. Griffin closed the public hearing.

#### **JURISDICTIONAL FINDINGS:**

**The petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.**

1. Application completed and filed on 8/2/17
2. Legal notice published in The Star on 8/31/17 and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff. **YES**
4. Letter form the County Board of Health, dated 8/21/17
5. Letter from the County Highway Department, dated 8/7/17
6. Letter from the County Surveyor or Drainage Board, dated 8/10/17
7. Airport Board report, if applicable N/A
8. Plat prepared by **Tri-County Land Surveying**
9. The real estate being developed is in Zoning District **A2** which permits the requested development.
10. BZA approved additional lot as per BZA meeting on 7/10/17.

#### **FINDINGS OF FACT - UDO REQUIREMENTS:**

##### **1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?**

Yes, the minor subdivision will be used for residential purposes, which is compatible to the existing and adjacent land use. BZA approved additional lot on 7/10/17.

##### **2. Does the Minor Subdivision conform to the following UDO standards:**

- a. Minimum width, depth & areal of lot(s)
- b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. Adequate access off of CR 45
- c. The extension of water, sewer & other municipal services, if applicable or required. Or private septic system and water.
- d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.

Yes, all applicable standards conform to the UDO requirements.

#### **CONDITIONS OF APPROVAL:**

##### **STANDARD CONDITIONS TO BE RECORDED ON OR WITH THE PLAT:**

- a. This lot shall be included in any subdivision arising from any further development of the land involved. However, there is no intention that any terms, conditions or restrictions on a future plat would have any retroactive applicability to this division of land.
- b. There shall be compliance with the laws and regulations of any Federal, State, or local agency.

- c. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on this site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
- d. The appropriate agricultural covenants shall be on the plat.
- e. The appropriate drainage covenants shall be on the plat.

**CONDITIONS THAT WILL NOT BE RECORDED BUT MUST BE MET:**

- 1. Comply with the Staff Report.
- 2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
- 3. Comply with any floodplain management ordinance.
- 4. Comply with any wetland laws and regulations where applicable.
- 5. Provide covenant if needed for compliance with Airport Board requirements.
- 6. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. And further, where applicable, file written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

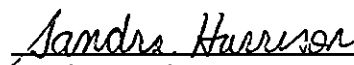
IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION, PETITION #17-23 HOLT ADDITION SEC II, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 20<sup>TH</sup> DAY OF SEPTEMBER 2017.

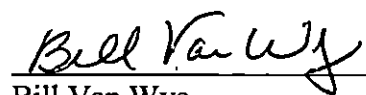
Sandra Harrison made motion to approve Petition #17-23, seconded by Bill Van Wye.

Vote tally: Yes: 5 No: 0

  
Randall Deetz

  
Frank Pulver

  
Sandra Harrison

  
Bill Van Wye

  
Sarah Delbecq

  
Tim Griffin

Petition #17-24 - Walter Kryder requesting a minor 1 lot subdivision. The property is located on County Road 22 East of County Road 49, Waterloo, Indiana and is zoned A2, Agricultural. Assistant Director Dawn Mason read her report. She stated that this would be the first split from the parent tract and that it meets all requirements.

Mr. Griffin asked if there were any questions from staff. There were none.

Walter Kryder stated that he wanted to build a new house on the farm for his wife.

Mr. Deetz asked if this was going to be a single family dwelling. Mr. Kryder said yes.

Mrs. Delbecq asked if there was a wet spot in the field area. Mr. Kryder said no but he did put a tile in.

Mrs. Harrison asked if he would be taking down the existing house. Mr. Kryder said he would like to take down all but a small single story area in the back of the house that was previously added on.

Mr. Kruse asked what the total acreage was. Mr. Kryder said he owns 100 acres.

Mr. Kruse noted that Mr. Kryder was asking for 10 acres out of the 100 for the proposed lot of the subdivision.

Mr. Kruse asked if he planned to subdivide it any further. Mr. Kryder stated that he does not wish to do that. It has been in his family for several generations and he wants to keep it.

Mr. Griffin asked if there were any further questions. There were none.

Mr. Griffin closed the public hearing.

#### **JURISDICTIONAL FINDINGS:**

**The petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.**

1. Application completed and filed on **8/10/17**
2. Legal notice published in The Star on **8/31/17** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff. **YES**
4. Letter from the County Board of Health, dated **8/21/17**
5. Letter from the County Highway Department, dated **7/25/17 (Driveway Permit)**
6. Letter from the County Surveyor or Drainage Board, dated **8/17/17**
7. Airport Board report, if applicable **N/A**
8. Plat prepared by **Tri-County Land Surveying**
9. The real estate being developed is in Zoning District **A2** which permits the requested development.

#### **FINDINGS OF FACT - UDO REQUIREMENTS:**

1. **Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?**

Yes, the minor subdivision will be used for residential purposes, which is compatible to the existing and adjacent land use.

2. **Does the Minor Subdivision conform to the following UDO standards:**

- a. Minimum width, depth & areal of lot(s)
- b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. Adequate access off of CR 22.
- c. The extension of water, sewer & other municipal services, if applicable or required. Or private septic system and water.
- d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.

Yes, all applicable standards conform to the UDO requirements.

**CONDITIONS OF APPROVAL:****STANDARD CONDITIONS TO BE RECORDED ON OR WITH THE PLAT:**

- a. This lot shall be included in any subdivision arising from any further development of the land involved. However, there is no intention that any terms, conditions or restrictions on a future plat would have any retroactive applicability to this division of land.
- b. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
- c. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on this site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
- d. The appropriate agricultural covenants shall be on the plat.
- e. The appropriate drainage covenants shall be on the plat.

**CONDITIONS THAT WILL NOT BE RECORDED BUT MUST BE MET:**

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with any floodplain management ordinance.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant if needed for compliance with Airport Board requirements.
6. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. And further, where applicable, file written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION, PETITION #17-24 KRYDER'S ACRES, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 20<sup>TH</sup> DAY OF SEPTEMBER 2017.

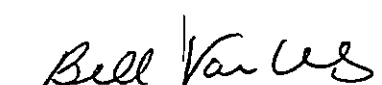
Bill Van Wye made motion to approve Petition #17-24, seconded by Randall Deetz.

Vote tally, Yes: 6

No:

  
Randall Deetz

  
Frank Pulver

  
Bill Van Wye

  
Sarah Delbecq

Sandra Harrison  
Sandra Harrison

Tim Griffin  
Tim Griffin

**REPORTS FROM OFFICERS, COMMITTEES, AND STAFF OR TOWN/CITY LIAISONS:**

Mr. Deetz reported that Waterloo was still looking at taking some residential land and rezoning it to commercial because they have a business that wants to come in. A neighbor did not want to live next to the proposed business but they were able to purchase that lot from him. He said that it was approved and they are moving forward.

Mr. Benbow reported that the city was looking at rezoning and going through the ETJ maps. They are working on getting public input.

Mr. Pulver reported that Garrett was going to have a meeting. They haven't had one since April. The meeting will be next Tuesday, September 26.

Mr. Gaumer gave a brief update and a handout on the changes for the Development Standards of the CFO that he will be bringing forward to next month's meeting. He asked that the members look over those to discuss next month.

Mr. Gaumer announced that there will be an education session for Plan Commission and BZA on October 4 at 10 a.m. and 2 p.m. It is not open to the public.

There being no further business to come before the Plan Commission, the meeting was adjourned at 7:31 p.m.

Timothy B. Griffin  
Timothy B. Griffin, President

Mike Kline  
Mike Kline, Vice President