

DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

Planning: 260.925.1923 • Building: 260.925.3021 • GIS: 260.927.2356 • Fax: 260.927.4791

AGENDA

DeKalb County Plan Commission

Plat Committee

Commissioners Court – 2nd Floor DeKalb County Court House

Tuesday, November 2, 2021

8:30 AM

1. Roll call
2. Approval of Minutes: October 12, 2021
3. Old Business:

None

4. New Business:

Petition 21-31 – Mahlon & Rena Lengacher, Marcus Lengacher & Anthony & Victoria Vanhattenhoven requesting a RePlat of Hertig Estates, Lot 1. The property is located at 5725 County Road 75, St. Joe, Indiana

5. Adjournment.

Next Meeting: December 7, 2021 *** 1ST Tuesday in November

PLEASE MARK YOUR CALENDARS FOR THE DATE CHANGES GOING FORWARD. COUNTY COUNCIL NOW MEETS 2ND TUESDAY OF EACH MONTH. PLAT COMMITTEE HAS BEEN MOVED TO THE 1ST TUESDAY OF EACH MONTH.

If you cannot attend, please contact Isabella Mowan:

imowan@co.dekalb.in.us or 260-925-1923

***PLEASE ENTER THROUGH THE NORTH DOOR OF COURTHOUSE LOCATED ON SEVENTH STREET.**

****No cellphones, tablets, laptops or weapons permitted.**

MINUTES
DEKALB COUNTY PLAT COMMITTEE
Tuesday, October 12, 2021

The Regular Meeting of the DeKalb County Plat Committee was called to order at 8:30 A.M. in the DeKalb County Commissioner's Court by Sandra Harrison.

ROLL CALL:

Members Present: Sandra Harrison, Mike Watson, Elysia Rodgers, Bill Van Wye and Jason Carnahan

Members Absent: None

Staff Present: Director/Zoning Administrator Chris Gaumer; Isabella Mowan, Secretary

Staff Absent: None

Public in Attendance: Angie Wallace, Jerry Teders, Greg Schiek, II, Greg Schiek and Jeffrey Schiek.

APPROVAL OF MINUTES: September 14, 2021

Motion made by Mike Watson, Seconded by Jason Carnahan

OLD BUSINESS: None

NEW BUSINESS:

Petition 21-25 – Sean & Camellia Kahkola requesting a Minor Subdivision – SeaCam Property to create 1 buildable lot. The property is located on the south side of County Road 54, approximately 615 feet west of the intersection of County Road 54 & County Road 7, Garrett and is zoned A1, Conservation Agricultural.

Mr. Gaumer read the Staff Report and inquired if there were any questions from the Members.

Mr. Van Wye inquired if it was an open ditch.

Mr. Gaumer replied that it was just a tile.

Mrs. Harrison inquired if there were any questions from the audience.

There were none and the public hearing was closed.

These are proposed findings which are not final until adopted by the Plan Commission.

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 **September 2, 2021**
2. Legal notice published in The Star on **September 30, 2021**, and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 22, 2021**
5. Letter from County Highway dated **September 13, 2021**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 10, 2021**
7. Letter from the Drainage Board, dated **September 17, 2021**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Tri County Land Surveying**

10. The real estate to be developed is in Zoning District A1, which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by the Zoning Administrator are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 54 with dedication of right of way. Applicant or buyer will need to apply for and receive a Driveway Permit from the Highway Department.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. Private Septic System will be utilized. Applicant or buyer will need to apply for and receive a permit for a Residential Onsite Sewage System from the Health Department.*
 - 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. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

Standard Conditions to be recorded on or with the plat:

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

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 the Flood Hazard Area for DeKalb County Ordinance, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
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. 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 #21-25, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 12TH DAY OF OCTOBER, 2021.

Motion made by Bill Van Wye, Seconded by Elysia Rodgers

Vote tally: Yes: 5

No: 0

Sandra Harrison

Bill Van Wye

Elysia Rodgers

Mike Watson

Jason Carnahan

Petition 21-26 – LeAnn Fultz requesting a Minor Subdivision – The Passage to create 1 buildable lot. The property is located at the southwest corner of County Road County Road 54 & County Road 7, Garrett and is zoned A1, Conservation Agricultural.

Mr. Gaumer read the Staff Report and inquired if there were any questions.

Mr. Van Wye inquired if there were any wetlands.

Mr. Gaumer replied that it would be considered a potential wetland and the Petitioner would have to get it delineated to figure out if there is truly a wetland.

Mr. Van Wye further inquired if it held water.

Mr. Teders responded that he has not seen any water in the area.

There was a discussion held relative to a possible wetland.

Mrs. Harrison inquired if there were any other questions from the Members.

There were none.

Mrs. Harrison then inquired if there were questions from the audience.

There were none.

Mrs. Harrison closed the public hearing.

These are proposed findings which are not final until adopted by the Plan Commission.

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 **September 2, 2021**
2. Legal notice published in The Star on **September 30, 2021**, and Affidavit given to staff.
3. Certificate of mailing notices sent, and receipts given to staff.
4. Letter from the County Board of Health, dated **September 22, 2021**
5. Letter from County Highway dated **September 13, 2021**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 10, 2021**
7. Letter from the Drainage Board, dated **September 17, 2021**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Tri County Land Surveying**
10. The real estate to be developed is in Zoning District A1, which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by the Zoning Administrator are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 54 with dedication of right of way. Applicant or buyer will need to apply for and receive a Driveway Permit from the Highway Department.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. Private Septic System will be utilized. Applicant or buyer will need to apply for and receive a permit for a Residential Onsite Sewage System from the Health Department.*
 - 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. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

Standard Conditions to be recorded on or with the plat:

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

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 the Flood Hazard Area for DeKalb County Ordinance, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
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. 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 #21-26, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 12TH DAY OF OCTOBER, 2021.

Motion made by Mike Watson, Seconded by Jason Carnahan

Vote tally: Yes: 5

No:0

Sandra Harrison

Bill Van Wye

Elysia Rodgers

Mike Watson

Jason Carnahan

Petition 21-27 – Daniel & Caroline Faylor requesting a RePlat of Sunset Acres, Section II, Lot 2. The property is located at 1688 County Road 66, Auburn and is zoned A2, Agricultural. Mr. Gaumer read the Staff Report and inquired if there were any questions from the Members. There were none. Mrs. Harrison inquired if there were any questions from the public. There were none. Mrs. Harrison then closed the public hearing.

These are proposed findings which are not final until adopted by the Plan Commission.

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 **September 13, 2021**
2. Legal notice published in The Star on **September 30, 2021**, and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 22, 2021**
5. Letter from County Highway dated **September 13, 2021**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 13, 2021**
7. Letter from the Drainage Board, dated **September 24, 2021**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Tri County Land Surveying**
10. The real estate to be developed is in Zoning District A2, which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by the Zoning Administrator are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 66 with dedication of right of way where required.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. Existing Private Septic System is being utilized. Health Department does recommend that a soil evaluation be performed to ensure adequate area and soil conditions are available on the property for the installation of a replacement residential onsite sewage system if and when determined necessary.*

- 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. None required.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

There is no staff recommendation for this Minor Subdivision. However, the Plan Commission will consider the following conditions:

Standard Conditions to be recorded on or with the plat:

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

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 the Flood Hazard Area for DeKalb County Ordinance, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
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. 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 #21-27, IS HEREBY GRANTED RE-PLAT APPROVAL ON THIS 12TH DAY OF OCTOBER, 2021.

Motion made by Elysia Rodgers, Seconded by Jason Carnahan

Vote tally: Yes: 5

No: 0

Sandra Harrison

Bill Van Wye

Elysia Rodgers

Mike Watson

Jason Carnahan

Petition 21-28 – Greg Schiek II, Bradley Schiek & Jeffrey Schiek requesting a Minor Subdivision – Greg’s Place to create 1 buildable lot. The property is located on the south side of County Road 22, approximately one-quarter mile east of the intersection of County Road 47 & County Road 22, Waterloo and is zoned A2, Agricultural.

Mr. Gaumer read the Staff Report and inquired if there were any questions from the Members. There were none.

Mrs. Harrison inquired if there were any questions from the audience. There were none.

Mrs. Harrison then closed the public hearing.

These are proposed findings which are not final until adopted by the Plan Commission.

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 **September 14, 2021**
2. Legal notice published in The Star on **September 30, 2021**, and Affidavit given to staff.
3. Certificate of mailing notices sent, and receipts given to staff.
4. Letter from the County Board of Health, dated **September 22, 2021**
5. Letter from County Highway dated **September 15, 2021**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 15, 2021**
7. Letter from the Drainage Board, dated **September 24, 2021**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Tri County Land Surveying**
10. The real estate to be developed is in Zoning District A2, which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by the Zoning Administrator are based off the knowledge and understanding of the proposed project.

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

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

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

- a. Minimum width, depth & area of lot(s). Yes. See Plat & Staff Report.
- b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. Adequate access off County Road 22 with dedication of right of way. Applicant or buyer will need to apply for and receive a Driveway Permit from the Highway Department.
- c. The extension of water, sewer & other municipal services, if applicable or required. None Required. Private Septic System will be utilized. Applicant or buyer will need to apply for and receive a permit for a Residential Onsite Sewage System from the Health Department.
- 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. None required.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

Standard Conditions to be recorded on or with the plat:

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

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 the Flood Hazard Area for DeKalb County Ordinance, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
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. 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 #21-28, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 12TH DAY OF OCTOBER, 2021.

Motion made by Jason Carnahan, Seconded by Mike Watson

Vote tally: Yes: 5

No: 0

Sandra Harrison

Bill Van Wye

Elysia Rodgers

Mike Watson

Jason Carnahan

Petition 21-29 – William & Karen Schlemmer requesting a Minor Subdivision – Schlemmer Addition to create 1 buildable lot. The property is located on the south corner of County Road 11A & County Road 64, Garrett and is zoned A2, Agricultural.

Mr. Gaumer read the Staff Report and inquired if there were any questions from the Members. There were none.

Mrs. Harrison then inquired if there were any questions from the audience.

There were none.

Mrs. Harrison closed the public hearing.

These are proposed findings which are not final until adopted by the Plan Commission.

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 **September 14, 2021**
2. Legal notice published in The Star on **September 30, 2021**, and Affidavit given to staff.
3. Certificate of mailing notices sent, and receipts given to staff.
4. Letter from the County Board of Health, dated **September 23, 2021**
5. Letter from County Highway dated **September 15, 2021**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 15, 2021**
7. Letter from the Drainage Board, dated **September 24, 2021**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Tri County Land Surveying**
10. The real estate to be developed is in Zoning District A2, which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by the Zoning Administrator are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 11A with dedication of right of way. Applicant or buyer will need to apply for and receive a Driveway Permit from the Highway Department.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. Private Septic System will be utilized. Applicant or buyer will need to apply for and receive a permit for a Residential Onsite Sewage System from the Health Department.*
 - 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. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

Standard Conditions to be recorded on or with the plat:

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

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 the Flood Hazard Area for DeKalb County Ordinance, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
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. 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 #21-29, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 12TH DAY OF OCTOBER, 2021.

Motion made by Jason Carnahan, Seconded by Elysia Rodgers

Vote tally: Yes: 5

No: 0

Sandra Harrison

Bill Van Wye

Elysia Rodgers

Mike Watson

Jason Carnahan

Petition 21-30 – L.M. Beam & Ramona Lane requesting a RePlat of LB Acres, Lot 1. The property is located at 5417 County Road 51, St. Joe and is zoned A2, Agricultural. Mr. Gaumer Read the Staff Report and inquired if there were any questions from the Members. Ms. Wallace was invited to the podium to further explain the Petitioner's request. Ms. Wallace stated the Petitioner is building on the original Lot 1. She further stated that originally, the south piece was under land contract from the Petitioner's aunt. The house burned down, and the aunt desired to give it to the nephew but, could not because she was under land contract. Another house on the property burned down and it is the desire of the family to keep it the property within the family. There was further discussion relative to the history of the land. Mrs. Harrison inquired if there were questions from the Members or the public. There were none. Mrs. Harrison then closed the public hearing.

These are proposed findings which are not final until adopted by the Plan Commission.

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 **September 16, 2021**
2. Legal notice published in The Star on **September 30, 2021**, and Affidavit given to staff.
3. Certificate of mailing notices sent, and receipts given to staff.
4. Letter from the County Board of Health, dated **September 22, 2021**
5. Letter from County Highway dated **September 16, 2021**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 16, 2021**
7. Letter from the Drainage Board, dated **September 29, 2021**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Compass Land Surveying**
10. The real estate to be developed is in Zoning District A2, which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by the Zoning Administrator are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 51 with dedication of right of way where required.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. Existing Private Septic System is being utilized. Health Department does recommend that a soil evaluation be performed to ensure adequate area and soil conditions are available on the property for the installation of a replacement residential onsite sewage system if and when determined necessary.*
 - 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. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

There is no staff recommendation for this Minor Subdivision. However, the Plan Commission will consider the following conditions:

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.

2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants shall be on the plat, if required.
5. The appropriate drainage covenants shall be on the plat, if required.
6. The appropriate airport zone covenants shall be on the plat, if required.

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 the Flood Hazard Area for DeKalb County Ordinance, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
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. 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 #21-30, IS HEREBY GRANTED RE-PLAT APPROVAL ON THIS 12TH DAY OF OCTOBER, 2021.

Motion made by Mike Watson, Seconded by Jason Carnahan

Vote tally: Yes: 5

No: 0

Sandra Harrison

Bill Van Wye

Elysia Rodgers

Mike Watson

Jason Carnahan

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:08 a.m.

Plat Committee Member

Committee Member

DeKalb County Department of Development Services
Planning, Building & GIS
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 21-31
Date Application Filed: 5/3/21
Fee Paid: 150.00

CK # 8475

Application for RePlat
Minor ☒ Conventional ☐ Conservation ☐ Traditional ☐
Strip ☐ Commercial District ☐ Industrial Park ☐
(Section 9.22)

This application must be completed and filed with the DeKalb County Department of Development Services in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: MAHLON LENGACHER
Mailing Address: 1528 N. CO. LINE RD
SPENCERVILLE IN 46788
Telephone Number: 260-466-3773 E-Mail: MAHLON.RENALE@GMAIL

OWNER INFORMATION (if different from applicant information)

Owner's Name: MAHLON FRENA LENGACHER MARCUS LENGACHER
Address: 1528 N. CO. LINE RD 13035 SPENCERVILLE RD
SPENCERVILLE IN 46788 HARLAN IN 46143
Telephone Number: 260-466-3773 E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: GREG ROBERTS
Address: 3521 LAKE AVE
FORT WAYNE IN.
Telephone Number: 260-424-7448 E-Mail: GREG@DONOVAN-ENG.COM

Name of RePlat : Hertig Estates, Lot 1

Number of Parcels & Total Area (square feet or acreage):

3 Lots +/- 32 Acres

Address or common description of property:

7600 BLK CO. RD 56

Legal description of property affected:

NW 1/4 SEC 17-33-15 (SEE ATTACHED SHEET)

Proposed Use of Subdivision (i.e.: Single or Multi-Family Residential, Commercial or Industrial)

SINGLE FAMILY RESIDENTIAL

By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature: Mahlon Lengacher
(If signed by representative for applicant, state capacity)

1 inch = 400 feet



CR-75

5680

Alvin Kessler

CR-56

7624

Hertig Estates

1

Nancy Davis

5725

5779

Hertig Estates Replat

- Hertig Estates Replat
- Regulated Drain
- Small Stream/Creek
- Hidden Hydro Centerline
- Tile Drain
- Sim Conv - Subdivision

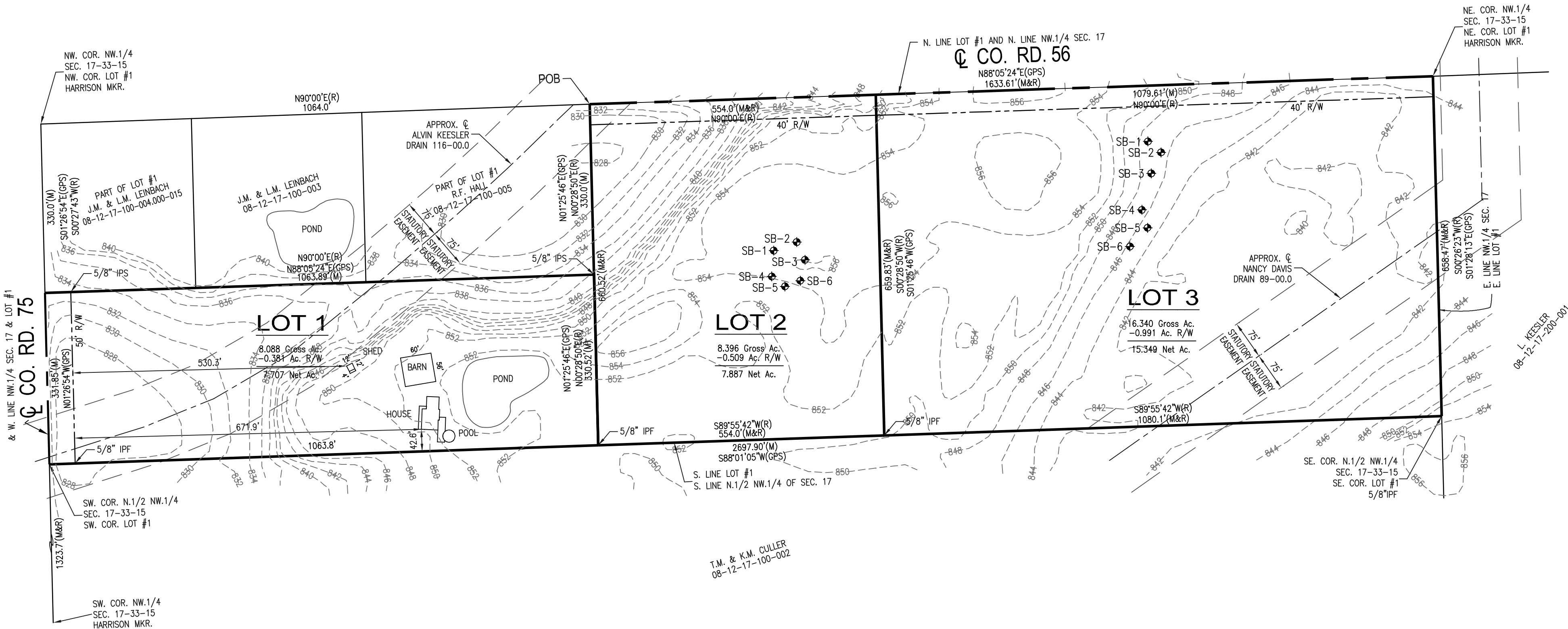
Survey Division Lot

- Lots

Nancy Davis Lateral 1

REPLAT OF
HERTIG ESTATES

Part Lot 1 in Hertig Estates in the Northwest
Quarter of Section 17, Township 33 North, Range
15 East, Newville Township, DeKalb County, Indiana.



SURVEY LEGEND:

- IPF Iron Pin (Rebar) Found
- PF Iron Pipe Found
- IPS 5/8"x 24" rebar set with cap stamped "DEI FIRM #0027"
- PKF P.K. Nail Found or (S) Set
- MNF Mag Nail Found or (S) Set
- (M) Measured
- (R) Recorded
- (C) Calculated
- Soil Boring Location
- DeKalb County GIS Countour Line

All monuments are at grade except as noted.

All Property line distances are recorded dimensions, except as noted.

Monuments found have no documented history, except as noted.

FLOOD NOTE

According to the Flood Insurance Rate Map (FIRM) number 18033C0065E, dated September 29, 2006, the herein described real estate is located in Zone "X", and is not within the special flood hazard area. The accuracy of this flood hazard statement is subject to map scale uncertainty.

OWNERS

MAHLON & RENA LENGACHER
15128 N. CO. LINE RD. E.
SPENCERVILLE, IN 46788

MARCUS J. LENGACHER
13035 SPENCERVILLE ROAD
SPENCERVILLE, IN 46788

ANTHONY & VICTORIA VANATTENHOVEN
5725 COUNTY ROAD 75
ST. JOE, IN 46785

CERTIFICATION

I, Gregory L. Roberts, hereby certify that I am a Registered Land Surveyor, licensed in compliance with the laws of the State of Indiana.

That this plat correctly represents a survey completed by me on October 29, 2019; that all the monuments shown thereon actually exist; and that their size, type and material are accurately shown.

I hereby certify that this survey was completed under my direct supervision and to the best of knowledge and belief was executed according to the requirements set forth in 865 IAC 1-12.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

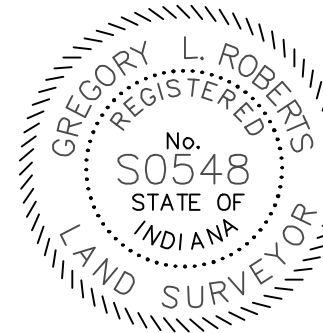
THIS PLAT PREPARED BY GREGORY L. ROBERTS, PS

1967 2021
DONOVAN
SURVEYING, INC.

3521 Lake Avenue, Suite 2
Fort Wayne, Indiana 46805
Office 260.424.7418

www.donovan-eng.com
GREGORY L. ROBERTS, PS S-0548
KENNETH W. HARRIS, PS 29500021
MICHAEL W. HARRIS, PS 21100018

Gregory L. Roberts
GREGORY L. ROBERTS P.S. #S0548



SHEET 1 OF 2

REPLAT OF

HERTIG ESTATES

Part Lot 1 in Hertig Estates in the Northwest
Quarter of Section 17, Township 33 North, Range
15 East, Newville Township, DeKalb County, Indiana.

LEGAL DESCRIPTION

Part of Lot Number 1 in Hertig Estates as recorded in Document 99-9133 in the Office of the Recorder of DeKalb County, Indiana, said lot located in the Northwest Quarter of Section 17, Township 33 North, Range 15 East, DeKalb County, Indiana, being a parcel of land surveyed by Gregory L. Roberts, Professional Surveyor #80040548 and shown on the PLAT OF SURVEY certified on 10-2-2019 as Donovan Engineering, Inc. Job Number 19-3676D and 19-3676E, more particularly described as follows:

Commencing at a Harrison monument marking the Northwest corner of Lot Number 1 Hertig Estates as recorded in Document 99-9133 in the Office of the Recorder of DeKalb County, Indiana and the Northwest corner of the Northwest Quarter of Section 17, Township 33 North, Range 15 East, DeKalb County, Indiana; thence North 90 degrees 00 minutes East (Plat deed bearing and basis for this description) along the North line of Lot 1 and the North line of the Northwest Quarter of Section 17 a distance of 1064.0 feet to the POINT OF BEGINNING; thence North 90 degrees 00 minutes East along the North line of Lot 1 and the North line of the Northwest Quarter of Section 17 a distance of 1633.61 feet to a Harrison monument at the Northeast corner of the Northwest Quarter of Section 17 and the Northeast corner of Lot 1; thence South 00 degrees 26 minutes 23 seconds West along the East line of the Northwest Quarter of Section 17 and the East line of Lot 1 a distance of 658.47 feet to a 5/8-inch diameter iron pin marking the Southeast corner of the North Half of the Northwest Quarter and the Southeast corner of Lot 1; thence South 89 degrees 55 minutes 42 seconds West along the South line of Lot 1 and the South line of the North Half of the Northwest Quarter of Section 17 a distance of 2697.90 feet to the Southwest corner of the North Half of the Northwest Quarter of Section 17 and the Southwest corner of Lot 1; thence North 00 degrees 27 minutes 43 seconds East along the West line of the Northwest Quarter of Section 17, a distance of 331.85 feet; thence North 90 degrees 00 minutes East, a distance of 1063.89 feet to a 5/8-inch diameter iron pin; thence North 00 degrees 28 minutes 50 seconds East a distance of 330.0 feet to the point of beginning, containing 32.824 acres, subject to road rights of way and easements.

DEED OF DEDICATION:

"We, the undersigned, Mahlon and Rena Lengacher, Marcus J. Lengacher, and Anthony and Victoria Vanattenhoven, owners of the real estate shown and described herein, do hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as Replat of Hertig Estates, an addition located in the Northwest Quarter of Section 17, Township 33 North, Range 15 East, Newville Township, DeKalb County, Indiana. All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the streets, there shall be erected or maintained no building or structure."

Witness our hands and seals this _____ day of _____, 2021.

Mahlon Lengacher

Rena Lengacher

Marcus J. Lengacher

Anthony Vanattenhoven

Victoria Vanattenhoven

ZONING:

The described property is zoned A1: Agricultural District.

RESTRICTIVE COVENANTS:

Each lot shall have One Primary Residence. Minimum dwelling size is 1200 square feet. Minimum Front Yard Setback is 50 feet from the dedicated right-of-way line. Minimum Side Yard Setback for Primary Structure is 30 feet from property line. Minimum Rear Yard Setback for Primary Structure is 30 feet from property line.

The owner(s) of the lots within this subdivision agree to recognize the existing agricultural land usage surrounding this subdivision and further agree to not object to the surrounding agricultural land use or changes therein as permitted by law, i.e. IC 34-1-52-4.

These lots 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.

There shall be compliance with the laws and regulations of any Federal, State, or local agency.

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 this conditions by injunctive relief with attorney fees.

NOTARY:

State of Indiana)
County of DeKalb)

Before me, the undersigned Notary Public, in and for the County and State, personally appeared Mahlan Lengacher, Rena Lengacher, Marcus J. Lengacher, Anthony Vanattenhoven, and Victoria Vanattenhoven acknowledging the execution of the foregoing instrument as his voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this _____day of _____, 2021.

_____ notary, resident of

_____ County, Indiana.

My commission expires: _____

COMMISSION CERTIFICATE

Under authority provided by Chapter 174 - Acts of 1947, enacted by the General Assembly of the State of Indiana and all Acts amendatory thereto, and an Ordinance adopted by the Board of County Commissioners of DeKalb County, Indiana, this Primary Plat was given general approval by the County of DeKalb as follows:

Approved by the County Plan Commission at a hearing held _____, 2021.

DeKalb County Plan Commission

CHAIRPERSON

ZONING ADMINISTRATOR

This Staff Report is prepared by the DeKalb County Planning Department to provide information to the Plan Commission to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.

SUMMARY FACTS:

PROPERTY OWNER: Mahlon & Rena Lengacher
Marchus Lengacher
Anthony & Victoria Vanhattenhoven

SUBJECT SITE: 5725 County Road 75, St. Joe

REQUEST: RePlat of Hertig Estates, Lot 1

PURPOSE: RePlat

EXISTING ZONING: A1, Conservation Agricultural

SURROUNDING LAND North: Farm Ground (A1)
USES AND ZONING: South: Farm Ground (A1)
East: Farm Ground (A1)
West: Farm Ground (A1)

ANALYSIS:

Definition of Subdivision: The division or partial division of a parent tract (as defined) or any parcel of land into at least two or more smaller lots, parcels, sites, units, plats, or interests or the combination of two or more smaller lots into one lot for the purpose of offer, sale, lease, transfer of ownership, or development. It also includes replat or vacation of plat. Divisions of parent tracts which meet the standards of an exempt division (9.22 D) shall not be counted in determining whether or not a further division qualifies as an exempt subdivision. No division shall create the original, parent parcel to be a nonconforming lot

UDO 1.19 Establishing Buildable Lots - No structure shall be permitted on a lot unless the lot:

- A. Resulted from a legal subdivision of land approved by the Plan Commission, or*
- B. Was legally established prior to January 1, 2009 but is not the result of a split of a platted lot not approved by the Plan Commission.*
- C. Is otherwise allowed by recorded covenants and/or restrictions of a platted subdivision which was approved by the Plan Commission.*

Minor Subdivision Standards:

UDO 6.05 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract

- The RePlat of Hertig Estates, Lot 1 will split the lot into 3 total lots. Lot 1 is an existing single family home site. Lots 2 and 3 will be new single family home sites.
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or easements)*
 - Proposed Lot 1 Area: net acres
 - Proposed Lot 2 Area: net acres
 - Proposed Lot 3 Area: net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 1,063.8 feet
 - Proposed Lot 2 Width: 554 feet
 - Proposed lot 3 Width: 1,080.1 feet

- *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 331.85 feet
 - Proposed Lot 2 Frontage: 554 feet
 - Proposed Lot 3 Frontage: 1079.61 feet
- This division of land fronts the following roads:
 - County Road 75 is considered County Minor Arterial road with a projected total right-of-way width of 100 feet.
 - County Road 56 is considered a County Collector road with the projected total right-of-way width of 80 feet.
 - The right-of-way has been dedicated per the original Hertig Estates Subdivision. No additional right of way is required.

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 **May 3, 2021**
2. Legal notice published in The Star on **September 30, 2021** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **October 7, 2021**
5. Letter from County Highway dated **May 5, 2021**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 30, 2021**
7. Letter from the Drainage Board, dated **October 28, 2021**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Donovan Surveying Inc.**
10. The real estate to be developed is in Zoning District A1, which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by the Zoning Administrator are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the RePlat of the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 56 & County Road 75 with dedication of right of way where required.*
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Lot 1 has an existing Private Septic System. Health Department does recommend that a soil evaluation be performed to ensure adequate area and soil conditions are available on the property for the installation of a replacement residential onsite sewage system if and when determined necessary. Fort Lots 2 & 3 a Private Septic System will be utilized. Applicant or buyer will need to apply for and receive a permit for a Residential Onsite Sewage System from the Health Department.
 - 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. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

There is no staff recommendation for this Minor Subdivision. However, the Plan Commission will consider the following conditions:

Standard Conditions to be recorded on or with the plat:

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

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 the Flood Hazard Area for DeKalb County Ordinance, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
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. 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.