

# 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

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## AGENDA

### DeKalb County Plan Commission

#### Plat Committee

Commissioners Court – 2<sup>nd</sup> Floor DeKalb County Court House

Tuesday May 3<sup>rd</sup>, 2022

8:30 AM

1. Roll call
2. Approval of Minutes: April 5<sup>th</sup>, 2022
3. Old Business: None
4. New Business:

Petition # 22-18 Greg A. & Tammy J. Hartwig requesting a 1 Lot Minor Subdivision known as Hartwig Addition. The proposed 1 lot subdivision will be a total of 2.3 net acres. The subdivision will be used for a single-family residence. The property is located on the southwest side of County Road 11, approximately 350 feet south of the intersection of County Road 11 & County Road 2, Hudson, Indiana and is zoned A2, Agricultural.

Petition # 22-19 Jerry Jacobs and Justin E. & Sheena M. Niles requesting a RePlat of the John Galt Line Addition, Lots 1 & 2. The proposed RePlat will be increasing the size of Lot 1, decreasing the size of Lot 2 and creating a new Lot 3. The subdivision will be used for single family residences. The property is located at 3827 County Road 72 and 7112 County Road 39, Auburn, Indiana and is zoned A2, Agricultural.

Petition # 22-20 David L. & Juliann R. McWilliams requesting a RePlat of the subdivision Deer Run, Lot 1. The proposed RePlat will be decreasing the size of Lot 1 and creating a new Lot 2. The subdivision will be used for single family residences. The property is located at 5326 County Road 37, Auburn, Indiana and is zoned R1, Low Density Residential.

5. Reports of Planning Staff, Officers, of Committees
6. Comments from Public in attendance
7. Adjournment

Next Meeting: June 7<sup>th</sup>, 2022 @ 8:30 AM

**If you cannot attend, please contact Alicia Shackelford:**

**[AShackelford@co.dekalb.in.us](mailto:AShackelford@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 April 5<sup>th</sup>, 2022 @ 8:30 A.M**

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 Chris Gaumer.

**ROLL CALL:**

Members Present: Mike Watson, Jason Carnahan, Sandy Harrison, Elysia Rodgers, Jerry Yoder (arrived at 8:32 a.m.)

Members Absent: None

Staff Present: Director/Zoning Administrator Chris Gaumer, Secretary Alicia Shackelford

Staff Absent: None

Public in Attendance: Jerry Teders, Judy Pepple, Sam Barrone, Wyatt Herman, Meagan Herman, Tom Karnes, Kristin Blevins, Jordan Karnes, Paul Gilbert, John Derhl, Nolan Mark, Shannon Mark, Sam Weingartner

**APPROVAL OF MINUTES:** Mike Watson moved to approve the Minutes of March 1<sup>st</sup>, 2022, seconded by Jason Carnahan. None opposed. Motion carried.

**OLD BUSINESS:** None

**NEW BUSINESS:**

Elysia Rodgers announced that Petition #22-13 Greg & Tammy Hartwig will not heard due to mailing notices not being done.

Petition # 22-12 Judith A. Pepple requesting a 1 Lot Minor Subdivision known as Mockingbird Haven. The proposed 1 lot subdivision will be a total of 2.36 net acres. The subdivision will be used for a single-family residence. The property is located at 2903 County Road 32, Auburn, Indiana and is zoned A1, Conservation Agricultural.

Chris Gaumer read the staff report and inquired if there were any questions. There were none.

Elysia Rodgers asked if there were any questions from the public. There were none. Public hearing 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 **February 17, 2022**
2. Legal notice published in The Star on **March 25, 2022** 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 **February 23, 2022**
5. Letter from County Highway dated **February 17, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **February 17, 2022**
7. Letter from the Drainage Board, dated **February 25, 2022.**
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 32 with dedication of right of way. Applicant or buyer will need to apply for and receive a driveway permit from the DeKalb County Highway Department.*
  - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. 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, drainage covenants and 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 and any wetland laws and regulations, if required.
4. Provide covenant for compliance with Airport Board requirements, if required.

5. 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 District, or other agency as 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 #22-12, IS HEREBY GRANTED PRIMARY AND SECONDARY REPLAT APPROVAL ON THIS 5<sup>th</sup> DAY OF APRIL 2022.

Motion made by Mike Watson, Seconded by Sandy Harrison

Vote tally: Yes: 5 No: 0

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Sandy Harrison

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Jerry Yoder

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Mike Watson

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Jason Carnahan

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Elysia Rodgers

Petition # 22-14 Dorothy Delauder requesting a RePlat of R & D Home, Lot 1. The proposed RePlat will increase the size of Lot 1 from 1.84 net acres to 2.626 net acres. This RePlat will not create an additional buildable lot. The property is located at 6200 County Road 327, Garrett, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the report and inquired if there were any questions. There were none.

Elysia Rodgers asked if there were any questions from the public. There were none. Public hearing 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 **February 28, 2022**
2. Legal notice published in The Star on **March 25, 2022** 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 **March 2, 2022**
5. Letter from County Highway dated **February 28, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **February 29, 2022**
7. Letter from the Drainage Board, dated **March 11, 2022**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **On The Mark 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 327 with dedication of right of way where required.
  - c. The extension of water, sewer & other municipal services, if applicable or required.
  - d. 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.
  - e. 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, drainage covenants and 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 and any wetland laws and regulations, if required.
4. Provide covenant for compliance with Airport Board requirements, if required.

5. 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 District, or other agency as 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 #22-14, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5<sup>th</sup> DAY OF APRIL, 2022.

Motion made by Jason Carnahan, Seconded by Jerry Yoder.

Vote tally: Yes: 5 No: 0

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Sandy Harrison

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Jerry Yoder

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Mike Watson

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Jason Carnahan

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Elysia Rodgers

Petition # 22-15 Samuel & Courtney Weingartner requesting a 1 Lot Minor Subdivision known as Weingartner Subdivision. The proposed 1 lot subdivision will be a total of 5.101 net acres. The subdivision will be used for a single-family residence. The property is located on the east side of County Road 41, approximately 200 feet south of the intersection of State Road 8 & County Road 41, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the report and inquired if there were any questions. There were none.

Elysia Rodgers asked if there were any questions from the public. There were none. Public hearing 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 **March 1, 2022**
2. Legal notice published in The Star on **March 25, 2022** 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 **March 2, 2022**
5. Letter from County Highway dated **March 3, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 2, 2022**

7. Letter from the Drainage Board, dated **March 11, 2022**.
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Anderson Surveying, Inc.**
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 41 with dedication of right of way. Applicant or buyer will need to apply for and receive a driveway permit from the DeKalb County Highway Department.*
  - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. 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, drainage covenants and 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 and any wetland laws and regulations, if required.
4. Provide covenant for compliance with Airport Board requirements, if required.

5. 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 District, or other agency as 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 #22-15, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5<sup>th</sup> DAY OF APRIL, 2022.

Motion made by Jerry Yoder, Seconded by Sandy Harrison.

Vote tally: Yes: 5 No: 0

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Sandy Harrison

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Jerry Yoder

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Mike Watson

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Jason Carnahan

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Elysia Rodgers

Petition # 22-16 Samuel Barrone, applicant, with Paul & Sharon Gilbert, property owners, requesting a 1 Lot Minor Subdivision known as Barrone Manor. The proposed 1 lot subdivision will be a total of 9.685 net acres. The subdivision will be used for a single-family residence. The property is located on the north side of County Road 72, approximately three-quarters of a mile east of the intersection of County Road 29 & County Road 72, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the report and inquired if there were any questions. There were none.

Elysia Rodgers asked if there were any questions from the public. There were none. Public hearing 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 **March 7, 2022**
2. Legal notice published in The Star on **March 25, 2022** 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 **March 8, 2022**
5. Letter from County Highway dated **March 7, 2022**

6. Report from the DeKalb County Soil & Water Conservation District, dated **March 7, 2022**
7. Letter from the Drainage Board, dated **March 11, 2022**.
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Anderson Surveying, Inc.**
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 72 with dedication of right of way. Applicant or buyer will need to apply for and receive a driveway permit from the DeKalb County Highway Department.*
  - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. 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, drainage covenants and 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 and any wetland laws and regulations, if required.
4. Provide covenant for compliance with Airport Board requirements, if required.
5. 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 District, or other agency as 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 #22-16, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5<sup>th</sup> DAY OF APRIL, 2022.

Motion made by Mike Watson, Seconded by Jason Carnahan.

Vote tally: Yes: 5 No: 0

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Sandy Harrison

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Jerry Yoder

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Mike Watson

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Jason Carnahan

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Elysia Rodgers

Petition # 22-17 Thomas Karnes requesting a 1 Lot Minor Subdivision known as Mac's Haven. The proposed 1 lot subdivision will be a total of 2.16 net acres. The subdivision will be used for a single-family residence. The property has an address of 3094 County Road 37, Waterloo, Indiana and is zoned R2, Medium Density Residential.

Chris Gaumer read the report and inquired if there were any questions. There were none.

Elysia Rodgers asked if there were any questions from the public.

Wyatt & Meagan Herman approached the podium to oppose petition #22-17.

Tom Karnes, owner of the property, approached the podium with a copy of the septic drawing.

Elysia Rodgers asked if there were any further questions. There were none. Public hearing 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 **March 7, 2022**
2. Legal notice published in The Star on **March 25, 2022** 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 **March 7, 2022**
5. Letter from County Highway dated **March 14, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 11, 2022**
7. Letter from the Drainage Board, dated **March 17, 2022.**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Stoody Land Surveying, Inc.**
10. The real estate to be developed is in Zoning District R2 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 37 with dedication of right of way. Applicant or buyer will need to apply for and receive a driveway permit from the DeKalb County Highway Department.*
  - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. 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, drainage covenants and 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 and any wetland laws and regulations, if required.
4. Provide covenant for compliance with Airport Board requirements, if required.
5. 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 District, or other agency as 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 #22-17, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5<sup>th</sup> DAY OF APRIL, 2022.

Motion made by Sandy Harrison, Seconded by Mike Watson.

Vote tally: Yes: 5 No: 0

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Sandy Harrison

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Jerry Yoder

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Mike Watson

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Jason Carnahan

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Elysia Rodgers

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:07 a.m.

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Plat Committee Member

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Committee Member



DeKalb County Planning Department  
301 S. Union St.  
Auburn, IN 46706  
Ph: 260-925-1923  
Fax: 260-927-4791

FOR OFFICE USE ONLY:  
File Number: 22-18  
Date Application Filed: 2-15-22  
PO CK 1116

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

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

APPLICANT INFORMATION

Applicant's Name: Greg & Tammy J. Hartwig  
Address: 2435 Garden Park Drive  
FORT WAYNE, IN. 46825  
Telephone Number: 260-403-3560 E: ghartwig56@gmail.com

OWNER INFORMATION (if different from applicant information)

\*Owner's Name: \_\_\_\_\_  
\*Address: SAME  
\*Telephone Number: \_\_\_\_\_

RESPRESENTATIVE INFORMATION (if different from applicant information)

\*Representative: JERRY TEDERS, TRI-COUNTY LAND SURVEYING P.C.  
\*Address: 114 N. GLEN ST.  
GARRETT, IN. 46730  
\*Telephone Number: (260) 357-5454

Name of Proposed Subdivision: Hartwig Addition

Number of Parcels & Total Area (square feet or acreage):  
1 PARCEL, 2.37 AC.

Address or common description of property:  
PART OF SW 1/4 SECTION 3, T35N, R12E, CR11, JUST S.  
OF THE INTERSECTION W. CR 2

Legal description of property affected:  
PART SW 1/4, SECTION 3, T35N, R12E

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

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

Applicant's Signature: Greg O. Hartwig Tammy J. Hartwig  
(If signed by representative for applicant, state capacity)



1 inch = 150 feet



0446

CR-11

CR-11

CR-2

-011

0423

0430

-024

Story Lake Dr

-022

CR-11

-018

-019

0495

Craig Estates

-004

-017

-016

0464


0458

0460

0444


0448


0450

 Hartwig Addition


**Special Flood Hazard Area**


**Flood Zone w/ Floodway/Flood Fringe**


 A, No FW or BFE Determined

 Wetland\_NWIMapData

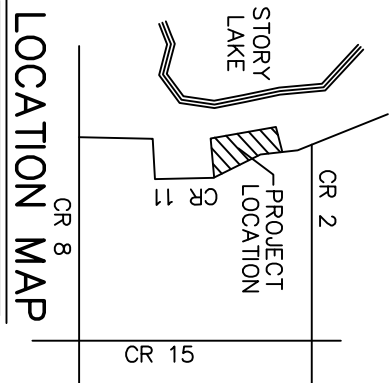
**Type**

 Street

 Sim Conv - Subdivision

 Tax Parcel

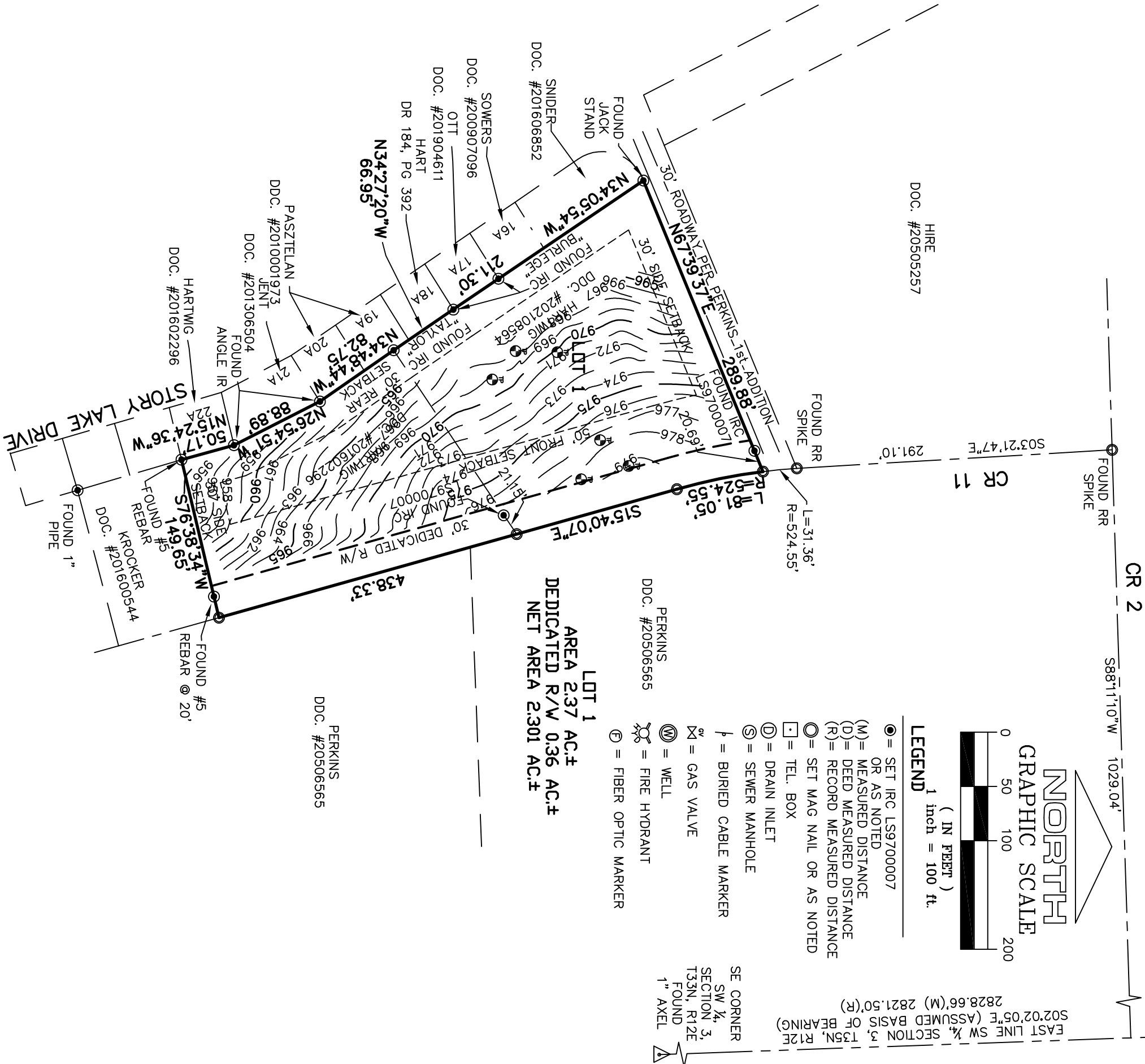




**BENCHMARK:**

PROJECT BM = HARRISON MONUMENT  
MARKING THE CENTER OF, SECTION 10,  
T35N, R12E,  
ELEV. = 976.38  
SITE BM = TOP OF A RAILROAD SPIKE  
IN THE CENTER OF CR 11 31.36' NORTH  
OF THE NE CORNER OF THIS PLAT.  
ELEV. = 980.58

ZONE: A1, CONSERVATION AGRICULTURAL  
SETBACKS: FRONT 50',  
SIDE 30' FOR PRIMARY STRUCTURE, 10' FOR  
ACCESSORY STRUCTURE  
REAR 30' FOR PRIMARY STRUCTURE, 10' FOR  
ACCESSORY STRUCTURE



**SURVEYOR:**  
GERALD E. TEDERS P.L.S.

**DEVELOPER & OWNER:**  
GREG A. & TAMMY J. HARTWIG

TRI-COUNTY LAND SURVEYING P.C.  
114 N. COWEN STREET  
GARRETT, INDIANA 46738

2435 GARDEN DRIVE  
FORT WAYNE INDIANA 46825

NOTE: THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A SCHEDULE "A" OR SCHEDULE "B" OF A TITLE POLICY WHICH MAY REVEAL INFORMATION ABOUT THIS REAL ESTATE WHICH IS NOT SHOWN ON THIS SURVEY.

FLOOD HAZARD STATEMENT:  
ALL OF THE ABOVE DESCRIBED LAND DOES LIE WITHIN ZONE "X", NOT A FLOOD HAZARD AREA, AS SAID LANDS PLOT BY SCALE ON COMMUNITY PANEL NO. 180333C00256 OF THE FLOOD INSURANCE RATE MAP FOR DEKALB COUNTY, INDIANA, DATED 9-29-2006.

NO.	DATE	DESCRIPTION	BY

DEED OF DEDICATION

We the undersigned GREG A. HARTWIG & TAMMY J. HARTWIG owners of said real estate shown and described herein, do hereby lay off, plat and subdivide, said real estate in accordance with the within plot. This subdivision shall be known and designated as "HARTWIG ADDITION", on addition to Dekalb County, Indiana. All streets 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 property lines of the streets, there shall be erected or maintained no building or structure. There are strips of ground (NA) feet in width as shown on this plat and marked, reserved for the use of local utility companies for the installation of utility lines subject of all times to the proper authorities and to the easement herein reserved. No permanent or other structures now to be erected or maintained upon said strips of land, but owners of lots in this subdivision, shall take their titles subject to the rights of the public utilities, and to the rights of the owners of other lots in this subdivision.

Witness our Hands and Seals this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

GREG A. HARTWIG

TAMMY J. HARTWIG

RESTRICTIVE COVENANTS

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

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

No off site 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.

State of Indiana  
County of Dekalb

Before me the undersigned Notary Public, in and for the County and State of \_\_\_\_\_, personally appeared GREG A. & TAMMY J. HARTWIG acknowledging the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Notary Public  
My Commission Expires \_\_\_\_\_

Printed Name

GREG A. HARTWIG

TAMMY J. HARTWIG

**HARTWIG ADDITION  
AN ADDITION TO THE  
SW ¼, SECTION 3,  
T35N, R12E, FAIRFIELD TWP,  
DEKALB COUNTY, INDIANA**

LAND DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 35 NORTH, RANGE 12 EAST, LOCATED IN FAIRFIELD TOWNSHIP, DEKALB COUNTY, INDIANA, THE BEARINGS AND DISTANCES IN THIS DESCRIPTION ARE GENERATED FROM NON-STATE PLANE GLOBAL POSITIONING MEASUREMENTS MADE BY GERALD E. TEDERS, PS 9700007, AND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE STONE MARKING THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 35 NORTH, RANGE 12 EAST; THENCE SOUTH 02 DEGREES 02 MINUTES 05 SECONDS EAST (ASSUMED BASIS OF BEARING) ON AND ON THE EAST LINE OF DEKALB COUNTY ROAD NO. 2, THENCE SOUTH 46 DEGREES 11 MINUTES 55 SECONDS WEST ON AND ALONG SAID CENTER LINE 1029.04 FEET TO A RAILROAD SPIKE AT THE INTERSECTION OF SAID CENTER LINE AND THE CENTER LINE OF DEKALB COUNTY ROAD NO. 11; (THE FOLLOWING 4 COURSES BEING ON AND ALONG THE CENTER LINE OF COUNTY ROAD 11) 1) THENCE SOUTH 03 DEGREES 21 MINUTES 47 SECONDS EAST, 291.10 FEET TO A RAILROAD SPIKE MARKING THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 03 DEGREES 25 MINUTES 30 SECONDS, A RADIUS OF 524.55 FEET, AND BEING SUBTENDED BY A LONG CHORD BEARING SOUTH 05 DEGREES 26 MINUTES 02 SECONDS EAST, 31.35 FEET; 2) THENCE SOUTHEASTERLY ON AND ALONG SAID ARC 31.36 FEET TO A MAG NAIL MARKING THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID MAG NAIL ALSO BEING THE BEGINNING OF A CURVE TO THE LEFT, SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 08 DEGREES 51 MINUTES 10 SECONDS, A RADIUS OF 524.55 FEET, AND BEING SUBTENDED BY A LONG CHORD BEARING SOUTH 11 DEGREES 11 MINUTES 47 SECONDS EAST, 80.97 FEET; 3) THENCE SOUTHEASTERLY ON AND ALONG THE ARC OF SAID CURVE TO THE LEFT 81.05 FEET TO A MAG NAIL MARKING THE POINT OF TANGENCY; 4) THENCE SOUTH 15 DEGREES 40 MINUTES 07 SECONDS EAST, 436.33 FEET TO A MAG NAIL; THENCE SOUTH 76 DEGREES 38 MINUTES 34 SECONDS WEST, 149.65 FEET TO A NO. 5 REBAR; THENCE NORTH 15 DEGREES 24 MINUTES 36 SECONDS WEST 50.17 FEET TO AN ANGLE IRON; THENCE NORTH 26 DEGREES 54 MINUTES 51 SECONDS WEST 88.89 FEET TO AN ANGLE IRON; THENCE NORTH 34 DEGREES 48 MINUTES 44 SECONDS WEST 82.75 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED "TAYLOR"; THENCE NORTH 34 DEGREES 27 MINUTES 20 SECONDS WEST, 66.95 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED "BURLEIGH"; THENCE NORTH 34 DEGREES 05 MINUTES 54 SECONDS WEST, 211.30 FEET TO A JACK STAND ON THE SOUTH LINE OF A 30 FOOT RIGHT-OF-WAY SHOWN ON THE PLAT OF PERKINS FIRST ADDITION, AN UNRECORDED PLAT BY WAYNE T. VAN AUKIN, DATED DECEMBER 8 & 9, 1952; THENCE NORTH 67 DEGREES 39 MINUTES 37 SECONDS EAST ON AND ALONG SAID SOUTH LINE 289.88 FEET TO THE POINT OF BEGINNING, CONTAINING 2.37 ACRES PLUS OR MINUS AND BEING SUBJECT TO ALL APPLICABLE EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

SURVEYOR'S REPORT

1) IN ACCORDANCE WITH TITLE 865, ARTICLE 1.1, CHAPTER 1 THROUGH 34 OF INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS A RESULT OF:

A) VARIANCES IN THE REFERENCE MONUMENTS; SEE ATTACHED SURVEY.  
B) DISCREPANCIES IN THE RECORD DESCRIPTIONS AND PLATS; SEE ATTACHED SURVEY  
C) INCONSISTENCIES IN LINES OF OCCUPATION ; SHOWN ON ATTACHED MAP.  
D) RANDOM ERRORS IN MEASUREMENT (RELATIVE POSITIONAL ACCURACY);

THE RELATIVE POSITIONAL ACCURACY (DUE TO RANDOM ERRORS IN MEASUREMENT) OF THE CORNERS OF THE SUBJECT TRACT ESTABLISHED BY THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR A SUBURBAN SURVEY, 0.13' PLUS 100 PARTS PER MILLION (0.33) FEET AS DEFINED IN IAC 865.

THIS IS A RETRACEMENT SURVEY OF A 2.37 ACRE± TRACT OF REAL ESTATE DESCRIBED IN DOCUMENT #202108564, AND DOCUMENT #201602296, PUBLIC RECORDS OF DEKALB COUNTY, INDIANA.

MONUMENTATION: THE MONUMENTATION FOR SOUTHWEST QUARTER OF SECTION 3, T35N, R12E IS AS SHOWN ON THE ATTACHED SURVEY. THE STONE CORNER FOUND WAS SET IN A LEGAL SURVEY OF SAID SECTION 3. THE 1" AXLE ARE THE PERPETUATION'S OF THE CORNERS SET DURING A LEGAL SURVEY OF THIS SECTION DATED JUNE 4TH TO 6TH, 1858, AND RECORDED IN SURVEY BOOK "E", PAGE 3-1, IN THE OFFICE OF THE DEKALB COUNTY SURVEYOR. THE HISTORY OF THE AXLE FOUND MONUMENTING THE SOUTHWEST CORNER OF THIS QUARTER SECTION IS UNKNOWN BUT HAS BEEN IN USE BY LOCAL SURVEYORS FOR OVER 40 YEARS.

NO REGULATED DRAINS CROSS THIS PARCEL PER THE DEKALB COUNTY DRAIN MAP AND THE DEKALB COUNTY G.I.S. WEB SITE.  
PLAN 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 IN ORDINANCE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE COUNTY OF DEKALB AS FOLLOWS:

APPROVED BY THE COUNTY PLAN COMMISSION AT A MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

CHAIRMAN

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:**

**APPLICANT:** Greg & Tammy Hartwig

**SUBJECT SITE:** southwest side of County Road 11, approximately 350 feet south of the intersection of County Road 11 & County Road 2, Hudson

**REQUEST:** 1 Lot Minor Subdivision – Hartwig Addition

**EXISTING ZONING:** A1: Conservation Agricultural

**SURROUNDING LAND USES AND ZONING:** North: Single Family Residential & Vacant Land (A2)  
South: Vacant Land (A2)  
East: Agricultural (A1)  
West: Single Family Residential on Story Lake (R3)

**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*

- Parcel 03-01-03-326-022 & -024 are considered the parent parcels and will be combined to create 1 buildable lot.
- 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 recorded easements)*
    - Proposed Lot 1 Area: 2.3 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 500.06 feet
  - *Minimum Lot Frontage: 120 Feet*
    - Proposed Lot 1 Frontage: 438.33 feet
- This division of land fronts the following roads:
  - County Road 11 is considered a County Local road with a projected total right-of-way width of 60 feet.
    - Proposed right-of-way dedication: 30 feet

### **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 **February 15, 2022**
2. Legal notice published in The Star on **March 25, 2022** 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 **February 23, 2022**
5. Letter from County Highway dated **February 16, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **February 16, 2022**
7. Letter from the Drainage Board, dated **February 25, 2022.**
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 11 with dedication of right of way. Applicant or buyer will need to apply for and receive a driveway permit from the DeKalb County Highway Department.
  - c. The extension of water, sewer & other municipal services, if applicable or required. None Required. 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, drainage covenants and 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 and any wetland laws and regulations, if required.
4. Provide covenant for compliance with Airport Board requirements, if required.
5. 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 District, or other agency as 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.

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: 22-19  
Date Application Filed: 4/4/2022  
Fee Paid: 150 ck #

**Application for SUBDIVISION**

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: JERRY L. JACOBS  
Mailing Address: 3827 CR 72  
AUBURN, IN 46706  
Telephone Number: 260-417-1999 E-Mail: jerry@acmc.biz

**OWNER INFORMATION (if different from applicant information)**

Owner's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**REPRESENTATIVE INFORMATION (if different from applicant information)**

Representative: ROB HARRIS  
Address: 13218 PUFF RD.  
FT. WAYNE, IN 46845  
Telephone Number: 260-466-6747 E-Mail: robharris.realestate@gmail.com

Name of Proposed Subdivision: JOHN GALT LINE ADDITION

Number of Parcels & Total Area (square feet or acreage):  
3 PARCELS, 129.375 ACRES

Address or common description of property:  
3827 CR 72, AUBURN, IN 46706

Legal description of property affected:

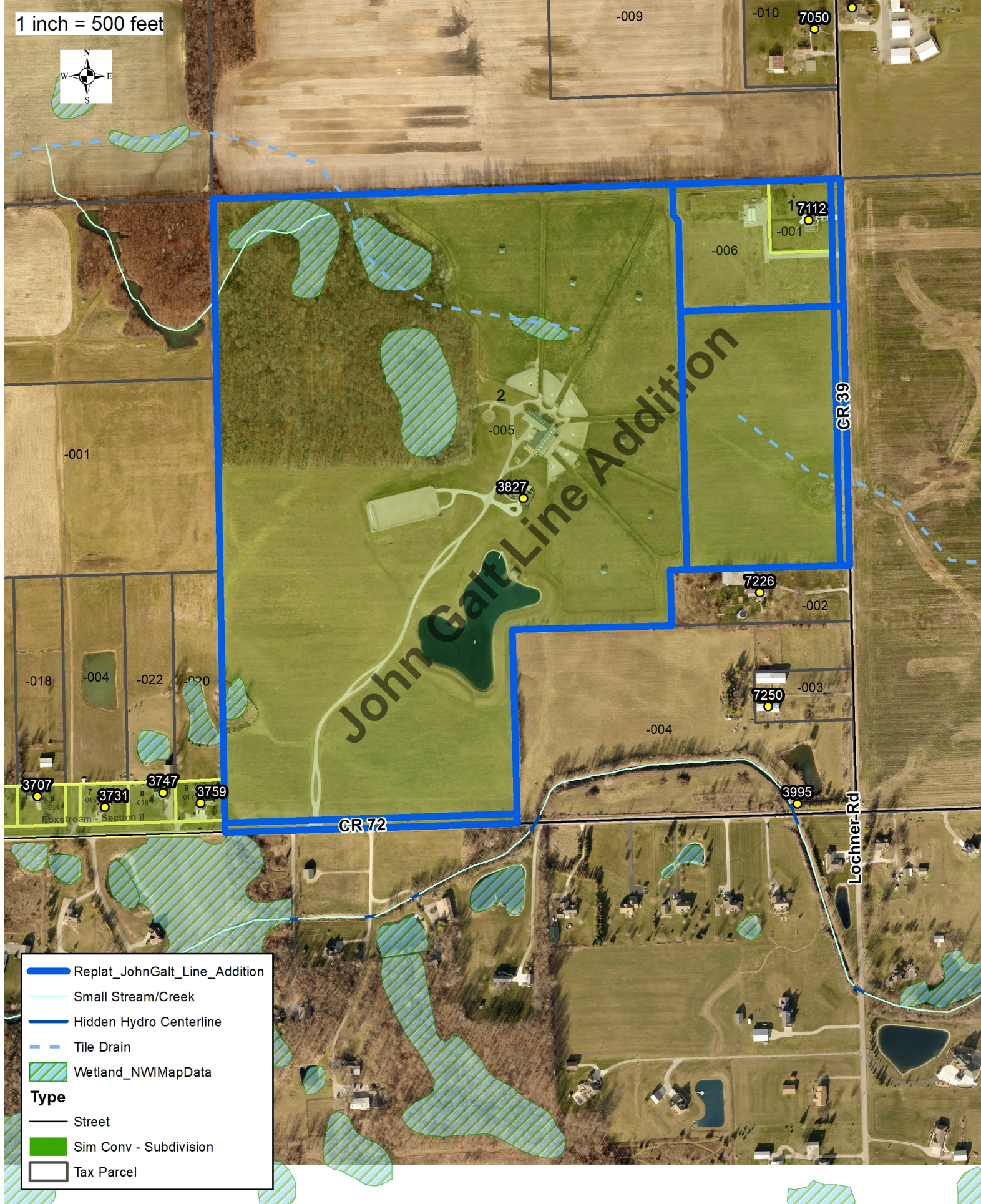
Proposed Use of Subdivision (i.e.: Single or Multi-Family Residential, Commercial or Industrial)  
SINGLE FAMILY

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

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



1 inch = 500 feet

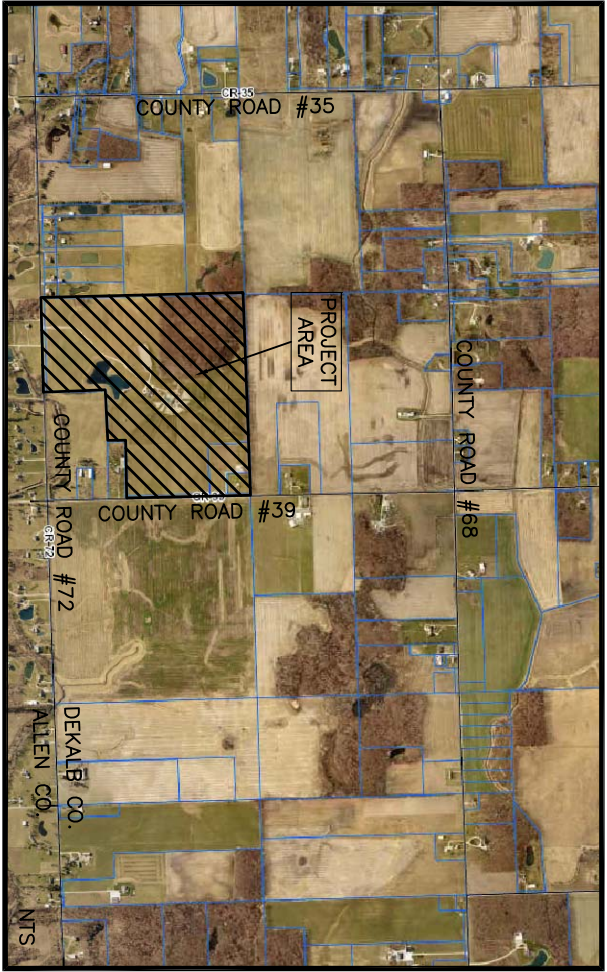
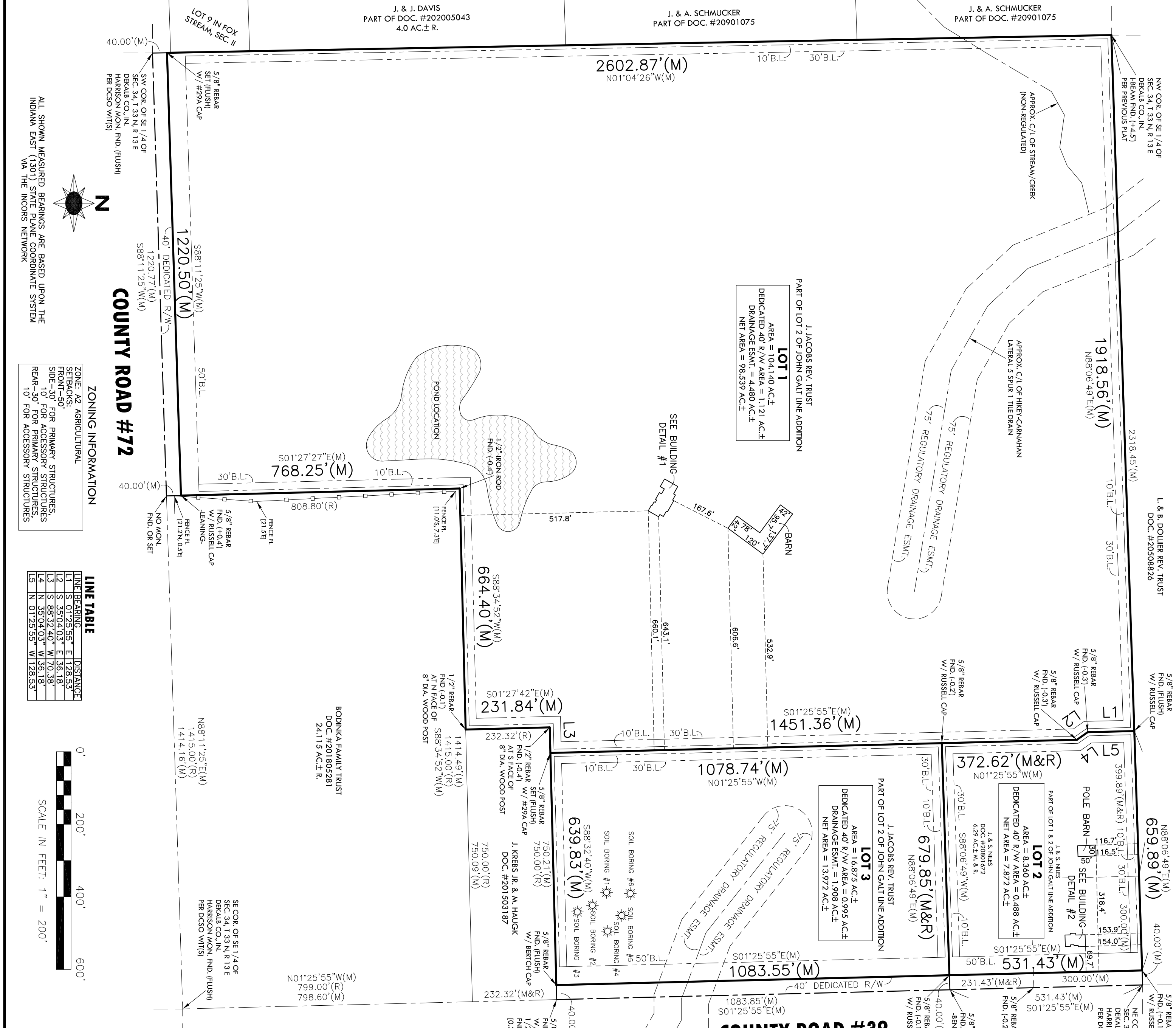


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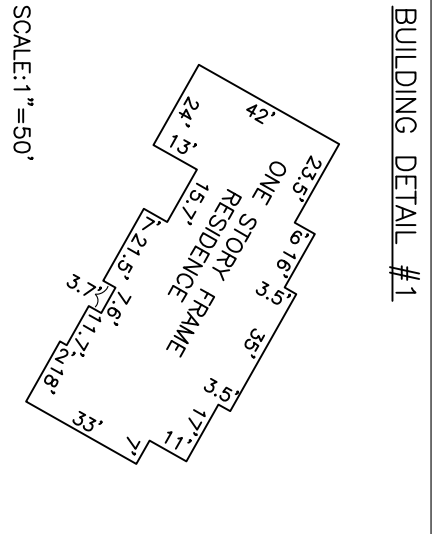
REPLAT OF JOHN GALT LINE ADDITION

AN ADDITION TO THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 33, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA



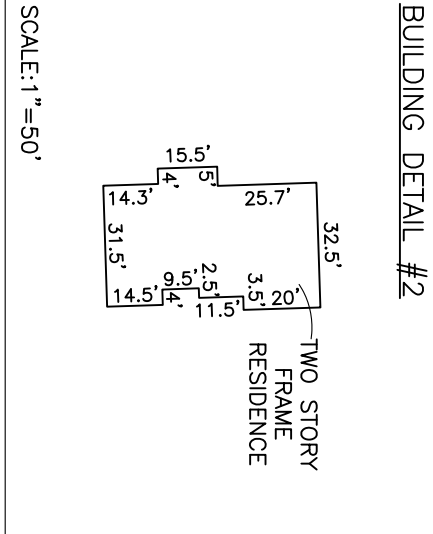
VICINITY MAP

BUILDING DETAIL #1



SCALE: 1" = 50'

BUILDING DETAIL #2



SCALE: 1" = 50'

SHEET 1 OF 2

CERTIFICATION

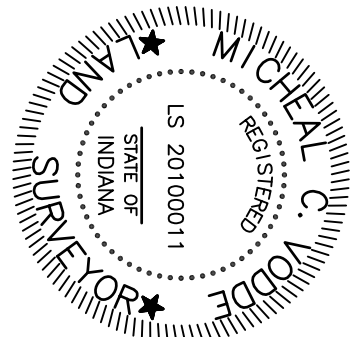
I hereby certify that the this Plat of Survey was prepared under my direct supervision and that to the best of my knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code.

Field Survey completed the 25th day of February, 2022

Certified this 29th day of March, 2022

Prepared exclusively for: Jacobs / Graber

Survey Number: 22-01-122



Michael C. Vodde, LS# 20100011

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law - Michael C. Vodde

ANDERSON SURVEYING, INC.

Registered Professional Engineers and Land Surveyors  
Indiana Land Surveying Firm Identification Number: 29A

1324 Henry Avenue  
Fort Wayne, IN 46808  
Phone: (260) 483-1724  
Fax: (260) 482-6855  
Toll Free: (888) 483-1724

1947 E. Schug Road  
Columbia City, IN 46725  
Phone: (260) 691-3425  
Fax: (260) 482-6855



EST. 1978  
CIVIL ENGINEERING  
LAND SURVEYING  
LAND PLANNING  
WWW.ANDERSONSURVEYING.COM

PLAT - Replat of John Galt Line Addition  
County Road #72 & County Road #39 in Auburn, IN 46706  
Pt. SE 1/4, SEC. 34, T. 33 N., R. 13 E., Jackson Twp., DeKalb County, IN

SURVEY NO.: 22-01-122

PLAT

SCALE: 1" = 200'	DRAWN BY: J.M.J.
ISSUE DATE: 03/29/2022	CHECKED BY: M.C.V.
SAVED FILE: MARCH 2022 / 22-01-122	

NO.	PLAT CHANGES	REVISION:	DATE:	BY:
1			03/29/2022	J.M.J.





*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:** Jerry Jacobs and Justin E. & Sheena M. Niles  
**SUBJECT SITE:** at 3827 County Road 72 and 7112 County Road 39, Auburn  
**REQUEST:** RePlat of John Galt Line Addition, Lots 1 & 2  
**EXISTING ZONING:** A2, Agricultural  
**SURROUNDING LAND** North: Farm Ground (A2)  
**USES AND ZONING:** South: Single Family Residential (Allen County)  
 East: Farm Ground (A2)  
 West: Farm Ground (A2)

**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 John Galt Line Addition, Lots 1 & 2 will increase the acreage of Lot 1; decrease the acreage of Lot 2 and create a new buildable Lot 3.
- 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: 7.872 net acres
    - Proposed Lot 2 Area: 98.539 net acres
    - Proposed Lot 3 Area: 13.972 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 372.62 feet
    - Proposed Lot 2 Width: 1918.56 feet
    - Proposed Lot 3 Width: 1078.74 feet
  - *Minimum Lot Frontage: 120 Feet*
    - Proposed Lot 1 Frontage: 531.43 feet

- Proposed Lot 2 Frontage: 1220.50 feet
  - Proposed Lot 3 Frontage: 1083.55 feet
- This division of land fronts the following roads:
  - County Road 39 is considered County Local Road with a projected total right-of-way width of 60 feet.
    - The right-of-way has been dedicated per the original John Galt Line Addition. Additional right-of-way is not required.
  - County Road 72 is considered County Local Road with a projected total right-of-way width of 60 feet.
    - The right-of-way has been dedicated per the original John Galt Line Addition. Additional right-of-way is not 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 **April 4, 2022**
2. Legal notice published in The Star on **April 21, 2022** 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 **April 7, 2022**
5. Letter from County Highway dated **April 4, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **April 5, 2022**
7. Letter from the Drainage Board, dated **April 19, 2022**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Anderson Surveying Inc**
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 327 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:**

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, drainage covenants and 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 and any wetland laws and regulations, if required.
4. Provide covenant for compliance with Airport Board requirements, if required.
5. 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 District, or other agency as 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.

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: 22-20  
Date Application Filed: 4/9/2022  
Fee Paid: 150.00  
*cc*

### Application for REPLAT (Section 9.24)

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: Wade McWilliams  
Address: 4525 S. Old U.S. Highway 27  
Pleasant Lake, IN 46779  
Telephone Number: (281) 658-9904 E-Mail: wade.mcwilliams@steeldynamics.com

#### OWNER INFORMATION (if different from applicant information)

Owner's Name: David & Juliann McWilliams  
Address: 5326 County Road 37  
Auburn, IN 46706  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

#### REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: Joseph R. Herendeen, PS, Sauer Land Surveying, Inc.  
Address: 14033 Illinois Road, Suite C  
Fort Wayne, IN 46814  
Telephone Number: (260) 469-3300 E-Mail: joe@sauersurveying.com

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

2 parcels, 36.148 acres

#### Name of Subdivision and Address or common description of property:

Replat of Deer Run, County Road 37

#### Legal description of property affected:

Lot Number 1 in Deer Run (Plat Rec. 6, p. 190), being part of the Northwest Quarter of Section 10-33-13


#### Reason for the Proposed Replat:

To split existing Lot 1 into 2 parcels.

#### The Replat should include (check all that apply):

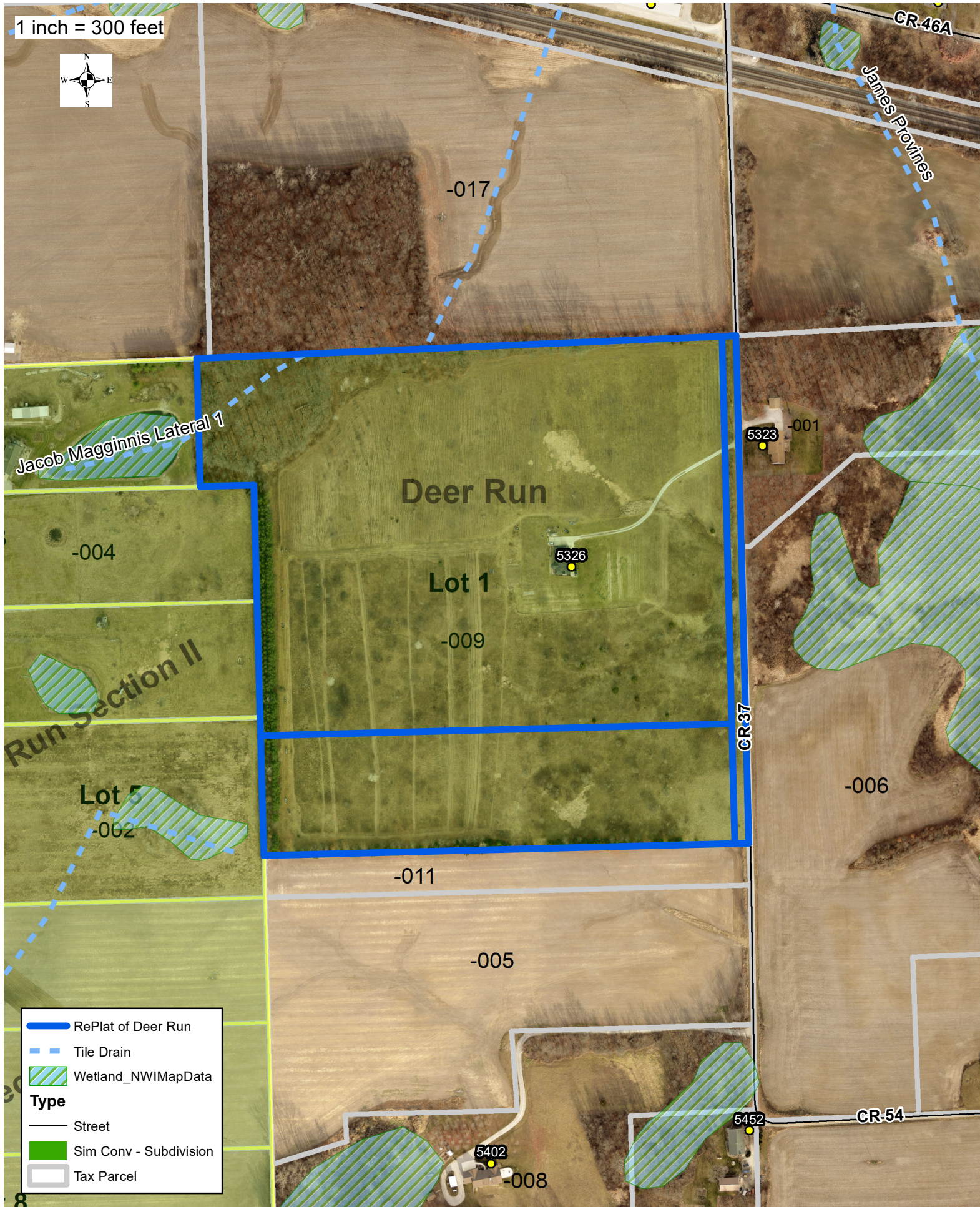
- (x) All of the Platted Area (x) All recorded restrictive covenants  
( ) Part of the Platted Area as shown in the attached documents ( ) None of the restrictive covenants  
( ) Those restrictive covenants specifically listed in the attached documents

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

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



1 inch = 300 feet



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Zoning Administrator



SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: 5326 County Road 37, Auburn, IN 46706

This survey is intended to create two new tax parcels lying entirely within the record boundaries of Lot Number 1 in Deer Run, as recorded in Plat Record 6, page 190, in the Office of the Recorder of DeKalb County, Indiana.

In Accordance with Title 865, Article 1.1, Chapter 12, Sec. 1 et. seq. of the Indiana Administrative Code, the following observations and opinions are submitted regarding various uncertainties in (a) reference monuments, (b) lines of occupation, (c) record descriptions, and (d) those uncertainties due to random errors in measurement ("relative positional accuracy"). There may be unwritten rights associated with these uncertainties.

REFERENCES: A copy of the following documents were reviewed in completion of this survey:

- The deeds of the subject tract and the adjoining tracts, as shown on the plat of survey.
- DeKalb County Surveyor's Section Corner Records.
- The plat of Deer Run, Plat Record 6, page 190.

(A) AVAILABILITY OF REFERENCE MONUMENTS:

The existing monuments of the Public Land Survey corners were held as controlling corners and were used as the basis for this survey. The found monuments are considered by the undersigned surveyor to be "local corners" which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the survey certificate in conformity with said survey monuments. Uncertainties based on existing monuments are not readily determinable due to the use of said local corners. The following monument was accepted as the location of the Public Land Survey corners:

- The North Quarter corner of Section 10.....County witnessed cast iron monument found.
- The Center of Section 10.....Undocumented iron rail post found.
- The Northwest corner of Section 10.....County witnessed cast iron monument found.

The East and North lines of the Northwest Quarter were established by using the above-referenced monuments. Uncertainties due to variances between found controlling monuments and record distances were determined to be a maximum of 0.75 feet in the North-South direction and 0.75 feet in the East-West direction. Uncertainties due to variances between all found monuments and record distances were determined to be 1.1 feet in any direction.

(B) OCCUPATION AND/OR POSSESSION LINES:

Occupation and/or possession lines near the perimeter of subject tract are shown on the plat of survey with the variances from the boundary lines as established in this survey. Encroachments and/or discrepancies may be buried or otherwise obscured by natural or man-made obstructions. There are no observable uncertainties in occupation and/or possession lines.

(C) AMBIGUITY OF RECORD DESCRIPTIONS:

Upon review of the most current deeds of record, the base tract description does not contain any ambiguity with any of the adjoiners' descriptions. Therefore, there are no uncertainties based upon record descriptions.

(D) RELATIVE POSITIONAL ACCURACY:

The relative positional accuracy representing the uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specifications for a Suburban Survey (0.13 feet plus 100 ppm) as defined by IAC 865.

(E) ESTABLISHMENT OF LINES AND CORNERS:

- The East line of subject tract was established on and along the East line of the Northwest Quarter.
- The North line of subject tract was established on and along the North line of the Northwest Quarter.
- The West and South lines of subject tract were all established using plat geometry and found original monuments, with the most Westerly and most Southerly lines being projected to their respective Quarter lines.
- The line dividing Lots 1 and 2 was established at the direction of the client.

(Continued on right)

SURVEYOR'S REPORT

(continued from left)

(F) NOTES:

- This survey is an opinion of a licensed land surveyor of the State of Indiana as to the actual location of the lines and corners outlined in the deed description. This opinion is based on logic, relevant field and research evidence, and established surveying principles. However, this opinion is subject to the interpretation of its deed description, and the boundaries of adjacent tracts may not be consistent with the boundaries of the subject tract. As a consequence, another surveyor may arrive at a different conclusion and different location of the boundaries.
- A survey cannot resolve uncertainties in the position of the original boundaries that exist. Only courts may establish property lines. The boundaries were established from the most current recorded descriptions. An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.
- The flood statement hereon is for informational purposes only. Accurate determination of the flood hazard status of the property can only be made by an elevation study which is beyond the scope of this survey.
- No attempt has been made to review or come to an opinion on the title or marketability of the title. Any appearance of an opinion on the title is unintentional.
- Unplatted easements, setback lines, restrictive covenants, or land use regulations affecting the subject tract are shown only when documentation of such matters has been furnished by the client.
- All documents of record and information from other public sources referred to in this survey are hereby incorporated as part of this survey as if fully set out.
- No attempt has been made to determine the zoning status of the property. It is the responsibility of the parties involved in the real estate transaction to determine compliance with zoning regulations.
- Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
- Subsurface and environmental conditions were not examined or considered as a part of this survey.
- Any acreage shown is based on the boundaries established from the deed description and no certification is made that the land area shown on the survey is the exact acreage owned by the client.
- Expression of distances to hundredths of a foot and angles to seconds of arc is solely to minimize errors introduced by rounding. Neither distances nor angles can be measured to the degree of precision implied by the stated units. No dimension on the survey can be interpreted to be of greater precision than the relative positional accuracy stated in Part (D) of the Surveyor's Report.
- Since the last date of fieldwork of this survey, conditions beyond the knowledge or control of Sauer Land Surveying, Inc. may have altered the validity and circumstances of matters shown or noted hereon.
- Declaration is made to original purchaser of the survey and is not transferable to additional institutions or subsequent owners. This survey is valid only with the surveyor's original or electronic signature and seal, full payment of invoice, and complete with all pages of survey.
- No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.

Primary & Secondary Plat of:

REPLAT OF DEER RUN

A subdivision of part of the Northwest Quarter of Section 10,  
Township 33 North, Range 13 East, DeKalb County, Indiana.

Owner & Developer:  
David & Juliann McWilliams  
5326 County Road 37  
Auburn, IN 46706

Surveyor - Planner:  
Sauer Land Surveying, Inc.  
14033 Illinois Road, Suite C  
Fort Wayne, IN 46814  
Tel: 260/469-3300

RESTRICTIVE COVENANTS:

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

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.

This development lies within the AC-7 zone of the DeKalb County Airport and is subject to certain limitations and restrictions as set out and specified in the "DeKalb County Airport Zoning Ordinance". The maximum allowable height for any building, structure or tree in this development is limited to 200 feet above ground level at the site unless a variance is first obtained from the DeKalb County Board of Aviation

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 these conditions by injunctive relief with attorney fees.

Note: An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.

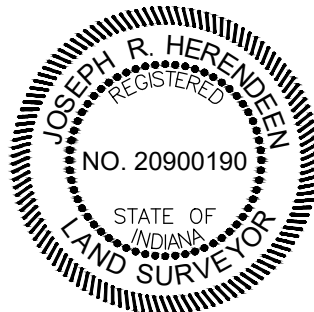
This property appears to lie within Zone X as the description plots by scale on Flood Insurance Rate Map Number 18033C 0234E, effective September 29, 2006.

CERTIFICATE OF SURVEYOR

I, Joseph R. Herendeen, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; that based on my knowledge, experience and belief this plat and accompanying legal description accurately depicts a survey completed and certified by the undersigned; that all corners are marked with 24 inch long #5 rebars bearing plastic caps imprinted "SLSI Firm 048".

I, Joseph R. Herendeen, certify the above statements to be correct to the best of my information, knowledge, and belief. 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.

Joseph R. Herendeen, Indiana Professional Surveyor Date: 04/07/2022



*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:** David L. & Juliann R. McWilliams  
**SUBJECT SITE:** 5326 County Road 37, Auburn  
**REQUEST:** RePlat of Deer Run, Lot 1  
**EXISTING ZONING:** R1, Low Density Residential  
**SURROUNDING LAND** North: Farm Ground (R1)  
**USES AND ZONING:** South: Farm Ground (R1)  
 East: Farm Ground (A2)  
 West: Single Family Residential/Farm Ground (A2)

**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 Deer Run, Lot 1 will decrease the acreage of Lot 1 and create a new buildable Lot 2.
- 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: 27.785 net acres
    - Proposed Lot 2 Area: 9.363 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 947.61 feet
    - Proposed Lot 2 Width: 300 feet
  - *Minimum Lot Frontage: 120 Feet*
    - Proposed Lot 1 Frontage: 970.15feet
    - Proposed Lot 2 Frontage: 300 feet

- This division of land fronts the following roads:

- County Road 37 is considered County Local Road with a projected total right-of-way width of 60 feet.
  - The right-of-way has been dedicated per the original Deer Run Subdivision. Additional right-of-way is not 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 **April 8, 2022**
2. Legal notice published in The Star on **April 21, 2022** 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 **April 21, 2022**
5. Letter from County Highway dated **April 11, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **April 8, 2022**
7. Letter from the Drainage Board, dated **April 19, 2022**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Sauer Land Surveying Inc**
10. The real estate to be developed is in Zoning District R1, 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 37 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:**

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, drainage covenants and 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.
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