

# 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 July 5<sup>th</sup>, 2022

8:30 AM

1. Roll call
2. Approval of Minutes: June 7<sup>th</sup>, 2022
3. Old Business: None
4. New Business:

Petition # 22-25 Finkhousen Place LLC, Jennifer Bartscht, Member requesting a 1 Lot Minor Subdivision known as Timothy Lee Estates. The proposed 1 lot subdivision will be a total of 5.218 net acres. The subdivision will be used for a single-family residence. The property is located on the north side of County Road 36, approximately one-half mile west of the intersection of County Road 36 & County Road 7, Avilla, Indiana and is zoned A1, Conservation Agricultural.

Petition # 22-26 Ryan & Tracy Smith requesting a RePlat of the subdivision Smith Haven, Lot 1. The proposed RePlat will be increasing the size of Lot 1. No additional building sites will be created and the subdivision will be used for a single-family residence. The property is located at 1274 County Road 33, Waterloo, Indiana and is zoned A2, Agricultural.

Petition # 22-27 Lisa Tichler & Caleb Edgar requesting a 2 Lot Minor Subdivision known as Fox Trails. The proposed 2 lot subdivision will be a total of 38.11 net acres. The subdivision will be used for single family residences. The property is located on the west side of County Road 35, approximately one-third mile south of the intersection of County Road 35 & County Road 52, Auburn, Indiana and is zoned RE, Rural Estate.

Petition # 22-28 Moughler Brothers Inc. requesting a 1 Lot Minor Subdivision known as OCM Acres. The proposed 1 lot subdivision will be a total of 2.816 net acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 16, approximately one-third mile west of the intersection of County Road 79 & County Road 16, Butler, Indiana and is zoned A1, Conservation Agricultural.

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

Next Meeting: August 2<sup>nd</sup>, 2022 @ 8:30 AM

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

**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.**



1 inch = 200 feet



-  Timothy Lee Estates
-  Wetland\_NWIMapData
- Encumbrance-ALL**  
<all other values>
- Type**
-  Utility Easement
- Type**
-  Street
-  Sim Conv - Subdivision
-  Tax Parcel

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NW cor., SE 1/4  
Sec. 17-34-12  
1/4" nail  
found (+0.1)  
at north face of  
wood fence post

**SURVEYOR'S REPORT**

This report and the accompanying survey plat have been prepared in accordance with Title 865, Article 1, Rule 12, Sec 1-29, and all amendments thereto, of the Indiana Administrative Code, which establishes the minimum standards for the practice of land surveying.

Monuments set are 5/8-inch round by 24-inch long steel rebar with yellow plastic caps stamped "GOU LS 29500017" and are set flush with the ground surface unless otherwise noted. Found monument types and their depths are shown on the survey drawing.

A current title commitment or search report was not provided at time of survey. A title search could reveal easements or other matters of public record not depicted hereon.

**PURPOSE:** The purpose of this survey is to split subject parcel of land from the parent parcel as described in Document 201900309 in the Office of the Recorder of DeKalb County, Indiana.

**CONTROLLING SECTION CORNERS:**  
SW corner, SE 1/4, Sec. 17-34-12: railroad spike found (history unknown)  
SE corner, SE 1/4, Sec. 17-34-12: railroad spike found (history unknown)  
NW corner, SE 1/4, Sec. 17-34-12: 1/4" nail found (history unknown)

**THEORY OF LOCATION:**  
The south line of subject parcel of land was established on the south line of the SE 1/4 of Sec. 17-34-12 per found monuments.  
The east line of subject parcel of land was established on the northerly extension of and the west line of a parcel of land described in Deed Record 233, page 495 as described and per found monuments.  
The west line of subject parcel of land was established on the west line of the SE 1/4 of Sec. 17-34-12 per found monuments.  
The North line of subject parcel of land was established per the owner's request.

The uncertainty in the lines and corners found or established by this survey are as follows:

- (A) Availability and condition of reference monuments: Reference monuments found on the subject property and on adjacent properties are shown on the survey drawing. Due to variations in the type of said reference monuments and/or variations depicted on the survey drawing as "measured" versus "recorded" angular or distance measurements, uncertainty in said reference monuments is 1.2 feet +/-.
- (B) Occupation or possession lines: Uncertainty created by visible occupation lines that were evident at the time of the survey is 2.5 feet +/- . See fence type and location the the drawing. Fence ownership is unknown.
- (C) Clarity or ambiguity of the record description and/or adjoiner's descriptions: No uncertainty was created by the above-mentioned documents.
- (D) The Relative Positional Accuracy of this survey falls under the classification of a "Suburban" survey. Random errors in measurement = 0.13 feet (40 millimeters) plus 100 parts per million as specified in Section 7 of said Rule 12.

**TIMOTHY LEE ESTATES**

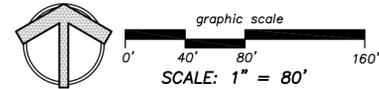
PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF  
SECTION 17, TOWNSHIP 34 NORTH, RANGE 12 EAST  
RICHLAND TOWNSHIP, DEKALB COUNTY, INDIANA

Owner and Developer:  
Finkhousen Place, LLC  
1605 W. Shoaff Road, Hometown, IN 46748

ZONING DISTRICT: A1
CONSERVATION AGRICULTURAL
Minimum Front Yard Setback: 50' Primary and Accessory Structures
Minimum Side Yard Setback: 30' Primary-10' Accessory Structures
Minimum Rear Yard Setback: 30' Primary-10' Accessory Structures

**LEGEND**

- (m) MEASURED
- (r) RECORDED
- (c) CALCULATED
- (p) PLATTED
- POB Point of Beginning
- 5/8" REBAR SET  
GOU LS29500017 CAP



**LAND DESCRIPTION**

Part of the West Half of the Southeast Quarter of Section 17, Township 34 North, Range 12 East, Richland Township, DeKalb County, Indiana and being also part of a parcel of land described in Document 201900309 (hereinafter referred to as "parent parcel") in the Office of the Recorder of DeKalb County, more particularly described as follows:

**BEGINNING** at a railroad spike found marking the southwest corner of the Southeast Quarter of said Section 17 and the southwest corner of said parent parcel; thence North 00 degrees 37 minutes 47 seconds West (bearing based on the State Plane Coordinate System (NAD83)(2011), Indiana East zone) on the west line of said Southeast Quarter and the west line of said parent parcel, a distance of 638.00 feet; thence North 88 degrees 20 minutes 04 seconds East and parallel with the south line of said Southeast Quarter, a distance of 372.52 feet to the northerly extension of the west line of a parcel of land described in Deed Record 233, page 495 in said Recorder's Office; thence South 00 degrees 52 minutes 45 seconds East on said northerly extension and said west line, a distance of 637.96 feet to a railroad spike found marking the southwest corner of said parcel of land described in Deed Record 233, page 495 and lying on the south line of said Southeast Quarter; thence South 88 degrees 20 minutes 04 seconds West on said south line, a distance of 375.30 feet to the point of beginning, containing 5.476 acres of land, more or less.

**AGRICULTURAL COVENANT:**

The owner(s) of the lot(s) 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. 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 any further plat would have any retroactive applicability to this division of land. There shall be compliance with the laws of any applicable federal, State or local agency.

**FLOOD NOTE:**

By graphic plotting only and subject to map scale uncertainties, the real estate described and depicted hereon appears to lie in Zone "X" (NOT considered a special flood hazard area) on FIRM Map Number 18033C0120E, effective 9/29/2006 for DeKalb County, Indiana.

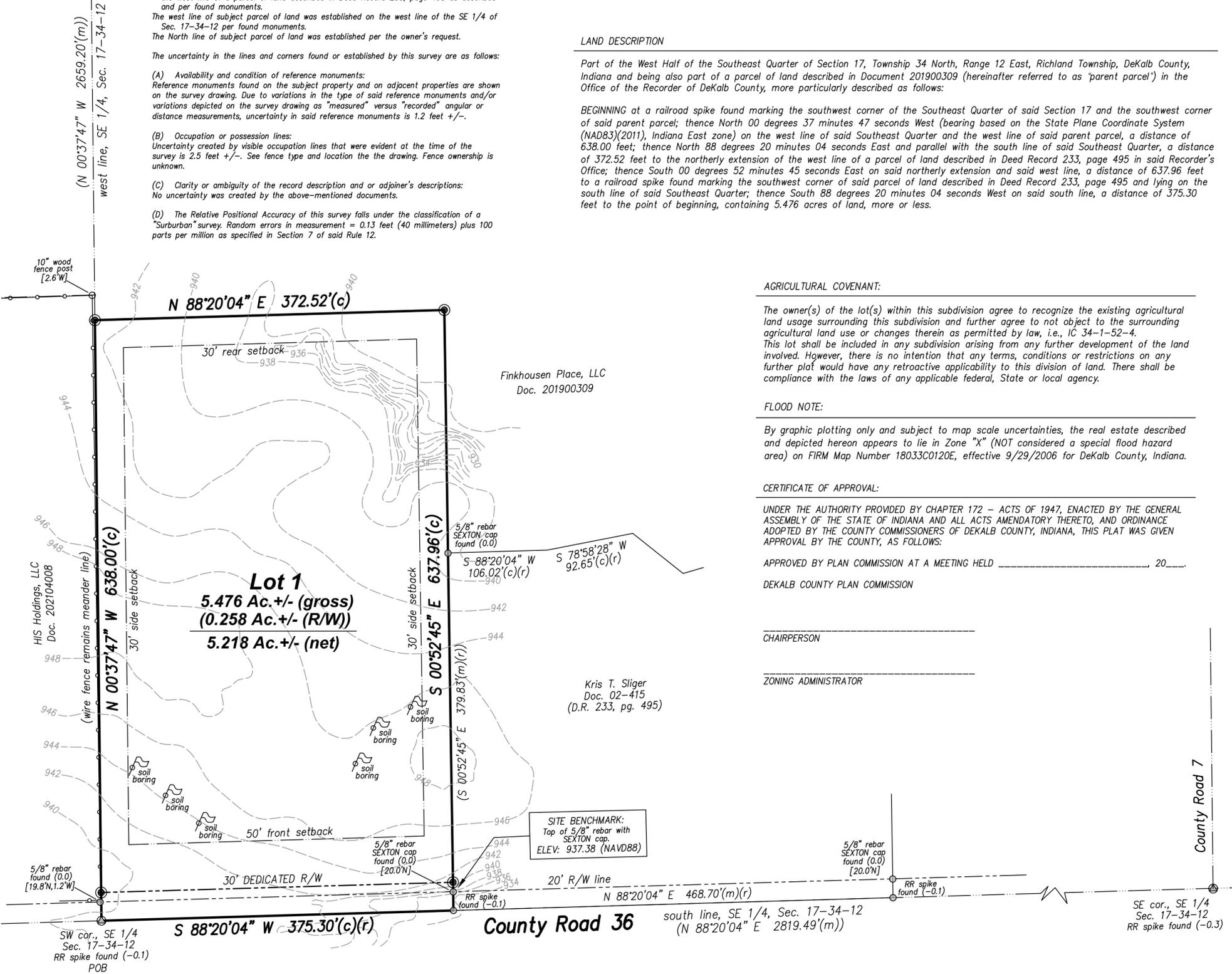
**CERTIFICATE OF APPROVAL:**

UNDER THE AUTHORITY PROVIDED BY CHAPTER 172 - ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ALL ACTS AMENDATORY THERETO, AND ORDINANCE ADOPTED BY THE COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE COUNTY, AS FOLLOWS:

APPROVED BY PLAN COMMISSION AT A MEETING HELD \_\_\_\_\_, 20\_\_\_\_  
DEKALB COUNTY PLAN COMMISSION

CHAIRPERSON

ZONING ADMINISTRATOR



**DEED OF DEDICATION**

"We, Jennifer Bartscht and Andrew Bartscht, the undersigned, members of Finkhousen Place, LLC and owners of the real estate shown and described hereon, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the within plat. This Subdivision shall be known and designated as TIMOTHY LEE ESTATES, a subdivision of 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 street, there shall be erected or maintained no building or structure. There may be strips of ground as shown on this plat and marked "Easement", reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are 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."

Witness my(our) hand(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Jennifer Bartscht Andrew Bartscht

State of Indiana  
County of DeKalb

Before me the undersigned Notary Public, in and for the County and State, personally appeared Jennifer Bartscht and Andrew Bartscht, who acknowledged the execution of the foregoing instrument as their voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this day of \_\_\_\_\_, 20\_\_\_\_

Notary Public

Printed Name

My Commission Expires \_\_\_\_\_

The source of contour lines depicted hereon is the DeKalb County Beacon GIS site.

Basis of Bearings: State Plane Coordinate System (NAD83)(2011), Indiana East Zone.

**SURVEYOR'S CERTIFICATION**

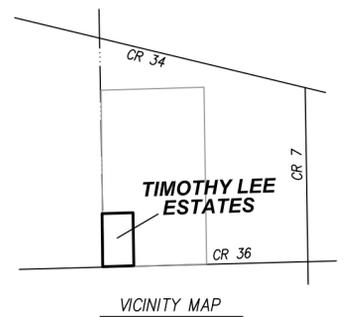
I, the undersigned Registered Land Surveyor licensed in compliance with the laws of the state of Indiana, hereby certify the hereon Plat to correctly represent a Survey of the real estate described above as made under my direction, that all the monuments shown thereon actually exist, that lots and streets shown in the Plat have been established in accordance with true and established boundaries of said Survey, and that this Survey and accompanying report has been completed in accordance with Title 865-IAC 1-12 and all other amendments thereto.

I hereby certify that to the best of my knowledge the above Plat and Survey are correct.

DATE: 06/03/2022

Timothy C. Gouloff, R.L.S. 29500017

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 - Timothy Gouloff.



**GOULOFF - JORDAN**  
**SURVEYING AND DESIGN, INC.**  
1133 BROADWAY FORT WAYNE, IN 46802  
PH [260] 424-5362 FAX [260] 424-4916

DRAWING NUMBER  
20220186

Sheet: 1 of 1

*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:** Finkhousen Place, LLC by Jennifer Bartscht, Member

**SUBJECT SITE:** on the north side of County Road 36, approximately one-half mile west of the intersection of County Road 36 & County Road 7, Avilla

**REQUEST:** 1 Lot Minor Subdivision – Timothy Lee Estates

**EXISTING ZONING:** A1: Conservation Agricultural

**SURROUNDING LAND USES AND ZONING:** North: Agricultural (A1)  
 South: Agricultural (A1)  
 East: Agricultural (A1)  
 West: Agricultural (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*

- Parcel 09-05-17-400-001 is considered the parent parcel. This is the first buildable split from parent parcels -001.
- 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: 5.218 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 372.52 feet
  - *Minimum Lot Frontage: 120 Feet*
    - Proposed Lot 1 Frontage: 375.30 feet
- This division of land fronts the following roads:
  - County Road 36 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 **June 3, 2022**
2. Legal notice published in The Star on **June 24, 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 **June 7, 2022**
5. Letter from County Highway dated **June 6, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 6, 2022**
7. Letter from the Drainage Board, dated **June 13, 2022**.
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Gouloff-Jordan Surveying & Design**
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 36 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 DeKalb County Board of Health.*
  - 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: 22-28  
Date Application Filed: 6/9/2022  
Fee Paid: 150 pd

**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: Angela Wallace  
Address: PO Box 12  
Leo, IN 46765  
Telephone Number: 260-417-3643 E-Mail: compasslandsurveying@gmail.com

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

Owner's Name: Ryan and Tracy Smith  
Address: 1274 County Road 33  
Waterloo, IN 46793  
Telephone Number: 260-908-0415 (Tracy) E-Mail: \_\_\_\_\_

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

Representative: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

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

1 Parcel & 2.28 Acres

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

Smith Haven - 1274 County Road 33 Waterloo, IN

**Legal description of property affected:**

Lot 1 in the Plat of Smith Haven and 30 feet off Deed Record 168, Page 269

**Reason for the Proposed Replat:**

Add 30 feet to the South line of the Lot 1 in Smith Haven for adding a barn and clear up the encroachment of the concrete driveway.

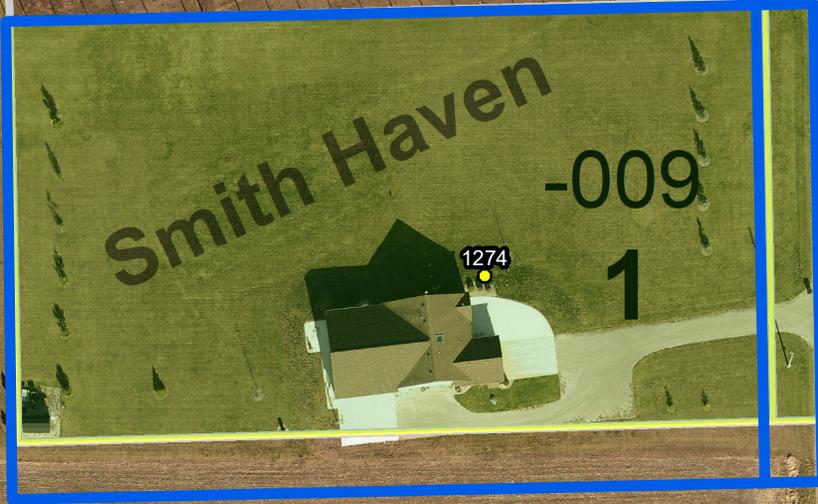
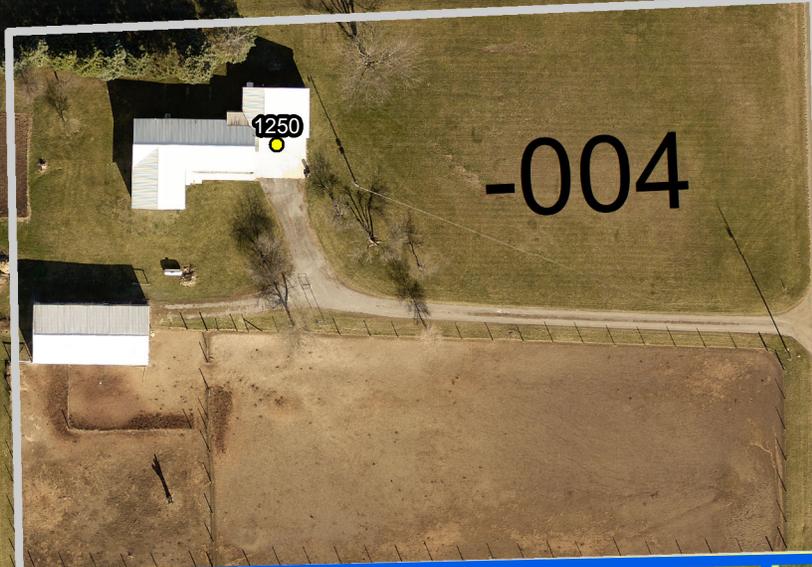
**The Replat should include (check all that apply):**

- All of the Platted Area  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: Angela D Wallace Professional Surveyor  
(If signed by representative for applicant, state capacity)

1 inch = 100 feet



CR-33

Replat of Smith Haven - Lot 1

**Encumbrance-ALL**

<all other values>

**Type**

Street

Sim Conv - Subdivision

Tax Parcel

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# REPLAT OF LOT 1 IN SMITH HAVEN

A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 35 NORTH, RANGE 13 EAST, SMITHFIELD TOWNSHIP, DEKALB COUNTY, INDIANA

## REAL ESTATE DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 35 NORTH, RANGE 13 EAST, SMITHFIELD TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON MAY 20TH, 2022, AS PROJECT NUMBER 22-414, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

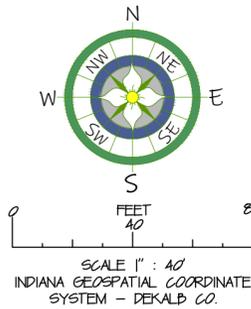
COMMENCING AT A HARRISON MARKER AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 35 NORTH, RANGE 13 EAST; THENCE NORTH 00 DEGREE 34 MINUTES 02 SECONDS WEST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16, A DISTANCE OF 264.67 FEET TO A 5/8" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP AT THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREE 34 MINUTES 02 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16, A DISTANCE OF 30.00 FEET TO A 5/8" REBAR ON THE NORTH LINE OF DEED RECORD 168, PAGE 289 AS DESCRIBED WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA; THENCE SOUTH 89 DEGREES 13 MINUTES 40 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST LINE OF LOT NUMBER 1 IN SMITH HAVEN AS DESCRIBED IN DOCUMENT NUMBER 2060113 WITHIN SAID OFFICE, SAID POINT BEING REFERENCED BY A 5/8" REBAR WITH "TRI-CO" IDENTIFICATION CAP 11' EAST; THENCE NORTH 00 DEGREE 34 MINUTES 02 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 22.053 FEET TO A POINT ON THE NORTH LINE OF SAID PLAT, SAID POINT BEING REFERENCED BY A 5/8" REBAR WITH "TRI-CO" IDENTIFICATION CAP 13' EAST; THENCE SOUTH 89 DEGREES 13 MINUTES 03 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 392.83 FEET TO A 5/8" REBAR WITH "TRI-CO" IDENTIFICATION CAP ON THE WEST LINE OF SAID PLAT; THENCE SOUTH 00 DEGREE 18 MINUTES 47 SECONDS EAST, ALONG SAID WEST LINE AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 250.47 FEET TO A 5/8" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP; THENCE NORTH 89 DEGREES 13 MINUTES 40 SECONDS EAST, A DISTANCE OF 423.94 FEET TO THE POINT OF BEGINNING CONTAINING 2.28 ACRES OF LAND, SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 33 AND EASEMENTS.

## OWNER & DEVELOPER

RYAN AND TRACY SMITH  
1274 COUNTY ROAD 33  
WATERLOO, INDIANA 46793

## SURVEYOR

COMPASS LAND SURVEYING, INC  
PO BOX 12  
LEO, IN 46765  
TEL: 260-417-3643



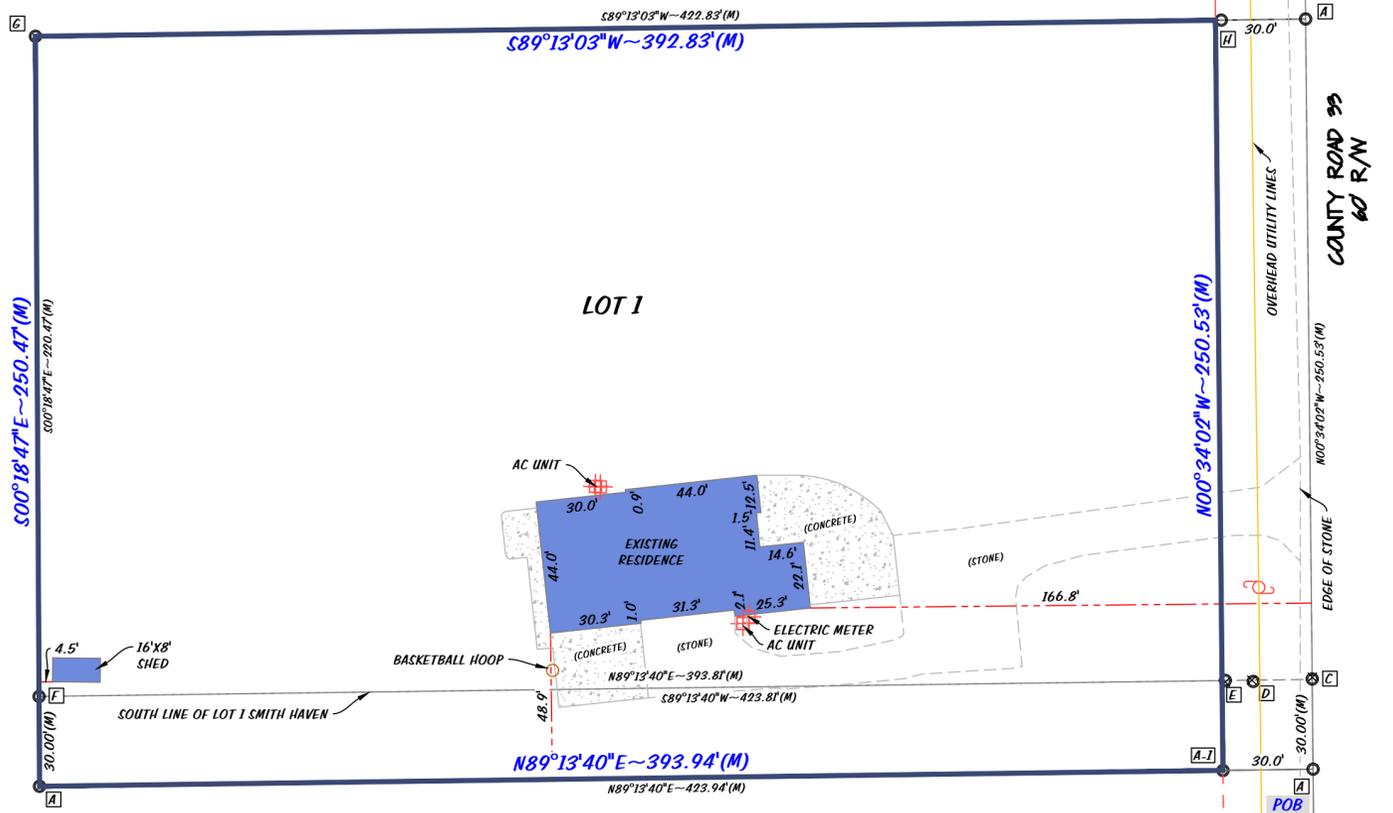
VICINITY MAP NOT TO SCALE

## REPLAT LOT 1 AREA

TOTAL AREA: 2.28 ACRES  
30' R/W: 0.02 ACRE  
NET AREA: 2.26 ACRES

## ZONING

ZONING DISTRICT:  
AGRICULTURAL (A2)  
SETBACKS:  
PRIMARY: 50'  
SIDE: 30'  
REAR: 30'  
SETBACKS:  
ACCESSORY STRUCTURE  
FRONT: 50'  
SIDE: 10'  
REAR: 10'



## LEGEND

- P ~ PLAT
- M ~ MEASURED
- C ~ CALCULATED
- D ~ DEED
- CM ~ CONTROLLING MONUMENT
- R/W ~ RIGHT-OF-WAY
- POB ~ POINT OF BEGINNING
- POC ~ POINT OF COMMENCEMENT
- TOP ~ TOP OF BANK

## MONUMENT LEGEND

- "A" ~ 5/8" BY 24" REBAR WITH "WALLACE" IDENTIFICATION CAP FOUND
- "B" ~ 5/8" BY 24" REBAR WITH "WALLACE" IDENTIFICATION CAP FOUND 30' W.
- "C" ~ 1" BAR FOUND (-0.4)
- "D" ~ 1" PIPE FOUND 0.75' & 19.6' W. (-0.1)
- "E" ~ 5/8" REBAR WITH "TRI-CO" IDENTIFICATION CAP FOUND 28.9' W. (-0.1, CM)
- "F" ~ 5/8" REBAR WITH "TRI-CO" IDENTIFICATION CAP FOUND (FLUSH, CM)
- "G" ~ 5/8" REBAR WITH "TRI-CO" IDENTIFICATION CAP FOUND (FLUSH, CM)
- "H" ~ 5/8" REBAR WITH "TRI-CO" IDENTIFICATION CAP FOUND 28.1' W. (-0.1, CM)

## OWNER DEDICATION

WE, THE UNDERSIGNED, RYAN SMITH AND TRACY SMITH, OWNERS OF THE REAL ESTATE PLATTED AND DESCRIBED HEREIN CERTIFY THAT I HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE PLAT HEREIN.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS REPLAT OF LOT 1 IN SMITH HAVEN, AN ADDITION IN SMITHFIELD TOWNSHIP, DEKALB COUNTY, INDIANA.

THE UNDERSIGNED HEREBY IRRECOVERABLY OFFERS FOR DEDICATION TO DEKALB COUNTY ALL THE STREETS, LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND REQUIRED UTILITIES SHOWN ON THE SUBDIVISION PLAT.

RYAN SMITH  
DATE:

TRACY SMITH  
DATE:

## NOTARY

STATE OF INDIANA }  
COUNTY OF DEKALB ) SS:

WITNESS OUR HAND AND SEAL THIS \_\_\_\_\_ DAY OF JULY, 2022.

RYAN SMITH

TRACY SMITH

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS \_\_\_\_\_ DAY OF JULY, 2022, PERSONALLY APPEARED RYAN SMITH & TRACY SMITH, 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 JULY, 2022.

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES: \_\_\_\_\_

## AGRICULTURAL COVENANT

THE OWNER(S) OF THE LOT(S) 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 34-1-92-4.

## FURTHER DEVELOPMENT STANDARDS

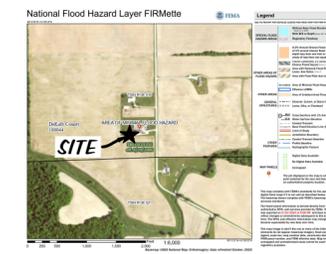
FURTHER DEVELOPMENT: THIS LOT/THESE LOTS SHALL BE INCLUDED IN ANY SUBDIVISION ARISING FROM ANY FURTHER DEVELOPMENT OF THE LAND INVOLVED HOWEVER, THERE IS NO INTENTION THAT ANY TERMS, CONDITIONS OR RESTRICTIONS ON ANY FUTURE PLAT WOULD HAVE ANY RETROACTIVE APPLICABILITY TO THIS DIVISION OF LAND.

## PLAN COMMISSION CERTIFICATE OF APPROVAL

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION THIS \_\_\_\_\_ DAY OF JULY, 2022.

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR



NFHL FIRMETTE NOT TO SCALE

## FLOODPLAIN CERTIFICATION

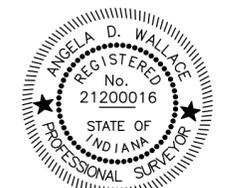
THE REPLAT OF LOT 1 IN SMITH HAVEN LIES WITHIN ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 180044, PANEL: 0195 E, EFFECTIVE DATE: SEPTEMBER 29, 2006, MAP NUMBER: 1803960195E

## PROFESSIONAL SURVEYOR'S CERTIFICATION

I, ANGELA D. WALLACE, HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT AND REAL ESTATE DESCRIPTION ACCURATELY DEPICTS AN ORIGINAL SURVEY COMPLETED ON MAY 20TH, 2022 AND RECORDED IN DOCUMENT NUMBER \_\_\_\_\_ WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA THAT WAS COMPLETED BY ME IN ACCORDANCE WITH TITLE 865 IAC 1-12-1 THRU 30, AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE ABOVE REFERENCED SURVEY OR ANY PRIOR SUBDIVISION PLATS CONTAINED THEREIN, ON ANY LINES THAT ARE COMMON WITH THIS SUBDIVISION.

DATE: JUNE 8TH, 2022

I, ANGELA D. WALLACE, AFFIRM UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REPECT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.



*Angela D. Wallace*

*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:** Ryan & Tracy Smith

**SUBJECT SITE:** 1274 County Road 33, Waterloo

**REQUEST:** RePlat of Smith Haven, Lot 1

**EXISTING ZONING:** A2, Agricultural

**SURROUNDING LAND USES AND ZONING:** North: Single Family Residential/Farm Ground (A2)  
 South: Farm Ground (A2)  
 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 Smith Haven, Lot 1 will increase the acreage of Lot 1 to allow the property owners to build a barn and clear up the encroachment of the concrete driveway.
- 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: 2.26 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 250.47 feet
  - *Minimum Lot Frontage: 120 Feet*
    - Proposed Lot 1 Frontage: 250.53 feet
- This division of land fronts the following roads:
  - County Road 33 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 Smith Haven Subdivision. Additional right-of-way has been dedicated where 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 **June 8, 2022**
2. Legal notice published in The Star on **June 24, 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 **June 17, 2022**
5. Letter from County Highway dated **June 8, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 9, 2022**
7. Letter from the Drainage Board, dated **June 17, 2022**
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 33 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.