

DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

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

AGENDA

DeKalb County Plan Commission

Plat Committee

Commissioners Court – 2nd Floor DeKalb County Court House

Tuesday, February 6, 2024

8:30 AM

To view the livestream, click here: <https://tinyurl.com/YouTubeDCPC>

1. Roll call
2. Prayer
3. Nomination of Officers:
 - Chairperson:
 - Vice Chairperson:
 - Secretary: Meredith Reith
4. Pledge of Allegiance
5. Approval of Minutes: December 5, 2023
6. Old Business: None
7. New Business:

Petition #24-01 - LeAnn R. Fultz requesting a Replat of The Passage, Lot 1. This replat will be decreasing the acreage of Lot 1 and creating Lot 2. The property is located at southwest corner of County Road 54 & County Road 7, Garrett, Indiana and is zoned A2, Agricultural.

8. Adjournment

Next Meeting: March 05, 2024

**If you cannot attend, please contact Meredith Reith:
mreith@co.dekalb.in.us or (260) 925-1923**

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

****Cellphones, tablets, laptops, & weapons are prohibited****

MINUTES
DEKALB COUNTY PLAT COMMITTEE
Tuesday, December 5, 2023 @ 8:30 AM

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 Elysia Rodgers.

ROLL CALL:

Members Present: Mike Watson, Sandy Harrison, Elysia Rodgers, Jason Carnahan, and Jerry Yoder

Members Absent: None

Staff Present: Director/Zoning Administrator Chris Gaumer

Staff Absent: None

Public in Attendance: James Schmucker, Dave Long, Tammy Long, Angie Wallace, Lisa Firestine, Denny Schlie

PRAYER:

Jerry Yoder led prayer.

APPROVAL OF MINUTES:

Jason Carnahan moved to approve the minutes from November 7, 2023; seconded by Mike Watson. None opposed. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Petition #23-32 – Dave & Tammy Long requesting a 1 Lot Minor Subdivision known as Long Estates Section V, Lot 1. The proposed 1 lot subdivision will be a total of 11.734 acres. The subdivision will be used for a single-family residence. The property is located at the southwest corner of County Road 60 and County Road 43, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report. He also noted that the pond located on the property that is connected to the pond on the property at 4354 County Road 60 will need an easement over the area that drains from the west property to the east due to the design of the pond on this petitioned property.

Elysia Rodgers determined that there were no further questions or comments from the board or from the audience. Ms. Rodgers closed the public hearing portion of the petition.

Chris Gaumer read the Findings of Fact.

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 **October 20, 2023**
2. Legal notice published in The Star on **November 24, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **November 17, 2023**.
5. Letter from County Highway dated **October 30, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 20, 2023**.
7. Letter from the Drainage Board, dated **October 27, 2023**.
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.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for residential uses, which is compatible with 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 60 & County Road 43 with dedication of right of way. The driveway has been staked, approved and permitted by the DeKalb County Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) 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.

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. The plat shall not be recorded 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 #23-32, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5TH DAY OF DECEMBER 2023.

Motion made by Sandra Harrison, Seconded by Jason Carnahan.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandra Harrison

Mike Watson

Jason Carnahan

Jerry Yoder

Petition #23-33 – Copper Creek Rentals LLC, James Schmucker, requesting a 1 Lot Minor Subdivision known as Copper Creek Acres. The proposed 1 lot subdivision will be a total of 1.010 acres. The subdivision will be used for a personal storage building. The property is located on the south side of County Road 46A, approximately one-quarter mile west of the intersection of County Road 46A and County Road 39, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report.

Jerry Yoder asked why the soil borings are on the plat if there can't be a septic on the property. Mr. Gaumer answered that James Schmucker did the soil borings and the surveyor placed them on the plat. It was decided to add a condition of approval to remove the soil borings.

Mr. Gaumer stated that there are conditions of approval added reflecting that there cannot be plumbing, and no septic can be on the property. Those conditions will be made a covenant on the plat.

Elysia Rodgers determined that there were no further questions or comments from the board, so she asked if there was anyone from the audience who wanted to speak for this petition.

James Schmucker approached the podium to confirm that the soil borings were on the plat because he wanted to test the soil to see what kind of soil was there. He saw a neighbor bring in a lot of soil to build up the lot and didn't want to do the same.

Determining that there were no other members of the audience who wanted to speak, Ms. Rodgers closed the public hearing portion of the petition.

Ms. Rodgers read the Findings of Fact.

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 **November 13, 2023**
2. Legal notice published in The Star on **November 24, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **November 16, 2023**.
5. Letter from County Highway dated **November 13, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **November 14, 2023**.

7. Letter from the Drainage Board, dated **November 17, 2023**.
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **Anderson Surveying**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for personal storage purposes only, which is compatible with 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 46A with dedication of right of way. The existing driveway will be utilized.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. A condition of has been added that will be recorded on the plat: There shall be no septic system placed on the property and no water plumbed to or from any structure on the property now or in the future.
 - 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.

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.
5. There shall be no septic system placed on the property and no water plumbed to or from any structure on the property now or in the future.

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. The plat shall not be recorded 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.
5. This plat shall not be recorded before the Board of Zoning Appeals approves the Development Standards Variance for the reduction in lot size.
6. Remove soil boring locations from plat.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-33, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5TH DAY OF DECEMBER 2023.

Motion made by Sandra Harrison, Seconded by Mike Watson.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandra Harrison

Mike Watson

Jason Carnahan

Jerry Yoder

Petition #23-34 – Kenneth & Johanna Scheele requesting a 1 Lot Conservation Agricultural Subdivision known as Dog Holler Acres. The proposed 1 lot subdivision will be a total of 11.55 acres. The subdivision will be used for a Single Family Residence. The property is located on the south side of County Road 68, approximately one-half mile east of the intersection of County Road 68 and County Road 75, Spencerville, Indiana and is zoned A1, Conservation Agricultural.

Chris Gaumer read the Staff Report.

Elysia Rodgers determined that there were no further questions or comments from the board, so she asked if there was anyone from the audience who wanted to speak for this petition.

Denney Schlie addressed the committee regarding concerns about not wanting to be near or live by a subdivision and he questioned why this is the process for one new home because it is confusing. Mr. Gaumer clarified that the state law process for subdividing land requires the Plan Commission to have a public hearing for anyone wanting to split the property and build.

Lisa Firestine spoke about the number of properties that can be split from the property. She spoke about concerns of the driveway location and drainage of the swale on the property. Mr. Gaumer confirmed the driveway location was approved by the Highway Dept. Ms. Firestine asked about the difference between A1 & A2 Zoning District. Mr. Gaumer clarified the A1 district allowing 2 total lots from a parent parcel and A2 allows for up to 4 from a parent parcel.

Jerry Yoder addressed Ms. Firestine that he spoke to the owner that they plan to subdivide the property to build one home and they don't have plans to build any more.

Determining that there were no other members of the audience who wanted to speak, Elysia Rodgers closed the public hearing portion of the petition.

Mr. Gaumer read the Findings of Fact.

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 **November 15, 2023**.
2. Legal notice published in The Star on **November 24, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **November 30, 2023**
5. Letter from County Highway dated **November 15, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **November 16, 2023**.
7. Letter from the Drainage Board, dated **December 1, 2023**
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **Compass Land Surveying, Inc.**
10. The real estate to be developed is in Zoning District A1 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Conservation Agricultural Subdivision adequately conform to the Comprehensive Plan?
Yes, the conservation agricultural subdivision will be used for residential uses, which is compatible to the existing and adjacent land uses.
2. Does the Conservation Agricultural 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 68 with dedication of right of way. The driveway has been staked and approved by the DeKalb County Highway Dept. The applicant or buyer(s) will need a permit from the Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) 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.

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. The plat shall not be recorded 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.
5. Obtain letter from the Drainage Board before recording.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #23-34, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5TH DAY OF DECEMBER 2023.

Motion made by Jason Carnahan, Seconded by Jerry Yoder.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandy Harrison

Mike Watson

Jason Carnahan

Jerry Yoder

Petition #23-35 – Gaylor & Gloria Schowe requesting a Replat of Schowe's Acres, Lot 1. This replat will be increasing the acreage of Lot 1. No new buildable lots are proposed. The property is located at 3139 County Road 72, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report.

Jason Carnahan asked what happened with the remaining land from Schowe's Acres once that part of the existing lot isn't part of the subdivision anymore. Mr. Gaumer stated that it will probably remain it's own parcel.

Elysia Rodgers determined that there were no further questions or comments from the board or from the audience. Ms. Rodgers closed the public hearing portion of the petition.

Ms. Rodgers read the Findings of Fact.

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 **November 15, 2023**
2. Legal notice published in The Star on **November 24, 2023** and Affidavit received.

3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **November 16, 2023**
5. Letter from County Highway dated **November 17, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **November 16, 2023**
7. Letter from the Drainage Board, dated **December 1, 2023**
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.

FINDINGS OF FACT:

1. Does the proposed Replat of the Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for residential use, which is compatible to the existing and adjacent land uses.
2. Does the Replat of 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. The right of way has been dedicated per the original Schowe's Acres and additional right-of-way has been dedicated where required. The existing driveway will be utilized.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The existing Private Septic System is being utilized. The 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.

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. The plat shall not be recorded 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 #23-35, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5TH DAY OF DECEMBER 2023.

Motion made by Jason Carnahan, Seconded by Sandra Harrison.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandy Harrison

Mike Watson

Jason Carnahan

Jerry Yoder

ADJOURNMENT:

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:22 a.m.

Elysia Rodgers

Chris Gaumer – Acting Secretary

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: 24-01
Date Application Filed: 12/21/2023
Fee Paid: \$300 pd
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: LeAnn R. Fultz
Address: 0750 County Road 54
Garrett, IN 46738
Telephone Number: (260) 704-3864 E-Mail: fultzleann@yahoo.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Cody & Haley Brandebury
Address: 0750 County Road 54
Garrett, IN 46738
Telephone Number: (260) 479-7696 E-Mail: haleybrandebury@gmail.com

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

Legal Ad Payment & Public Hearing Notifications: Applicant ☒ Owner ☐ Representative ☐

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

2 lot, 6.002 acres

Name of Subdivision and Address or Parcel # of property:

The Passage, SW Cor. of County Road 7 and County Road 54

Legal description of property affected:

Part of the Southeast Quarter of Section 8 Township 33 North, Range 12 East, containing 6.002 acres.

Reason for the Proposed Replat:

To split off an additional lot

The Replat should include (check all that apply):

- (X) All of the Platted Area () All recorded restrictive covenants
() Part of the Platted Area as shown in the attached documents (X) 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: Joseph R. Herendeen Joseph R. Herendeen, PS, as agent
(If signed by representative for applicant, state capacity)

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: LeAnn Fultz
SUBJECT SITE: southwest corner of County Road 54 & County Road 7, Garrett
REQUEST: Replat of The Passage, Lot 1
EXISTING ZONING: A2: Agricultural
SURROUNDING LAND USES AND ZONING: North: Single Family Residential (A2)
 South: Farm Ground (A1)
 East: Single Family Residential (A1)
 West: Single Family Residential (A1)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- The RePlat of The Passage will be decreasing the acreage of Lot 1 and creating a new 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 recorded easements)*
 - Proposed Lot 1 Area: 3.307 net acres
 - Proposed Lot 2 Area: 2.0 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 365.53 feet
 - Proposed lot 2 Width: 220.91 feet
 - *Minimum Lot Frontage: 120 Feet or 40 feet if the lot or lots are designed to conserve land used for agricultural crop production.*
 - Proposed Lot 1 Frontage: 364.99 feet
 - Proposed lot 2 Frontage: 220.91 feet
- This division of land fronts the following roads:
 - County Road 54 is considered a County Local Road with a projected total right-of-way width of 60 feet.

- 30 feet of right-of-way was dedicated per the original The Passage subdivision and additional right-of-way has been dedicated where required.
- County Road 7 is considered a County Local Road with a projected total right-of-way width of 60 feet.
- 30 feet of right-of-way was dedicated per the original The Passage subdivision and 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 **December 21, 2023**
2. Legal notice published in The Star on **January 26, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **January 9, 2024**
5. Letter from County Highway dated **December 26, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **January 2, 2024**
7. Letter from the Drainage Board, dated **January 4, 2024**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Sauer 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/replat will be used for residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 54 & County Road 7. The right of way has been dedicated per the original The Passage subdivision. No additional right of way is required. The existing driveway for Lot 1 will be utilized and the driveway located for Lot 2 has been staked and approved by the DeKalb County Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The existing Private Septic System is being utilized. The Health Department does recommend that a soil evaluation for Lot 1 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. The property owner(s) or buyer(s) for Lot 2 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:

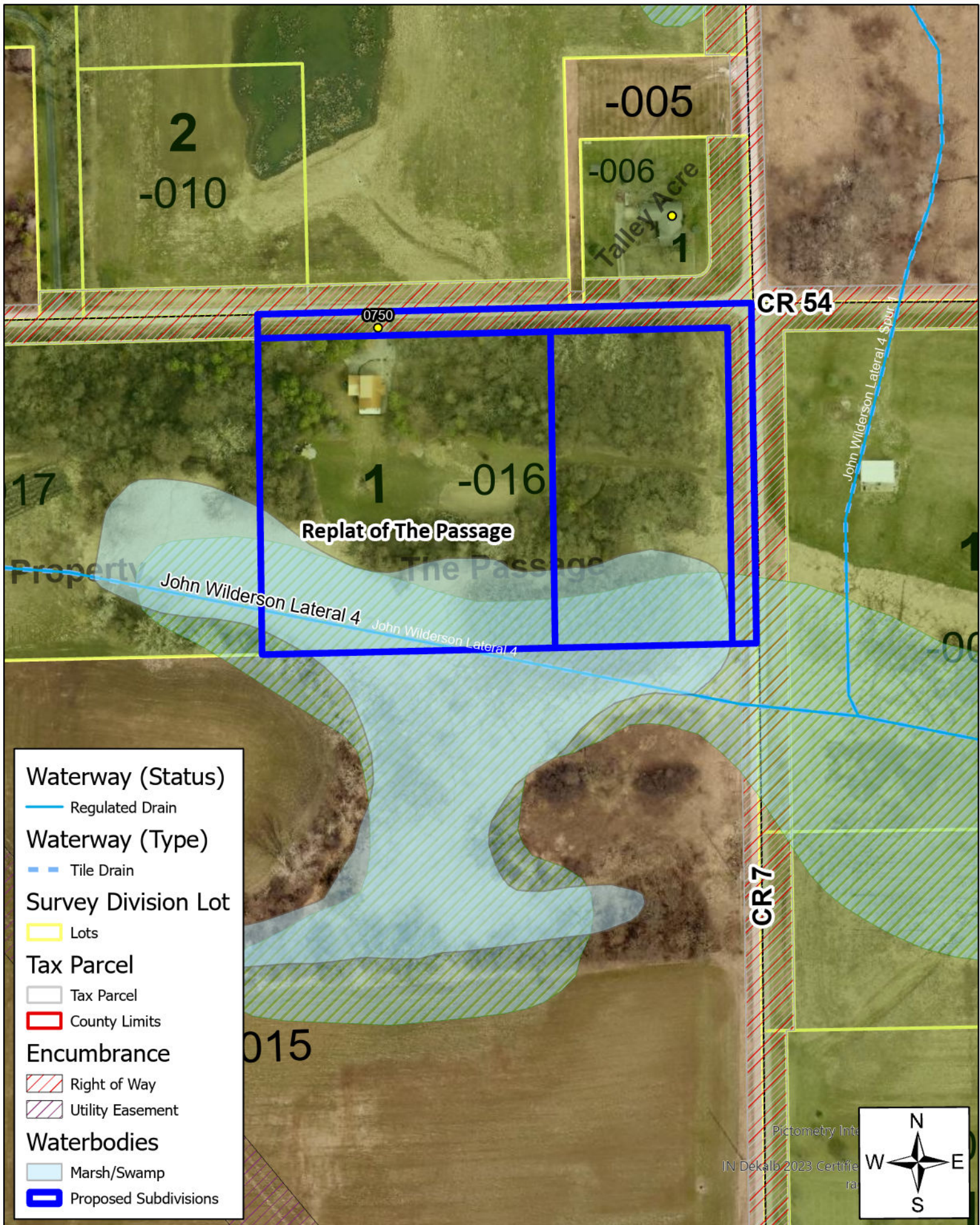
Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

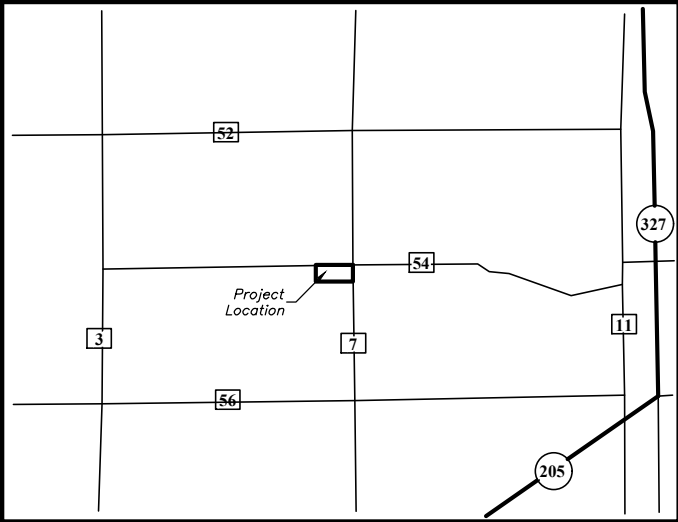
Standard Conditions to be recorded on or with the plat:

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 Board 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. The plat shall not be recorded 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.





Location Map

Zone A2: Agricultural

Setbacks:

Front: 50'

Side: 30' for primary structure, 10' for accessory structure.

Rear: 30' for primary structure, 10' for accessory structure.

PLAT LEGEND

- Plot Boundary Line
- Dedicated Road Right-of-Way Line
- Building Set-back Line
- Lot line

AREAS:

Lot #1

Net Area 3.307 acres

Easements: 0.810 acres

Total Gross Area: 3.307 acres

Lot #2

Net Area 2.000 acres

Easements: 0.154 acres

Total Gross Area: 2.000 acres

Dedicated Right-of-Way: 0.695 acres

Total Gross Area: 6.002 acres

Primary & Secondary Replat of:

THE PASSAGE

A subdivision of part of the Southeast Quarter of Section 8,
Township 33 North, Range 12 East, DeKalb County, Indiana.

Owner & Developer:

LeAnn R. Fultz

0750 County Road 54

Garrett, IN 46738

Surveyor - Planner:

Sauer Land Surveying, Inc.

14033 Illinois Road, Suite C

Fort Wayne, IN 46814

Tel: 260/469-3300

DESCRIPTION:

Part of the Southeast Quarter of Section 8, Township 33 North, Range 12 East, DeKalb County, Indiana, being more particularly described as follows, to-wit:

Beginning at the East Quarter corner of said Section 8, being marked by a cast iron monument; thence South 00 degrees 51 minutes 26 seconds East (GPS grid bearing and basis of all bearings in this description), on and along the East line of said Southeast Quarter, being within the right-of-way of County Road 7, a distance of 424.36 feet to a survey nail at the Southeast corner of the plat of The Passage, as recorded in Document Number 202107485 in the Office of the Recorder of DeKalb County, Indiana; thence South 88 degrees 41 minutes 16 seconds West, on and along the South line of said plat, a distance of 616.45 feet to a #5 rebar at the Southwest corner thereof; thence North 00 degrees 46 minutes 43 seconds West, on and along the West line of said plat, a distance of 424.36 feet to a survey nail at the Northwest corner thereof, being a point on the North line of said Southeast Quarter; thence North 88 degrees 41 minutes 16 seconds East, on and along said North line and within the right-of-way of County Road 54, a distance of 615.86 feet to the point of beginning, containing 6.002 acres of land, subject to legal right-of-way for County Road 7 and County Road 54, and subject to all easements of record.

DEED OF DEDICATION

We, the undersigned, LeAnn R. Fultz, owner of said real estate shown and described herein, do hereby layoff, plat and subdivide, said real estate in accordance with the within plat. This subdivision shall be known and designated as the "REPLAT OF THE PASSAGE", an addition to DeKalb County, Indiana. All streets shown and not heretofore dedicated are hereby dedicated to the public. Front, side, and rear 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. 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 all easements of record.

Witness our Hand and Seal this ____ day of _____, 2024.

LeAnn R. Fultz

State of Indiana)

) §

County of _____)

Before me the undersigned Notary Public, in and for the County and State, personally appeared LEANN R. FULTZ, 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 _____, 2024.

Notary Public

Printed Name

Resident of _____ County

My commission expires: _____

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 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.

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:

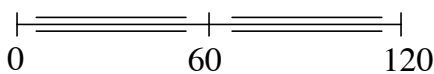
Approved by the County Plan Commission at a meeting held on the ____ day of _____, 2024.

Chairman

Zoning Administrator



SCALE IN FEET:



SURVEYOR'S REPORT

Prepared as a part of the foregoing survey.

Address: County Road 54, Garrett, IN 46748

This survey is intended to create two new tax parcels lying entirely within the plat of The Passage, as recorded in Document Number 202107485 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 The Passage, Document Number 202107485
-The plat of Sea Cam Property, Document Number 202107524

(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 East Quarter corner of Section 8.....County witnessed cast iron monument found.
- The Southeast corner of Section 8.....County witnessed cast iron monument found.
- The Center of of Section 8.....County witnessed cast iron monument found.

The East and North lines of the Southeast Quarter were established by using the above-referenced monuments. Uncertainties due to variances between measured distances and plat distances were found to be less than the Relative Positional Accuracy and are considered to be negligible.

(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 adjoining's 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:
1. The East line of The Passage was established on and along the East line of the Southeast Quarter, using plat geometry.
2. The North line of The Passage was established on and along the North line of the Southeast Quarter, using plat geometry.
3. The South and West lines of The Passage were established using plat geometry from deed points on the North and East lines of the Southeast Quarter, conforming with found original monuments.
4. The remaining line of dividing Lots 1 and 2 was established at the direction of the client.

(Continued on right)

SURVEYOR'S REPORT

(continued from left)

- (F) NOTES:
1. 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.
 2. 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.
 3. 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.
 4. 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.
 5. 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.
 6. 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.
 7. 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.
 8. Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
 9. Subsurface and environmental conditions were not examined or considered as a part of this survey.
 10. 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.
 11. 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.
 12. 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.
 13. 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.
 14. No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.

Primary & Secondary Replat of:

THE PASSAGE

A subdivision of part of the Southeast Quarter of Section 8,
Township 33 North, Range 12 East, DeKalb County, Indiana.

Owner & Developer:
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0750 County Road 54
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14033 Illinois Road, Suite C
Fort Wayne, IN 46814
Tel: 260/469-3300

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 0208E, 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.

 Date: 12/21/2023
Joseph R. Herendeen, Indiana Professional Surveyor

