

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, May 7, 2024

8:30 AM

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

1. Roll call
2. Prayer
3. Approval of Minutes: April 2, 2024
4. Old Business: None
5. New Business:

Petition #24-11 – James K & Tammy S Otis requesting a 1 Lot Minor Subdivision known as Otis Acres. The proposed 1 lot subdivision will be a total of 2.31 acres. The subdivision will be used for a single-family residence. The property is located at 3227 County Road 39, Waterloo, Indiana and is zoned A2, Agricultural.

6. Adjournment

Next Meeting: June 4, 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, April 2, 2024 @ 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: Elysia Rodgers, Sandy Harrison, Suzanne Davis, Jason Carnahan, and Jerry Yoder

Members Absent:

Staff Present: Director/Zoning Administrator Chris Gaumer and Secretary Meredith Reith

Staff Absent: None

Public in Attendance: Kathy Pearson, Brian Wiedemann, Chad Delagrange, Nate Delagrange, Bret & Dinah Miller, Joe Herendeen, Malachi Schwartz, and Jayden Schwartz

PRAYER:

Jerry Yoder led prayer.

APPROVAL OF MINUTES:

Jason Carnahan moved to approve the minutes from March 5, 2024; seconded by Sandy Harrison. None opposed. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Petition #24-05 – Jack Hill and property owners Jeremy & Angela Hill requesting a 1 Lot Minor Subdivision known as Ivy Lane. The proposed 1 lot subdivision will be a total of 2.138 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 20, approximately one-half mile east of the intersection of County Road 20 and County Road 23, Waterloo, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the staff report stating where the property will be located.

Elysia Rodgers asked if there were any questions or comments from the board or the public. Seeing none she closed the public portion of the hearing.

Mr. Gaumer went over the proposed findings.

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 5, 2024**
2. Legal notice published in The Star on **March 22, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 18, 2024**
5. Letter from County Highway dated **March 6, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 6, 2024**
7. Letter from the Drainage Board, dated **March 15, 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.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for residential use, 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 20 with dedication of right of way. The driveway 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 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 #24-05, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2ND DAY OF APRIL 2024.

Motion made by Suzanne Davis, Seconded by Sandy Harrison.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandra Harrison

Suzanne Davis

Jerry Yoder

Jason Carnahan

Petition #24-06– Zachary & Emily Nevil requesting a 1 Lot Conservation Agriculture Subdivision known as Nevil Acres. The proposed 1 lot subdivision will be a total of 9.887 acres. The subdivision will be used for a single-family residence. The property is located on the east side of County Road 57, approximately one-quarter mile south of the intersection of County Road 57 and County Road 12, Waterloo, Indiana and is zoned A1, Conservation Agricultural.

Mr. Gaumer read the staff report and stated the change of the road to CR 57 not CR 20.

Mrs. Rodgers asked if there was any discussion from the board or public. Seeing none she closed the public portion of the hearing.

Mr. Gaumer read the proposed 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 **March 5, 2024**
2. Legal notice published in The Star on **March 22, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 18, 2024**
5. Letter from County Highway dated **March 6, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 6, 2024**
7. Letter from the Drainage Board, dated **March 21, 2024**
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 A1 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Conservation Agriculture Subdivision adequately conform to the Comprehensive Plan?
Yes, the conservation agriculture subdivision will be used for residential use, which is compatible with the existing and adjacent land uses.
2. Does the Conservation Agriculture 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 57 with dedication of right of way. The driveway 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 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 CONSERVATION AGRICULTURE SUBDIVISION PETITION #24-06, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2ND DAY OF APRIL 2024.

Motion made by Jerry Yoder, Seconded by Sandy Harrison.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandra Harrison

Suzanne Davis

Jerry Yoder

Jason Carnahan

Petition #24-07– Bret D. & Dinah Miller requesting a 1 Lot Minor Subdivision known as Mill Hill. The proposed 1 lot subdivision will be a total of 2.04 acres. The subdivision will be used for a single-family residence. The property is located at the southeast corner of County Road 56 & County Road 27, Auburn, Indiana and is zoned A2, Agricultural.

Mr. Gaumer read the staff report.

Mrs. Rodgers asked if there was any discussion from the board or comment from the public. Seeing none she closed the public portion of the hearing.

Chris went over proposed 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 **March 5, 2024**
2. Legal notice published in The Star on **March 22, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 18, 2024**
5. Letter from County Highway dated **March 6, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 8, 2024**
7. Letter from the Drainage Board, dated **March 15, 2024**
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 Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for residential use, 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 56 with dedication of right of way. The driveway 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 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.

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 #24-07, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2ND DAY OF APRIL 2024.

Motion made by Suzanne Davis, Seconded by Jason Carnahan.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandra Harrison

Suzanne Davis

Jerry Yoder

Jason Carnahan

Petition #24-08 – Bret D. & Dinah Miller requesting a RePlat of Healy's Hill Addition. The proposed replat will be shifting the west and south property lines of Lot 1. No new buildable lots are being created. The property will continue to be used as a single-family residence. The property is located at 2858 County Road 56, Auburn, Indiana and is zoned A1, Conservation Agricultural.

Mr. Gaumer read the staff report.

Mrs. Rodgers asked if there was any discussion from the board or comments from the public.

Bret Miller approached the podium to state that the property is in Auburn not Waterloo.

Mrs. Rodgers, seeing no further discussion closed the public portion of the hearing.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **March 5, 2024**
2. Legal notice published in The Star on **March 22, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 18, 2024**
5. Letter from County Highway dated **March 6, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 8, 2024**
7. Letter from the Drainage Board, dated **March 15, 2024**
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 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 56. The right of way has been dedicated per the original Healy's Hill Addition. No additional right of way is required. The existing driveway for Lot 1 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 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.
 - 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 Board covenants and airport zone covenants shall be on the plat, if required.

5. That the three Drainage Board covenants shall be placed on the plat before the plat can be recorded.

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 REPLAT PETITION #24-08, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2ND DAY OF APRIL 2024.

Motion made by Jerry Yoder, Seconded by Sandy Harrison.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandra Harrison

Suzanne Davis

Jerry Yoder

Jason Carnahan

Petition #24-09– Jayden M. Schwartz & Malachi Z. Schwartz requesting a 1 Lot Minor Subdivision known as J&M Properties. The proposed 1 lot subdivision will be a total of 23.910 acres. The subdivision will be used for a single-family residence. The property is located on the north side of County Road 52, approximately one-quarter mile west of the intersection of County Road 52 and State Road 101, Butler, Indiana and is zoned A2, Agricultural.

Mr. Gaumer read the staff report.

Mrs. Rodgers asked if there were any questions from the board or comments from the public.

Mr. Yoder pointed out that the Surveyor will need to revise the location map on the Plat.

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 **March 7, 2024**
2. Legal notice published in The Star on **March 22, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 18, 2024**
5. Letter from County Highway dated **March 11, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 8, 2024**
7. Letter from the Drainage Board, dated **March 15, 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.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for residential use, 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 52 with dedication of right of way. The driveway 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 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. Revise Location Map on Plat.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #24-09, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 2ND DAY OF APRIL 2024.

Motion made by Sandy Harrison, Seconded by Suzanne Davis.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandra Harrison

Suzanne Davis

Jerry Yoder

Jason Carnahan

ADJOURNMENT:

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:10 a.m.

Elysia Rodgers

Meredith Reith - 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: 24-11
Date Application Filed: 3/6/2023
Fee Paid: CK#1390

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: Angela Wallace
Mailing Address: 1710 N. Main Street, Suite D
Auburn, IN 46706
Telephone Number: 260-417-3643 E-Mail: compasslandsurveying@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: James & Tammy Otis
Address: 3205 County Road 39
Waterloo, IN 46793
Telephone Number: 260-573-3000 E-Mail: jimtamotis@gmail.com

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: _____
Address: _____
Telephone Number: _____ E-Mail: _____

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

Name of Proposed Subdivision: Otis Acres

Number of Parcels & Total Area (square feet or acreage):
1 Parcel & 2.39 Acres

Address or Parcel ID # of property:
South of 3205 County Road 39

Legal description of property affected:
Part of the Southwest Quarter of Section 11, T34N, R13E

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: Angela D. Wallace Professional Surveyor 03/05/2024
(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: James K & Tammy S Otis
SUBJECT SITE: 3227 County Road 39, Waterloo
REQUEST: 1 Lot Minor Subdivision – Otis Acres
EXISTING ZONING: A2: Agricultural
SURROUNDING LAND USES AND ZONING: North: Single Family Residential (A2)
 South: Farm Ground (A2)
 East: Farm Ground (A2)
 West: Farm Ground/Single Family Residential (R1)

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

- Parcel 05-06-11-300-001 is considered the parent parcel. This is the 2nd buildable split from parent parcel -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: 2.12 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 258.17 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: 269.34 feet
- This division of land fronts the following roads:
 - County Road 39 is considered a County Local Road with a projected total right-of-way width of 60 feet.
 - Proposed right-of-way dedication: 30 feet

- The Board should note that the property owner will be adding fill to the property to remove it from the floodzone. This is allowed per the Floodplain Ordinance (2017-R-5) called compensatory fill (Article 5, Section A (10)). The compensating fill plans are required for the property to be buildable due to the floodzone classification and where they want to build. It is allowed per the floodplain ordinance for which is enforced by the Zoning Administrator. A condition of approval has been added that “The plat shall not be recorded until Compensatory Fill has been completed with as-built drawings submitted and approved by the Zoning Administrator.”

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 6, 2024**
2. Legal notice published in The Star on **April 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 **April 12, 2024**
5. Letter from County Highway dated **April 4, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **April 22, 2024**
7. Letter from the Drainage Board, dated **April 12, 2024**
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 residential use, 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 39 with dedication of right of way. The driveway 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 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.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

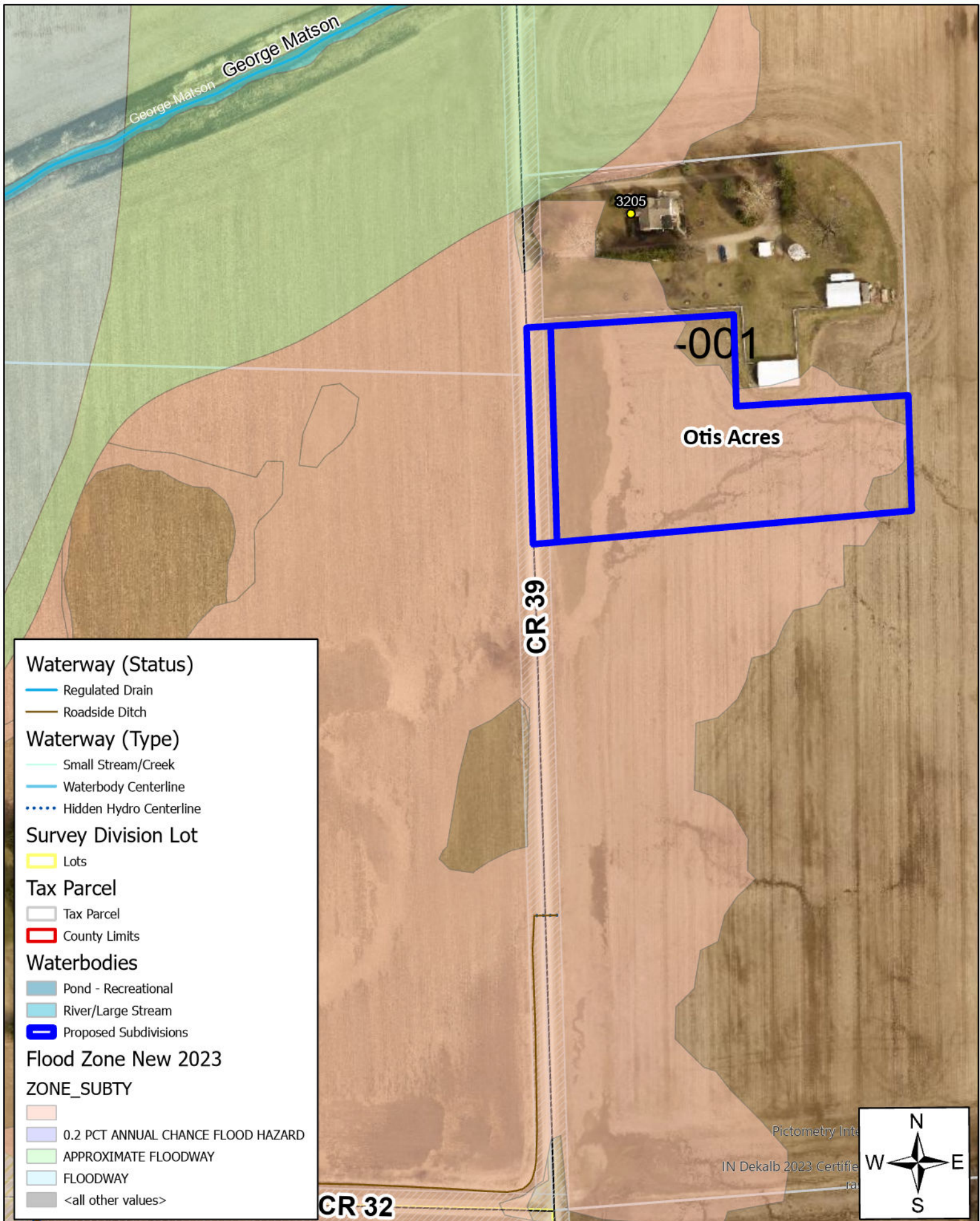
Staff is recommending approval to allow the Minor Subdivision and recommends the following conditions:

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. 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. The plat shall not be recorded until Compensatory Fill has been completed with as-built drawings submitted and approved by the Zoning Administrator.



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

LOT | AREA
TOTAL AREA: 2.31 ACRES
30' R/W: 0.19 ACRE
NET AREA: 2.12 ACRES

THE PLAT OF OTIS ACRES

A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION II, TOWNSHIP 34 NORTH, RANGE 13 EAST, GRANT TOWNSHIP, DEKALB COUNTY, INDIANA

OWNER DEDICATION

WE, THE UNDERSIGNED, JAMES AND TAMMY OTIS, 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 THE PLAT OF OTIS ACRES, AN ADDITION IN GRANT 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.

JAMES OTIS

TAMMY OTIS

NOTARY

STATE OF INDIANA }
COUNTY OF DEKALB }

WITNESS OUR HAND AND SEAL THIS _____ DAY OF MAY, 2024.

JAMES OTIS

TAMMY OTIS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS _____ DAY OF MAY, 2024, PERSONALLY APPEARED JAMES AND TAMMY OTIS, 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 MAY, 2024.

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, IE, IC 34-1-52-4.

FURTHER DEVELOPMENT STANDARDS

FURTHER DEVELOPMENT: 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.

THERE SHALL BE COMPLIANCE WITH THE LAWS AND REGULATIONS OF ANY FEDERAL, STATE, OR LOCAL AGENCY.

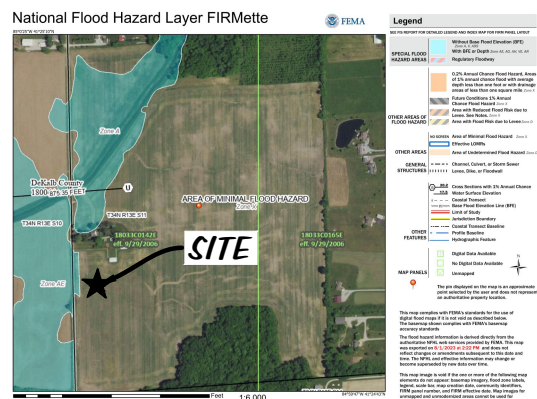
NO OFFSITE DRAINAGE, EXISTING SURFACE WATER OR EXISTING TILED WATER DRAINAGE, CROSSING OVER SAID REAL ESTATE SHALL BE OBSTRUCTED BY ANY DEVELOPMENT ON THE SITE. THE PLAN COMMISSION MAY ENFORCE THESE CONDITIONS BY INJUNCTIVE RELIEF WITH ATTORNEY FEES.

PLAN COMMISSION CERTIFICATE OF APPROVAL

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION THIS _____ DAY OF MAY, 2024.

FLOODPLAIN CERTIFICATION

LOT 1 IN THE PLAT OF OTIS ACRES LIES WITHIN ZONE AE, AND ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP. COMMUNITY: DEKALB COUNTY, NUMBER: 180044, PANEL: 0142 E, EFFECTIVE DATE: SEPTEMBER 29, 2006, MAP NUMBER: 1809960142E.



NFHL FIRMETTE NOT TO SCALE

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 JANUARY 18TH, 2024 AND RECORDED IN DOCUMENT NUMBER 20240086 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA THAT WAS COMPLETED BY ME IN ACCORDANCE WITH TITLE 36S 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.

PROJECT NO: 23-595

DATE: MARCH 5TH, 2024

I, ANGELA D. WALLACE, 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.



Angela D. Wallace

OWNER & DEVELOPER

JAMES AND TAMMY OTIS
3205 COUNTY ROAD 39
WATERLOO, INDIANA 46793

SURVEYOR

COMPASS LAND SURVEYING, INC.
102 N. MAIN STREET
AUBURN, IN 46706
TEL: 260-417-3643

MONUMENT LEGEND

"A" ~ 5/8"X14" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP SET
"B" ~ 5/8"X14" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP SET 30'E
"C" ~ 5/8" REBAR WITH "MARK" IDENTIFICATION CAP FOUND (CM)
"D" ~ 5/8" REBAR WITH "MARK" IDENTIFICATION CAP FOUND (CM)
"E" ~ 5/8" REBAR WITH "MARK" IDENTIFICATION CAP FOUND (CM)
"F" ~ 5/8" REBAR WITH "MARK" IDENTIFICATION CAP FOUND (CM)
"G" ~ 5/8" REBAR WITH "MARK" IDENTIFICATION CAP FOUND (CM)
"H" ~ 5/8" REBAR WITH "MARK" IDENTIFICATION CAP FOUND (CM)

REAL ESTATE DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION II, TOWNSHIP 34 NORTH, RANGE 13 EAST, GRANT TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON JANUARY 18TH, 2024, AS PROJECT NUMBER 23-595, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT HARRISON MONUMENT AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION II, TOWNSHIP 34 NORTH, RANGE 13 EAST; THENCE NORTH 01 DEGREE 14 MINUTES 11 SECONDS WEST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 890.59 FEET TO A 5/8" REBAR WITH "MARK" IDENTIFICATION CAP ON THE SOUTH LINE OF DOCUMENT NUMBER 202301217 AS RECORDED WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA, BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 01 DEGREE 14 MINUTES 11 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 270.10 FEET TO A 5/8"X14" REBAR WITH WALLACE IDENTIFICATION CAP (5/8" WALLACE); THENCE NORTH 86 DEGREES 50 MINUTES 55 SECONDS EAST, A DISTANCE OF 258.74 FEET TO A 5/8" WALLACE; THENCE SOUTH 01 DEGREE 14 MINUTES 11 SECONDS EAST, A DISTANCE OF 114.33 FEET TO A 5/8" WALLACE; THENCE NORTH 86 DEGREES 50 MINUTES 55 SECONDS EAST, A DISTANCE OF 214.71 FEET TO A 5/8" WALLACE ON THE EAST LINE OF SAID DOCUMENT NUMBER 202301217; THENCE SOUTH 01 DEGREE 14 MINUTES 11 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 143.84 FEET TO A 5/8" REBAR WITH "MARK" IDENTIFICATION CAP ON THE SOUTH LINE OF SAID DOCUMENT NUMBER 202301217; THENCE SOUTH 85 DEGREES 24 MINUTES 24 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 443.95 FEET TO THE POINT OF BEGINNING. CONTAINING 2.31 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 39 AND ALL OTHER RIGHTS OF WAY AND EASEMENTS OF RECORD.

OTIS
DOC. #202301217

LOT 1
2.31 ACRES
OTIS
DOC. #202301217

AUDITOR'S STAMP

JST SOMMERS FARM LLC
DOC. #201105898

RECORDER'S STAMP

LEGEND

M ~ MEASURED
C ~ CALCULATED
D ~ DEED
CM ~ CONTROLLING MONUMENT
R/W ~ RIGHT-OF-WAY
POB ~ POINT OF BEGINNING
POC ~ POINT OF COMMENCEMENT
CHD ~ CHORD BEARING
CHL ~ CHORD LENGTH
L ~ CURVE LENGTH
R ~ RADIUS

POC
SW. CORNER SW1/4,
SECT. II, T34N, R13E
HARRISON MARKER
FOUND (-0.4' CM)

W. LINE SW1/4, SECT. II, T34N, R13E
NOT 1411'W ~ 2651.51'(M)

NOT 1411'W ~ 469.50'(M)

COUNTY ROAD 39

POB

POC

JST SOMMERS FARM LLC
DOC. #201105898

OTIS
DOC. #202301217

SOIL BORING

N86°50'55"E ~ 228.72'(M)

30.2'

31.4'

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