

# 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, June 4, 2024

8:30 AM

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

1. Roll call
2. Prayer
3. Approval of Minutes: May 7, 2024
4. Old Business: None
5. New Business:

Petition #24-12 – Reiley & Amanda Pugh requesting a 1 Lot Subdivision known as Mira Timbers. The proposed 1 lot subdivision will be a total of 12.50 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-half mile east of the intersection of County Road 16 and County Road 71, Butler, Indiana and is zoned A1, Conservation Agricultural.

Petition #24-13 – Jonathan & Kasie Milk requesting a RePlat of Shook's Acres Section II, Lot 3. The proposed replat will be enlarging Lot 3 by combining it with the parcel to the west. No new buildable lots are being created. The property will continue to be used as a single-family residence. The property is located at 3815 County Road 56, Auburn, Indiana and is zoned A2, Agricultural.

6. Adjournment

Next Meeting: July 2, 2024

**If you cannot attend, please contact Meredith Reith:**

**[mreith@co.dekalb.in.us](mailto: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, May 7, 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: Angie Wallace

**PRAYER:**

Jerry Yoder led prayer.

**APPROVAL OF MINUTES:**

Jason Carnahan moved to approve the minutes from April 2, 2024; seconded by Sandy Harrison.

None opposed. Motion carried.

**OLD BUSINESS:**

None.

**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.

Chris Gaumer read the staff report stating where the property will be located. He stated that the proposed subdivision is in a flood zone. The property owner has a compensatory fill plan filed to make the property buildable. He stated that he has the map if anyone wants to review it. Adding the Mr. Otis will have to meet the conditions of approval before any plans are submitted.

Jerry Yoder added that another option could have been a crawl space.

Mr. Gaumer stated that they would have to build up with dirt before they could submit anything.

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 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**  
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 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.*

**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.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #24-11, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 7<sup>ND</sup> DAY OF MAY 2024.

Motion made by Sandy Harrison, Seconded by Suzzane 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 8:40a.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: 24-12  
Date Application Filed: 4/22/2024  
Fee Paid: 300.00  
CR# 1408

**Application for SUBDIVISION**  
**Conservation Agricultural (A1 only) ☒ 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: 102 N. Main Street  
Auburn, IN 46706  
Telephone Number: 260-417-3643 E-Mail: compasslandsurveying@gmail.com

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

Owner's Name: REILEY & AMANDA PUGH  
Address: 533 W. LIBERTY STREET  
BUTLER, IN 46721  
Telephone Number: 260-908-4091 E-Mail: \_\_\_\_\_

**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:** MIRA TIMBERS PLAT

**Number of Parcels & Total Area (square feet or acreage):**  
1 Parcel & 12.50 Acres, 12.48 Net Acres

**Address or Parcel ID # of property:**  
South side of County Road 16, Part of parcel #13-04-30-100-001

**Legal description of property affected:**  
Part of the Northwest Quarter of Section 30, T35N, R15E

**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 04/19/2024  
(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:** Reiley & Amanda Pugh

**SUBJECT SITE:** south side of County Road 16, approximately one-half mile east of the intersection of County Road 16 and County Road 71, Butler

**REQUEST:** 1 Lot Conservation Agriculture Subdivision – Mira Timbers Plat

**EXISTING ZONING:** A1: Conservation Agriculture

**SURROUNDING LAND USES AND ZONING:** North: Farm Ground (A1)  
South: Farm Ground (A1)  
East: Farm Ground (A1)  
West: Single Family Residential/Farm Ground (A1)

**ANALYSIS:**

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

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

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

**Minor Subdivision Standards:**

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

- Parcel 13-04-30-100-001 is considered the parent parcel. This is the 2<sup>nd</sup> 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: 12.47 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 743.60 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: 40 feet
- This division of land fronts the following roads:
  - County Road 16 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 **April 22, 2024**
2. Legal notice published in The Star on **May 24, 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 26, 2024**
5. Letter from County Highway dated **April 23, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **April 23, 2024**
7. Letter from the Drainage Board, dated **April 26, 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 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 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 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 16 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:**

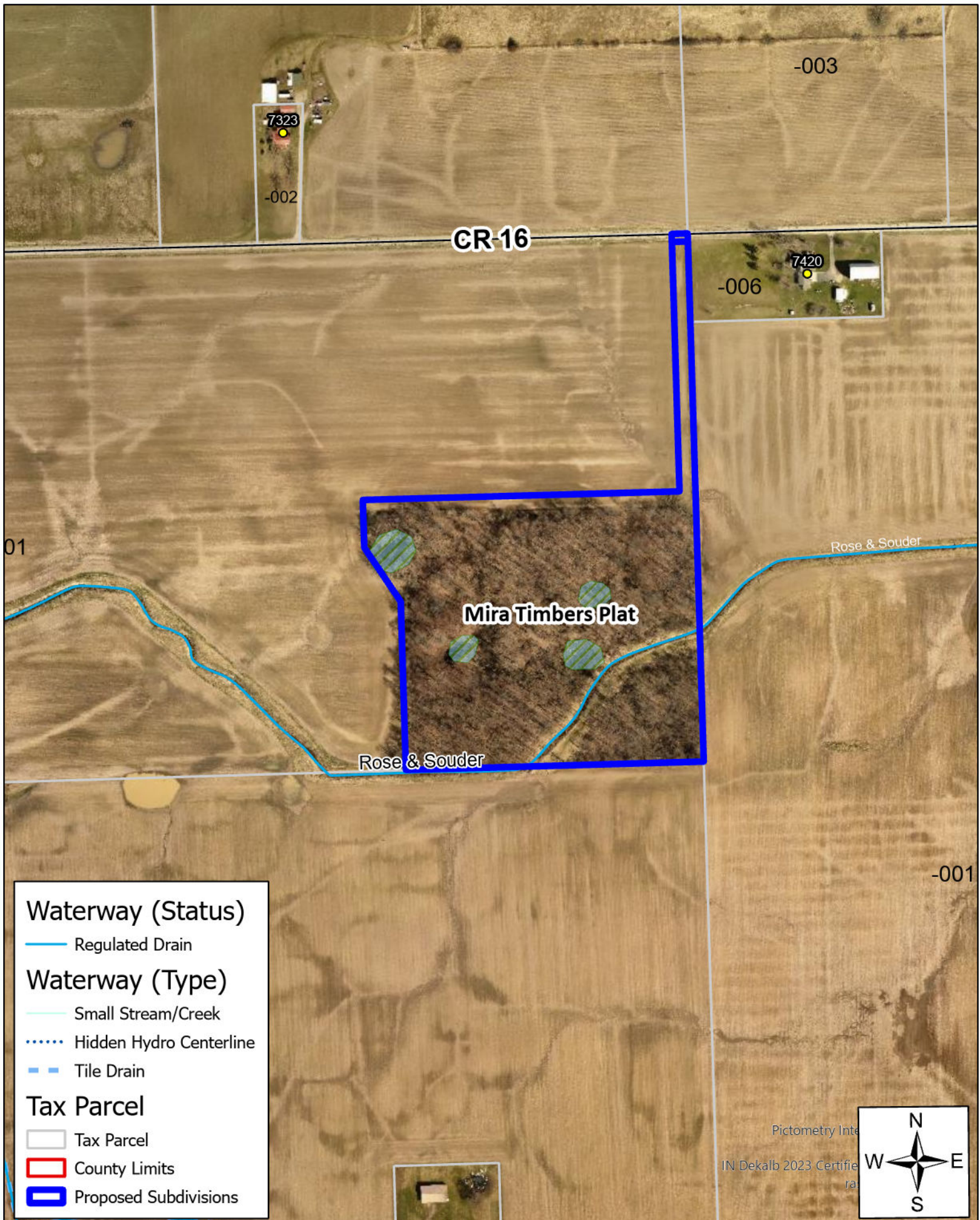
1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with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







# MIRA TIMBERS PLAT

A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 30 TOWNSHIP 35 NORTH, RANGE 15 EAST, TROY TOWNSHIP, DEKALB COUNTY, INDIANA

## REAL ESTATE DESCRIPTION

PART OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 35 NORTH, RANGE 15 EAST, TROY TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON MARCH 11TH, 2024, AS PROJECT NUMBER 24-692, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT HARRISON MONUMENT AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 35 NORTH, RANGE 15 EAST; THENCE SOUTH 01 DEGREE 16 MINUTES 17 SECONDS EAST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,318.23 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 420.18 FEET TO A 5/8" WALLACE; THENCE NORTH 33 DEGREES 31 MINUTES 14 SECONDS WEST, A DISTANCE OF 162.83 FEET TO A 5/8" WALLACE; THENCE NORTH 01 DEGREE 16 MINUTES 17 SECONDS WEST, PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 118.60 FEET TO A 5/8" WALLACE; THENCE NORTH 88 DEGREES 55 MINUTES 21 SECONDS EAST, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 790.49 FEET TO A 5/8" WALLACE; THENCE NORTH 01 DEGREE 16 MINUTES 17 SECONDS WEST, PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 642.75 FEET TO A MAG NAIL W/ WALLACE-LS21200016 IDENTIFICATION WASHER ON THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 88 DEGREES 55 MINUTES 21 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, CONTAINING 12.50 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 16, LEGAL DRAIN, AND ALL OTHER RIGHTS OF WAY AND EASEMENTS.

## MONUMENT LEGEND

"A" ~ 5/8"x24" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP FOUND  
"A-1" ~ 5/8"x24" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP FOUND 20.05'  
"A-2" ~ 5/8"x24" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP FOUND 20.0N.  
"B" ~ MAG NAIL WITH "WALLACE-LS21200016" IDENTIFICATION WASHER FOUND  
"C" ~ 5/8" REBAR FOUND 20.95'  
"D" ~ 5/8" REBAR FOUND 19.9E'  
"E" ~ MAG NAIL FOUND  
"F" ~ MAG NAIL WITH "MILLER #0095" IDENTIFICATION WASHER FOUND  
"G" ~ 5/8" REBAR FOUND 02.5' & 19.8E'  
"H" ~ METAL POST FOUND  
"I" ~ 5/8" REBAR FOUND 20.55'  
"J" ~ MAG NAIL WITH "MILLER #0095" IDENTIFICATION WASHER FOUND  
"K" ~ 5/8" REBAR WITH "KLINE" IDENTIFICATION CAP FOUND 0.25N. & 8'16" WOOD POST FOUND 10.1W. & 0.3N.  
"M" ~ 5/8" REBAR FOUND 19.8N. & 7.9W.



VICINITY MAP 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 MARCH 11TH, 2024 AND RECORDED IN DOCUMENT NUMBER 20240714 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.

JOB NO. 24-726  
DATE: APRIL 16TH, 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 DEDICATION

WE, THE UNDERSIGNED, REILEY PUGH & AMANDA PUGH, 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 MIRA TIMBERS PLAT, AN ADDITION IN TROY 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.

REILEY PUGH

AMANDA PUGH

## NOTARY

STATE OF INDIANA )  
                                  ) SS:  
COUNTY OF DEKALB )

WITNESS OUR HAND AND SEAL THIS \_\_\_\_\_ DAY OF JUNE, 2024.

REILEY PUGH

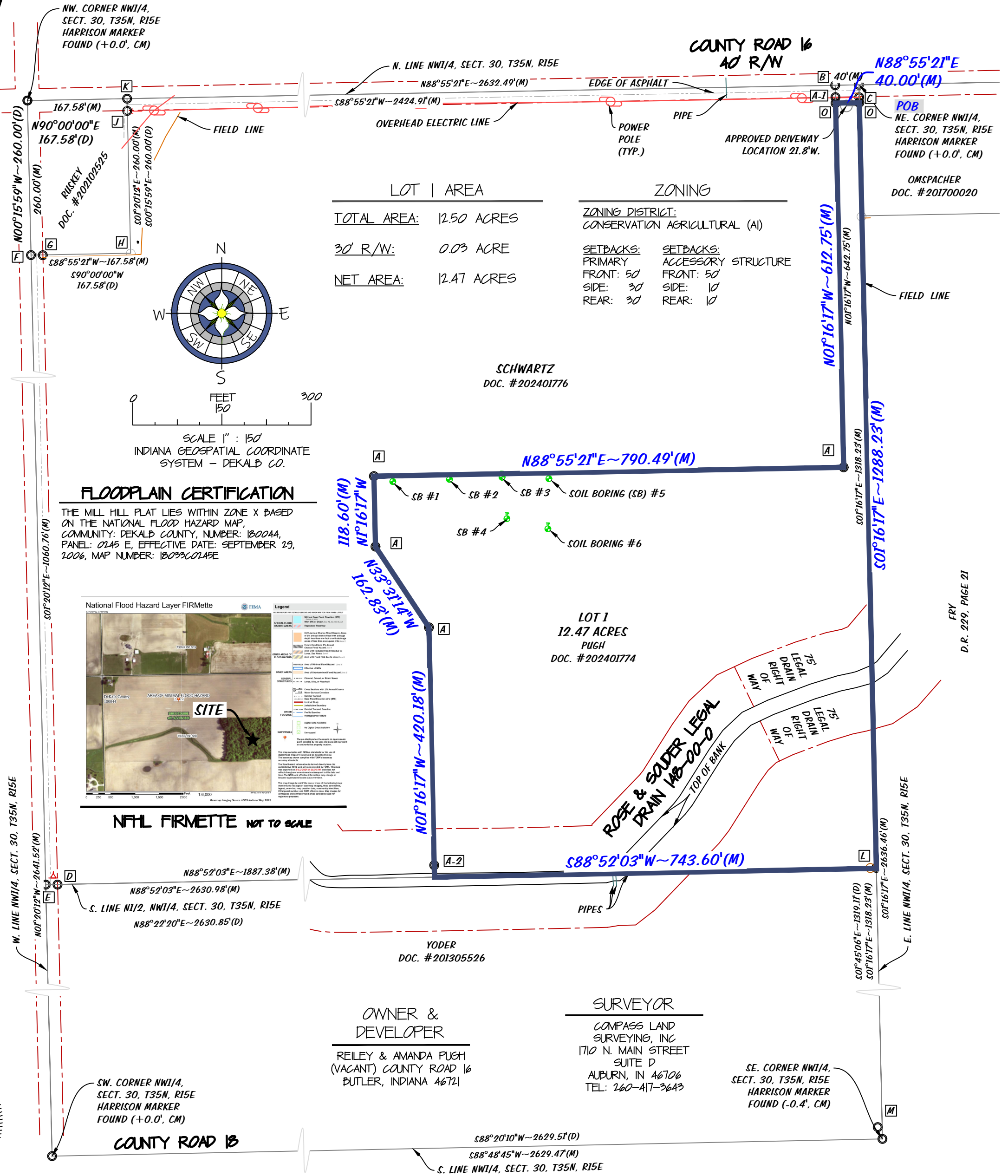
AMANDA PUGH

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS \_\_\_\_\_ DAY OF FEBRUARY, PERSONALLY APPEARED REILEY PUGH & AMANDA PUGH, 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 JUNE 2024.

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES:



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: 24-13  
Date Application Filed: 5/6/2024  
Fee Paid: 300.00  
ck# 1410

### 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: 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: JONATHAN C. & KASIE R. MILK  
Address: 3815 COUNTY ROAD 56  
AUBURN, INDIANA 46706  
Telephone Number: 260-235-0540 E-Mail: \_\_\_\_\_

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

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

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

Number of Parcels & Total Area (square feet or acreage):  
1 Parcel & 3.90 Acres, 3.78 Net Acres

Name of Subdivision and Address or Parcel # of property:  
SHOOK'S ACRES SECTION II, LOT 3

Legal description of property affected:  
SHOOK'S ACRES SECTION II, LOT 3 AND THE LAND WEST OF LOT 3.

Reason for the Proposed Replat:  
COMBINE SHOOK'S ACRES SECTION II, LOT 3 AND THE LAND WEST OF LOT 3.

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

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

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

Applicant's Signature: Angela D Wallace Professional Surveyor 05/06/2024  
(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:** Jonathan & Kasie Milk  
**SUBJECT SITE:** 3815 County Road 56, Auburn  
**REQUEST:** Replat of Shook's Acres Section II, Lot 3  
**EXISTING ZONING:** A2: Agricultural  
**SURROUNDING LAND USES AND ZONING:** North: Farm Ground (A2)  
South: Single Family Residential (A2)  
East: Farm Ground/Single Family Residential (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 6.05** *Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract.*

- The RePlat of Shook's Acres Section II, lot 3 will be increasing the acreage of Lot 3.
- The Petitioner is meeting the standards of the UDO as follows:
  - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
    - Proposed Lot 3 Area: 3.78 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 3 Width: 350 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 3 Frontage: 350 feet
- This division of land fronts the following roads:
  - County Road 56 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 Shook's Acres Section II, Lot 3 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 **May 6, 2024**
2. Legal notice published in The Star on **May 24, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **May 30, 2024**
5. Letter from County Highway dated **May 15, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **May 16, 2024**
7. Letter from the Drainage Board, dated **May 23, 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/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 Shook's Acres Section II, Lot 3. Additional right of way has been dedicated where required. The existing two driveway for Lot 3 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 3 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 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.




## Survey Division Lot


 Lots


## Tax Parcel

 Tax Parcel

 County Limits

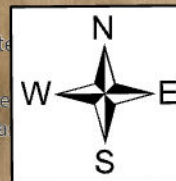
## Waterbodies

 Pond - Recreational

 Proposed Subdivisions

Pictometry International

IN Dekalb 2023 Certified





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

LOT 3 AREA  
TOTAL AREA: 3.90 ACRES  
30' R/W: 0.12 ACRE  
NET AREA: 3.78 ACRES

# REPLAT OF SHOOK'S ACRES SECTION II, LOT 3

A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 33 NORTH, RANGE 13 EAST,  
JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA

## OWNER & DEVELOPER

JONATHAN C. & KASIE R. MILK  
3815 COUNTY ROAD 56  
AUBURN, INDIANA 46706

## SURVEYOR

COMPASS LAND SURVEYING, INC.  
1710 N. MAIN STREET, SUITE D  
AUBURN, IN 46706  
TEL: 760-417-3643

## OWNER DEDICATION

WE, THE UNDERSIGNED, JONATHAN C. & KASIE R. MILK, 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 REPLAT OF SHOOK'S ACRES SECTION II, LOT 3, IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 33 NORTH, RANGE 13 EAST, JACKSON 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.

JONATHAN C. MILK

KASIE R. MILK

## NOTARY

STATE OF INDIANA }  
COUNTY OF DEKALB }

WITNESS OUR HAND AND SEAL THIS \_\_\_\_\_ DAY OF JUNE, 2024.

JONATHAN C. MILK

KASIE R. MILK

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS \_\_\_\_\_ DAY OF JUNE, 2024, PERSONALLY APPEARED JONATHAN C. & KASIE R. MILK, 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 JUNE, 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, I.E. IC 34-1-52-4.

## AVIATION COVENANTS

AIRPORT ZONE: THIS DEVELOPMENT LIES WITHIN THE ACT ZONE OF THE DEKALB COUNTY AIRPORT AND IS SUBJECT TO CERTAIN LIMITATIONS AND RESTRICTIONS AS SET OUT AND SPECIFIED IN THE DEKALB COUNTY AIRPORT ZONING ORDINANCE. THE MAXIMUM ALLOWABLE HEIGHT FOR ANY BUILDING, STRUCTURE OR TREE IN THIS DEVELOPMENT IS LIMITED TO 200 FEET ABOVE GROUND LEVEL AT THE SITE UNLESS A VARIANCE IS FIRST OBTAINED FROM THE DEKALB COUNTY BOARD OF AVIATION.

## 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 JUNE, 2024.

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

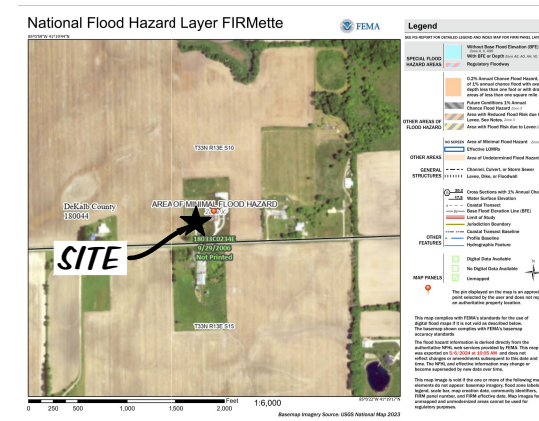
## REAL ESTATE DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 33 NORTH, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON MAY 6TH, 2024, AS PROJECT NUMBER 24-727, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT HARRISON MONUMENT AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 33 NORTH, RANGE 13 EAST; THENCE NORTH 87 DEGREES 55 MINUTES 45 SECONDS EAST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 175.00 FEET TO A SPIKE NAIL ON THE EAST LINE OF DOCUMENT NUMBER 201306560 AS RECORDED WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA; THENCE NORTH 01 DEGREE 04 MINUTES 08 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 30.00 FEET TO A 5/8" REBAR WITH SEXTON IDENTIFICATION CAP ON THE SOUTH LINE OF SHOOK'S ACRES SECTION II, LOT 3 AS RECORDED IN DOCUMENT NUMBER 20601788 IN SAID OFFICE; THENCE NORTH 87 DEGREES 55 MINUTES 45 SECONDS EAST, ALONG SAID SOUTH LINE, BEING PARALLEL WITH AND 30 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 175.00 FEET TO A 5/8" REBAR WITH SEXTON IDENTIFICATION CAP ON THE EAST LINE OF SAID LOT 3; THENCE NORTH 01 DEGREE 04 MINUTES 08 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 470.00 FEET TO A 5/8" REBAR WITH SEXTON IDENTIFICATION CAP ON THE NORTH LINE OF SAID LOT 3; THENCE SOUTH 87 DEGREES 55 MINUTES 45 SECONDS WEST, ALONG SAID NORTH LINE AND THE NORTH LINE OF SAID DOCUMENT NUMBER 201306560, A DISTANCE OF 350.00 FEET TO A 5/8"x24" REBAR WITH WALLACE IDENTIFICATION CAP ON THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 01 DEGREE 04 MINUTES 08 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.90 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 56 AND ALL OTHER RIGHTS OF WAY AND EASEMENTS.

## FLOODPLAIN CERTIFICATION

REPLAT OF SHOOK'S ACRES SECTION II, LOT 3 LIES WITHIN ZONE AE, AND ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 180044, PANEL: 0234 E, EFFECTIVE DATE: SEPTEMBER 23, 2006, MAP NUMBER: 18039C0234E.



NFHL FIRMETTE NOT TO SCALE

## AUDITOR'S STAMP

## RECORDER'S STAMP

## MONUMENT LEGEND

"A" ~ 5/8"x24" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP SET  
"C" ~ SPIKE NAIL FOUND (C.M.)  
"E" ~ 5/8" REBAR WITH "RUSSELL" IDENTIFICATION CAP FOUND 198N. & 05W.  
"F" ~ 5/8" REBAR WITH "SEXTON" IDENTIFICATION CAP FOUND (C.M.)  
"G" ~ 5/8" REBAR WITH "SEXTON" IDENTIFICATION CAP FOUND (C.M.)  
"H" ~ 5/8" REBAR WITH "SEXTON" IDENTIFICATION CAP FOUND (C.M.)  
"I" ~ 5/8" REBAR WITH "RUSSELL" IDENTIFICATION CAP FOUND 01S. & 06E.  
"J" ~ 5/8" REBAR WITH "RUSSELL" IDENTIFICATION CAP FOUND 100N.

## LEGEND

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

## 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 REFLECTS AN ORIGINAL SURVEY COMPLETED ON MAY 6TH, 2024 AND RECORDED IN DOCUMENT NUMBER 24-727 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: 24-727  
DATE: MAY 6TH, 2024

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



Angela D. Wallace