

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, August 5, 2025

8:30 AM

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

1. Roll call
2. Prayer
3. Approval of Minutes: July 1, 2025
4. Old Business: None
5. New Business:

Petition #25-25 – Fox Investment Holdings LLC & Fox Contractors Corp requesting a Replat of Country Cove Section II, Lot 5. The purpose of the RePlat is to correct the plat from when State Road 327 was rerouted through the lot, splitting it in half. This will legally create 2 buildable sites. The property is located at 3588 State Road 327, Auburn, Indiana and is zoned A1, Conservation Agricultural.

Petition #25-26 – Martin L. & Betty E. Schwartz requesting a Replat of Martin L. Schwartz Subdivision. The purpose of the RePlat is to lessen the acreage of Lot 1. No new buildable lots are being created. The property is located at 0659 County Road 9A, Hudson, Indiana and is zoned A2, Agricultural.

Petition #25-27 – Nick E. & Julie M. Kreigh requesting a Replat of Brooke's Crossing, Lot 6. The purpose of the RePlat is to split the current Lot 6 into 2 total lots (Lot 6 & Lot 7). Only 1 new buildable lot is being created. The property is located at 5934 County Road 35, Auburn, Indiana and is zoned A2, Agricultural.

6. Adjournment

No September Meeting - Next Meeting: October 7, 2025

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, July 1, 2025 @ 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, Sandra Harrison, Suzanne Davis, and Jason Carnahan

Members Absent: Jerry Yoder

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

Staff Absent: None

Public in Attendance: Angie Wallace, Donald & Candice Hagar, Joe Gabet, and Nolan Mark

PRAYER: Elysia Rodgers led prayer.

APPROVAL OF MINUTES:

Sandra Harrison moved to approve the minutes from June 3, 2025; seconded by Suzanne Davis. None Opposed. Jason Carnahan abstained due to absence. Motion carried.

OLD BUSINESS:

None

NEW BUSINESS:

Petition #25-22 – Jerry D & Terry L Perkins requesting a 1 Lot Subdivision known as Shane's Acres. The proposed 1 lot subdivision will be a total of 2.84 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 2, approximately one-quarter mile east of the intersection of County Road 2 & County Road 11, Hudson, Indiana and is zoned A2, Agricultural.

Elysia Rodgers read the proposed petition.

Chris Gaumer read the staff report. He addressed why the proposed subdivision was needed.

Mrs. Rodgers asked if there were any questions or comments from the board. She opened the public portion of the hearing up to any comments or questions from the public on this petition. Hearing none. She closed the public portion of the hearing.

Mr. Gaumer moved onto 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 **June 2, 2025**
2. Legal notice published in The Star on **June 20, 2025** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **June 6, 2025**
5. Letter from County Highway dated **June 2, 2025**
6. Report from the DeKalb County Soil & Water Conservation District, dated **June 3, 2025**
7. Letter from the Drainage Board, dated **June 19, 2025**
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 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 2 with dedication of right of way. Driveway locations have been reviewed and approved by the DeKalb County Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Not applicable. Private septic system will be utilized.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic buildings, 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 #25-22, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1st DAY OF JULY 2025.

Motion made by Suzanne Davis, Seconded by Jason Carnahan.

Vote tally: Yes: 4 No: 0

Elysia Rodgers

Sandra Harrison

Suzanne Davis

Jason Carnahan

Petition #25-23 – Wayne Smith requesting a 1 Lot Subdivision known as Field View. The proposed 1 lot subdivision will be a total of 2.197 acres. The subdivision will be used for a single-family residence. The property is located on the west side of County Road 9A, approximately one-tenth mile north of the intersection of County Road 9A & County Road 66, Garrett, Indiana and is zoned A2, Agricultural.

Mrs. Rodgers read the proposed petition.

Mr. Gaumer read the staff report. He addressed why the proposed subdivision was needed.

Mrs. Rodgers asked if there were any questions or comments from the board. She opened the public portion of the hearing up to any comments or questions from the public on this petition.

Candice Hagar approached the podium stating that she would like to see the home be 1,600 sq. ft for a single story and not exceed 16 feet for the second story of the home. (Was unsure what was stated with audio not on.)

Mr. Gaumer stated that the ordinance requires a minimum of 1,200 sq. ft. The Plat Committee could add a condition on the Plat. If not, we will move forward.

Mrs. Rodgers asked if there were any comments from the board. Hearing none. She asked if there were any further comments from the public. Hearing none. She closed the public portion of the hearing.

Mr. Gaumer moved onto 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 **May 28, 2025**
2. Legal notice published in The Star on **June 20, 2025** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **June 6, 2025**
5. Letter from County Highway dated **May 28, 2025**
6. Report from the DeKalb County Soil & Water Conservation District, dated **May 29, 2025**
7. Letter from the Drainage Board, dated **June 5, 2025**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Fore Sight Consulting**
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 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 9A with dedication of right of way. Driveway locations have been reviewed and approved by the DeKalb County Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Not applicable. Private septic system will be utilized.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic buildings, 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 #25-23, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1st DAY OF JULY 2025.

Motion made by Jason Carnahan, Seconded by Sandra Harrison.

Vote tally: Yes: 4 No: 0

Elysia Rodgers

Sandra Harrison

Suzanne Davis

Jason Carnahan

Petition #25-24 – Donald J & Candice A Hagar requesting a 1 Lot Subdivision known as New Era Depot. The proposed 1 lot subdivision will be a total of 2.5 acres. The subdivision will be used for a single-family residence. The property is located between CR 9A & County Road 11A, approximately one-quarter mile south of the intersection of County Road 9A & County Road 11A, and County Road 64, Garrett, Indiana and is zoned A2, Agricultural.

Mrs. Rodgers read the proposed petition.

Mr. Gaumer read the staff report.

Mrs. Rodgers asked if there were any questions or comments from the board. She opened the public portion of the hearing up to any comments or questions from the public on this petition. Hearing none. She closed the public portion of the hearing.

Mr. Gaumer moved onto 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 **April 7, 2025**
2. Legal notice published in The Star on **May 23, 2025** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **April 9, 2025**
5. Letter from County Highway dated **April 9, 2025**
6. Report from the DeKalb County Soil & Water Conservation District, dated **April 7, 2025**
7. Letter from the Drainage Board, dated **April 17, 2025**
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 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 9A & County Road 11A with dedication of right of way. Driveway location on County Road 11A have been reviewed and approved by the DeKalb County Highway Dept.
- c. The extension of water, sewer & other municipal services, if applicable or required.
Not applicable. Private septic system will be utilized.
- d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic buildings, 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 #25-24, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1ST DAY OF JULY 2025.

Motion made by Sandra Harrison, Seconded by Suzanne Davis.

Vote tally: Yes: 4 No: 0

Elysia Rodgers

Sandra Harrison

Suzanne Davis

Jason Carnahan

ADJOURNMENT:

There being no further business to come before the Plat Committee, the meeting was adjourned at 8:53 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: 25-25
Date Application Filed: 7/3/2025
Fee Paid: 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: Angela Wallace
Address: 1710 N. MAIN STREET, SUITE D
AUBURN, IN 46706
Telephone Number: 260-417-3643 E-Mail: angie@surveycls.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Fox Investment Holdings, LLC Fox Contractors Corp. Inc.
Address: 3584 County Road 11 5430 W. Ferguson Rd.
Corunna, IN 46730 Ft. Wayne, IN 46809
Telephone Number: Chad 260-414-7912 E-Mail: 260-747-0390

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):
2 Parcels & 15.52 Acres

Name of Subdivision and Address or Parcel # of property:
Replat of Country Cove Section II Lot 5

Legal description of property affected:
Lot 5 in the Plat of Country Cove Section II

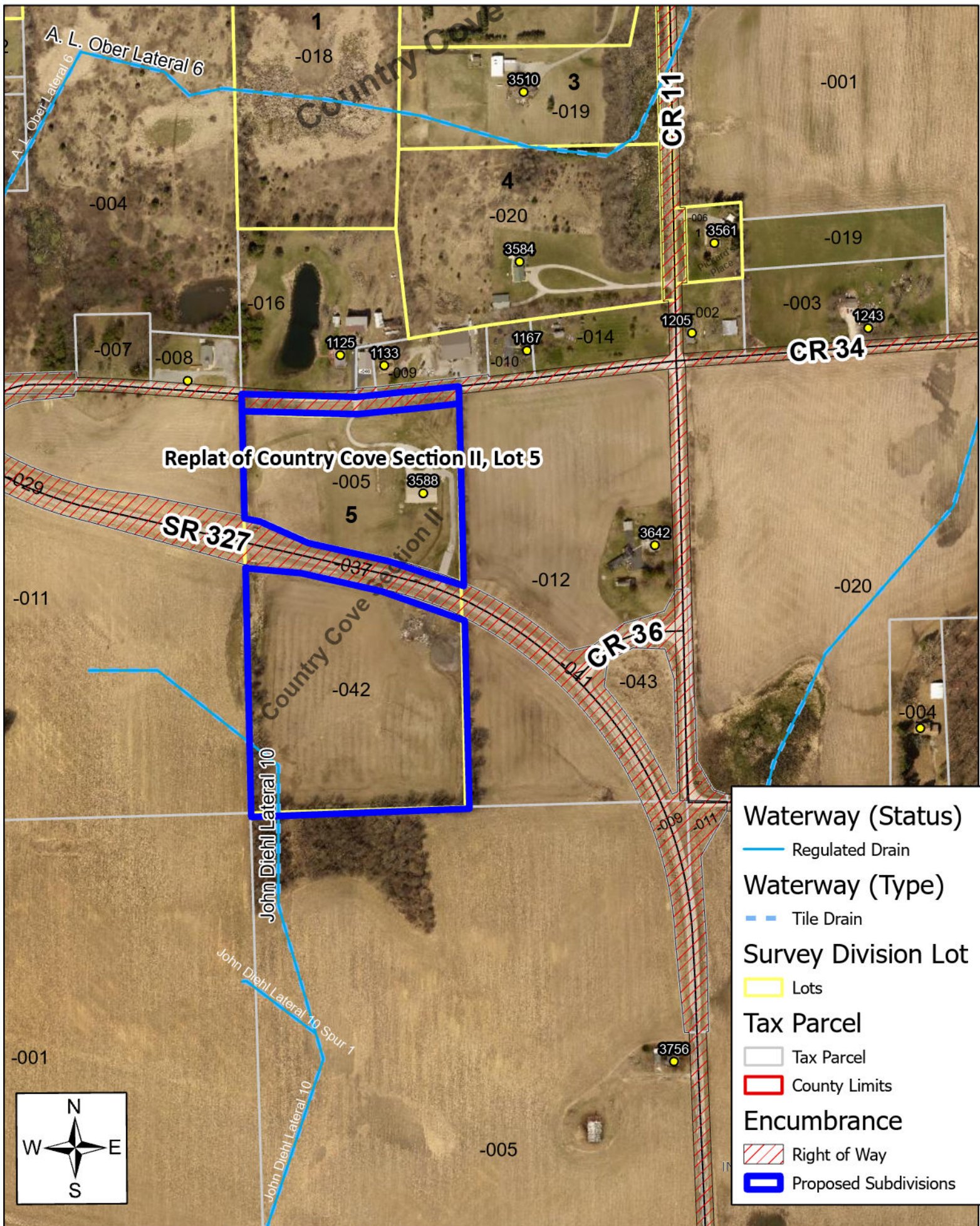
Reason for the Proposed Replat:
The land was spilt improper to develop the parcels

The Replat should include (check all that apply):

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

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

Applicant's Signature: Angela D Wallace Professional Surveyor 06/30/2025
(If signed by representative for applicant, state capacity)



ZONING	LOT AREA
ZONING DISTRICT: CONSERVATION AGRICULTURAL (A1)	LOT 5 AREA: 6.00 ACRES
SETBACKS: PRIMARY ACCESSORY STRUCTURE FRONT: 50' SIDE: 30' REAR: 30'	LOT 6 AREA: 9.52 ACRES
MINIMUM LOT AREA: 2 NET ACRES MINIMUM LOT WIDTH: 160' MINIMUM LOT FRONTAGE: 120' OR ADJ TO CONSERVE AGRICULTURAL CROP PRODUCTION	LOT 6 LEGAL DRAIN AREA: 0.84 ACRE
	LOT 6 NET BUILDABLE AREA: 8.68 ACRES

REPLAT OF COUNTRY COVE SECTION II, LOT 5

A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 34 NORTH, RANGE 12 EAST, RICHLAND TOWNSHIP, DEKALB COUNTY, INDIANA

OWNER & DEVELOPER

FOX INVESTMENT HOLDINGS, LLC
3584 COUNTY ROAD II
CORUNNA, INDIANA 46730
&
FOX CONTRACTORS CORP INC.
5430 W. FERGUSON RD
FORT WAYNE, IN 46809

SURVEYOR

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

OWNER DEDICATION

WE, THE UNDERSIGNED, CHAD M. FOX, REPRESENTATIVE OF FOX INVESTMENT HOLDINGS, LLC, AND DALLAS DAY, REPRESENTATIVE OF FOX CONTRACTORS CORP. INC. 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 COUNTRY COVE SECTION II, LOT 1, IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 34 NORTH, RANGE 13 EAST, RICHLAND 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.

CHAD M. FOX

DALLAS DAY

NOTARY

STATE OF INDIANA }
COUNTY OF DEKALB }

WITNESS OUR HAND AND SEAL THIS _____ DAY OF AUGUST, 2025.

CHAD M. FOX

DALLAS DAY

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS _____ DAY OF AUGUST, 2024, PERSONALLY APPEARED CHAD M. FOX & DALLAS DAY, 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 AUGUST, 2025.

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.

DRAINAGE BOARD COVENANTS

WHEN ANY REGULATED DRAIN AND/OR ITS ASSOCIATED RIGHT-OF-WAY EXTENDS WITHIN THE BOUNDS OF THE SUBDIVISION, THE FOLLOWING COVENANTS SHALL BE PLACED ON THE PLAT:

- NO PRIVATE OR MUTUAL DRAIN OF ANY TYPE SHALL BE CONNECTED FROM WITHIN ANY LOT WITHIN THIS SUBDIVISION TO THE JOHN DIEHL LATERAL 10 DRAIN NO. 45-10-00 WITHOUT FIRST SUBMITTING WRITTEN REQUEST, ALONG WITH PLANS AND SPECIFICATIONS FOR SAID CONNECTION, AND OBTAINING THE WRITTEN APPROVAL OF THE DEKALB COUNTY SURVEYOR FOR SAID DRAIN CONNECTION.
- NO PERMANENT STRUCTURE OF ANY TYPE SHALL BE PLACED WITHIN THE RIGHT-OF-WAY OF THE JOHN DIEHL LATERAL 10 DRAIN NO. 45-10-00 WITHOUT FIRST ENTERING INTO A CONSENT FOR VARIANCE FOR PERMANENT STRUCTURE WITHIN THE RIGHT-OF-WAY OF A REGULATED DRAIN, BY AND BETWEEN THE OWNER OF THE LAND UPON WHICH THE PERMANENT STRUCTURE IS TO BE LOCATED AND THE DEKALB COUNTY DRAINAGE BOARD.
- NO PRIVATE CROSSING, CONTROL DAM OR OTHER PERMANENT STRUCTURE SHALL BE PLACED ON, OVER, OR THROUGH THE JOHN DIEHL LATERAL 10 DRAIN NO. 45-10-00 WITHOUT FIRST SUBMITTING A WRITTEN REQUEST, ALONG WITH PLANS AND SPECIFICATIONS FOR SAID PERMANENT STRUCTURE, AND OBTAINING THE WRITTEN APPROVAL OF THE DEKALB COUNTY SURVEYOR FOR SAID PERMANENT STRUCTURE.

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

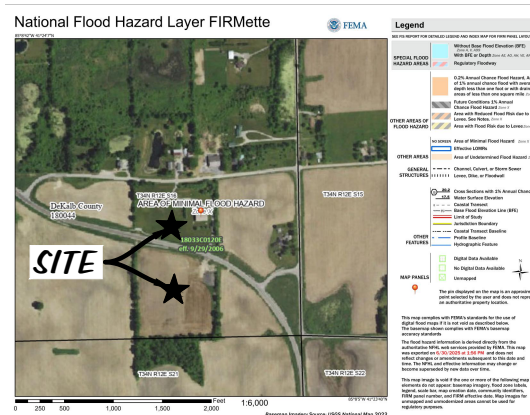
APPROVED BY THE DEKALB COUNTY PLAN COMMISSION THIS _____ DAY OF AUGUST, 2025.

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

FLOODPLAIN CERTIFICATION

REPLAT OF COUNTRY COVE SECTION II, LOT 5 LIES WITHIN ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 180244, PANEL: 0100 E, EFFECTIVE DATE: SEPTEMBER 23, 2006, MAP NUMBER: 180930C0102E.



NFHL FIRMETTE NOT TO SCALE

AUDITOR'S STAMP

RECORDER'S STAMP

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 JUNE 30TH, 2025 AND RECORDED IN DOCUMENT NUMBER _____ WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA THAT WAS COMPLETED BY ME IN ACCORDANCE WITH TITLE 36S IAC 1-2-1 THRU 3-2, 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: 25-864
DATE: JUNE 30TH, 2025

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.



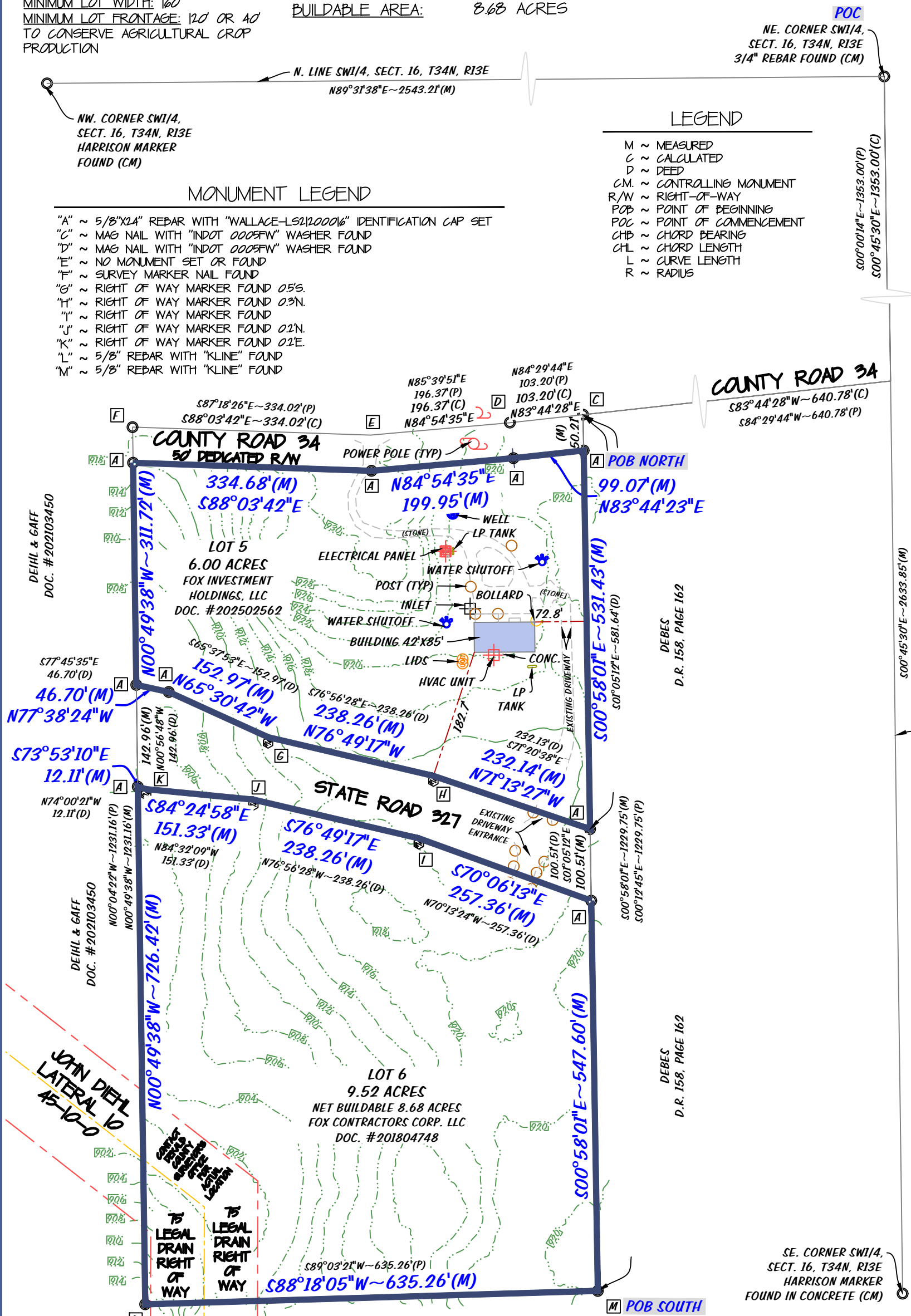
Angela D. Wallace

MONUMENT LEGEND

"A" ~ 5/8"x1/4" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP SET
"C" ~ MAG NAIL WITH "INDOT 0009FW" WASHER FOUND
"D" ~ MAG NAIL WITH "INDOT 0009FW" WASHER FOUND
"E" ~ NO MONUMENT SET OR FOUND
"F" ~ SURVEY MARKER NAIL FOUND
"G" ~ RIGHT OF WAY MARKER FOUND 05S.
"H" ~ RIGHT OF WAY MARKER FOUND 03N.
"I" ~ RIGHT OF WAY MARKER FOUND
"J" ~ RIGHT OF WAY MARKER FOUND 02N.
"K" ~ RIGHT OF WAY MARKER FOUND 02E.
"L" ~ 5/8" REBAR WITH "KLINE" FOUND
"M" ~ 5/8" REBAR WITH "KLINE" FOUND

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



REAL ESTATE DESCRIPTIONS

LOT 5:

PART OF LOT 5 IN COUNTRY COVE SECTION II AS RECORDED IN PLAT BOOK 10, PAGE 102 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON JUNE 30TH, 2025, AS PROJECT NUMBER 25-864, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3/4" REBAR THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 34 NORTH, RANGE 13 EAST; THENCE SOUTH 00 DEGREE 45 MINUTES 30 SECONDS EAST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1353.00 FEET TO THE CENTERLINE OF COUNTY ROAD 34; THENCE SOUTH 83 DEGREE 44 MINUTES 28 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 640.78 FEET; THENCE SOUTH 00 DEGREE 58 MINUTES 01 SECONDS EAST, ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 5 IN COUNTRY COVE SECTION II AS RECORDED IN PLAT BOOK 10, PAGE 102 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA, A DISTANCE OF 5021 FEET TO THE NORTHEAST CORNER OF SAID LOT 5, BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREE 58 MINUTES 01 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 531.43 FEET TO THE NORTH RIGHT OF WAY LINE OF STATE ROAD 327; THENCE ALONG SAID RIGHT OF WAY LINE FOR THE FOLLOWING 4 COURSES: NORTH 71 DEGREE 13 MINUTES 27 SECONDS WEST, A DISTANCE OF 232.14 FEET; THENCE NORTH 76 DEGREES 49 MINUTES 17 SECONDS WEST, A DISTANCE OF 238.26 FEET; THENCE NORTH 65 DEGREES 30 MINUTES 42 SECONDS WEST, A DISTANCE OF 152.97 FEET; THENCE NORTH 71 DEGREES 38 MINUTES 24 SECONDS WEST, A DISTANCE OF 46.70 FEET TO THE WEST LINE OF SAID LOT 5; THENCE NORTH 00 DEGREE 49 MINUTES 38 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 311.72 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 34; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE FOR THE FOLLOWING 3 COURSES: SOUTH 88 DEGREES 03 MINUTES 42 SECONDS EAST, A DISTANCE OF 334.68 FEET; THENCE NORTH 84 DEGREES 54 MINUTES 35 SECONDS EAST, A DISTANCE OF 199.95 FEET; THENCE NORTH 83 DEGREES 44 MINUTES 23 SECONDS EAST, A DISTANCE OF 99.07 FEET TO THE POINT OF BEGINNING, CONTAINING 6.00 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 34, STATE ROAD 327, AND ALL OTHER RIGHTS OF WAY AND EASEMENTS.

LOT 6:

PART OF LOT 5 IN COUNTRY COVE SECTION II AS RECORDED IN PLAT BOOK 10, PAGE 102 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON JUNE 30TH, 2025, AS PROJECT NUMBER 25-864, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3/4" REBAR THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 34 NORTH, RANGE 13 EAST; THENCE SOUTH 00 DEGREE 45 MINUTES 30 SECONDS EAST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1353.00 FEET TO THE CENTERLINE OF OLD STATE ROAD 327; THENCE SOUTH 83 DEGREE 44 MINUTES 28 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 640.78 FEET; THENCE SOUTH 00 DEGREE 58 MINUTES 01 SECONDS EAST, ALONG THE EAST LINE OF LOT 5 IN COUNTRY COVE SECTION II AS RECORDED IN PLAT BOOK 10, PAGE 102 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA, A DISTANCE OF 1223.75 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5, BEING THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREE 18 MINUTES 05 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 635.26 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE NORTH 00 DEGREE 49 MINUTES 38 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 726.42 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 327; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE FOR THE FOLLOWING 4 COURSES: SOUTH 73 DEGREES 53 MINUTES 10 SECONDS EAST, A DISTANCE OF 12.11 FEET; THENCE SOUTH 84 DEGREES 24 MINUTES 58 SECONDS EAST, A DISTANCE OF 151.33 FEET; THENCE SOUTH 76 DEGREES 49 MINUTES 17 SECONDS EAST, A DISTANCE OF 238.26 FEET; THENCE SOUTH 10 DEGREES 03 MINUTES 19 SECONDS EAST, A DISTANCE OF 257.36 FEET TO THE EAST LINE OF SAID LOT 5; THENCE SOUTH 00 DEGREE 58 MINUTES 01 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 541.60 FEET TO THE POINT OF BEGINNING, CONTAINING 9.52 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF JOHN DIEHL LATERAL 10 LEGAL DRAIN, STATE ROAD 327, AND ALL OTHER RIGHTS OF WAY AND EASEMENTS.

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: Fox Investment Holdings LLC & Fox Contractors Corp
SUBJECT SITE: 3588 State Road 327, Auburn
REQUEST: RePlat of Country Cove, Section II, Lot 5
EXISTING ZONING: A1: Conservation Agricultural
SURROUNDING LAND USES AND ZONING: North: Single Family Residential (A2)
 South: Farm Ground (A1)
 East: Farm Ground & Single Family Residential (A1)
 West: 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 09-05-16-400-005 & 09-05-16-400-042 were once one lot before the State of Indiana rerouted State Road 327 through this parcel, splitting it into 2 separate parcels. The parcel to the north (-005) is developed and was approved for manufacturing use. The parcel to the south is considered non-buildable until the RePlat is approved and recorded.
- 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 5 Area: 6 net acres
 - Proposed Lot 6 Area: 8.68 net acres
 - Minimum Lot Width: 160 feet
 - Proposed Lot 5 Width: 311.72
 - Proposed Lot 6 Width: 635.26 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 5 Frontage: 230 feet on County Road 34
623.37 feet on State Road 327
 - Proposed Lot 6 Frontage: 160 feet

- This division of land fronts the following roads:
 - County Road 34 is considered Minor Arterial Road with a projected total right-of-way width of 100 feet.
 - Right of Way has been dedicated per the original Country Cove, Section II, Lot 5. No additional right of way has been dedicated.
 - State Road 327 is considered a Minor Arterial Road with a projected total right-of-way width of 100 feet.
 - Right of Way was dedicated when State Road 327 was rerouted. No additional right of way has been dedicated.

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 **July 3, 2025**
2. Legal notice published in The Star on **July 25, 2025** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated _____
5. Letter from County Highway dated **July 8, 2025**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 9, 2025**
7. Letter from the Drainage Board, dated **July 17, 2025**
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 Minor Subdivision (RePlat) adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for residential use which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision (RePlat) 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 34 & State Road 327 with dedication of right of way where required. The existing driveways will be utilized.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Not applicable. The existing private septic systems will be utilized.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic buildings, 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 soil borings for Lot 6 must be completed and added to the plat before recording in the Recorder's Office.

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: 25-26
Date Application Filed: 7/3/25
Fee Paid: ph-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: Angela Wallace
Address: 1710 N. MAIN STREET, SUITE D
AUBURN, IN 46706
Telephone Number: 260-417-3643 E-Mail: angie@surveycls.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Martin L. & Betty E. Schwartz (Melanie Beer)
Address: 0659 County Road 9A
Hudson, Indiana 46747
Telephone Number: Melanie 260-205-7168 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):
2 Parcels & 10.75 Acres

Name of Subdivision and Address or Parcel # of property:
Replat of Martin L. Schwartz Subdivision

Legal description of property affected:
Lot 1 Martin L. Schwartz Subdivision

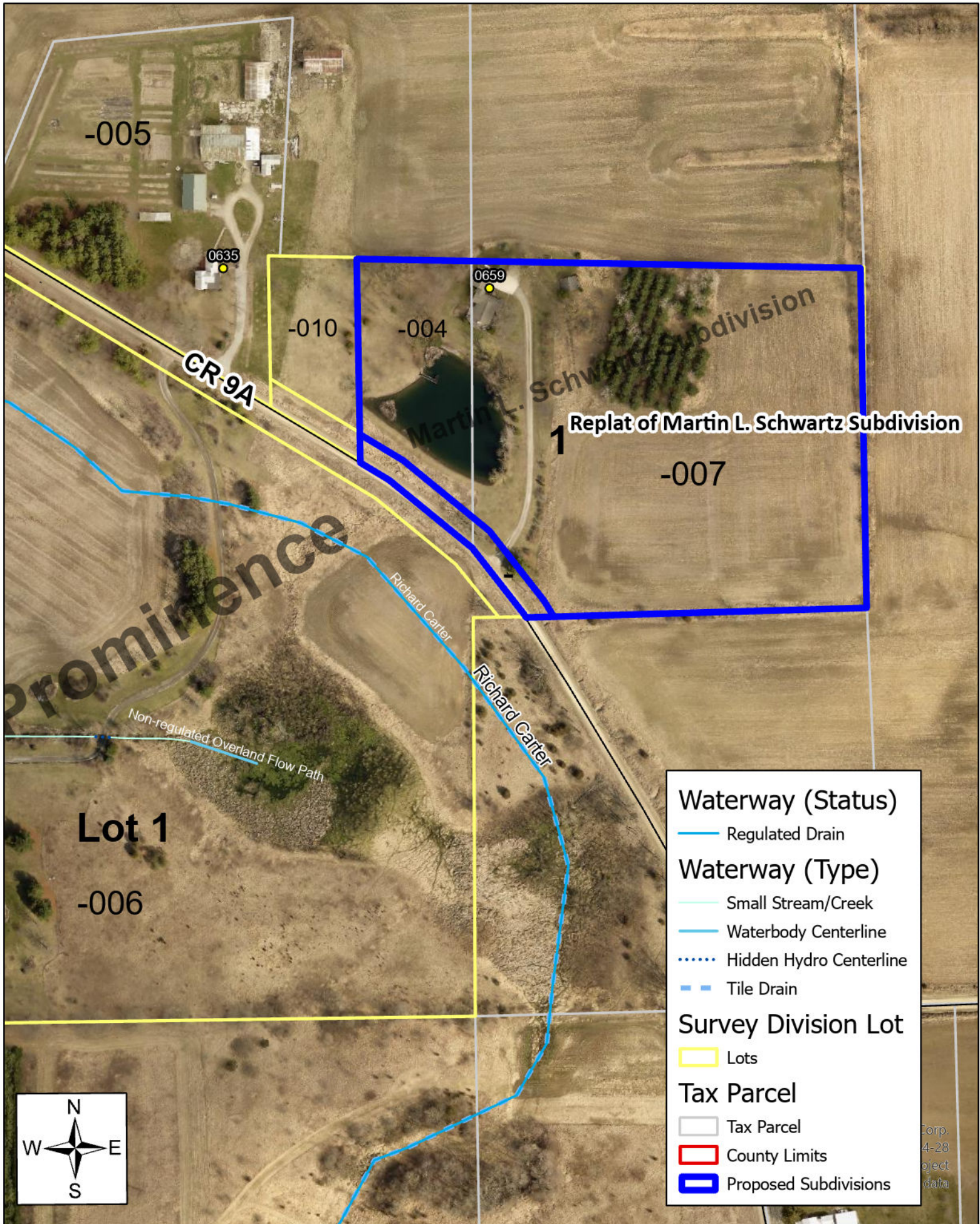
Reason for the Proposed Replat:
Lot was split improper in 2022

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 07/01/2025
(If signed by representative for applicant, state capacity)



OWNER DEDICATION

WE, THE UNDERSIGNED, MARTIN L. & BETTY E. SCHWARTZ, BY AND THROUGH HIS/HER/THEIR ATTORNEY IN FACT, MELANIE PEER, OWNERS OF THE REAL ESTATE PLATTED AND DESCRIBED HEREIN CERTIFY THAT I HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE PLAT HEREIN.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS REPLAT OF MARTIN L. SCHWARTZ SUBDIVISION, IN THE NORTHEAST QUARTER OF SECTION 09, TOWNSHIP 35 NORTH, RANGE 12 AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 35 NORTH, RANGE 12 EAST, FAIRFIELD 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.

MELANIE PEER

RECITAL

MARTIN L. SCHWARTZ STATES THAT HE TOOK TITLE WITH BETTY E. SCHWARTZ AS HUSBAND AND WIFE PRIOR TO THE DATE THEY ACQUIRED TITLE TO THE DESCRIBED REAL ESTATE AND THEIR MARITAL RELATIONSHIP WAS CONTINUOUS AND UNINTERRUPTED UNTIL THE DEATH OF BETTY E. SCHWARTZ AT WHICH TIME MARTIN L. & SCHWARTZ BECAME THE SOLE AND ONLY OWNER AS THE SURVIVOR OF THE ENTIRETIES.

NOTARY

STATE OF INDIANA }
COUNTY OF DEKALB }

WITNESS OUR HAND AND SEAL THIS _____ DAY OF AUGUST, 2025.

MELANIE PEER

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS _____ DAY OF AUGUST, 2025, PERSONALLY APPEARED MELANIE PEER AND MAX A. SNOVELAND 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 AUGUST, 2025.

NOTARY PUBLIC (SEAL)

CHARITY L. WISEL

MY COMMISSION EXPIRES: DECEMBER 10, 2026

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 34-1-2.4.

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 5TH DAY OF AUGUST, 2025.

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

REAL ESTATE DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 09, TOWNSHIP 35 NORTH, RANGE 12 AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 35 NORTH, RANGE 12 EAST, FAIRFIELD TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON JULY 2ND, 2025, AS PROJECT NUMBER 25-878, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT IRON RAIL AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 35 NORTH, RANGE 12 EAST; THENCE NORTH 00 DEGREE 09 MINUTES 22 SECONDS EAST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 662.56 FEET; THENCE NORTH 88 DEGREES 50 MINUTES 58 SECONDS EAST, A DISTANCE OF 134.36 FEET TO A 5/8"x12" REBAR WITH WALLACE IDENTIFICATION CAP AT THE SOUTHWEST CORNER OF MARTIN L. SCHWARTZ SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 49 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA ON THE 40 FOOT RIGHT OF WAY LINE, BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES 50 MINUTES 58 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 920.17 FEET TO A CONCRETE CORNER POST; THENCE NORTH 00 DEGREE 33 MINUTES 57 SECONDS WEST, ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 565.00 FEET TO A 5/8" REBAR ON THE NORTH LINE OF SAID SUBDIVISION; THENCE NORTH 88 DEGREES 29 MINUTES 37 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 837.74 FEET TO THE NORTH 40 FOOT RIGHT OF WAY LINE OF COUNTY ROAD 9A; THENCE ALONG SAID NORTH 40 FOOT RIGHT OF WAY LINE FOR THE FOLLOWING 4 COURSES: THENCE SOUTH 58 DEGREES 32 MINUTES 16 SECONDS EAST, A DISTANCE OF 83.61 FEET; THENCE SOUTH 50 DEGREES 14 MINUTES 37 SECONDS EAST, A DISTANCE OF 140.99 FEET; THENCE SOUTH 37 DEGREES 35 MINUTES 11 SECONDS EAST, A DISTANCE OF 146.33 FEET; THENCE SOUTH 31 DEGREES 14 MINUTES 02 SECONDS EAST, A DISTANCE OF 31.53 FEET TO THE POINT OF BEGINNING, CONTAINING 9.91 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 9A, AND ALL OTHER RIGHTS OF WAY AND EASEMENTS.

MONUMENT LEGEND

"A" ~ 5/8"x12" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP SET
"C" ~ 5/8" REBAR FOUND
"D" ~ 5/8" REBAR WITH "STRONG" IDENTIFICATION CAP FOUND
"E" ~ 5/8" REBAR WITH "SEXTON" IDENTIFICATION CAP FOUND

ZONING

ZONING DISTRICT:
AGRICULTURAL (A2)

SETBACKS:
PRIMARY ACCESSORY STRUCTURE
FRONT: 50'
SIDE: 30'
REAR: 30'

LOT AREA

LOT 1 AREA: 9.91 ACRES

POND AREA: 0.63 ACRE

LOT 1 BUILDABLE
NET AREA: 9.28 ACRES

40' RIGHT OF WAY WAS
DEDICATED IN 1991 WHEN THE
PLAT WAS CREATED.

REPLAT OF MARTIN L. SCHWARTZ SUBDIVISION

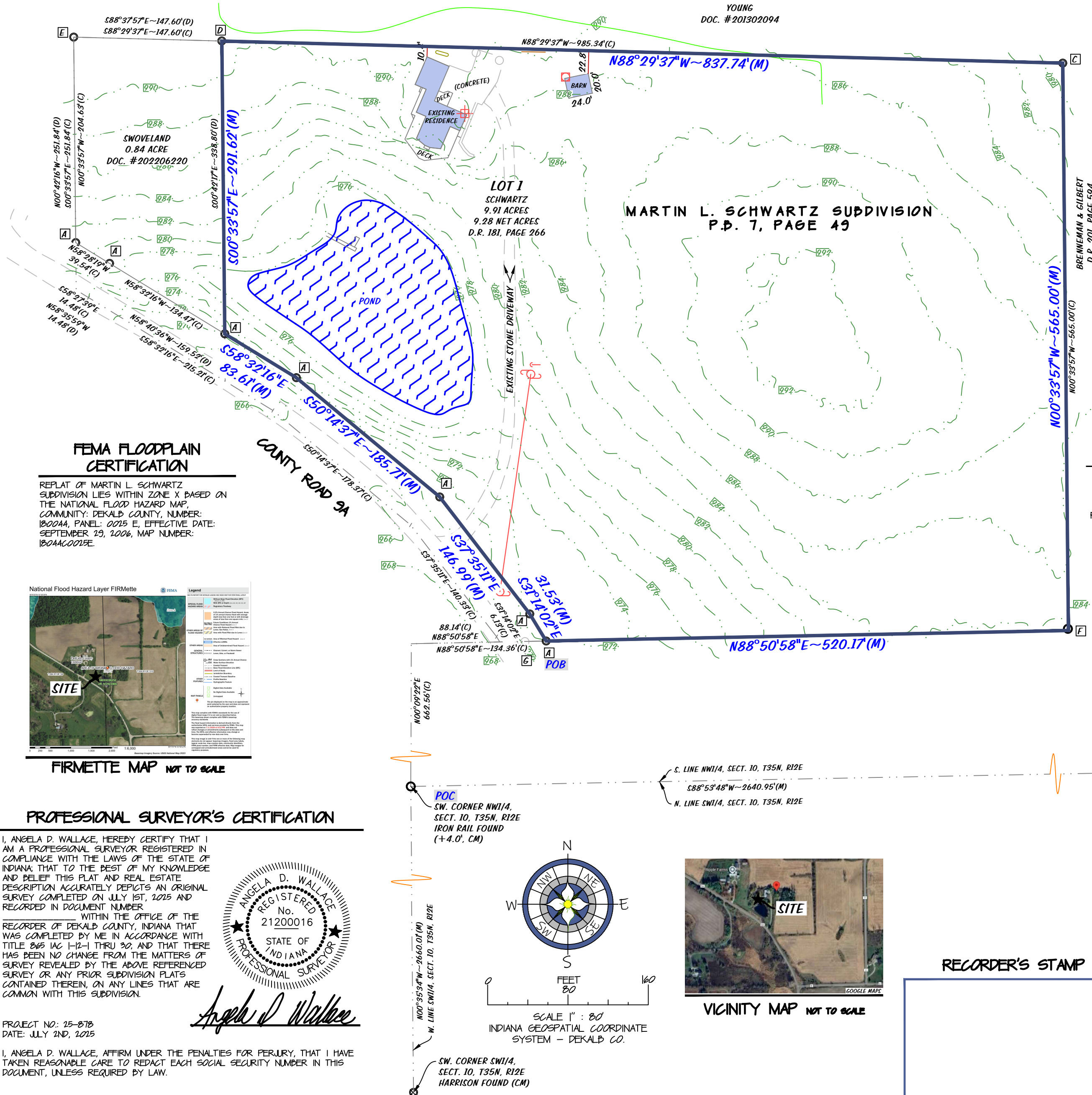
A SUBDIVISION IN THE THE NORTHEAST QUARTER OF SECTION 09, TOWNSHIP 35 NORTH, RANGE 12 AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 35 NORTH, RANGE 12 EAST, FAIRFIELD TOWNSHIP, DEKALB COUNTY, INDIANA

OWNER & DEVELOPER

MARTIN L. & BETTY E. SCHWARTZ
0669 COUNTY ROAD 9A
HUDSON, INDIANA 46747

SURVEYOR

COMPASS LAND SURVEYING, INC.
1710 N. MAIN STREET, SUITE D
AUBURN, IN 46706
TEL: 260-417-3643



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: Martin L. & Betty E. Schwartz
SUBJECT SITE: 0659 County Road 9A, Hudson
REQUEST: RePlat of Martin L. Schwartz Subdivision
EXISTING ZONING: A2: Agricultural
SURROUNDING LAND North: Farm Ground (A2)
USES AND ZONING: South: Farm Ground (A2)
East: Farm Ground (A2)
West: Single Family Residential & Farm Ground (A2)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- Parcel 03-01-10-100-007 & 03-01-09-200-004 were the parcels for this subdivision (different parcels because of the different Sections they are in). Parcel 03-01-09-200-010 was split and sold to the neighboring property in 2022. RePlatting this lot will clean up the ownership within this lot. Parcel -010 will become a metes & bounds parcel.
- 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: 9.28 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 837.74 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: 416.31 feet

- This division of land fronts the following roads:
 - County Road 9A is considered County Local Road with a projected total right-of-way width of 60 feet.
 - Right of Way has been dedicated per the original Marvin L. Schmucker Subdivision. No additional right of way has been dedicated.

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 **July 3, 2025**
2. Legal notice published in The Star on **July 25, 2025** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **July 18, 2025**
5. Letter from County Highway dated **July 8, 2025**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 9, 2025**
7. Letter from the Drainage Board, dated **July 17, 2025**
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 (RePlat) adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for residential use which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision (RePlat) 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 9A with dedication of right of way where required. The existing driveways will be utilized.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Not applicable. The existing private septic systems will be utilized.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic buildings, 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.

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: 25-27
Date Application Filed: 7/3/2025
Fee Paid: CK#5090

Application for SUBDIVISION
Conservation Agricultural (A1 only) ___ Minor x ___
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: Joshua P. Lash
Mailing Address: P.O. Box 295 Avilla, IN. 46710
Telephone Number: 260-582-9228 E-Mail: midwestlandsurveying@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Nick E. Kreigh & Julie M. Kreigh
Address: 5934 County Road 35
Auburn, IN. 46706
Telephone Number: 260-715-0905 E-Mail: eli.kreigh@gmail.com

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: Midwest Land Surveying, LLC
Address: 124 E. Ablion Street
Avila, IN. 46710
Telephone Number: 260-897-3232 E-Mail: midwestlandsurveying@gmail.com

Legal Ad Payment & Public Hearing Notifications: Applicant x ___ Owner ___ Representative ___

Name of Proposed Subdivision: REPLAT BROOKE'S CROSSING LOT 6

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

2 LOTS FOR A TOTAL OF 13.44 ACRES

Address or Parcel ID # of property:

5934 COUNTY ROAD 35
AUBURN, IN. 46706

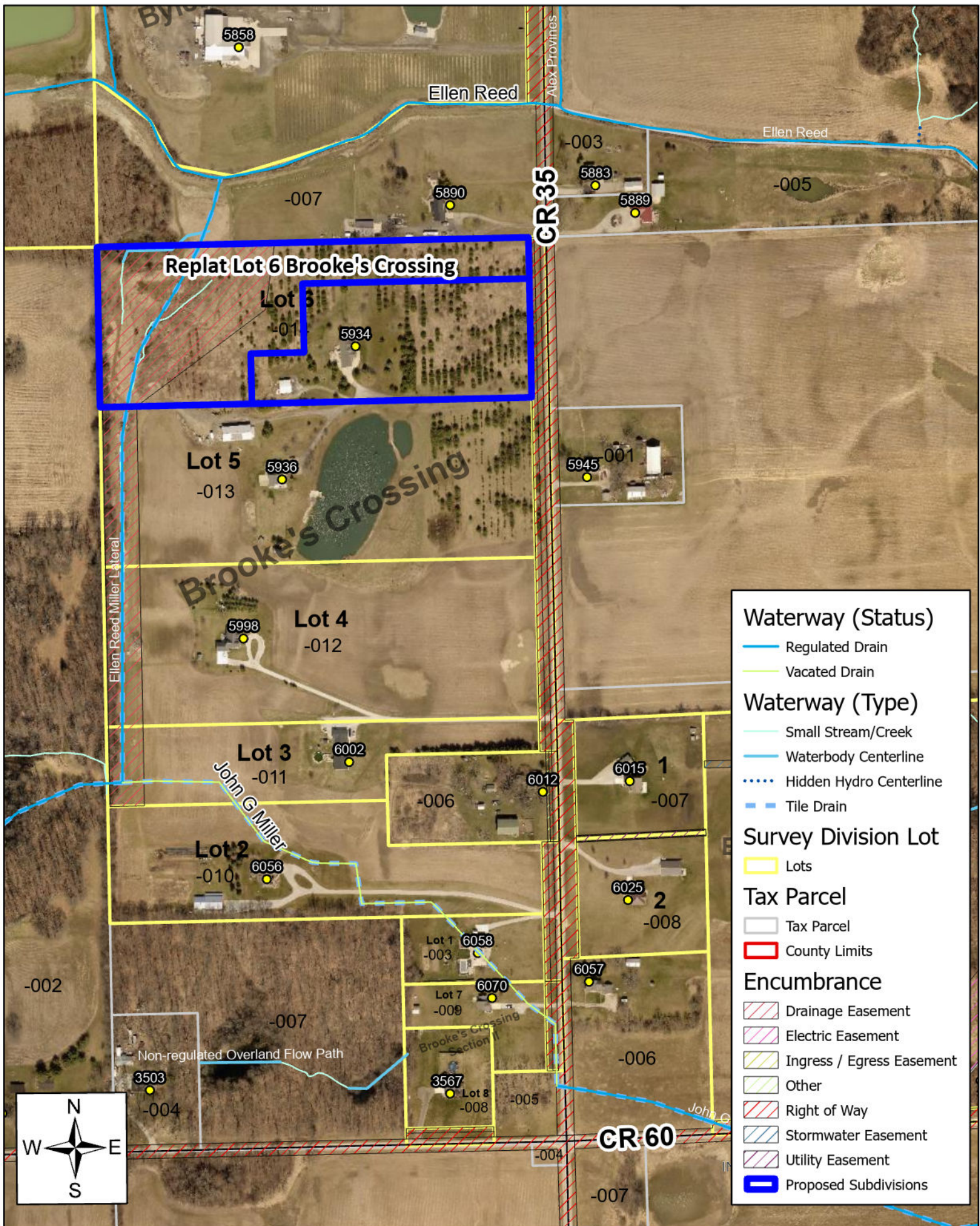
Legal description of property affected:

LOT 6 IN BROOKE'S CROSSING PER DEKALB COUNTY DOCUMENT NUMBER 96-7824

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

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

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



DEED OF DEDICATION:
WE THE UNDERSIGNED **NICK E. KREIGH AND JULIE M. KREIGH**, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS **REPLAT OF BROOKE'S CROSSING LOT 6** AN ADDITION TO DEKALB COUNTY, INDIANA. ALL STREETS AND ALLEYS SHOWN AND NOT HERETOFORE DEDICATED, ARE HEREBY DEDICATED TO THE PUBLIC. FRONT, REAR AND SIDE YARD BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAT, BETWEEN WHICH LINES AND THE PROPERTY LINES OF THE STREETS, THERE SHALL BE ERECTED OR MAINTAINED NO BUILDING OR STRUCTURE. THERE ARE STRIPS OF GROUND (NA) FEET IN WIDTH AS SHOWN ON THIS PLAT AND MARKED "EASEMENT," RESERVED FOR THE USE OF PUBLIC UTILITIES FOR THE INSTALLATION OF WATER AND SEWER MAINS, POLES, DUCTS, LINES AND WIRES, SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENT HEREIN RESERVED. NO PERMANENT OR OTHER STRUCTURES ARE TO BE ERECTED OR MAINTAINED UPON SAID STRIPS OF LAND, BUT OWNERS OF LOTS IN THIS SUBDIVISION, SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES, AND TO THE RIGHTS OF THE OWNER OF OTHER LOTS IN THIS SUBDIVISION.

NICK E. KREIGH
5934 COUNTY ROAD 35
AUBURN, IN. 46706

JULIE M. KREIGH
5934 COUNTY ROAD 35
AUBURN, IN. 46706

INDIANA NOTARIAL CERTIFICATE
STATE OF INDIANA,
COUNTY OF NOBLE

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED **NICK E. KREIGH AND JULIE M. KREIGH**, AND EACH ACKNOWLEDGED 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 _____, 20____.

(NOTARY PUBLIC) _____

PRINTED NAME _____

MY COMMISSION EXPIRES: _____

DRAINAGE BOARD COVENANTS:
NO PRIVATE OR MUTUAL DRAIN OF ANY TYPE SHALL BE CONNECTED FROM WITHIN ANY LOT WITHIN THIS SUBDIVISION TO THE ELLEN REED MILLER LATERAL NO 151-43-0 WITHOUT FIRST SUBMITTING WRITTEN REQUEST, ALONG WITH PLANS AND SPECIFICATIONS FOR SAID CONNECTION, AND OBTAINING THE WRITTEN APPROVAL OF THE DEKALB COUNTY SURVEYOR FOR SAID DRAIN CONNECTION.

NO PERMANENT STRUCTURE OF ANY TYPE SHALL BE PLACED WITHIN THE RIGHT-OF-WAY OF THE ELLEN REED MILLER LATERAL NO 151-43-0 WITHOUT FIRST ENTERING INTO A CONSENT FOR VARIANCE FOR PERMANENT STRUCTURE WITHIN THE RIGHT-OF-WAY OF A REGULATED DRAIN, BY AND BETWEEN THE OWNER OF THE LAND UPON WHICH THE PERMANENT STRUCTURE IS TO BE LOCATED AND THE DEKALB COUNTY DRAINAGE BOARD.

NO PRIVATE CROSSING, CONTROL DAM OR OTHER PERMANENT STRUCTURE SHALL BE PLACED ON, OVER, OR THROUGH THE ELLEN REED MILLER LATERAL NO 151-43-0 WITHOUT FIRST SUBMITTING A WRITTEN REQUEST, ALONG WITH PLANS AND SPECIFICATIONS FOR SAID PERMANENT STRUCTURE, AND OBTAINING THE WRITTEN APPROVAL OF THE DEKALB COUNTY SURVEYOR FOR SAID PERMANENT STRUCTURE.

FURTHER DEVELOPMENT:
THESE LOTS 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.

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.

AIRPORT ZONE AND COVENANT:

THIS DEVELOPMENT LIES WITHIN THE AC6 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.

THIS DEVELOPMENT LIES WITHIN AIRPORT COMPATIBILITY ZONE AC6. THE OWNERS OF ANY TRACT OF LAND IN THIS DEVELOPMENT AGREE TO RECOGNIZE THE EXISTING AND ESTABLISHED NOISE SENSITIVE ZONE AND UNDERSTAND THAT A "NOISE SENSITIVE USE AND NON-REMONSTRANCE AGAINST AIRPORT DEVELOPMENT WAIVER", ACKNOWLEDGING THE PREEXISTING NOISE CONDITION IN THE AREA AND THE ABILITY OF THE AIRPORT TO EXPAND AS ALLOWED BY LAW, SHALL BE EXECUTED BY THE OWNER AND FILED WITH THE DEKALB COUNTY BOARD OF AVIATION BEFORE THE ISSUANCE OF ANY IMPROVEMENT LOCATION PERMIT BY THE ZONING ADMINISTRATOR FOR A NOISE SENSITIVE USE INCLUDING BUT NOT LIMITED TO RESIDENTIAL USES.

**PLAN COMMISSION
CERTIFICATE OF APPROVAL:**
UNDER THE AUTHORITY PROVIDED BY CHAPTER 174-ACTS OF 1947 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ORDINANCE ADOPTED BY THE COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA THIS PLAT WAS GIVEN APPROVAL BY THE COUNTY, AS FOLLOWS:
APPROVED BY PLAN COMMISSION AT MEETING HELD _____

PRESIDENT

ZONING ADMINISTRATOR

NW COR, SE 1/4,
SEC 16, T 33 N, R 13 E

NW COR, E 1/2, SE 1/4
SEC 16, T 33 N, R 13 E

R.F.(+0.3)
1.2' W OF COR

JERRY A. FARRINGTON
DOC. NO. 20705850

ELLEN REED MILLER LATERAL
151-43-0

75' DRAINAGE EASEMENT

100' DRAINAGE EASEMENT

CAPPED KLINE (+0.1)

100' DRAINAGE EASEMENT

CAPPED KLINE (+0.3)

H.M.F. (-0.4)
SW COR, SE 1/4,
SEC 16, T 33 N, R 13 E

S 89°59'36" W 1314.02' (R)
S 88°41'58" W 1314.24' (M)

SW COR, E 1/2, SE 1/4,
SEC 16, T 33 N, R 13 E

H.M.F. (+0.0)
SE COR, SE 1/4,
SEC 16, T 33 N, R 13 E

NO 5 R.B. (-0.1)

50' RIGHT-OF-WAY

50' RIGHT-OF-WAY

50' RIGHT-OF-WAY

50' RIGHT-OF-WAY

50' RIGHT-OF-WAY

**REPLAT OF
BROOKE'S CROSSING
LOT 6**
A SUBDIVISION LOCATED IN THE SOUTHEAST
QUARTER OF
SECTION 16, TOWNSHIP 33 NORTH, RANGE 13 EAST
DEKALB COUNTY, THE STATE OF INDIANA

S 88°42'56" W 2610.88' (M)
1255.44' (M)
1255.44' (R)

S 88°42'52" W 660.00' (M)

S 01°17'40" E 200.00' (M)

S 88°42'52" W 155.00' (M)

S 01°17'40" E 146.03' (M)

S 88°41'25" W 1306.99' (M)

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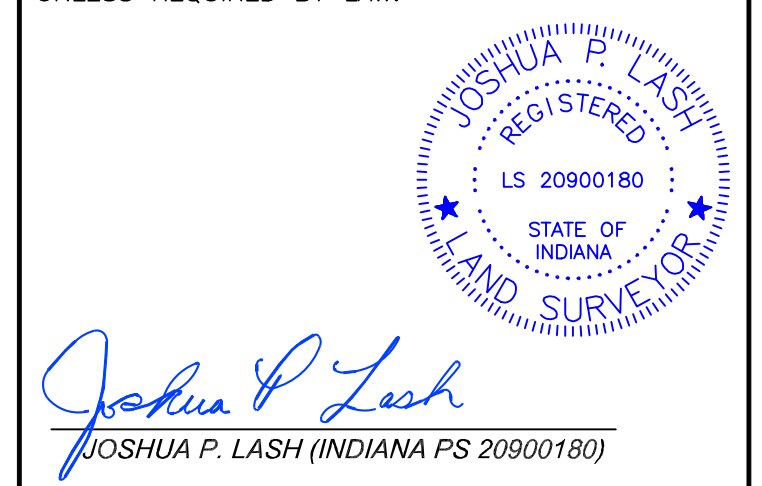
PROFESSIONAL SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE ABOVE IS A CORRECT PLAT AND DESCRIPTION OF A SURVEY COMPLETED BY ME, OR UNDER MY DIRECT SUPERVISION ON JULY 1ST, 2025 AND WAS EXECUTED ACCORDING TO SURVEY REQUIREMENTS AS SET FORTH IN 865 IAC 1-12-13 (RETRACEMENT AND ORIGINAL SURVEY PLATS) AND 865 IAC 1-12-18 (ORIGINAL AND RETRACEMENT SURVEY MONUMENTATION). ALL MONUMENTS SHOWN THEREON ACTUALLY EXIST, AND THEIR LOCATION, SIZE TYPE, AND MATERIAL ARE ACCURATELY SHOWN; THE ACCEPTABLE RELATIVE POSITIONAL ACCURACIES FOR THIS ORIGINAL SURVEY PLAT IS 0.13 FEET PLUS 100 PARTS PER MILLION PER CLASSIFICATION AS A SUBURBAN SURVEY. THIS PLAT COMPLIES WITH THE PROVISIONS OF THE DEKALB COUNTY SUBDIVISION ORDINANCE. THE BOUNDARY FOR THIS PLAT HAS BEEN PREVIOUSLY SURVEYED AND RECORDED PER DEKALB COUNTY DOCUMENT NUMBER _____.

BOUNDARY HAS REMAINED UNCHANGED FROM THE SURVEY IN THE RECORDED DOCUMENT.

SURVEY JOB NUMBER: 33-13-16-001

PREPARED FOR:
NICK E. KREIGH & JULIE M. KREIGH
5934 COUNTY ROAD 35
AUBURN, IN 46706

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.



PARCEL # 17-10-16-400-014.000-009
SECTION 16, TOWNSHIP 33 NORTH, RANGE 13 EAST
DEKALB COUNTY, INDIANA

2025 REPLAT OF BROOKE'S CROSSING
LOT 6
5934 COUNTY ROAD 35
AUBURN, IN 46706
JOSHUA P. LASH (INDIANA PS 20900180)

SURVEY JOB NO. 33-13-16-001

REVISIONS		
NO.	DATE	REVISION

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: Nick E. & Julie M. Kreigh
SUBJECT SITE: 5934 County Road 35, Auburn
REQUEST: Replat of Brooke's Crossing, Lot 6
EXISTING ZONING: A2: Agricultural
SURROUNDING LAND USES AND ZONING: North: Single Family Residential (A2)
South: Single Family Residential (A2)
East: Farm Ground (A2)
West: Farm Ground (A2)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- Parcel 06-10-16-400-014 will be split to create one more buildable lot.
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
 - Proposed Lot 6 Area: 5.39 net acres
 - Proposed Lot 7 Area: 4.40 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 6 Width: 346.09 feet
 - Proposed Lot 7 Width: 466.30 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 6 Frontage: 345.75 feet
 - Proposed Lot 7 Frontage: 120 feet
- This division of land fronts the following roads:
 - County Road 35 is considered Minor Arterial Road with a projected total right-of-way width of 100 feet.

- Right of Way has been dedicated per the original Brooke's Crossing Subdivision. No additional right of way has been dedicated.

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 **July 3, 2025**
2. Legal notice published in The Star on **July 25, 2025** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **July 18, 2025**
5. Letter from County Highway dated **July 8, 2025**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 7, 2025**
7. Letter from the Drainage Board, dated **July 17, 2025**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Midwest 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 (RePlat) adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for residential use which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision (RePlat) 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 35 with dedication of right of way where required. The existing driveway will be utilized for Lot 6. The driveway location for lot 7 has been staked and approved by the Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Not applicable. The existing private septic systems will be utilized.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic buildings, 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.