

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, November 10, 2020

8:30 AM

1. Roll call
2. Approval of Minutes: October 13, 2020 and October 27, 2020
3. Old Business:

None

4. New Business:

Petition #20-36 – CDH Holdings LLC & Nathaniel & Chante Hurraw, requesting a 1 Lot Minor Subdivision – The Last Harraw to create a buildable lot. The property is located at 0337 County Road 71, Hamilton, Indiana and is zoned A2, Agricultural.

Petition #20-37 - Steven & Catherine Culler, Bradley & Angela Dangler Applicant, requesting a 1 Lot Minor Subdivision – Timber Woods to create a buildable lot. The property is located at 4313 County Road 51, Butler, Indiana and is zoned A2, Agricultural.

5. Adjournment

Next Meeting: December 8, 2020

**If you cannot attend, please contact Isabella Mowan:
imowan@co.dekalb.in.us or 260-925-1923**

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

****No cellphones, tablets, laptops or weapons permitted.**

Protective Face Masks are required.

MINUTES
DEKALB COUNTY PLAT COMMITTEE
Tuesday, October 13, 2020

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 Tim Griffin.

ROLL CALL:

Members Present: Sandra Harrison, Tim Griffin, Bill Van Wye and Elysia Rodgers

Members Absent: None

Staff Present: Director/Zoning Administrator Chris Gaumer and Secretary Isabella Mowan

Staff Absent: None

Public in Attendance: Cindy Myers, Dan Myers and Angie Wallace.

APPROVAL OF MINUTES:

Motion was made by Sandra Harrison seconded by Elysia Rodgers to approve the Minutes of September 8, 2020.

OLD BUSINESS: None

NEW BUSINESS:

A public hearing was conducted pursuant to proper legal notice.

Petition #20-30 – Conrad Family Farm Preservation LLC, Casey Jack Applicants, requesting a 1 Lot Minor Subdivision known as Sesquicentennial Subdivision to create a buildable lot. The property is located at approximately one-half of a mile west of the intersection of County Road 35 & County Road 4, Waterloo, Indiana and is zoned A1, Conservation Agricultural.

Mr. Gaumer informed the committee that Petition #20-30 will not be heard today because the mailing notices were not sent out by the date required in the Rules and Procedures. The petitioner will send re-notifications out for a Plat Committee public hearing on October 27, 2020 at 8:30 a.m.

Petition #20-31 - Dan & Cynthia Myers, requesting a RePlat of Timbercrest Subdivision, Lot 1. The property is located at 3407 County Road 36, Auburn, Indiana and is zoned R2, Medium Density Residential.

A public hearing was conducted pursuant to proper legal notice.

Mr. Gaumer read the staff report.

Mr. Gaumer inquired if there were any questions.

Mr. Van Wye inquired why the Petitioners did not go up to County Road 36.

Mr. Gaumer stated the dedicated right-of-way is not depicted on the map. However, there is 30 feet north of that going to County Road 36.

Mr. Van Wye inquired why the Petitioners had to go before the Board of Zoning Appeals.

Mr. Gaumer replied that because of the lot acreage required in the R2 is two net acres. And the Petitioners are at 1.794 net acres.

Mr. Van Wye inquired if the BZA approved the petition.

Mr. Gaumer replied in the affirmative.

Mr. Griffin inquired if there were any more questions from the committee.

There were none.

Mr. Griffin inquired if there were any questions for the petitioners or petitioner's representative.

There were none.

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 **September 18, 2020**
2. Legal notice published in The Star on **September 30, 2020** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **October 1, 2020**
5. Letter from County Highway dated **September 21, 2020**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 21, 2020**
7. Letter from the Drainage Board, dated **September 30, 2020**
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 R2, which permits the requested development.

PROPOSED FINDINGS OF FACT:

These Findings of Fact proposed by staff are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s)
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. Adequate access off County Road 36
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Not Required: Private Septic System will be utilized.
 - 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.
Yes, all applicable standards conform to the UDO requirements.

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 shall be on the plat, if required.

5. The appropriate drainage covenants shall be on the plat, if required.
6. The appropriate 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, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
6. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. Further, where 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 #20-31, IS HEREBY GRANTED REPLAT APPROVAL ON THIS 13TH DAY OF OCTOBER, 2020.

Motion made by Bill Van Wye, Seconded by Sandra Harrison

Vote tally: Yes: 4 No: 0

Tim Griffin

Sandra Harrison

Elysia Rodgers

William Van Wye

There being no further business to come before the Plat Committee, the meeting was adjourned at 8:41 a.m.

Plat Committee Member

Committee Member

MINUTES
DEKALB COUNTY PLAT COMMITTEE
Tuesday, October 27, 2020

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 Tim Griffin.

ROLL CALL:

Members Present: Sandra Harrison, Tim Griffin, Bill Van Wye and Elysia Rodgers

Members Absent: None

Staff Present: Director/Zoning Administrator Chris Gaumer and Secretary Isabella Mowan

Staff Absent: None

Public in Attendance: Jack Casey, Jeff Conrad and Elizabeth Conrad.

APPROVAL OF MINUTES: None

OLD BUSINESS: None

NEW BUSINESS:

A public hearing was conducted pursuant to proper legal notice.

Petition #20-30 – Conrad Family Farm Preservation LLC, Casey Jack Applicant, requesting a 1 Lot Minor Subdivision know as Sesquicentennial Subdivision to create a buildable lot. The property is located at approximately one-half of a mile west of the intersection of County Road 35 & County Road 4, Waterloo, Indiana and is zoned A2, Agricultural.

A public hearing was conducted pursuant to proper legal notice.

Mr. Gaumer read the staff report.

Mr. Gaumer inquired if there were any questions.

Mr. Van Wye inquired if the petitioner's understand that the diaries will be there.

Petitioners did not approach the podium and state their names or addresses. Petitioners speaking but inaudible.

Mr. Van Wye commented that he is using an example, the property down by the house, by the church. Barkers Chapel. He spoke to the man when he built it and since he's been in that house, 12-years ago, there's been four owners. Mr. Van Wye speculates there is something that is causing issues. That concerns him.

Petitioner speaks but is inaudible.

Mr. Van Wye inquired if it was a two-story house.

Mr. Gaumer stated it was a ranch.

Mr. Griffin inquired if there were any questions for the petitioners or petitioner's representative.

There were none.

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 **September 18, 2020**
2. Legal notice published in The Star on **September 30, 2020** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 30, 2020**
5. Letter from County Highway dated **September 21, 2020**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 21, 2020**
7. Letter from the Drainage Board, dated **October 5, 2020**

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 staff are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s)
 - 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 4
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Not Required: Private Septic System will be utilized.
 - 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.
Yes, all applicable standards conform to the UDO requirements.

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 shall be on the plat, if required.
5. The appropriate drainage covenants shall be on the plat, if required.
6. The appropriate 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, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.

6. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. Further, where 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 #20-30, IS HEREBY GRANTED REPLAT APPROVAL ON THIS 27TH DAY OF OCTOBER, 2020.

Motion made by Sandra Harrison, Seconded by Elysia Rodgers

Vote tally: Yes: 4

No: 0

Tim Griffin

Sandra Harrison

Elysia Rodgers

William Van Wye

There being no further business to come before the Plat Committee, the meeting was adjourned at 8:39 a.m.

Plat Committee Member

Committee Member

DeKalb County Planning Department
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 20-36
Date Application Filed: 10/19/2020
pd: CLK#7881

Application for SUBDIVISION

Minor ☒ Conventional ☐ Conservation ☐ Traditional ☐
Strip ☐ Commercial District ☐ Industrial Park ☐
(Section 9.22)

This application must be completed and filed with the DeKalb County Planning Department in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: CPH HOLDINGS, LLC NATHANIEL + CHARLIE HURRAW
Address: CHARLES HURRAW, CHAIRMAN 0337 CR 71
0216 CR 71 HAMILTON IN. 46742 HAMILTON, IN. 46742
Telephone Number: (260) 316-5253

OWNER INFORMATION (if different from applicant information)

*Owner's Name: _____
*Address: _____
*Telephone Number: _____

RESPRESENTATIVE INFORMATION (if different from applicant information)

*Representative: TRI-COUNTY LAND SURVEYING, P.C. JERRY COERS
*Address: 114 N. COWEN ST.
GARRET, IN. 46738
*Telephone Number: (260) 357-5454

Name of Proposed Subdivision: THE LAST HURRAW

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

1 LOT, 4.44 AC ±

Address or common description of property:

0337 CR 71 HAMILTON, IN.

Legal description of property affected:

PART OF THE SW 1/4, SECTION 6, T 35N, R 15E

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

RESIDENTIAL

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

Applicant's Signature: x

Charles W. Hurraw
(If signed by representative for applicant, state capacity)

1 inch = 200 feet



Charles Sharp Tile

-015

0337

009

-016

-002

-006

-012

-013

— Regulated Drain

- - - Tile Drain

— The Last Hurraw

Wetland_NWIMapData

AddressPoint

● Active

Survey Division Lot

— Lots

— Tax Parcel

This Staff Report is prepared by the DeKalb County Planning Department to provide information to the Plan Commission to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.

SUMMARY FACTS:

PROPERTY OWNER: CDH Holdings LLC & Nathaniel & Chante Hurraw
SUBJECT SITE: 0337 County Road 71, Hamilton
REQUEST: 1 Lot Minor Subdivision – The Last Hurraw
PURPOSE: Create 1 buildable Lot
EXISTING ZONING: A2, Agricultural
SURROUNDING LAND North: Farmground (A2)
USES AND ZONING: South: Farmground (A2)
East: Farmground (A2)
West: Farmground (A2)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- This plat will be splitting 3 parcels and the creating 1 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 easements)*
 - Proposed Lot 1 Area: 4.40 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 189.76 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 120 feet
- This division of land fronts the following roads:
 - County Road 71 is considered 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 **October 19, 2020**
2. Legal notice published in The Star on **October 30, 2020** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **October 28, 2020**
5. Letter from County Highway dated **October 19, 2020**
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 19, 2020**
7. Letter from the Drainage Board, dated **October 23, 2020**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Tri County 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 staff are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s)
 - 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 71*
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Not Required: Private Septic System will be utilized.
 - 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.
Yes, all applicable standards conform to the UDO requirements.

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:

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3. Comply with the Flood Hazard Area for DeKalb County Ordinance, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
6. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. Further, where 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 Planning Department
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 20-37
Date Application Filed: 10/20/2020
pd. 10/20/20 CW

Application for SUBDIVISION

Minor ☒ Conventional ___ Conservation ___ Traditional ___
Strip ___ Commercial District ___ Industrial Park ___
(Section 9.22)

This application must be completed and filed with the DeKalb County Planning Department in accordance with the meeting schedule.

APPLICANT INFORMATION

Applicant's Name: Bradley + Angela Dangler
Address: Po Box 28
Auburn, IN 46706-0028
Telephone Number: 260-908-3683

OWNER INFORMATION (if different from applicant information)

*Owner's Name: Steven + Catherine Culler
*Address: 4313 County Road 51
Butler, IN 46721
*Telephone Number: 260-908-2467

RESPESENTATIVE INFORMATION (if different from applicant information)

*Representative: JORDY TEDERS, TRI-COUNTY LAND SURVEYING P.C.
*Address: 114 N. LOWEN ST.
GARRET, IN 46738
*Telephone Number: (260) 357-5450

Name of Proposed Subdivision: Timber Falls Woods

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

1 PARCEL, 2.08 AC

Address or common description of property:

4313 CR 51
BUTLER, IN 46721

Legal description of property affected:

PART OF THE SW 1/4 SEC 29, T34N, R14E

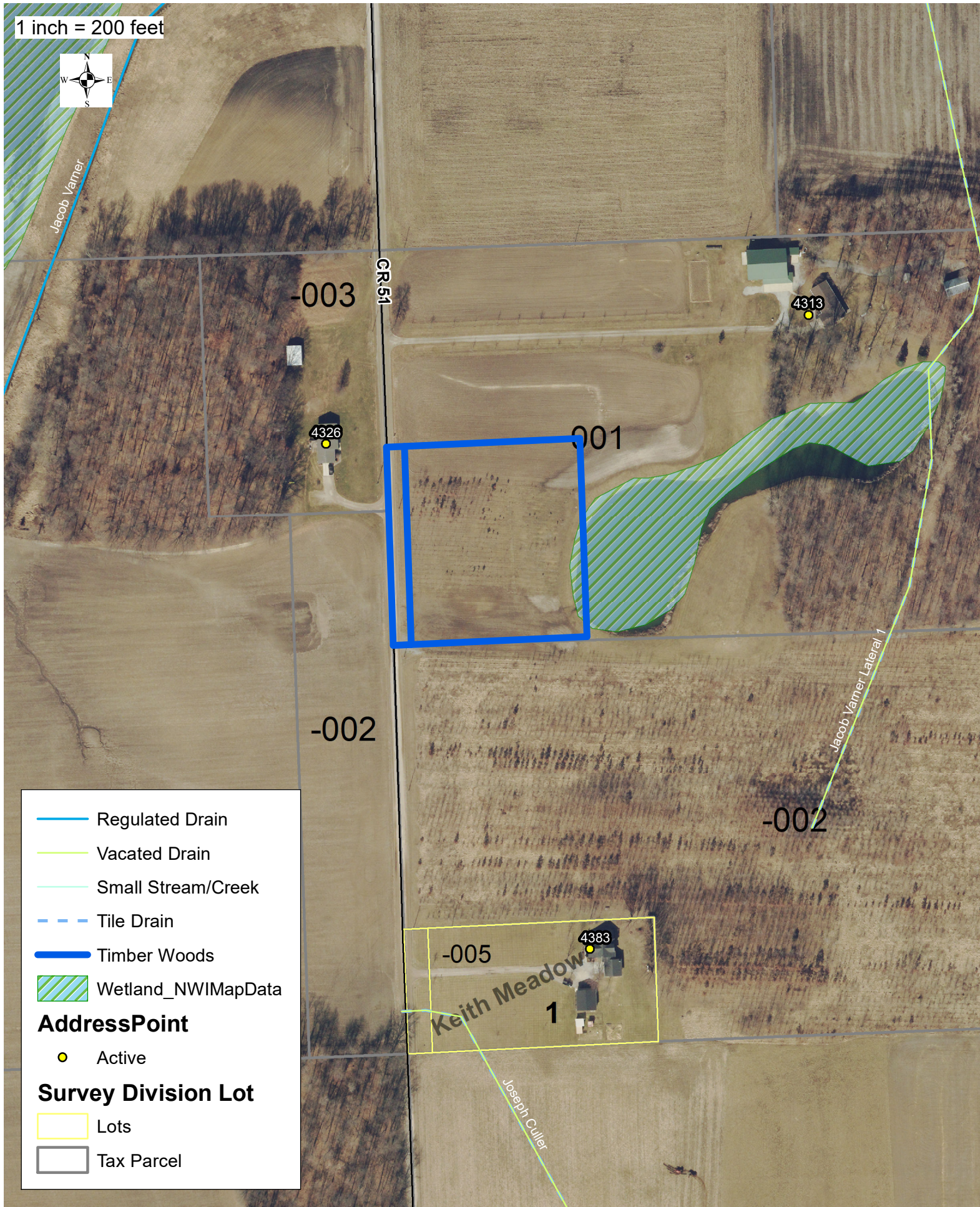
Proposed Use of Subdivision (i.e.: Single or Multi-Family Residential, Commercial or Industrial)

Single family Residential

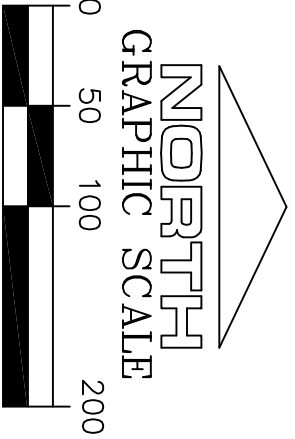
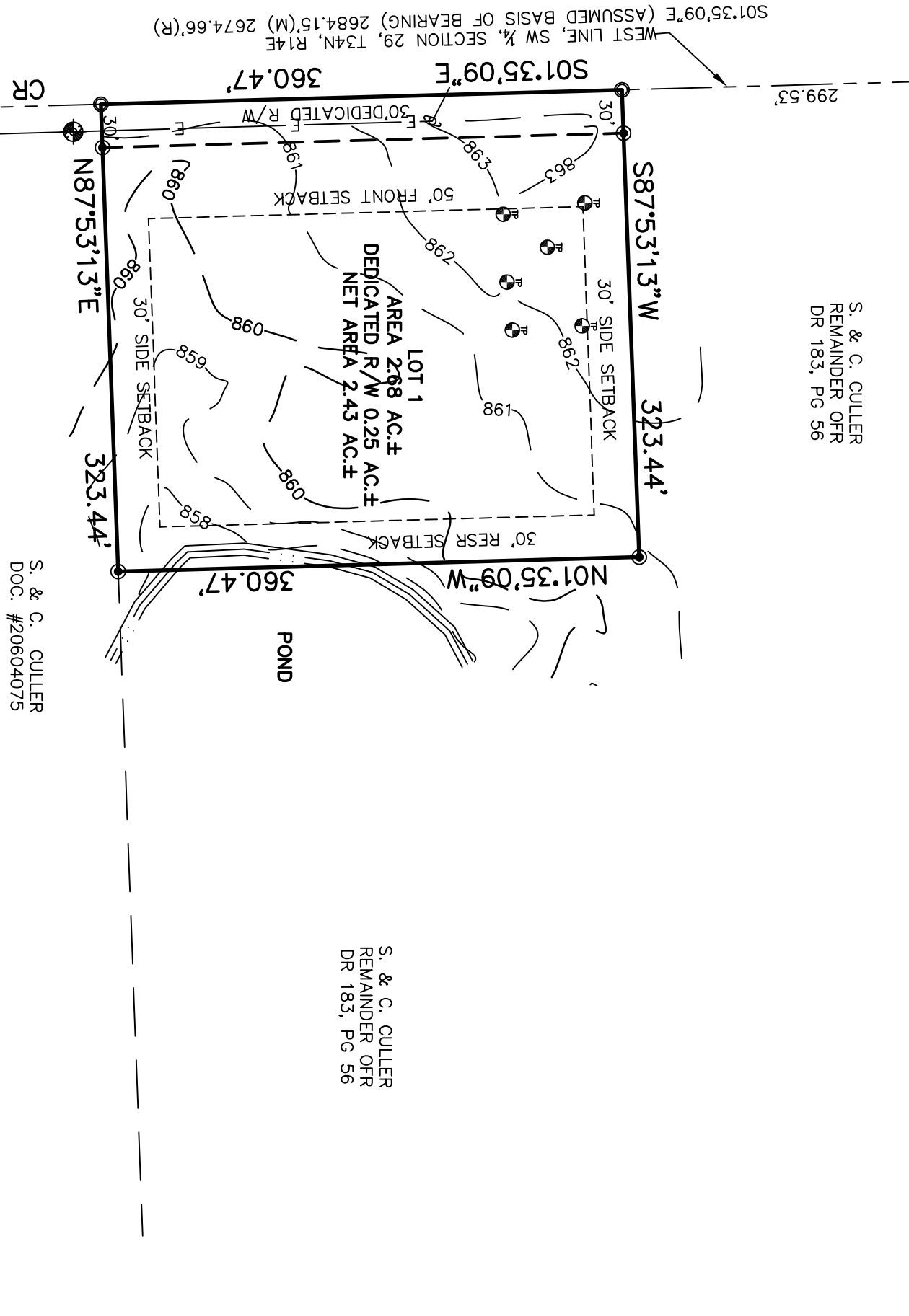
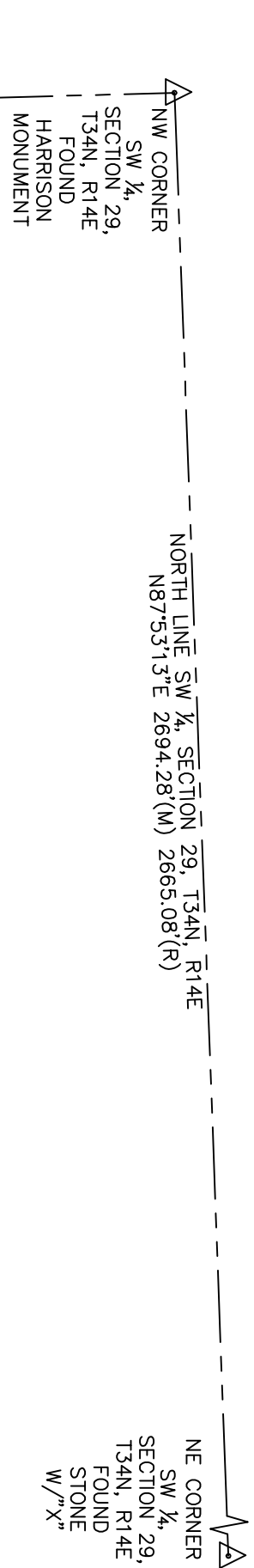
By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

Applicant's Signature: Steven Culler & Catherine S. Culler
(If signed by representative for applicant, state capacity)

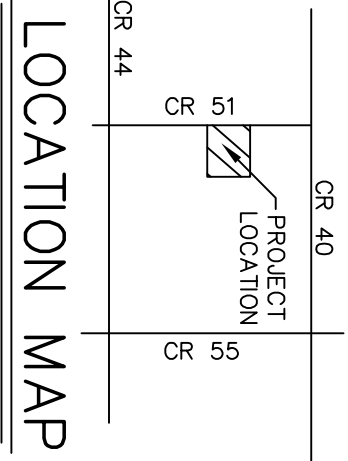
1 inch = 200 feet



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- LEGEND**
- = SET IRC L59700007 OR AS NOTED
 - (M) = MEASURED DISTANCE
 - (D) = DEED DISTANCE
 - (R) = RECORD DISTANCE
 - = SET RR SPIKE OR MAG NAIL
 - = TELEPHONE/CABLE TV BOX
 - IRC = 24" LONG #5 REBAR CAPPED
 - ⚡ = TEST HOLE
 - ⊕ = BENCHMARK
 - = UNDERGROUND CABLE MARKER
 - △ = DRAIN INLET
- SW CORNER SECTION 29, T34N, R14E
FOUND HARRISON MONUMENT



BENCHMARK:

PROJECT BM = HARRISON MONUMENT
MARKING THE NW CORNER OF THE SW ¼,
SECTION 29, T34N, R14E.
ELEV. = 861.14
SITE BM = 8" SPIKE IN THE EAST SIDE
OF L&M POWER POLE #D324-47
ELEV. = 861.63.

ZONE: A2, AGRICULTURAL
SETBACKS: FRONT 50',
SIDE 30' FOR PRIMARY STRUCTURE, 10' FOR
ACCESSORY STRUCTURE
REAR 30' FOR PRIMARY STRUCTURE, 10' FOR
ACCESSORY STRUCTURE

DEVELOPER & OWNER:
STEVEN LEE & CATHERINE CULLER
4313 CR 51
BUTLER INDIANA 46721

SURVEYOR:
GERALD E. TEDERS P.L.S.
TRI-COUNTY LAND SURVEYING P.C.
114 N. COWEN STREET
GARRETT, INDIANA 46738

NOTE: THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A SCHEDULE "A" OR SCHEDULE "B" OF A TITLE POLICY WHICH MAY REVEAL INFORMATION ABOUT THIS REAL ESTATE WHICH IS NOT SHOWN ON THIS SURVEY.

FLOOD HAZARD STATEMENT:
ALL OF THE ABOVE DESCRIBED LAND DOES LIE WITHIN FLOOD HAZARD ZONE "X", NOT A FLOOD HAZARD AREA, AS SAID LANDS PLOT BY SCALE ON COMMUNITY PANEL NO. 1863300165E OF THE FLOOD INSURANCE RATE MAP FOR DEKALB COUNTY, INDIANA, DATED 9--29--2006.

NO.	DATE	DESCRIPTION	BY

SURVEYOR'S REPORT

1) IN ACCORDANCE WITH TITLE 865, ARTICLE 11, CHAPTER 1 THROUGH 34 OF INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS A RESULT OF:

A) VARIANCES IN THE REFERENCE MONUMENTS; SHOWN ON THE ATTACHED SURVEY.

B) DISCREPANCIES IN THE RECORD DESCRIPTIONS AND PLATS; SHOWN ON THE ATTACHED SURVEY.

C) INCONSISTENCIES IN LINES OF OCCUPATION;

D) RANDOM ERRORS IN MEASUREMENT (RELATIVE POSITIONAL ACCURACY);

THE RELATIVE POSITIONAL ACCURACY (DUE TO RANDOM ERRORS IN MEASUREMENT) OF THE CORNERS OF THE SUBJECT TRACT ESTABLISHED BY THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR A SUBURBAN SURVEY, 0.13' PLUS 100 PARTS PER MILLION (0.40) FEET AS DEFINED IN IAC 865.

THIS IS AN ORIGINAL SURVEY OF A 4.48 ACRES PORTION OF A TRACT OF REAL ESTATE DESCRIBED IN DOCUMENT #200905163 & DOCUMENT 20200005693, PUBLIC RECORDS OF DEKALB COUNTY, INDIANA, FOR THE PURPOSE OF CREATING A BUILDING SITE.

MONUMENTATION: THE MONUMENTATION OF THE SOUTHWEST QUARTER OF SECTION 6, T35N, RISE IS AS SHOWN ON THE ATTACHED SURVEY. THE HARRISON MONUMENTS AND THE 1" BAR AT THE NORTHEAST CORNER AND THE P.K. NAIL ON THE 8 X 8 CORNER MARKING THE SOUTHWEST CORNER ARE PERPETUATION'S OF STONES SET DURING A LEGAL SURVEY OF THIS SECTION, DATED MARCH 19 TO 21, 1867 AND IS RECORDED IN SURVEY BOOK "C2", PAGE 327, IN THE OFFICE OF THE DEKALB COUNTY SURVEYOR.

NO REGULATED DRAINS CROSS THIS PARCEL PER THE DEKALB COUNTY DRAIN MAP & THE DEKALB COUNTY G.I.S. WEBSITE.

State of Indiana
County of Dekalb

Before me the undersigned Notary Public, in and for the County and State, this _____ personally appeared STEVEN LEE & CATHERINE CULLER, and _____ witness, 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 _____, 2020.

Notary Public
My Commission Expires _____
Printed Name _____

Steven Lee Culler
Catherine Culler
Witness _____

TIMBER WOODS AN ADDITION TO THE SW ¼, SECTION 29, T34N, R14E, WILMINGTON TWP., DEKALB COUNTY, INDIANA

LAND DESCRIPTION

THE BEARINGS AND DISTANCES IN THIS DESCRIPTION HAVE BEEN GENERATED USING NON STATE PLANE G.P.S. MEASUREMENTS COLLECTED DURING THE SURVEYING OF TRI-COUNTY LAND SURVEYING JOB NUMBER 20--045.

PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 34 NORTH, RANGE 14 EAST, LOCATED IN WILMINGTON TOWNSHIP, DEKALB COUNTY, INDIANA, AND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE HARRISON MONUMENT MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 34 NORTH, RANGE 14 EAST; THENCE SOUTH 01 DEGREE 35 MINUTES 09 SECONDS EAST (ASSUMED BASIS OF BEARING) ON AN ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 299.53 FEET TO AN 8 INCH SPIKE MARKING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ON AND ALONG SAID WEST LINE SOUTH 01 DEGREE 35 MINUTES 09 SECONDS EAST 360.47 FEET TO AN 8 INCH SPIKE; THENCE NORTH 87 DEGREES 53 MINUTES 13 SECONDS EAST PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER 323.44 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED L59700007; THENCE NORTH 01 DEGREE 35 MINUTES 09 SECONDS WEST PARALLEL WITH SAID WEST LINE 360.47 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED L59700007; THENCE SOUTH 87 DEGREES 53 MINUTES 13 SECONDS WEST, 323.44 FEET TO THE POINT OF BEGINNING, CONTAINING 2.68 ACRES PLUS OR MINUS AND BEING SUBJECT TO ALL APPLICABLE EASEMENTS AND RIGHTS--OF--WAY OF RECORD.

DEED OF DEDICATION

We the undersigned STEVEN LEE CULLER & CATHERINE CULLER owners of said 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 "TIMBER WOODS", on addition to Dekalb County, Indiana. All streets shown and not heretofore dedicated are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and 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, reserved for the use of local utility companies for the installation of utility lines subject of all times to the proper authorities and to the easement herein reserved. No permanent or other structures now 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 owners of other lots in this subdivision.

Witness our Hands and Seals this _____ day of _____, 2020.

STEVEN LEE CULLER _____

CATHERINE CULLER _____

RESTRICTIVE COVENANTS

The owner(s) of the lot within this subdivision agrees to recognize the existing agricultural land usage surrounding this subdivision and further agrees to not object to the surrounding agricultural land use or changes therein as permitted by law, i.e., I. C. 34-1-52-4.

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

There shall be compliance with the laws and regulations of any Federal, State, or local agency.

No off site drainage, existing surface water or existing tied water drainage, crossing over said real estate shall be obstructed by any development on this site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.

PLAN COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 174-- ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ALL ACTS AMENDATORY THERETO, AND IN ORDINANCE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE COUNTY OF DEKALB AS FOLLOWS:

APPROVED BY THE COUNTY PLAN COMMISSION AT A MEETING HELD ON THE _____ DAY OF _____, 2020.

CHAIRMAN _____

ZONING ADMINISTRATOR _____

This Staff Report is prepared by the DeKalb County Planning Department to provide information to the Plan Commission to assist them in making a decision on this Application. It may also be useful to members of the public interested in this Application.

SUMMARY FACTS:

PROPERTY OWNER: Steven & Catherine Culler, Bradley & Angela Dangler Applicant
SUBJECT SITE: 4313 County Road 51, Butler
REQUEST: 1 Lot Minor Subdivision – Timber Woods
PURPOSE: Create 1 buildable Lot
EXISTING ZONING: A2, Agricultural
SURROUNDING LAND North: Farmground (A2)
USES AND ZONING: South: Farmground (A2)
East: Farmground (A2)
West: Farmground (A2)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- Parcel 15-07-29-300-001 is considered the parent parcel and this is the 1st 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 easements)*
 - Proposed Lot 1 Area: 2.43 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 360.47 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 360.47 feet

- This division of land fronts the following roads:
 - County Road 51 is considered 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 **October 20, 2020**
2. Legal notice published in The Star on **October 30, 2020** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **October 28, 2020**
5. Letter from County Highway dated **October 20, 2020**
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 20, 2020**
7. Letter from the Drainage Board, dated **October 23, 2020**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Tri County 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 staff are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s)
 - 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 51
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Not Required: Private Septic System will be utilized.
 - 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.
Yes, all applicable standards conform to the UDO requirements.

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 shall be on the plat, if required.

5. The appropriate drainage covenants shall be on the plat, if required.
6. The appropriate 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, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
6. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. Further, where 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.