

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 October 4th, 2022

8:30 AM

1. Roll call
2. Approval of Minutes: September 20th, 2022
3. Old Business: None
4. New Business:

Petition # 22-38 Jol Gerardot requesting a RePlat of Lot 2 & Lot 3 in West Meadows Subdivision. The proposed RePlat will be combining Lot 2 & Lot 3 for a total of 1.456 acres. The subdivision will be used for a single family residence. The property is located on the south side of County Road 60, approximately 500 west of the intersection of County Road 60 and State Road 1/Spencer St, St. Joe, Indiana and is zoned R2, Medium Density Residential.

Petition # 22-39 Larry & Berry Owens requesting a 1 Lot Minor Subdivision known as Deer Haven. The proposed 1 lot subdivision will be a total of 10.36 acres. The subdivision will be used for a single family residence. The property is located on the north side of County Road 60, approximately one-third mile west of the intersection of County Road 60 and County Road 35, Auburn, Indiana and is zoned A2, Agricultural.

5. Reports of Planning Staff, Officers, of Committees
6. Comments from Public in attendance
7. Adjournment

Next Meeting: November 1st, 2022 @ 8:30 AM

If you cannot attend, please contact Alicia Shackelford:

AShackelford@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.**

MINUTES
DEKALB COUNTY PLAT COMMITTEE
Tuesday September 20th, 2022 @ 8:30 A.M

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 Chris Gaumer.

ROLL CALL:

Members Present: Jason Carnahan, Jerry Yoder, Bill VanWye, Frank Pulver

Members Absent: Sandy Harrison, Elysia Rodgers

Staff Present: Director/Zoning Administrator Chris Gaumer, Secretary Alicia Shackelford

Staff Absent: None

Public in Attendance: Sehar Singh, Colton Crager, Melissa Crager, Lisa Gatt, Auggie Gatt, Joe Herendeen, Angie Wallace, Sam Cook

APPROVAL OF MINUTES: Frank Pulver moved to approve the Minutes of August 2nd, 2022, seconded by Jason Carnahan. None opposed. Motion carried.

OLD BUSINESS: None

NEW BUSINESS:

Petition # 22-34 Samuel Cook requesting a 1 Lot Minor Subdivision known as SKCVL Acres. The proposed 1 lot subdivision will be a total of 17 acres. The subdivision will be used for a single family residence. The property is located on the north side of County Road 72 approximately 500 feet east of the intersection of County Road 72 and Hull Rd (Allen Co.), Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the staff report and inquired if there were any questions.

Samuel Cook took to the podium with questions regarding drains at the front of plat.

Chris Gaumer asked if there were any further questions from the public. There were none. Public hearing closed.

These are proposed findings which are not final until adopted by the Plan Commission.

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 27, 2022**
2. Legal notice published in The Star on **September 9, 2022** 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 **August 9, 2022**
5. Letter from County Highway dated **August 30, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 28, 2022**
7. Letter from the Drainage Board, dated **August 8, 2022**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Anderson Surveying, Inc.**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

PROPOSED FINDINGS OF FACT:

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for 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). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 72 with dedication of right of way. The applicant or buyer will need to apply for and receive a driveway permit from the DeKalb County Highway Dept.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. Applicant or buyer will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.*
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. Provide covenant for compliance with Airport Board requirements, if required.
5. 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 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 # 22-34, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 20TH DAY OF SEPTEMBER, 2022.

Motion made by Jerry Yoder, Seconded by Jason Carnahan

Vote tally: Yes: 4 No: 0

Jerry Yoder

Jason Carnahan

Frank Pulver

Bill VanWye

Petition # 22-35 Stanley & Naomi Everetts requesting a 1 Lot Minor Subdivision known as Nome Acres. The proposed 1 lot subdivision will be a total of 5.13 acres. The subdivision will be used for a personal storage building. The property is located on the west side of County Road 81 approximately 500 feet south of the intersection of County Road 81 and County Road G (Edon, Ohio), Hamilton, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the staff report and inquired if there were any questions. There were none.

Frank Pulver asked if there was a size limit for storage buildings. Chris Gaumer stated there is not a limit on size.

Chris Gaumer asked if there were any questions from the public. There were none. Public hearing closed.

These are proposed findings which are not final until adopted by the Plan Commission.

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 29, 2022**
2. Legal notice published in The Star on **September 9, 2022** 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 **August 9, 2022**
5. Letter from County Highway dated **August 1, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **July 29, 2022**
7. Letter from the Drainage Board, dated **August 5, 2022**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Compass Land Surveying**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

PROPOSED FINDINGS OF FACT:

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?

Yes, the minor subdivision will be used for a storage building, which is compatible to the existing and adjacent land uses.

2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 81 with dedication of right of way. The applicant or buyer will need to apply for and receive a driveway permit from the DeKalb County Highway Dept.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. The DeKalb County Board of Health has required a covenant added to this plat. A Condition of Approval has been added.*
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.
5. The appropriate Board of Health Covenant that states:

“Pursuant to policies with DeKalb County Government, the DeKalb County Health Department has signed off on this plat and the current property owner or a duly authorized agent for that property owner or owners and all successors of this property acknowledge and agree that, in connection with the approved plat:

 1. No water will be plumbed to or from any permanent or temporary structures on the property.
 2. The DeKalb County Health Department and the Indiana State Department of Health will be notified, and all procedures followed to apply for and install a residential and/or commercial on-site sewage treatment system if and when water would be plumbed to/and or from any structures on the property.”

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. Provide covenant for compliance with Airport Board requirements, if required.
5. 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 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 # 22-35, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 20TH DAY OF SEPTEMBER, 2022.

Motion made by Bill VanWye, Seconded by Jerry Yoder

Vote tally: Yes: 4 No: 0

Jerry Yoder

Jason Carnahan

Frank Pulver

Bill VanWye

Petition # 22-36 Auggie & Lisa Gatt requesting a RePlat of Lots Numbered 1-4 in the Replat of Lot 1 Hickory Hills. The proposed RePlat will be a total of 17.341 acres. The subdivision will be used for a single family residences. The property is located at the northwest corner of County Road 51 and County Road 48, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the staff report and inquired if there were any questions. There were none.

Bill VanWye asked if the drain on County Road 51 was a drain or pond.

Auggie Gatt took to the podium explained that it is a drain on County Road 51, which as been filled with concrete when subdivision was being created.

Chris Gaumer asked if there were any questions from the public. There were none. Public hearing closed.

These are proposed findings which are not final until adopted by the Plan Commission.

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 **August 1, 2022**
2. Legal notice published in The Star on **June 24, 2022** 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 9th, 2022**
5. Letter from County Highway dated **August 30, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 30, 2022**
7. Letter from the Drainage Board, dated **August 22, 2022**

8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Sauer Land Surveying**
10. The real estate to be developed is in Zoning District A2, which permits the requested development.

PROPOSED FINDINGS OF FACT:

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision 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). *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 51 & County Road 48 with dedication of right of way where required.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. For Lot 1, an existing Private Septic System is being utilized. Health Department does recommend that a soil evaluation be performed to ensure adequate area and soil conditions are available on the property for the installation of a replacement residential onsite sewage system if and when determined necessary. For Lot 2, the applicant or buyer will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.*
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.

3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. Provide covenant for compliance with Airport Board requirements, if required.
5. 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 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 #22-36, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 20TH DAY OF SEPTEMBER, 2022.

Motion made by Frank Pulver, Seconded by Jason Carnahan

Vote tally: Yes: 4 No: 0

Jerry Yoder

Jason Carnahan

Frank Pulver

Bill VanWye

Petition # 22-37 Colton & Melissa Crager requesting a 1 Lot Minor Subdivision known as C. M. Crager Meadows. The proposed 1 lot subdivision will be a total of 10 acres. The subdivision will be used for a single family residence. The property is located at 1765 County Road 18, Waterloo, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the staff report and inquired if there were any questions.

Lyle Vian submitted a letter to the Plan Commissioners requesting that a county tile known as Potts Drain be kept open and properly maintained.

Chris Gaumer asked if there were any further questions from the public. There were none. Public hearing closed.

These are proposed findings which are not final until adopted by the Plan Commission.

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 **August 16 2022**
2. Legal notice published in The Star on **September 9, 2022** 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 **August 29, 2022**
5. Letter from County Highway dated **August 17, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 17, 2022**
7. Letter from the Drainage Board, dated **August 26, 2022**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Sauer Land Surveying**

10. The real estate to be developed is in Zoning District A2 which permits the requested development.

PROPOSED FINDINGS OF FACT:

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision 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). *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 18 with dedication of right of way. The applicant has received a driveway permit from the DeKalb County Highway Dept.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. Applicant or buyer will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.*
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. Provide covenant for compliance with Airport Board requirements, if required.
5. 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 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 #22-37, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 20TH DAY OF SEPTEMBER, 2022.

Motion made by Jason Carnahan, Seconded by Frank Pulver

Vote tally: Yes: 4 No: 0

Jerry Yoder

Jason Carnahan

Frank Pulver

Bill VanWye

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

Plat Committee Member

Committee Member

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: 22-38
Date Application Filed: 9/9/2022
Fee Paid: 91322 dk
1297

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: PO Box 12
Leo, IN 46765
Telephone Number: 260-417-3643 E-Mail: compasslandsurveying@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Jol Gerardot
Address: 755 Decatur Rd., Lot 18
Fort Wayne, Indiana 46816
Telephone Number: 269-635-9505 E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

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

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

2 Lots & 1.456 Acres

Name of Subdivision and Address or common description of property:

West Meadows Subdivision - County Road 6 Saint Joe, IN

Legal description of property affected:

Lot 2 & Lot 3 in West Meadows Subdivision

Reason for the Proposed Replat:

Combine Lot 2 & Lot 3 for a building site that meet the UDO for acreage.

The Replat should include (check all that apply):

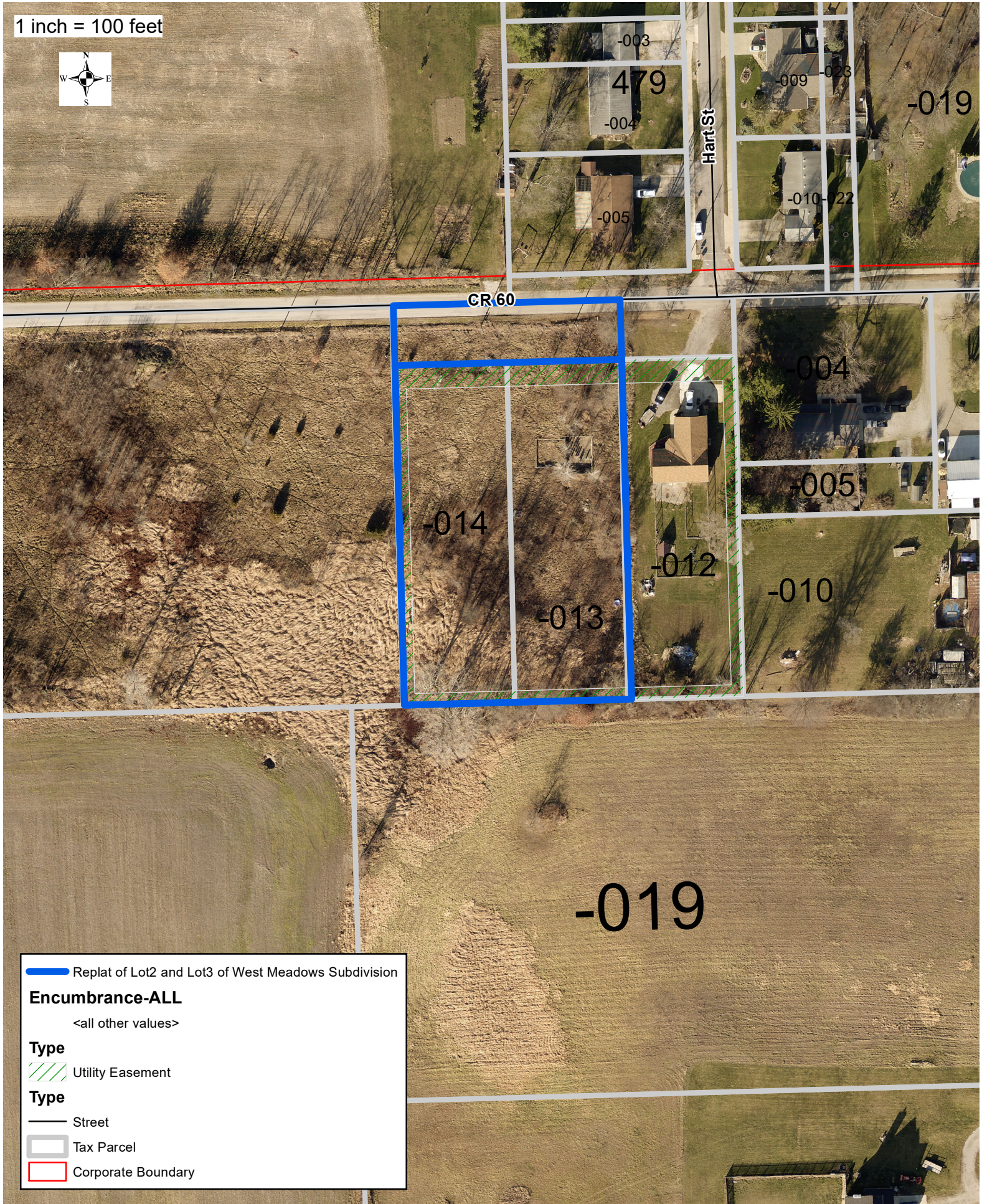
- All of the Platted Area All recorded restrictive covenants
 Part of the Platted Area as shown in the attached documents None of the restrictive covenants
 Those restrictive covenants specifically listed in the attached documents


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


(If signed by representative for applicant, state capacity)


1 inch = 100 feet





 Replat of Lot2 and Lot3 of West Meadows Subdivision

Encumbrance-ALL
<all other values>

Type
 Utility Easement

Type
 Street

 Tax Parcel

 Corporate Boundary

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REPLAT OF LOT 2 & LOT 3 IN WEST MEADOWS SUBDIVISION

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 33 NORTH, RANGE 14 EAST, SPENCER TOWNSHIP, DEKALB COUNTY, INDIANA

REAL ESTATE DESCRIPTION

PART OF THE NORTHEAST QUARTER SECTION 21, TOWNSHIP 33 NORTH, RANGE 14 EAST, SPENCER TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON SEPTEMBER 9TH, 2012, AS PROJECT NUMBER 22-468, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A HARRISON MARKER AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 33 NORTH, RANGE 14 EAST; THENCE NORTH 88 DEGREES 56 MINUTES 42 SECONDS EAST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21, A DISTANCE OF 2,002.85 FEET TO THE NORTHWEST CORNER OF LOT NUMBER 3 IN WEST MEADOWS SUBDIVISION AS RECORDED IN PLAT BOOK 10, PAGE 149 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA, BEING THE POINT OF BEGINNING, SAID POINT BEING REFERENCED BY A MAG NAIL WITH KARST IDENTIFICATION WASHER 03 FEET NORTH; THENCE CONTINUING NORTH 88 DEGREES 56 MINUTES 42 SECONDS EAST, ALONG SIDE NORTH LINE, A DISTANCE OF 189.76 FEET TO THE NORTHEAST CORNER OF LOT NUMBER 2 IN SAID PLAT; SAID CORNER BEING REFERENCED BY A MAG NAIL WITH KARST IDENTIFICATION WASHER 03 FEET NORTH; THENCE SOUTH 01 DEGREE 09 MINUTES 19 SECONDS EAST, ALONG THE EAST LINE OF LOT NUMBER 2 IN SAID PLAT, A DISTANCE OF 394.13 FEET TO A 5/8" REBAR WITH KARST IDENTIFICATION CAP AT THE SOUTHWEST CORNER OF LOT NUMBER 2 IN SAID PLAT; THENCE SOUTH 88 DEGREES 55 MINUTES 50 SECONDS WEST, ALONG THE SOUTH LINE OF LOT NUMBER 2 AND LOT NUMBER 3 IN SAID PLAT, A DISTANCE OF 189.82 FEET TO A 5/8" REBAR WITH KARST IDENTIFICATION CAP AT THE SOUTHWEST CORNER OF LOT NUMBER 3 IN SAID PLAT; THENCE NORTH 01 DEGREE 08 MINUTES 45 SECONDS WEST, A DISTANCE OF 394.18 FEET TO THE POINT OF BEGINNING, CONTAINING 1.456 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE PLAT OF WEST MEADOWS SUBDIVISION, THE RIGHT OF WAY OF COUNTY ROAD 60 AND ALL OTHER RIGHTS OF WAY AND EASEMENTS.

OWNER & DEVELOPER

JOL GERARDOT
755 DECATUR ROAD, LOT 18
FORT WAYNE, INDIANA 46816

SURVEYOR

COMPASS LAND SURVEYING, INC
PO BOX 12
LEO, IN 46765
TEL: 260-417-3643

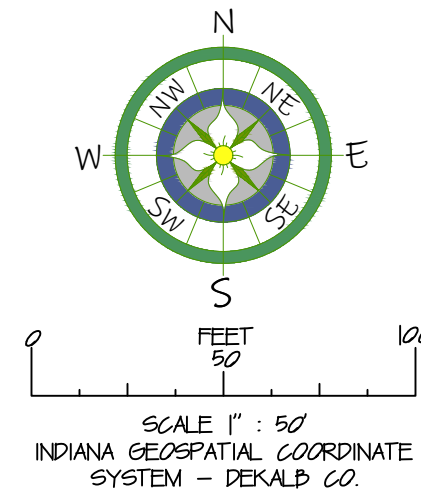
ZONING

ZONING DISTRICT:
MEDIUM DENSITY RESIDENTIAL (R2)

SETBACKS: SETBACKS:
PRIMARY ACCESSORY STRUCTURE
FRONT: 30' FRONT: 30'
SIDE: 12' SIDE: 10'
REAR: 20' REAR: 10'

LOT 2 AREA

TOTAL AREA: 1.456 ACRES
50' R/W: 0.218 ACRE
NET AREA: 1.238 ACRES



OWNER DEDICATION

I, THE UNDERSIGNED, JOL GERARDOT, OWNER 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 LOT 2 & LOT 3 IN WEST MEADOWS SUBDIVISION, AN ADDITION IN SPENCER 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.

JOL GERARDOT DATE

NOTARY

STATE OF INDIANA }
COUNTY OF DEKALB }

WITNESS OUR HAND AND SEAL THIS _____ DAY OF OCTOBER, 2012.

JOL GERARDOT

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS _____ DAY OF OCTOBER, 2012, PERSONALLY APPEARED JOL GERARDOT 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 OCTOBER, 2012.

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES: _____

AGRICULTURAL COVENANT

THE OWNER(S) OF THE LOT(S) WITHIN THIS SUBDIVISION AGREE TO RECOGNIZE THE EXISTING AGRICULTURAL LAND USAGE SURROUNDING THIS SUBDIVISION AND FURTHER AGREE TO NOT OBJECT TO THE SURROUNDING AGRICULTURAL LAND USE OR CHANGES THEREIN AS PERMITTED BY LAW, I.E. IC 34-1-52-4.

FURTHER DEVELOPMENT STANDARDS

FURTHER DEVELOPMENT: THIS LOT/THese LOTS 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 ANY FUTURE PLAT WOULD HAVE ANY RETROACTIVE APPLICABILITY TO THIS DIVISION OF LAND.

PLAN COMMISSION CERTIFICATE OF APPROVAL

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION THIS _____ DAY OF OCTOBER, 2012

ELYSIA RODGERS, CHAIRPERSON

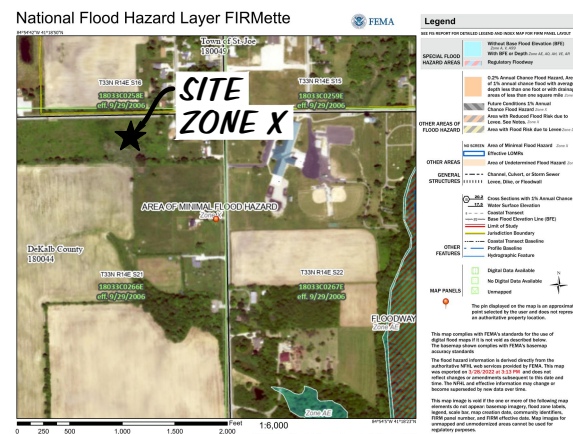
CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

MONUMENT LEGEND

- "B" ~ 3/4" PIPE FOUND 24.9W. (-01, CM)
- "C" ~ 5/8" REBAR FOUND 155. & 500W. (+06)
- "D" ~ 5/8" REBAR FOUND 045. & 01E (+07) & AXLE FOUND 045. & 02E (+06)
- "E" ~ 5/8" REBAR WITH "KARST" IDENTIFICATION CAP FOUND (+06, CM)
- "F" ~ 5/8" REBAR WITH "KARST" IDENTIFICATION CAP FOUND (+09, CM)
- "G" ~ 5/8" REBAR WITH "KARST" IDENTIFICATION CAP FOUND (+02, CM)
- "H" ~ 5/8" REBAR FOUND 34E (+05, CM. N/S) & WOOD POST FOUND 055. & 22E (+6) & WOOD POST FOUND 028N. & 07E (+6)
- "I" ~ 5/8" REBAR WITH "KARST" IDENTIFICATION CAP FOUND 497S. (FLUSH, CM)
- "J" ~ MAG NAIL WITH "KARST" IDENTIFICATION WASHER FOUND 03N. (FLUSH, CM. E/W)
- "K" ~ MAG NAIL WITH "KARST" IDENTIFICATION WASHER FOUND (FLUSH, CM. E/W)
- "L" ~ 5/8" REBAR WITH "KARST" IDENTIFICATION CAP FOUND 498S. (-05, CM)
- "M" ~ MAG NAIL WITH "KARST" IDENTIFICATION WASHER FOUND 03N. (FLUSH, CM. E/W)
- "N" ~ 5/8" REBAR WITH "KARST" IDENTIFICATION CAP FOUND 499S. (-03, CM)
- "O" ~ MAG NAIL WITH "KARST" IDENTIFICATION WASHER FOUND 03N. (FLUSH, CM. E/W)
- "P" ~ 5/8" REBAR WITH "KARST" IDENTIFICATION CAP FOUND 500S. (-01, CM)
- "R" ~ 5/8" REBAR FOUND 22N. & 06W. (-04)

LEGEND

- P ~ PLAT
- M ~ MEASURED
- C ~ CALCULATED
- D ~ DEED
- CM ~ CONTROLLING MONUMENT
- R/W ~ RIGHT-OF-WAY
- POB ~ POINT OF BEGINNING
- POC ~ POINT OF COMMENCEMENT
- TOB ~ TOP OF BANK



NFHL FIRMETTE NOT TO SCALE

FLOODPLAIN CERTIFICATION

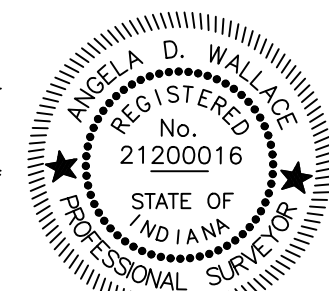
REPLAT OF LOT 2 & LOT 3 IN WEST MEADOWS SUBDIVISION LIES WITHIN ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 180044, PANEL: 0766 E, EFFECTIVE DATE: SEPTEMBER 23, 2006, MAP NUMBER: 180990766E

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 SEPTEMBER 9TH, 2012 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.

DATE: SEPTEMBER 9TH, 2012

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.



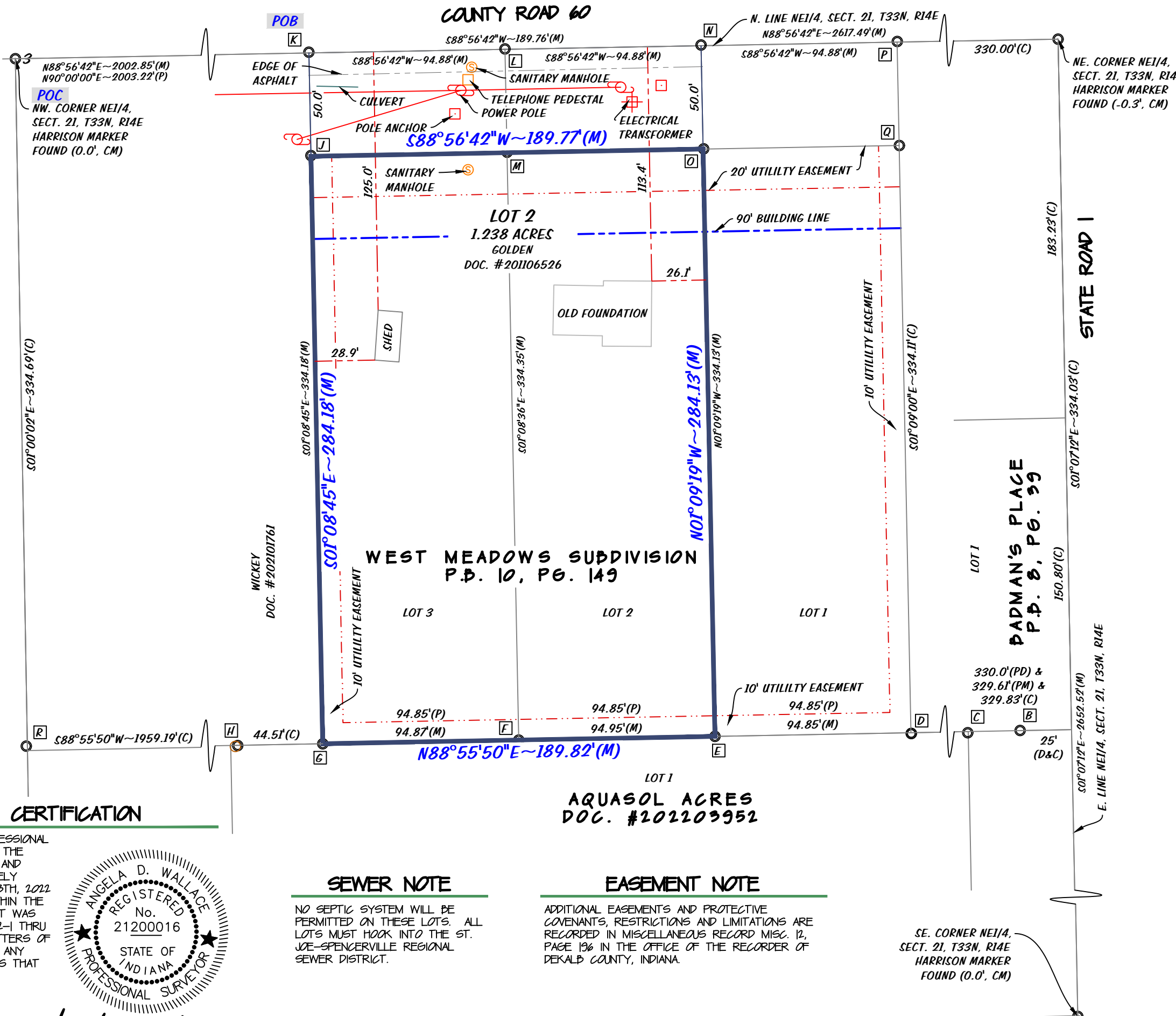
Angela D. Wallace

SEWER NOTE

NO SEPTIC SYSTEM WILL BE PERMITTED ON THESE LOTS. ALL LOTS MUST HOOK INTO THE ST. JOE-SPENCERVILLE REGIONAL SEWER DISTRICT.

EASEMENT NOTE

ADDITIONAL EASEMENTS AND PROTECTIVE COVENANTS, RESTRICTIONS AND LIMITATIONS ARE RECORDED IN MISCELLANEOUS RECORD MISC. 12, PAGE 196 IN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA.



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:** Jol Gerardot
- SUBJECT SITE:** approximately 500 west of the intersection of County Road 60 and State Road 1/Spencer St, St. Joe
- REQUEST:** RePlat of Lot 2 & Lot 3 in West Meadows Subdivision
- EXISTING ZONING:** R2, Medium Density Residential
- SURROUNDING LAND USES AND ZONING:** North: Residential (Town of St. Joe)
South: Agricultural (R2)
East: Residential (R2)
West: Vacant Land (R2)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- The RePlat of Lot 2 & Lot 3 in West Meadows Subdivision will be combining Lot 2 & Lot 3.
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 12,000 square feet (when connected to municipal sewer)*
 - Proposed Lot 2 Area: 1.238 net acres
 - *Minimum Lot Width: 80 feet*
 - Proposed Lot 2 Width: 189.82 feet
 - *Minimum Lot Frontage: 60 Feet*
 - Proposed Lot 1 Frontage: 189.77 feet
- This division of land fronts the following roads:
 - County Road 60 is considered County Collector Road with a projected total right-of-way width of 80 feet.
 - The right-of-way has been dedicated per the original West Meadows Subdivision.

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 9, 2022**
2. Legal notice published in The Star on **September 23, 2022** 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 12, 2022**
5. Letter from County Highway dated **September 12, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 12, 2022**
7. Letter from the Drainage Board, dated **September 22, 2022**
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 the Zoning Administrator are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for 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). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 60 with dedication of right of way where required.*
 - c. The extension of water, sewer & other municipal services, if applicable or required.
The property will be required to hook up to the St. Joe/Spencerville Regional Sewer District.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.
5. Covenant requiring the hookup to the St. Joe/Spencerville Regional Sewer District.

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. Provide covenant for compliance with Airport Board requirements, if required.
5. 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 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: 22-39
Date Application Filed: 9/9/22
Fee Paid: per \$150
CK 1297

Application for SUBDIVISION
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: Angela Wallace
Mailing Address: PO Box 12
Leo, IN 46765
Telephone Number: 260-417-3643 E-Mail: compasslandsurveying@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Larry & Betty Owens
Address: 1413 Old Briar Trail
Auburn, IN 46706
Telephone Number: _____ E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

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

Name of Proposed Subdivision: Deer Haven

Number of Parcels & Total Area (square feet or acreage):
1 Parcel & 10.36 Acres

Address or common description of property:
North side of County Road 60 West of County Road 35

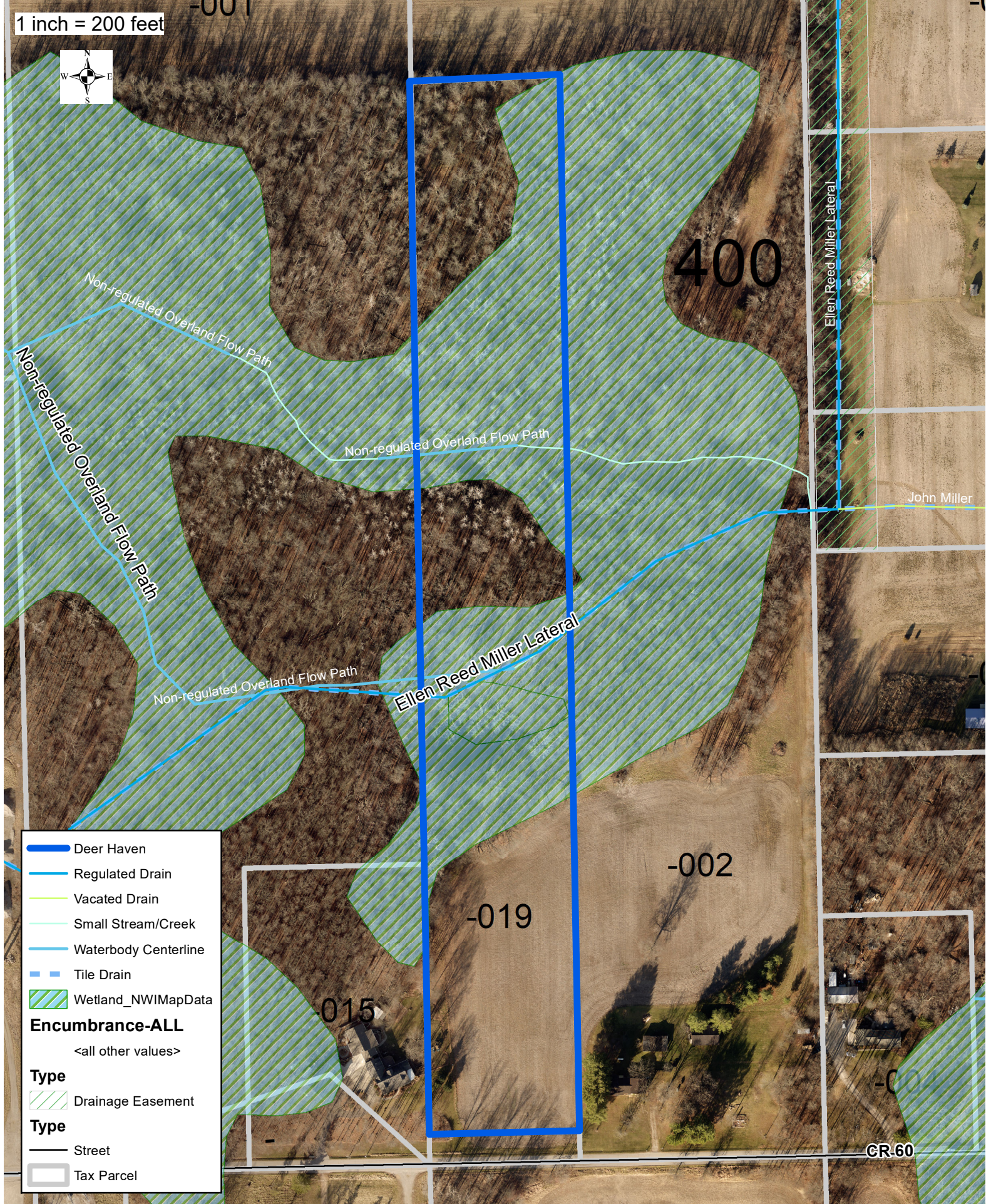
Legal description of property affected:
Part of the Southeast Quarter of Section 16, T33N, R13E

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

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

Applicant's Signature: Angela D Wallace Professional Surveyor 09/08/2022
(If signed by representative for applicant, state capacity)

1 inch = 200 feet



400

Ellen Reed Miller Lateral

John Miller

-002

-019

015

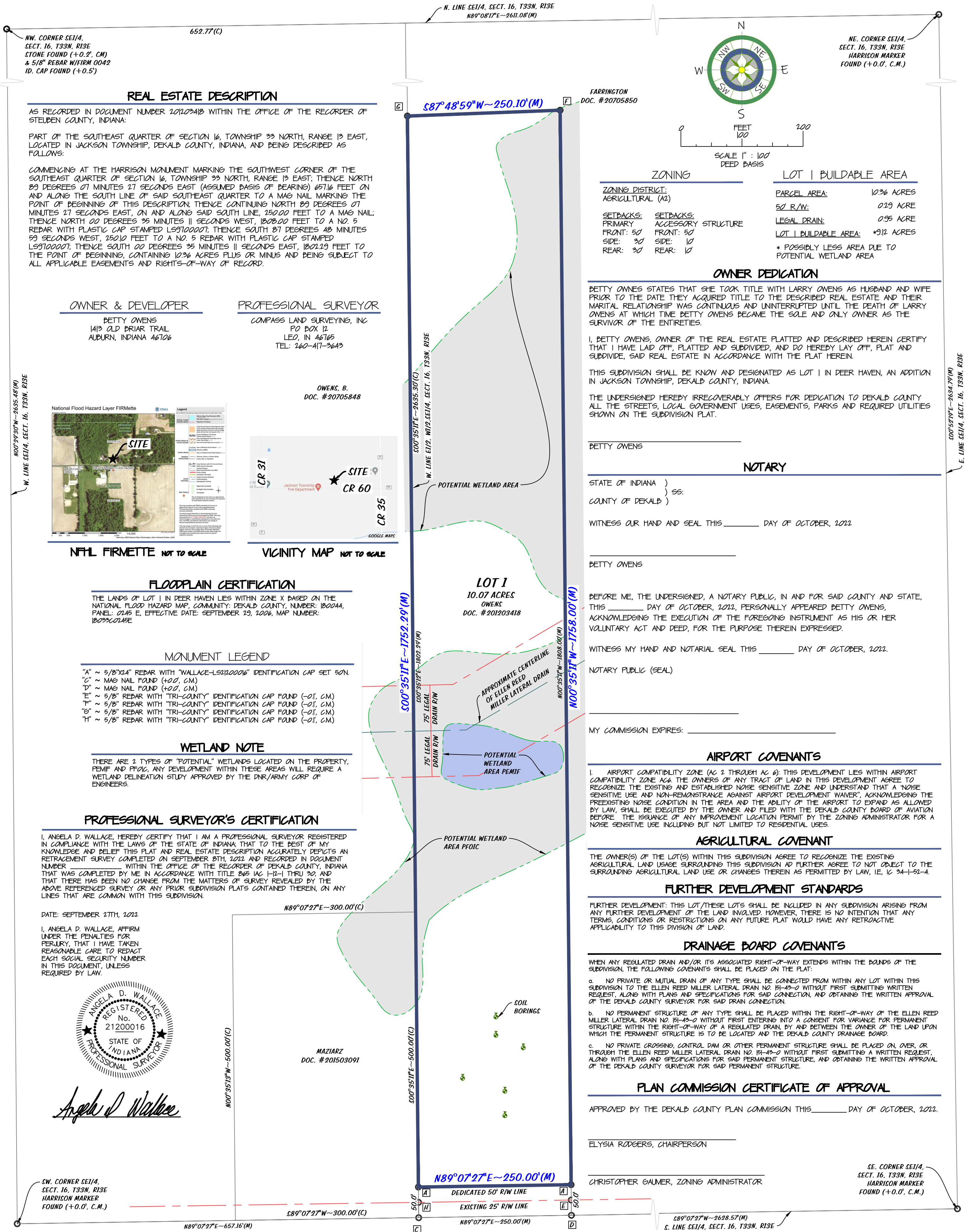
GR-60

Deer Haven
 Regulated Drain
 Vacated Drain
 Small Stream/Creek
 Waterbody Centerline
 Tile Drain
 Wetland_NWIMapData
Encumbrance-ALL
 <all other values>
Type
 Drainage Easement
Type
 Street
 Tax Parcel

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MINOR PLAT OF DEER HAVEN

A SUBDIVISION IN THE EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 33 NORTH, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA



REAL ESTATE DESCRIPTION

AS RECORDED IN DOCUMENT NUMBER 201203418 WITHIN THE OFFICE OF THE RECORDER OF STEUBEN COUNTY, INDIANA:

PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 33 NORTH, RANGE 13 EAST, LOCATED IN JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA, AND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE HARRISON MONUMENT MARKING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 33 NORTH, RANGE 13 EAST; THENCE NORTH 89 DEGREES 07 MINUTES 27 SECONDS EAST (ASSUMED BASIS OF BEARING) 657.16 FEET ON AND ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO A MAG NAIL MARKING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 89 DEGREES 07 MINUTES 27 SECONDS EAST, ON AND ALONG SAID SOUTH LINE, 250.00 FEET TO A MAG NAIL; THENCE NORTH 00 DEGREES 35 MINUTES 11 SECONDS WEST, 1807.00 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED L99700007; THENCE SOUTH 87 DEGREES 48 MINUTES 59 SECONDS WEST, 250.10 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED L99700007; THENCE SOUTH 00 DEGREES 35 MINUTES 11 SECONDS EAST, 1807.29 FEET TO THE POINT OF BEGINNING, CONTAINING 10.36 ACRES PLUS OR MINUS AND BEING SUBJECT TO ALL APPLICABLE EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

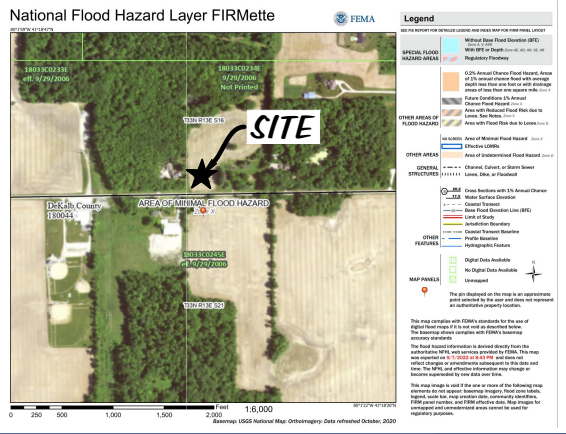
OWNER & DEVELOPER

BETTY OWENS
1413 OLD BRIAR TRAIL
ALBURN, INDIANA 46706

PROFESSIONAL SURVEYOR

COMPASS LAND SURVEYING, INC
PO BOX 12
LEO, IN 46765
TEL: 760-417-3643

OWENS, B.
DOC. #20705848



NFHL FIRMETTE NOT TO SCALE



VICINITY MAP NOT TO SCALE

FLOODPLAIN CERTIFICATION

THE LANDS OF LOT 1 IN DEER HAVEN LIES WITHIN ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 180044, PANEL: 0146 E, EFFECTIVE DATE: SEPTEMBER 23, 2006, MAP NUMBER: 1809902145E

MONUMENT LEGEND

- "A" ~ 5/8"X24" REBAR WITH "WALLACE-LS2120016" IDENTIFICATION CAP SET 50N.
- "C" ~ MAG NAIL FOUND (+0.0, C.M.)
- "D" ~ MAG NAIL FOUND (+0.0, C.M.)
- "E" ~ 5/8" REBAR WITH "TRI-COUNTY" IDENTIFICATION CAP FOUND (-0.1, C.M.)
- "F" ~ 5/8" REBAR WITH "TRI-COUNTY" IDENTIFICATION CAP FOUND (-0.1, C.M.)
- "G" ~ 5/8" REBAR WITH "TRI-COUNTY" IDENTIFICATION CAP FOUND (-0.1, C.M.)
- "H" ~ 5/8" REBAR WITH "TRI-COUNTY" IDENTIFICATION CAP FOUND (-0.1, C.M.)

WETLAND NOTE

THERE ARE 2 TYPES OF "POTENTIAL" WETLANDS LOCATED ON THE PROPERTY, PEMF AND PFOIC. ANY DEVELOPMENT WITHIN THESE AREAS WILL REQUIRE A WETLAND DELINEATION STUDY APPROVED BY THE DNR/ARMY CORP OF ENGINEERS.

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 RETRACEMENT SURVEY COMPLETED ON SEPTEMBER 27TH, 2012 AND RECORDED IN DOCUMENT NUMBER 201203418 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA THAT WAS COMPLETED BY ME IN ACCORDANCE WITH TITLE 36S IAC 1-12-1 THRU 30; AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE ABOVE REFERENCED SURVEY OR ANY PRIOR SUBDIVISION PLATS CONTAINED THEREIN, ON ANY LINES THAT ARE COMMON WITH THIS SUBDIVISION.

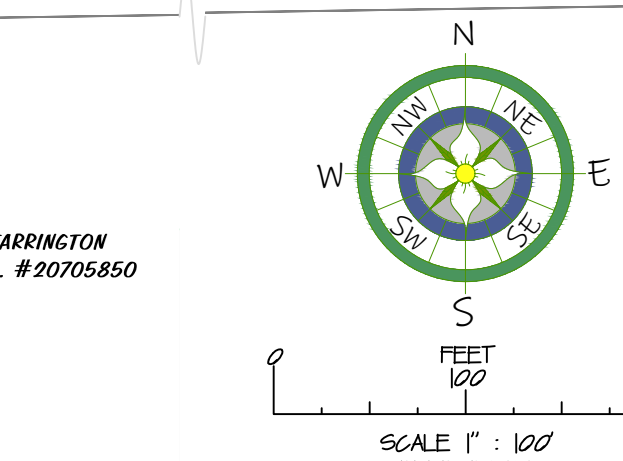
DATE: SEPTEMBER 27TH, 2012

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

MAZIARZ
DOC. #201503091



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

LOT 1 BUILDABLE AREA	
PARCEL AREA:	10.36 ACRES
50' R/W:	0.29 ACRE
LEGAL DRAIN:	0.95 ACRE
LOT 1 BUILDABLE AREA:	*9.12 ACRES
* POSSIBLY LESS AREA DUE TO POTENTIAL WETLAND AREA	

OWNER DEDICATION

BETTY OWENS STATES THAT SHE TOOK TITLE WITH LARRY OWENS 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 LARRY OWENS AT WHICH TIME BETTY OWENS BECAME THE SOLE AND ONLY OWNER AS THE SURVIVOR OF THE ENTIRETIES.

I, BETTY OWENS, OWNER 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 LOT 1 IN DEER HAVEN, AN ADDITION IN JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA.

THE UNDERSIGNED HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO DEKALB COUNTY ALL THE STREETS, LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND REQUIRED UTILITIES SHOWN ON THE SUBDIVISION PLAT.

BETTY OWENS

NOTARY

STATE OF INDIANA)
) SS:
COUNTY OF DEKALB)

WITNESS OUR HAND AND SEAL THIS _____ DAY OF OCTOBER, 2012

BETTY OWENS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS _____ DAY OF OCTOBER, 2012, PERSONALLY APPEARED BETTY OWENS, 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 OCTOBER, 2012.

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES: _____

AIRPORT COVENANTS

1. AIRPORT COMPATIBILITY ZONE (AC 2 THROUGH AC 6): 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.

AGRICULTURAL COVENANT

THE OWNER(S) OF THE LOT(S) WITHIN THIS SUBDIVISION AGREE TO RECOGNIZE THE EXISTING AGRICULTURAL LAND USAGE SURROUNDING THIS SUBDIVISION AND FURTHER AGREE TO NOT OBJECT TO THE SURROUNDING AGRICULTURAL LAND USE OR CHANGES THEREIN AS PERMITTED BY LAW, IE, IC 34-1-52-4.

FURTHER DEVELOPMENT STANDARDS

FURTHER DEVELOPMENT: THIS LOT/ THESE LOTS 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 ANY FUTURE PLAT WOULD HAVE ANY RETROACTIVE APPLICABILITY TO THIS DIVISION OF LAND.

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:

- a. NO PRIVATE OR MUTUAL DRAIN OF ANY TYPE SHALL BE CONNECTED FROM WITHIN ANY LOT WITHIN THIS SUBDIVISION TO THE ELLEN REED MILLER LATERAL DRAIN NO. 19-49-0 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.
- b. NO PERMANENT STRUCTURE OF ANY TYPE SHALL BE PLACED WITHIN THE RIGHT-OF-WAY OF THE ELLEN REED MILLER LATERAL DRAIN NO. 19-49-0 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.
- c. NO PRIVATE CROSSING, CONTROL DAM OR OTHER PERMANENT STRUCTURE SHALL BE PLACED ON, OVER, OR THROUGH THE ELLEN REED MILLER LATERAL DRAIN NO. 19-49-0 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.

PLAN COMMISSION CERTIFICATE OF APPROVAL

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION THIS _____ DAY OF OCTOBER, 2012.

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

SE. CORNER SE1/4,
SECT. 16, T33N, R13E
HARRISON MARKER
FOUND (+0.0', C.M.)

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:** Larry & Betty Owens
- SUBJECT SITE:** north side of County Road 60, approximately one-third mile west of the intersection of County Road 60 and County Road 35, Auburn
- REQUEST:** 1 Lot Minor Subdivision – Deer Haven
- EXISTING ZONING:** A2: Agricultural
- SURROUNDING LAND USES AND ZONING:**
 - North: Agricultural (A2)
 - South: Agricultural (A2)
 - East: Single Family Residential (A2)
 - West: Single Family Residential (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 06-10-16-400-002 is considered the parent parcel. This is the 1st buildable split from parent parcel -002.
- 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: 9.12 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 250.10 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 250 feet
- This division of land fronts the following roads:
 - County Road 60 is considered a County Minor Arterial road with a projected total right-of-way width of 100 feet.
 - Proposed right-of-way dedication: 50 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 **September 9, 2022**
2. Legal notice published in The Star on **September 23, 2022** 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 13, 2022**
5. Letter from County Highway dated **September 13, 2022**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 13, 2022**
7. Letter from the Drainage Board, dated **September 22, 2022**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Compass Land Surveying**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

PROPOSED FINDINGS OF FACT:

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for 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). *Yes. See Plat & Staff Report.*
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. *Adequate access off County Road 60 with dedication of right of way. The applicant has received a driveway permit from the DeKalb County Highway Dept.*
 - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. Applicant or buyer will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health*
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.

2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. Provide covenant for compliance with Airport Board requirements, if required.
5. 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 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.