

# DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

Planning: 260.925.1923 • Building: 260.925.3021 • GIS: 260.927.2356 • Fax: 260.927.4791

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## AGENDA

**DeKalb County Plan Commission**

**Plat Committee**

**Commissioners Court – 2<sup>nd</sup> Floor DeKalb County Court House**

**Tuesday, March 7, 2023**

**8:30 AM**

1. Roll call
2. Approval of Minutes: February 07, 2023
3. Old Business: None
4. New Business:

Petition #23-04 – Dan & Rose Dickerhoof and Darrin & Jennifer Dickerhoof requesting a Replat of Dickerhoof Subdivision, Lot 1. This replat will be increasing the acreage of Lot 1 to 5.83 acres. The property is located at 3387 County Road 39, Waterloo, Indiana and is zoned A2, Agricultural.

Petition #23-05 – Phillips Farms LLC, Brian Phillips, President, requesting a 1 Lot Minor Subdivision known as B&C Phillips. The proposed 1 lot subdivision will be a total of 3 acres. The subdivision will be used for a single-family residence. The property is located on the west side of County Road 27, approximately one-quarter mile north of the intersection of County Road 27 and County Road 28, Waterloo, Indiana and is zoned A1, Conservation Agricultural.

5. Adjournment

Next Meeting: April 04, 2023

**If you cannot attend, please contact Andrea Noll:**

**[Anoll@co.dekalb.in.us](mailto:Anoll@co.dekalb.in.us) or (260) 925-1923**

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

**\*\*Cellphones, tablets, laptops, & weapons are prohibited\*\***

**MINUTES**  
**DEKALB COUNTY PLAT COMMITTEE**  
**Tuesday, February 7, 2023 @ 8:30 AM**

The Regular Meeting of the DeKalb County Plat Committee was called to order at 8:30 a.m. in the DeKalb County Commissioner's Court by Elysia Rodgers.

**ROLL CALL:**

Members Present: Mike Watson, Sandy Harrison, Elysia Rodgers, Jerry Yoder, Jason Carnahan

Members Absent: None

Staff Present: Director/Zoning Administrator Chris Gaumer and Secretary Andrea Noll

Staff Absent: None

Public in Attendance: Marcia Goff, Kelly York, Jason Terlosky, Doug Cheek, and Joe Herendeen (rep. from Sauer Land Surveying).

**APPROVAL OF MINUTES:** Jason Carnahan moved to approve the Minutes from November 1st, 2022; seconded by Sandy Harrison. None opposed. Motion carried.

**ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON:**

Mike Watson motioned to retain current chairperson (Elysia Rodgers) and vice-chairperson (Sandy Harrison). Jason Carnahan seconded the motion.

Jerry Yoder motioned to close nominations with Jason Carnahan as secondary.

None opposed. Motion carried.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

Petition #23-01 – Jason Terlosky, Kaitlyn and McKenna Blaker property owners, requesting a 1 Lot Minor Subdivision known as Blaker Acres. 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 the southwest corner of County Road 75 and County Road 32, Butler, Indiana and is zoned A1, Conservation Agricultural.

Chris Gaumer read the staff report.

Sandy Harrison inquired if there was a wet spot on the parcel just south of the lot in the petition.

Jerry Yoder asked if there were any representatives for this petition in the audience.

Elysia Rodgers spoke to the members of the audience to direct the representatives for Petition #23-01 to the podium.

Sandy Harrison asked if there was a wet area south of the lot in question to the representative at the podium, Kelly York.

Jerry Yoder inquired about the soil testing for the septic sites. He wanted to know the reasoning behind having to spread out the primary and alternate septic sites so far apart from each other; stating that usually, the two sites are side by side.

Elysia Rodgers determined that there were no further questions or comments from the board and from the audience. Ms. Rodgers closed the public portion of the petition.

Chris Gaumer read the findings of fact for Petition #23-01.

### **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 **December 22, 2022**.
2. Legal notice published in The Star on **January 27, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **January 11, 2023**.
5. Letter from County Highway dated **December 27, 2022**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **December 22, 2023**.
7. Letter from the Drainage Board, dated **December 29, 2022**.
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **Abonmarche – Donovan**.
10. The real estate to be developed is in Zoning District A1, which permits the requested development.

### **PROPOSED FINDINGS OF FACT:**

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

1. Does the proposed Minor Subdivision 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 75 with dedication of right of way. The applicant or buyer(s) 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 property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.*
  - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

**PLANNING STAFF RECOMMENDATIONS/COMMENTS:**

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

**Standard Conditions to be recorded on or with the plat:**

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

**Conditions that will not be recorded but must be met:**

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. 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 #23-01, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 7TH DAY OF FEBRUARY, 2023.

Motion made by Sandy Harrison, Seconded by Mike Watson.

Vote tally:    Yes:    5                      No:    0

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Mike Watson

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Jerry Yoder

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Elysia Rodgers

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Sandy Harrison

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Jason Carnahan

Petition #23-02 – Robert T. Price, Jr and Tina and John Nommay and Katrina Kline requesting a Replat of Price Estates South, Lots 2 & 3. This replat will be decreasing the acreage of Lot 2 to 4.7 acres and increasing the acreage of Lot 3 to 7.0 acres. The property is located on County Road 29, approximately 0.6 miles north the intersection of County Road 29 and County Road 68, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the staff report. Mr. Gaumer corrected the lot acreage in the staff report to reflect the revised plat.

Elysia Rodgers concluded that there was no further discussion on Petition #23-02, and closed the public portion.

Chris Gaumer read the findings of fact.

### **JURISDICTIONAL FINDINGS:**

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

11. Application completed and filed on **December 21, 2022**.
12. Legal notice published in The Star on **January 27, 2023** and Affidavit received.
13. Certificate of mailing notices sent and receipts given to staff.
14. Letter from the County Board of Health, dated **January 12, 2023**.
15. Letter from County Highway dated **December 21, 2022**.
16. Report from the DeKalb County Soil & Water Conservation District, dated **December 22, 2022**.
17. Letter from the Drainage Board, dated **December 29, 2022**.
18. Airport Board report, if applicable: **not applicable**.
19. Plat prepared by **Sauer Land Surveying**.
20. 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.*

3. 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.*

4. 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 29 with dedication of right of way where required. The applicant or buyer(s) 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 property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health
  - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. None required.

**PLANNING STAFF RECOMMENDATIONS/COMMENTS:**

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

**Standard Conditions to be recorded on or with the plat:**

5. 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.
6. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
7. 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.
8. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Chris Gaumer read the Agricultural Covenants located on the proposed plat.

**Conditions that will not be recorded but must be met:**

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

10. 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 #23-02, IS HEREBY GRANTED PRIMARY AND SECONDARY REPLAT APPROVAL ON THIS 7TH DAY OF FEBRUARY, 2023.

Motion made by Sandy Harrison, Seconded by Jerry Yoder.

Vote tally: Yes:           5                   No:                   0

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Mike Watson

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Jerry Yoder

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Elysia Rodgers

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Sandy Harrison

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Jason Carnahan

**Reports from Planning Staff, Officers, or Committees:** None.

There being no further business to come before the Plat Committee, the meeting was adjourned at 8:54 a.m.

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Elysia Rodgers

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Andrea Noll - Secretary

DeKalb County Department of Development Services  
Planning, Building & GIS  
301 S. Union St.  
Auburn, IN 46706  
Ph: 260-925-1923  
Fax: 260-927-4791

FOR OFFICE USE ONLY:  
File Number: 23-04  
Date Application Filed: 1/31/2023  
Fee Paid: \$150 PL 2/2/23  
CHK. #1318

### 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: Dan A. & Rose M. Dickerhoof Darrin A. & Jennifer L. Dickerhoof  
Address: 3477 County Road 39 3387 County Road 39  
Waterloo, Indiana 46793 Waterloo, Indiana 46793  
Telephone Number: 260-570-7018 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 parcels & 5.22 Acres

#### Name of Subdivision and Address or common description of property:

Dickerhoof Subdivision - County Road 39 Waterloo, IN

#### Legal description of property affected:

Lot 1 in Dickerhoof Subdivision & 2.56 acre parcel lying East and North of Lot 1.

#### Reason for the Proposed Replat:

Adding additional acreage to Lot 1 because the pool area is over the North line and East line of Lot 1.

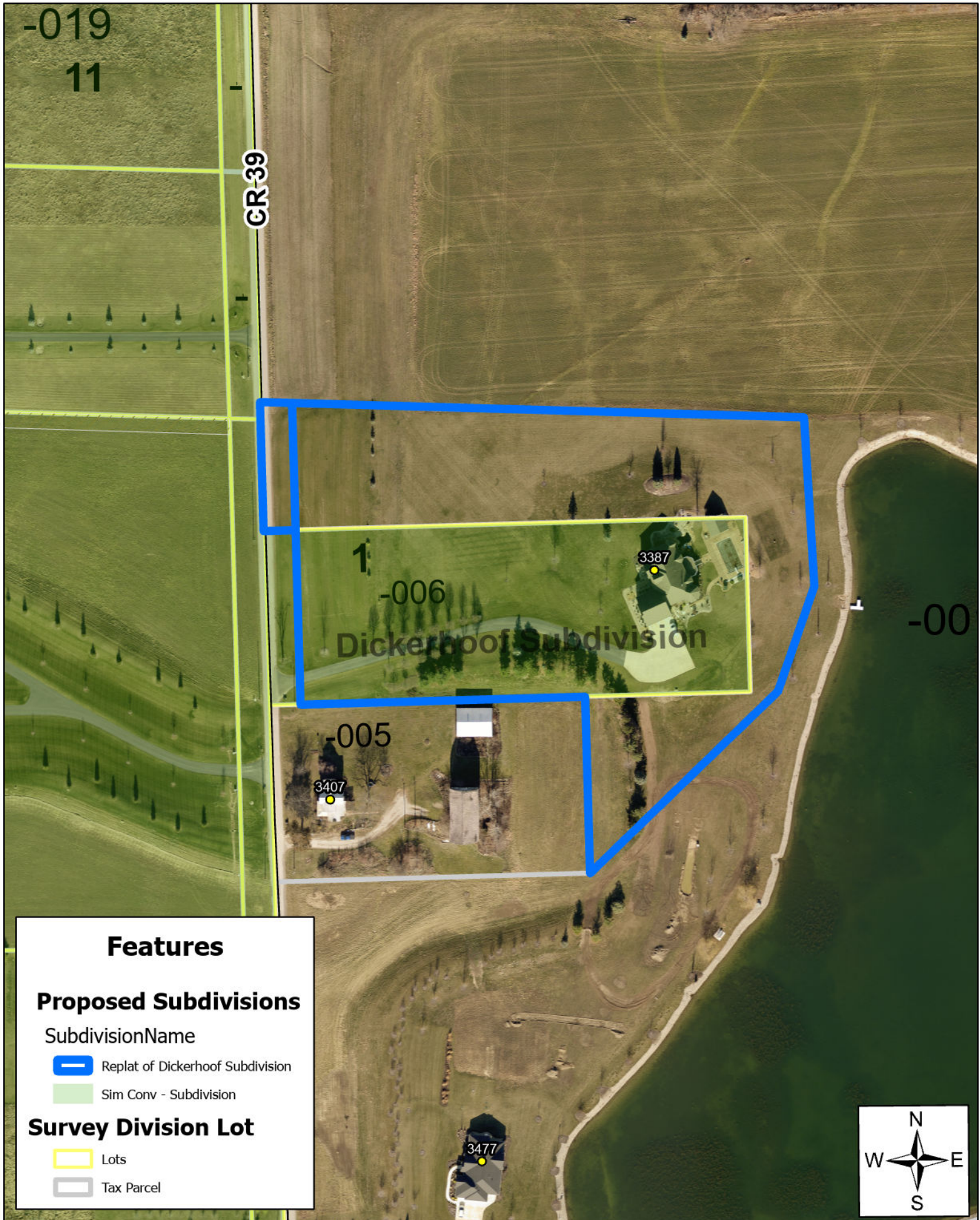
#### The Replat should include (check all that apply):

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

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

Applicant's Signature: Angela D Wallace Professional Surveyor 01/27/2023  
(If signed by representative for applicant, state capacity)







# REPLAT OF DICKERHOOF SUBDIVISION

A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 34 NORTH, RANGE 13 EAST, GRANT TOWNSHIP, DEKALB COUNTY, INDIANA

## MONUMENT LEGEND

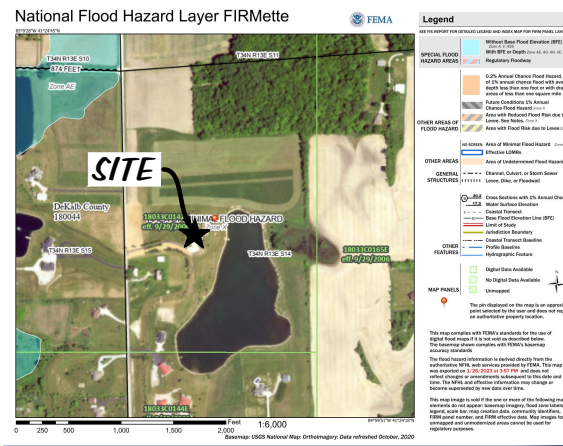
"A" ~ 5/8"X1/4" REBAR WITH "WALLACE-LS91200016" IDENTIFICATION CAP SET  
"B" ~ MAG NAIL WITH "WALLACE-LS91200016" IDENTIFICATION WASHER SET  
"C" ~ 5/8" REBAR FOUND (-0.3', CM)  
"D" ~ 5/8" REBAR FOUND 0.3'N. (-0.2')  
"E" ~ 5/8" REBAR FOUND (-0.1', CM)  
"F" ~ 5/8" REBAR WITH "ARVILL BROWN" IDENTIFICATION CAP FOUND (FLUSH, CM)  
"G" ~ 5/8" REBAR FOUND 0.55' & 0.5'W. (-1.3')  
"H" ~ 5/8" REBAR WITH "ARVILL BROWN" IDENTIFICATION CAP FOUND (FLUSH, CM)

## OWNER & DEVELOPER

DAN A. & ROSE M. DICKERHOOF  
3447 COUNTY ROAD 39  
WATERLOO, IN 46793  
&  
DARRIN A. & JENNIFER L. DICKERHOOF  
3387 COUNTY ROAD 39  
WATERLOO, IN 46793

## FLOODPLAIN CERTIFICATION

LOT 1 IN REPLAT OF DICKERHOOF SUBDIVISION LIES WITHIN ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 180044, PANEL: 0142 E, EFFECTIVE DATE: SEPTEMBER 29, 2006, MAP NUMBER: 1809360142E



NFHL FIRMETTE NOT TO SCALE

## OWNER DEDICATION

WE, DAN A. DICKERHOOF, ROSE M. DICKERHOOF, DARRIN A. DICKERHOOF, AND JENNIFER L. DICKERHOOF, OWNERS OF THE REAL ESTATE PLATTED AND DESCRIBED HEREIN CERTIFY THAT I HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE PLAT HEREIN.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS THE REPLAT OF DICKERHOOF SUBDIVISION, AN ADDITION IN GRANT TOWNSHIP, DEKALB COUNTY, INDIANA.

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

DAN A. DICKERHOOF

ROSE M. DICKERHOOF

DARRIN A. DICKERHOOF

JENNIFER L. DICKERHOOF

## NOTARY

STATE OF INDIANA )  
COUNTY OF DEKALB ) SS:

WITNESS OUR HAND AND SEAL THIS \_\_\_\_\_ DAY OF MARCH, 2023.

DAN A. DICKERHOOF

ROSE M. DICKERHOOF

DARRIN A. DICKERHOOF

JENNIFER L. DICKERHOOF

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS \_\_\_\_\_ DAY OF MARCH, 2023, 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 MARCH, 2023.

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES: \_\_\_\_\_

## AGRICULTURAL COVENANT

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

## FURTHER DEVELOPMENT STANDARDS

FURTHER DEVELOPMENT: THIS LOT/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 MARCH, 2023.

ELYSIA RODGERS, CHAIRPERSON

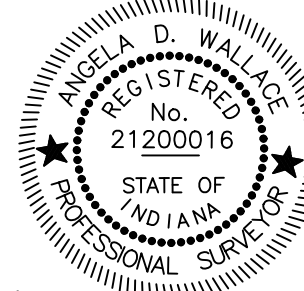
CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

## PROFESSIONAL SURVEYOR'S CERTIFICATION

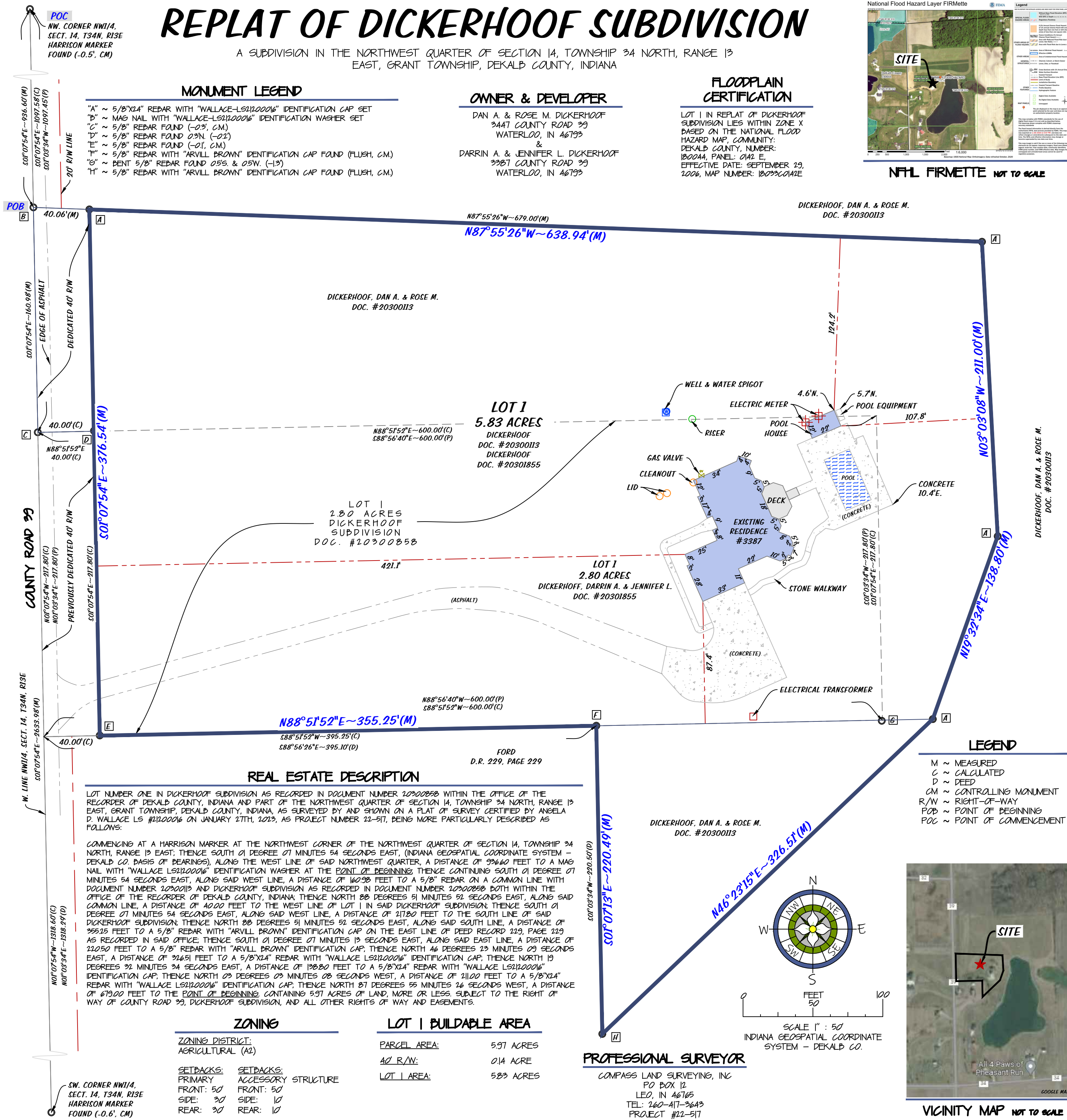
I, ANGELA D. WALLACE, HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT AND REAL ESTATE DESCRIPTION ACCURATELY DEPICTS AN ORIGINAL SURVEY COMPLETED ON JANUARY 17TH, 2023 AND RECORDED IN DOCUMENT NUMBER \_\_\_\_\_ WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA THAT WAS COMPLETED BY ME IN ACCORDANCE WITH TITLE 365 IAC 1-12-1 THRU 32, 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: JANUARY 17TH, 2023

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.

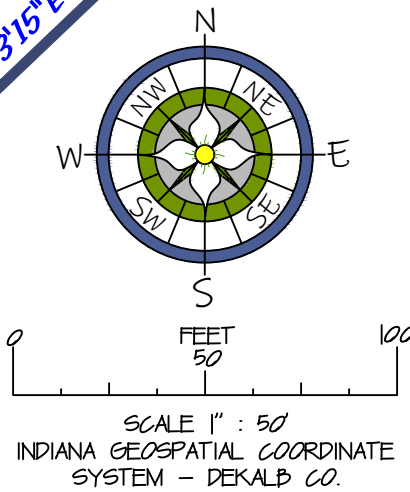


*Angela D. Wallace*



## LEGEND

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



## PROFESSIONAL SURVEYOR

COMPASS LAND SURVEYING, INC  
PO BOX 12  
LEO, IN 46765  
TEL: 260-417-3643  
PROJECT #22-517

VICINITY MAP NOT TO SCALE

## REAL ESTATE DESCRIPTION

LOT NUMBER ONE IN DICKERHOOF SUBDIVISION AS RECORDED IN DOCUMENT NUMBER 20300858 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA AND PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 34 NORTH, RANGE 13 EAST, GRANT TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON JANUARY 27TH, 2023, AS PROJECT NUMBER 22-517, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A HARRISON MARKER AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 34 NORTH, RANGE 13 EAST; THENCE SOUTH 01 DEGREE 01 MINUTES 54 SECONDS EAST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 936.60 FEET TO A MAG NAIL WITH "WALLACE LS91200016" IDENTIFICATION WASHER AT THE POINT OF BEGINNING THENCE CONTINUING SOUTH 01 DEGREE 01 MINUTES 54 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 160.98 FEET TO A 5/8" REBAR ON A COMMON LINE WITH DOCUMENT NUMBER 20300113 AND DICKERHOOF SUBDIVISION AS RECORDED IN DOCUMENT NUMBER 20300858 BOTH WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA; THENCE NORTH 88 DEGREES 51 MINUTES 52 SECONDS EAST, ALONG SAID COMMON LINE, A DISTANCE OF 40.00 FEET TO THE WEST LINE OF LOT 1 IN SAID DICKERHOOF SUBDIVISION; THENCE SOUTH 01 DEGREE 01 MINUTES 54 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 217.80 FEET TO THE SOUTH LINE OF SAID DICKERHOOF SUBDIVISION; THENCE NORTH 88 DEGREES 51 MINUTES 52 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 355.25 FEET TO A 5/8" REBAR WITH "ARVILL BROWN" IDENTIFICATION CAP ON THE EAST LINE OF DEED RECORD 229, PAGE 229 AS RECORDED IN SAID OFFICE; THENCE SOUTH 01 DEGREE 01 MINUTES 19 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 220.50 FEET TO A 5/8" REBAR WITH "ARVILL BROWN" IDENTIFICATION CAP; THENCE NORTH 46 DEGREES 29 MINUTES 09 SECONDS EAST, A DISTANCE OF 326.91 FEET TO A 5/8"X1/4" REBAR WITH "WALLACE LS91200016" IDENTIFICATION CAP; THENCE NORTH 19 DEGREES 32 MINUTES 34 SECONDS EAST, A DISTANCE OF 198.80 FEET TO A 5/8"X1/4" REBAR WITH "WALLACE LS91200016" IDENTIFICATION CAP; THENCE NORTH 03 DEGREES 09 MINUTES 08 SECONDS WEST, A DISTANCE OF 211.00 FEET TO A 5/8"X1/4" REBAR WITH "WALLACE LS91200016" IDENTIFICATION CAP; THENCE NORTH 87 DEGREES 55 MINUTES 26 SECONDS WEST, A DISTANCE OF 679.00 FEET TO THE POINT OF BEGINNING, CONTAINING 5.97 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 39, DICKERHOOF SUBDIVISION, AND ALL OTHER RIGHTS OF WAY AND EASEMENTS.

## ZONING

ZONING DISTRICT:  
AGRICULTURAL (A2)

SETBACKS:  
FRONT: 50'  
SIDE: 30'  
REAR: 30'

SETBACKS:  
ACCESSORY STRUCTURE  
FRONT: 50'  
SIDE: 10'  
REAR: 10'

## LOT 1 BUILDABLE AREA

PARCEL AREA: 5.97 ACRES  
40' R/W: 0.14 ACRE  
LOT 1 AREA: 5.83 ACRES

*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:**

<b>APPLICANT:</b>	Dan & Rose Dickerhoof and Darrin & Jennifer Dickerhoof
<b>SUBJECT SITE:</b>	3387 County Road 39, Waterloo
<b>REQUEST:</b>	RePlat of Dickerhoof Subdivision, Lot 1
<b>EXISTING ZONING:</b>	A2: Agricultural
<b>SURROUNDING LAND</b>	North: Agricultural (A2)
<b>USES AND ZONING:</b>	South: Single Family Residential (A2)
	East: Agricultural (A2)
	West: Single Family Residential (R1)

### **ANALYSIS:**

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

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

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

### ***Minor Subdivision Standards:***

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

- The RePlat of Dickerhoof Subdivision, Lot 1 will increase the acreage of Lot 1.
- 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: 5.83 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 676.31 feet
  - *Minimum Lot Frontage: 120 Feet*
    - Proposed Lot 1 Frontage: 376.54 feet
- This division of land fronts the following roads:
  - County Road 39 is considered a County Local road with a projected total right-of-way width of 80 feet.
    - The right-of-way have been dedicated per the original Dickerhoof 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 **January 31, 2023**
2. Legal notice published in The Star on **February 24, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated \_\_\_\_\_
5. Letter from County Highway dated **February 1, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **February 1, 2023**
7. Letter from the Drainage Board, dated **February 3, 2023**
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 39 with dedication of right of way where required.*
  - c. The extension of water, sewer & other municipal services, if applicable or required. *None Required. None Required. 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.*
  - 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.

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: 23-05  
Date Application Filed: 2-15-23  
Fee Paid: \$150  
CHK #481

### Application for SUBDIVISION

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

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

#### APPLICANT INFORMATION

Applicant's Name: Phillips Farms, LLC - Brian Phillips, President  
Mailing Address: 2772 Canty Road 27  
Waterloo, IN 46793  
Telephone Number: 260-235-0628 E-Mail: BrianPhillips48@hotmail.com

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

Owner's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

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

Representative: On The Mark Land Surveying, LLC - Nolan Mark  
Address: 2305 Centralyard Ct, STE B  
Fort Wayne, IN 46818  
Telephone Number: 260-338-2052 E-Mail: SMark@OTMLandSurveying.com

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

Name of Proposed Subdivision: B+C Phillips

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

1 parcel - 3.000 acres

Address or Parcel ID # of property:

05-06-06-400-003

Legal description of property affected:

Attached Deed w/ legal of main parcel

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: [Signature] (NOLAN R. MARK - SURVEYOR)  
(If signed by representative for applicant, state capacity)







SURVEYOR’S REPORT

PURPOSE OF SURVEY:  
THE PURPOSE OF THIS SURVEY WAS TO CREATE AN ORIGINAL TRACT OF LAND FOR A SUBDIVISION PLAT FROM AN EXISTING TRACT OF LAND DESCRIBED IN DEED RECORD 220 PAGE 349 IN THE OFFICE OF THE RECORDER OF DEKALB COUNTY INDIANA. THE ORIGINAL TRACT OF LAND BEING APART OF PROPERTY ADDRESS BEING 2772 COUNTY ROAD 27.

IN ACCORDANCE WITH TITLE 865, ARTICLE 1, RULE 12, SECTION 1 THROUGH 30 OF THE INDIANA ADMINISTRATIVE CODE, THE BELOW THEORY OF LOCATION WAS BASED UPON THE FOLLOWING OPINIONS AND OBSERVATIONS A RESULT OF UNCERTAINTIES IN LINES AND CORNERS BECAUSE OF THE FOLLOWING:

BASIS OF BEARINGS:  
THE BASIS OF BEARINGS FOR THIS SURVEY ARE BASED ON THE MEASURED BEARING AND DISTANCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 15. THERE IS NO RECORD BEARING FOR THE EAST LINE OF SAID QUARTER IN THE SUBJECT DEED AS IT IS AN ACRES DESCRIPTION. THE MEASURED BEARING OF THIS LINE IN INDIANA GEOSPATIAL COORDINATE SYSTEM – DEKALB COUNTY IS NORTH 0 DEGREES 27 MINUTES 47 SECONDS WEST.

DISCREPANCIES IN MEASUREMENTS:  
MONUMENTS WERE FOUND WITHIN THE RELATIVE POSITIONAL ACCURACY FOR THE USE OF THE PROPERTY. MONUMENT’S LOCATIONS THAT WERE NOT ARE SHOWN IN RELATION TO THE THEORETICAL CORNER. THERE IS MORE WEIGHT THROWN IN TO FOUND MONUMENTS THAN THE RECORD DEED DISTANCES. THE MEASURED AND CALCULATED DISTANCES ARE SHOWN IN RELATION TO EACH.

A) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS  
THE MONUMENTS FOUND ARE SHOWN ON THE SURVEY AND LISTED ON THE SURVEY UNDER MONUMENT LEGEND.

OTHER CONTROLLING MONUMENTS INCLUDE:

- MONUMENT “A” – MAG SPIKE FOUND 0.2 FEET BELOW GRADE – THIS MONUMENT IS ASSUMED THE ACCEPTED SECTION CORNER BASED ON RECORD SURVEYS
- MONUMENT “B” – HARRISON MONUMENT FOUND 0.1 FEET BELOW GRADE – THIS MONUMENT IS A WITNESSED DEKALB COUNTY SURVEYOR’S OFFICE SECTION CORNER

B) OCCUPATION OR POSSESSION LINES  
THERE WERE NO UNCERTAINTIES BASED ON VISUAL INSPECTION OF OCCUPATION OR POSSESSION LINES. THE LOT IS PLACED ON THE SOUTH SIDE OF AN EXISTING 35–FOOT EASEMENT.

C) CLARITY OR AMBIGUITY OF DESCRIPTIONS  
THERE WERE NO AMBIGUITIES FOUND WITHIN THE DESCRIPTIONS USED FOR THE SURVEY. DOCUMENTS USED INCLUDE:

- DEED RECORD 220 PAGE 349 (PARTNERSHIP DEED) – SUBJECT PARCEL
- INSTRUMENT NUMBER 201505846 (AFFIDAVIT OF SURVIVORSHIP) – NORTH EASEMENT ADJOINER
- DEED RECORD 193 PAGE 183 (WARRANTY DEED) – NORTH EASEMENT ADJOINER
- INSTRUMENT NUMBER 201505846 (INGRESS/EGRESS EASEMENT) – NORTH EASEMENT

D) RELATIVE POSITIONAL ACCURACY OF THE MEASUREMENTS  
BASED ON THE USE OF THE PROPERTY (URBAN – COMMERCIAL PROPERTY, INDUSTRIAL PROPERTY, CONDOMINIUMS, TOWNHOUSES, APARTMENTS, MULTIUNIT DEVELOPMENTS--SUBURBAN – SINGLE FAMILY RESIDENTIAL SUBDIVISION LOTS--RURAL SURVEY – REAL ESTATE LYING IN RURAL AREAS) THE ACCEPTABLE RELATIVE POSITIONAL ACCURACY IS SUBURBAN SURVEY 0.13 FEET (40 MILLIMETERS) PLUS 100 PARTS PER MILLION.

THEORY OF LOCATION:  
THE EAST AND WEST (248.00 FEET) LINES OF THE SUBDIVISION WERE ESTABLISHED MONUMENTS “A” AND “B”. THESE MONUMENTS ESTABLISHED THE BEARING FOR THESE LINES AND IS THE BASIS OF BEARINGS FOR THIS SURVEY.

THE NORTH AND SOUTH (527.01 FEET) LINES OF THE SUBDIVISION WERE ESTABLISHED BY BEING PARALLEL TO THE SOUTH LINE OF THE ADJOINING DEEDS ALONG THE NORTH SIDE OF THE EXISTING EASEMENT. THIS LINE WAS INTENDED TO BE PERPENDICULAR AS MEASURED BETWEEN THE NORTHEAST CORNER AND SOUTHEAST CORNER OF THE SECTION.

THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE AND SEAL, FULL PAYMENT OF INVOICE, AND COMPLETE WITH ALL PAGES OF SURVEY. THE INFORMATION SHOWN ON THE SURVEY DOCUMENTS IS INTENDED FOR THIS TRANSACTION ONLY AS DATED ON SAID SURVEY DOCUMENTS. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USERS’ SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

SINCE THE LAST DATE OF FIELD WORK OF THIS SURVEY, CONDITIONS BEYOND THE KNOWLEDGE OR CONTROL OF ON THE MARK LAND SURVEYING, LLC. MAY HAVE ALTERED THE VALIDITY AND CIRCUMSTANCES SHOWN OR NOTED HEREON.

THE COMMITMENT FOR TITLE INSURANCE WAS NOT PROVIDED AT THE TIME OF THIS REPORT, NOR DID THE SURVEYOR PERFORM A TITLE SEARCH. AN ABSTRACT OR TITLE SEARCH MAY REVEAL ADDITIONAL INFORMATION AFFECTING THE PROPERTY.

AFFIRMATION STATEMENT

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

OWNER DEDICATION

I, THE UNDERSIGNED, BRIAN PHILIPS, OWNER OF PHILLIPS FARMS LLC AND 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 B&C PHILLIPS, LOT 1, AN ADDITION IN GRANT TOWNSHIP, DEKALB COUNTY, INDIANA.

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

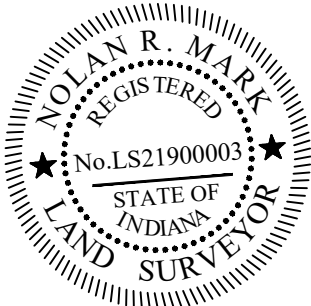
PHILLIPS FARMS LLC, BRIAN PHILLIPS, PRESIDENT  
DATE:

SURVEYOR’S CERTIFICATE

I, NOLAN R. MARK, HEREBY CERTIFY THAT I AM 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 A PARCEL OF LAND DESCRIBED IN DEED RECORD 220 PAGE 349 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA ALONG WITH A BOUNDARY RETRACEMENT SURVEY AS RECORDED IN DOCUMENT NUMBER \_\_\_\_\_ WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA THAT WAS COMPLETED BY ME, OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH TITLE 865 IAC 1–12–1 THRU 30, AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE ABOVE REFERENCE SURVEY.

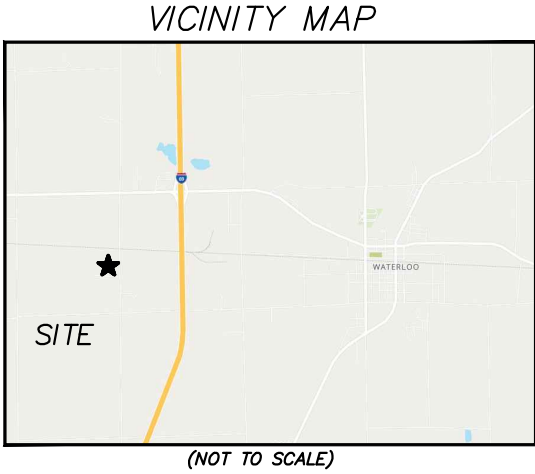
DATE: FEBRUARY 7TH, 2023

Nolan R. Mark, P.S. No.LS21900003

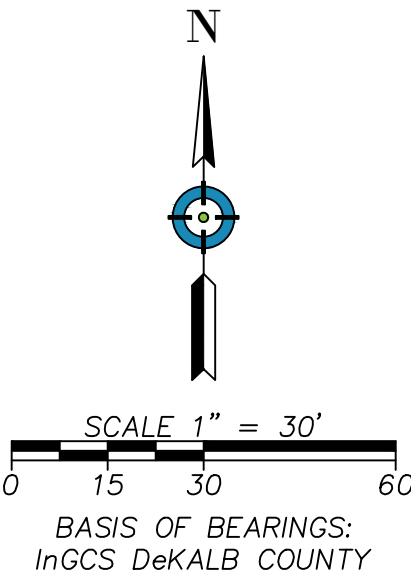


B&C PHILLIPS, LOT 1  
A SUBDIVISION IN THE SOUTHEAST QUARTER OF  
SECTION 6, TOWNSHIP 34 NORTH, RANGE 13 EAST  
GRANT TOWNSHIP, DEKALB COUNTY, INDIANA

- LEGEND
- M. ~ MEASURED
  - C. ~ CALCULATED
  - D. ~ DEED
  - R. ~ RECORD
  - C.M. ~ CONTROLLING MONUMENT
  - O.M. ~ ORIGINAL MONUMENT
  - N.H. ~ NO HISTORY



(NOT TO SCALE)



REAL ESTATE DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 34 NORTH, RANGE 13 EAST, DeKALB COUNTY, INDIANA, BASED ON AN ORIGINAL SURVEY BY NOLAN R. MARK, INDIANA PROFESSIONAL SURVEYOR LICENSE NUMBER 21900003 OF ON THE MARK LAND SURVEYING, LLC, SURVEY NO. 22.0136, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER AS MONUMENT BY A HARRISON MONUMENT FOUND 0.1 FEET BELOW GRADE; THENCE NORTH 0 DEGREES 27 MINUTES 47 SECONDS WEST (INDIANA GEOSPATIAL COORDINATE SYSTEM – DEKALB COUNTY BEARING AND BASIS OF BEARINGS TO FOLLOW) 1303.46 FEET ALONG THE EAST LINE OF SAID QUARTER TO A MAG NAIL WITH “MARK LS21900003” IDENTIFICATION TAG SET FLUSH AND BEING THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT:

THENCE SOUTH 89 DEGREES 32 MINUTES 08 SECONDS WEST 527.01 FEET TO A 5/8 INCH REBAR WITH “MARK LS21900003” IDENTIFICATION CAP SET FLUSH;

THENCE NORTH 0 DEGREES 27 MINUTES 47 SECONDS WEST 248.00 FEET TO A 5/8 INCH REBAR WITH “MARK LS21900003” IDENTIFICATION CAP SET FLUSH;

THENCE NORTH 89 DEGREES 32 MINUTES 08 SECONDS EAST 527.01 FEET TO A MAG NAIL WITH “MARK LS21900003” IDENTIFICATION TAG SET FLUSH AT THE EAST LINE OF SAID QUARTER;

THENCE SOUTH 0 DEGREES 27 MINUTES 47 SECONDS EAST 248.00 FEET TO THE POINT OF BEGINNING. CONTAINING 3.000 ACRES, MORE OR LESS.

FLOOD PLAIN CERTIFICATION

THIS PROPERTY IS WITHIN ZONE “X” (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), FOR DEKALB COUNTY, INDIANA, COMMUNITY NO.180044, PANEL NO.18033C0140E, DATED SEPTEMBER 29, 2006.

MONUMENT LEGEND

- “A” ~ MAG SPIKE FOUND (–0.2’) – C.M.
- “B” ~ HARRISON MONUMENT FOUND (–0.1’)
- “C” ~ 1/2” REBAR FOUND (–0.5’)
- “D” ~ 5/8” REBAR FOUND (–0.3’)
- “E” ~ MAG NAIL W/ “MARK LS21900003” ID. TAG SET (FLUSH)
- “F” ~ 5/8” REBAR W/ “MARK LS21900003” ID. CAP SET (FLUSH)
- “G” ~ 5/8” REBAR W/ “MARK LS21900003” ID. CAP SET (FLUSH)
- “H” ~ 5/8” REBAR W/ “MARK LS21900003” ID. CAP SET (FLUSH)
- “I” ~ 5/8” REBAR W/ “MARK LS21900003” ID. CAP SET (FLUSH)
- “J” ~ MAG NAIL W/ “MARK LS21900003” ID. TAG SET (FLUSH)

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 A 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 MARCH, 2022.

ELYSIA ROGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

NOTARY

STATE OF INDIANA )  
COUNTY OF ) SS:  
WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF MARCH, 2022.

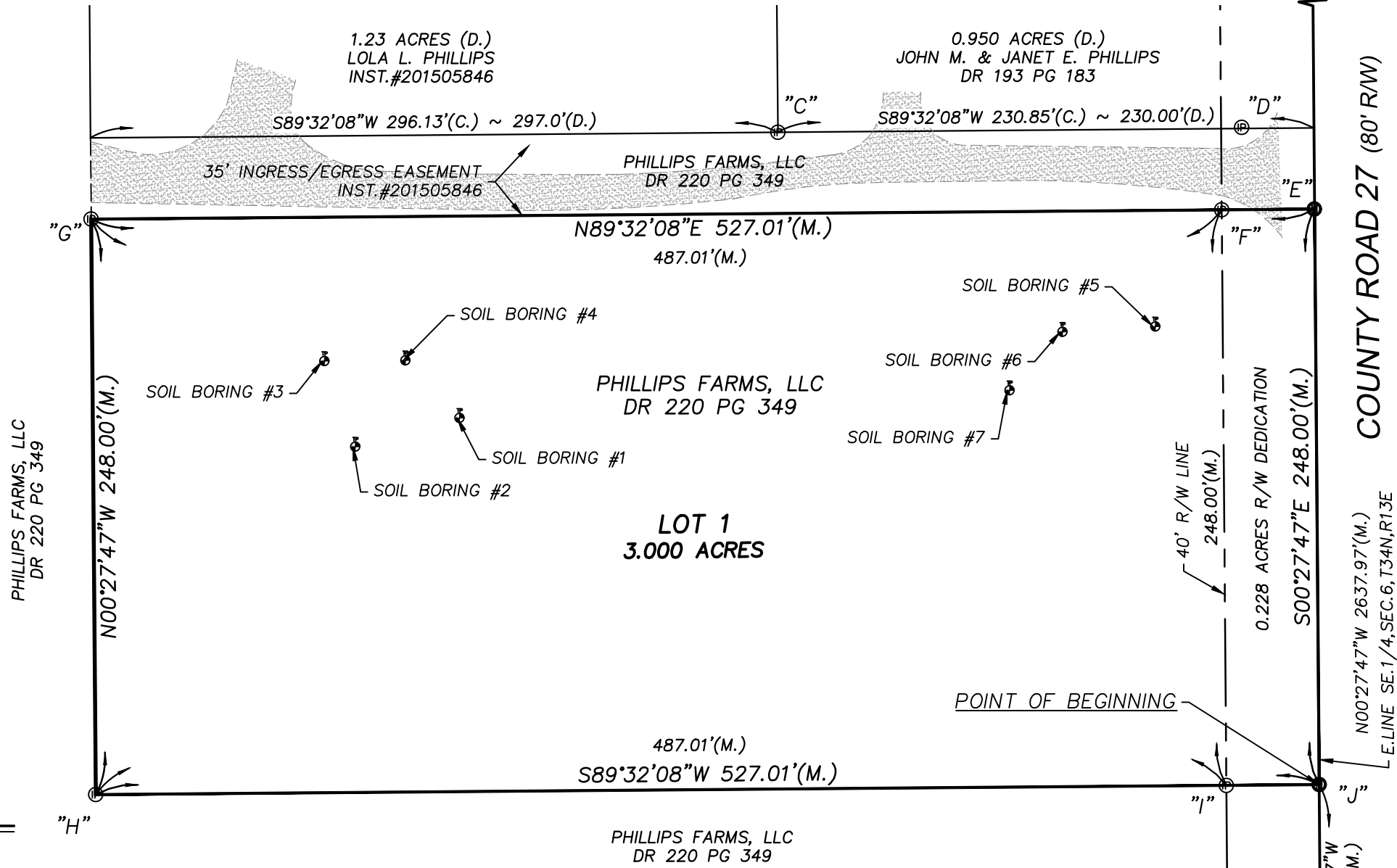
PHILLIPS FARMS LLC, BRIAN PHILLIPS, PRESIDENT

WITNESS MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF MARCH, 2022.

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES: \_\_\_\_\_

LOT 1 AREA	
GROSS AREA:	3.000 ACRES
R/W DEDICATION:	0.228 ACRES
NET AREA:	2.772 ACRES



ZONING  
ZONING DISTRICT:  
CONSERVATION AGRICULTURAL (A–1)

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

ACCESSORY STRUCTURE:  
SIDE: 10'  
REAR: 10'

OWNER/DEVELOPER  
PHILLIPS FARMS, LLC  
6200 COUNTY ROAD 327  
GARRETT, INDIANA 46738

SURVEYOR

ON THE MARK LAND SURVEYING, LLC  
2305 CENTRALYARD COURT, SUITE B  
FORT WAYNE, INDIANA 46818  
T: 260–338–2052  
E: info@otmlandsurveying.com

POINT OF COMMENCEMENT  
SE. COR. SE. 1/4  
SEC.6,T34N,R13E  
HARRISON MONUMENT  
FND. (–0.1’)



*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:**

<b>APPLICANT:</b>	Phillips Farms LLC, Brian Phillips, President
<b>SUBJECT SITE:</b>	west side of County Road 27, approximately one-quarter mile north of the intersection of County Road 27 and County Road 28, Waterloo
<b>REQUEST:</b>	1 Lot Minor Subdivision – B&C Phillips
<b>EXISTING ZONING:</b>	A1: Conservation Agricultural
<b>SURROUNDING LAND</b>	North: Single Family Home & Agricultural (A1)
<b>USES AND ZONING:</b>	South: Agricultural (A1) East: Agricultural (A1) West: Agricultural (A1)

### **ANALYSIS:**

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

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

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

### ***Minor Subdivision Standards:***

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

- Parcel 05-06-06-400-003 is considered the parent parcel. This is the 1<sup>st</sup> buildable split from parent parcel -003.
- The Petitioner is meeting the standards of the UDO as follows:
  - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
    - Proposed Lot 1 Area: 2.772 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 248 feet
  - *Minimum Lot Frontage: 120 Feet*
    - Proposed Lot 1 Frontage: 248 feet
- This division of land fronts the following roads:
  - County Road 27 is considered a County Collector road with a projected total right-of-way width of 80 feet.
    - Proposed right-of-way dedication: 40 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 **February 15, 2023**
2. Legal notice published in The Star on **February 24, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **February 22, 2023**
5. Letter from County Highway dated **February 16, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **February 16, 2023**
7. Letter from the Drainage Board, dated \_\_\_\_\_
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **On The Mark Land Surveying**
10. The real estate to be developed is in Zoning District A1 which permits the requested development.

### **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 27 with dedication of right of way. The applicant or buyer(s) 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 property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health*
  - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required. *None required.*

### **PLANNING STAFF RECOMMENDATIONS/COMMENTS:**

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

#### **Standard Conditions to be recorded on or with the plat:**

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

**Conditions that will not be recorded but must be met:**

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