

DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

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

AGENDA

DeKalb County Plan Commission

Plat Committee

Commissioners Court – 2nd Floor DeKalb County Court House

Tuesday, November 7, 2023

8:30 AM

1. Call to order
2. Prayer
3. Roll call
4. Approval of Minutes: October 03, 2023
5. Old Business: None
6. New Business:

Petition #23-29 – Dylan & Katlin Straub requesting a 2 Lot Minor Subdivision known as Cardinal Clearing. The proposed 2 lot subdivision will be a total of 3.66 acres. The subdivision will be used for single-family residences. The property is located on the northwest corner of County Road 6 & County Road 27, Ashley, Indiana and is zoned A1, Conservation Agricultural.

Petition #23-30 – Larry Cagley requesting a 1 Lot Minor Subdivision known as Twisted Oak Holler. The proposed 1 lot subdivision will be a total of 9.22 acres. The subdivision will be used for a single-family residence. The property is located on the west side of County Road 63, approximately one-tenth mile north of the intersection of County Road 63 and County Road 34, Butler, Indiana and is zoned A2, Agricultural.

Petition #23-31 – Benjamin & Bailey Rodkey requesting a 1 Lot Minor Subdivision known as Rodkey Acres. The proposed 1 lot subdivision will be a total of 4.975 acres. The subdivision will be used for a single-family residence. The property is located on the west side of County Road 47, approximately one-tenth mile north of the intersection of County Road 47 and County Road 42, Auburn, Indiana and is zoned A2, Agricultural

7. Adjournment

Next Meeting: December 05, 2023

If you cannot attend, please contact Andrea Noll:

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, October 3, 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, Jason Carnahan (arrived at 8:32 a.m.), and Jerry Yoder

Members Absent: None

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

Staff Absent: None

Public in Attendance: Kristin McGrade, Eric Scifert, Joe Herendeen, Nolan Mark, Michael Woodward, Lynda Carper, Darren & Lisa Carroll, Trena Roudebush, and Teddy Lash.

PRAYER:

Jerry Yoder led prayer.

APPROVAL OF MINUTES:

Jerry Yoder moved to approve the Minutes from August 1, 2023; seconded by Sandy Harrison. None opposed. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Petition #23-23 – Michael Oberlin requesting a 1 Lot Minor Subdivision known as Oberlin Lane. The proposed 1 lot subdivision will be a total of 2.36 acres. The subdivision will be used for a single-family residence. The property is located on the east side of State Road 327, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report.

Elysia Rodgers determined that there were no further questions or comments from the board, so she asked if there was anyone from the audience who wanted to speak for this petition.

Nolan Mark, On The Mark Land Surveying, approached the podium to invite any questions or comments.

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

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.

1. Application completed and filed on **August 24, 2023**.
2. Legal notice published in The Star on **September 22, 2023** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 22, 2023**.
5. Letter from County Highway dated **September 5, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 25, 2023**.
7. Letter from the Drainage Board, dated **August 31, 2023**.

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

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off State Road 327 with dedication of right of way. A driveway permit will need to be issued from the Indiana Department of Transportation (INDOT).
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

Standard Conditions to be recorded on or with the plat:

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

Conditions that will not be recorded but must be met:

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

Motion made by Mike Watson, Seconded by Jason Carnahan.

Vote tally: Yes: 5 No: 0

Mike Watson

Jason Carnahan

Elysia Rodgers

Sandy Harrison

Jerry Yoder

Petition #23-24 – CDH Holdings, LLC, Charles Hurraw, requesting a 1 Lot Minor Subdivision known as Evergreen Acres. The proposed 1 lot subdivision will be a total of 5.058 acres. The subdivision will be used for a single-family residence. The property is located at 0473 County Road 71, Hamilton, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the Staff Report.

Jerry Yoder asked if there was an existing septic system on the lot that has been inspected. Mr. Gaumer replied that there was.

Elysia Rodgers determined that there were no further questions or comments from the board, so she asked if there was anyone from the audience who wanted to speak for this petition.

Nolan Mark, On The Mark Land Surveying, approached the podium to invite any questions or comments.

Determining that there were no other members of the audience who wanted to speak, Ms. Rodgers closed the public hearing portion of the petition.

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.

1. Application completed and filed on **August 24, 2023**.
2. Legal notice published in The Star on **September 20, 2023** and Affidavit received.
3. Certificate of mailing notices were sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 25, 2023**.
5. Letter from County Highway dated **September 5, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 25, 2023**.
7. Letter from the Drainage Board, dated **September 5, 2023**.
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **On The Mark Land Surveying**.
10. The real estate to be developed is in Zoning District A2, which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 4A & County Road 71 with dedication of right of way. The existing driveway will be utilized on County Road 71.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The existing private septic system is being utilized. The Health Department does recommend that a soil evaluation 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.

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. 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 #23-24, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 3RD DAY OF OCTOBER, 2023.

Motion made by Sandy Harrison, Seconded by Jerry Yoder.

Vote tally: Yes: 5 No: 0

Mike Watson

Jason Carnahan

Elysia Rodgers

Sandy Harrison

Jerry Yoder

Petition #23-25 – Bunker Farms, LLC, Kristin McGrade, requesting a 1 Lot Minor Subdivision known as Two Homes Subdivision. The proposed 1 lot subdivision will be a total of 2.424 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 & County Road 56, Auburn, Indiana and is zoned R1, Low Density Residential.

Chris Gaumer read the Staff Report.

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

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.

1. Application completed and filed on **August 31, 2023**.
2. Legal notice published in The Star on **September 22, 2023** and Affidavit received.
3. Certificate of mailing notices were sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 22, 2023**.
5. Letter from County Highway dated **September 7, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 31, 2023**.
7. Letter from the Drainage Board, dated **September 8, 2023**.
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Sauer Land Surveying, Inc.**
10. The real estate to be developed is in Zoning District R1, which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for residential use, which is compatible 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 driveway has been staked and approved by the DeKalb County Highway Dept. The applicant or buyer(s) have received a driveway permit from the Highway Dept.
- c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health.
- d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

Standard Conditions to be recorded on or with the plat:

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

Conditions that will not be recorded but must be met:

- 1. Comply with the Staff Report.
- 2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
- 3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
- 4. 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 #23-25, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 3RD DAY OF OCTOBER, 2023.

Motion made by Sandy Harrison, Seconded by Mike Watson.

Vote tally: Yes: 5 No: 0

Mike Watson

Jason Carnahan

Elysia Rodgers

Sandy Harrison

Jerry Yoder

Petition #23-26 – Michael Woodward requesting a Replat of Woodward Estate, Lot 1. This replat will be swapping land for the single-family residence and accessory structures to comply with the setback regulations in the Unified Development Ordinance/Zoning Ordinance. The acreage will remain the same. The property is located at 0866 County Road 34, Corunna, Indiana and is zoned A1, Conservation Agricultural.

Chris Gaumer read the Staff Report.

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

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.

1. Application completed and filed on **September 8, 2023**.
2. Legal notice published in The Star on **September 20, 2023** and Affidavit received.
3. Certificate of mailing notices were sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 22, 2023**.
5. Letter from County Highway dated **September 13, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 13, 2023**.
7. Letter from the Drainage Board, dated **September 22, 2023**.
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 A1, which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for residential use, which is compatible 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 29. The right of way has been dedicated per the original Woodward Estate. The applicant has received a driveway permit from the Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The existing private septic system is being utilized. The Health Department does recommend that a soil evaluation 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.

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 #23-26, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 3RD DAY OF OCTOBER, 2023.

Motion made by Jason Carnahan, Seconded by Sandy Harrison.

Vote tally: Yes: 5 No: 0

Mike Watson

Jason Carnahan

Elysia Rodgers

Sandy Harrison

Jerry Yoder

ADJOURNMENT:

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:01 a.m.

Elysia Rodgers

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: 23-29
Date Application Filed: 9/25/2023
Fee Paid: 150 dk#
3903

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: DYLAN E. STRAUB & KATLIN N. STRAUB
Mailing Address: 2182 COUNTY ROAD 13
CORUNNA, IN. 46730
Telephone Number: 260-541-0299 E-Mail: KATLINHICKS01@YAHOO.COM

OWNER INFORMATION (if different from applicant information)

Owner's Name: _____
Address: _____
Telephone Number: _____ E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

Representative: Gregory and/or Jennifer Hartman
Address: 2182 CR 13
Corunna IN 46730
Telephone Number: 260-233-1741 E-Mail: Jann3635@yahoo.com

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

Name of Proposed Subdivision: CARDINAL CLEARING

Number of Parcels & Total Area (square feet or acreage):
2 LOTS, 4.62 ACRES

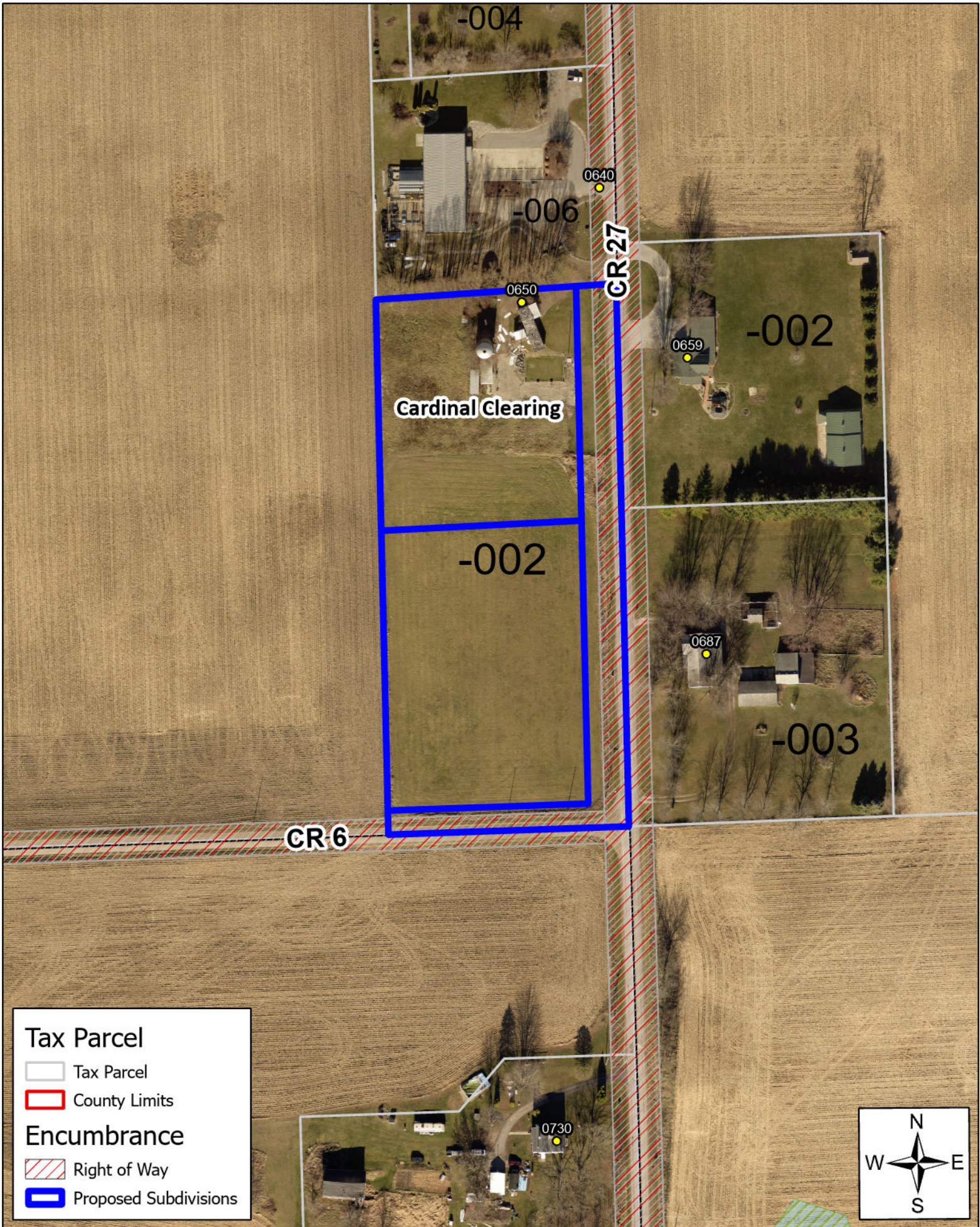
Address or Parcel ID # of property:
0650 COUNTY ROAD 27
Ashley, IN. 46730

Legal description of property affected:
4.62 ACRES, NE 1/4, SEC 7, T 35 N, R 13 E

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

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

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



-004

0640

-006

CR-27

0650

Cardinal Clearing

-002

0659

-002

0687

-003

CR-6

0730

Tax Parcel

Tax Parcel

County Limits

Encumbrance

Right of Way

Proposed Subdivisions



**CARDINAL CLEARING
TWO LOT SUBDIVISION IN THE
NORTHEAST 1/4, SECTION 7, TOWNSHIP 35 NORTH, RANGE 13 EAST,
DEKALB COUNTY, INDIANA**

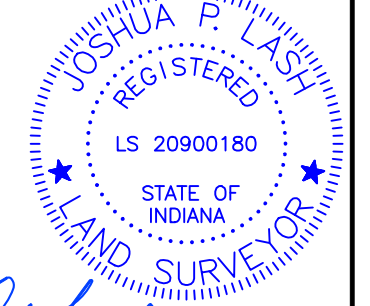


PROFESSIONAL SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE ABOVE IS A CORRECT PLAT AND DESCRIPTION OF A SURVEY COMPLETED BY ME, OR UNDER MY DIRECT SUPERVISION, ON: MAY 25, 2023, AND WAS EXECUTED ACCORDING TO SURVEY REQUIREMENTS AS SET FORTH IN 865 IAC 1-12-13 (RETRACEMENT AND ORIGINAL SURVEY PLATS) AND 865 IAC 1-12-18 (ORIGINAL AND RETRACEMENT SURVEY MONUMENTATION). ALL MONUMENTS SHOWN THEREON ACTUALLY EXIST, AND THEIR LOCATION, SIZE TYPE, AND MATERIAL ARE ACCURATELY SHOWN; THE ACCEPTABLE RELATIVE POSITIONAL ACCURACIES FOR THIS ORIGINAL SURVEY PLAT IS 0.13 FEET PLUS OR MINUS 100 PARTS PER MILLION PER CLASSIFICATION AS A SUBURBAN SURVEY. THIS PLAT COMPLIES WITH THE PROVISIONS OF THE DEKALB COUNTY SUBDIVISION ORDINANCE. THE BOUNDARY FOR THIS PLAT HAS BEEN PREVIOUSLY SURVEYED AND RECORDED PER DEKALB COUNTY DOCUMENT NUMBER _____, THE LOCATION OF THE BOUNDARY HAS REMAINED UNCHANGED FROM THE SURVEY IN THE RECORDED DOCUMENT.

SURVEY JOB NUMBER: 35-13-07-001
PREPARED FOR:
DYLAN I. STRAUB AND
KATLIN N. STRAUB
2182 CR 13
CORUNNA, IN. 46730

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.



SIGNED: Joshua P. Lash
JOSHUA P. LASH, PROFESSIONAL SURVEYOR LS20900180

PARCEL #10-02-07-200-002
SECTION 7, TOWNSHIP 35 NORTH, RANGE 13 EAST
DEKALB COUNTY, INDIANA

2023 TWO LOT
SUBDIVISION
STRAUB
0650 COUNTY ROAD 27
CORUNNA, IN 46730

SURVEY JOB NO. 35-13-07-001

REVISIONS

NO.	DATE	REVISION

DEED OF DEDICATION

WE THE UNDERSIGNED DYLAN I. STRAUB AND KATLIN N. STRAUB, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS CARDINAL CLEARING AN ADDITION TO DEKALB COUNTY, INDIANA. ALL STREETS AND ALLEYS SHOWN AND NOT HERETOFORE DEDICATED, ARE HEREBY DEDICATED TO THE PUBLIC. FRONT, REAR AND SIDE YARD BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAT, BETWEEN WHICH LINES AND THE PROPERTY LINES OF THE STREETS, THERE SHALL BE ERRECTED OR MAINTAINED NO BUILDING OR STRUCTURE. THERE ARE STRIPS OF GROUND (NA) FEET IN WIDTH AS SHOWN ON THIS PLAT AND DESCRIBED "EASEMENT," RESERVED FOR THE USE OF PUBLIC UTILITIES FOR THE INSTALLATION OF WATER AND SEWER MAINS, POLES, DUCTS, LINES AND WIRES, SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENT HEREIN RESERVED. NO PERMANENT OR OTHER STRUCTURES ARE TO BE ERRECTED OR MAINTAINED UPON SAID STRIPS OF LAND, BUT OWNERS OF LOTS IN THIS SUBDIVISION, SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES, AND TO THE RIGHTS OF THE OWNER OF OTHER LOTS IN THIS SUBDIVISION.

DYLAN I. STRAUB

KATLIN N. STRAUB

INDIANA NOTARIAL CERTIFICATE

STATE OF INDIANA,
COUNTY OF (_____)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, **DYLAN I. STRAUB AND KATLIN N. STRAUB**, PERSONALLY APPEARED, AND ACKNOWLEDGING THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY
OF _____, 20_____.

(NOTARY PUBLIC) _____

PRINTED NAME _____

MY COMMISSION EXPIRES:

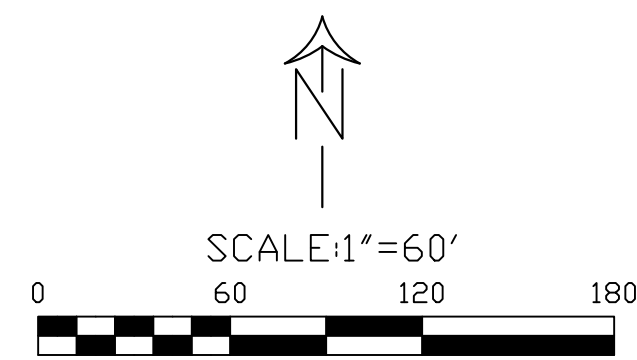
PLAN COMMISSION CERTIFICATE OF APPROVAL:

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

APPROVED BY PLAN COMMISSION AT MEETING HELD _____

CHAIRPERSON _____

ZONING ADMINISTRATOR _____



CONSERVATION AGRICULTURAL (A-1) DISTRICT

MINIMUM FRONT YARD SETBACK:
50' PRIMARY AND ACCESSORY STRUCTURES
MINIMUM SIDE YARD SETBACK:
30' PRIMARY STRUCTURES
10' ACCESSORY STRUCTURES
MINIMUM REAR YARD SETBACK:
30' PRIMARY STRUCTURES
10' ACCESSORY STRUCTURES

FURTHER DEVELOPMENT:

THIS LOT/THESE LOTS SHALL BE INCLUDED IN ANY SUBDIVISIONS 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. THERE SHALL BE COMPLIANCE WITH THE LAWS AND REGULATIONS OF ANY FEDERAL, STATE, OR LOCAL AGENCY. NO OFFSITE DRAINAGE, EXISTING SURFACE WATER OR EXISTING TILED WATER DRAINAGE, CROSSING OVER SAID REAL ESTATE SHALL BE OBSTRUCTED BY ANY DEVELOPMENT ON TH SITE. THE PLAN COMMISSION MAY ENFORCE THESE CONDITIONS BY INJUNCTIVE RELIEF WITH ATTORNEY FEES.

AGRICULTURAL COVENANT:

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

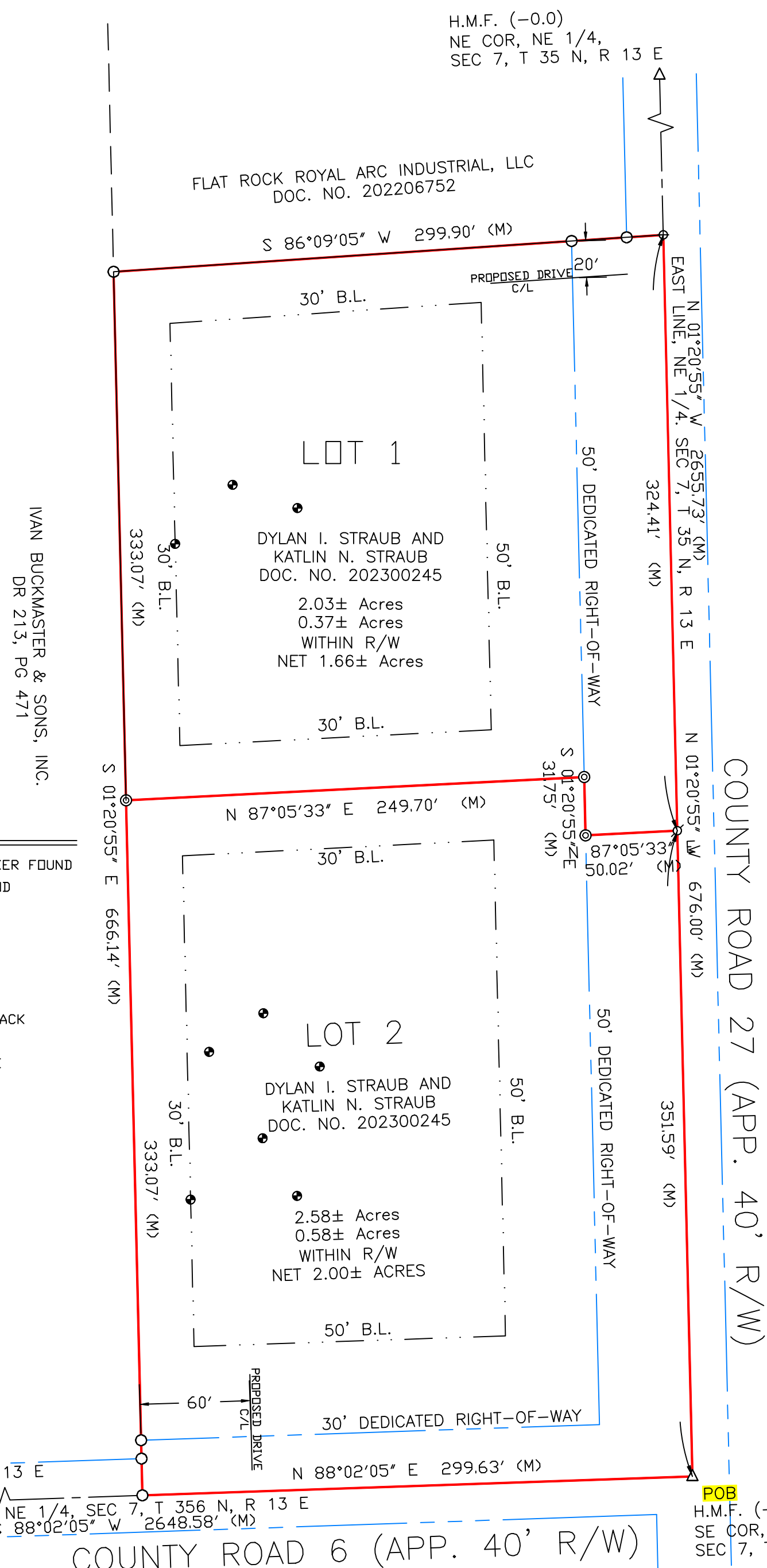
LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 35 NORTH, RANGE 13 EAST, DEKALB COUNTY, THE STATE OF INDIANA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A HARRISON MARKER FOUND AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE N 01°20'55" W (STATE PLANE NAD83, INDIANA ZONE EAST), ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, FOR 676.00 FEET TO A MAG NAIL FOUND AT THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO FLAT ROCK ROYAL ARC INDUSTRIAL, LLC PER DEKALB COUNTY DOCUMENT NUMBER 202206752; THENCE S 86°09'05" W, ALONG THE SOUTH LINE OF SAID FLAT ROCK ROYAL ARC INDUSTRIAL, LLC TRACT, FOR 299.90 FEET TO A REBAR FOUND ON THE EAST LINE OF A TRACT OF LAND CONVEYED TO IVAN BUCKMASTER & SONS, INC. PER DEKALB COUNTY DEED RECORD 213, PAGE 471; THENCE S 01°20'55" E, ALONG THE EAST LINE OF SAID IVAN BUCKMASTER & SONS, INC. TRACT, FOR 666.14 FEET TO A REBAR FOUND ON THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE N 88°02'05" E, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, FOR 299.63 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 4.62 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL PUBLIC ROAD RIGHTS-OF-WAY AND ALL EASEMENTS OF RECORD.

BOARD OF ZONING APPEALS APPROVALS:

ON OCTOBER 9, 2023 THE DEKALB COUNTY BOARD OF ZONING APPEALS APPROVED CASE # 23-14 TO ALLOW FOR THE ACREAGE REDUCTION OF LOT 1 FROM 2 NET ACRES TO 1.66 NET ACRES. THE BZA ALSO APPROVED A RECREATIONAL POND TO BE SHARED BETWEEN LOTS 1 & 2. A SHARED POND AGREEMENT HAS BEEN RECORDED AS DOC # _____



- LEGEND**
- ▲ HARRISON MARKER FOUND
 - ◆ MAG NAIL FOUND
 - MAG NAIL SET
 - REBAR FOUND
 - REBAR SET
 - SDIL BORING
 - SECTION LINE
 - BUILDING SETBACK
 - RIGHT-OF-WAY
 - BOUNDARY LINE

H.M.F. (-0.0)
SW COR, NE 1/4,
SEC 7, T 35 N, R 13 E
SOUTH LINE, NE 1/4, SEC 7, T 35 N, R 13 E
S 88°02'05" W 2648.58' (M)

H.M.F. (-0.0)
SE COR, NE 1/4,
SEC 7, T 35 N, R 13 E

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

SUMMARY FACTS:

APPLICANT: Dylan & Katlin Straub

SUBJECT SITE: the northwest corner of County Road 6 & County Road 27, Ashley

REQUEST: 2 Lot Minor Subdivision – Cardinal Clearing

EXISTING ZONING: A1: Conservation Agricultural

SURROUNDING LAND USES AND ZONING: North: Welding Company (A1)
 South: Farm Ground/Single Family Residential (A1)
 East: Single Family Residential (I2)
 West: Farm Ground (A1)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- Parcel 10-02-07-200-001 is considered the parent parcel. This is the 1st and 2nd buildable split from parent parcels -001. This is also the last buildable split from parent parcel -001
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
 - Proposed Lot 1 Area: 1.66 net acres (BZA approved lot area reduction on October 9, 2023)
 - Proposed Lot 2 Area:
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 333.07 feet
 - Proposed Lot 2 Width: 333.07 feet
 - *Minimum Lot Frontage: 120 Feet or 40 feet if the lot or lots are designed to conserve land used for agricultural crop production.*
 - Proposed Lot 1 Frontage: 324.41 feet
 - Proposed Lot 2 Frontage: 351.59 feet

- This division of land fronts the following roads:
 - County Road 27 is considered a County Minor Arterial Road with projected total right-of-way width of 100 feet.
 - Proposed right-of-way dedication: 50 feet
 - County Road 6 is considered a County Local Road with projected total right-of-way width of 60 feet.
 - Proposed right-of-way dedication: 30 feet

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **September 25, 2023**.
2. Legal notice published in The Star on **October 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 **October 12, 2023**.
5. Letter from County Highway dated **October 2, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 2, 2023**.
7. Letter from the Drainage Board, dated **October 10, 2023**.
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **Midwest Land Surveying, Inc.**
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 residential use, which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 27 & County Road 6 with dedication of right of way. The driveway locations have been staked, approved, and permitted by the DeKalb County Highway Dept.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. The property owner(s) or buyer(s) will need to apply for and receive a permit for a residential onsite sewage system from the DeKalb County Board of Health
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

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

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. 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: 23-30
Date Application Filed: 10/4/2023
Fee Paid: 150

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: Angela Wallace
Mailing Address: 102 N. Main Street
Auburn, IN 46706
Telephone Number: 260-417-3643 E-Mail: compasslandsurveying@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Larry E. Cagley
Address: 3371 State Road 1
Bulter, IN 46721
Telephone Number: 260-920-4963 E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

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

Legal Ad Payment & Public Hearing Notifications: Applicant Owner Representative

Name of Proposed Subdivision: Twisted Oak Holler

Number of Parcels & Total Area (square feet or acreage):
1 Parcel & 9.22 Acres

Address or Parcel ID # of property:

Westside of County Road 63 North of County Road 34
#15-07-15-200-009

Legal description of property affected:

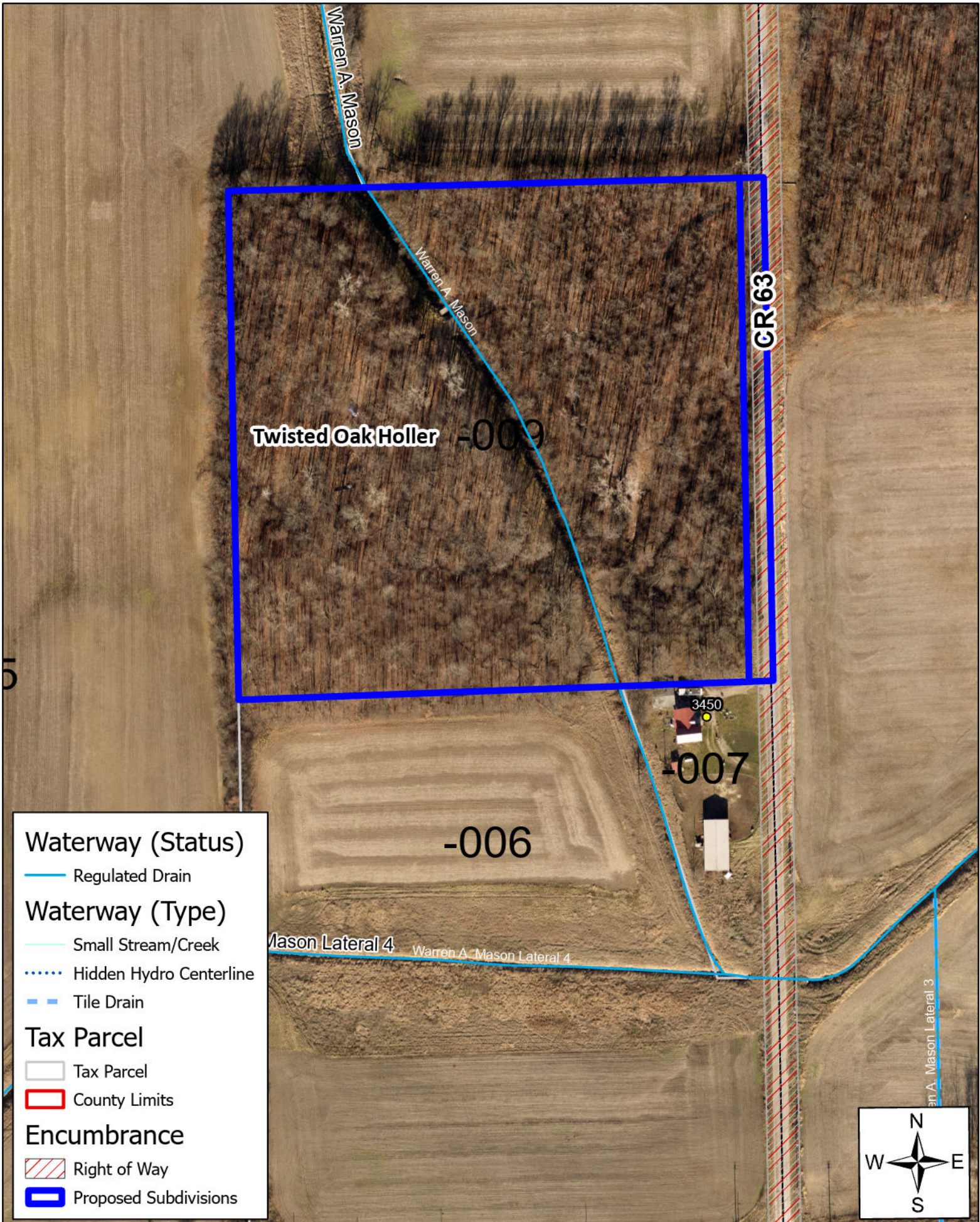
Part of the Northeast Quarter of Section 15, T34N, R14E

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. Walker Professional Surveyor 10/03/2023

(If signed by representative for applicant, state capacity)



Twisted Oak Holler -009

3450
-007

-006

CR 63

Warren A. Mason

Warren A. Mason

Mason Lateral 4 Warren A. Mason Lateral 4

Warren A. Mason Lateral 3

Waterway (Status)
 — Regulated Drain

Waterway (Type)
 — Small Stream/Creek
 Hidden Hydro Centerline
 - - - Tile Drain

Tax Parcel
 □ Tax Parcel
 □ County Limits

Encumbrance
 ▨ Right of Way
 □ Proposed Subdivisions



OWNER DEDICATION

I, THE UNDERSIGNED, LARRY E. CAGLEY, OWNER OF THE REAL ESTATE PLATTED AND DESCRIBED HEREIN CERTIFY THAT I HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, FLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE PLAT HEREIN.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS LOT 1 IN THE FLAT OF TWISTER OAK HOLLER, AN ADDITION IN WILMINGTON 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.

LARRY E. CAGLEY

NOTARY

STATE OF INDIANA)
COUNTY OF DEKALB) SS:

WITNESS OUR HAND AND SEAL THIS _____ DAY OF NOVEMBER, 2023.

LARRY E. CAGLEY

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS _____ DAY OF NOVEMBER, 2023, PERSONALLY APPEARED LARRY E. CAGLEY 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 NOVEMBER, 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, I.E. IC 34-1-52-4.

DRAINAGE BOARD COVENANTS

- a. NO PRIVATE OR MUTUAL DRAIN OF ANY TYPE SHALL BE CONNECTED FROM WITHIN ANY LOT WITHIN THIS SUBDIVISION TO THE WARREN A MASON REGULATED DRAIN 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.
- c. NO PERMANENT STRUCTURE OF ANY TYPE SHALL BE PLACED WITHIN THE RIGHT-OF-WAY OF THE WARREN A MASON REGULATED DRAIN 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.
- d. NO PRIVATE CROSSING, CONTROL DAM OR OTHER PERMANENT STRUCTURE SHALL BE PLACED ON, OVER, OR THROUGH THE WARREN A MASON REGULATED DRAIN WITHOUT FIRST SUBMITTING A WRITTEN REQUEST, ALONG WITH PLANS AND SPECIFICATIONS FOR SAID PERMANENT STRUCTURE, AND OBTAINING THE WRITTEN APPROVAL OF THE DEKALB COUNTY SURVEYOR FOR SAID PERMANENT STRUCTURE.

FURTHER DEVELOPMENT STANDARDS

FURTHER DEVELOPMENT: THIS LOT/THOSE 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. THERE SHALL BE COMPLIANCE WITH THE LAWS OF ANY APPLICABLE FEDERAL, STATE OR LOCAL AGENCY.

NO OFFSITE DRAINAGE, EXISTING SURFACE WATER OR EXISTING TILED WATER DRAINAGE, CROSSING OVER SAID REAL ESTATE SHALL BE OBSTRUCTED BY ANY DEVELOPMENT ON THE SITE. THE PLAN COMMISSION MAY ENFORCE THESE CONDITIONS BY INJUNCTIVE RELIEF WITH ATTORNEY FEES.

PLAN COMMISSION CERTIFICATE OF APPROVAL

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION THIS _____ DAY OF NOVEMBER, 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 A BOUNDARY RETRACEMENT SURVEY COMPLETED ON SEPTEMBER 27TH, 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 36B IAC 1-12-1 THRU 30, AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE ABOVE REFERENCED SURVEY OR ANY PRIOR SUBDIVISION PLATS CONTAINED THEREIN, ON ANY LINES THAT ARE COMMON WITH THIS SUBDIVISION.

PROJECT NO: 23-634
DATE: SEPTEMBER 27TH, 2023

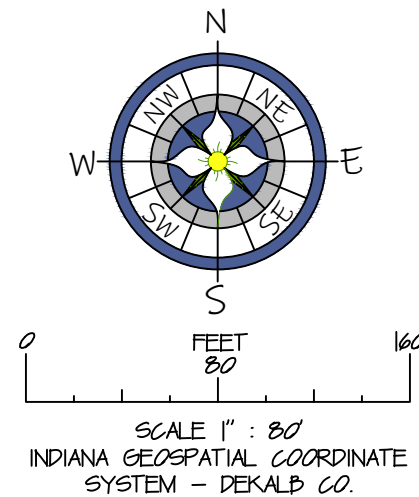
I, ANGELA D. WALLACE, AFFIRM UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

TWISTED OAK HOLLER

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 34 NORTH, RANGE 14 EAST, WILMINGTON TOWNSHIP, DEKALB COUNTY, INDIANA



VICINITY MAP NOT TO SCALE



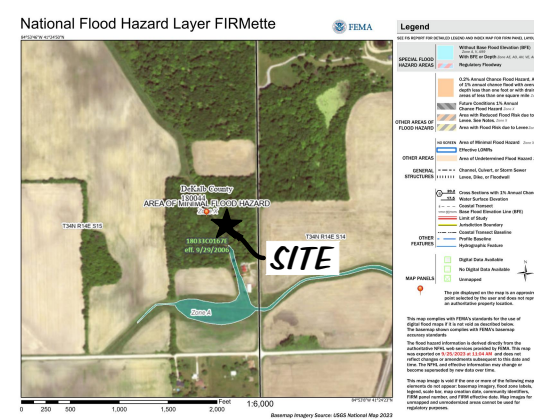
REAL ESTATE DESCRIPTION

AS RECORDED IN DOCUMENT NUMBER 201604636 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA:

COMMENCING AT THE HARRISON MONUMENT MARKING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 34 NORTH, RANGE 14 EAST; THENCE NORTH 00 DEGREES 34 MINUTES 49 SECONDS WEST (ASSUMED BASIS OF BEARING) 704.70 FEET ON AND ALONG THE EAST LINE OF SAID NORTHEAST QUARTER TO A 1 INCH BOLT MARKING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 00 DEGREES 34 MINUTES 49 SECONDS WEST, 627.13 FEET ON AND ALONG SAID WEST LINE TO A MAG NAIL MARKING THE NORTHEAST CORNER OF THE SOUTH HALF OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 02 MINUTES 54 SECONDS WEST, 666.95 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED "SMITH"; THENCE SOUTH 00 DEGREES 39 MINUTES 59 SECONDS EAST, 634.04 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED L59100007; THENCE NORTH 88 DEGREES 27 MINUTES 11 SECONDS EAST, 666.08 FEET TO THE POINT OF BEGINNING, CONTAINING 9.22 ACRES PLUS OR MINUS.

MONUMENT LEGEND

- "A" ~ 5/8"x24" REBAR WITH "WALLACE-L521200016" IDENTIFICATION CAP SET
- "B" ~ 5/8"x24" REBAR WITH "WALLACE-L521200016" IDENTIFICATION CAP SET 30"W.
- "C" ~ 1" BOLT FOUND (C.M.)
- "D" ~ 5/8" REBAR WITH "TRI-COUNTY" IDENTIFICATION CAP FOUND 20"W.
- "E" ~ 1" BOLT FOUND
- "F" ~ 5/8" REBAR WITH "WALKER" IDENTIFICATION CAP FOUND 25"W.
- "G" ~ 5/8" REBAR FOUND
- "H" ~ 5/8" REBAR WITH "TRI-COUNTY" IDENTIFICATION CAP FOUND (C.M.)
- "I" ~ 5/8" REBAR FOUND
- "J" ~ 5/8" REBAR WITH "WALKER" IDENTIFICATION WASHER FOUND
- "K" ~ 5/8" REBAR FOUND
- "L" ~ MAG NAIL WITH "WALKER" IDENTIFICATION WASHER FOUND



NFHL FIRMETTE NOT TO SCALE

FLOODPLAIN CERTIFICATION

LOT 1 IN THE FLAT OF TWISTED OAK HOLLER LIES WITHIN ZONE A, AND ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 180004, PANEL: 0167 E, EFFECTIVE DATE: SEPTEMBER 29, 2006, MAP NUMBER: 18033016E.

RECORDER'S STAMP

AUDITOR'S STAMP

LOT	AREA
TOTAL AREA:	9.65 ACRES
30' R/W:	0.43 ACRE
NET AREA:	9.22 ACRES

LOT	BUILDABLE AREA
TOTAL AREA:	9.65 ACRES
30' R/W:	0.43 ACRE
LEGAL DRAIN:	2.74 ACRE
ZONE A:	0.09 ACRE
NET AREA:	6.39 ACRES

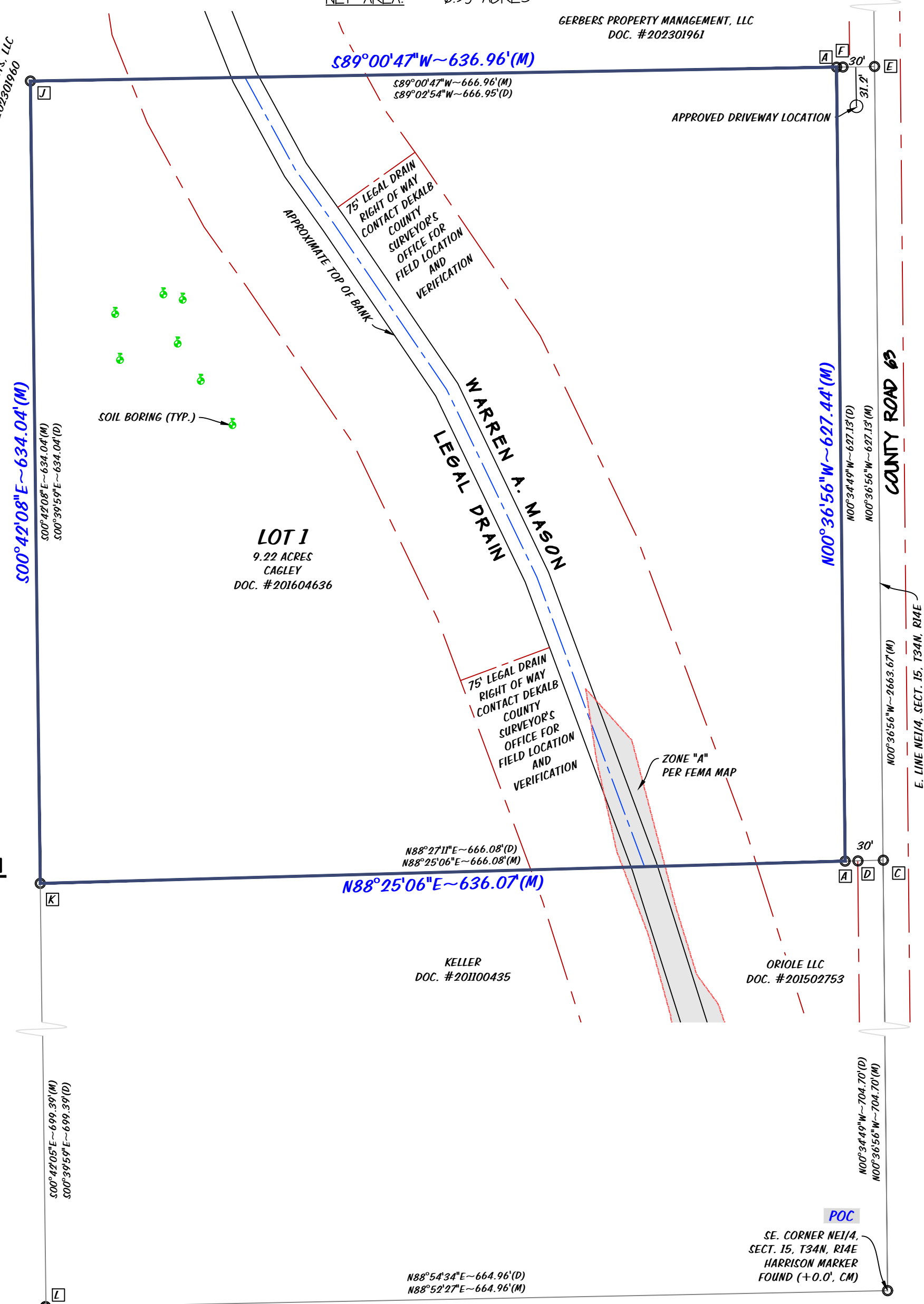
NE CORNER NE1/4, SECT. 15, T34N, R14E HARRISON MARKER FOUND (+0.0', CM)

ZONING

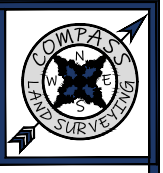
ZONING DISTRICT: AGRICULTURAL (A2)

SETBACKS:	SETBACKS:
PRIMARY	ACCESSORY STRUCTURE
FRONT: 50'	FRONT: 50'
SIDE: 30'	SIDE: 10'
REAR: 30'	REAR: 10'

GERBERS PROPERTY MANAGEMENT, LLC
DOC. #202301961



SE CORNER NE1/4, SECT. 15, T34N, R14E HARRISON MARKER FOUND (+0.0', CM)



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

SUMMARY FACTS:

APPLICANT: Larry Cagley

SUBJECT SITE: west side of County Road 63, approximately one-tenth mile north of the intersection of County Road 63 and County Road 34, Butler

REQUEST: 1 Lot Minor Subdivision – Twisted Oak Holler

EXISTING ZONING: A2: Agricultural

SURROUNDING LAND USES AND ZONING: North: Farm Ground (A2)
 South: Single Family Residential/Farm Ground (A2)
 East: Farm ground (A2)
 West: Farm Ground (A2)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- Parcel 15-07-15-200-006 is considered the parent parcel. This is the 1st buildable split from parent parcels -006.
- 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: 6.39 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 634.04 feet
 - *Minimum Lot Frontage: 120 Feet or 40 feet if the lot or lots are designed to conserve land used for agricultural crop production.*
 - Proposed Lot 1 Frontage: 627.44 feet
- This division of land fronts the following roads:
 - County Road 63 is considered a County Local Road with projected total right-of-way width of 60 feet.
 - Proposed right-of-way dedication: 30 feet

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **October 4, 2023**.
2. Legal notice published in The Star on **October 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 **October 12, 2023**.
5. Letter from County Highway dated **October 10, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 10, 2023**.
7. Letter from the Drainage Board, dated **October 12, 2023**.
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **Compass Land 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 residential uses, which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 63 with dedication of right of way. The driveway has been staked and approved by the DeKalb County Highway Dept. The applicant or buyer(s) will need a permit from the 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. 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: 23-31
Date Application Filed: 10/9/2023
Fee Paid: 150

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: Angela Wallace
Mailing Address: 102 N. Main Street
Auburn, IN 46706
Telephone Number: 260-417-3643 E-Mail: compasslandsurveying@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: Benjamin & Bailey Rodkey
Address: 3717 County Road 57
Bulter, IN 46721
Telephone Number: 260-908-3089 E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

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

Legal Ad Payment & Public Hearing Notifications: Applicant Owner Representative

Name of Proposed Subdivision: Rodkey Acres

Number of Parcels & Total Area (square feet or acreage):
1 Parcel & 4.975 Acres

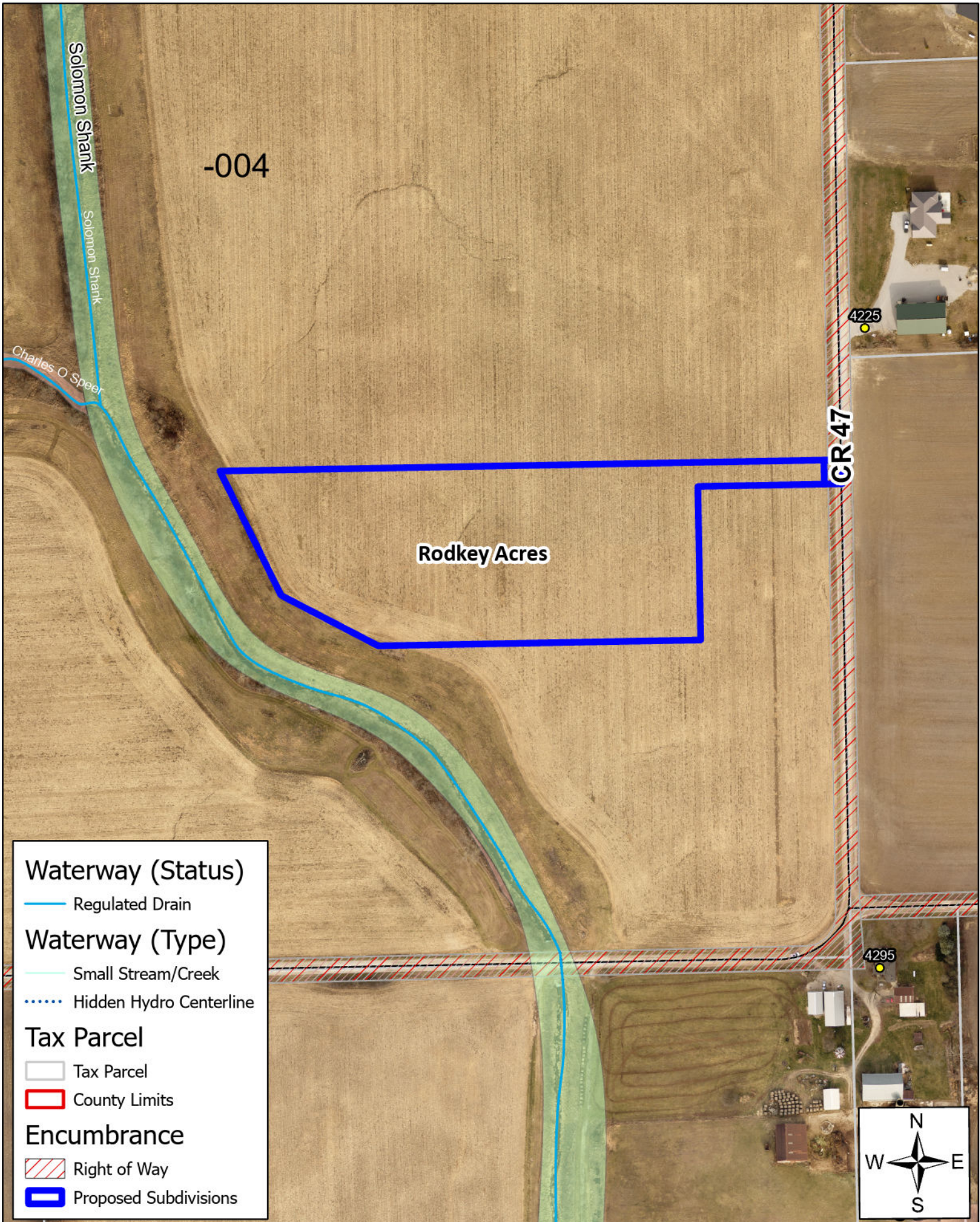
Address or Parcel ID # of property:
Westside of County Road 47 North of County Road 42
part of parcel #14-06-25-200-004

Legal description of property affected:
Part of the Northeast Quarter of Section 25, T34N, 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:  Professional Surveyor 10/04/2023
(If signed by representative for applicant, state capacity)



-004

Solomon Shank

Solomon Shank

Charles O Speer

Rodkey Acres

CR 47

4225

4295

Waterway (Status)

- Regulated Drain

Waterway (Type)

- Small Stream/Creek
- Hidden Hydro Centerline

Tax Parcel

- Tax Parcel
- ▭ County Limits

Encumbrance

- ▨ Right of Way
- ▭ Proposed Subdivisions



OWNER DEDICATION

WE, THE UNDERSIGNED, BENJAMIN T. & BAILEY J. RODKEY, 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 LOT 1 IN THE PLAT OF RODKEY ACRES AN ADDITION IN UNION 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.

BENJAMIN T. RODKEY

BAILEY J. RODKEY

RODKEY ACRES

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 34 NORTH, RANGE 13 EAST, UNION TOWNSHIP, DEKALB COUNTY, INDIANA

OWNER & DEVELOPER

BENJAMIN T. & BAILEY J. RODKEY
3717 COUNTY ROAD 57
BUTLER, INDIANA 46721

SURVEYOR

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

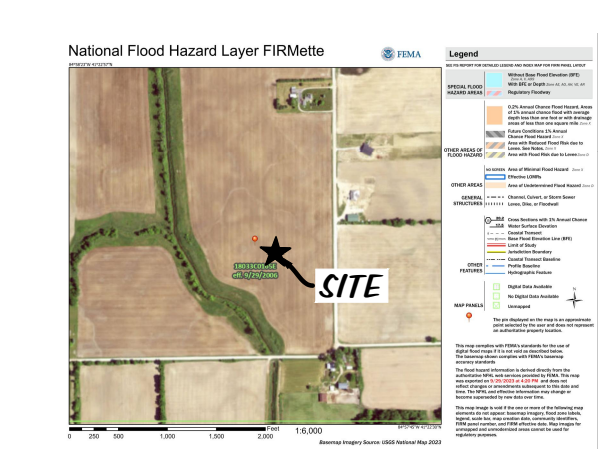
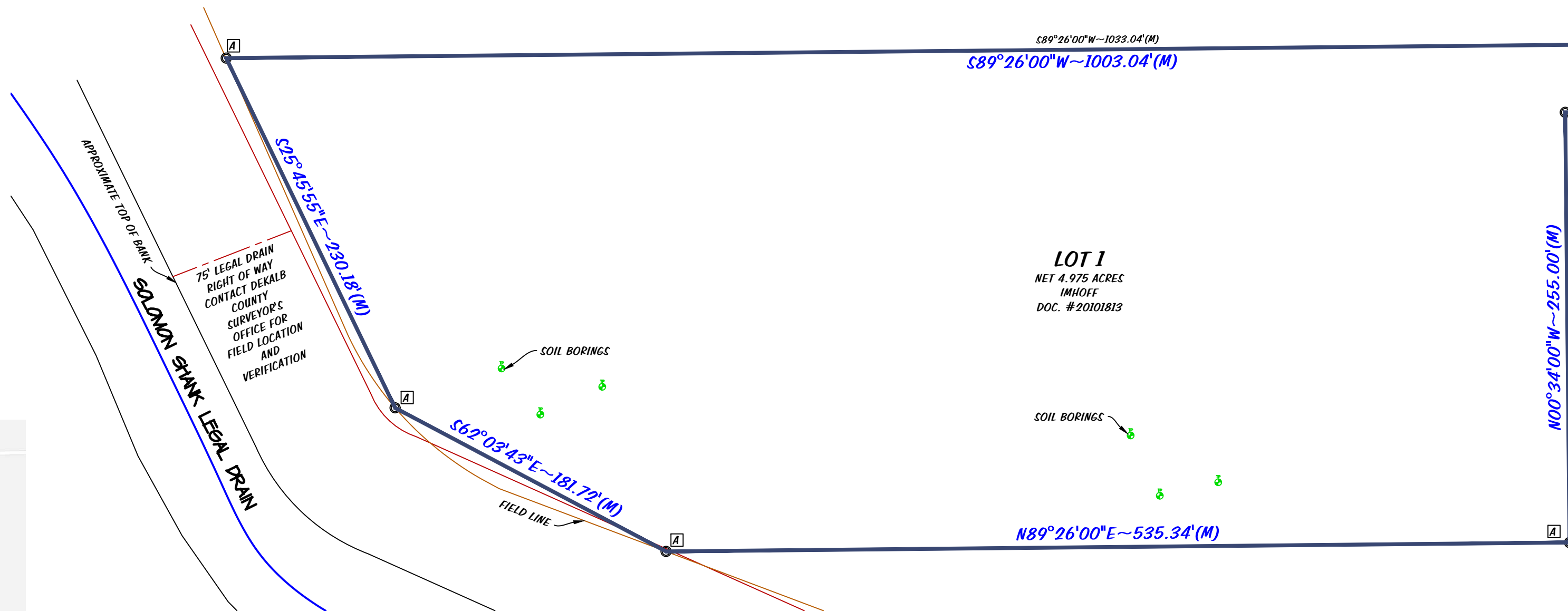
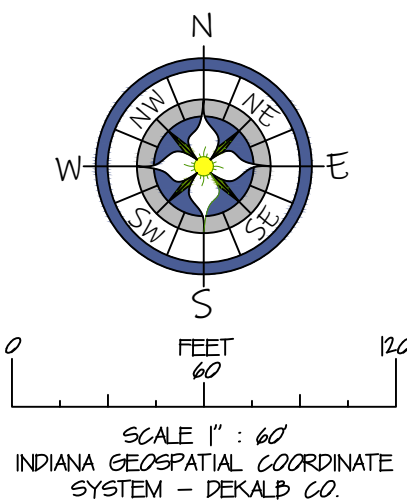
MONUMENT LEGEND

"A" ~ 5/8"x1/4" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP SET
"B" ~ 5/8"x1/4" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP SET 30W.

Table with 2 columns: LOT | AREA, TOTAL AREA: 5.002 ACRES, 30 R/W: 0.027 ACRE, NET AREA: 4.975 ACRES

Table with 2 columns: ZONING DISTRICT: AGRICULTURAL (A2), SETBACKS: PRIMARY FRONT: 50, SIDE: 30, REAR: 30; ACCESSORY STRUCTURE FRONT: 50, SIDE: 10, REAR: 10

NE. CORNER NE1/4, T. 25, R. 13E HARRISON MARKER FOUND (+0.0', CM)



NFL FIRMETTE NOT TO SCALE
FLOODPLAIN CERTIFICATION
LOT 1 IN THE PLAT OF RODKEY ACRES LIES WITHIN ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 180044, PANEL: 0165 E, EFFECTIVE DATE: SEPTEMBER 29, 2006, MAP NUMBER: 1809900165E.

REAL ESTATE DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 34 NORTH, RANGE 13 EAST, UNION TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21200016 ON OCTOBER 4TH, 2023, AS PROJECT NUMBER 23-699, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A HARRISON MARKER AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 34 NORTH, RANGE 13 EAST; THENCE NORTH 00 DEGREE 34 MINUTES 00 SECOND WEST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 785.81 FEET TO A 5/8"x1/4" REBAR WITH "WALLACE LS21200016" IDENTIFICATION CAP AT THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREE 34 MINUTES 00 SECOND WEST, ALONG SAID EAST LINE, A DISTANCE OF 40.00 FEET TO A 5/8"x1/4" REBAR WITH "WALLACE LS21200016" IDENTIFICATION CAP; THENCE SOUTH 89 DEGREES 26 MINUTES 00 SECOND WEST, A DISTANCE OF 1,093.04 FEET TO A 5/8"x1/4" REBAR WITH "WALLACE LS21200016" IDENTIFICATION CAP; THENCE SOUTH 25 DEGREES 45 MINUTES 55 SECONDS EAST, A DISTANCE OF 2,921.8 FEET TO A 5/8"x1/4" REBAR WITH "WALLACE LS21200016" IDENTIFICATION CAP; THENCE SOUTH 82 DEGREES 09 MINUTES 49 SECONDS EAST, A DISTANCE OF 181.72 FEET TO A 5/8"x1/4" REBAR WITH "WALLACE LS21200016" IDENTIFICATION CAP; THENCE NORTH 89 DEGREES 26 MINUTES 00 SECOND EAST, A DISTANCE OF 595.34 FEET TO A 5/8"x1/4" REBAR WITH "WALLACE LS21200016" IDENTIFICATION CAP; THENCE NORTH 00 DEGREE 34 MINUTES 00 SECOND WEST, PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 255.00 FEET TO A 5/8"x1/4" REBAR WITH "WALLACE LS21200016" IDENTIFICATION CAP; THENCE NORTH 89 DEGREES 26 MINUTES 00 SECOND EAST, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING CONTAINING 5.002 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 47, THE RIGHT OF WAY OF SOLOMON SHANK LEGAL DRAIN AND ALL OTHER RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

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 A BOUNDARY SURVEY COMPLETED ON OCTOBER 4TH, 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 865 IAC 1-12-1 THRU 30, AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE ABOVE REFERENCED SURVEY OR ANY PRIOR SUBDIVISION PLATS CONTAINED THEREIN, ON ANY LINES THAT ARE COMMON WITH THIS SUBDIVISION.

PROJECT NO: 23-699

DATE: SEPTEMBER 29TH, 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.

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 34-1-32-4.

DRAINAGE BOARD COVENANTS

- a. NO PRIVATE OR MUTUAL DRAIN OF ANY TYPE SHALL BE CONNECTED FROM WITHIN ANY LOT WITHIN THIS SUBDIVISION TO THE SOLOMON SHANK LEGAL DRAIN NO. 28-00-0 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 SOLOMON SHANK LEGAL DRAIN NO. 28-00-0 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 SOLOMON SHANK LEGAL DRAIN NO. 28-00-0 WITHOUT FIRST SUBMITTING A WRITTEN REQUEST, ALONG WITH PLANS AND SPECIFICATIONS FOR SAID PERMANENT STRUCTURE, AND OBTAINING THE WRITTEN APPROVAL OF THE DEKALB COUNTY SURVEYOR FOR SAID PERMANENT STRUCTURE.

FURTHER DEVELOPMENT 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. THERE SHALL BE COMPLIANCE WITH THE LAWS OF ANY APPLICABLE FEDERAL, STATE OR LOCAL AGENCY.

NO OFFSITE DRAINAGE, EXISTING SURFACE WATER OR EXISTING TILED WATER DRAINAGE, CROSSING OVER SAID REAL ESTATE SHALL BE OBSTRUCTED BY ANY DEVELOPMENT ON THE SITE. THE PLAN COMMISSION MAY ENFORCE THESE CONDITIONS BY INJUNCTIVE RELIEF WITH ATTORNEY FEES.

PLAN COMMISSION CERTIFICATE OF APPROVAL

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION THIS _____ DAY OF NOVEMBER, 2023.

ELYSIAN RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

RECORDER'S STAMP

AUDITOR'S STAMP

NOTARY

STATE OF INDIANA)
) SS:
COUNTY OF DEKALB)

WITNESS OUR HAND AND SEAL THIS _____ DAY OF NOVEMBER, 2023.

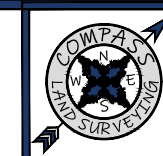
BENJAMIN T. RODKEY BAILEY J. RODKEY

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS _____ DAY OF NOVEMBER, 2023, PERSONALLY APPEARED BENJAMIN T. & BAILEY J. RODKEY 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 NOVEMBER, 2023.

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES: _____



SW. CORNER NW1/4, SECT. 30, T34N, R13E HARRISON MARKER FOUND (+0.0', CM)

SE. CORNER NE1/4, SECT. 25, T34N, R13E HARRISON MARKER FOUND (+0.0', CM)

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

SUMMARY FACTS:

APPLICANT: Benjamin & Bailey Rodkey
SUBJECT SITE: the west side of County Road 47, approximately one-tenth mile north of the intersection of County Road 47 and County Road 42, Auburn
REQUEST: 1 Lot Minor Subdivision – Rodkey Acres
EXISTING ZONING: A2: Agricultural
SURROUNDING LAND USES AND ZONING: North: Farm Ground (A2)
 South: Farm Ground (A2)
 East: Farm ground (A2)
 West: Farm Ground (A2)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- Parcel 14-06-25-200-004 is considered the parent parcel. This is the 1st buildable split from parent parcels -004.
- 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: 4.975 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 411.90 feet
 - *Minimum Lot Frontage: 120 Feet or 40 feet if the lot or lots are designed to conserve land used for agricultural crop production.*
 - Proposed Lot 1 Frontage: 40 feet
- This division of land fronts the following roads:
 - County Road 47 is considered a County Local Road with projected total right-of-way width of 60 feet.
 - Proposed right-of-way dedication: 30 feet

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **October 9, 2023**.
2. Legal notice published in The Star on **October 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 **October 12, 2023**.
5. Letter from County Highway dated **October 10, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 10, 2023**.
7. Letter from the Drainage Board, dated **October 12, 2023**.
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **Compass Land 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 residential uses, 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 47 with dedication of right of way. The driveway has been staked and approved by the DeKalb County Highway Dept. The applicant or buyer(s) will need a permit from the 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. 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.