

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, December 5, 2023

8:30 AM

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

1. Call to order
2. Prayer
3. Roll call
4. Approval of Minutes: November 07, 2023
5. Old Business: None
6. New Business:

Petition #23-32 – Dave & Tammy Long requesting a 1 Lot Minor Subdivision known as Long Estates Section V, Lot 1. The proposed 1 lot subdivision will be a total of 11.734 acres. The subdivision will be used for a single-family residence. The property is located at the southwest corner of County Road 60 and County Road 43, Auburn, Indiana and is zoned A2, Agricultural.

Petition #23-33 – Copper Creek Rentals LLC, James Schmucker, requesting a 1 Lot Minor Subdivision known as Copper Creek Acres. The proposed 1 lot subdivision will be a total of 1.010 acres. The subdivision will be used for a personal storage building. The property is located on the south side of County Road 46A, approximately one-quarter mile west of the intersection of County Road 46A and County Road 39, Auburn, Indiana and is zoned A2, Agricultural.

Petition #23-34 – Kenneth & Johanna Scheele requesting a 1 Lot Conservation Agricultural Subdivision known as Dog Holler Acres. The proposed 1 lot subdivision will be a total of 11.55 acres. The subdivision will be used for a Single Family Residence. The property is located on the south side of County Road 68, approximately one-half mile east of the intersection of County Road 68 and County Road 75, Spencerville, Indiana and is zoned A1, Conservation Agricultural.

Petition #23-35 – Gaylor & Gloria Schowe requesting a Replat of Schowe's Acres, Lot 1. This replat will be increasing the acreage of Lot 1. No new buildable lots are proposed. The property is located at 3139 County Road 72, Auburn, Indiana and is zoned A2, Agricultural.

7. Adjournment

Next Meeting: February 6, 2023

If you cannot attend, please contact Chris Gaumer:

cgaumer@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, November 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, Jason Carnahan, and Jerry Yoder

Members Absent: None

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

Staff Absent: None

Public in Attendance: Angela Wallace, Greg Hartman, Larry Cagley, and Joan Hursh.

PRAYER:

Jerry Yoder led prayer.

APPROVAL OF MINUTES:

Mike Watson moved to approve the minutes from October 3, 2023; seconded by Jason Carnahan.

None opposed. Motion carried.

OLD BUSINESS:

None.

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.

Chris Gaumer read the Staff Report. He then noted that the petitioners are planning to keep the address for 0650 County Road 27, pointed out the proposed driveway location, advised that all of the debris that's pictured on the aerial map has been all cleaned up, and the two sites are ready for building.

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 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**. Chris Gaumer noted that this was a non-objection letter for that lot acreage reduction that the Board of Zoning Appeals approved previously.
5. Letter from County Highway dated **October 10, 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.

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 & County Road 6 with dedication of right of way. The driveway locations have been staked, approved, and permitted by the DeKalb County Highway Department.
 - 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 #23-29, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 7TH DAY OF NOVEMBER 2023.

Motion made by Jason Carnahan, Seconded by Mike Watson.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandy Harrison

Mike Watson

Jason Carnahan

Jerry Yoder

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.

Chris Gaumer read the Staff Report.

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 **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.

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 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 Department.
 - 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 #23-30, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 7TH DAY OF NOVEMBER 2023.

Motion made by Mike Watson, Seconded by Sandy Harrison.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandy Harrison

Mike Watson

Jason Carnahan

Jerry Yoder

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 & County Road 42, Auburn, 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.

Angela Wallace, of Compass Land Surveying, Inc., approached the podium to answer questions from the members of the Committee.

Jerry Yoder inquired about the reason behind the placement of the access to the road. Ms. Wallace responded that the petitioners wanted the majority of their lot toward the back of the site.

Jason Carnahan asked why they didn't put it at the edge of the field instead of through the middle of the field. He added that they proposed a narrow access to conserve farm ground, but the site is spread out all the way across the field, so it's not really serving its purpose.

Ms. Wallace responded that the petitioner was getting 5 acres of land from his grandmother and that was how they wanted it. Mr. Yoder commented that they could have gone farther south, taking it all down there closer to the road.

Ms. Rodgers asked if there were any members of the public wishing to speak on this petition.

Joan Hursh came forward to inquire about the number of homes allowed by the proposed subdivision and the number of times the parcel can be divided. Mr. Gaumer advised that they would be allowed 3 additional splits.

Ms. Hursh was concerned about the placement of the proposed plat, being in the middle of the field. She stated that there is a lot of traffic on that road, leading to her assumption that the site is stretched back so far to avoid dust. Ms. Hursh concluded that her main concern was the number of homes could come in.

Determining that there were no other members of the audience who wanted to speak, Elysia 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 **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.

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 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.

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 #23-31, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 7TH DAY OF NOVEMBER 2023.

Motion made by Jerry Yoder, Seconded by Sandy Harrison.

Vote tally: Yes: 5 No: 0

Elysia Rodgers

Sandy Harrison

Mike Watson

Jason Carnahan

Jerry Yoder

ADJOURNMENT:

There being no further business to come before the Plat Committee, the meeting was adjourned at 8:57 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: 23-32
Date Application Filed: 10/20/2023
Fee Paid: pd. CK 435-CW

Application for SUBDIVISION
Conservation Agricultural (A1 only) ☐ **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: Dave Long + Tammy Long
Mailing Address: 4354 CR 660
Auburn, IN 46706
Telephone Number: 260-927-9716 E-Mail: _____

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
Address: 2305 B Centralwood Ct
Fort Wayne, IN 46818
Telephone Number: 260-338-2062 E-Mail: smarke@OTMLandSurveying.com

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

Name of Proposed Subdivision: Long Estates Section V

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

1 parcel - 11.734 acres

Address or Parcel ID # of property:

00-10-23-200-019

Legal description of property affected:

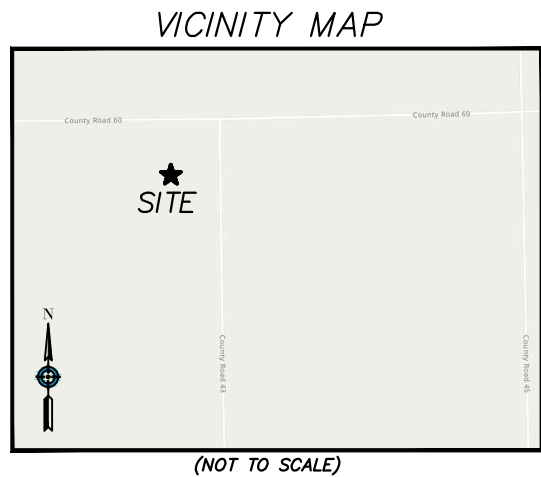
Pt. E 1/2 NE 1/4 NE 1/4

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]
(If signed by representative for applicant, state capacity)



LONG ESTATES SECTION V

A SUBDIVISION IN THE NORTHEAST QUARTER OF
SECTION 23, TOWNSHIP 33 NORTH, RANGE 13 EAST
JACKSON CIVIL TOWNSHIP, DEKALB COUNTY, INDIANA

LEGEND

---	CENTERLINE
---	SUBJECT PROPERTY
---	RIGHT-OF-WAY LINE
---	SECTION LINE
---	ADJOINING PROPERTY
---	EASEMENT LINE
---	BUILDING SETBACK LINE

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

SURVEYOR

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

LOT 1 AREA

GROSS AREA:	11.734 ACRES
R/W DEDICATION:	0.894 ACRES
LEGAL DRAIN EASEMENT:	1.409 ACRES
NET AREA:	4.501 ACRES

ZONING

ZONING DISTRICT:
AGRICULTURAL (A-2)

PRIMARY SETBACKS:

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

ACCESSORY STRUCTURE:

SIDE: 10'
REAR: 10'

OWNER/DEVELOPER

DAVID G. AND TAMMY E. LONG
4354 COUNTY ROAD 60
AUBURN, INDIANA 46706

REAL ESTATE DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 33 NORTH, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA, BASED ON AN ORIGINAL SURVEY BY NOLAN R. MARK, INDIANA PROFESSIONAL SURVEYOR LICENSE NUMBER LS21900003 OF ON THE MARK LAND SURVEYING, LLC, SURVEY NO. 23.0048, DATED JULY 13, 2023, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER AS MONUMENTED BY A HARRISON MONUMENT FOUND 0.1 FEET BELOW GRADE:

THENCE SOUTH 0 DEGREES 40 MINUTES 22 SECONDS EAST 771.99 FEET ALONG THE EAST LINE OF SAID NORTHWEST QUARTER TO A PK NAIL FOUND FLUSH AT A NORTH LINE OF AN EXISTING 3.925 ACRE TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 201105095 IN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA; THENCE THE NEXT FIVE (5) COURSES ALONG SAID NORTH LINE AND THE CENTERLINE OF DANIEL HURSEY SOUTH REGULATED OPEN DRAIN: 1) SOUTH 66 DEGREES 04 MINUTES 59 SECONDS WEST 96.04 FEET; 2) THENCE SOUTH 26 DEGREES 03 MINUTES 50 SECONDS WEST 196.00 FEET; 3) THENCE SOUTH 58 DEGREES 14 MINUTES 44 SECONDS WEST 255.00 FEET; 4) THENCE SOUTH 38 DEGREES 51 MINUTES 07 SECONDS WEST 218.00 FEET; 5) THENCE SOUTH 67 DEGREES 34 MINUTES 50 SECONDS WEST 45.00 FEET TO THE EAST LINE OF AN EXISTING 16.32 ACRE TRACT OF LAND AS DESCRIBED IN INSTRUMENT NUMBER 201704707; THENCE NORTH 00 DEGREES 36 MINUTES 49 SECONDS WEST 1017.00 FEET ALONG SAID EAST LINE AND THE EAST LINE OF LONG ESTATES SECTION II AS RECORDED IN PLAT BOOK 8 PAGE 82 TO A 5/8 INCH REBAR WITH "D.K. MCCONNELL" IDENTIFICATION CAP FOUND FLUSH ON THE SOUTH LINE OF AN EXISTING 2.00 ACRE TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 202103545; THENCE NORTH 89 DEGREES 23 MINUTES 11 SECONDS EAST 306.00 FEET ALONG SAID SOUTH LINE TO A 5/8 INCH REBAR FOUND 0.2 FEET BELOW GRADE AT THE EAST LINE OF SAID 2.00 ACRE TRACT OF LAND; THENCE NORTH 0 DEGREES 36 MINUTES 49 SECONDS WEST 285.00 FEET ALONG SAID EAST LINE TO A RAILROAD SPIKE FOUND FLUSH AT THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 23 MINUTES 12 SECONDS EAST 268.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING, CONTAINING 11.734 ACRES, MORE OR LESS. SUBJECT TO THE RIGHT-OF-WAY OF COUNTY ROAD 60, COUNTY ROAD 43, DANIEL HURSEY SOUTH LEGAL OPEN DRAIN, THOMAS STAFFORD TILE DRAIN AND EASEMENTS OF RECORD.

FLOODPLAIN CERTIFICATE

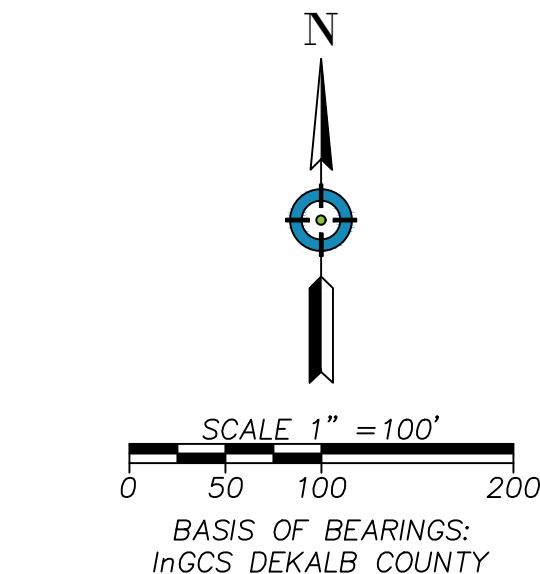
A FLOOD PROTECTION GRADE HAS BEEN ESTABLISHED FOR LOT #1 WITHIN THIS SUBDIVISION. ANY STRUCTURE WITHIN THE THE SPECIAL FLOOD HAZARD AREA ON THIS LOT SHALL BE CONSTRUCTED SUCH THAT THE LOWEST FLOOR (INCLUDING A BASEMENT) SHALL BE BUILT AT OR ABOVE AN ELEVATION OF 830.5 FEET AS DETERMINED BY THE BENCHMARK ON THIS PLAT. ANY OCCUPIED STRUCTURE OUTSIDE OF BUT WITHIN 250 FEET OF THE SPECIAL FLOOD HAZARD AREA SHALL BE CONSTRUCTED SUCH THAT NO EXTERNAL OPENING, INCLUDING FLOOR DRAINS WITHOUT A BACKFLOW PREVENTION DEVICE, SHALL BE BUILT BELOW AN ELEVATION OF 832.5 FEET AS DETERMINED BY THE BENCHMARK ON THIS PLAT. THE DESIGNATION OF A FLOOD PROTECTION GRADE DOES NOT GUARANTEE A SAFE BUILDING SITE. THIS DESIGNATION SHALL NOT MAKE DEKALB COUNTY, ITS PLAN COMMISSION, ELECTED OFFICIALS, OR OFFICERS THEREOF, OR THEIR AGENTS/EMPLOYEES LIABLE FOR DETERMINING A SAFE BUILDING SITE. THE LOT OWNER AND/OR DEVELOPER IS/ARE RESPONSIBLE FOR THE SELECTION OF A SAFE BUILDING SITE AND A SAFE FLOOD PROTECTION GRADE ELEVATION.

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.

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.



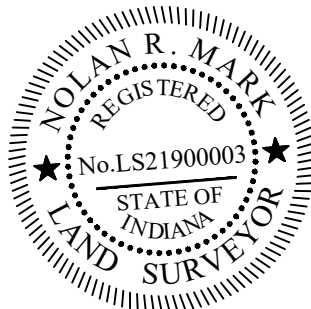
MONUMENT LEGEND

"A" ~ HARRISON MONUMENT FOUND (-0.1') - C.M.
"B" ~ HARRISON MONUMENT FOUND (-0.1') - C.M.
"C" ~ HARRISON MONUMENT FOUND (-0.1') - C.M.
"D" ~ RAILROAD SPIKE FOUND (-0.1')
"E" ~ RAILROAD SPIKE FOUND (FLUSH)
"F" ~ 5/8" REBAR W/ "KLINE S0366" ID. CAP FOUND (-0.2')
"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 25.0'S. OF ACTUAL (FLUSH)
"J" ~ 5/8" REBAR W/ "D.K. MCCONNELL LS 20100022" ID. CAP FOUND 25.0'S. OF ACTUAL (FLUSH)
"K" ~ 5/8" REBAR FOUND (-0.2')
"L" ~ 5/8" REBAR W/ "D.K. MCCONNELL LS 20100022" ID. CAP FOUND (FLUSH)
"M" ~ PK NAIL FOUND (FLUSH)
"N" ~ 5/8" REBAR W/ "KLINE ASSOC. INC. #0043" ID. CAP FOUND 9.54'.N. OF ACTUAL (-0.1')
"O" ~ 5/8" REBAR W/ "KLINE ASSOC. INC. #0043" ID. CAP FOUND 24.88'S. OF ACTUAL (-0.2')
"P" ~ 5/8" REBAR W/ ILLEGIBLE CAP FOUND (-0.3')
"Q" ~ 5/8" REBAR W/ "KLINE ASSOC. INC. #0043" ID. CAP FOUND 0.28'.N. OF ACTUAL (+0.4')

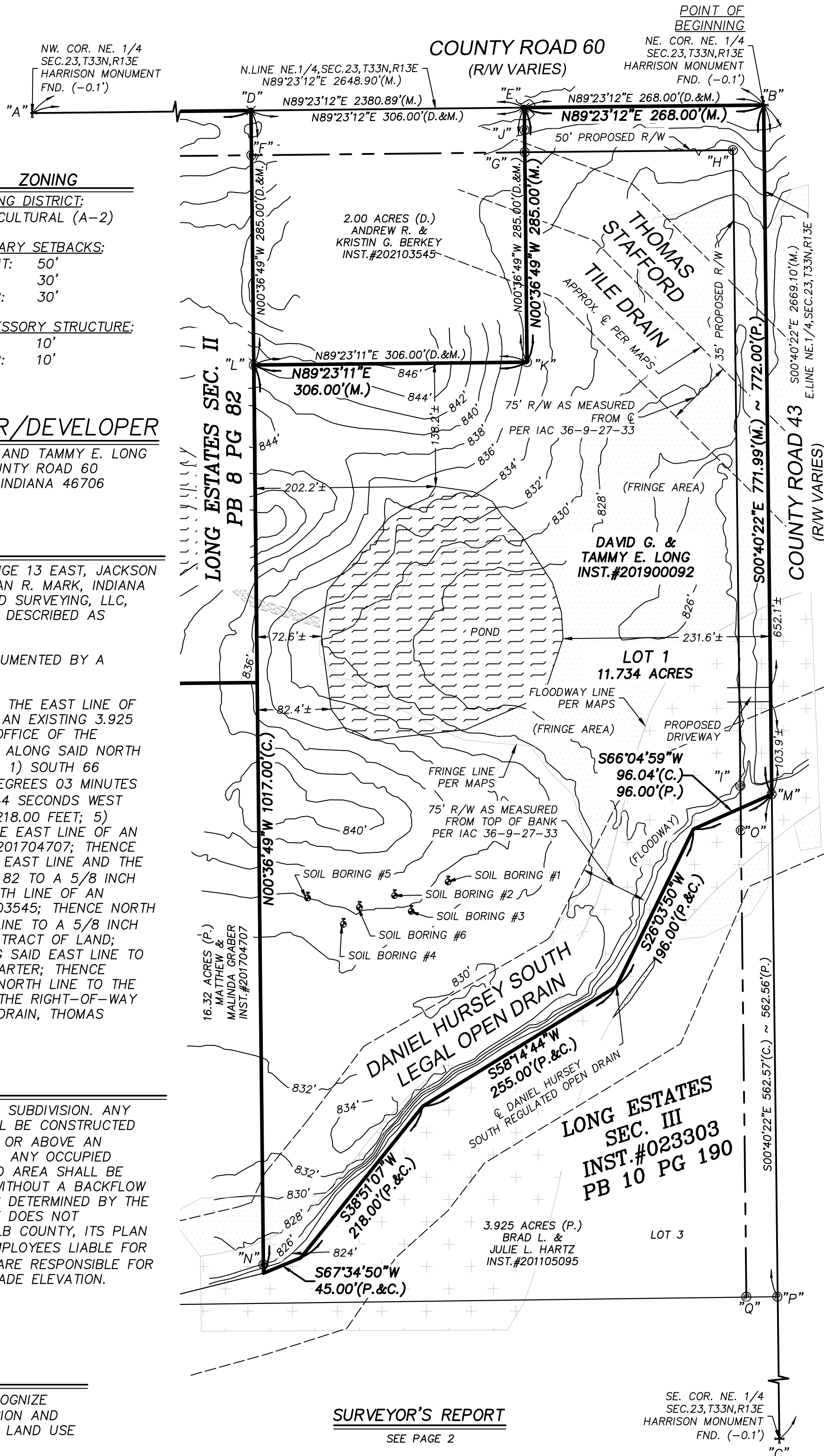
SURVEYOR'S CERTIFICATE

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 DOCUMENT NUMBER 201900092 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA ALONG WITH A BOUNDARY RETRACEMENT SURVEY AS RECORDED IN DOCUMENT NUMBER 202303737 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: OCTOBER 7TH, 2023



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



SURVEYOR'S REPORT

SEE PAGE 2

SURVEYOR’S REPORT

PURPOSE OF SURVEY:

THE PURPOSE OF THIS SURVEY WAS TO CREATE A ONE (1) LOT MINOR SUBDIVISION OF AN EXISTING TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 201900092 IN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA. THE PROPERTY ADDRESS BEING COUNTY ROAD 60, AUBURN, IN 46706.

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 UP 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 NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23. THE RECORD BEARING FOR THIS LINE PER THE SUBJECT DEED IS NOT LISTED AS THE DEED IS THE LEFTOVER OF MANY EXCEPTIONS. THE MEASURED BEARING OF THIS LINE IN INDIANA GEOSPATIAL COORDINATE SYSTEM – DEKALB COUNTY IS NORTH 89 DEGREES 23 MINUTES 12 SECONDS EAST.

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” – HARRISON MONUMENT FOUND 0.1 FEET BELOW GRADE – THIS MONUMENT IS AN ACCEPTED COUNTY SURVEYOR’S OFFICE SECTION CORNER
- MONUMENT “B” – HARRISON MONUMENT FOUND 0.1 FEET BELOW GRADE – THIS MONUMENT IS AN ACCEPTED COUNTY SURVEYOR’S OFFICE SECTION CORNER
- MONUMENT “C” – HARRISON MONUMENT FOUND 0.1 FEET BELOW GRADE – THIS MONUMENT IS AN ACCEPTED COUNTY SURVEYOR’S OFFICE SECTION CORNER

B) OCCUPATION OR POSSESSION LINES

THERE WERE NO UNCERTAINTIES BASED ON VISUAL INSPECTION OF OCCUPATION OR POSSESSION LINES.

C) CLARITY OR AMBIGUITY OF DESCRIPTIONS

THERE WERE NO AMBIGUITIES FOUND WITHIN THE DESCRIPTIONS USED FOR THE SURVEY. DOCUMENTS USED INCLUDE:

- 1) INSTRUMENT NUMBER 201900092 (DEED OF PERSONAL REPRESENTATIVE) – SUBJECT PARCEL
- 2) INSTRUMENT NUMBER 202103545 (WARRANTY DEED) – WEST ADJOINER
- 3) INSTRUMENT NUMBER 974266 (WARRANTY DEED) – WEST ADJOINER
- 4) INSTRUMENT NUMBER 201704707 (WARRANTY DEED) – WEST ADJOINER
- 5) INSTRUMENT NUMBER 201105095 (WARRANTY DEED) – SOUTH ADJOINER
- 6) RECORDED PLAT OF LONG ESTATES SECTION II AS RECORDED IN PLAT BOOK 8 PAGE 82
- 7) RECORDED PLAT OF LONG ESTATES SECTION III AS RECORDED IN PLAT BOOK 10 PAGE 190, INSTRUMENT NUMBER 023303
- 8) RECORDED PLAT OF LONG ESTATES SECTION IV AS RECORDED IN INSTRUMENT NUMBER 201205864

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 RURAL SURVEY 0.26 FEET (79 MILLIMETERS) PLUS 200 PARTS PER MILLION.

THEORY OF LOCATION:

THE NORTH (268.00 FEET) LINE OF THE SUBJECT TRACT WAS ESTABLISHED BY MONUMENTS “A” AND “B”. THESE MONUMENTS ESTABLISHED THE BEARING FOR THIS LINE AND IS THE BASIS OF BEARINGS FOR THIS SURVEY. THE DISTANCE IS CONTROLLED BY MONUMENT “I”.

THE EAST (771.99 FEET) LINE OF THE SUBJECT TRACT WAS ESTABLISHED BY MONUMENTS “B” AND “C”. THESE MONUMENTS ESTABLISHED THE BEARING FOR THIS LINE. THE DISTANCE IS CONTROLLED BY MONUMENT “N”.

THE WEST (306.00 FEET AND 285.00 FEET) LINE OF THE SUBJECT TRACT WERE ESTABLISHED BY RECORD DEED DISTANCES AND BEARINGS. MONUMENTS “K” AND “L” WERE FOUND IN THE ACCEPTED POSITION.

THE WEST (1017.00 FEET) LINE OF THE SUBJECT TRACT WAS ESTABLISHED BY RECORD PLAT DISTANCES AND BEARINGS FOUND IN LONG ESTATES SECTION IV.

THE SOUTH (96.04 FEET, 196.00 FEET, 255.00 FEET, 218.00 FEET AND 45.00 FEET) LINES OF THE SUBJECT TRACT WERE ESTABLISHED BY RECORD PLAT DISTANCES AND BEARINGS FOUND IN LONG ESTATES SECTION III.

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.

OWNER DEDICATION

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

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS LONG ESTATES, SECTION V, LOT 1, AN ADDITION IN JACKSON CIVIL 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.

DAVID A. LONG

DATE:

TAMMY E. LONG

DATE:

NOTARY

STATE OF INDIANA)

) SS:

COUNTY OF)

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

DAVID G. LONG

TAMMY E. LONG

WITNESS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS _____ DAY OF _____, 2023, PERSONALLY APPEARED ADAM D. GRABER AND MARY S. GRABER, ACKNOWLEDGING THE EXECUTION OF FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED, FOR THE PURPOSE THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES: _____

PLAN COMMISSION CERTIFICATE OF APPROVAL

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

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

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. 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 THIS SITE. THE PLAN COMMITTEE MAY ENFORCE THESE CONDITIONS BY INJUNCTIVE RELIEF WITH ATTORNEY FEES.

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:	Dave & Tammy Long
SUBJECT SITE:	southwest corner of County Road 60 and County Road 43, Auburn
REQUEST:	1 Lot Minor Subdivision – Long Estates Section V, Lot 1
EXISTING ZONING:	A2: Agricultural
SURROUNDING LAND USES AND ZONING:	North: Single Family Residential (A2) South: Single Family Residential (A2) East: Single Family Residential (A2) West: Single Family Residential (A2)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- Parcel 06-10-23-200-003 is considered the parent parcel. This is the 3rd buildable split from parent parcels -003. Long Estates was approved in 1990, Long Estates Section II was approved in 1995, Long Estates Section III was approved in 2002 & Long Estates Section IV was approved in 2012.
- 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: 4.501 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 1017.00 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: 268 feet along CR 60
771.99 feet along CR 43
- This division of land fronts the following roads:
 - County Road 60 is considered a County Collector Road with a projected total right-of-way width of 80 feet.
 - Proposed right-of-way dedication: 50 feet

- County Road 43 is considered a County Local Road with a projected total right-of-way width of 60 feet.
 - Proposed right-of-way dedication: 35 feet

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **October 20, 2023**
2. Legal notice published in The Star on **November 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 **November 17, 2023**.
5. Letter from County Highway dated **October 30, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 20, 2023**.
7. Letter from the Drainage Board, dated **October 27, 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.

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 60 & County Road 43 with dedication of right of way. The driveway has 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. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

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

FOR OFFICE USE ONLY:

File Number: 23-33
Date Application Filed: 11/13/2023
Fee Paid: 150 pd
C.C. 11/11/2023

Application for SUBDIVISION
Conservation Agricultural (A1 only) ___ 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: JAMES SCHMUCKER
Mailing Address: 4993 CR 41
AUBURN IN ~~46706~~ 46706
Telephone Number: 260 310 2211 E-Mail: JHS4416290@gmail.com

OWNER INFORMATION (if different from applicant information)

Owner's Name: _____
Address: _____
Telephone Number: _____ 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: COPPER CREEK ACRES

Number of Parcels & Total Area (square feet or acreage):
1 1.01 ACRES

Address or Parcel ID # of property:
17-10-03-400-015.000-009

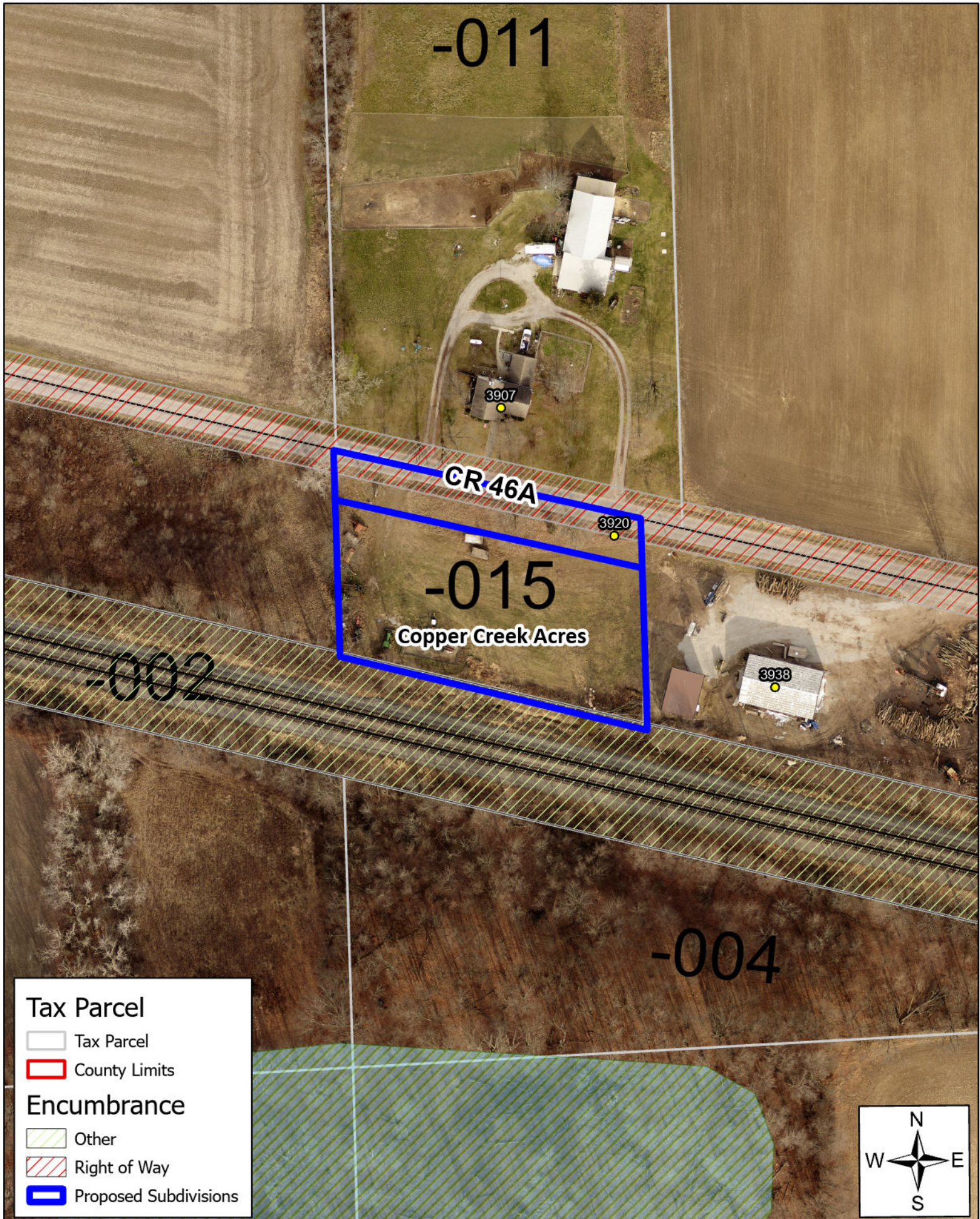
Legal description of property affected:

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

STORAGE BARN

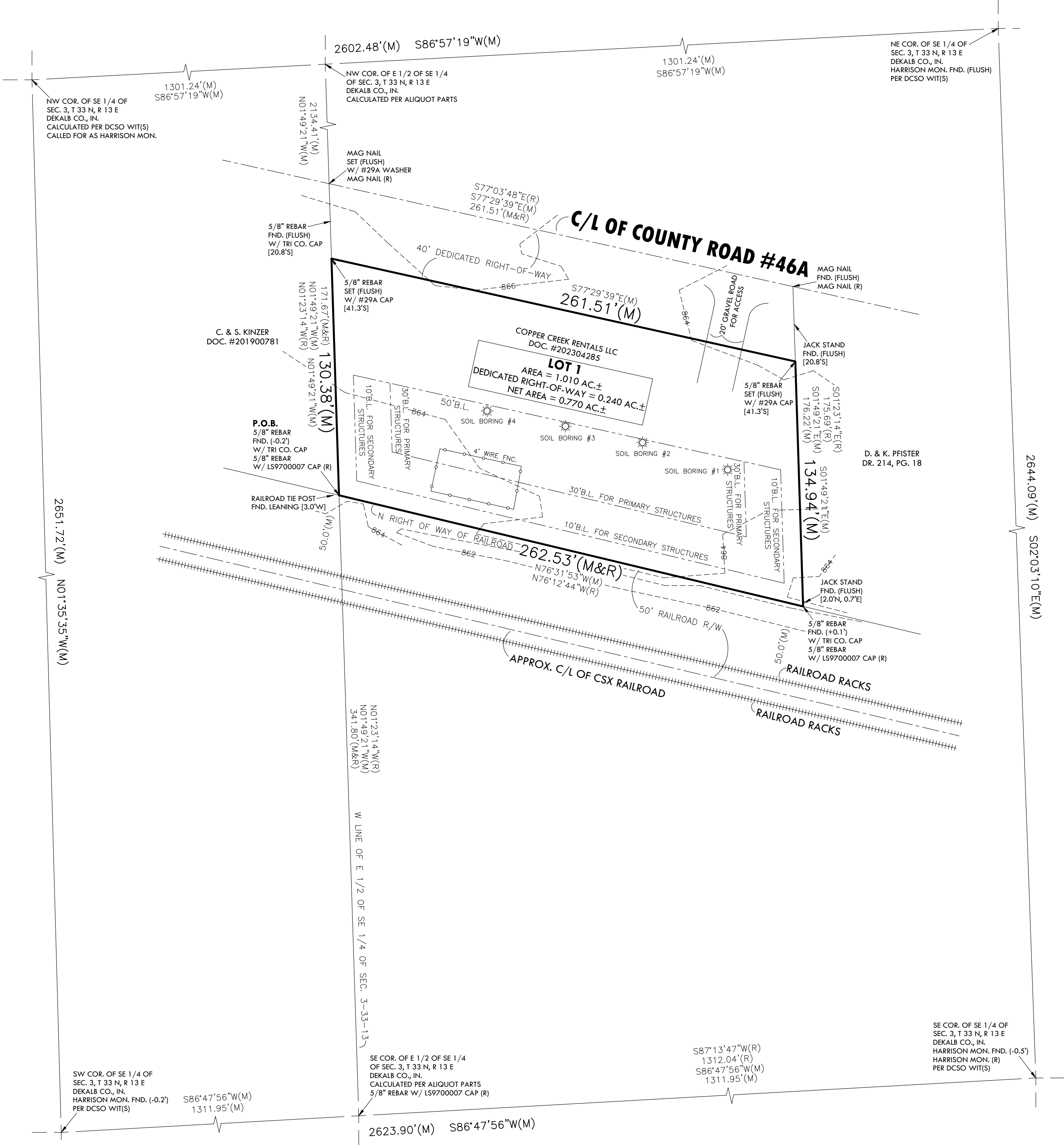
By my signature, I acknowledge the above information and attached exhibits, to my knowledge and belief, are true and correct.

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

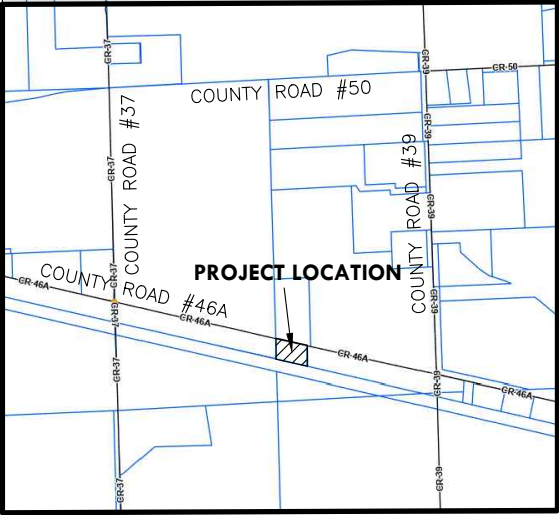


COPPER CREEK ACRES

AN ADDITION TO THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 33 NORTH, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA



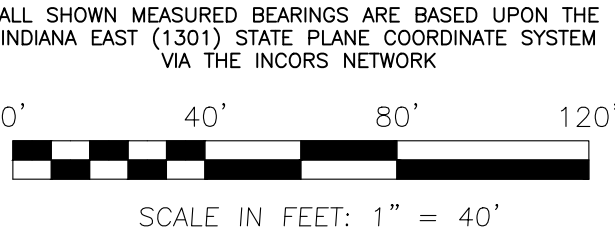
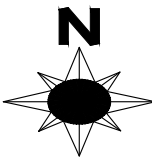
VICINITY MAP



PROJECT BENCHMARK:
ALL ELEVATIONS ON THIS PLAN ARE BASED
ON GPS OBSERVATIONS VIA THE INDOT
INCORS NETWORK AND ARE IN NAVD88 DATUM

☀ = SOIL BORING FROM
GME TESTING

ZONING INFORMATION
ZONE: A2 AGRICULTURAL
SETBACKS:
FRONT-50'
SIDE-30' FOR PRIMARY STRUCTURES,
10' FOR ACCESSORY STRUCTURES
REAR-30' FOR PRIMARY STRUCTURES,
10' FOR ACCESSORY STRUCTURES



ANDERSON SURVEYING, INC.
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855

1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

SCALE	1" = 40'	DRAWN BY	J.M.J.
ISSUE DATE	10/31/2023	CHECKED BY	M.C.V.
SAVED FILE	OCTOBER 2023 12:48:13Z 23-08-133.PLT		

SURVEY NO.: 23-08-133
PLAT

PLAT - The lands of Copper Creek Rentals LLC
County Road #46A Auburn, IN 46706
Pt. SE 1/4, SEC. 3, T. 33 N., R. 13 E., Jackson Twp., DeKalb County, IN

COPPER CREEK ACRES

AN ADDITION TO THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 33 NORTH, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA

DESCRIPTION OF REAL ESTATE

The bearings and distances in this description have been generated using non state plane G.P.S. measurements collected during the surveying of Tri-County Surveying Job number 21-029.

Part of the Southeast Quarter of Section 3, Township 33 North, Range 13 East, located in Jackson Township, DeKalb County, Indiana, and being described as follows:

Commencing at the Harrison monument marking the Southeast corner of the Southeast Quarter of Section 3, Township 33 North, Range 13 East; thence South 87 degrees 13 minutes 47 seconds West (assumed basis of bearing) on and alone the South line of said Southeast Quarter, 1312.04 feet to a No. 5 rebar with plastic cap stamped LS9700007 marking the Southwest corner of the East half of said Southeast Quarter; thence North 01 degree 23 minutes 14 seconds West on and along the west line of said east half 341.80 feet to a No. rebar with plastic cap stamped LS9700007, on the North right-of-way line of the CSX Railroad, marking the point of beginning of this description; thence continuing North 01 degree 23 minutes 14 seconds West on and along said West line 171.67 feet to a mag nail on the center line of DeKalb County Road 46A; thence South 77 degrees 03 minutes 48 seconds East on and along the said center line 261.51 feet to a mag nail; thence South 01 degree 23 minutes 14 seconds East parallel with said West line 175.69 feet to a No. 5 rebar with plastic cap stamped LS9700007 on the North line of the CSX Railroad right-of-way; thence North 76 degrees 12 minutes 44 seconds West, 262.53 feet to the point of beginning containing 1.01 acre plus or minus.

SURVEYOR'S REPORT

In Accordance with Title 865, Article 1 Chapter 12, Section 1 through 29 of the Indiana Administrative Code, the following observation and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- (a) Variances in the reference monuments:
- (b) Discrepancies in record descriptions and plats:
- (c) Inconsistencies in lines of occupation and:
- (d) Random errors in measurement (Theoretical Uncertainty).

The Relative Positional Accuracy (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for a **“Rural” Survey** (0.26 feet plus 200 parts per million) as defined in I.A.C. 865.

The purpose of this document was to perform a retracement survey of the lands of Copper Creek Rentals LLC as described in Document #202304285.

The Southeast, Southwest, and Northeast corners of the Southeast Quarter of Section 3-33-13 were established by a Harrison Monument found per the DCSO (DeKalb County Surveyor's Office) witnesses. The Northeast corner of the Southeast Quarter of Section 3-33-13 was established per calculation based on the Indiana East (1301) State Plane Coordinate System Via the INCORS network. The East half of the Southeast Quarter of Section 3-33-13 was established per calculation by aliquot parts as shown on plat of survey.

The Southwest, Northeast and Northwest corners of the subject parcel were established per record geometry. The Southeast corner was established by a called for Tri-County rebar found and held this survey. Using the established lines and distances creates a difference of up to 0.5 feet North-South being the difference of the East line of subject parcel's record distance compared to the called for monumentation held distance.

As a result of the above observations, it is my opinion that the uncertainties in the location of the lines and corners established on this survey are as follows:

DUE TO VARIANCES IN REFERENCE MONUMENTS: As noted on the survey drawing. Record bearing and distance differential over the RPA for this survey are noted on the Plat of Survey. All found monumentation is of unknown origin unless noted otherwise. All set rebars are 5/8 inch diameter 24 inches long with orange identification caps stamped "ANDERSON-FIRM #29A". See Plat of Survey.

DUE TO DISCREPANCIES IN THE RECORD DESCRIPTION: See above discussion about the difference of the record distance compared to the called for monumentation distance. Meas. (M) indicates measured dimension. Plat (P) indicates platted dimension. Rec. (R) indicates recorded dimension. Calc. (C) indicates calculated dimension. See Plat of Survey.

DUE TO INCONSISTENCIES IN LINES OF OCCUPATION: None noted.

CONTRACT REQUIREMENTS: Title 865 of Indiana Administrative Code 1-12-12 requires this survey be recorded in the Records Office of said County. Also, all surveying fees to Anderson Surveying, Inc. must be satisfied before this survey and report is valid. The commitment for title insurance was not provided at the time of this report. An abstract or title search may reveal additional information affecting this property. This survey is subject to any facts and or easements that may be disclosed by said full and accurate title search. Anderson Surveying, Inc. should be notified of any additions or revisions that may be required.

FLOOD HAZARD STATEMENT

This property is in Zone “X” (areas outside 100 year flood) as location plots by scale on Flood Insurance Rate Map 18033 C0234E and 18033 C0255E, effective September 29, 2006. The accuracy of this statement is subject to map scale uncertainty. The exact location of any flood plain can only be ascertained with a topographic procedure, which is beyond the scope of this Plat of Survey. As provided for under the guidelines of the National Flood Insurance Program, the final decision regarding flood insurance is left up to the local lending institution.

This is certified as a **“Rural” Survey** in accordance with the Indiana Survey Standards to the owner of record and the buyer as listed on this certificate, the title company of contract and the lender for said buyer for the exclusive use in the conveyance of the above described real estate. The attached Plat of Survey is not to be warranted or assigned to any person(s) after said conveyance is complete.

PROJECT NOTES

- A. This Survey does not constitute a title search by Anderson Surveying, Inc (ASI).
- B. ASI has made no independent search or investigation for easements of record and not of record, encumbrances, restrictive covenants, land use regulations, ownership title evidence or any other facts that an accurate and current title dating back to the historical origin of the subject area may disclose.
- C. Subsurface and environmental conditions were not examined or considered a part of this Survey.
- D. This Survey is valid only if print has original seal and signature of the Indiana Registered Land Surveyor shown.

RESTRICTIVE COVENANTS

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

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

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

Airport Zone: This development lies within the AC7 zone of the DeKalb County Airport and is subject to certain limitations and restrictions as set out and specified in the "DeKalb County Airport Zoning Ordinance". The maximum allowable height for any building, structure or tree in this development is limited to 200 feet above ground level at the site unless a variance is first obtained from the DeKalb County Board of Aviation.

No off site drainage, existing surface water or existing tiled water drainage crossing over said real estate be obstructed by any development on this site.

The Plan Commission may enforce these conditions by injunctive relief with attorney fees.

PLAN COMMISSION CERTIFICATE

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

APPROVED BY THE COUNTY PLAN COMMISSION AT A MEETING HELD ON THE _____ DAY OF _____, 2023.

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

State of Indiana
County of Dekalb

Before me the undersigned Notary Public, in and for the County and State, this _____ personally appeared JAMES H. SCHMUCKER (A representative of Copper Creek Rentals LLC), 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 _____, 2023.

Notary Public
My Commission Expires _____

Printed Name

JAMES H. SCHMUCKER

DEED OF DEDICATION

I the undersigned JAMES H. SCHMUCKER (A representative of Copper Creek Rentals LLC), owner of said real estate shown and described herein, do hereby lay off, plat and subdivide, said real estate in accordance with the within plat. The subdivision shall be known and designated as “Copper Creek Acres”, an addition to DeKalb County, Indiana.

All streets shown and not heretofore dedicated are hereby dedicated to the public. Front and side yard building setback lines are hereby established as shown on this plat, between which lines and property line of the streets, there shall be erected or maintained no building or structure. There are strips of ground (NA) feet in width as shown on this plat and marked, reserved for the use of local utility companies for the installation of utility lines subject at all times to the proper structures now to be erected or maintained upon said strips of land, but owners of lots in this subdivision, shall take their titles subject to the rights of the public utilities, and to the rights of the owners of other lots in this subdivision.

Witness our Hands and Seals this _____ day of _____, 2023.

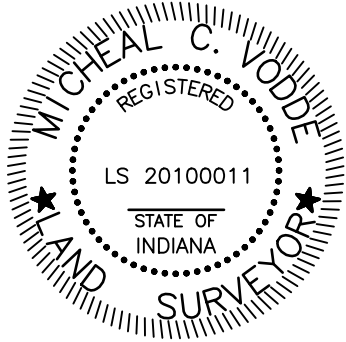
JAMES H. SCHMUCKER

Date: _____

CERTIFICATION

I hereby certify that the this Plat of Survey was prepared under my direct supervision and that to the best of my knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code.

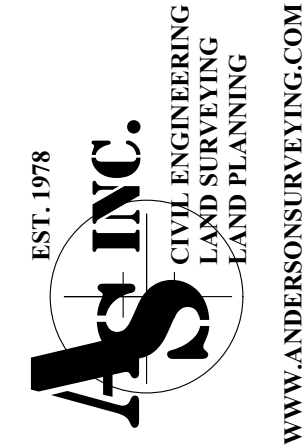
Field Survey completed the 31st day of October, 2023
Certified this 31st day of October, 2023
Prepared exclusively for: Copper Creek Rentals LLC /
Survey Number: 23-08-133



Micheal C. Vodde, LS# 20100011

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law - Micheal C. Vodde

SEE PAGE 1 FOR SURVEY DRAWING



ANDERSON SURVEYING, INC.
Registered Professional Engineers and Land Surveyors
Indiana Land Surveying Firm Identification Number: 29A

1947 E. Schug Road
Columbia City, IN 46725
Phone: (260) 691-3425
Fax: (260) 482-6855

1324 Henry Avenue
Fort Wayne, IN 46808
Phone: (260) 483-1724
Fax: (260) 482-6855
Toll Free: (888) 483-1724

WWW.ANDERSONSURVEYING.COM

PLAT - The lands of Copper Creek Rentals LLC
County Road #46A Auburn, IN 46706
Pt. SE 1/4, SEC. 3, T. 33 N., R. 13 E., Jackson Twp., DeKalb County, IN

SURVEY NO.: 23-08-133

PLAT

SCALE	1" = 40'	DRAWN BY:	J.M.J.
ISSUE DATE	10/31/2023	CHECKED BY:	M.C.V.
SAVED FILE	OCTOBER 2023 12:48:133 23-08-133.PLAT		

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: Copper Creek Rentals LLC, James Schmucker

SUBJECT SITE: south side of County Road 46A, approximately one-quarter mile west of the intersection of County Road 46A and County Road 39, Auburn

REQUEST: 1 Lot Minor Subdivision –Copper Creek Acres, Lot 1

EXISTING ZONING: A2: Agricultural

SURROUNDING LAND USES AND ZONING: North: Single Family Residential (A2)
South: Wooded Lot/Farm ground (A2)
East: Pfister Tree Service storage (A2)
West: Wooded Lot (A2)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- Parcel 06-10-03-400-004 is considered the parent parcel. This is the 1st buildable split from parent parcel -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: 0.77 net acres – Petition being heard by BZA on December 11, 2023: see condition.
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 262.53 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: 261.51 feet
- This division of land fronts the following roads:
 - County Road 46A 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 **November 13, 2023**
2. Legal notice published in The Star on **November 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 **November 16, 2023**.
5. Letter from County Highway dated **November 13, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **November 14, 2023**.
7. Letter from the Drainage Board, dated **November 17, 2023**.
8. Airport Board report, if applicable: **not applicable**.
9. Plat prepared by **Anderson 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 personal storage purposes only, 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 46A with dedication of right of way. The existing driveway with be utilized.
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. A condition of has been added that will be recorded on the plat: There shall be no septic system placed on the property and no water plumbed to or from any structure on the property now or in the future.
 - d. The allocation of areas to be used as public ways, parks, and schools, public and semipublic building, homes, businesses, and utilities, if applicable or required.
None required.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.

3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.
5. There shall be no septic system placed on the property and no water plumbed to or from any structure on the property now or in the future.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.
5. This plat shall not be recorded before the Board of Zoning Appeals approves the Development Standards Variance for the reduction in lot size.

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: 23-34
Date Application Filed: 11/15/2023
Fee Paid: \$150 pd.
CK #1369

Application for SUBDIVISION
Conservation Agricultural (A1 only) ☒ 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: KENNETH & JOHANNA SCHEELE
Address: 13321 RAVINE TRAIL
FORT WAYNE, IN 46814
Telephone Number: 260-610-5193 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: Dog Holler Acres

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

1 Parcel & 11.55 Acres, 11.34 Net Acres

Address or Parcel ID # of property:

South side of County Road 68, part of parcel #08-12-32-200-001

Legal description of property affected:

Part of the Northeast Quarter of Section 32, T33N, R15E

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

Single Family

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

Applicant's Signature: Angela D. Wallace Professional Surveyor 11/15/2023

(If signed by representative for applicant, state capacity)



PLAT OF DOG HOLLER ACRES

OWNER & DEVELOPER

KENNETH SCHEELLE
1507 FAIRWAY COURT
FORT WAYNE, INDIANA 46825

SURVEYOR

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

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 32 TOWNSHIP 33 NORTH, RANGE 15 EAST,
NEWVILLE TOWNSHIP, DEKALB COUNTY, INDIANA

LOT | AREA

TOTAL AREA: 11.55 ACRES

30' R/W: 0.21 ACRE

NET AREA: 11.34 ACRES

ZONING

ZONING DISTRICT:
AGRICULTURAL (A1)

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

NE CORNER NE1/4,
SECT. 32, T33N, R15E
HARRISON MARKER
FOUND (+0.0' CM)

OWNER DEDICATION

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

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS LOT 1 IN DOG HOLLER ACRES, AN ADDITION IN NEWVILLE 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.

KENNETH SCHEELLE
DATE:

NOTARY

STATE OF INDIANA)
COUNTY OF DEKALB) SS:

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

KENNETH SCHEELLE

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS _____ DAY OF JANUARY, 2021, PERSONALLY APPEARED KENNETH SCHEELLE, 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 DECEMBER, 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.

THERE SHALL BE COMPLIANCE WITH THE LAWS AND REGULATIONS OF ANY FEDERAL, STATE, OR LOCAL AGENCY.

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

PLAN COMMISSION CERTIFICATE OF APPROVAL

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

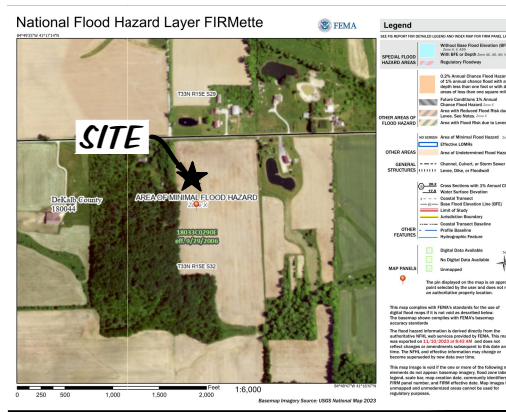
ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

REAL ESTATE DESCRIPTION

PART OF THE NORTHEAST QUARTER SECTION 32, TOWNSHIP 33 NORTH, RANGE 15 EAST, NEWVILLE TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #21000016 ON NOVEMBER 10TH, 2023, AS PROJECT NUMBER 23-616, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A HARRISON MARKER AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 33 NORTH, RANGE 15 EAST; THENCE SOUTH 01 DEGREE 14 MINUTES 24 SECONDS EAST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1566.26 FEET TO A 5/8"x14" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP; THENCE NORTH 89 DEGREES 05 MINUTES 14 SECONDS EAST, A DISTANCE OF 340.00 FEET TO A 5/8"x14" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP; THENCE NORTH 02 DEGREES 38 MINUTES 12 SECONDS WEST, A DISTANCE OF 1570.31 FEET TO A 5/8"x14" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32; THENCE SOUTH 88 DEGREES 26 MINUTES 55 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 301.72 FEET TO THE POINT OF BEGINNING CONTAINING 11.55 ACRES OF LAND. SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 68 AND ALL OTHER RIGHTS OF WAY AND EASEMENTS.



NFHL FIRMETTE NOT TO SCALE



VICINITY MAP NOT TO SCALE

FLOODPLAIN CERTIFICATION

THE LANDS OF LOT 1 IN DOG HOLLER ACRES LIES WITHIN ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 180044, PANEL: 0130 E, EFFECTIVE DATE: SEPTEMBER 23, 2006, MAP NUMBER: 1809300130E

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 NOVEMBER 10TH, 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 36-5 IAC 1-12-1 THRU 30; AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE ABOVE REFERENCED SURVEY OR ANY PRIOR SUBDIVISION PLATS CONTAINED THEREIN, ON ANY LINES THAT ARE COMMON WITH THIS SUBDIVISION.

DATE: NOVEMBER 10TH, 2023
REVISED: NOVEMBER 14TH, 2023

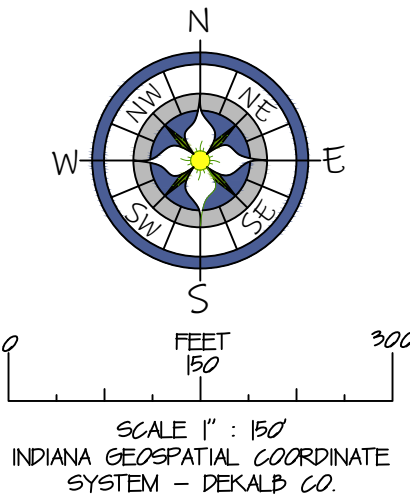
I, ANGELA D. WALLACE, AFFIRM UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.



Angela D. Wallace

MONUMENT LEGEND

"A" ~ 5/8" BY 24" REBAR WITH "WALLACE" IDENTIFICATION CAP FOUND
"B" ~ 5/8" BY 24" REBAR WITH "WALLACE" IDENTIFICATION CAP FOUND 30' S.



LEGEND

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

DRIVEWAY 56.7' E.

COUNTY ROAD 68

N. LINE NE1/4, SECT. 32, T33N, R15E
N88°26'55"E ~ 2671.47 (M)

S88°26'55"W
302.45 (M)

NW CORNER NE1/4,
SECT. 32, T33N, R15E
HARRISON MARKER
FOUND (+0.0' CM)

LOT 1
11.34 ACRES
SCHEELLE
D.R. 177 PAGE 105

SOIL BORINGS

SCB B
SCB C
SCB A
SCB F
SCB D

SCHEELLE
D.R. 177 PAGE 105

LEGEND

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

SCHEELLE
D.R. 177 PAGE 105

SW CORNER NE1/4,
SECT. 32, T33N, R15E
HOLE FOUND & 1/2"x2" PIPE
FOUND 0.6' N. & 0.4' E.

SW CORNER SE1/4,
SECT. 32, T33N, R15E
1" PIPE FOUND (-0.5' CM)

50°18'23"E ~ 2644.57 (M)

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

SUMMARY FACTS:

APPLICANT: Kenneth & Johanna Scheele

SUBJECT SITE: south side of County Road 68, approximately one-half mile east of the intersection of County Road 68 and County Road 75, Spencerville

REQUEST: 1 Lot Conservation Agricultural Subdivision – Dog Holler Acres

EXISTING ZONING: A1: Conservation 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.

Conservation Agricultural Subdivision Standards:

UDO 6.05 Maximum of 1 total lot if farmstead exists OR 2 total lots (including residual parent tract of land) may be generated from any single parent tract.

- Parcel 08-12-32-200-001 is considered the parent parcel. This is the 1st buildable split from parent parcels -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: 11.34 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 340 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: 302.45 feet
- This division of land fronts the following roads:
 - County Road 68 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 **November 15, 2023**.
2. Legal notice published in The Star on **November 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 **November 15, 2023**.
6. Report from the DeKalb County Soil & Water Conservation District, dated **November 16, 2023**.
7. Letter from the Drainage Board, dated _____
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 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 Conservation Agricultural Subdivision adequately conform to the Comprehensive Plan?
Yes, the conservation agricultural subdivision will be used for residential uses, which is compatible to the existing and adjacent land uses.
2. Does the Conservation Agricultural 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 68 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 Conservation Agricultural Subdivision and recommends the following conditions:

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.

3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.

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

FOR OFFICE USE ONLY:
File Number: 23-35
Date Application Filed: 11/15/2023
Fee Paid: \$150 pd.
CK# 1369

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: GAYLOR E. & GLORIA M. SCHOWE
Address: 3139 COUNTY ROAD 72
AUBURN, INDIANA 46706
Telephone Number: 260-637-3102 E-Mail: _____

REPRESENTATIVE INFORMATION (if different from applicant information)

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

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

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

1 Parcel & 9.949 Acres, 9.912 Net Acres

Name of Subdivision and Address or Parcel # of property:

Schowe's Acres

Legal description of property affected:

Lot 1 in the Plat of Schowe's Acres, the land west of Lot 1.

Reason for the Proposed Replat:

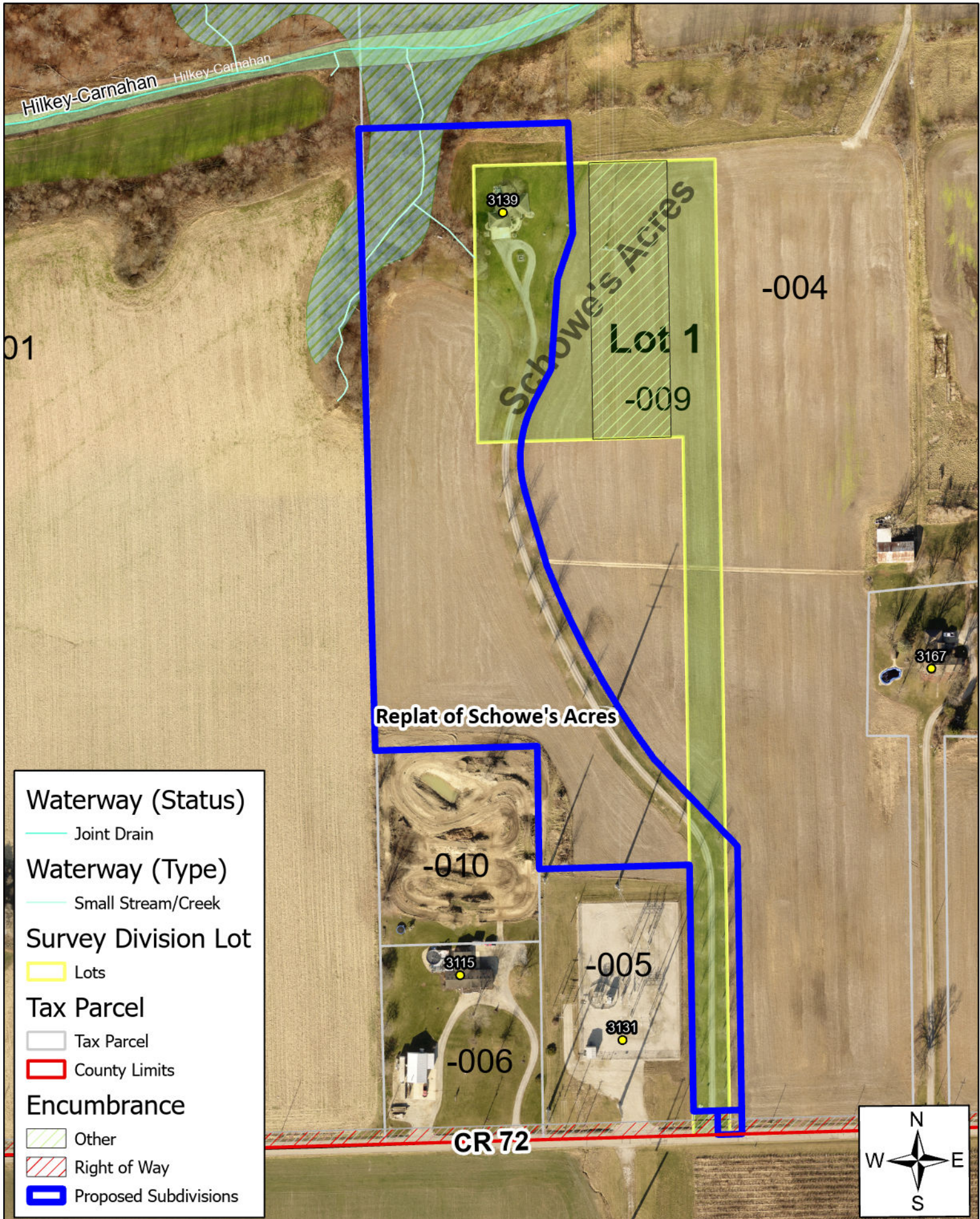
Redefine Lot 1 in Schowe's Acres to encompass the driveway and add acres to the lot.

The Replat should include (check all that apply):

- () All of the Platted Area (x) All recorded restrictive covenants
(x) 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 11/15/2023
(If signed by representative for applicant, state capacity)



PROFESSIONAL SURVEYOR'S CERTIFICATION

REPLAT OF SCHOWE'S ACRES

REAL ESTATE DESCRIPTION

OWNER DEDICATION

NOTARY

AGRICULTURAL COVENANT

FURTHER DEVELOPMENT STANDARDS

AVIATION COVENANTS

PLAN COMMISSION CERTIFICATE OF APPROVAL

FLOODPLAIN CERTIFICATION

LEGEND

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

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: Gaylor & Gloria Schowe
SUBJECT SITE: 3139 County Road 72, Auburn
REQUEST: Replat of Schowe's Acres, Lot 1
EXISTING ZONING: A2: Agricultural
SURROUNDING LAND USES AND ZONING: North: Wooded/Farm Ground (A2)
 South: Farm Ground (Allen County)
 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.*

- The RePlat of Schowe's Acres will be increasing the acreage of Lot 1. No new buildable lots are being created.
- The Petitioner is meeting the standards of the UDO as follows:
 - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
 - Proposed Lot 1 Area: 9.912 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 348.33 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: 80 feet
- This division of land fronts the following roads:
 - County Road 72 is considered a County Local Road with projected total right-of-way width of 60 feet.
 - 30 feet of right-of-way was dedicated per the original Schowe's Acres and additional right-of-way has been dedicated where required.

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 **November 15, 2023**
2. Legal notice published in The Star on **November 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 **November 16, 2023**
5. Letter from County Highway dated **November 17, 2023**
6. Report from the DeKalb County Soil & Water Conservation District, dated **November 16, 2023**
7. Letter from the Drainage Board, dated _____
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 residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 72. The right of way has been dedicated per the original Schowe's Acres and additional right-of-way has been dedicated where required. The existing driveway will be utilized.
 - 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.

PLANNING STAFF RECOMMENDATIONS/COMMENTS:

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

Standard Conditions to be recorded on or with the plat:

1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.

3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants, drainage covenants and airport zone covenants shall be on the plat, if required.

Conditions that will not be recorded but must be met:

1. Comply with the Staff Report.
2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
4. The plat shall not be recorded until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation District, or other agency as applicable. File written evidence of compliance with Federal or State agencies where identified in the findings or conditions. The Zoning Administrator to determine when conditions have been met.