

# DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

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

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## AGENDA

### DeKalb County Plan Commission

#### Plat Committee

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

Tuesday, April 2, 2024

8:30 AM

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

1. Roll call
2. Prayer
3. Pledge of Allegiance
4. Approval of Minutes: March 5, 2024
5. Old Business: None
6. New Business:

Petition #24-05 – Jack Hill and property owners Jeremy & Angela Hill requesting a 1 Lot Minor Subdivision known as Ivy Lane. The proposed 1 lot subdivision will be a total of 2.138 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 20, approximately one-half mile east of the intersection of County Road 20 and County Road 23, Waterloo, Indiana and is zoned A2, Agricultural.

Petition #24-06 – Zachary & Emily Nevil requesting a 1 Lot Minor Subdivision known as Nevil Acres. The proposed 1 lot subdivision will be a total of 9.887 acres. The subdivision will be used for a single-family residence. The property is located on the east side of County Road 57, approximately one-quarter mile south of the intersection of County Road 57 and County Road 12, Waterloo, Indiana and is zoned A1, Conservation Agricultural.

Petition #24-07 – Bret D. & Dinah Miller requesting a 1 Lot Minor Subdivision known as Mill Hill. The proposed 1 lot subdivision will be a total of 2.04 acres. The subdivision will be used for a single-family residence. The property is located at the southeast corner of County Road 56 & County Road 27, Auburn, Indiana and is zoned A2, Agricultural.

Petition #24-08 – Bret D. & Dinah Miller requesting a RePlat of Healy's Hill Addition. The proposed replat will be shifting the west and south property lines of Lot 1. No new buildable lots are being created. The property will continue to be used as a single-family residence. The property is located at 2858 County Road 56, Waterloo, Indiana and is zoned A1, Conservation Agricultural.

Petition #24-09 – Jayden M. Schwartz & Malachi Z. Schwartz requesting a 1 Lot Minor Subdivision known as J&M Properties. The proposed 1 lot subdivision will be a total of 23.910 acres. The subdivision will be used for a single-family residence. The property is located on the north side of County Road 52, approximately one-quarter mile west of the intersection of County Road 52 and State Road 101, Butler, Indiana and is zoned A2, Agricultural.

7. Adjournment

Next Meeting: May 07, 2024

**If you cannot attend, please contact Meredith Reith:  
[mreith@co.dekalb.in.us](mailto:mreith@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, March 5, 2024 @ 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: Elysia Rodgers, Sandy Harrison, Suzanne Davis, and Jerry Yoder

Members Absent: Jason Carnahan

Staff Present: Director/Zoning Administrator Chris Gaumer and Secretary Meredith Reith

Staff Absent: None

Public in Attendance: Bill Etzler and Sigrid Jernigan

**PRAYER:**

Jerry Yoder led prayer.

**PLEDGE OF ALLEGIANCE:**

Elysia Rodgers led The Pledge of Allegiance.

**APPROVAL OF MINUTES:**

Sandy Harrison moved to approve the minutes from February 6, 2024; seconded by Suzanne Davis. None opposed. Motion carried.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

Petition #24-04 – Furman Eicher Jr requesting a 1 Lot Minor Subdivision known as Nature's Land. The proposed 1 lot subdivision will be a total of 20.068 acres. The subdivision will be used for a single-family residence. The property is located on the north side of County Road 40A, approximately one-half mile west of the intersection of County Road 40A and County Road 39, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the proposed petition from the Staff Report.

Elysia Rodgers asked if there was any discussion from the committee on the proposed petition. Seeing none. She asked if there were any comments from the public.

Mr. Gaumer stated he had received a letter from Rebecca Wasson at 3801 CR 40A against this petition. She wrote why she doesn't want a subdivision built next to her property.

Sigrid Jernigan approached the podium asking for clarification on the tract of land being proposed.

Mr. Gaumer stated there would be one house located on the 20 acres and where the property is going to be located on the map.

Mr. Yoder asked what the dimensions are for the driveway where it opens.

Mr. Gaumer stated if they have their 120 feet of road frontage to meet the standards. They can have whatever size they need to there.

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 **February 12, 2024**
2. Legal notice published in The Star on **February 23, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **February 22, 2024**
5. Letter from County Highway dated **February 12, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **February 12, 2024**
7. Letter from the Drainage Board, dated **February 22, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Abonmarche-Donovan**
10. The real estate to be developed is in Zoning District 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 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 40A with dedication of right of way. The driveway has been staked and approved 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.*

**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.

IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #24-04, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 5<sup>TH</sup> DAY OF MARCH 2024.

Motion made by Jerry Yoder, Seconded by Sandy Harrison.

Vote tally:    Yes:    4                    No:    0

\_\_\_\_\_  
Elysia Rodgers

\_\_\_\_\_  
Sandra Harrison

\_\_\_\_\_  
Suzanne Davis

\_\_\_\_\_  
Jerry Yoder

**ADJOURNMENT:**

There being no further business to come before the Plat Committee, the meeting was adjourned at 8:45 a.m.

\_\_\_\_\_  
Elysia Rodgers

\_\_\_\_\_  
Meredith Reith - 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: 24-05  
Date Application Filed: 3/5/2024  
Fee Paid: pd. cl  
1954585

**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: Jack Hill  
Mailing Address: 2648 County Road 20  
Waterloo, IN 46793  
Telephone Number: (260) 243-6910 E-Mail: j.hill.092313@gmail.com

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

Owner's Name: Jeremy & Angela Hill  
Address: 2648 County Road 20  
Waterloo, IN 46793  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

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

Representative: Joseph R. Herendeen, PS, Sauer Land Surveying, Inc.  
Address: 14033 Illinois Road, Suite C  
Fort Wayne, IN 46814  
Telephone Number: (260) 469-3300 E-Mail: joe@sauersurveying.com

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

**Name of Proposed Subdivision:** Ivy Lane


**Number of Parcels & Total Area (square feet or acreage):**  
1 lot, 2.138 acres

**Address or Parcel ID # of property:**  
County Road 20, Part of Parcel No. 17-02-31-200-003.000-018

**Legal description of property affected:**  
Part of the Northeast Quarter of Section 31, Township 35 North, Range 13 East, containing 2.138 acres.

**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:  Joseph R. Herendeen, PS, as agent  
(If signed by representative for applicant, state capacity)

*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:** Jack Hill

**PROPERTY OWNER:** Jeremy & Angela Hill

**SUBJECT SITE:** south side of County Road 20, approximately one-half mile east of the intersection of County Road 20 and County Road 23, Waterloo

**REQUEST:** 1 Lot Minor Subdivision – Ivy Lane

**EXISTING ZONING:** A2: Agricultural

**SURROUNDING LAND USES AND ZONING:** North: Single Family Residential (A2)  
South: Farm Ground (A2)  
East: Single Family Residential (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 6.08 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract.*

- Parcel 10-02-31-200-003 is considered the parent parcel. This is the 2<sup>nd</sup> buildable split from parent parcel -003.
- The Petitioner is meeting the standards of the UDO as follows:
  - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
    - Proposed Lot 1 Area: 2.015 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 239.65 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: 178.74 feet
- This division of land fronts the following roads:
  - County Road 20 is considered a County Local Road with a projected total right-of-way width of 60 feet.

- Proposed right-of-way dedication: 30 feet

### **JURISDICTIONAL FINDINGS:**

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

1. Application completed and filed on **March 5, 2024**
2. Legal notice published in The Star on **March 22, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 18, 2024**
5. Letter from County Highway dated **March 6, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 6, 2024**
7. Letter from the Drainage Board, dated **March 15, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Sauer Land Surveying**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

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

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?  
*Yes, the minor subdivision will be used for 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 20 with dedication of right of way. The driveway has been staked and approved 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.



**Waterway (Status)**  
 — Joint Drain

**Waterway (Type)**  
 — Waterbody Centerline  
 ..... Hidden Hydro Centerline

**Survey Division Lot**  
 □ Lots

**Tax Parcel**  
 □ Tax Parcel  
 □ County Limits

**Waterbodies**  
 □ Lake  
 □ River/Large Stream  
 □ Proposed Subdivisions





Primary & Secondary Plat of:

# IVY LANE

A subdivision of part of the Northeast Quarter of Section 31,  
Township 35 North, Range 13 East, DeKalb County, Indiana.

Owner & Developer:  
Jeremy & Angela Hill  
2648 County Road 20  
Waterloo, IN 46793

Surveyor - Planner:  
Sauer Land Surveying, Inc.  
14033 Illinois Road, Suite C  
Fort Wayne, IN 46814  
Tel: 260/469-3300

### Zone A2: Agricultural

#### Setbacks:

Front: 50'  
Side: 30' for primary structure, 10' for accessory structure.  
Rear: 30' for primary structure, 10' for accessory structure.

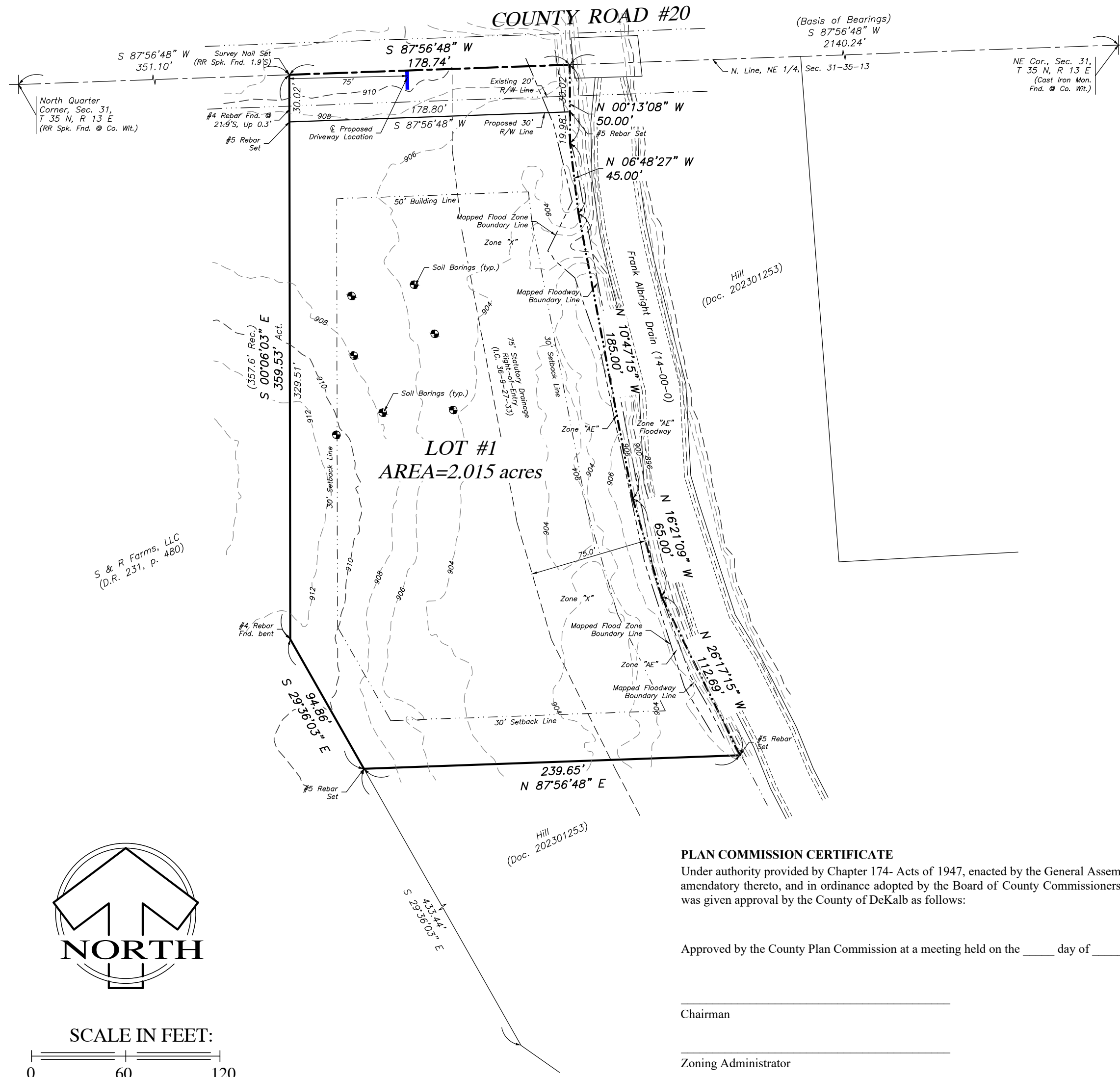
#### PLAT LEGEND

- Plat Boundary Line
- Dedicated Road Right-of-Way Line
- Building Set-back Line

### AREAS:

Lot #1	
Net Area	2.015 acres
Easements:	0.787 acres
Right-of-Way:	0.123 acres
Total Gross Area:	2.138 acres

Location Map



### DESCRIPTION:

Part of the Northeast Quarter of Section 31, Township 35 North, Range 13 East, DeKalb County, Indiana, being more particularly described as follows, to-wit:

Commencing at the Northeast corner of said Section 31, being marked by a cast iron monument; thence South 87 degrees 56 minutes 48 seconds West (GPS grid bearing and basis of all bearings in this description), on and along the North line of said Northeast Quarter, being within the right-of-way of County Road 20, a distance of 2140.24 feet to a survey nail at the true point of beginning; thence South 87 degrees 56 minutes 48 seconds West, continuing on and along said North line and within said right-of-way, a distance of 178.74 feet to a survey nail at the Northwest corner of a base tract of real estate described in a deed to Jeremy Hill and Angela Hill in Document Number 202301253 in the Office of the Recorder of DeKalb County, Indiana; thence South 00 degrees 03 minutes 03 seconds East, on and along a West line of said base tract, a distance of 359.53 feet to a #4 rebar; thence South 29 degrees 36 minutes 03 seconds East, continuing on and along said West line, a distance of 94.86 feet to a #5 rebar; thence North 87 degrees 56 minutes 48 seconds East, a distance of 239.65 feet to a #5 rebar on the Westerly top of bank of the Frank Albright Drain; thence Northerly, on and along said Westerly top of bank, as defined by the following courses and distances:

North 26 degrees 17 minutes 15 seconds West, a distance of 112.69 feet; thence North 16 degrees 21 minutes 09 seconds West, a distance of 65.00 feet; thence North 10 degrees 47 minutes 15 seconds West, a distance of 185.00 feet; thence North 06 degrees 48 minutes 27 seconds West, a distance of 45.00 feet; thence North 00 degrees 13 minutes 08 seconds West, a distance of 50.00 feet to the true point of beginning.

containing 2.138 acres of land, subject to legal right-of-way for County Road 20, and subject to all easements of record.

### DEED OF DEDICATION

We, the undersigned, Jeremy Hill and Angela Hill, owners of said real estate shown and described herein, do hereby layoff, plat and subdivide, said real estate in accordance with the within plat. This subdivision shall be known and designated as the "IVY LANE", an addition to DeKalb County, Indiana. All streets shown and not heretofore dedicated are hereby dedicated to the public. Front, side, and rear yard building setback lines are hereby established as shown on this plat, between which lines and property lines of the streets, there shall be erected or maintained no building or structure. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision, shall take their titles subject to all easements of record.

Witness our Hand and Seal this \_\_\_\_ day of \_\_\_\_\_, 2024.

Jeremy Hill \_\_\_\_\_ Angela Hill \_\_\_\_\_

State of Indiana )  
                          ) §  
County of \_\_\_\_\_ )

Before me the undersigned Notary Public, in and for the County and State, personally appeared JEREMY HILL and ANGELA HILL, 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 \_\_\_\_\_, 2024.

Notary Public \_\_\_\_\_

Printed Name \_\_\_\_\_  
Resident of \_\_\_\_\_ County

My commission expires: \_\_\_\_\_

### RESTRICTIVE COVENANTS:

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

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

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

No 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 commission may enforce these conditions by injunctive relief with attorney fees.

### Drainage Board Covenants:

- a. No private or mutual drain of any type shall be connected from within any lot within this subdivision to the Frank Albright Drain No. 14-00-0 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 Frank Albright Drain No. 14-00-0 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 Frank Albright Drain No. 14-00-0 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.

### PLAN COMMISSION CERTIFICATE

Under authority provided by Chapter 174- Acts of 1947, enacted by the General Assembly of the State of Indiana and all acts amendatory thereto, and in ordinance adopted by the Board of County Commissioners of DeKalb County, Indiana, this plat was given approval by the County of DeKalb as follows:

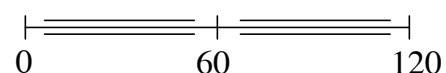
Approved by the County Plan Commission at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2024.

Chairman \_\_\_\_\_

Zoning Administrator \_\_\_\_\_



SCALE IN FEET:



**SURVEYOR'S REPORT**

Prepared as a part of the foregoing survey.

Address: County Road 20, Waterloo, IN 46793

This survey is intended to create a new tax parcel lying entirely within the record boundaries of a tract of real estate described in a Warranty Deed from Ryan C. Humble and Jessica Christine Humble to Jeremy Hill and Angela Hill, dated March 14, 2023, and recorded in Document Number 202301253 in the Office of the Recorder of DeKalb County, Indiana.

In Accordance with Title 865, Article 1.1, Chapter 12, Sec. 1 et. seq. of the Indiana Administrative Code, the following observations and opinions are submitted regarding various uncertainties in (a) reference monuments, (b) lines of occupation, (c) record descriptions, and (d) those uncertainties due to random errors in measurement ("relative positional accuracy"). There may be unwritten rights associated with these uncertainties.

REFERENCES: A copy of the following documents were reviewed in completion of this survey:  
-The deeds of the subject tract and the adjoining tracts, as shown on the plat of survey.  
-DeKalb County Surveyor's Section Corner Records.

**(A) AVAILABILITY OF REFERENCE MONUMENTS:**

The existing monuments of the Public Land Survey corners were held as controlling corners and were used as the basis for this survey. The found monuments are considered by the undersigned surveyor to be "local corners" which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the survey certificate in conformity with said survey monuments. Uncertainties based on existing monuments are not readily determinable due to the use of said local corners. The following monument was accepted as the location of the Public Land Survey corners:

- The Northeast corner of Section 31.....County witnessed cast iron monument found.
- The North Quarter corner of Section 31.....Undocumented Railroad spike found.

The North line of the Northeast Quarter was established by using the above-referenced monuments. Uncertainties due to variances between found controlling monuments and record distances were determined to be a maximum of 1.93 feet in the North-South direction. Uncertainties due to variances between all found monuments and record distances were determined to be 1.93 feet in any direction.

**(B) OCCUPATION AND/OR POSSESSION LINES:**

Occupation and/or possession lines near the perimeter of subject tract are shown on the plat of survey with the variances from the boundary lines as established in this survey. Encroachments and/or discrepancies may be buried or otherwise obscured by natural or man-made obstructions. There are no observable uncertainties in occupation and/or possession lines.

**(C) AMBIGUITY OF RECORD DESCRIPTIONS:**

Upon review of the most current deeds of record, the base tract description does not contain any ambiguity with any of the adjoining descriptions. Therefore, there are no uncertainties based upon record descriptions.

**(D) RELATIVE POSITIONAL ACCURACY:**

The relative positional accuracy representing the uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specifications for a Suburban Survey (0.13 feet plus 100 ppm) as defined by IAC 865.

**(E) ESTABLISHMENT OF LINES AND CORNERS:**

1. The North line of subject tract was established on and along the North line of the Northeast Quarter.
2. The West lines of subject tract were established using record geometry and found monuments.
3. The remaining lines of subject tract were established at the direction of the client.

(Continued on right)

**SURVEYOR'S REPORT**

(continued from left)

**(F) NOTES:**

1. This survey is an opinion of a licensed land surveyor of the State of Indiana as to the actual location of the lines and corners outlined in the deed description. This opinion is based on logic, relevant field and research evidence, and established surveying principles. However, this opinion is subject to the interpretation of its deed description, and the boundaries of adjacent tracts may not be consistent with the boundaries of the subject tract. As a consequence, another surveyor may arrive at a different conclusion and different location of the boundaries.
2. A survey cannot resolve uncertainties in the position of the original boundaries that exist. Only courts may establish property lines. The boundaries were established from the most current recorded descriptions. An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.
3. The flood statement hereon is for informational purposes only. Accurate determination of the flood hazard status of the property can only be made by an elevation study which is beyond the scope of this survey.
4. No attempt has been made to review or come to an opinion on the title or marketability of the title. Any appearance of an opinion on the title is unintentional.
5. Unplatted easements, setback lines, restrictive covenants, or land use regulations affecting the subject tract are shown only when documentation of such matters has been furnished by the client.
6. All documents of record and information from other public sources referred to in this survey are hereby incorporated as part of this survey as if fully set out.
7. No attempt has been made to determine the zoning status of the property. It is the responsibility of the parties involved in the real estate transaction to determine compliance with zoning regulations.
8. Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
9. Subsurface and environmental conditions were not examined or considered as a part of this survey.
10. Any acreage shown is based on the boundaries established from the deed description and no certification is made that the land area shown on the survey is the exact acreage owned by the client.
11. Expression of distances to hundredths of a foot and angles to seconds of arc is solely to minimize errors introduced by rounding. Neither distances nor angles can be measured to the degree of precision implied by the stated units. No dimension on the survey can be interpreted to be of greater precision than the relative positional accuracy stated in Part (D) of the Surveyor's Report.
12. Since the last date of fieldwork of this survey, conditions beyond the knowledge or control of Sauer Land Surveying, Inc. may have altered the validity and circumstances of matters shown or noted hereon.
13. Declaration is made to original purchaser of the survey and is not transferable to additional institutions or subsequent owners. This survey is valid only with the surveyor's original or electronic signature and seal, full payment of invoice, and complete with all pages of survey.
14. No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.

Primary & Secondary Plat of:

# IVY LANE

*A subdivision of part of the Northeast Quarter of Section 31, Township 35 North, Range 13 East, DeKalb County, Indiana.*

*Owner & Developer:  
Jeremy & Angela Hill  
2648 County Road 20  
Waterloo, IN 46793*

*Surveyor - Planner:  
Sauer Land Surveying, Inc.  
14033 Illinois Road, Suite C  
Fort Wayne, IN 46814  
Tel: 260/469-3300*


Note: An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.

This property appears to lie within Zone AE Floodway, Zone AE, and Zone X as the description plots by scale on Flood Insurance Rate Map Number 18033C 0130E, effective September 29, 2006.

**CERTIFICATE OF SURVEYOR**

I, Joseph R. Herendeen, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; that based on my knowledge, experience and belief this plat and accompanying legal description accurately depicts a survey completed and certified by the undersigned; that all corners are marked with 24 inch long #5 rebars bearing plastic caps imprinted "SLSI Firm 048".

I, Joseph R. Herendeen, certify the above statements to be correct to the best of my information, knowledge, and belief. 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.

  
Joseph R. Herendeen, Indiana Professional Surveyor Date: 03/05/2024



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: 24-06  
Date Application Filed: 3/5/2024  
Fee Paid: pd CK 700

**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: On The Mark Land Surveying  
Mailing Address: 2305-B Centralyard Ct.  
Fort Wayne, IN 46818  
Telephone Number: 260-338-2052 E-Mail: smark@OTMLandSurveying.com

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

Owner's Name: Zachery + Emily Nevil  
Address: 500 S. Mauer Dr.  
Garrett, IN 46738  
Telephone Number: 260-366-7354 E-Mail: 2019Nevilzbe@gmail.com

**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:** Nevil Acres

**Number of Parcels & Total Area (square feet or acreage):**  
Combining for 1 parcel - 9.887 acres

**Address or Parcel ID # of property:**  
04-03-21-200-009 and 04-03-21-200-002

**Legal description of property affected:**  
Pt W 1/2 S 1/2 Ne 1/2 - 4.937 +/- and W 1/2 S 1/2 Ne 1/4 - 4.937 +/-

**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:   
(If signed by representative for applicant, state capacity)

*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:** Zachary & Emily Nevil

**SUBJECT SITE:** east side of County Road 57, approximately one-quarter mile south of the intersection of County Road 57 and County Road 12, Waterloo

**REQUEST:** 1 Lot Conservation Agriculture Subdivision – Nevil Acres

**EXISTING ZONING:** A1: Conservation Agriculture

**SURROUNDING LAND USES AND ZONING:** North: Farm Ground (A1)  
South: Farm Ground (A1)  
East: Farm Ground (A1)  
West: Single Family Residential (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 6.08 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract.**

- Parcel 04-03-21-200-008 is considered the parent parcel. This is the 2<sup>nd</sup> buildable split from parent parcel -008.
- 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: 9.66 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 329.3 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: 329.3 feet
- This division of land fronts the following roads:
  - County Road 20 is considered a County Local Road with a projected total right-of-way width of 60 feet.
    - Proposed right-of-way dedication: 30 feet

## **JURISDICTIONAL FINDINGS:**

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

1. Application completed and filed on **March 5, 2024**
2. Legal notice published in The Star on **March 22, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 18, 2024**
5. Letter from County Highway dated **March 6, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 6, 2024**
7. Letter from the Drainage Board, dated **March 21, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **On The Mark Land Surveying**
10. The real estate to be developed is in Zoning District A1 which permits the requested development.

## **PROPOSED FINDINGS OF FACT:**

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

1. Does the proposed Conservation Agriculture Subdivision adequately conform to the Comprehensive Plan?  
*Yes, the conservation agriculture 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 57 with dedication of right of way. The driveway has been staked and approved 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:**

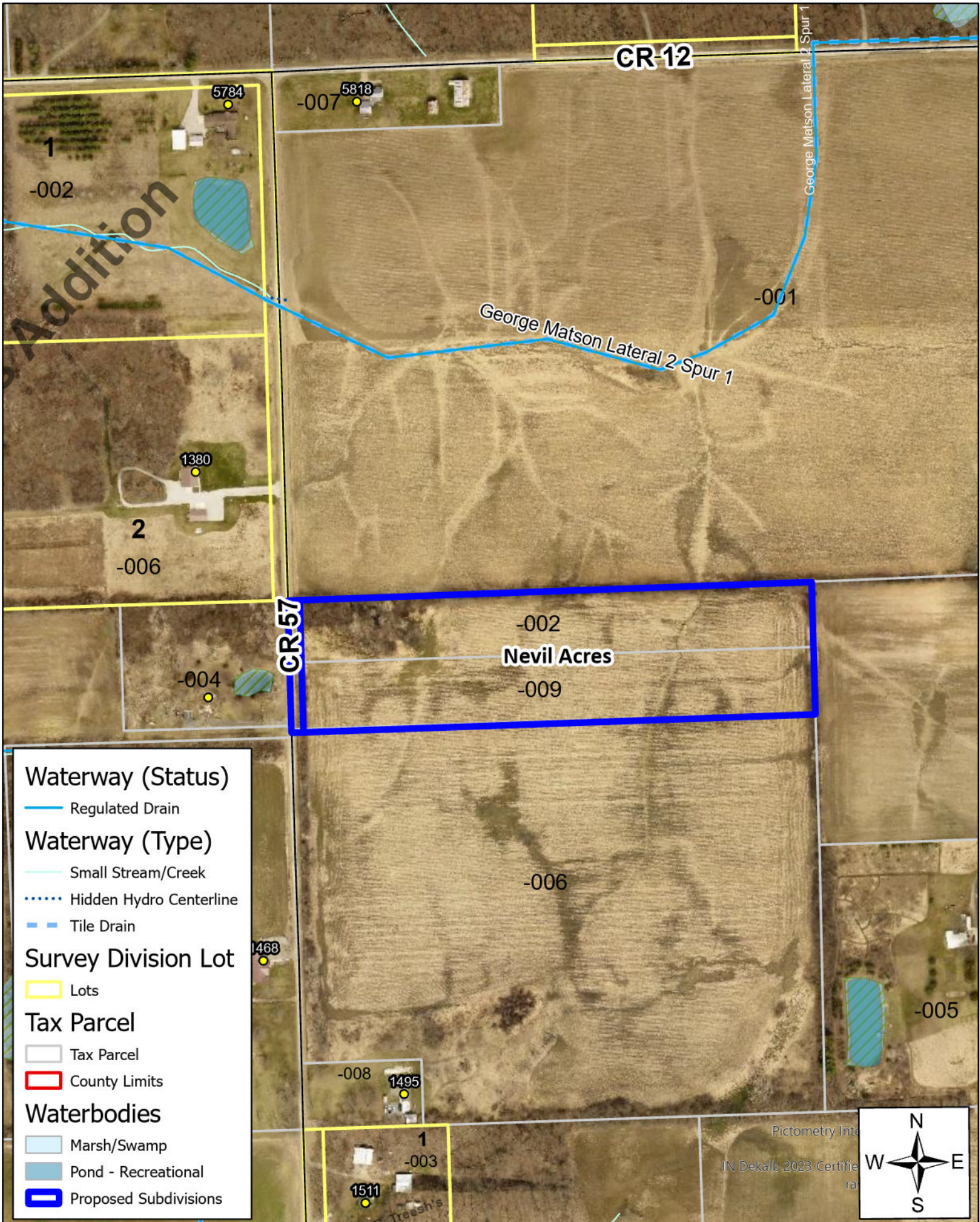
1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with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

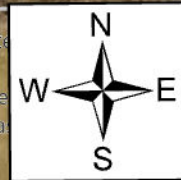
**Conditions that will not be recorded but must be met:**

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.





- Waterway (Status)**
- Regulated Drain
- Waterway (Type)**
- Small Stream/Creek
  - Hidden Hydro Centerline
  - Tile Drain
- Survey Division Lot**
- Lots
- Tax Parcel**
- Tax Parcel
  - County Limits
- Waterbodies**
- Marsh/Swamp
  - Pond - Recreational
  - Proposed Subdivisions

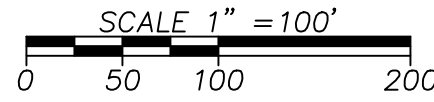




VICINITY MAP



(NOT TO SCALE)



SCALE 1" = 100'  
BASIS OF BEARINGS:  
In GCS DeKALB COUNTY

# NEVIL ACRES, LOT 1

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 35 NORTH, RANGE 14 EAST FRANKLIN CIVIL TOWNSHIP, DEKALB COUNTY, INDIANA

SURVEYOR

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

OWNER/DEVELOPER

ZACHERY & EMILY NEVIL  
COUNTY ROAD 57  
BUTLER, INDIANA 46721

LEGEND

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

ZONING

ZONING DISTRICT:  
CONSERVATION AGRICULTURE (A-1)

PRIMARY SETBACKS:

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

ACCESSORY STRUCTURE:

SIDE: 10'  
REAR: 10'

LOT 1 AREA

GROSS AREA: 9.887 ACRES  
R/W DEDICATION: 0.227 ACRES  
NET AREA: 9.660 ACRES

PLAN COMMISSION CERTIFICATE OF APPROVAL

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

ELYSIA ROGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

NOTARY

STATE OF INDIANA )  
                                  ) SS:  
COUNTY OF            )

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

ZACHERY NEVIL \_\_\_\_\_

EMILY NEVIL \_\_\_\_\_

WITNESS MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

NOTARY PUBLIC (SEAL)

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

FURTHER DEVELOPMENT STANDARDS

1. FURTHER DEVELOPMENT: THIS LOT 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.
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.

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.

OWNER DEDICATION

I, THE UNDERSIGNED, ZACHERY & EMILY NEVIL, 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 NEVIL ACRES, LOT 1, AN ADDITION IN FRANKLIN 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.

ZACHERY NEVIL  
DATE:

EMILY NEVIL  
DATE:

AFFIRMATION STATEMENT

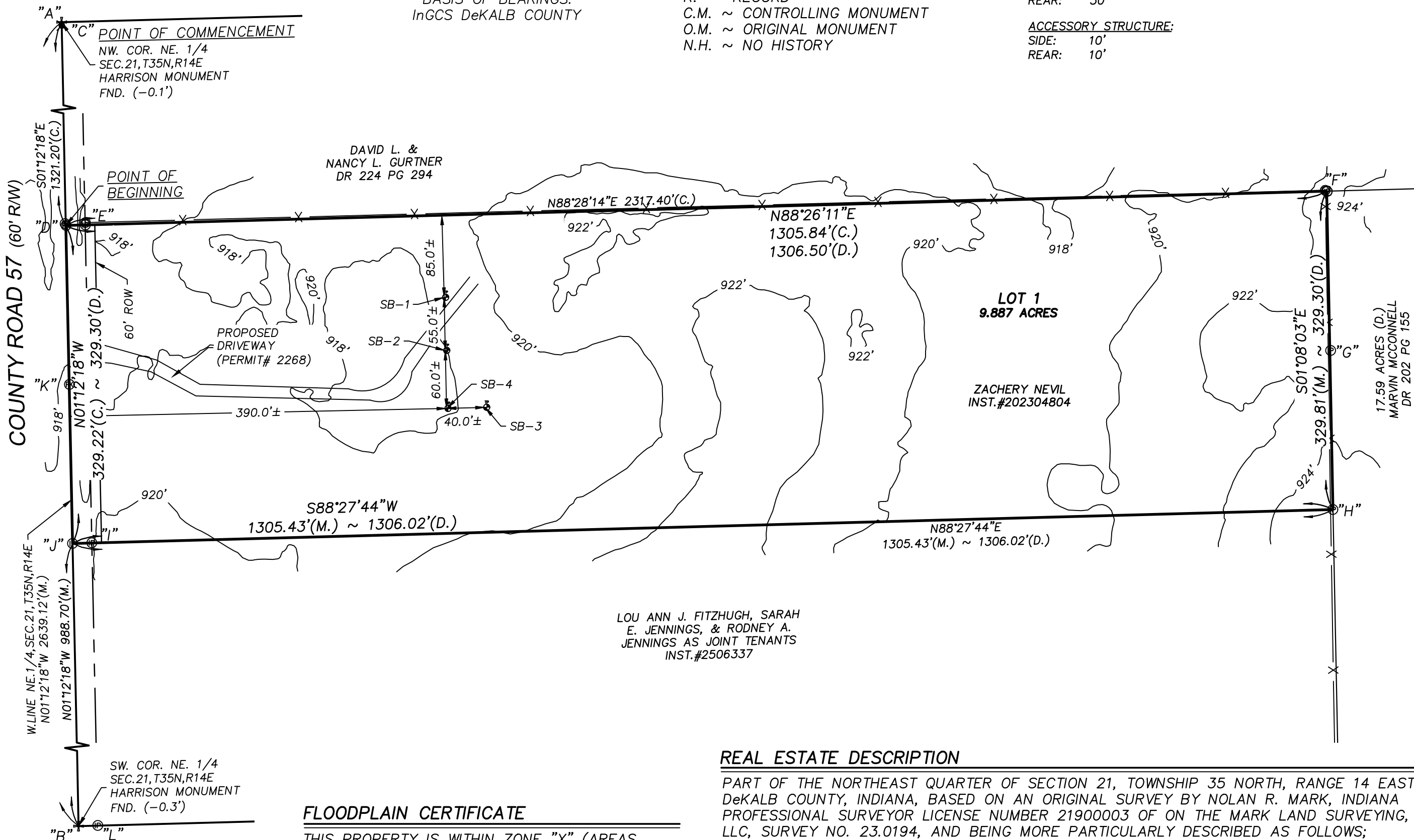
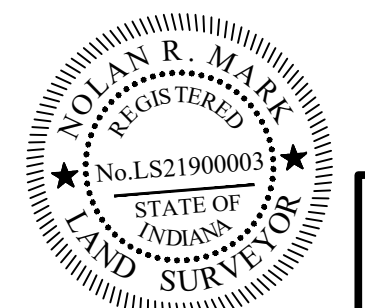
I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

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 INSTRUMENT NUMBER 202304804 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA ALONG WITH A BOUNDARY RETRACEMENT SURVEY AS RECORDED IN DOCUMENT NUMBER \_\_\_\_\_ WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA THAT WAS COMPLETED BY ME, OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH TITLE 865 IAC 1-12-1 THRU 30, AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE ABOVE REFERENCE SURVEY.

DATE: FEBRUARY 14TH, 2024

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



LOU ANN J. FITZHUGH, SARAH E. JENNINGS, & RODNEY A. JENNINGS AS JOINT TENANTS  
INST.#2506337

REAL ESTATE DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 35 NORTH, RANGE 14 EAST, DeKALB COUNTY, INDIANA, BASED ON AN ORIGINAL SURVEY BY NOLAN R. MARK, INDIANA PROFESSIONAL SURVEYOR LICENSE NUMBER 21900003 OF ON THE MARK LAND SURVEYING, LLC, SURVEY NO. 23.0194, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER AS MONUMENT BY A HARRISON MONUMENT FOUND 0.1 FEET BELOW GRADE; THENCE SOUTH 01 DEGREE 12 MINUTES 18 SECONDS EAST (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB COUNTY BEARING AND BASIS OF BEARINGS TO FOLLOW) 1321.20 FEET ALONG THE WEST LINE OF SAID QUARTER TO A PK NAIL FOUND 0.3 FEET BELOW GRADE AND BEING THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT:

THENCE NORTH 88 DEGREES 26 MINUTES 11 SECONDS EAST 1305.84 FEET (1306.20 FEET DEED) ALONG THE SOUTH LINE OF AN EXISTING TRACT OF LAND DESCRIBED IN DEED BOOK 224 PG 294 IN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA TO A STONE FOUND FLUSH AT THE WEST LINE OF AN EXISTING 17.59 ACRE TRACT OF LAND AS DESCRIBED IN DEED BOOK 202 PG 155;

THENCE SOUTH 01 DEGREE 08 MINUTES 03 SECONDS EAST 329.81 FEET (329.30 FEET DEED) ALONG SAID WEST LINE TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET 0.3 FEET ABOVE GRADE AT THE NORTH LINE OF AN EXISTING TRACT OF LAND AS DESCRIBED IN INSTRUMENT NUMBER 2506337;

THENCE SOUTH 88 DEGREES 27 MINUTES 44 SECONDS WEST 1305.43 FEET (1306.02 FEET DEED) ALONG SAID NORTH LINE TO A 5/8 INCH REBAR WITH "MARK LS21900003" IDENTIFICATION CAP SET 0.1 FEET BELOW GRADE AT THE WEST LINE OF SAID NORTHEAST QUARTER;

THENCE NORTH 01 DEGREE 12 MINUTES 18 SECONDS WEST 329.22 FEET (329.30 FEET DEED) ALONG SAID WEST LINE TO THE POINT OF BEGINNING. CONTAINING 9.887 ACRES, MORE OR LESS. SUBJECT TO THE RIGHT-OF-WAY OF COUNTY ROAD 57 AND EASEMENTS OF RECORD.

FLOODPLAIN CERTIFICATE

THIS PROPERTY IS WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DEFINED BY THE FIRM (FLOOD INSURANCE RATE MAP) FOR DeKALB COUNTY, INDIANA, COMMUNITY NO.180044, PANEL 18033C0160E, DATED SEPTEMBER 29, 2006.

SURVEYOR'S REPORT

SEE PAGE 2

MONUMENT LEGEND

- "A" ~ HARRISON MONUMENT FOUND (-0.1') - C.M.
- "B" ~ HARRISON MONUMENT FOUND (-0.3') - C.M.
- "C" ~ RAILROAD SPIKE FOUND 3.60'S. & 0.29'E. OF NW. SECTION CORNER (-0.3')
- "D" ~ 5/8" REBAR FOUND 1.86'N. & 0.71'W. OF ACTUAL (-0.2') & PK NAIL FOUND 0.37'E. OF ACTUAL (-0.3') - C.M. FOR BEARING OF LINE
- "E" ~ 3/4" REBAR W/ FADED YELLOW CAP FOUND (+0.3') & 10" ROUND CONCRETE POST FOUND
- "F" ~ STONE FOUND - C.M. & 3/4" BENT REBAR W/ FADED YELLOW CAP FOUND ON SOUTH SIDE OF STONE (+0.3') & 10" ROUND CONCRETE POST FOUND
- "G" ~ 5/8" REBAR W/ ILLEGIBLE ID. CAP FOUND 0.81'E. OF ACTUAL (+0.6') - C.M. FOR BEARING OF LINE
- "H" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (+0.3')
- "I" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (+0.3')
- "J" ~ 5/8" REBAR W/ "MARK LS21900003" ID. CAP SET (-0.1')
- "K" ~ PK NAIL FOUND 0.35'E. OF ACTUAL (-0.5')
- "L" ~ 3/8" REBAR FOUND (+0.2')



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: 24-07  
Date Application Filed: 3/5/2024  
Fee Paid: CK#1390

**Application for SUBDIVISION**  
**Conservation Agricultural (A1 only) \_\_\_ Minor X**  
**Conventional \_\_\_ Conservation \_\_\_ Traditional \_\_\_**  
**Strip \_\_\_ Commercial District \_\_\_ Industrial Park \_\_\_**  
**(Section 9.22)**

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

**APPLICANT INFORMATION**

Applicant's Name: Angela Wallace  
Mailing Address: 1710 N. Main Street, Suite D  
Auburn, IN 46706  
Telephone Number: 260-417-3643 E-Mail: compasslandsurveying@gmail.com

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

Owner's Name: Bret D. Miller & Dinah Miller  
Address: 2822 County Road 56  
Auburn, IN 46706  
Telephone Number: 260-402-6489 E-Mail: \_\_\_\_\_

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

Representative: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**Legal Ad Payment & Public Hearing Notifications: Applicant x Owner \_\_\_ Representative \_\_\_**

**Name of Proposed Subdivision:** Mill Hill Plat

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

1 Parcel & 2.04 Acres, 1.73 Net Acres

**Address or Parcel ID # of property:**

Southeast corner of the intersection of County Road 27 & County Road 56

**Legal description of property affected:**

Part of the Northwest Quarter of Section 17, T33N, R13E

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

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

Applicant's Signature: Angela D Wallace Professional Surveyor 03/05/2024

(If signed by representative for applicant, state capacity)

*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:** Bret D & Dinah Miller

**SUBJECT SITE:** southeast corner of County Road 56 & County Road 27, Auburn

**REQUEST:** 1 Lot Minor Subdivision – Mill Hill

**EXISTING ZONING:** A2: Agricultural

**SURROUNDING LAND USES AND ZONING:** North: Single Family Residential (R1)  
 South: Wooded Land & Single Family Residential (A2)  
 East: Wooded Land & Single Family Residential (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 6.08 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract.**

- Parcel 06-10-17-100-001 is considered the parent parcel. This is the 4<sup>th</sup> and final 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: 1.73 net acres – Reduction in Lot Area was approved by the Board of Zoning Appeals on February 12, 2024
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 591.72 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: 434.09 feet
- This division of land fronts the following roads:
  - County Road 56 is considered a County Local Road with a projected total right-of-way width of 60 feet.
    - Proposed right-of-way dedication: 30 feet

## **JURISDICTIONAL FINDINGS:**

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

1. Application completed and filed on **March 5, 2024**
2. Legal notice published in The Star on **March 22, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 18, 2024**
5. Letter from County Highway dated **March 6, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 8, 2024**
7. Letter from the Drainage Board, dated **March 15, 2024**
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 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 56 with dedication of right of way. The driveway has been staked and approved 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:**

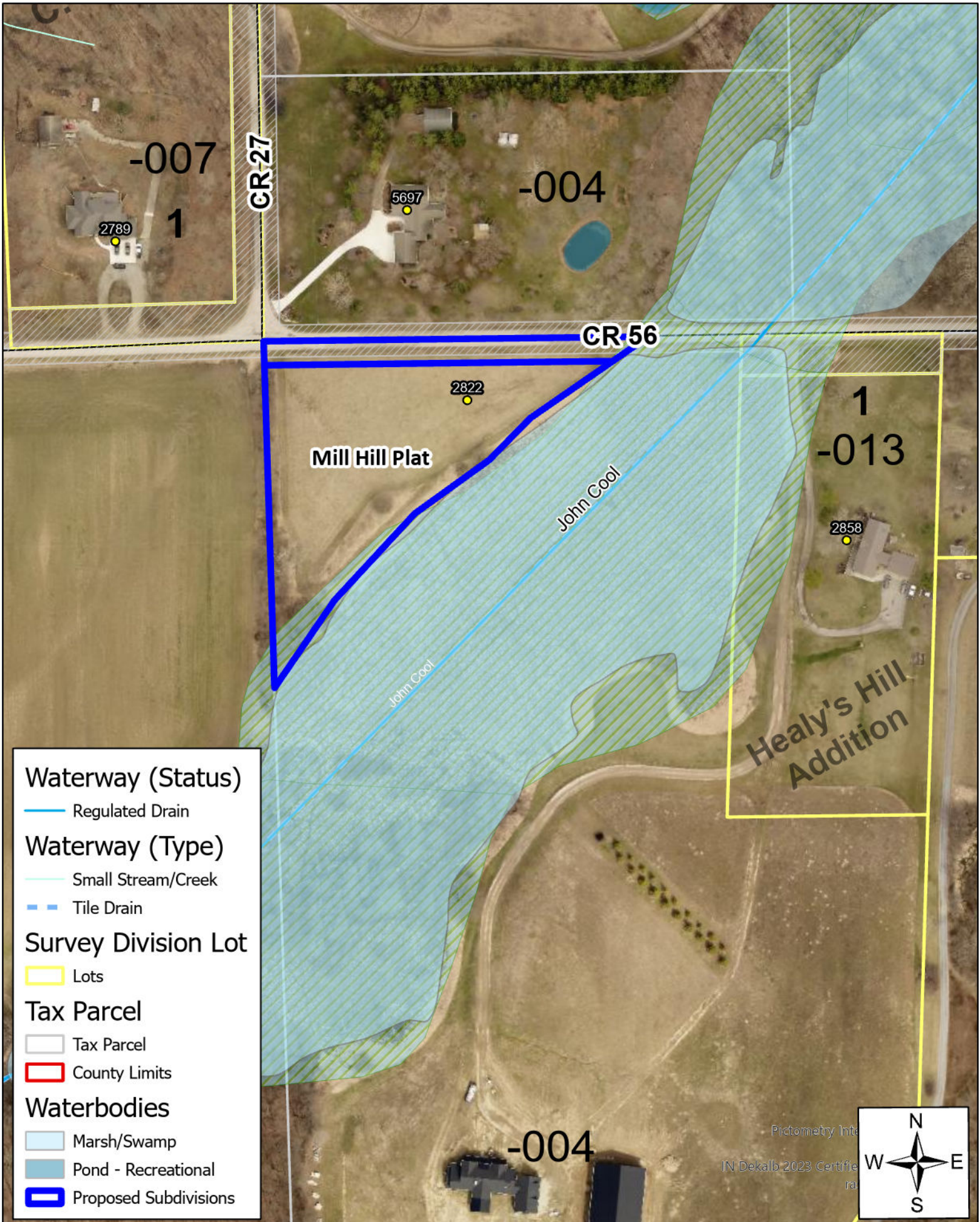
1. This lot shall be included in any subdivision arising from any further development from the land involved. However, there is no intention that any terms, conditions, or restrictions on a future plat will have any retroactive applicability to this division of land.
2. There shall be compliance with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





**Waterway (Status)**  
 — Regulated Drain

**Waterway (Type)**  
 — Small Stream/Creek  
 - - Tile Drain

**Survey Division Lot**  
 □ Lots

**Tax Parcel**  
 □ Tax Parcel  
 □ County Limits

**Waterbodies**  
 □ Marsh/Swamp  
 □ Pond - Recreational  
 □ Proposed Subdivisions

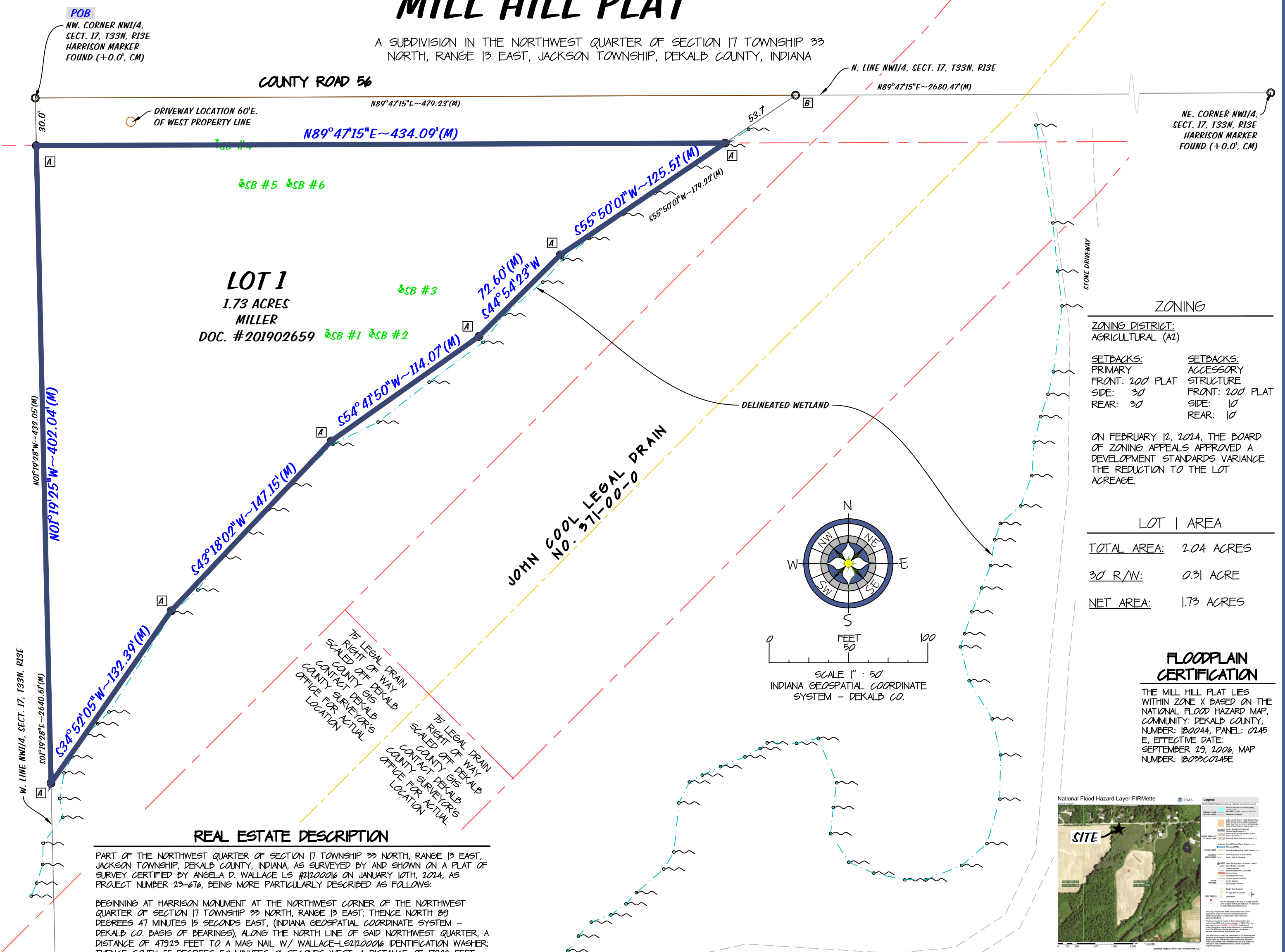
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# MILL HILL PLAT

A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 17 TOWNSHIP 33 NORTH, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA

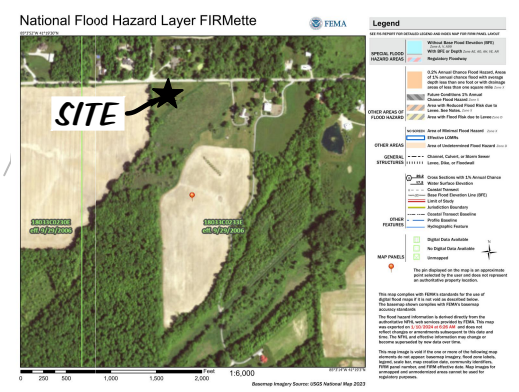
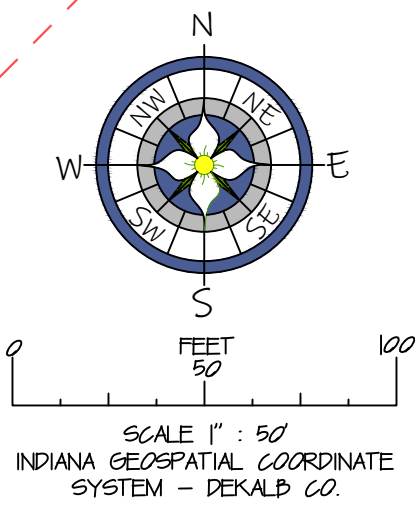


**LOT 1**  
1.73 ACRES  
MILLER  
DOC. #201902659

**ZONING**  
ZONING DISTRICT: AGRICULTURAL (A2)  
SETBACKS: PRIMARY FRONT: 200 PLAT, SIDE: 30, REAR: 30; ACCESSORY STRUCTURE FRONT: 200 PLAT, SIDE: 10, REAR: 10  
ON FEBRUARY 12, 2024, THE BOARD OF ZONING APPEALS APPROVED A DEVELOPMENT STANDARDS VARIANCE THE REDUCTION TO THE LOT ACREAGE.

**LOT 1 AREA**  
TOTAL AREA: 2.04 ACRES  
30 R/W: 0.31 ACRE  
NET AREA: 1.73 ACRES

**FLOODPLAIN CERTIFICATION**  
THE MILL HILL PLAT LIES WITHIN ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 180244, PANEL: 0745 E, EFFECTIVE DATE: SEPTEMBER 29, 2006, MAP NUMBER: 1803960242E



**REAL ESTATE DESCRIPTION**

PART OF THE NORTHWEST QUARTER OF SECTION 17 TOWNSHIP 33 NORTH, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE L.S. #21200016 ON JANUARY 10TH, 2024, AS PROJECT NUMBER 23-676, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT HARRISON MONUMENT AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 17 TOWNSHIP 33 NORTH, RANGE 13 EAST, THENCE NORTH 89 DEGREES 47 MINUTES 15 SECONDS EAST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 4792.23 FEET TO A MAG NAIL W/ WALLACE-LS21200016 IDENTIFICATION WASHER; THENCE SOUTH 55 DEGREES 50 MINUTES 01 SECONDS WEST, A DISTANCE OF 1792.22 FEET TO A 5/8" WALLACE; THENCE SOUTH 54 DEGREES 41 MINUTES 23 SECONDS WEST, A DISTANCE OF 72.60 FEET TO A 5/8" WALLACE; THENCE SOUTH 54 DEGREES 41 MINUTES 23 SECONDS WEST, A DISTANCE OF 114.07 FEET TO A 5/8" WALLACE; THENCE SOUTH 43 DEGREES 19 MINUTES 01 SECONDS WEST, A DISTANCE OF 147.15 FEET TO A 5/8" WALLACE; THENCE SOUTH 34 DEGREES 32 MINUTES 05 SECONDS WEST, A DISTANCE OF 192.39 FEET TO A 5/8" WALLACE ON THE WEST LINE OF SAID NORTHWEST QUARTER, THENCE NORTH 01 DEGREE 19 MINUTES 25 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 493.05 FEET TO THE POINT OF BEGINNING, CONTAINING 2.04 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 56, JOHN COOL LEGAL DRAIN, AND ALL OTHER RIGHTS OF WAY AND EASEMENTS.

**MONUMENT LEGEND**

- "A" ~ 5/8" X 1/4" REBAR WITH "WALLACE-LS21200016" IDENTIFICATION CAP SET
- "B" ~ MAG NAIL WITH "WALLACE-LS21200016" IDENTIFICATION WASHER SET



**OWNER DEDICATION**

WE, THE UNDERSIGNED, BRET D. MILLER & DINAH MILLER, 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 MILL HILL PLAT, AN ADDITION IN JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA.  
THE UNDERSIGNED HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO DEKALB COUNTY ALL THE STREETS, LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND REQUIRED UTILITIES SHOWN ON THE SUBDIVISION PLAT.

BRET D. MILLER \_\_\_\_\_ DINAH MILLER \_\_\_\_\_  
**NOTARY**  
STATE OF INDIANA )  
                          ) ss:  
COUNTY OF DEKALB )  
WITNESS OUR HAND AND SEAL THIS \_\_\_\_\_ DAY OF APRIL, 2024.  
BRET D. MILLER \_\_\_\_\_ DINAH MILLER \_\_\_\_\_

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS \_\_\_\_\_ DAY OF FEBRUARY, PERSONALLY APPEARED BRET D. MILLER & DINAH MILLER, 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 APRIL, 2024.  
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 34-1-32-4.

**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 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.

**AVIATION COVENANTS**

**AIRPORT ZONE:**  
a. THIS DEVELOPMENT LIES WITHIN THE AC6 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.  
b. AIRPORT COMPATIBILITY ZONE (AC 2 THROUGH AC 6): THIS DEVELOPMENT LIES WITHIN AIRPORT COMPATIBILITY ZONE AC 6. THE OWNERS OF ANY TRACT OF LAND IN THIS DEVELOPMENT AGREE TO RECOGNIZE THE EXISTING AND ESTABLISHED NOISE SENSITIVE ZONE AND UNDERSTAND THAT A NOISE SENSITIVE USE AND NON-REMONSTRANCE AGAINST AIRPORT DEVELOPMENT WAIVERS, ACKNOWLEDGING THE PREEXISTING NOISE CONDITION IN THE AREA AND THE ABILITY OF THE AIRPORT TO EXPAND AS ALLOWED BY LAW, SHALL BE EXECUTED BY THE OWNER AND FILED WITH THE DEKALB COUNTY BOARD OF AVIATION BEFORE THE ISSUANCE OF ANY IMPROVEMENT LOCATION PERMIT BY THE ZONING ADMINISTRATOR FOR A NOISE SENSITIVE USE INCLUDING BUT NOT LIMITED TO RESIDENTIAL USES.

**DRAINAGE BOARD COVENANTS**

WHEN ANY REGULATED DRAIN AND/OR ITS ASSOCIATED RIGHT-OF-WAY EXTENDS WITHIN THE BOUNDS OF THE SUBDIVISION, THE FOLLOWING COVENANTS SHALL BE PLACED ON THE PLAT:  
a. NO PRIVATE OR MUTUAL DRAIN OF ANY TYPE SHALL BE CONNECTED FROM WITHIN ANY LOT WITHIN THIS SUBDIVISION TO THE JOHN COOL LATERAL DRAIN NO. 371-00-0 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 JOHN COOL LATERAL DRAIN NO. 371-00-0 WITHOUT FIRST SUBMITTING 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 JOHN COOL LATERAL DRAIN NO. 371-00-0 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.

**PLAN COMMISSION CERTIFICATE OF APPROVAL**

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION THIS \_\_\_\_\_ DAY OF APRIL, 2024.  
ELYSIA RODGERS, CHAIRPERSON  
CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

**PROFESSIONAL SURVEYOR'S CERTIFICATION**

I, ANGELA D. WALLACE, HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT AND REAL ESTATE DESCRIPTION ACCURATELY DEPICTS AN ORIGINAL SURVEY COMPLETED ON JANUARY 10TH, 2024 AND RECORDED IN DOCUMENT NUMBER \_\_\_\_\_ WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA THAT WAS COMPLETED BY ME IN ACCORDANCE WITH TITLE 36S IAC 1-12-1 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.  
JOB NO. 23-676  
DATE: JANUARY 10TH, 2024



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.

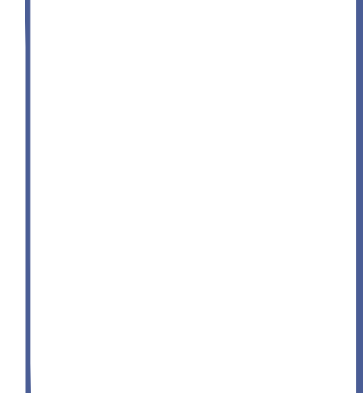
**OWNER & DEVELOPER**

BRET D. & DINAH MILLER  
2822 COUNTY ROAD 56  
AUBURN, INDIANA 46706

**SURVEYOR**

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

**AUDITOR'S STAMP**



**RECORDER'S STAMP**





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: 24-08  
Date Application Filed: 03/05/2024  
Fee Paid: CK#1390

### 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: 1710 N. Main Street, Suite D  
Auburn, IN 46706  
Telephone Number: 260-417-3643 E-Mail: compasslandsurveying@gmail.com

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

Owner's Name: Bret D. Miller & Dinah Miller  
Address: 2822 County Road 56  
Auburn, IN 46706  
Telephone Number: 260-402-6489 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 & 2.628 Acres, 2.002 Net Acres

#### Name of Subdivision and Address or Parcel # of property:

RePlat Healy's Hill Addition - 2858 County Road 56

#### Legal description of property affected:

Lot 1 in Healy's Hill Addition & Miller property at 2822 County Road 56

#### Reason for the Proposed Replat:

Adjust the west property line to split the driveway between 2858 & 2822 County Road 56

#### 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 03/05/2024  
(If signed by representative for applicant, state capacity)

*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:** Bret D. & Dinah Miller  
**SUBJECT SITE:** 2858 County Road 56  
**REQUEST:** Replat of Healy’s Hill Addition, Lot 1  
**EXISTING ZONING:** A2: Agricultural  
**SURROUNDING LAND USES AND ZONING:** North: Wooded Land (R1)  
 South: Single Family Residential (A2)  
 East: Single Family Residential (A2)  
 West: Wooded Land (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 Healy’s Hill Addition will be shifting the west and south property lines of Lot 1.
- The Petitioner is meeting the standards of the UDO as follows:
  - *Minimum Lot Area: 2 net acres (not including any dedicated right-of-way or recorded easements)*
    - Proposed Lot 1 Area: 2.002 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 173.5 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: 190.31 feet
- This division of land fronts the following roads:
  - County Road 56 is considered a County Local Road with a projected total right-of-way width of 60 feet.
    - 30 feet of right-of-way was dedicated per the original Healy’s Hill Addition.

## **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 **March 5, 2024**
2. Legal notice published in The Star on **March 22, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 18, 2024**
5. Letter from County Highway dated **March 6, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 8, 2024**
7. Letter from the Drainage Board, dated **March 15, 2024**
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/replat 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 56. The right of way has been dedicated per the original Healy's Hill Addition. No additional right of way is required. The existing driveway for Lot 1 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 for Lot 1 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:**

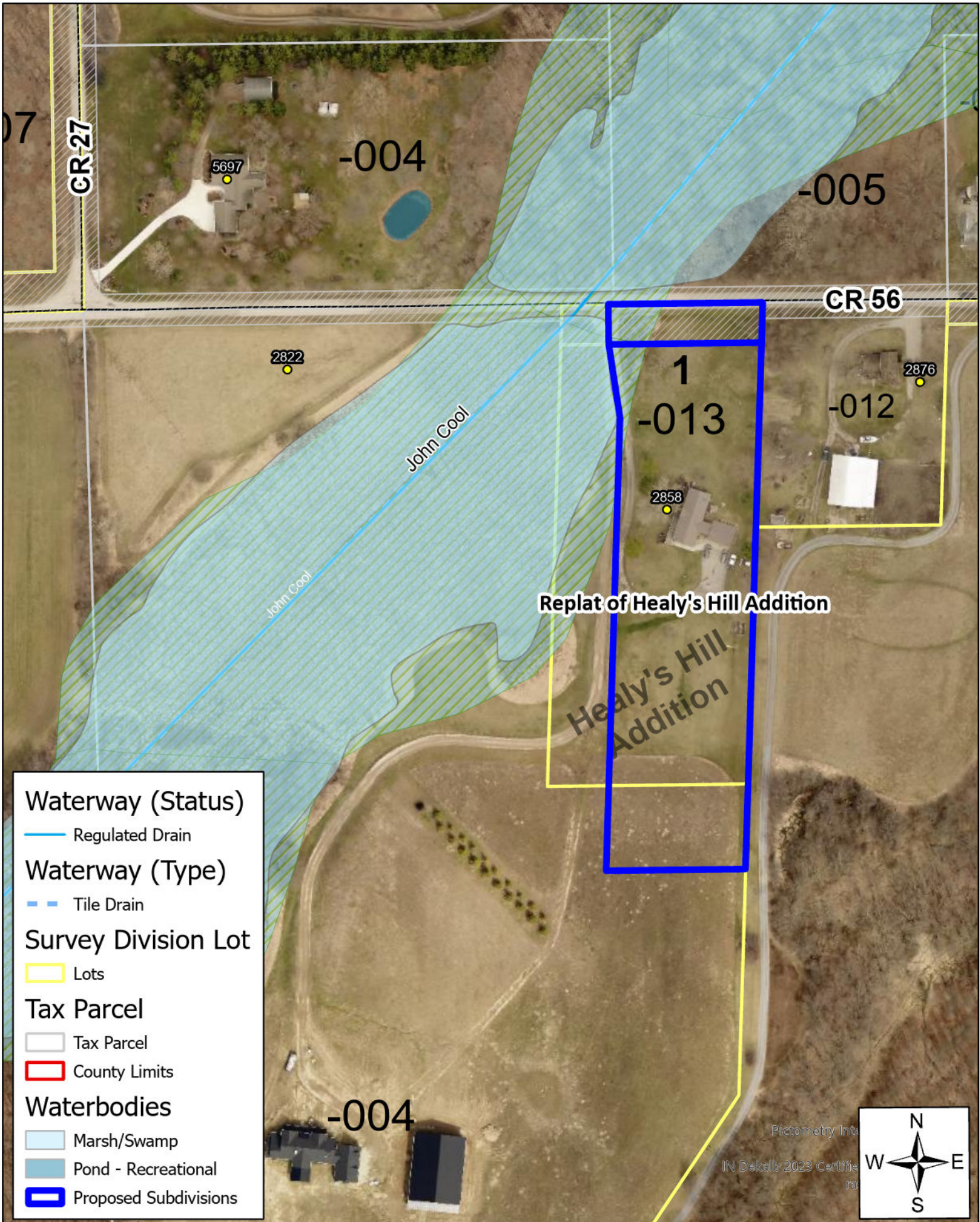
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2. There shall be compliance with the laws and regulations of any Federal, State, or local agency.
3. No offsite drainage, existing surface water or existing tiled water drainage, crossing over said real estate shall be obstructed by any development on the site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.

4. The appropriate agricultural covenants, Drainage Board covenants and airport zone covenants shall be on the plat, if required.
5. That the three Drainage Board covenants shall be placed on the plat before the plat can be recorded.

**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.





**Waterway (Status)**  
 — Regulated Drain

**Waterway (Type)**  
 - - Tile Drain

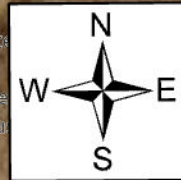
**Survey Division Lot**  
 □ Lots

**Tax Parcel**  
 □ Tax Parcel  
 □ County Limits

**Waterbodies**  
 □ Marsh/Swamp  
 □ Pond - Recreational  
 □ Proposed Subdivisions

Replat of Healy's Hill Addition

Healy's Hill Addition





# REPLAT HEALY'S HILL ADDITION

OWNER & DEVELOPER

BRET D. & DINAH MILLER  
2822 COUNTY ROAD 56  
AUBURN, INDIANA 46706

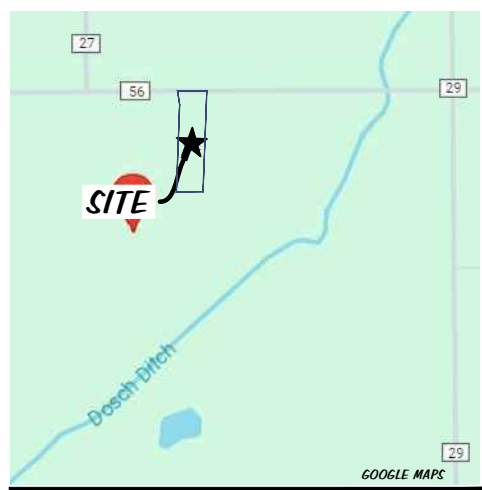
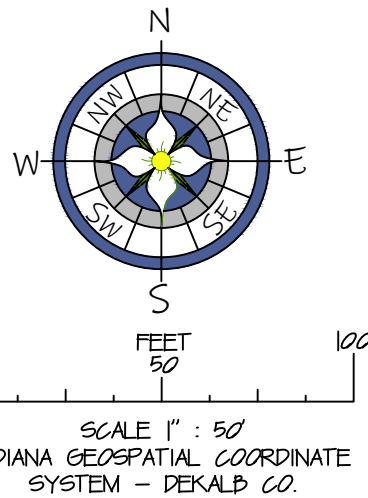
SURVEYOR

COMPASS LAND SURVEYING, INC.  
1710 N. MAIN STREET, SUITE D  
AUBURN, IN 46706  
TEL: 260-417-3643

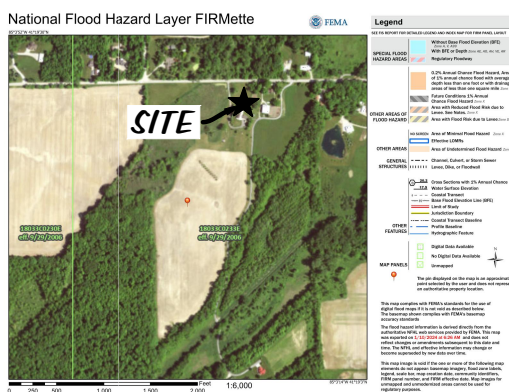
A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 17 TOWNSHIP 33 NORTH, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA

POC  
NW CORNER NW1/4,  
SECT. 17, T33N, R13E  
HARRISON MARKER  
FOUND (+0.0', CM)

COUNTY ROAD 56



VICINITY MAP NOT TO SCALE



NFL FIRMETTE NOT TO SCALE

### FLOODPLAIN CERTIFICATION

THE REPLAT OF HEALY'S HILL ADDITION LIES WITHIN ZONE X BASED ON THE NATIONAL FLOOD HAZARD MAP, COMMUNITY: DEKALB COUNTY, NUMBER: 180244, PANEL: 0245 E, EFFECTIVE DATE: SEPTEMBER 23, 2006, MAP NUMBER: 180245E.

### OWNER DEDICATION

WE, THE UNDERSIGNED, BRET D. MILLER & DINAH MILLER, 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 REPLAT OF HEALY'S HILL ADDITION, AN ADDITION IN JACKSON 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.

BRET D. MILLER

DINAH MILLER

### NOTARY

STATE OF INDIANA }  
COUNTY OF DEKALB } SS:

WITNESS OUR HAND AND SEAL THIS \_\_\_\_\_ DAY OF APRIL, 2024.

BRET D. MILLER

DINAH MILLER

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, THIS \_\_\_\_\_ DAY OF APRIL, 2024, PERSONALLY APPEARED BRET D. MILLER & DINAH MILLER, ACKNOWLEDGING THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED, FOR THE PURPOSE THEREIN EXPRESSED.

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NOTARY PUBLIC (SEAL)

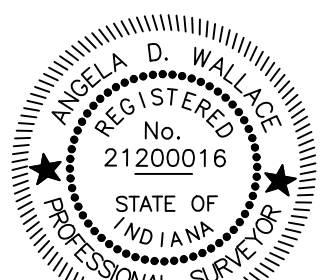
MY COMMISSION EXPIRES: \_\_\_\_\_

### 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 FEBRUARY 28TH, 2024 AND RECORDED IN DOCUMENT NUMBER \_\_\_\_\_ WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA THAT WAS COMPLETED BY ME IN ACCORDANCE WITH TITLE 36S IAC 1-2-1 THRU 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.

JOB NO. 23-677  
DATE: MARCH 5TH, 2024

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*

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. 16-34-1-52-4.

### AGRICULTURAL COVENANT

### AVIATION COVENANTS

#### AIRPORT ZONE:

- THIS DEVELOPMENT LIES WITHIN THE AC6 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 PERMANENT STRUCTURE OF ANY TYPE SHALL BE PLACED WITHIN AIRPORT COMPATIBILITY ZONE AC 6 & THE OWNERS OF ANY TRACT OF LAND IN THIS DEVELOPMENT AGREE TO RECOGNIZE THE EXISTING AND ESTABLISHED NOISE SENSITIVE ZONE AND UNDERSTAND THAT A "NOISE SENSITIVE USE AND NON-REMEDIATION AGAINST AIRPORT DEVELOPMENT WAIVER", ACKNOWLEDGING THE PREEXISTING NOISE CONDITION IN THE AREA AND THE ABILITY OF THE AIRPORT TO EXPAND AS ALLOWED BY LAW, SHALL BE EXECUTED BY THE OWNER AND FILED WITH THE DEKALB COUNTY BOARD OF AVIATION BEFORE THE ISSUANCE OF ANY IMPROVEMENT LOCATION PERMIT BY THE ZONING ADMINISTRATOR FOR A NOISE SENSITIVE USE INCLUDING BUT NOT LIMITED TO RESIDENTIAL USES.

### 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.

### DRAINAGE BOARD COVENANTS

WHEN ANY REGULATED DRAIN AND/OR ITS ASSOCIATED RIGHT-OF-WAY EXTENDS WITHIN THE BOUNDS OF THE SUBDIVISION, THE FOLLOWING COVENANTS SHALL BE PLACED ON THE PLAT:

- NO PRIVATE OR MUTUAL DRAIN OF ANY TYPE SHALL BE CONNECTED FROM WITHIN ANY LOT WITHIN THIS SUBDIVISION TO THE JOHN COO. LATERAL DRAIN NO. 971-00-0 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.
- NO PERMANENT STRUCTURE OF ANY TYPE SHALL BE PLACED WITHIN THE RIGHT-OF-WAY OF THE JOHN COO. LATERAL DRAIN NO. 971-00-0 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.
- NO PRIVATE CROSSING, CONTROL DAM OR OTHER PERMANENT STRUCTURE SHALL BE PLACED ON, OVER, OR THROUGH THE JOHN COO. LATERAL DRAIN NO. 971-00-0 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.

### PLAN COMMISSION CERTIFICATE OF APPROVAL

APPROVED BY THE DEKALB COUNTY PLAN COMMISSION THIS \_\_\_\_\_ DAY OF APRIL, 2024.

ELYSIA RODGERS, CHAIRPERSON

CHRISTOPHER GAUMER, ZONING ADMINISTRATOR

### LEGEND

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

### ZONING

ZONING DISTRICT:  
AGRICULTURAL (A2)

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

### LOT 1 AREA

TOTAL AREA: 2.628 ACRES  
LEGAL DRAIN R/W: 0.008 ACRE  
EASEMENTS: 0.618 ACRE  
NET AREA: 2.001 ACRES

### MONUMENT LEGEND

- "A" ~ 5/8"X1/4" REBAR WITH "WALLACE-LS1200016" IDENTIFICATION CAP SET
- "B" ~ MAG NAIL WITH "WALLACE-LS1200016" IDENTIFICATION WASHER SET
- "C" ~ 5/8" REBAR WITH "RUSSELL" I.D. CAP FOUND
- "D" ~ 5/8" REBAR WITH "3921" I.D. CAP FOUND
- "E" ~ 5/8" REBAR WITH "RUSSELL" I.D. CAP FOUND
- "F" ~ 5/8" REBAR WITH "TRI-CO" I.D. CAP FOUND 02W.
- "G" ~ 3/8" REBAR FOUND (-0.6)
- "H" ~ 3/8" REBAR FOUND 2015.

### REAL ESTATE DESCRIPTION

PART OF THE NORTHWEST QUARTER OF SECTION 17 TOWNSHIP 33 NORTH, RANGE 13 EAST, JACKSON TOWNSHIP, DEKALB COUNTY, INDIANA, AS SURVEYED BY AND SHOWN ON A PLAT OF SURVEY CERTIFIED BY ANGELA D. WALLACE LS #1200016 ON MARCH 5TH, 2024, AS PROJECT NUMBER 23-677, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT HARRISON MONUMENT AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 17 TOWNSHIP 33 NORTH, RANGE 13 EAST; THENCE NORTH 89 DEGREES 47 MINUTES 15 SECONDS EAST, (INDIANA GEOSPATIAL COORDINATE SYSTEM - DEKALB CO. BASIS OF BEARINGS), ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 845.81 FEET; THENCE SOUTH 02 DEGREES 13 MINUTES 13 SECONDS WEST, A DISTANCE OF 50.05 FEET TO A 5/8" REBAR W/ RUSSELL IDENTIFICATION CAP AT THE NORTHEAST CORNER OF LOT 1 IN THE PLAT OF HEALY'S HILL ADDITION AS RECORDED IN PLAT BOOK 8 PAGE 30 WITHIN THE OFFICE OF THE RECORDER OF DEKALB COUNTY, INDIANA; THENCE CONTINUING SOUTH 02 DEGREES 13 MINUTES 13 SECONDS WEST, A DISTANCE OF 656.00 FEET TO A 5/8"X1/4" REBAR W/ WALLACE-LS1200016 IDENTIFICATION CAP (5/8" WALLACE); THENCE SOUTH 89 DEGREES 47 MINUTES 15 SECONDS WEST, A DISTANCE OF 179.50 FEET TO A 5/8" WALLACE; THENCE NORTH 02 DEGREES 13 MINUTES 13 SECONDS EAST, A DISTANCE OF 564.62 FEET TO A 5/8" WALLACE; THENCE NORTH 08 DEGREES 16 MINUTES 12 SECONDS WEST, A DISTANCE OF 92.23 FEET TO A 5/8" WALLACE ON NORTH LINE OF SAID LOT 1; THENCE NORTH 89 DEGREES 47 MINUTES 15 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 130.31 FEET TO THE POINT OF BEGINNING, CONTAINING 2.628 ACRES OF LAND, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 56, JOHN COO. LATERAL DRAIN, THE PLAT OF HEALY'S HILL ADDITION, DOC. #20106601, DOC. #201200958, DOC. #201200957, AND ALL OTHER RIGHTS OF WAY AND EASEMENTS.

### AUDITOR'S STAMP

### RECORDER'S STAMP

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: 24-09  
Date Application Filed: 3/7/2024  
Fee Paid: pd cl  
3/8/2024

**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: Marvin Schwartz  
Mailing Address: 5914 County Road 55  
St. Joe, IN 46785  
Telephone Number: (260) 645-0711 E-Mail: marv@all-trade-construction.com

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

Owner's Name: Jayden & Malachi Schwartz  
Address: 5914 County Road 55  
St. Joe, IN 46785  
Telephone Number: (260) 645-0711 E-Mail: \_\_\_\_\_

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

Representative: Joseph R. Herendeen, PS, Sauer Land Surveying, Inc.  
Address: 14033 Illinois Road, Suite C  
Fort Wayne, IN 46814  
Telephone Number: (260) 469-3300 E-Mail: joe@sauersurveying.com

**Legal Ad Payment & Public Hearing Notifications: Applicant \_\_\_ Owner \_\_\_ Representative**

**Name of Proposed Subdivision:** J&M Properties

**Number of Parcels & Total Area (square feet or acreage):**  
1 lot, 21.910 acres

**Address or Parcel ID # of property:**

County Road 52, Part of Parcel No. 17-11-02-400-005.000-002

**Legal description of property affected:**

Part of the East Half of the Southeast Quarter of Section 2, Township 33 North, Range 14 East, containing 21.910 acres.

**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:  Joseph R. Herendeen, PS, as agent  
(If signed by representative for applicant, state capacity)



*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:** Jayden & Malachi Schwartz

**SUBJECT SITE:** north side of County Road 52, approximately one-quarter mile west of the intersection of County Road 52 and State Road 101, Butler

**REQUEST:** 1 Lot Minor Subdivision – J&M Properties

**EXISTING ZONING:** A2: Agricultural

**SURROUNDING LAND USES AND ZONING:** North: Farm Ground (A2)  
South: Farm Ground (A2)  
East: Single Family Residential (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 6.08 Maximum of 4 total lots (including residual parent tract of land) may be generated from any single parent tract.**

- Parcel 02-11-02-400-005 is considered the parent parcel. This is the 1<sup>st</sup> buildable split from parent parcel -005.
- 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: 21.71 net acres
  - *Minimum Lot Width: 160 feet*
    - Proposed Lot 1 Width: 420.9 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: 290.48 feet
- This division of land fronts the following roads:
  - County Road 52 is considered a County Local Road with a projected total right-of-way width of 60 feet.
    - Proposed right-of-way dedication: 30 feet



## **JURISDICTIONAL FINDINGS:**

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

1. Application completed and filed on **March 7, 2024**
2. Legal notice published in The Star on **March 22, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **March 18, 2024**
5. Letter from County Highway dated **March 11, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **March 8, 2024**
7. Letter from the Drainage Board, dated **March 15, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Sauer Land Surveying**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

## **PROPOSED FINDINGS OF FACT:**

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

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?  
*Yes, the minor subdivision will be used for 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 52 with dedication of right of way. The driveway has been staked and approved 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.





**Waterway (Status)**  
 — Regulated Drain

**Waterway (Type)**  
 — Small Stream/Creek  
 — Tile Drain

**Survey Division Lot**  
 □ Lots

**Tax Parcel**  
 □ Tax Parcel  
 □ County Limits

**Waterbodies**  
 □ Marsh/Swamp  
 □ Pond - Recreational  
 — Proposed Subdivisions

**Flood Zone New 2023**  
 ZONE\_SUBTY  
 □ 0.2 PCT ANNUAL CHANCE FLOOD HAZARD  
 □ APPROXIMATE FLOODWAY  
 □ FLOODWAY  
 □ <all other values>





**SURVEYOR'S REPORT**

Prepared as a part of the foregoing survey.

Address: County Road 52, Butler, IN 46721

This survey is intended to create a new tax parcel lying entirely within the record boundaries of a tract of real estate as described in a Limited Liability Company Warranty Deed from Westrick, LLC, to Jayden M. Schwartz and Malachi Z. Schwartz, dated March 1, 2024, as Document Number 202401111 in the Office of the Recorder of DeKalb County, Indiana.

In Accordance with Title 865, Article 1.1, Chapter 12, Sec. 1 et. seq. of the Indiana Administrative Code, the following observations and opinions are submitted regarding various uncertainties in (a) reference monuments, (b) lines of occupation, (c) record descriptions, and (d) those uncertainties due to random errors in measurement ("relative positional accuracy"). There may be unwritten rights associated with these uncertainties.

- REFERENCES: Copies of the following documents were reviewed in completion of this survey:
-The deeds of the subject tract and the adjoining tracts, as shown on the plat of survey.
-DeKalb County Surveyor's Section Corner Records.
-The plat of Secluded Woods, Document Number 200906372.
-A survey of the base tract by Sauer Land Surveying, Inc., Survey No. 147-116 "A", dated February 22, 2024.
-A survey of the 63.58 acre base tract by Tri-County Land Surveying, P.C., Document Number 201300915.
-A survey of the West adjoining Lund tracts by Sauer Land Surveying, Inc., Survey No. 147-116, dated October 26, 2023.

(A) AVAILABILITY OF REFERENCE MONUMENTS:
The existing monuments of the Public Land Survey corners were held as controlling corners and were used as the basis for this survey. The found monuments are considered by the undersigned surveyor to be "local corners" which are subject to undiscovered evidence regarding the true location of said corners. The corners of subject tract are marked as shown on the survey certificate in conformity with said survey monuments. Uncertainties based on existing monuments are not readily determinable due to the use of said local corners. The following monuments were accepted as the location of the Public Land Survey corners:

- The Southeast corner of Section 2.....Survey nail found as shown on above-referenced surveys.
-The East Quarter corner of Section 2.....No monument evidence found (see below).
-The South Quarter corner of Section 2.....Railroad spike found as shown on above-referenced surveys.
-The Center of Section 2.....3 inch Steel post found as shown on above-referenced surveys.

The East Quarter corner of Section 2 was established by using survey geometry as shown on the above-referenced survey and found monuments. The lines of the Southeast Quarter of Section 2 were all established by using the above-referenced monuments. The Southeast Quarter of said Section 2 was further subdivided by aliquot division. Uncertainties due to variances between found controlling monuments and record distances were determined to be a maximum of 0.8 feet in the East-West direction. Uncertainties due to variances between all found monuments and record distances were determined to be 0.8 feet in any direction.

(B) OCCUPATION AND/OR POSSESSION LINES:

Occupation and/or possession lines near the perimeter of subject tract are shown on the plat of survey with the variances from the boundary lines as established in this survey. Encroachments and/or discrepancies may be buried or otherwise obscured by natural or man-made obstructions. There are no observable uncertainties in occupation and/or possession lines.

(C) AMBIGUITY OF RECORD DESCRIPTIONS:

Upon review of the most current deeds of record, the base tract description does not contain any ambiguity with any of the adjoiners' descriptions. Therefore, there are no uncertainties based upon record descriptions.

(D) RELATIVE POSITIONAL ACCURACY:

The relative positional accuracy representing the uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specifications for a Rural Survey (0.26 feet plus 200 ppm) as defined by IAC 865.

(E) ESTABLISHMENT OF LINES AND CORNERS:

- 1. The most Southerly line of subject tract was established on and along the South line of the Southeast Quarter.
2. The West line of subject tract was established on and along the West line of the East Half of the Southeast Quarter.
3. The North line of subject tract was established on and along the North line of the Southeast Quarter.
4. The remaining lines of subject tract were established at the direction of the client.

(F) NOTES:

- 1. This survey is an opinion of a licensed land surveyor of the State of Indiana as to the actual location of the lines and corners outlined in the deed description. This opinion is based on logic, relevant field and research evidence, and established surveying principles. However, this opinion is subject to the interpretation of its deed description, and the boundaries of adjacent tracts may not be consistent with the boundaries of the subject tract. As a consequence, another surveyor may arrive at a different conclusion and different location of the boundaries.
2. A survey cannot resolve uncertainties in the position of the original boundaries that exist. Only courts may establish property lines. The boundaries were established from the most current recorded descriptions. An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.
3. The flood statement hereon is for informational purposes only. Accurate determination of the flood hazard status of the property can only be made by an elevation study which is beyond the scope of this survey.
4. No attempt has been made to review or come to an opinion on the title or marketability of the title. Any appearance of an opinion on the title is unintentional.
5. Unplatted easements, setback lines, restrictive covenants, or land use regulations affecting the subject tract are shown only when documentation of such matters has been furnished by the client.
6. All documents of record and information from other public sources referred to in this survey are hereby incorporated as part of this survey as if fully set out.
7. No attempt has been made to determine the zoning status of the property. It is the responsibility of the parties involved in the real estate transaction to determine compliance with zoning regulations.
8. Any fence or other evidence of possession which varies from the written title lines may constitute adverse possession or prescriptive rights.
9. Subsurface and environmental conditions were not examined or considered as a part of this survey.
10. Any acreage shown is based on the boundaries established from the deed description and no certification is made that the land area shown on the survey is the exact acreage owned by the client.
11. Expression of distances to hundredths of a foot and angles to seconds of arc is solely to minimize errors introduced by rounding. Neither distances nor angles can be measured to the degree of precision implied by the stated units. No dimension on the survey can be interpreted to be of greater precision than the theoretical uncertainty stated in Part (D) of the Surveyor's Report.
12. Since the last date of fieldwork of this survey, conditions beyond the knowledge or control of Sauer Land Surveying, Inc. may have altered the validity and circumstances of matters shown or noted hereon.
13. Declaration is made to original purchaser of the survey, and is not transferable to additional institutions or subsequent owners. This survey is valid only with the surveyor's original or electronic signature and seal, full payment of invoice, and complete with all pages of the survey.
14. No statement made by any employee or agent of Sauer Land Surveying, Inc. is valid unless written herein.

**PLAN COMMISSION CERTIFICATE**

Under authority provided by Chapter 174- Acts of 1947, enacted by the General Assembly of the State of Indiana and all acts amendatory thereto, and in ordinance adopted by the Board of County Commissioners of DeKalb County, Indiana, this plat was given approval by the County of DeKalb as follows:

Approved by the County Plan Commission at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2024.

Chairman

Zoning Administrator

# J & M PROPERTIES

A subdivision of part of the East Half of the Southeast Quarter of Section 2, Township 33 North, Range 14 East, DeKalb County, Indiana.

Owners & Developers:
Jayden M. Schwartz &
Malachi Z. Schwartz
5914 County Road 55
St. Joe, IN 46785

Surveyor - Planner:
Sauer Land Surveying, Inc.
14033 Illinois Road, Suite C
Fort Wayne, IN 46814
Tel: 260/469-3300

**DESCRIPTION:**

Part of the East Half of the Southeast Quarter of Section 2, Township 33 North, Range 14 East, DeKalb County, Indiana, being more particularly described as follows, to-wit:

Commencing at the Southeast corner of said Section 2, being marked by a survey nail; thence South 89 degrees 29 minutes 52 seconds West (deed bearing and basis of all bearings in this description), on and along the South line of said Southeast Quarter, being within the right-of-way of County Road 52, a distance of 1015.32 feet to a survey nail at the true point of beginning; thence South 89 degrees 29 minutes 52 seconds West, continuing on and along said South line and within said right-of-way, a distance of 290.48 feet to the Southwest corner of the East Half of said Southeast Quarter; thence North 01 degrees 29 minutes 36 seconds West, on and along the West line of the East Half of said Southeast Quarter, a distance of 2658.22 feet to the Northwest corner of the East Half of said Southeast Quarter; thence North 89 degrees 49 minutes 55 seconds East, on and along the North line of said Southeast Quarter, a distance of 420.90 feet to a #5 rebar; thence South 01 degrees 37 minutes 26 seconds East and parallel with the East line of said Southeast Quarter, a distance of 1079.71 feet to a #5 rebar; thence South 89 degrees 39 minutes 52 seconds West, distance of 98.77 feet; thence South 01 degrees 37 minutes 26 seconds East and parallel with the East line of said Southeast Quarter, a distance of 1151.42 feet to a #5 rebar; thence South 89 degrees 29 minutes 52 seconds West and parallel with the South line of said Southeast Quarter, a distance of 37.67 feet to a #5 rebar; thence South 01 degrees 37 minutes 26 seconds East and parallel with the East line of said Southeast Quarter, a distance of 425.020 feet to the true point of beginning, containing 21.910 acres of land, subject to legal right-of-way for County Road 52, and subject to all easements of record.

**DEED OF DEDICATION**

We, the undersigned, Jayden M. Schwartz and Malachi Z. Schwartz, owners of said real estate shown and described herein, do hereby layoff, plat and subdivide, said real estate in accordance with the within plat. This subdivision shall be known and designated as "J & M PROPERTIES", an addition to DeKalb County, Indiana. All streets shown and not heretofore dedicated are hereby dedicated to the public. Front, side, and rear yard building setback lines are hereby established as shown on this plat, between which lines and property lines of the streets, there shall be erected or maintained no building or structure. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision, shall take their titles subject to all easements of record.

Witness our Hand and Seal this \_\_\_\_ day of \_\_\_\_\_, 2024.

Jayden M. Schwartz

Malachi Z. Schwartz

State of Indiana )

) §

County of \_\_\_\_\_ )

Before me the undersigned Notary Public, in and for the County and State, personally appeared JAYDEN M. SCHWARTZ and MALACHI Z. SCHWARTZ, 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 \_\_\_\_\_, 2024.

Notary Public

Printed Name

Resident of \_\_\_\_\_ County

My commission expires: \_\_\_\_\_

**RESTRICTIVE COVENANTS:**

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

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

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

No 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 commission may enforce these conditions by injunctive relief with attorney fees.

**Drainage Board Covenants:**

- a. No private or mutual drain of any type shall be connected from within any lot within this subdivision to the Joseph Sechler No. 422-00-0 without first submitting written request, along with plans and specifications for said drain 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 Joseph Sechler No. 422-00-0 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 Joseph Sechler No. 422-00-0 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.

Note: An abstract or title search may reveal the existence of matters of ownership and rights of others not otherwise apparent. As of this date, no title commitment has been provided for review.

This property appears to lie within Zone X as the description plots by scale on Flood Insurance Rate Map Number 18033C 0280E, effective September 29, 2006.

**CERTIFICATE OF SURVEYOR**

I, Joseph R. Herendeen, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; that based on my knowledge, experience and belief this plat and accompanying legal description accurately depicts a survey completed and certified by the undersigned; that all corners are marked with 24 inch long #5 rebars bearing plastic caps imprinted "SLSI Firm 048".

I, Joseph R. Herendeen, certify the above statements to be correct to the best of my information, knowledge, and belief. 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.

Joseph R. Herendeen, Indiana Professional Surveyor

Date: 03/12/2024

