

MINUTES
DEKALB COUNTY PLAT COMMITTEE
Tuesday, July 10, 2018

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 Director/Zoning Administrator Chris Gaumer.

ROLL CALL:

Members Present: Tim Griffin, Sandra Harrison and Elysia Rodgers

Members Absent:

Staff Present: Director/Zoning Administrator Chris Gaumer, Assistant Director Dawn Mason & Secretary Caeli Hixson

Community Representatives Present: None

Public in Attendance: Todd Bauer, Jerry Teders, Roger Creager, Holly Creager, Carl Hixson, Patricia Hixson, Lucas Souder, Roman Miller, Jonas Bontrager

APPROVAL OF MINUTES:

Motion was made by Sandra Harrison and seconded by Tim Griffin to approve the June 12, 2018 minutes.

OLD BUSINESS:

None

NEW BUSINESS:

A public hearing was conducted pursuant to proper legal notice.

Petition #18-11 - James Grimm requesting a 1 lot subdivision. The property is located on County Road 41 just north of State Road 8 in Auburn, Indiana and is zoned A2, Agricultural.

Assistant Director Dawn Mason read the report.

Mr. Gaumer said that this did go to the BZA for a lot frontage variance that was approved allowing 40 feet.

Mr. Bauer said that initially they submitted to have 25 foot lot frontage but through prolonged discussion it was agreed that 40 feet would be acceptable.

Mr. Gaumer said that it was 2 lots that were approved but this is for just one of those lots.

Mr. Bauer said that there were two family members looking to purchase and build a home however, one family member has found other ground and that is why they are only requesting a 1 lot subdivision.

Mr. Gaumer asked if there were any questions or concerns from the audience.

There were none.

Mr. Gaumer closed the public hearing.

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 5/31/18
2. Legal notice published in The Star on 6/22/18 and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff. YES

4. Letter from the County Board of Health, dated 6/4/18
5. Letter from the County Highway Department, dated 6/4/18
6. Report from the DeKalb County Soil & Water Conservation District 6/4/18
7. Letter from the County Surveyor or Drainage Board, dated 6/13/18
8. Airport Board report, if applicable N/A
9. Plat prepared by **Foresight Consulting, LLC**
10. The real estate being developed is in Zoning District A2 which permits the requested development.

FINDINGS OF FACT - UDO REQUIREMENTS:

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

Yes, the minor subdivision will be used for residential purposes, which is compatible to the existing and adjacent land use.

2. Does the Minor Subdivision conform to the following UDO standards:

- a) Minimum width, depth & areal of lot(s)
- b) Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. Adequate access off **CR 41**.
- c) The extension of water, sewer & other municipal services, if applicable or required. Or private septic system and water: **private**.
- 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.

Yes, all applicable standards conform to the UDO requirements.

CONDITIONS OF APPROVAL:

STANDARD CONDITIONS TO BE RECORDED ON OR WITH THE PLAT:

1. 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.
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 this site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants shall be on the plat.
5. The appropriate drainage covenants shall be on the plat.
6. The appropriate airport zone covenants shall be on the plat.

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 any floodplain management ordinance.
4. Comply with any wetland laws and regulations where applicable.

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 **6/1/18**
2. Legal notice published in The Star on **6/22/18** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff and notice to each land owner in the Plat being vacated. **YES**
4. Letter from the County Board of Health, dated **6/20/18**
5. Letter from the County Highway Department, dated **N/A**
6. Report from the DeKalb County Soil & Water Conservation District **6/4/18**
7. Letter from the County Surveyor or Drainage Board, dated **N/A**
8. Pursuant to I.C. 36-7-4-711 the Plan Commission has exclusive control over vacation of Plats or parts of Plats. Provided the County Commissioner's approval is also needed for vacation of public ways, streets or alleys. See I.C. 36-7-3-12.
9. The Zoning District is **A2 - Agricultural**
10. Is the vacation in harmony with the Comprehensive Plan of the County? **YES**
11. Has the petition met the following requirements as stated in the UDO 9.25 F.2.(a) (b) & (c) and I.C.36-7-4-711(b):
 - Properly stated the reasons for and the circumstances prompting the request:
Yes **X** No
 - Specifically described the property in the plat proposed to be vacated:
Yes **X** No
 - Given the name and address of every other owner of land in the plat:
Yes **X** No
 - What covenants of record does Petition seek to vacate [I.C. 36-7-4-711(c)]? **All recorded with original plat**
 - Have all land owners of the Plat been given an opportunity to comment [I.C. 36-7-4-711 (e)]? Yes **X** No

FINDINGS OF FACT (UDO SECTION 9.25 H(4)(A) & IC 37-7-4-711(F) (1-3)

1. **Have conditions in the platted area been changed so as to defeat the original purpose of the plat?**
Yes, the owners would like to add acreage to their lot and maintain its buildable status.
2. **Is it in the public interest to vacate all or part of the plat?**
Yes, the vacation will allow for new property lines to be cleaned up through a replat of Eicher Farm Division 1
3. **The value of the land in the plat not owned by the Petitioner will not be diminished by the vacation:**
The entire platted subdivision is solely owned by the petitioners.

In event of a protest, the remonstrator, needs to show evidence of the following grounds in UDO Article 9.25 H(3)

- a. The vacation will not hinder the growth or orderly development of the unit or neighborhood in which it is location or which it is contiguous. UDO Article 9.25 (H)
- b. The vacation will not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. UDO Article 9.25 (H)

- c. The vacation will not hinder the public access to a Church, School or other Public Building or Place. UDO Article 9.25 (H)
- d. The vacation will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous. UDO Article 9.25 (H)

CONDITIONS IMPOSED BY PLAN COMMISSION I.C. 36-7-4-711 (G):

- 1. Are there any drainage covenants?
None
- 2. Are there any land use conditions?
None
- 3. There is not an adverse effect on the public health, convenience, safety, morals or general welfare:
None

COMMITMENTS:

- 1. Does Petitioner make any commitments?
None

RECITAL - RECORDATION:

- 1. According to the UDO, a copy of this decision shall be filed with the DeKalb County Recorder's Office so that the Plat Vacation is made of record. The instrument for recording shall be approved by the County Attorney. Recordation to be done within sixty (60) days of when the Zoning Administrator deems any applicable conditions have been met.
- 2. Zoning Administrator will determine when conditions are met before recording of plat.

IT IS THEREFORE, THE DECISION OF THE PLAT COMMITTEE TO ADOPT SAID FINDINGS AND THAT PLAT VACATION #18-12, #18-13 AND #18-14 FOR CALEB MILLER SUBDIVISION, EICHER FARM DIVISION 1 AND LOTS 3, 4 AND 5 OF EICHER FARM DIVISION 2 IS APPROVED ON THIS 10TH DAY OF JULY, 2018.

Sandra Harrison made motion to approve Petitions #18-12, #18-13 and #18-14, seconded by Elysia Rodgers.

Vote tally: Yes: 3 No:

Tim Griffin
Tim Griffin
Elysia Rodgers
Elysia Rodgers

Sandra Harrison
Sandra Harrison

Petition #18-15 - Dewayne & Laura Eicher, Jonas & Deloris Bontrager, Caleb & Rosalyn Miller and Margaret Eicher requesting to Replat Eicher Farm Division 1. The property is located on State Road 1 just south of County Road 64 in Spencerville, Indiana and is zoned A2, Agricultural.

Assistant Director Dawn Mason read the report.

The parcels that were involved with the previous vacations will be involved with this replat with additional acreage being added in. All requirements will be met with the exception of an approved variance for lot frontage in petition #2017-14.

Mr. Gaumer asked if there were any questions.
There were none.
Mr. Gaumer closed the public hearing.

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 **6/1/18**
2. Legal notice published in The Star on **6/2/18** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff. **YES**
4. Letter from the County Board of Health, dated **6/20/18**
5. Letter from the County Highway Department, dated **6/4/18**
6. Report from the DeKalb County Soil & Water Conservation District **6/4/18**
7. Letter from the County Surveyor or Drainage Board, dated **5/11/18**
8. Airport Board report, if applicable **N/A**
9. Plat prepared by **Tri-County Land Surveying**
10. The real estate being developed is in Zoning District **A2** which permits the requested development.

FINDINGS OF FACT - UDO REQUIREMENTS:

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

Yes, the minor subdivision is currently being used for residential purposes, which is compatible to the existing and adjacent land use.

2. **Does the Minor Subdivision conform to the following UDO standards:**

- a) Minimum width, depth & areal of lot(s)
- b) Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. Adequate access off: **State Road 1**
- c) The extension of water, sewer & other municipal services, if applicable or required. Or private septic system and water: **private**
- 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.

Yes, all applicable standards conform to the UDO requirements.

CONDITIONS OF APPROVAL:

STANDARD CONDITIONS TO BE RECORDED ON OR WITH THE PLAT:

1. 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.
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 this site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants shall be on the plat.
5. The appropriate drainage covenants shall be on the plat.

6. The appropriate airport zone covenants shall be on the plat.

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 any floodplain management ordinance.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant if needed for compliance with Airport Board requirements.
6. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. And further, where 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 PLAT COMMITTEE TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #18-15, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 10TH DAY OF JULY, 2018.

Elysia Rodgers made motion to accept Petition #18-15, seconded by Tim Griffin.

Vote tally: Yes: 3

No:

Tim Griffin

Tim Griffin

Elysia Rodgers

Elysia Rodgers

Sandra Harrison

Sandra Harrison

Petition #18-16 - Lucas Souder requesting a 1 lot subdivision. The property is located on County Road 72 just west of County Road 27 in Auburn, Indiana and is zoned A2, Agricultural.

Assistant Director Dawn Mason read the report.

Mr. Gaumer asked if there were any questions.

There were none.

Mr. Gaumer closed the public hearing.

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 **6/4/18**
2. Legal notice published in The Star on **6/22/18** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff. **YES**
4. Letter from the County Board of Health, dated **6/15/18**
5. Letter from the County Highway Department, dated **6/12/18**
6. Report from the DeKalb County Soil & Water Conservation District **6/5/18**
7. Letter from the County Surveyor or Drainage Board, dated **5/25/18**
8. Airport Board report, if applicable **N/A (AC7)**
9. Plat prepared by **Tri-County Land Surveying**

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

FINDINGS OF FACT - UDO REQUIREMENTS:

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

Yes, the minor subdivision will be used for residential purposes, which is compatible to the existing and adjacent land use.

2. **Does the Minor Subdivision conform to the following UDO standards:**

- a) Minimum width, depth & areal of lot(s)
- b) Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. Adequate access off: **CR 72**
- c) The extension of water, sewer & other municipal services, if applicable or required. Or private septic system and water: **private**
- 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.

Yes, all applicable standards conform to the UDO requirements.

CONDITIONS OF APPROVAL:

STANDARD CONDITIONS TO BE RECORDED ON OR WITH THE PLAT:

1. 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.
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 this site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
4. The appropriate agricultural covenants shall be on the plat.
5. The appropriate drainage covenants shall be on the plat.
6. The appropriate airport zone covenants shall be on the plat.

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 any floodplain management ordinance.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant if needed for compliance with Airport Board requirements.
6. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. And further, where 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 PLAT COMMITTEE TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #18-16, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 10TH DAY OF JULY, 2018.

Motion was made by Sandra Harrison to approve Petition #18-16, seconded by Elysia Rodgers.

Vote tally: Yes: 3

No:

Tim Griffin

Tim Griffin

Elysia Rodgers

Elysia Rodgers

Sandra Harrison

Sandra Harrison

Petition #18-17 - Carl & Patricia Hixson requesting a 1 lot subdivision. The property is located on County Road 60 just west of County Road 7 in Garrett, Indiana and is zoned A2, Agricultural. Assistant Director Dawn Mason read the report. There was a letter from Kenneth Robertson, a neighbor, stating that he had heard the house going on this lot will be a modular home and he is concerned that his home value will decrease because of this.

Mr. Gaumer said that manufactured homes are a permitted structure provided they meet certain standards in their district so when looking at whether to approve or deny this petition we have to look at only the subdivision itself and not what type of house will be built. When they come to apply for permits is when what type of home they are building will be addressed and brought forward if need be.

Mrs. Creager stated that they had initially looked in to building a modular home but that they have decided to build with Granite Ridge and so it will be a stick built home.

Mr. Gaumer asked if there were any questions.

There were none.

Mr. Gaumer asked if there were any questions or concerns from the audience.

There were none.

Mr. Gaumer closed the public hearing.

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 **6/8/18**
2. Legal notice published in The Star on **6/22/18** and affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff. **YES**
4. Letter form the County Board of Health, dated **6/15/18**
5. Letter from the County Highway Department, dated **6/12/18**
6. Report from the DeKalb County Soil & Water Conservation District **6/11/18**
7. Letter from the County Surveyor or Drainage Board, dated **6/15/18**
8. Airport Board report, if applicable **N/A**
9. Plat prepared by **Tri-County Land Surveying**
10. The real estate being developed is in Zoning District **A2** which permits the requested development.

FINDINGS OF FACT - UDO REQUIREMENTS:

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

Yes, the minor subdivision will be used for residential purposes, which is compatible to the existing and adjacent land use

2. Does the Minor Subdivision conform to the following UDO standards:

- a) Minimum width, depth & areal of lot(s)
- b) Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required. Adequate access off: **CR 60**
- c) The extension of water, sewer & other municipal services, if applicable or required. Or private septic system and water: **private**
- 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.

Yes, all applicable standards conform to the UDO requirements.

CONDITIONS OF APPROVAL:

STANDARD CONDITIONS TO BE RECORDED ON OR WITH THE PLAT:

- 1. 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.
- 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 this site. The Plan Commission may enforce these conditions by injunctive relief with attorney fees.
- 4. The appropriate agricultural covenants shall be on the plat.
- 5. The appropriate drainage covenants shall be on the plat.
- 6. The appropriate airport zone covenants shall be on the plat.

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 any floodplain management ordinance.
- 4. Comply with any wetland laws and regulations where applicable.
- 5. Provide covenant if needed for compliance with Airport Board requirements.
- 6. No Certificate of Occupancy or Certificate of Completion shall be issued until the applicant files written evidence of compliance with any conditions of the DeKalb County Board of Health, DeKalb County Highway Dept., DeKalb County Drainage Board or DeKalb County Surveyor, DeKalb County Airport, DeKalb County Soil & Water Conservation, or other agency as applicable. And further, where 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 PLAT COMMITTEE TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #18-17, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 10TH DAY OF JULY, 2018.

Tim Griffin made motion to approve Petition #18-17, seconded by Sandra Harrison.

Vote tally: Yes: _____ No: _____

Tim Griffin
Tim Griffin

Elysia Rodgers
Elysia Rodgers

Sandra Harrison
Sandra Harrison

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:00 a.m.

Tim Griffin
Plat Committee Member

Sandra Harrison
Plat Committee Member