

DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

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

AGENDA

DeKalb County Plan Commission

Plat Committee

Commissioners Court – 2nd Floor DeKalb County Court House

Tuesday, December 8, 2020

8:30 AM

1. Roll call
2. Approval of Minutes: November 10, 2020
3. Old Business:
None
4. New Business:
Petition #20-39 – Frederick Robke, requesting a 1 Lot Minor Subdivision – Leverton Addition Section II to create a buildable lot. The property is located at 6414 County Road 327, Garrett, Indiana and is zoned A2, Agricultural.
5. Adjournment
Next Meeting: January 12, 2020

**If you cannot attend, please contact Isabella Mowan:
imowan@co.dekalb.in.us or 260-925-1923**

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

****No cellphones, tablets, laptops or weapons permitted.**

Protective Face Masks are required.

MINUTES
DEKALB COUNTY PLAT COMMITTEE
Tuesday, November 10, 2020

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 Tim Griffin.

ROLL CALL:

Members Present: Sandra Harrison, Tim Griffin, Bill Van Wye and Elysia Rodgers

Members Absent: None

Staff Present: Director/Zoning Administrator Chris Gaumer and Secretary Isabella Mowan

Staff Absent: None

Public in Attendance: Jerry Teders, Brad Dangler, Angela Dangler and Steve Culler.

APPROVAL OF MINUTES: October 13, 2020 and October 27, 2020 Minutes

OLD BUSINESS: None

NEW BUSINESS:

A public hearing was conducted pursuant to proper legal notice.

Petition #20-36 – CDH Holdings LLC & Nathaniel & Chante Hurraw, requesting a 1 Lot Minor Subdivision – The Last Harraw to create a buildable lot. The property is located at 0337 County Road 71, Hamilton, Indiana and is zoned A2, Agricultural.

Mr. Gaumer read the staff report.

Mr. Gaumer inquired if there were any questions.

Mr. Van Wye inquired if a wetland was off the front section of the road.

Mr. Gaumer replied that it was a potential wetland which is within the area that will not be buildable and if they wanted to get back to lineage, they may.

Mr. Griffin asked if there were any questions for the representative.

There were none.

Mr. Griffin asked if there were any objection or comments.

There were none.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **October 19, 2020**
2. Legal notice published in The Star on **October 30, 2020** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **October 28, 2020**
5. Letter from County Highway dated **October 19, 2020**
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 19, 2020**
7. Letter from the Drainage Board, dated **October 23, 2020**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Tri County 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 staff are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s)
 - 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 71*
 - c. The extension of water, sewer & other municipal services, if applicable or required.
Not Required: Private Septic System will be utilized.
 - 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.

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 shall be on the plat, if required.
5. The appropriate drainage covenants shall be on the plat, if required.
6. The appropriate 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, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
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. Further, where applicable, file written evidence of compliance with

Federal or State agencies were 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 #20-36, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 10TH DAY OF NOVEMBER, 2020.

Motion made by Sandra Harrison, Seconded by Bill Van Wye

Vote tally: Yes: 4 No: 0

Tim Griffin

Sandra Harrison

Elysia Rodgers

William Van Wye

Petition #20-37 - Steven & Catherine Culler, Bradley & Angela Dangler Applicants, requesting a 1 Lot Minor Subdivision – Timber Woods to create a buildable lot. The property is located at 4313 County Road 51, Butler, Indiana and is zoned A2, Agricultural.

A public hearing was conducted pursuant to proper legal notice.

Mr. Gaumer read the staff report.

Mr. Gaumer inquired if there were any questions.

There were none.

Mr. Griffin inquired if there were any questions for the petitioners or petitioner’s representative.

There were none.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **October 20, 2020**
2. Legal notice published in The Star on **October 30, 2020** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **October 28, 2020**
5. Letter from County Highway dated **October 20, 2020**
6. Report from the DeKalb County Soil & Water Conservation District, dated **October 20, 2020**
7. Letter from the Drainage Board, dated **October 23, 2020**
8. Airport Board report, if applicable: **not applicable**
9. Plat prepared by **Tri County 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 staff are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.

2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s)
 - 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 51
 - c. The extension of water, sewer & other municipal services, if applicable or required. Not Required: Private Septic System will be utilized.
 - 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.

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 shall be on the plat, if required.
5. The appropriate drainage covenants shall be on the plat, if required.
6. The appropriate 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, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
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. 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.

DeKalb County Planning Department
301 S. Union St.
Auburn, IN 46706
Ph: 260-925-1923
Fax: 260-927-4791

FOR OFFICE USE ONLY:
File Number: 20-39
Date Application Filed: 10/29/2020
pd - 10/29/20 ck# 1866

Application for SUBDIVISION
Minor Conventional Conservation Traditional
Strip Commercial District Industrial Park
(Section 9.22)

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

APPLICANT INFORMATION

Applicant's Name: FREDERICK W. ROBKE
Address: 5794 CR 327
GARRETT, IN. 46738
Telephone Number: (260) 494-8101

OWNER INFORMATION (if different from applicant information)

*Owner's Name: _____
*Address: _____
*Telephone Number: _____

RESPESENTATIVE INFORMATION (if different from applicant information)

*Representative: JERRY TEDERS, TRI-COUNTY LAND SURVEYING P.C.
*Address: 114 N. LOWEN ST.
GARRETT, IN. 46738
*Telephone Number: (260) 357-5454

Name of Proposed Subdivision: _____

Number of Parcels & Total Area (square feet or acreage):
1 LOT, 14.55 AC

Address or common description of property:
6414 CR 327
GARRETT, IN. 46738

Legal description of property affected:
PART OF THE SE 1/4, SECTION 21, T33N, R12E

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

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

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

1 inch = 250 feet



-002

-00

CR 327

6414

-005

6418

1

Leverton Addition

J. P. Ensley

-  Regulated Drain
-  Joint Drain
-  Roadside Ditch
-  Small Stream/Creek
-  Waterbody Centerline
-  Hidden Hydro Centerline
-  Tile Drain
-  Leverton_Addition_Secll

- Special Flood Hazard Area**
- Flood Zone w/ Floodway/Flood Fringe**
-  AE, Floodway
 -  AE, Flood Fringe
 -  Wetland_NWIMapData

- AddressPoint**
-  Active

- Survey Division Lot**
-  Lots
 -  Tax Parcel

-003

CR 64

-004

1166

6522

Frank Karas

LEVERTON ADDITION, SECTION II

AN ADDITION TO THE
SE 1/4, SECTION 21,
T33N, R12E, BUTLER TWP,
DEKALB COUNTY, INDIANA

LAND DESCRIPTION

THE BEARINGS AND DISTANCES IN THIS DESCRIPTION HAVE BEEN GENERATED USING NON STATE PLANE G.P.S. MEASUREMENTS COLLECTED DURING THE SURVEYING OF TRI-COUNTY LAND SURVEYING JOB NUMBER 20-044. PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 33 NORTH, RANGE 12 EAST, LOCATED IN BUTLER TOWNSHIP, DEKALB COUNTY, INDIANA AND BEING DESCRIBED AS FOLLOWS:
COMMENCING AT THE MAG NAIL MARKING THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 33 NORTH, RANGE 12 EAST; THENCE NORTH 01 DEGREE 32 MINUTES 22 SECONDS WEST (ASSUMED BASIS OF BEARING) ON AND ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER 1123.21 FEET TO A MAG NAIL MARKING THE NORTHEAST CORNER OF THE LEVERTON ADDITION, AS PER PLAT THEREOF RECORDED AS DOCUMENT NO. 20506701, PUBLIC RECORDS OF DEKALB COUNTY, INDIANA, SAID MAG NAIL ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 01 DEGREE 32 MINUTES 22 SECONDS WEST ON AND ALONG SAID EAST LINE 120.00 FEET TO A MAG NAIL; THENCE SOUTH 89 DEGREES 07 MINUTES 01 SECOND WEST, 55.00 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED LS9700007; THENCE SOUTH 01 DEGREE 32 MINUTES 22 SECONDS EAST, 80.00 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED LS9700007; THENCE SOUTH 89 DEGREES 07 MINUTES 01 SECOND WEST, 708.67 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED LS9700007; THENCE SOUTH 21 DEGREES 56 MINUTES 12 SECONDS WEST, 25.94 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED LS9700007; THENCE SOUTH 19 DEGREES 19 MINUTES 39 SECONDS WEST, 418.25 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED LS9700007; THENCE SOUTH 01 DEGREE 39 MINUTES 18 SECONDS EAST, 843.81 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED LS9700007; THENCE NORTH 89 DEGREES 07 MINUTES 01 SECOND EAST, 1392.07 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED LS9700007; THENCE NORTH 01 DEGREE 21 MINUTES 55 SECONDS WEST, 253.20 FEET TO A NO. 5 REBAR WITH PLASTIC CAP STAMPED LS9700007; THENCE NORTH 89 DEGREES 07 MINUTES 01 SECOND EAST, 389.05 FEET TO THE POINT OF BEGINNING, CONTAINING 14.55 ACRES PLUS OR MINUS AND BEING SUBJECT TO ALL APPLICABLE EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

RESTRICTIVE COVENANTS

The owner(s) of the lot within this subdivision agrees to reconceptize 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 plot 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 off site 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.

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 _____ 2020.

CHAIRMAN

ZONING ADMINISTRATOR

AIRPORT COVENANTS

a. Airport Zone: This development lies within the AC 7 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.

DEED OF DEDICATION

I the undersigned FREDERICK W. ROBKE owners of said real estate shown and described herein, do hereby lay off, plot and subdivide, said real estate in accordance with the within plat. This subdivision shall be known and designated as "LEVERTON ADDITION, SECTION II", on addition to Dekalb County, Indiana. All streets shown and not heretofore dedicated are hereby dedicated to the public. Front and side yard building setback lines are hereby established as shown on this plat, between which lines and property lines of the streets, there shall be erected or maintained no building or structure. There are strips of ground (NA) feet in width as shown on this plat and not heretofore reserved for the use of local utility companies for the installation of utility lines subject of all times to the proper authorities and to the easement herein reserved. No permanent or other structures now to be erected or maintained upon said strips of land, but owners of lots in this subdivision, shall take their titles subject to the rights of the public utilities, and to the rights of the owners of other lots in this subdivision.

Witness our Hands and Seals this _____ day of _____ 2020.

FREDERICK W. ROBKE

State of Indiana
County of Dekalb

Before me the undersigned Notary Public, in and for the State of Indiana, this _____ day of _____ 2020, personally appeared FREDERICK W. ROBKE, and _____, witnesses, 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 _____ 2020.

Notary Public

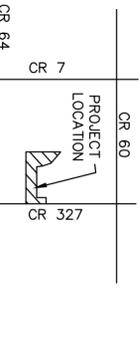
My Commission Expires _____

Printed Name _____

FREDERICK W. ROBKE

Witness _____

LOCATION MAP



BENCHMARK:

PROJECT BM = HARRISON MONUMENT
MARKING THE SW CORNER OF THE SE 1/4,
SECTION 21, T33N, R12E.
ELEV. = 837.33
SITE BM = 8" SPIKE IN THE WEST SIDE
OF 1&M POWER POLE #D418-45
ELEV. = 858.88.

SURVEYOR'S REPORT

- 1) IN ACCORDANCE WITH TITLE 865, ARTICLE 1.1, CHAPTER 1 THROUGH 34 OF INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS A RESULT OF:
 - A) VARIANCES IN THE REFERENCE MONUMENTS; SHOWN ON THE ATTACHED SURVEY;
 - B) DISCREPANCIES IN THE RECORD DESCRIPTIONS AND PLATS; SHOWN ON THE ATTACHED SURVEY;
 - C) INCONSISTENCIES IN LINES OF OCCUPATION;
 - D) RANDOM ERRORS IN MEASUREMENT (RELATIVE POSITIONAL ACCURACY);

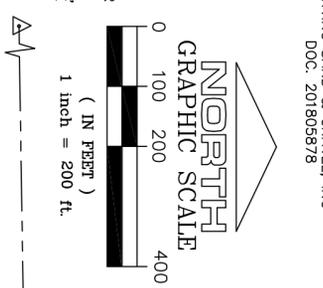
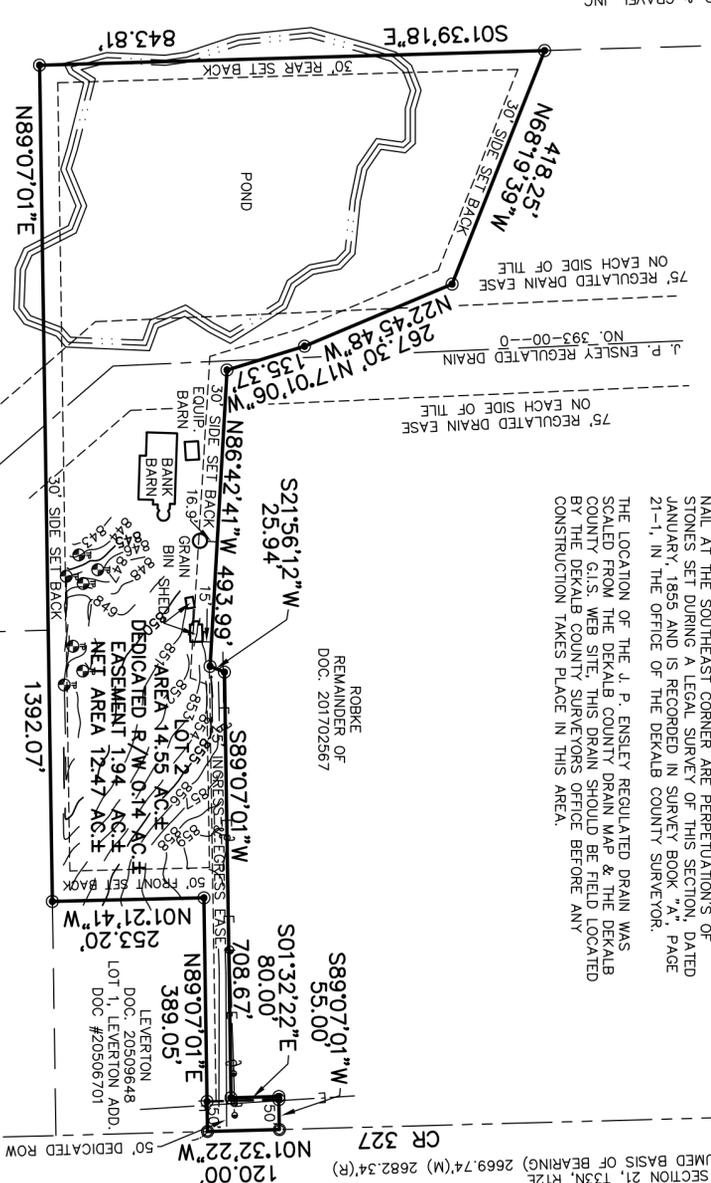
THE RELATIVE POSITIONAL ACCURACY (DUE TO RANDOM ERRORS IN MEASUREMENT) OF THE CORNERS OF THE SUBJECT TRACT ESTABLISHED BY THIS SURVEY IS WITHIN THE SPECIFIC TOLERANCES FOR A SUBURBAN SURVEY, 0.13 PLUS 100 PARTS PER MILLION (0.65) FEET AS DEFINED IN IAC 865.

THIS IS AN ORIGINAL SURVEY OF A 14.55 ACRE PORTION OF A TRACT OF REAL ESTATE DESCRIBED IN DOCUMENT #201702567, PUBLIC RECORDS OF DEKALB COUNTY, INDIANA.

MONUMENTATION: THE MONUMENTATION OF THE SOUTHEAST QUARTER OF SECTION 21, T33N, R12E IS AS SHOWN ON THE ATTACHED SURVEY. THE HARRISON MONUMENTS AND THE MAG NAIL AT THE SOUTHEAST CORNER ARE PERPETUATIONS OF STONES SET DURING A LEGAL SURVEY OF THIS SECTION, DATED JANUARY, 1855 AND IS RECORDED IN SURVEY BOOK "A", PAGE 21-1, IN THE OFFICE OF THE DEKALB COUNTY SURVEYOR.

THE LOCATION OF THE J. P. ENSLEY REGULATED DRAIN WAS SCALED FROM THE DEKALB COUNTY DRAIN MAP & THE DEKALB COUNTY G.I.S. WEB SITE. THIS DRAIN SHOULD BE FIELD LOCATED BY THE DEKALB COUNTY SURVEYORS OFFICE BEFORE ANY CONSTRUCTION TAKES PLACE IN THIS AREA.

2. No permanent structure of any type shall be placed within the J.P. ENSLEY REGULATED DRAIN NO. 1393-00-0 with out first entering into consent for variance for permanent structure which bears the owner of the land upon which the permanent structure is to be located and the Dekalb County Drainage Board;
3. No private crossing, control dam, or other permanent structure shall be placed on, over, or through J. P. ENSLEY REGULATED DRAIN NO. 1393-00-0 without first submitting a written request, along with plans and specifications for said permanent structure, and obtaining the written approval of the Dekalb County Drainage Board for said permanent structure.



- LEGEND**
- = SET IRC LS9700007 OR AS NOTED
 - (M) = MEASURED DISTANCE
 - (D) = DEED DISTANCE
 - (R) = RECORD DISTANCE
 - = SET RR SPIKE OR MAG NAIL
 - = TELEPHONE/CABLE TV BOX
 - IRC = 24" LONG #5 REBAR CAPPED
 - ⊙ = TEST HOLE
 - ⊕ = BENCHMARK
 - = UNDERGROUND CABLE MARKER
 - ⊖ = DRAIN INLET

DEVELOPER & OWNER:
FREDERICK W. ROBKE

SURVEYOR:
GERALD E. TEDERS P.L.S.
TRI-COUNTY LAND SURVEYING P.C.
114 N. COWEN STREET
GARRETT, INDIANA 46738

NOTE: THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A SCHEDULE "A" OR SCHEDULE "B" OF A TITLE POLICY WHICH MAY REVEAL INFORMATION ABOUT THIS REAL ESTATE WHICH IS NOT SHOWN ON THIS SURVEY.

FLOOD HAZARD STATEMENT:
ALL OF THE ABOVE DESCRIBED LAND DOES LIE WITHIN FLOOD HAZARD ZONE "X", NOT A FLOOD HAZARD AREA, AS SAID LANDS PLOT BY SCALE ON COMMUNITY PANEL NO. 1803300165E OF THE FLOOD INSURANCE RATE MAP FOR DEKALB COUNTY, INDIANA, DATED 9-29-2006.

NO.	DATE	REVISION PER D.C.P.C.	GET	BY
1	10-29-20			

ZONE: A2, AGRICULTURAL
SETBACKS: FRONT 50',
SIDE 30' FOR PRIMARY STRUCTURE, 10' FOR ACCESSORY STRUCTURE
REAR 30' FOR PRIMARY STRUCTURE, 10' FOR ACCESSORY STRUCTURE

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. GERALD E. TEDERS
1. GERALD E. TEDERS, A PROFESSIONAL LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF AND IN MY PROFESSIONAL OPINION, THIS PLAT AND DESCRIPTION REPRESENTS A TRUE AND ACCURATE SURVEY AS MADE BY ME AND/OR OTHERS UNDER MY DIRECTION, AND WAS COMPLETED IN ACCORDANCE WITH TITLE 865, ARTICLE 1, RULE 12, SECTIONS 1 THRU 29 OF THE INDIANA ADMINISTRATIVE CODE, ON X-XX-2020. ALL MONUMENTATION IS AS SHOWN ON THE PLAT OF SURVEY AND/OR AS CALLED FOR IN THE DESCRIPTION.

GERALD E. TEDERS, P.L.S. DATE
STATE OF INDIANA PROFESSIONAL LAND SURVEYOR NO. 9700007

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:

- PROPERTY OWNER:** Frederick Robke
- SUBJECT SITE:** 6414 County Road 327, Garrett
- REQUEST:** 1 Lot Minor Subdivision – Leverton Addition, Section II, Lot 2
- PURPOSE:** Create 1 buildable Lot
- EXISTING ZONING:** A2, Agricultural
- SURROUNDING LAND USES AND ZONING:** North: Farmground (A2)
South: Sand/Gravel Pit (A2)
East: Farmground (A2)
West: Sand/Gravel Pit (A2)

ANALYSIS:

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

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

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

Minor Subdivision Standards:

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

- Parcel 01-09-21-400-002 is considered the parent parcel and this is the 1st buildable split from parent parcel -002.
- 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 easements)*
 - Proposed Lot 2 Area: 12.47 net acres
 - *Minimum Lot Width: 160 feet*
 - Proposed Lot 1 Width: 843.81 feet
 - *Minimum Lot Frontage: 120 Feet*
 - Proposed Lot 1 Frontage: 120 feet

- This division of land fronts the following roads:
 - County Road 327 is considered Minor Arterial road with a projected total right-of-way width of 100 feet.
 - Proposed right-of-way dedication: 50 feet

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **October 29, 2020**
2. Legal notice published in The Star on **November 26, 2020** and Affidavit given to staff.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **November 3, 2020**
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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 staff are based off the knowledge and understanding of the proposed project.

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the minor subdivision will be used for a residential use, which is compatible to the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s)
 - 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 327
 - c. The extension of water, sewer & other municipal services, if applicable or required.
None Required. Private Septic System will be utilized.
 - 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.

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 shall be on the plat, if required.

5. The appropriate drainage covenants shall be on the plat, if required.
6. The appropriate 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, if required.
4. Comply with any wetland laws and regulations where applicable.
5. Provide covenant for compliance with Airport Board requirements, if required.
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. 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.