

MINUTES
DEKALB COUNTY PLAT COMMITTEE
Tuesday, October 1, 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 Sandra Harrison.

ROLL CALL:

Members Present: Sandra Harrison, Jason Carnahan, and Suzanne Davis

Members Absent: Elysia Rodgers and Jerry Yoder

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

Staff Absent: None

Public in Attendance: Renee Cox, Bill Etzler, Brent & JoAnn Ritenour, Cynthia & Bill Wolter, Chad Seiler, Lori & Bruce Getts, and Daniel Noll

PRAYER:

Jason Carnahan led prayer.

APPROVAL OF MINUTES:

Jason Carnahan moved to approve the minutes from September 3, 2024; seconded by Suzanne Davis. None opposed. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

Petition #24-36 – Cynthia M. & William J. Wolter requesting a 4 Lot Subdivision known as Home Place. The proposed 4 lot subdivision will be a total of 91.612 acres. The subdivision will be used for single-family residences. The property is located on the east side of County Road 35, approximately one-quarter mile south of the intersection of County Road 35 and County Road 68, Auburn, Indiana and is zoned A2, Agricultural.

Chris Gaumer read the staff report stating the location of the proposed lots to be included.

Sandra Harrison asked if there were any questions or comments from the board or public. Hearing none. She closed the public portion of the hearing.

Mr. Gaumer went over the proposed Findings of Fact.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **August 2, 2024**
2. Legal notice published in The Star on **September 20, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 10, 2024**
5. Letter from County Highway dated **August 13, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **August 19, 2024**
7. Letter from the Drainage Board, dated **August 29, 2024**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Abonmarche Consultants Inc.**
10. The real estate to be developed is in Zoning District A2 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the subdivision will be used for residential uses which is compatible with the existing and adjacent land uses.
2. Does the Minor Subdivision conform to the following UDO standards:
 - a. Minimum width, depth & area of lot(s).
Yes. See Plat & Staff Report.
 - b. Public way widths, grades, curves & the coordination of public ways with current and planned public ways, if applicable or required.
Adequate access off County Road 35 with dedication of right of way. Driveway locations have been reviewed and approved by the DeKalb County Highway Dept. Driveway Permits must be issued before any development begins.
 - 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.
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.

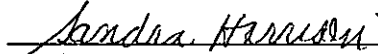
Conditions that will not be recorded but must be met:


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.

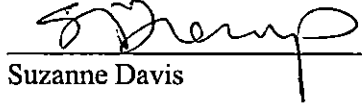
IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #24-36, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1ST DAY OF OCTOBER 2024.

Motion made by Suzanne Davis, Seconded by Jason Carnahan

Vote tally: Yes: 3 No: 0


Sandra Harrison


Jason Carnahan


Suzanne Davis

Petition #24-37 – Ruben Wickey requesting a 1 Lot Subdivision known as Girod’s Subdivision. The proposed 1 lot subdivision will be a total of 6.147 acres. The subdivision will be used for a single-family residence. The property is located on the south side of County Road 60, approximately one-tenth mile west of the intersection of County Road 60 and State Road 1, Saint Joe, Indiana and is zoned R2, Medium Density Residential.

Mr. Gaumer read the staff report. He addressed why no soil borings were located on the Plat. The property will be connected to the St. Joe Sewer System.

Mrs. Harrison asked if there were any questions or comments from the board. She opened the public portion of hearing up to any comments. Renee Cox approached the podium stating that she’s here representing the buyer. She stated that he will be constructing a single-family residence within the next year once approved. She thanked the board for their time. Mrs. Harrison asked if there were any further comments from the board. Hearing none. She closed the public portion of the hearing.

Mr. Gaumer went over the proposed Findings of Fact.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **August 28, 2024**
2. Legal notice published in The Star on **September 20, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 11, 2024**
5. Letter from County Highway dated **September 5, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 4, 2024**
7. Letter from the Drainage Board, dated **see condition.**
8. Airport Board report, if applicable: **not applicable.**
9. Plat prepared by **Stoody Land Surveying**
10. The real estate to be developed is in Zoning District R2 which permits the requested development.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the 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 60 with dedication of right of way. Driveway locations have been reviewed and approved by the DeKalb County Highway Dept. Driveway Permits must be issued before any development begins.

- c. The extension of water, sewer & other municipal services, if applicable or required.
Property shall be connected to the St. Joe/Spencerville Regional Sewer District.
- 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.

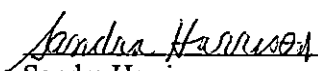
Conditions that will not be recorded but must be met:

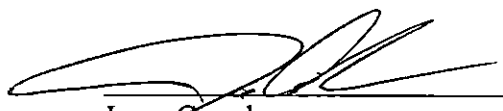
- 1. Comply with the Staff Report.
- 2. Comply with any applicable Environmental Standards as required in Article 5, 5.11; EN-01, in the Unified Development Ordinance.
- 3. Comply with the Flood Hazard Area for DeKalb County Ordinance and any wetland laws and regulations, if required.
- 4. The plat shall 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.
- 5. Prior to the Plat being signed and recorded, the Drainage Board review and approve the Drainage Plan for the plat.

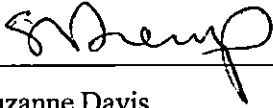
IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #24-37, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1st DAY OF OCTOBER 2024.

Motion made by Jason Carnahan, Seconded by Suzanne Davis.

Vote tally: Yes: 3 No: 0


Sandra Harrison


Jason Carnahan



Suzanne Davis

Petition #24-38 – Brent A & JoAnn Ritenour requesting a Plat Vacation of Ritenour Acres, Lot 1. The purpose of the vacation is due to the lot never being developed and the property owners wish to combine the parcel with their other properties. No new buildable lots are being created. The property is located at 1921 County Road 72, Huntertown, Indiana.

Mr. Gaumer read the staff report and explained why the vacation is needed.

Sandra Harrison asked if there were any questions or comments from the board or public. Hearing none. She closed the public portion of the hearing.

Mr. Gaumer went over the proposed Findings of Fact.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **September 3, 2024**
2. Legal notice published in The Star on **September 20, 2024** 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 **September 11, 2024**
5. Letter from County Highway dated **September 5, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 4, 2024**
7. Letter from the Drainage Board, dated **September 5, 2024**
8. Airport Board report, if applicable: **not applicable**

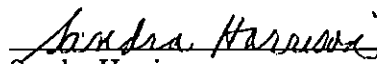
FINDINGS OF FACT:

1. Have conditions in the platted area been changed so as to defeat the original purpose of the plat?
Yes, the property owner wishes to add this parcel to their existing acreage surrounding the home. To be able to do so, this must be vacated.
2. Is it in the public's interest to vacate all or part of the plat?
Yes, the vacation will allow for this parcel to be added/joined to their existing acreage. No new buildable lots are being created.
3. Will the value of the land in the plat not owned by the Petitioner be diminished by the vacation?
No, the vacating of this lot will not negatively impact neighboring properties.

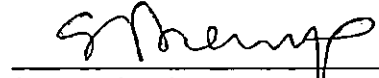
IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS PLAT VACATION PETITION #24-38, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1ST DAY OF OCTOBER 2024.

Motion made by Suzanne Davis, Seconded by Jason Carnahan

Vote tally: Yes: 3 No: 0


Sandra Harrison


Jason Carnahan


Suzanne Davis

Petition #24-39 – Daniel Ryan & Elizabeth Ashlyn Noll requesting a 1 Lot Subdivision known as This is the Way. The proposed 1 lot subdivision will be a total of 10.319 acres. The subdivision will be used for a single-family residence. The property is located at 6505 County Road 11A, Garrett, Indiana and is zoned A2, Agricultural.

Mr. Gaumer read the staff report addressing why this subdivision is needed.

Mrs. Harrison asked if there were any questions or comments from the board. She opened the public portion of the hearing up to any comments.

Bruce Getts approached the podium with his wife Lori, he addressed his concerns regarding the petition. He stated he owns the property to the north of the Noll's. He questioned the process of the application being for a Subdivision. He stated that an appropriate action to develop this property would be to rezone this property to rural residential.

Mr. Gaumer stated that Indiana Code requires that any division of land split from the parent parcel must go through a subdivision or platting process to become buildable. He addressed why a rezone wouldn't be needed due to a single-family residence being permitted on A2. Mr. Getts questioned if this lot being proposed would be able to be split again. Mr. Gaumer stated that this proposed Plat wouldn't be able to be divided with the road frontage being only 40 feet. They would need to gain road frontage to split this lot again. The three remaining splits will be created from the -009 parcel.

Lori Getts stated that when this was proposed earlier this would be only a single-family residence and possibly a pole barn. Mr. Gaumer stated that this will only allow for one home on this proposed subdivision.

Mr. Getts expressed his concerns regarding the utility easement located within the driveway's location. He stated that the 40 feet of the driveway location has 30 feet dedicated for the utility easement. He questioned why the easement was not listed. He provided pictures to the board to review. He stated that the meter base sets in line with the proposed driveway location.

Mr. Gaumer stated that driveways are approved by the Highway Department. Any concerns with the driveway location need to be discussed with the Highway Department.

Mrs. Getts addressed that when she was here in October of 2022 that when the paperwork could be found for the Verizon/Frontier plot the easement would be addressed. She stated that the agreement would need to be an additional 30 feet beyond the first 30 feet. Mr. Getts questioned if the location of these easements were addressed. He stated that there is an existing culvert located there within all the utility lines.

Mrs. Getts expressed her concerns regarding where the Noll's will be driving to access their driveway. She was concerned about the utilities being damaged or dug up.

Mr. Getts discussed the drainage plan for the Ambrose Heitz Lateral drain. He stated that both tiles located on his property are encroaching into the wetlands. He added his concerns regarding the drains needing attention. He doesn't see this tile withstanding the flow of water from the new development.

Mrs. Harrison asked if there were any further questions or comments from the board.

Mr. Gaumer stated that Daniel Noll can come up and give his response if he has anything to add.

Daniel Noll approached the podium stating that his first action is to contact the Highway Department to address the driveway location to make sure there's no issues with the location of the driveway. He stated that if there's a potential damming of water, he would address this also. Not wanting to flood the Gett's property.

Mr. Gaumer stated why a condition is added to address the drainage. The Plan Commission and Drainage Board would review this before sending an approval. Determining if the development will impede the flow of water from either site.

Mr. Getts approached the podium stating that he wanted to make sure that it was on the record that if Mr. Noll puts his driveway there that the water may be further addressed.

Mr. Gaumer stated that this is why these subdivisions go to the various departments to make sure a driveway is getting approved, and the septic location is being reviewed. There's no requirement in our ordinance to have a driveway permit or septic location. This process is done so that departments can review and have the correct approvals in place when someone goes to build.

Mrs. Harrison asked if there were any further questions or comments from the board.

Suzanne Davis inquired that there seems to be some issues from the Highway Department and the Drainage Board that need to be addressed. She questioned what the process would be if we didn't approve this.

Mr. Gaumer stated that you can't deny a project based on these two issues. With Mr. Noll receiving approval from the Drainage Board and a driveway permit from the Highway Department. He stated with certainty that Ben Parker and Mark Goodrich review the locations of these driveways. They request that the center of these driveways be staked before they're inspected. A condition can be added that the driveway permit be confirmed by the Highway Department. The Drainage Board has approved this project, and a covenant has been added to the Plat.

Mrs. Harrison asked if there were any further comments. Hearing none. She closed the public portion of the hearing.

Mr. Gaumer asked Mrs. Davis if she was wanting to add any conditions. He stated that he would contact Ben Parker and question the location of the driveway permit to be reviewed.

Mrs. Davis stated that she will read the added condition into the Findings.

Mr. Gaumer went over the proposed Findings of Fact.

JURISDICTIONAL FINDINGS:

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

1. Application completed and filed on **September 4, 2024**
2. Legal notice published in The Star on **September 20, 2024** and Affidavit received.
3. Certificate of mailing notices sent and receipts given to staff.
4. Letter from the County Board of Health, dated **September 11, 2024**
5. Letter from County Highway dated **September 9, 2024**
6. Report from the DeKalb County Soil & Water Conservation District, dated **September 4, 2024**
7. Letter from the Drainage Board, dated **September 23, 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.

FINDINGS OF FACT:

1. Does the proposed Minor Subdivision adequately conform to the Comprehensive Plan?
Yes, the 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 11A with dedication of right of way. Driveway locations have been reviewed and approved by the DeKalb County Highway Dept. And the driveway permits has been issued.
- c. The extension of water, sewer & other municipal services, if applicable or required.
Not applicable. 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.
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.
- 5. Prior to the Plat being signed and recorded, the Driveway Permit #2292 to be reviewed and confirmed by the DeKalb County Highway Department.

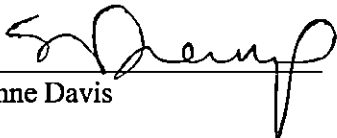
IT IS, THEREFORE, THE DECISION OF THE PLAN COMMISSION TO ADOPT SAID FINDINGS AND THAT THIS MINOR SUBDIVISION PETITION #24-39, IS HEREBY GRANTED PRIMARY AND SECONDARY PLAT APPROVAL ON THIS 1ST DAY OF OCTOBER 2024.

Motion made by Jason Carnahan, Seconded by Suzzane Davis.

Vote tally: Yes: 3 No: 0


Sandra Harrison

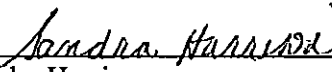

Jason Carnahan



Suzanne Davis

ADJOURNMENT:

There being no further business to come before the Plat Committee, the meeting was adjourned at 9:30 a.m.



Sandra Harrison



Meredith Reith - Secretary