

MINUTES
ELKHART COUNTY PLAT COMMITTEE MEETING
HELD ON THE 14TH DAY OF AUGUST 2008 AT 8:30 A.M.
MEETING ROOM – DEPARTMENT OF PUBLIC SERVICES BUILDING
4230 ELKHART ROAD, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plat Committee was called to order by the Chairperson, Meg Wolgamood, with the following members present: Jeff Burbrink, Tom Holt, and Mike Yoder. Staff members present were: Robert Watkins, Plan Director; Mark Kanney, Planning Manager; Duane Burrow, Senior Planner; Robert Nemeth, Planner; Dan Piehl, Planner; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Burbrink/Holt*) that the minutes of the regular meeting for the Elkhart County Plat Committee held on the 10th day of July 2008 be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Holt/Burbrink*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearing and the motion was carried unanimously.

4. The application for Primary approval of a two lot minor subdivision to be known as **MESSICK & SWANSON MINOR (A REPLAT OF LOT 3 AND A PART OF LOT 2 OF DAWN'S EDGE FOURTH)**, for Thomas Messick & Thomas Swanson (owners) represented by Brads-Ko Engineering & Surveying, on property located on the East side of Beach Road, 803 ft. South of North Shore Drive in Osolo Township, zoned R-2, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #20082390*.

Barry Pharis of Brads-Ko Engineering & Surveying, 1009 S. 9th St., Goshen, was present on behalf of this request. He noted that Mr. and Mrs. Messick and Mr. Swanson are also present. He explained that the Swansons purchased Lot 2 in 1979 where they built their home, and the Messicks built their home on Lot 4 in 1982. In 1989, they purchased and divided the vacant lot between them in half, and for the last 19 years, that has been their side yards.

Mr. Pharis said both couples have raised their families, but some health issues have developed and it's now time to downsize. The solution is to replat Lot 3 and downsize where they currently live. However, having driven through this community that he described as outstanding with beautiful homes, his concern was how the neighbors would feel if the petitioners build smaller homes. Therefore, he suggested that they identify and visit with all of the homeowners within 500 ft. of their residences to tell them what they are doing and why.

Mr. Pharis went on to explain that there are 41 homeowners within this area, and a petition with 38 signatures in support of this request was submitted to the Board [*attached to file as Petitioner Exhibit #1*]. One homeowner who did not sign lives in Chicago and commutes on the weekends. Another homeowner is deceased and the home is for sale, and he said the third homeowner who did not sign is listed as a corporation with a Goshen post office mailing address. According to Mr. Pharis, no homeowners objected to what the petitioners are doing, and many commented that they wished they could do the same. One even offered both families the option of living in their upstairs while their

new homes were being built so it's understandable why the petitioners want to stay in the community they have lived in.

Mr. Pharis said the petitioners are going to use the same contractor that built their existing homes to assist in having their new residences very similar. He also said these lots exceed the minimum requirements of the ordinance for subdivision for a single-family residence. They have contacted the Simonton Lake Conservancy District and he said the families are required to connect to the sewer, which the conservancy district wants and will do.

When asked if the entire area is on the conservancy district and Mr. Pharis said yes.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Yoder/Holt*) that the Plat Committee grant Primary approval of this two lot minor subdivision in accordance with the Staff Analysis and comment of the Technical Advisory Committee with the following condition imposed:

1. The Health Department requires the subdivision to connect to the Simonton Lake Conservancy District as stipulated on the plat.

The motion was carried unanimously.

5. The application for Secondary approval of a two lot commercial subdivision known as **REPLAT LOT 6 OF MARVEL TERRACE**, for Harlan P. Marvel, Jr. represented by Wightman Petrie, Inc., on property located on the North side of Old US 33, 2,800 ft. East of SR 219 in Baugo Township, zoned B-2, was presented at this time.

Mr. Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #20082168*. He recalled that this is an existing site with existing buildings that they wish to split. He also said there will be no new driveways.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Holt/Yoder*) that Secondary approval of this two lot commercial subdivision be granted by the Plat Committee as this meets the requirements of the Subdivision Control Ordinance and conditions of Primary approval. With a unanimous vote, the motion was carried.

6. The application for Secondary approval of a 32 lot major subdivision known as **SANDY CREEK SECTION ONE**, for Sandy Creek Development, LLC represented by Lang, Feeney & Associates, on property located on the East side of West County line Road (Ash Road), 990 ft. North of Chadwick Drive, North of CR 2 in Cleveland Township, zoned A-1, was presented at this time.

Mr. Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #20082432*. He is only missing a bond for the roads, which he said will have to be in place prior to the commissioners signing the plat. He then explained that this subdivision connects with Stoney Brook Shores, a new subdivision to the south.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Holt/Burbrink*) that the Plat Committee grant Secondary approval as this meets the requirements of the Subdivision Control Ordinance and conditions of Primary approval. The motion was carried with a unanimous vote.

7. The application for Primary approval of a two lot minor subdivision to be known as **SECLUDED LANE**, for Michael & Nancy Bonewitz represented by Progressive Engineering, on

property located on the North side of CR 18, 900 ft. West of CR 1 in Baugo Township, zoned A-1, was presented at this time.

Mr. Nemeth presented a revised Staff Report/Staff Analysis, which is attached for review as *Case #20082151*.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Yoder/Burbrink*) that this request for Primary approval of a two lot minor subdivision be granted by the Plat Committee in accordance with the revised Staff Analysis with the condition that the lot size variances are noted on the Secondary Plat. The motion was carried unanimously.

8. The meeting was adjourned at 8:45 a.m.

Respectfully submitted,

Kathleen L. Wilson
Recording Secretary