

**MINUTES**  
**ELKHART COUNTY PLAT COMMITTEE MEETING**  
**HELD ON THE 13<sup>TH</sup> DAY OF AUGUST 2009 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, Jeff Burbrink, with the following members present: Tom Holt and Meg Wolgamood. Staff members present were: 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 (*Holt/Wolgamood*) that the minutes of the last regular meeting of the Elkhart County Plat Committee held on the 9<sup>th</sup> day of July 2009 be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Holt/Wolgamood*) 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 **DICKERSON MINOR**, for Thomas & Linda Dickerson represented by B. Doriot & Associates, on property located on the West side of CR 31, 1,375 ft. South of CR 44 in Jackson Township, zoned A-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #20091995*.

Present on behalf of this request was Blake Doriot of B. Doriot & Associates, P.O. Box 465, New Paris. He explained that they are only doing a 30 ft. right-of-way because the Highway Dept. did not want to own two feet of the existing barn. The Highway Dept. is requiring them to do a swale along CR 31, and he said they are meeting all of those requirements. The septic systems have been approved, and he said the new Fairfield Building Trades house will be constructed on Lot 2, which the petitioner will probably keep as a rental.

Mr. Doriot further explained that Mr. Dickerson was under the impression he could do an Administrative Subdivision, which they could have done, but the petitioner would have been left with an illegal lot so they are doing a minor subdivision instead. He said he will meet and agree to any and all of the conditions of the Technical Review Committee, but since school begins tomorrow, they are requesting that the Building Department release the full building permit with a condition that the Certificate of Occupancy not be issued until the Plat is finalized and recorded. He then reported that they have dug the foundation, notifying the Building Department, the footers have been poured and the walls are formed. According to Mr. Doriot, this would allow construction to begin so the students wouldn't have to wait another month for the approval.

Mrs. Wolgamood asked when they anticipate filing for Secondary approval and Mr. Doriot said Monday if Primary is approved today.

After discussing the Appeal process of a minor subdivision, Mr. Doriot said the petitioner has talked with all of the adjoining property owners and they have expressed no objections to this request.

The Board examined said request and after due consideration and deliberation, a motion

was made by Mr. Holt that Primary approval of this two lot minor subdivision be approved in accordance with the Staff Analysis with the following conditions imposed:

1. Label the frontage for Lot 1 and add the total acreage.
2. Meet the requirements of the Health Department.
3. Meet the requirements of the Highway Department.
4. Meet the requirements of the Soil & Water Conservation District.
5. Certificate of Occupancy not to be issued until Secondary is approved and recorded.

Mr. Burrow clarified that all items noted will have to be addressed before a building permit can be issued, and after a brief discussion, Mr. Holt removed from his motion the requirement of holding the Certificate of Occupancy.

Mrs. Wolgamood then seconded the motion, and with a unanimous vote, the motion was carried.

5. The application for Primary approval of a two lot minor subdivision to be known as **REPLAT OF LOT 52 OF THE ORIGINAL PLAT OF MILLERSBURG**, for William D. Weaver represented by Advanced Land Surveying, on property located on the Northwest corner of Washington Street and Jefferson Street in Clinton Township, zoned B-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #20091999*.

As Hearing Officer, Mrs. Wolgamood reported that she was given a lot of information on this such as setbacks and parking, and there were a lot of questions. She also received a letter from the Town of Millersburg indicating they had no issue with the parking area. She said the town knew that if those variances were granted that they had to come through with the subdivision.

Ron Justice of Advanced Land Surveying, 17120 CR 46, New Paris, was present on behalf of this request. He said they do agree with all of the staff recommendations and they have submitted the corrections.

Also present was Attorney Bill Davis, 116 E. Clinton St., Goshen, who represented the petitioner on behalf of the variances that were presented earlier. When William Weaver purchased this property, Mr. Davis said he thought he had bought two different parcels as there is a house and a building on the property. The building is subject to a lease for a chiropractor and he said that use requires two on site parking spaces. He then verified that he had presented a letter from the town indicating they were agreeable to the parking. Mr. Davis explained that this property is in downtown Millersburg and the majority of the surrounding area, with the exception of the house on the subject property, are commercial uses.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Wolgamood/Holt*) that Primary approval of this two lot minor subdivision be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

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

Respectfully submitted,

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Kathleen L. Wilson

Recording Secretary