

MINUTES
ELKHART COUNTY PLAT COMMITTEE MEETING
HELD ON THE 12TH DAY OF FEBRUARY 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: Meg Wolgamood and Mike Yoder. Staff members present were: 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 (*Wolgamood/Yoder*) that the minutes of the regular meeting for the Elkhart County Plat Committee held on the 8th day of January 2009 be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Wolgamood/Yoder*) 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 2 lot minor subdivision to be known as **FORTIER MINOR**, for Steve Fortier represented by B. Doriot & Associates, on property located on the West side of CR 21, 450 ft. North of CR 38 in Elkhart Township, zoned A-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #2009116*. He explained that the three to one Variance has been filed for the February Hearing Officer meeting.

Blake Doriot, B. Doriot & Associates, P.O. Box 465, New Paris, was present representing the petitioner. Mr. Doriot explained that in their research, they found that Mr. Haab, the previous owner, had some septic problems at one time so he re-located the system. He then pointed out the locations where there will be a cross-access easement and a five-foot non-access easement. He explained that Appleridge Subdivision is straight across the street and it is not safe where you would have to put a driveway due to the sight distance coming from the north.

He also pointed out the location where the new home will be placed. Mr. Doriot said the property to the north was purchased by the owner of the trailer park to build a large septic system for the trailer park. They talked with him about the septic area for the subject property and the owner of the trailer park has no objection. According to Mr. Doriot, they are going to have an easement to allow them to have their septic system there until it fails, at which time it would then be moved onto their own property.

When Mrs. Wolgamood asked if they are going to wait to file Secondary until that is done, Mr. Doriot said they will not file Secondary until they have the easement in hand.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Yoder/Wolgamood*) that in accordance with the Staff Analysis, Primary approval of this two lot minor subdivision be granted subject to the Health Department approving the revised plat, which addresses their septic concerns, and obtaining a 3 to 1 depth to width ratio Variance for Lot 2. The motion was carried unanimously.

5. The application for Secondary approval of a three lot minor subdivision known as **BARNES MINOR FIRST REPLAT**, for Jeffrey J. & Jackie L. Barnes represented by Marbach, Brady & Weaver, on property located on the West side of SR 13, 2,100 ft. North of CR 10 in York Township, zoned A-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #20083745*.

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

6. The application for Secondary approval of a one lot minor subdivision to be known as **SHASTA MINOR (FORMERLY KNOWN AS NO NAME MINOR)**, for HNHB, LLC represented by Philip Barker, on property located on the West side of CR 35, 1,260 ft. North of US 20 in Middlebury Township, zoned M-1 PUD, was presented at this time.

Mr. Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #20091047*. A condition of the Primary approval was that the property be re-zoned, which will go before the County Commissioners on Monday. Should that not be done, he said they would not proceed to ask for Secondary approval from the Commissioners.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Yoder/Wolgamood*) that the Plat Committee grant Secondary approval of this one lot minor subdivision subject to approval of the rezoning of the property by the County Commissioners as this meets the requirements of the Subdivision Control Ordinance. With a unanimous vote, the motion was carried.

7. The meeting was adjourned at 8:40 a.m.

Respectfully submitted,

Kate A. Keil, Transcriber

Kathleen L. Wilson, Recording Secretary