

MINUTES
ELKHART COUNTY PLAT COMMITTEE MEETING
HELD ON THE 10TH DAY OF SEPTEMBER 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 Plan Commission Chairperson, Tom Holt, with the following members present: Blake Doriot and Meg Wolgamood. Staff members present were: Robert Watkins, Plan Director; 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 (*Doriot/Wolgamood*) that the minutes of the last regular meeting of the Elkhart County Plat Committee held on the 13th day of August 2009 be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Doriot/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 **A. J. LANE MINOR**, for A. J. & Gayle Lane represented by Brads-Ko Engineering & Surveying, on property located on the North side of CR 146, 2,245 ft. West of SR 15, common address of 19593 CR 146 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 #090803-19593CR146-2*.

* (*It is noted that Plat Committee member Mike Yoder arrived for the meeting at this time.*)

Present on behalf of this request was Barry Pharis of Brads-Ko Engineering & Surveying, 1009 S. 9th St., Goshen. He noted that A. J. and Gayle Lane are both present today.

Mr. Pharis displayed a site plan and gave a brief orientation of the surrounding area. He explained that the Lanes have lived on these approximately 26 acres for many years and they now want to build their dream home back in the corner of the property. According to Mr. Pharis, both the existing and new homes will connect to New Paris sanitary sewer.

With approval, Mr. Pharis said documents will be presented to their law firm to prepare a cross-easement/cross-maintenance agreement for the single access to CR 146. A line-of-sight survey has been submitted to the Highway Department, and he said this ingress/egress exceeds their minimum standards for safe access to this site. He added that both lots exceed the minimum standards of the current Subdivision Ordinance.

Mr. Doriot noted that the elevations are shown well above the floodplain, but he did express his concern about a basement. Mr. Pharis said he has explained to the petitioners that the basement needs to be a minimum of two-feet above the floodplain. They have already had some exploratory work done on the site to get seasonal high water and free water in the area they want to build, and he said the builder they selected intends to be at least two-feet above that.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Yoder/Wolgamood*) 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.

5. The application for Secondary approval of a two lot minor subdivision 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 #090817-105WWashingtonSt-1*. Since preparing the Staff Report, Mr. Nemeth said the Planning Department has received a letter from the superintendent of the Millersburg Utilities Department withdrawing their Appeal of the Primary approval as the curb stops have been constructed and installed correctly by the homeowner. He then amended the Staff Analysis as a letter from the Town was received and he said they are now in support of the Secondary plat.

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

* (*Mr. Doriot stepped down from Board for the next application.*)

6. The application for Secondary approval of a two lot minor subdivision 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 #090817-68221CR31-1*. He explained that the Highway Department had wanted the driveway to be at the south side of Lot 1, but the surveyor would like to put it at the north side; otherwise, he said this minor subdivision meets all conditions set at Primary and the subdivision regulations. He said the staff is recommending Secondary approval depending on how the Plat Committee wants to handle the driveway.

Blake Doriot of B. Doriot & Associate was present on behalf of this request. Since the Highway Department comments were made in July, he said all of the material from the borrow pit was hauled out through the existing drive. He discussed this with the Highway Department and said he believes they have already issued a driveway permit (for the north side of lot 1), but he would clear that issue up with them before the Commissioners sign the plat. If they require them to adjust the entrance (to the south portion of Lot 1), he said he will do it, but he said they would have to make some changes due to the location of the reserve area for the septic system.

Mr. Yoder questioned their reason for wanting access to the south and Mr. Doriot said he doesn't know. He pointed out where they have two exposure points next to each other in addition to other exposure points in the area. When asked if there is a hill, Mr. Doriot said no.

Mr. Doriot requested they be able to move forward without the Commissioners signing the plat until they have the one discrepancy resolved.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Yoder/Wolgamood*) that Secondary approval of this two lot minor subdivision be granted by the Plat Commission with the condition that the location of the driveway be resolved with the Highway Department prior to the Commissioners signing the plat. The motion

was then carried with a unanimous vote.

7. The meeting was adjourned at 8:44 a.m.

Respectfully submitted,

Kathleen L. Wilson
Recording Secretary