

**MINUTES**  
**ELKHART COUNTY PLAT COMMITTEE MEETING**  
**HELD ON THE 9<sup>TH</sup> DAY OF DECEMBER 2010 AT 8:45 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, Mike Yoder, with the following members present: Blake Doriot, Jeff Burbrink, and Meg Wolgamood. Staff members present were: Robert Watkins, Plan Director; Mark Kanney, Planning Manager; Duane Burrow, Senior Planner; Robert Nemeth, Planner; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Wolgamood/Burbrink*) that the minutes of the last regular meeting of the Elkhart County Plat Committee held on the 10<sup>th</sup> day of November 2010, and of the special meeting of the Elkhart County Plat Committee held on the 18<sup>th</sup> day of November 2010, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Doriot/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 three lot minor subdivision to be known as **SCHMUCKER KNOLL**, for Richard L. Schmucker represented by Brads-Ko Engineering & Surveying, on property located on the Northeast corner of CR 14 and CR 31, and the north side of CR 14, 900 ft. East of CR 31 in Middlebury Township, zoned A-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #0CR 14/CR 31-101101-1*.

Barry Pharis of Brads-Ko Engineering & Surveying, 1009 S. 8<sup>th</sup> St., Goshen, was present on behalf of this request representing Rich Schmucker, owner and developer of the subject property. He explained that in 2008 they created six 3+ acre tracts and obtained 3 to 1 depth to width ratio variances from the Board of Zoning Appeals on four of the lots. His client created deeds for Lots 1 and 6 and those lots were sold and homes were built. Home building stopped in 2009 and he said these parcels have been sitting vacant.

Mr. Pharis went on to say that his client did not get deeds for each individual tract. A client wanted to buy proposed Lot 3 this summer, but in an attempt to obtain a building permit it was determined that deeds were not prepared so they could not build on those lots legally. After further review, he said the solution was to do an administrative subdivision for Lot 3 and a three lot minor subdivision for the other three lots. In addition, they needed to obtain 3 to 1 depth to width ratio variances again, which he said they have done and received approval from the Board of Zoning Appeals.

In conclusion, Mr. Pharis said they are here today to get approval for a three lot minor subdivision that will allow these tracts to again be legal.

Mrs. Wolgamood noted that the site plan Mr. Pharis displayed does not appear to be the site plan they have in their packets, but Mr. Pharis explained that the administrative subdivision is not

included on the site plan for the three lot minor. They did that because they needed to get a building permit before the snow falls.

It was pointed out that the administrative subdivision is on the corner, and when Mrs. Wolgamood asked if the lots have to be contiguous to be a minor subdivision, Mr. Pharis said no because they are not creating any changes to roads or services.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Doriot/Wolgamood*) that that this three 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 **SILVER MINOR SUBDIVISION**, for Ralph & Jeanne Silver (sellers) and Habitat for Humanity of Elkhart County (buyer/developer) represented by Brads-Ko Engineering & Surveying, on property located on the South side of CR 29, 360 ft. West of CR 33 in York Township, zoned A-1, was presented at this time.

Mr. Nemeth presented a Staff Report/Staff Analysis, which is attached for review as *Case #51144CR 29-101004-2*.

Barry Pharis of Brads-Ko Engineering and Surveying, 1009 S. 9<sup>th</sup> St., Goshen, was present but offered no additional comments at this time.

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

6. The meeting was adjourned at 8:52 a.m.

Respectfully submitted,

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Kathleen L. Wilson  
Recording Secretary