

**MINUTES**  
**ELKHART COUNTY PLAT COMMITTEE MEETING**  
**HELD ON THE 11<sup>TH</sup> DAY OF AUGUST 2011 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, Roger Miller, with the following members present: Blake Doriot and Meg Wolgamood. Staff members present were: Chris Godlewski, 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 (*Doriot/Wolgamood*) that the minutes of the last regular meeting of the Elkhart County Plat Committee held on the 14<sup>th</sup> day of July 2011 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 one lot minor subdivision to be known as **METZLER MINOR SUBDIVISION**, for Clifford Metzler represented by Brads-Ko Engineering & Surveying, on property located on the North side of CR 38, 2,080 ft. West of CR 3 in Olive Township, zoned A-1, was presented at this time.

Mr. Nemeth presented the Staff Report/Staff Analysis, which is attached for review as *Case #29393CountyRoad 38-110627-1*. He noted that Barry Pharis of Brads-Ko Engineering & Surveying is also present.

Mrs. Wolgamood asked if the accessory structure is not an agricultural building. Mr. Nemeth was not sure if it is still being used for agriculture, but he pointed out that two notes were placed on the Primary plat. One says an agricultural use is prohibited because the parcel with the lot that's being created is less than three acres. The other note is about the accessory structures exceeding the primary structure.

Mr. Pharis offered no additional comments at this time.

The Board examined said request and after due consideration and deliberation, a motion was made and seconded (*Wolgamood/Doriot*) that Primary approval of this one lot minor subdivision be granted by the Plat Committee in accordance with the Staff Analysis.

The motion was carried with a unanimous vote.

5. The application for Primary approval of a one lot minor subdivision to be known as **SYLVAN MINOR SUBDIVISION**, for Fireside Homes, Inc. represented by Brads-Ko Engineering & Surveying, on property located on the Northwest corner of CR 16 and Whispering Hill Drive in Jefferson Township, zoned A-1, was presented at this time.

Mr. Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #CR 16-110705-1*. He reported that the petitioner has voluntarily changed the name of this minor

subdivision to Sylvan Woods Minor, and he was advised by Mr. Pharis that they intend to make Sylvan Woods covenants and restrictions the same for this lot. He added that they were going to work with the Health Dept. directly since their issues were minor.

Mr. Kanney then clarified that this is a private road owned by the homeowner's association so they need to get permission to use it. He then referred to the letter in support of this request from the Sylvan Woods Homeowner's Association dated 6/5/11, which he included in the Board's packets and is in the file for review.

Barry Pharis of Brads-Ko Engineering & Surveying, 1009 S. 9<sup>th</sup> St., Goshen, was present on behalf of this request. He explained that these approximately three acres is located between Sylvan Meadows to the west and Sylvan Woods to the east. For some reason, it was kept out of both subdivisions, but he has no idea why. The property was then purchased by Tim Miller when he purchased the balance of Sylvan Meadows.

According to Mr. Pharis, they looked at creating a one lot three-acre parcel with access to CR 16. They also looked at their distance from access points to Sylvan Meadows and Sylvan Woods, but they felt it would be safer if they connected to the private Whispering Hills Drive. They obtained a letter from the Sylvan Woods Homeowner's Association granting them access to enter that private drive, and with that, they have agreed to accept the covenants and restrictions that are held by Sylvan Woods. He said their plat will reflect that they are governed by that ordinance.

With regard to the Health Department issues, Mr. Pharis said they will be resolved when a buyer is found, a home is selected, and a field system is requested. Therefore, he feels they have complied with everything the County has asked them to do.

Mrs. Wolgamood noted that the proposed lot (#1) is also a part of Lot 7 and she wondered if that renders Lot 7 unbuildable. Mr. Kanney said no, and recalled that Lot 7 was a long skinny lot that they split into three pieces several years ago. They came before the Board to consider one of those pieces a buildable parcel, which was approved, and he believes a house was constructed on the corner.

Mrs. Wolgamood asked why that was an out lot and Mr. Kanney said it was originally attached to one of the neighbor's property in the division of that parcel.

When Mr. Miller recalled that one of the issues was with drainage, Mr. Kanney pointed out the retention area that he believe serves the subdivision. He said this platting doesn't affect that because it is protected in an easement; however, he said it is critical.

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

6. The meeting was adjourned at 8:41 a.m.

Respectfully submitted,

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Kathleen L. Wilson  
Recording Secretary