

MINUTES

ELKHART COUNTY PLAT COMMITTEE MEETING

HELD ON THE 10th DAY OF OCTOBER 2013 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, Jeff Burbrink, Roger Miller, Doug Miller and Tom Stump. Staff members present were: Chris Godlewski, Plan Director; Mark Kanney, Planner; Duane Burrow, Planner; Kathy Wilson, Administrative Manager; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Doriot/Stump*) that the minutes of the last regular meeting of the Elkhart County Plat Committee held on the 12th day of September 2013 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 two-lot minor subdivision to be known as **RON AL MINOR**, for Jay A. Hoover (owner) and Alan Edinger (developer) represented by B. Doriot & Associates, on property located on the South side of CR 126, 3,815 feet East of SR 15, in Jefferson Township, zoned A-1, was presented at this time.

Mr. Doriot indicated that he would not be stepping down from the Board, as this request is being tabled, but he would abstain from action taken by the Board.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #OCR 126-130903-1*. Mr. Kanney also presented the Technical Committee Report, noting that soil borings for lot 1 have not been presented.

The Board examined said request and after due consideration and deliberation:

Motion: Action: Table, **Moved by** Jeff Burbrink, **Seconded by** Tom Stump, that this request for Primary approval of a two-lot minor subdivision to be known as **RON AL MINOR** be tabled until the requirements of the Technical Advisory Committee are met. The motion was carried with Mr. Doriot abstaining.

5. The application for Primary approval of a one-lot minor subdivision to be known as **WRIGHT MINOR SUBDIVISION**, for Carl Raymond and Joan Margaret Wright represented by Brads-Ko Engineering & Surveying, Inc., on property located 1,600 ft. West off of CR 133, 2,360 ft. North of CR 4, in York Township, zoned A-1, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #000CR 133-130701-1*.

Barry Pharis, 1009 S. 9 Street, Goshen, was present on behalf of this request, representing

Carl Raymond and Joan Margaret Wright. He stated that Brads-Ko has gotten approval from the BZA and that staff recommends approval.

The Board examined said request and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Jeff Burbrink, **Seconded by** Blake Doriot, that this request for Primary approval of a one-lot minor subdivision to be known as **WRIGHT MINOR SUBDIVISION** be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

6. The application for Primary approval of a two-lot minor subdivision to be known as **REPLAT OF SAWATSKY KINGSLEY MINOR**, for Aaron Matthew Sawatsky Kingsley and Natasha Rose Sawatsky Kingsley represented by Brads-Ko Engineering & Surveying, Inc., on property located on the East side of CR 21, 2,500 feet North of CR 19, common address of 61090 CR 21 in Elkhart Township, zoned A-1, was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #61090CR 21-130826-1*.

Barry Pharis, 1009 S. 9 Street, Goshen, was present on behalf of this request, representing Aaron Matthew Sawatsky Kingsley and Natasha Rose Sawatsky Kingsley. Mr. Pharis said Brads-Ko platted the subdivision in 2010 and created 2 lots. Mr. and Mrs. Sawatsky Kingsley have a residence on what is shown on the site plan as lot 2A, and Mr. Sawatsky's brother and sister-in-law had plans to move from Paraguay and build at the West end of lot 1. Platting was done and approval was received, but Mr. Sawatsky's brother and sister-in-law then thought about what would happen if they were to return to Paraguay. The questions were, what would happen to the balance of the land if Mr. Sawatsky or his brother were to sell and could the wooded area remain wooded forever? Mr. Pharis said the subdivision was originally submitted as a 3-lot subdivision, with 1 lot for Mr. Sawatsky's brother, Nathan, 1 lot for Mr. Sawatsky, and 1 open lot. It was then learned that an unbuildable lot in Elkhart County cannot be platted, so the plat will state that the created open area to the East will remain unbuildable, and the cross-easement/cross-maintenance agreement will state that taxes will be split 50/50. If either brother ever moves, the wooded area will remain so. Mr. Sawatsky is the Goshen forester, and preservation of the wooded area is important and critical to him.

Roger Miller expressed concern over the driveway, which goes toward the back area, and Mr. Pharis said it was not an issue. The brothers have a cross-easement/cross-maintenance agreement prepared by an attorney and recorded along with the original plat.

The Board examined said request and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** Doug Miller, that this request for Primary approval of a two-lot minor subdivision to be known as **REPLAT OF SAWATSKY KINGSLEY MINOR** be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

7. The application for Primary approval of a one-lot minor subdivision to be known as **THE RETREAT OF LETHERMAN KNOLL MINOR**, for Sharon K. Letherman represented by Brads-Ko Engineering & Surveying, Inc., on property located on the West side of CR 29, 8,000 ft. North of US 6, common address of 70767 CR 29 in Jackson Township, zoned A-1, was presented at this

time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #70767CR 29-130830-1*. Mr. Kanney also presented the Technical Committee Report, noting that the health department's approval of the septic system design will be required before issuance of a building permit.

Barry Pharis, 1009 S. 9 Street, Goshen, was present on behalf of this request, representing Sharon K. Letherman. He said this project is a situation where the new subdivision ordinance, which requires that any deed prepared after March 1, 2009, undergo the subdivision process, comes into play. Rather than "play games with legal descriptions," Brads-Ko is just platting the 7 acres so Mrs. Letherman can transfer them to a buyer. He also said there is no septic system requirement because there is an existing septic system; no change will be made unless replacement or repair is required. A septic pumping and report have been ordered, and they should have been sent to Bill Hartsuff.

The Board examined said request and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** Doug Miller, that this request for Primary approval of a one-lot minor subdivision to be known as ***THE RETREAT OF LETHERMAN KNOLL MINOR*** be approved in accordance with the Staff Analysis, pending compliance with the comments of the Technical Advisory Committee. The motion was carried with a unanimous vote.

8. The application for Primary approval of a one-lot minor subdivision to be known as ***PENN MINOR SUBDIVISION***, for John Robert Penn, Jr.; C/O Leslie Podell represented by Marbach, Brady & Weaver, Inc., on property located on the East side of Crestview Drive, 100 feet North of Fairfax Drive, in Concord Township, zoned A-1, was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #000CRESTVIEW DRIVE-130903-1*. Mr. Kanney also presented the Technical Committee Report, noting that the health department's approval of the septic system design will be required before issuance of a building permit.

Chris Marbach of Marbach, Brady & Weaver, Inc., 3220 Southview Drive, Elkhart, was present on behalf of this request, representing John Robert Penn, Jr. He said the project comprises the combination of 2 platted lots with 5 acres that are behind them, which would create a legal lot that the petitioner can build a house on.

Mr. R. Miller said the project was a good idea and took care of a lot of issues, and Mr. Burbrink said it would solve a lot of problems.

The Board examined said request and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** Jeff Burbrink, that this request for Primary approval of a one-lot minor subdivision to be known as ***PENN MINOR SUBDIVISION*** be approved in accordance with the Staff Analysis, pending compliance with the comments of the Technical Advisory Committee. The motion was carried with a unanimous vote.

9. The application for Secondary approval of a Detailed Planned Unit Development known as ***K2 DPUD***, for K2 Holdings, LLC, represented by Marbach, Brady & Weaver, Inc., on property located on the Southwest corner of CR 15 and CR 6, common address of 53111 CR 15 in Osolo

Township, zoned A-1, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #53111CR 15-130802-1*.

The Board examined said request and after due consideration and deliberation:

Motion: Action: Table, **Moved by** Jeff Burbrink, **Seconded by** Doug Miller, that this request for Secondary approval of a Detailed Planned Unit Development known as ***K2 DPUD*** be tabled until the Storm Water Pollution Prevention Plan has been approved. The motion was carried with Mr. Doriot voting in opposition.

10. The meeting was adjourned at 8:46 a.m.

Respectfully submitted,

Daniel Dean, Recording Secretary