

AGENDA

ELKHART COUNTY PLAT COMMITTEE

April 11, 2024
9:00 A.M.

ADMINISTRATION BUILDING
MEETING ROOMS 104, 106, & 108
117 N. 2nd STREET, GOSHEN, INDIANA

Call to Order

Roll Call

Approval of the minutes of the last regular meeting of the Elkhart County Plat Committee, held on the 14th day of March 2024.

Acceptance of the Elkhart County Zoning Ordinance, Elkhart County Subdivision Control Ordinance, and Staff Report materials as evidence for today's hearings.

PRIMARY APPROVALS

9:00 A.M.

- A. Petitioner: Tri-County Land Trustee Corporation (Land Contract Holder) **(page 1)**
& Marcus & Ruth Ann Miller (Land Contract Purchasers)
represented by Advanced Land Surveying of Northern Indiana, Inc.
Petition: for primary approval of a 2-lot minor subdivision to be known as **PEACEFUL MEADOW**.
Location: south side of CR 4, 1,700 ft. east of CR 29, common address of 15638 CR 4 in York Township. (MI-0123-2024)
- B. Petitioner: Legacy Buildings LLC **(page 2)**
represented by Land and Boundary LLC
Petition: for primary approval of a 1-lot minor subdivision to be known as **SR 13 & 120 MINOR SUBDIVISION**.
Location: south side of SR 120, 955 ft. west of SR 13, common address of 11482 SR 120 in York Township. (MI-0121-2024)
- C. Petitioner: Eric J. Lambright & Jenean F. Lambright, Husband & Wife **(page 3)**
represented by Land and Boundary LLC
Petition: for primary approval of a 1-lot minor subdivision to be known as **LAMBRIGHT'S COUNTY ROAD 39 MINOR SUBDIVISION**.
Location: west side of CR 39, 3,990 ft. north of CR 32, common address of 60727 CR 39 in Middlebury Township. (MI-0120-2024)

- D. Petitioner: Todd M. Cleveland & Melissa K. Cleveland, Husband & Wife (page 4)
represented by Abonmarche Consultants
Petition: for primary approval of a 1-lot minor subdivision to be known as
CLEVELAND RETREAT.
Location: east side of CR 9, 850 ft. north of CR 52, in Union Township.(MI-0110-2024)

The Elkhart County Plat Committee is meeting on Thursday, April 11, 2024, at **9:00 am** in Rooms 104, 106 & 108 of the Administration Building, Goshen, Indiana. Pursuant to advice of the Indiana Public Access Counselor, general public comment will not be permitted at this public meeting on non-public hearing matters. To the extent you wish to make comment remotely during any public hearings scheduled during this public meeting, please call (574) 971-4678 to learn how to remotely submit your public comment for the public hearing. The public is encouraged to attend the meeting remotely by going to www.elkhartcountyplanninganddevelopment.com at **9:00 am** on April 11, 2024. If you have further questions regarding how to remotely attend the public meeting please call (574) 971-4678.
<https://elkhartcountyin.webex.com/elkhartcountyin/j.php?MTID=me49879b63106858c7c77adf3968bb0b2>

MINUTES
ELKHART COUNTY PLAT COMMITTEE MEETING
HELD ON THE 14TH DAY OF MARCH 2024 AT 9:00 A.M. IN THE
MEETING ROOM OF THE ADMINISTRATION BUILDING
117 N. 2ND ST., GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plat Committee was called to order by the Chairman, Lori Snyder. The following staff members were present: Mae Kratzer, Plan Director; Jason Auvil, Planning Manager; Danny Dean, Planner; Adam Coleson, Planner; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steve Clark.

2. A motion was made and seconded (*Edwards/Barker*) that the minutes of the last regular meeting of the Elkhart County Plat Committee, held on the 8th day of February 2024, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Edwards/Barker*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. The motion was carried with a unanimous vote.

4. The application for primary approval of a 2-lot minor subdivision to be known as RODRIGUEZ INDEPENDENCE STREET MINOR SUBDIVISION, for Rodriguez Properties represented by Wightman, on property located on the northeast corner of Independence St. & East Bristol St., common address of 1708 E. Bristol St. in Osolo Township, zoned R-2, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0002-2024*.

Terry Lang, Whiteman, 1402 Mishawaka Ave., South Bend, was present representing the petitioner. He stated as staff has indicated this parcel had been vacant for some time. He went on to say the new buyer is planning on putting two homes on the property. He reviewed the site plan with the board.

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

Motion: Action: Approve, **Moved by** Steve Edwards, **Seconded by** Lori Snyder that this request for primary approval of a 2-lot minor subdivision to be known as RODRIGUEZ INDEPENDENCE STREET MINOR SUBDIVISION be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

5. The application for primary approval of a 1-lot minor subdivision to be known as MAST'S COUNTY ROAD 37 MINOR, for Ryan E. Mast & Jayne Mast, Husband & Wife represented by B. Doriot & Associates, Inc., on property located on the west side of CR 37, 420 ft. south of CR 46, common address of 68637 CR 37 in Benton Township, zoned A-1, was presented at this time.

Adam Coleson presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0014-2024*.

Charlie Buzzard, B. Doriot and Associates, P.O. Box 465, New Paris, was present representing the

petitioner. He stated the owners want to build a small house shop in between the barn and the existing home.

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

Motion: Action: Approve, **Moved by** Lori Snyder, **Seconded by** Steve Edwards that this request for primary approval of a 1-lot minor subdivision to be known as MAST'S COUNTY ROAD 37 MINOR be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

6 The application for primary approval of a 1-lot minor subdivision to be known as MILLER MINOR SUBDIVISION AT CR 20, for Melvin D. Miller & Carrie A. Miller represented by Abonmarche Consultants, on property located on the north side of CR 20, 1,905 ft. west of CR 35, common address of 14293 CR 20 in Middlebury Township, zoned A-1, was presented at this time.

Adam Coleson presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0045-2024*.

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

Motion: Action: Approve, **Moved by** Steven Clark, **Seconded by** Steve Edwards that this request for primary approval of a 1-lot minor subdivision to be known as MILLER MINOR SUBDIVISION AT CR 20 be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

7. The application for primary approval of a 1-lot minor subdivision to be known as DARYL & SARAH MILLER MINOR, for Rudy D. & Lavonda R. Hartman co0trustees of the Rudy D. & Lavonda R. Hartman Joint Revocable Trust represented by Advanced Land Surveying of Northern Indiana, Inc., on property located on the north side of CR 30, 840 ft. west of CR 3, common address of 29167 CR 30 in Olive Township, zoned A-1, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0047-2024*.

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

Motion: Action: Approve, **Moved by** Phil Barker, **Seconded by** Steve Warner that this request for primary approval of a 1-lot minor subdivision to be known as DARYL & SARAH MILLER MINOR be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

8. The application for primary approval of a 1-lot minor subdivision to be known as NDBC MINOR SUBDIVISION, for Nathan & Denise Schroeder represented by Land and Boundary, LLC., on property located on the east side of CR 29, 320 ft. south of CR 56, common address of 72784 CR 29 in Benton Township, zoned A-1, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0046-2024*.

Levi Rednour, Land and Boundary, 401 S. Third St., Goshen, was present representing the petitioner. He stated the parcel was split in 1975 and that is the reason for the minor subdivision. He stated the landowner was planning on building a barn.

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

Motion: Action: Approve, **Moved by** Steve Warner, **Seconded by** Steven Clark that this request for primary approval of a 1-lot minor subdivision to be known as NDBC MINOR SUBDIVISION be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

9. The meeting was adjourned at 9:10 AM

Respectfully submitted,

Amber Weiss, Recording Secretary

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Minor Subdivision - Primary

MI-0123-2024

Date: 03/04/2024

Meeting Date:

April 11, 2024

Plan Commission Hearing (Subdivision)

Transaction #:

MI-0123-2024

Description: for primary approval of a 2-lot minor subdivision to be known as PEACEFUL MEADOW

Contacts: Applicant

Advanced Land Surveying Of
Northern Indiana, Inc.
17120 County Road 46
New Paris, IN 46553

Land Owner

Tri-County Land Trustee
Corporation (Land Contract
Holder)
14909 Us 20
Middlebury, IN 46540

Land Owner

Marcus & Ruth Ann Miller
(Land Contract Purchasers)

Private Surveyor

Advanced Land Surveying Of
Northern Indiana, Inc.
17120 County Road 46
New Paris, IN 46553

Site Address: 15638 County Road 4
BRISTOL, IN 46507

Parcel Number:

20-04-19-126-003.000-032

Township: York

Location: SOUTH SIDE OF CR 4, WEST OF CR 131, 1,700 FEET EAST OF CR 29

Subdivision:

Lot #

Lot Area:

Frontage:

Depth:

Zoning: A-1

NPO List:

Present Use of Property:

Legal Description:

Comments:

Applicant Signature:

Department Signature:

Plat Committee Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 11, 2024

Transaction Number: MI-0123-2024.

Parcel Number(s): 20-04-19-126-003.000-032.

Existing Zoning: A-1.

Petition: for primary approval of a 2-lot minor subdivision to be known as PEACEFUL MEADOW .

Petitioner: Tri-County Land Trustee Corporation (Land Contract Holder) & Marcus & Ruth Ann Miller (Land Contract Purchasers), represented by Advanced Land Surveying of Northern Indiana, Inc. .

Location: south side of CR 4, 1,700 ft. east of CR 29, in York Township.

Site Description: Proposed lot 1 is 6.26 acres and contains a proposed residence and existing accessory structure. Proposed lot 2 is 13.16 acres and has an existing house and accessory structure. Proposed lot 2 has no road frontage.

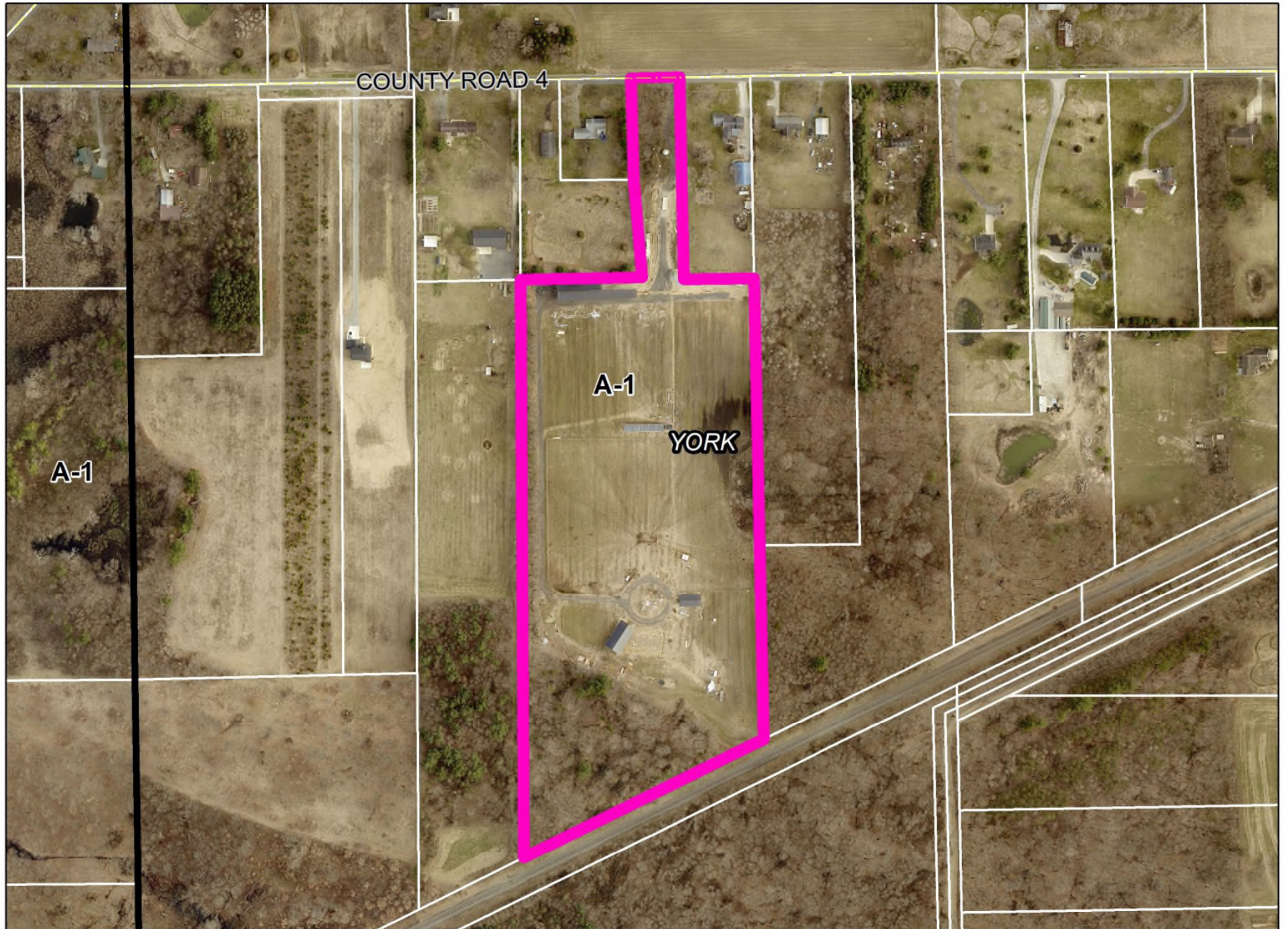
History and General Notes:

- **March 20, 2024** – A variance for construction of a residence without road frontage was granted by the hearing officer.

Staff Analysis: The staff, after reviewing this petition with the assistance of the Elkhart County Technical Committee, finds that this primary approval request meets the requirements of the Subdivision Control Ordinance.

Staff therefore recommends **APPROVAL** of this primary.

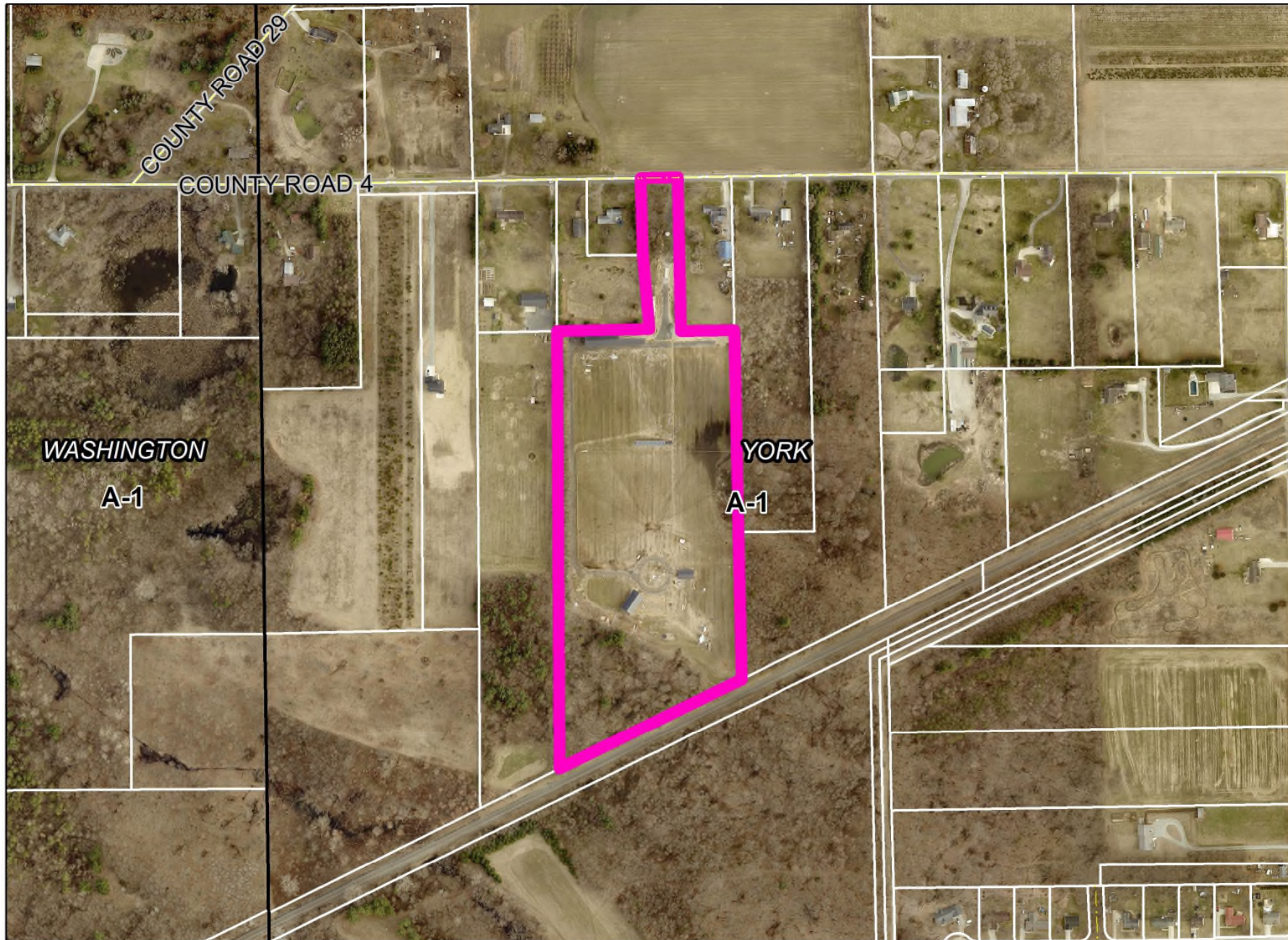
MI-0123-2024

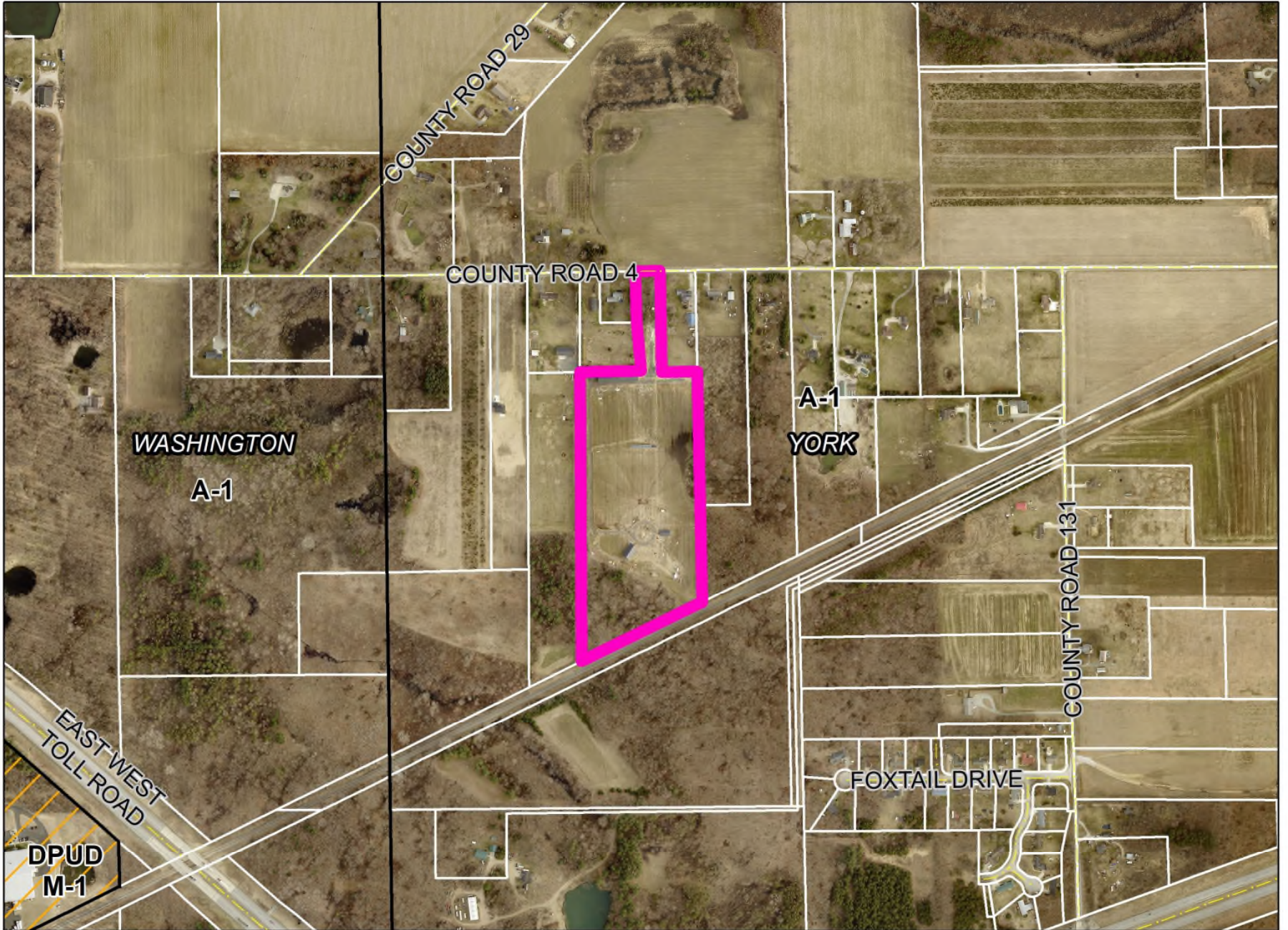


2021 Aerials

1 inch = 300 feet







WASHINGTON
A-1

A-1
YORK

COUNTY ROAD 29

COUNTY ROAD 4

COUNTY ROAD 131

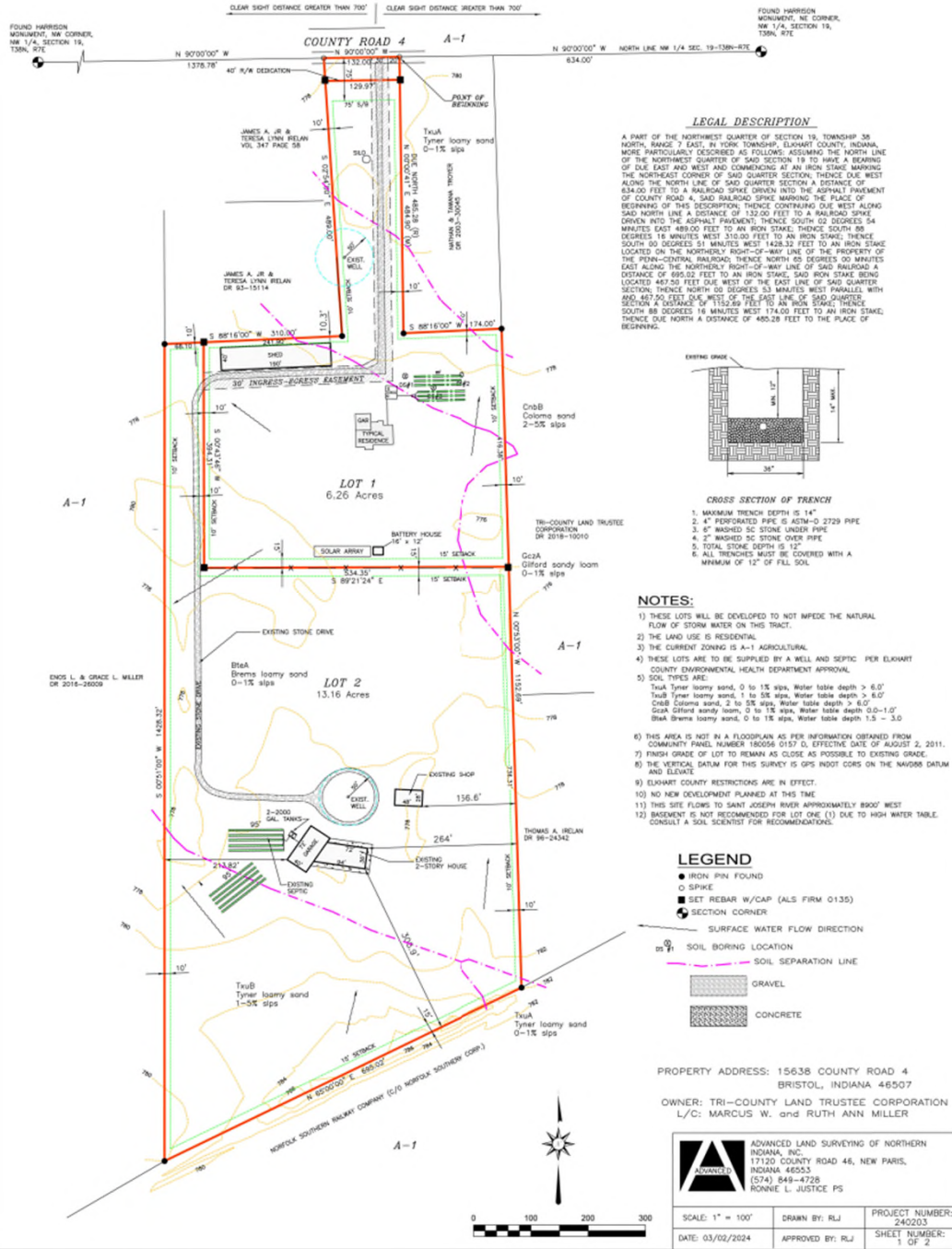
FOXTAIL DRIVE

EAST WEST
TOLL ROAD

DPUD
M-1

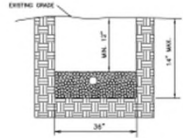


PEACEFUL MEADOW
 A 2 LOT MINOR SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP
 38 NORTH, RANGE 7 EAST, YORK TOWNSHIP, ELKHART COUNTY, INDIANA



LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 7 EAST, IN YORK TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: ASSUMING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19 TO HAVE A BEARING OF DUE EAST AND WEST AND COMMENCING AT AN IRON SPIKE MARKING THE NORTHWEST CORNER OF SAID QUARTER SECTION, THENCE DUE WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION A DISTANCE OF 834.00 FEET TO A RAILROAD SPIKE DRIVEN INTO THE ASPHALT PAVEMENT OF COUNTY ROAD 4, SAID RAILROAD SPIKE MARKING THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING DUE WEST ALONG SAID NORTH LINE A DISTANCE OF 132.00 FEET TO A RAILROAD SPIKE DRIVEN INTO THE ASPHALT PAVEMENT; THENCE SOUTH 02 DEGREES 54 MINUTES EAST 489.00 FEET TO AN IRON STAKE; THENCE SOUTH 88 DEGREES 16 MINUTES WEST 310.00 FEET TO AN IRON STAKE; THENCE SOUTH 00 DEGREES 51 MINUTES WEST 1428.32 FEET TO AN IRON STAKE LOCATED ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE PROPERTY OF THE PENN-CENTRAL RAILROAD; THENCE NORTH 65 DEGREES 00 MINUTES EAST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID RAILROAD A DISTANCE OF 695.02 FEET TO AN IRON STAKE; SAID IRON STAKE BEING LOCATED 487.00 FEET WEST OF THE EAST LINE OF SAID QUARTER SECTION; THENCE NORTH 05 DEGREES 53 MINUTES WEST PARALLEL WITH SAID IRON STAKE DUE WEST OF THE EAST LINE OF SAID QUARTER SECTION A DISTANCE OF 1152.59 FEET TO AN IRON STAKE; THENCE SOUTH 88 DEGREES 16 MINUTES WEST 174.00 FEET TO AN IRON STAKE; THENCE DUE NORTH A DISTANCE OF 485.28 FEET TO THE PLACE OF BEGINNING.



- CROSS SECTION OF TRENCH**
1. MAXIMUM TRENCH DEPTH IS 14"
 2. 4" PERFORATED PIPE @ ASTM-D 2729 PIPE
 3. 4" WASHED SC STONE UNDER PIPE
 4. 2" WASHED SC STONE OVER PIPE
 5. TOTAL STONE DEPTH IS 12"
 6. ALL TRENCHES MUST BE COVERED WITH A MINIMUM OF 12" OF FILL SOIL.

- NOTES:**
- 1) THESE LOTS WILL BE DEVELOPED TO NOT IMPEDE THE NATURAL FLOW OF STORM WATER ON THIS TRACT.
 - 2) THE LAND USE IS RESIDENTIAL.
 - 3) THE CURRENT ZONING IS A-1 AGRICULTURAL.
 - 4) THESE LOTS ARE TO BE SUPPLIED BY A WELL AND SEPTIC PER ELKHART COUNTY ENVIRONMENTAL HEALTH DEPARTMENT APPROVAL.
 - 5) SOIL TYPES ARE:
 TxAu Tyner loamy sand, 0 to 1% silt, water table depth > 6.0'
 TxB Tyner loamy sand, 1 to 5% silt, water table depth > 6.0'
 Cx8B Coloma sand, 2 to 5% silt, water table depth > 6.0'
 Gc2A Gilford sandy loam, 0 to 1% silt, water table depth 0.0-1.0'
 Bx8A Brems loamy sand, 0 to 1% silt, water table depth 1.5 - 3.0'
 - 6) THIS AREA IS NOT IN A FLOODPLAIN AS PER INFORMATION OBTAINED FROM COMMUNITY PANEL NUMBER 18056 0157 D, EFFECTIVE DATE OF AUGUST 2, 2011.
 - 7) FINISH GRADE OF LOT TO REMAIN AS CLOSE AS POSSIBLE TO EXISTING GRADE.
 - 8) THE VERTICAL DATUM FOR THIS SURVEY IS GPS INDOT CORRS ON THE NAVD83 DATUM AND ELEVATION.
 - 9) ELKHART COUNTY RESTRICTIONS ARE IN EFFECT.
 - 10) NO NEW DEVELOPMENT PLANNED AT THIS TIME.
 - 11) THIS SITE FLOWS TO SAINT JOSEPH RIVER APPROXIMATELY 8900' WEST.
 - 12) BAGMENT IS NOT RECOMMENDED FOR LOT ONE (1) DUE TO HIGH WATER TABLE. CONSULT A SOIL SCIENTIST FOR RECOMMENDATIONS.

- LEGEND**
- IRON SPIN FOUND
 - SPIKE
 - SET REBAR W/CAP (ALS FIRM 0135)
 - SECTION CORNER
 - SURFACE WATER FLOW DIRECTION
 - SOIL BORING LOCATION
 - SOIL SEPARATION LINE
 - ▨ GRAVEL
 - ▩ CONCRETE

PROPERTY ADDRESS: 15638 COUNTY ROAD 4
 BRISTOL, INDIANA 46507
 OWNER: TRI-COUNTY LAND TRUSTEE CORPORATION
 L/C: MARCUS W. and RUTH ANN MILLER

ADVANCED LAND SURVEYING OF NORTHERN INDIANA, INC.
 17120 COUNTY ROAD 46, NEW PARIS, INDIANA 46253
 (317) 849-4728
 RONNIE L. JUSTICE PS

SCALE: 1" = 100'
 DATE: 03/02/2024
 DRAWN BY: RLJ
 APPROVED BY: RLJ
 PROJECT NUMBER: 240203
 SHEET NUMBER: 1 OF 2

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Minor Subdivision - Primary

MI-0121-2024

Date: 03/04/2024

Meeting Date:

April 11, 2024

Plan Commission Hearing (Subdivision)

Transaction #:

MI-0121-2024

Description: for primary approval of a 1-lot minor subdivision to be known as SR 13 & 120 MINOR SUBDIVISION

Contacts: Applicant

Land And Boundary Llc
401 S 3Rd Street
Goshen, IN 46526

Land Owner

Legacy Buildings Llc
53800 Cr 37
Middlebury, IN 46540

Private Surveyor

Land And Boundary Llc
401 S 3Rd Street
Goshen, IN 46526

Site Address: 11482 State Road 120
MIDDLEBURY, IN 46540

Parcel Number: 20-04-26-201-012.000-032
20-04-26-201-013.000-032
20-04-26-201-014.000-032
20-04-26-201-015.000-032

Township: York

Location: SOUTH SIDE OF SR 120. 955 FT W OF SR 13

Subdivision:

Lot #

Lot Area:

Frontage:

Depth:

Zoning: A-1

NPO List:

Present Use of Property:

Legal Description:

Comments:

Applicant Signature:

Department Signature:

Plat Committee Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 11, 2024

Transaction Number: MI-0121-2024.

Parcel Number(s): 20-04-26-201-012.000-032, 20-04-26-201-013.000-032, 20-04-26-201-014.000-032, 20-04-26-201-015.000-032.

Existing Zoning: A-1.

Petition: For primary approval of a 1-lot minor subdivision to be known as SR 13 & 120 MINOR SUBDIVISION.

Petitioner: Legacy Buildings LLC, represented by Land and Boundary LLC.

Location: South side of SR 120, 955 ft. west of SR 13, in York Township.

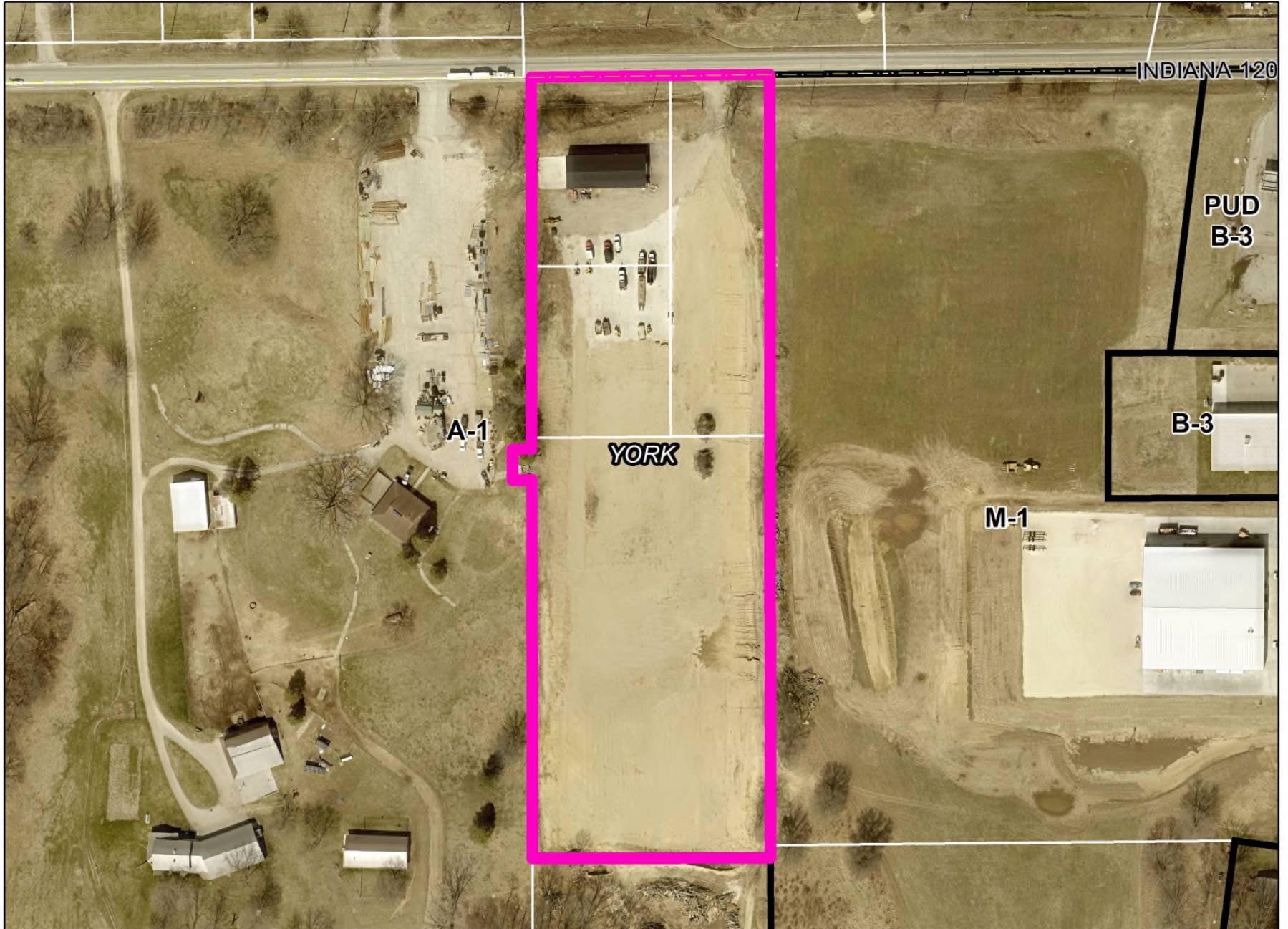
Site Description: Proposed lot 1 is composed of 4 parcels totaling 6.5 acres. It is rectangular in shape with sloped edges from previous extraction activities. There is an existing commercial building and a proposed commercial building, both consistent with the approved Special Use on the property.

History and General Notes:

- **January 18, 2024** – The BZA approved a Special Use for warehousing for a flatwork and construction business and a Developmental Variance to allow the existing building within the front setback. This minor subdivision satisfies condition 3 of the Special Use.

Staff Analysis: The staff, after reviewing this petition with the assistance of the Elkhart County Technical Committee, finds that this primary approval request meets the requirements of the Subdivision Control Ordinance.

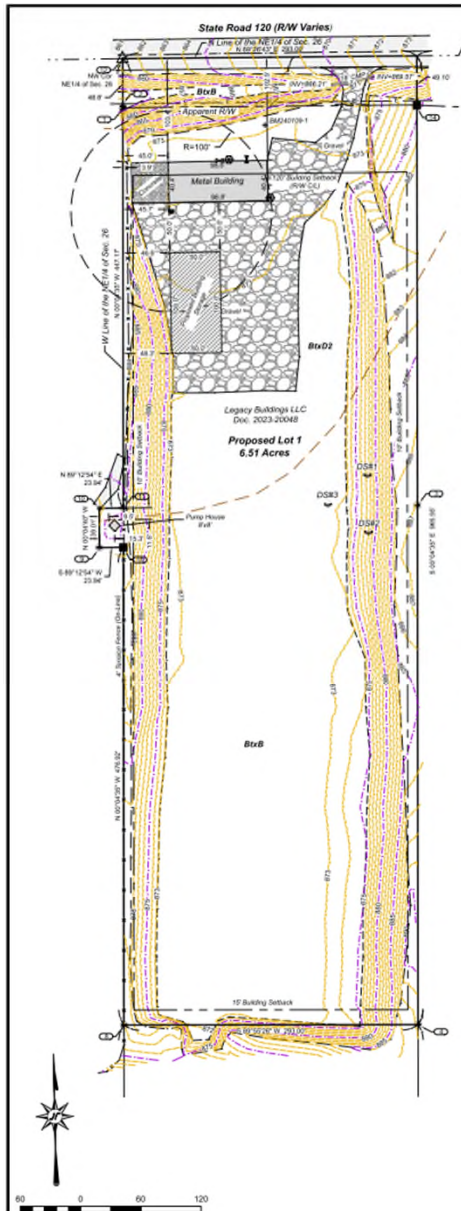
Staff therefore recommends **APPROVAL** of this primary.







SR 13 & 120 Minor Subdivision
 Part of the Northeast Quarter (NE1/4) and
 a portion of the Northwest Quarter (NW1/4) of Section 26,
 Township 38 North, Range 7 East,
 York Township, Elkhart County
 State of Indiana



Land Description

A part of the Northeast Quarter and a portion of the Northwest Quarter of said Section 26, Township 38 North, Range 7 East, York Township, Elkhart County, State of Indiana, surveyed by Travis R. Shetler of Land and Boundary LLC, registration number LS2140008, as shown on a surveyed dated March X, 2024 for Project Number 240108, and being more particularly described as follows:

Beginning at a Harrison monument marking the Northwest corner of the Northeast Quarter of said Section 26, thence North 89°20'43\"/>

Containing 6.51 acres, more or less.

Notes:

- 1 - This lot will be developed to not impede the natural flow of storm water on this tract.
- 2 - The land use is commercial.
- 3 - The current zoning is A-1, Agricultural.
- 4 - There are no plans to add septic on this site. Soil borings were taken, as shown, for the possibility of adding septic in the future. An existing well was located at the Southwest corner of the existing building.
- 5 - Soil Types Are:
 - BtuB - Bristol loamy sand, 2-5% slopes, water table > 50'
 - BtuD - Bristol loamy sand, 10-18% slopes, eroded, water table > 60'
 (Source: USDA Web Soil Survey)
- 6 - Based on scaling from the flood insurance rate map of Elkhart County, Indiana, Map Number 1609CC01770, dated 8-2-2011, the property is located zone "X".
- 7 - The vertical datum for this survey is NAVD83 taken utilizing GPS equipment and Elkhart County GIS.
- 8 - Elkhart County Restrictions are in effect.
- 9 - Development time to be as soon as possible.
- 10 - Existing right-of-way of State Road 120 is as shown.
- 11 - Sight distance to the East is 610', more or less, and to the West is 610 feet, more or less, along State Road 120.
- 12 - Building Setbacks
 - 120' Front (from R/W C/L)
 - 10' Side
 - 15' Rear
- 13 - Site benchmark BM 240109 - 1
 Hub with tack set along the North line of the subject parcel. Elevation = 873.32'

MONUMENT DESCRIPTIONS	
1	REBAR W/CAF INSCRIBED "JUSTICE" FOUND FLUSH ON LINE 50.3 S OF NW COR
2	REBAR W/CAF INSCRIBED "P" FOUND FLUSH ON LINE 47.7 S OF NW COR
3	REBAR W/CAF INSCRIBED "S" FOUND FLUSH ON LINE 45.1 S OF NW COR
4	REBAR W/CAF INSCRIBED "ALL FOUND" FOUND 1' UP ON COR
5	REBAR W/CAF INSCRIBED "ALL FOUND" FOUND 2' UP ON COR
6	REBAR W/CAF INSCRIBED "ALL FOUND" FOUND 3' UP ON COR
7	REBAR W/CAF INSCRIBED "ALL FOUND" FOUND 4' UP ON COR
8	REBAR W/CAF INSCRIBED "ALL FOUND" FOUND 5' UP ON COR
9	REBAR W/CAF INSCRIBED "JUSTICE" FOUND FLUSH ON COR
10	REBAR W/CAF INSCRIBED "JUSTICE" FOUND FLUSH ON COR
11	REBAR W/CAF INSCRIBED "JUSTICE" FOUND FLUSH 3.17' E OF COR
12	HARRISON MONUMENT FOUND FLUSH FIELD
13	HARRISON MONUMENT FOUND FLUSH FIELD
14	REBAR W/CAF INSCRIBED "SHETLER FIRM 0140" SET
15	REBAR W/CAF INSCRIBED "SHETLER FIRM 140" SET

LEGEND

- ▲ HARRISON MONUMENT FOUND
- REBAR FOUND
- NAD83 NAIL FOUND
- REBAR W/CAF INSCRIBED "SHETLER FIRM 0140" SET
- AC UNIT
- ⊙ GAS METER
- ⊙ ELECTRIC METER
- UTILITY POLE
- OVERHEAD ELECTRIC
- FENCE



LAND & BOUNDARY
 The Land and Boundary Resource Office

401 SOUTH 3RD STREET GOSHEN, IN 46535
 (317) 233-5514
 INFO@LANDBOUNDARY.COM

DATE OF FIELD WORK: 3/2024	PROJECT NUMBER: 240108
SCALE: 1" = 80'	APPROVED BY THIS:
SHEET 1 OF 2	DATE: 3RD APR 2024

SR 13 & 120 Minor Subdivision
 Part of the Northeast Quarter (NE1/4) and
 a portion of the Northwest Quarter (NW1/4) of Section 26,
 Township 38 North, Range 7 East,
 York Township, Elkhart County
 State of Indiana

Client:
 Jeremiah Hochstetler, Freedom Builders

Owner:
 Legacy Builders LLC (Doc. 2023-20048)

Site Location:
 11482 State Road 120 Middlebury, Indiana 46540

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Minor Subdivision - Primary

MI-0120-2024

Date: 03/04/2024 Meeting Date: April 11, 2024
Plan Commission Hearing (Subdivision) Transaction #: MI-0120-2024

Description: for primary approval of a 1-lot minor subdivision to be known as LAMBRIGHT'S COUNTY ROAD 39
MINOR SUBDIVISION

<u>Applicant</u>	<u>Land Owner</u>	<u>Private Surveyor</u>
Land And Boundary Llc 401 S 3Rd Street Goshen, IN 46526	Eric J. Lambright & Jenean F. Lambright, Husband & Wife 60727 Cr 39 Middlebury, IN 46540	Land And Boundary Llc 401 S 3Rd Street Goshen, IN 46526

Site Address: 60727 County Road 39 MIDDLEBURY, IN 46540	Parcel Number: 20-08-34-400-008.000-034
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Township: Middlebury
Location: WEST SIDE OF CR 39, 3,990 FT. NORTH OF CR 32

Subdivision:	Lot #
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Lot Area:	Frontage:	Depth:
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Zoning: A-1	NPO List:
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Present Use of Property:

Legal Description:

Comments: SEE DV-0740-2023 APPROVED ON 12/20/2023 to allow for the total square footage of accessory structures to exceed that allowed by right ad for a 45 ft Developmental Variance (Ordinance requires 75 ft) to allow an existing residence and addition 30 ft from the centerline of the right-of-way.

Applicant Signature:

Department Signature:

Plat Committee Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 11, 2024

Transaction Number: MI-0120-2024.

Parcel Number(s): 20-08-34-400-008.000-034.

Existing Zoning: A-1.

Petition: For primary approval of a 1-lot minor subdivision to be known as LAMBRIGHT'S COUNTY ROAD 39 MINOR SUBDIVISION.

Petitioner: Eric J. Lambright & Jenean F. Lambright, Husband & Wife, represented by Land and Boundary LLC.

Location: West side of CR 39, 3,990 ft. north of CR 32, in Middlebury Township.

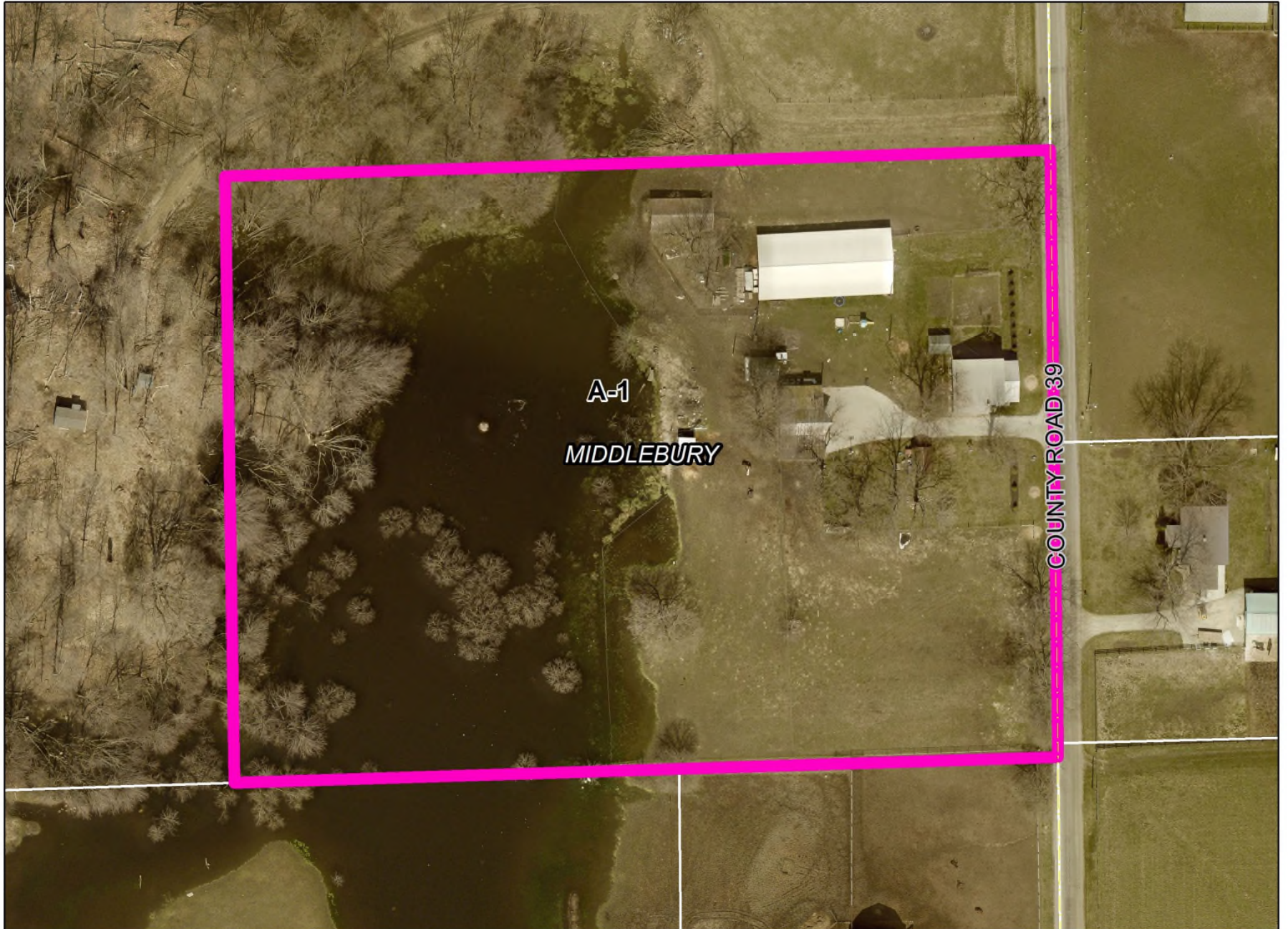
Site Description: Proposed lot 1 is 4.63 acres, rectangular in shape, with an existing residence, a proposed attached garage, and existing barns and accessory structures. Wetland covers approximately the west half of the lot.

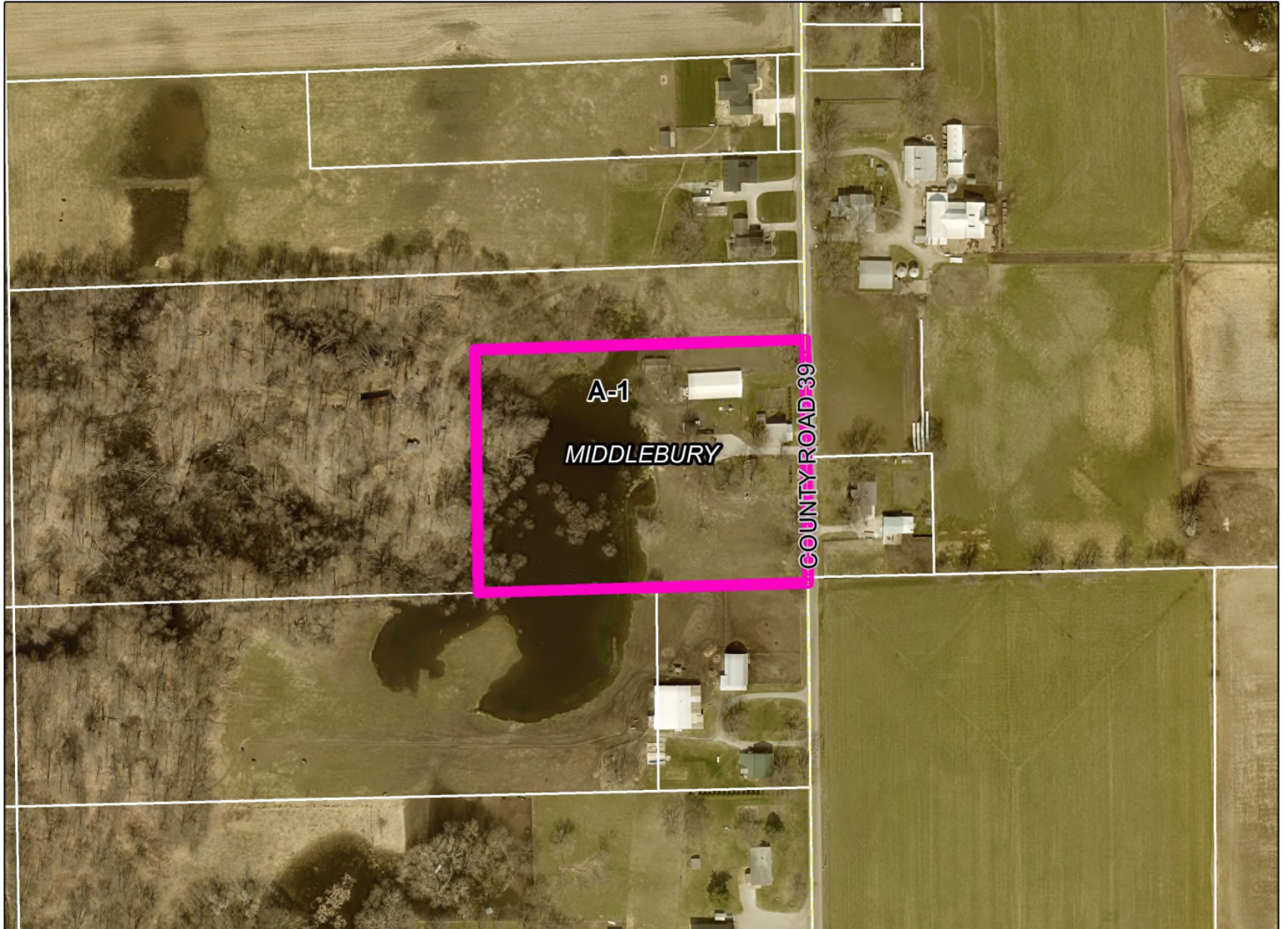
History and General Notes:

- **December 20, 2023** – The Hearing Officer approved a Developmental Variance for accessory storage and to allow the existing residence and an addition in the front setback.

Staff Analysis: The staff, after reviewing this petition with the assistance of the Elkhart County Technical Committee, finds that this primary approval request meets the requirements of the Subdivision Control Ordinance.

Staff therefore recommends **APPROVAL** of this primary.







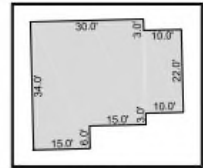
Notes:

- This lot will be developed to not impede the natural flow of storm water on this tract.
- The land use is residential.
- The current zoning is A-1, Agricultural.
- Lot 1 currently has a septic and well, to remain.
- Soil Types Are:
 - BbmA - Baugo silt loam, 0-1% slopes; water table 12"
 - HhaAP - Histosols, 0-1% slopes, ponded; water table 0"
 - RopB - Fiddlee-Oshemo fine sandy loams, 1-5% slopes; water table >80"
 - (Source: USDA Web Soil Survey)
- A portion of Lot 1 is located in a PEM1C wetlands as shown. (Source: National Wetland Inventory)
- Based on scaling from the flood insurance rate map of Elkhart County, Indiana, Map Number 18039C0280D, dated 8-2-2011, the property is located zone "X".
- The vertical datum for this survey is NAVD88 taken utilizing GPS equipment and Elkhart County GIS.
- Elkhart County Restrictions are in effect.
- Development time to be as soon as possible.
- 40' of County Road 39 will be dedicated to Elkhart County Highway. The existing residence will be cutout of the dedication.
- Sight distance to the North is 610 feet plus and to the South is 610 feet plus for both existing drives along County Road 39. The two existing drives on this parcel are used in day to day use of the barns and both were constructed prior to current ownership. Owner will need to adhere to Figure 5 of the "Street Standards" manual to keep compliance.
- Building Setbacks
 - 75' Front (from R/W CL)
 - 10' Side
 - 15' Rear
- Site benchmark BM 240102 - 1
Hub with tack set along the North edge of the gravel drive West of the house. Elevation - 915.52'
- A developmental variance for setback violation was approved in Case No. DV-0740-2023.

Land Description - Doc. 2022-03975

A tract of land located in the Southeast Quarter of Section 34, Township 37 North, Range 07 East, Middlebury Civil Township, Elkhart County, the State of Indiana, said tract being an Original Survey as prepared by Scott D. Zeigler, P.S. #LS19600006, dba Hand to the Plover Surveying, LLC, 5678 West - 350 South, Albion, Indiana 46701, being represented as Plat of Survey #37-07-34-295-002. Said tract being part of a tract of land conveyed to Thomas H. Miller, as described in Elkhart County Document Number 2008-05083, and being more particularly described as follows, to-wit:

Commencing at a Harrison Marker located at the Northeast corner of the Southeast Quarter of said Section 34, Township 37 North, Range 07 East; thence South 00 degrees 53 minutes 21 seconds East (GRID - Indiana State Plane Coordinates - Elkhart County), along the East line of said Southeast Quarter, for 968.30 feet, to a point being marked by a Zeigler Marker Spike, said point being the Point of Beginning for this description; thence continuing South 00 degrees 53 minutes 21 seconds East, along the East line of the Southeast Quarter, for a distance of 400.00 feet, to a point of the common corner between said Miller tract of land and a tract of land conveyed to Tri-County Land Trustee Corporation, as described in Elkhart County Document Number 2005-16378, said point being marked by a Zeigler Marker Spike and being located at the commonly accepted Southeast corner of the Northeast Quarter of said Southeast Quarter; thence South 88 degrees 10 minutes 16 seconds West, along the South line of said Miller tract of land, said line also being the commonly accepted South line of the Northeast Quarter of said Southeast Quarter, for a distance of 544.60 feet, to a point being marked by a #5 Zeigler Rebar; thence North 00 degrees 53 minutes 21 seconds West, parallel with the East line of said Southeast Quarter, for a distance of 400.00, to a point marked by a #5 Zeigler Rebar; thence North 88 degrees 10 minutes 16 seconds East, parallel with the South line of said Miller tract of land, for a distance of 544.80 feet, to the Point of Beginning. Said tract containing 5.00 Acres, more or less, and is subject to all public road right-of-ways and easements of record.



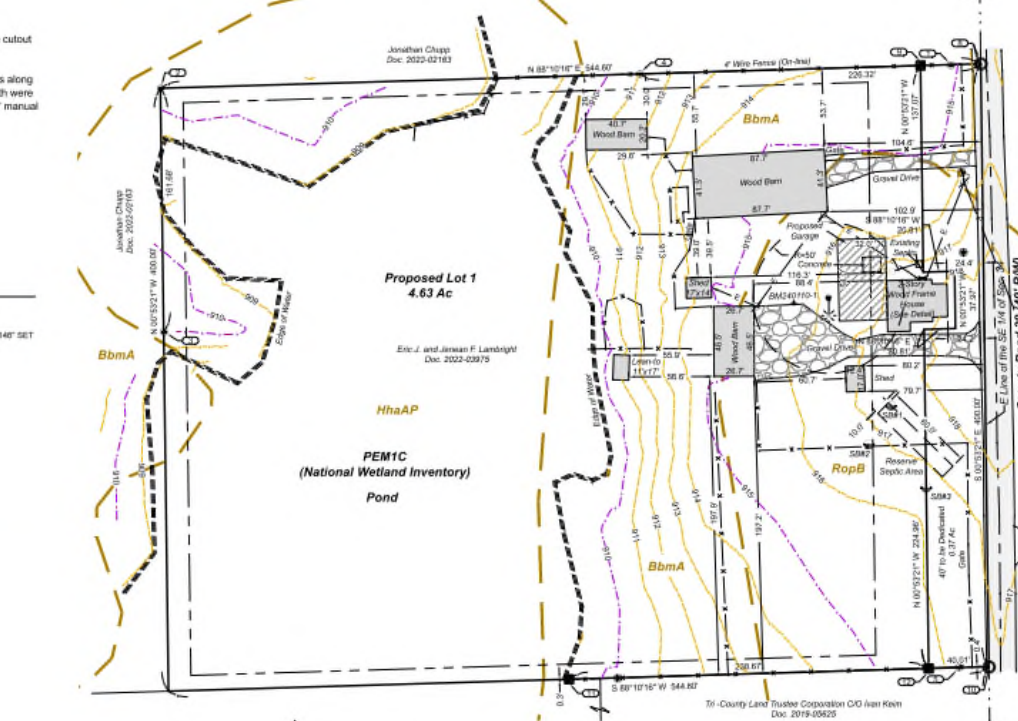
House Detail
1"=20'

LEGEND

- ▲ HARRISON MONUMENT FOUND
- REBAR FOUND
- REBAR W/ CAP INSCRIBED "SHETLER FIRM#148" SET
- SURVEY SPIKE FOUND
- POST
- ⊥ UTILITY POLE
- ⊥ ELECTRIC METER
- WELL
- ⊙ SPRING
- ⊙ SCORING
- OVERHEAD ELECTRIC
- - - FENCE



Vicinity Map
Not to Scale



MONUMENT DESCRIPTIONS

1. REBAR W/ CAP "SCOTT D. ZEIGLER" FOUND FLUSH 0.30' SOUTH OF LINE
2. REBAR W/ CAP "SCOTT D. ZEIGLER" FOUND 2' UP ON CORNER
3. REBAR W/ CAP "SCOTT D. ZEIGLER" FOUND 3' UP ON LINE
4. REBAR W/ CAP "SCOTT D. ZEIGLER" FOUND FLUSH ON LINE
5. REBAR W/ CAP "SCOTT D. ZEIGLER" FOUND FLUSH ON LINE
6. HARRISON MONUMENT FOUND 1' DEEP HOLE
7. MARKER SPIKE INSCRIBED "ZEIGLER" FOUND FLUSH ON CORNER
8. REBAR W/ CAP INSCRIBED "SHETLER FIRM#148" SET
9. MARKER SPIKE INSCRIBED "ZEIGLER" FOUND FLUSH 0.22 S OF COR
10. REBAR W/ CAP INSCRIBED "SHETLER FIRM#148" SET
11. REBAR W/ CAP INSCRIBED "SHETLER FIRM#148" SET
12. REBAR W/ CAP INSCRIBED "SHETLER FIRM#148" SET

Client/Owner:
Eric and Jenean Lambright (Doc. 2022-03975)
Site Location:
60727 County Road 29 Middlebury, Indiana 46540

Lambright's County Road 39 Minor Subdivision
A 1 Lot Minor Subdivision located in the Part of the Southeast Quarter (SE1/4) of Section 34, Township 37 North, Range 7 East, Middlebury Township, Elkhart County, State of Indiana

LAND & BOUNDARY
The Land and Boundary Resource Office
401 SOUTH 31ST STREET, COVINGTON, IN 46032
INFO@LAND&BOUNDARY.COM
PROJECT NUMBER: 2021E
DATE OF FIELD WORK: 3/1/2024
SCALE: 1"=40'
DRAWN BY: LAR
SHEET 1 OF 2

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Minor Subdivision - Primary

MI-0110-2024

Date: 02/29/2024

Meeting Date:

April 11, 2024

Plan Commission Hearing (Subdivision)

Transaction #:

MI-0110-2024

Description: for primary approval of a 1-lot minor subdivision to be known as CLEVELAND ESTATES

Contacts: Applicant

Abonmarche Consultants
303 River Race Dr. Suite 206
Goshen, IN 46526

Authorized Agent

Abonmarche Consultants
303 River Race Dr. Suite 206
Goshen, IN 46526

Land Owner

Todd M. Cleveland & Melissa
K. Cleveland Husband & Wife
71930 Cr 9
Nappanee, IN 46550

Private Surveyor

Abonmarche Consultants
303 River Race Dr. Suite 206
Goshen, IN 46526

Site Address: 00000 Cr 9
NAPPANEE, IN 46650

Parcel Number: Part of 20-14-28-100-005.000-028

Township: Union

Location: EAST SIDE OF CR 9, 850 FT NORTH OF CR 52

Subdivision:

Lot #

Lot Area:

Frontage:

Depth:

Zoning: A-1

NPO List:

Present Use of Property:

Legal Description:

Comments:

Applicant Signature:

Department Signature:

Plat Committee Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 11, 2024

Transaction Number: MI-0110-2024.

Parcel Number(s): Part of 20-14-28-100-005.000-028.

Existing Zoning: A-1.

Petition: for primary approval of a 1-lot minor subdivision to be known as CLEVELAND ESTATES.

Petitioner: Todd M. Cleveland & Melissa K. Cleveland, Husband & Wife , represented by Abonmarche Consultants .

Location: east side of CR 9, 850 ft. north of CR 52, in Union Township.

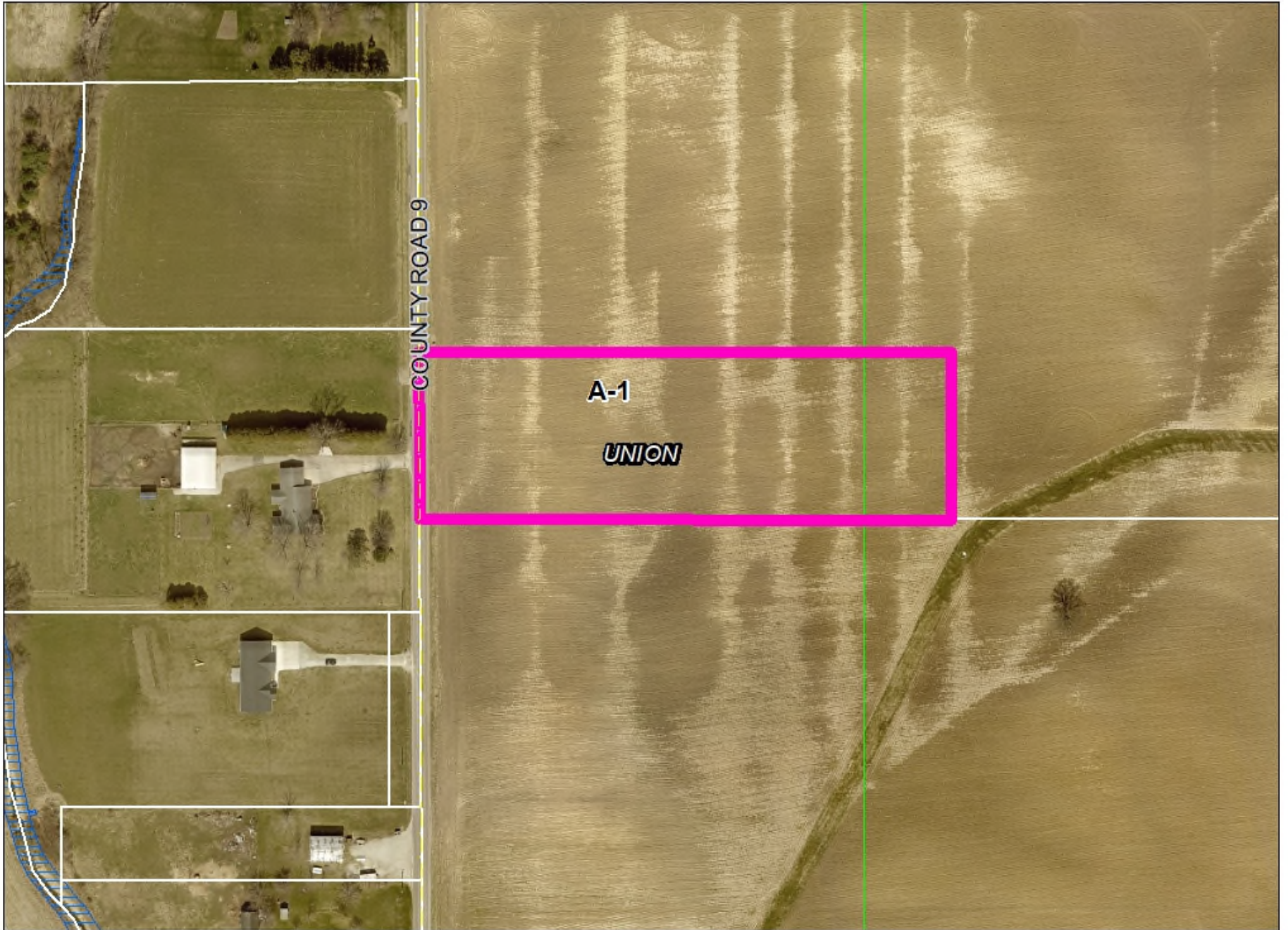
Site Description: Proposed lot 1 is 3 acres and rectangular in shape; containing a prospective residence and pool house.

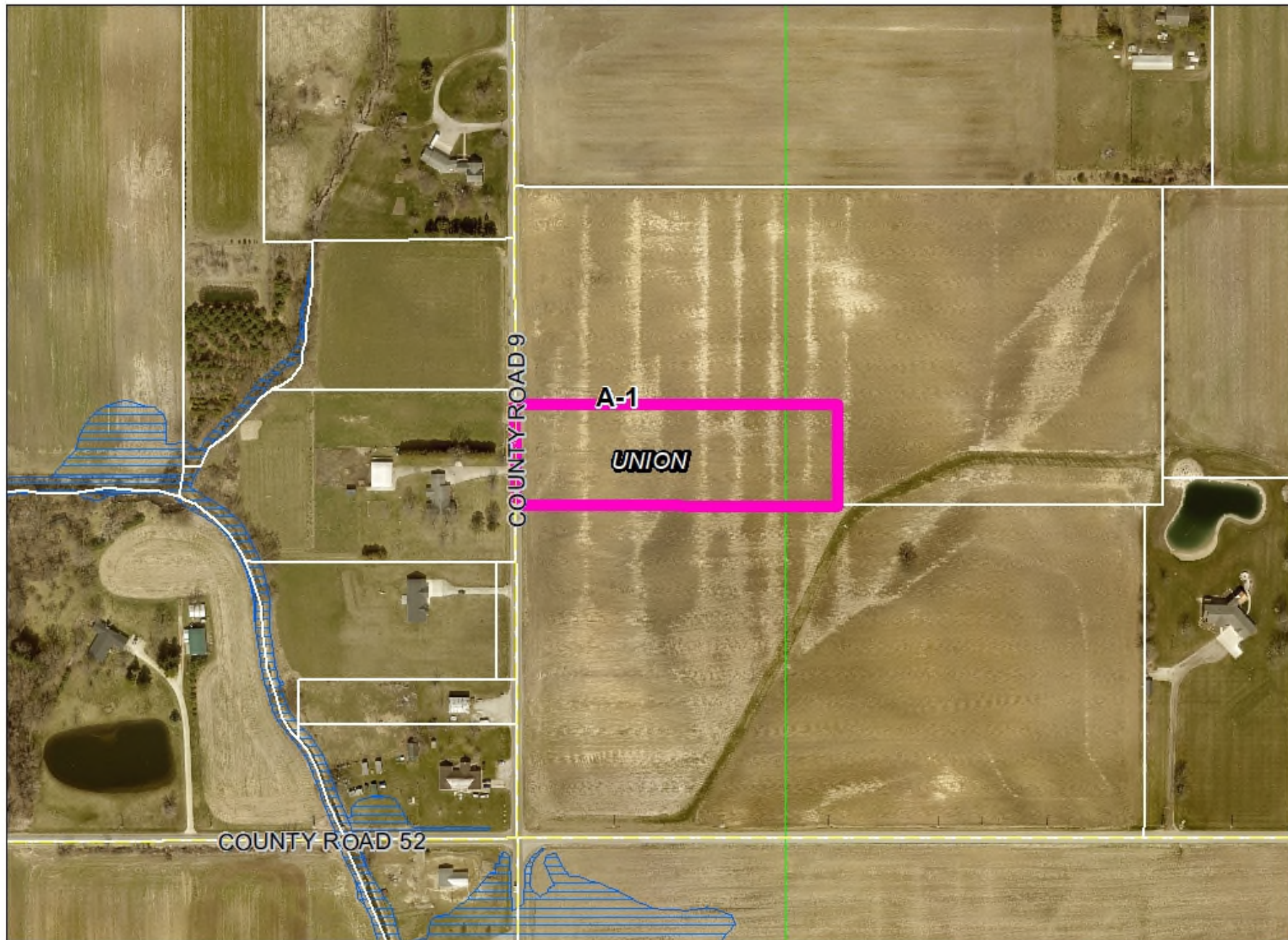
History and General Notes:

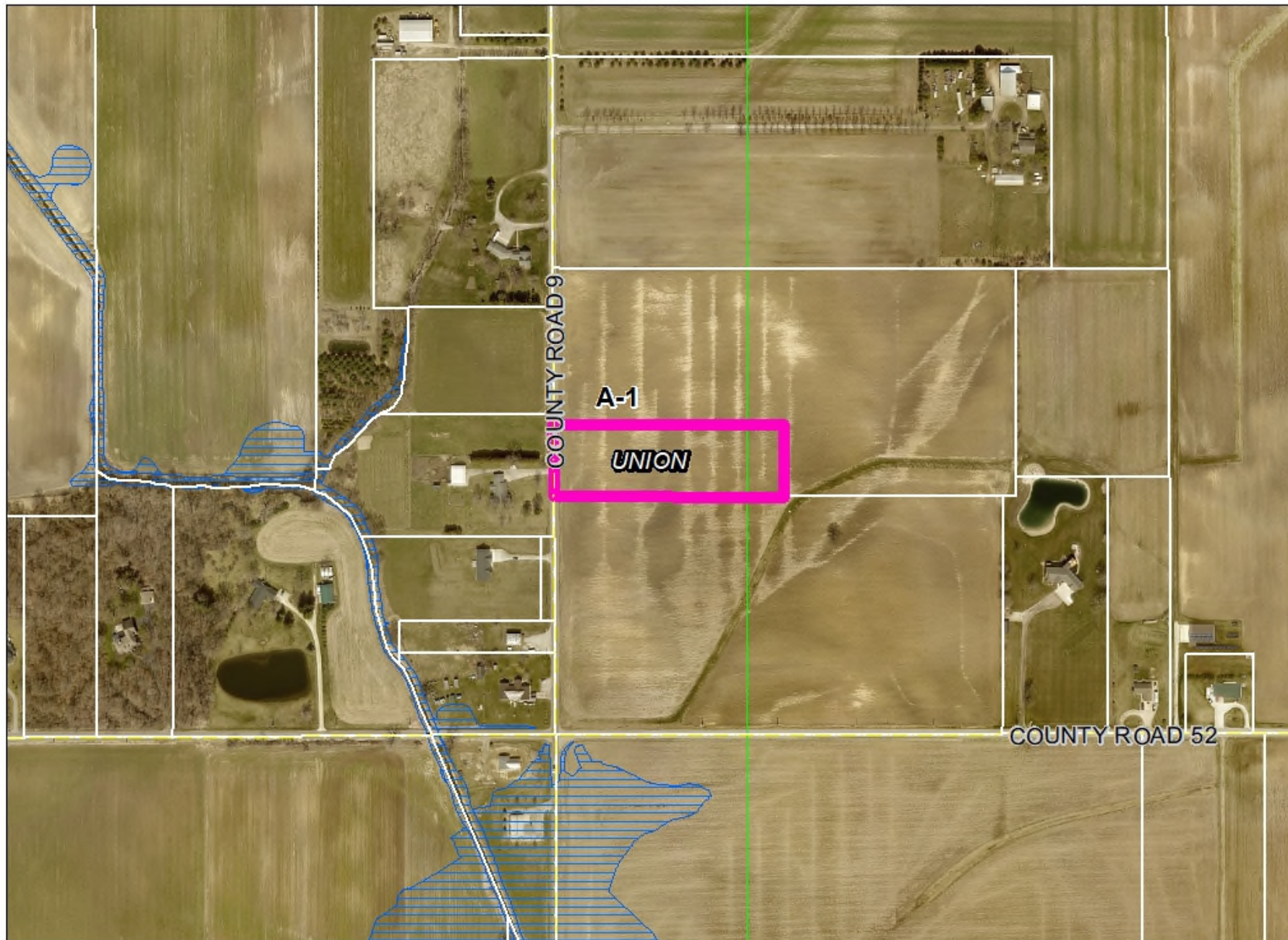
- None.

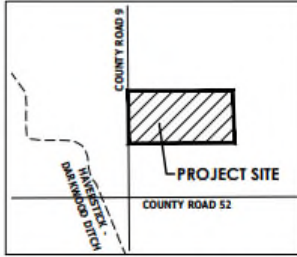
Staff Analysis: The staff, after reviewing this petition with the assistance of the Elkhart County Technical Committee, finds that this primary approval request meets the requirements of the Subdivision Control Ordinance.

Staff therefore recommends **APPROVAL** of this primary.







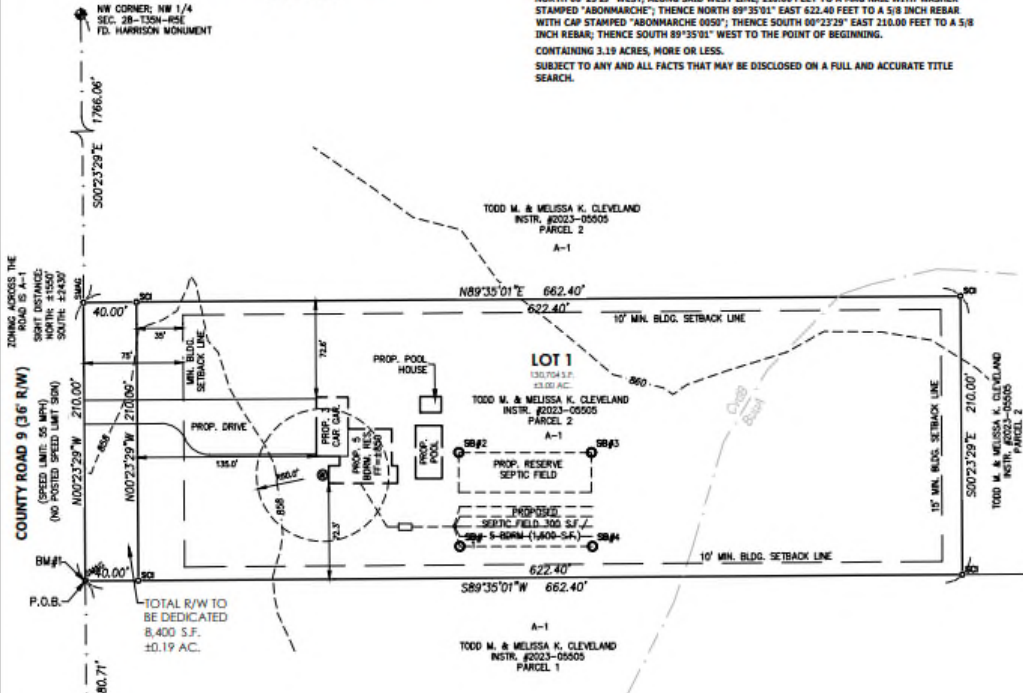


LOCATION MAP

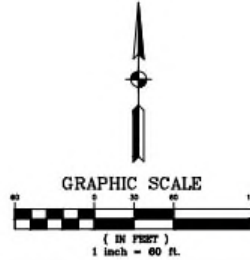
(NOT TO SCALE)

LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 35 NORTH, RANGE 5 EAST, UNION TOWNSHIP, ELKHART COUNTY, INDIANA, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 00°23'29" WEST, ALONG THE WEST LINE SAID NORTHWEST QUARTER 680.71 FEET TO A MAG NAIL WITH WASHER STAMPED "ABONMARCHÉ" AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°23'29" WEST, ALONG SAID WEST LINE, 210.00 FEET TO A MAG NAIL WITH WASHER STAMPED "ABONMARCHÉ"; THENCE NORTH 89°35'01" EAST 622.40 FEET TO A 5/8 INCH REBAR WITH CAP STAMPED "ABONMARCHÉ 0050"; THENCE SOUTH 00°23'29" EAST 210.00 FEET TO A 5/8 INCH REBAR; THENCE SOUTH 89°35'01" WEST TO THE POINT OF BEGINNING.
 CONTAINING 3.19 ACRES, MORE OR LESS.
 SUBJECT TO ANY AND ALL FACTS THAT MAY BE DISCLOSED ON A FULL AND ACCURATE TITLE SEARCH.



- LEGEND**
- S1 = SET 5/8" REBAR MARKED ABONMARCHÉ FIRM 0050
 - ⊕ = FOUND HARRISON MONUMENT
 - ⊙ = PROPOSED WELL
 - SB#X = SOIL BORING LOCATION
 - BM#1 = BENCHMARK LOCATION
 - FT** = APPROX. LOWEST FINISHED FLOOR ELEVATION (SEE GENERAL NOTES "ELEVATION OF BUILDINGS")
 - - - 660 - - - = CONTOURS
 - A-1 = ZONING
 - BtxA = SOIL DESIGNATION



**CLEVELAND RETREAT
 PRIMARY SUBDIVISION**

A PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 28,
 TOWNSHIP 35 NORTH, RANGE 5 EAST,
 UNION TOWNSHIP, ELKHART COUNTY, INDIANA.
 ADDRESS: VL, COUNTY ROAD 9, NAPPANEE, IN 46550
 TAX ID#: PT. OF 20-14-28-100-005.000-028

GENERAL NOTES

- ZONING & PROPOSED LAND USE**
 ZONING FOR THIS ENTIRE PROJECT IS CURRENTLY A-1 AND IS USED AS AN AGRICULTURAL FARM FIELD CURRENTLY. THE AREA IMMEDIATELY SURROUNDING THE SUBJECT PARCEL IS ENTIRELY A-1 AND INCLUDES FARM FIELDS AND/OR RESIDENCES TO THE EAST, WEST, SOUTH & NORTH.
- THE PROJECT IS LOCATED ON THE EAST SIDE OF COUNTY ROAD 9, APPROXIMATELY 275 FEET NORTH OF COUNTY ROAD 52. THE PROJECT IS 3.19 ACRES, MORE OR LESS. THE SUBJECT PARCEL IS UNDER THE OWNERSHIP OF TODD K. & MELISSA K. CLEVELAND.
- SETBACKS - A-1 ZONE ELKHART COUNTY**
 FRONT YARD = 75 FEET FROM CENTERLINE OF COUNTY ROAD 9
 SIDE YARD = 10 FEET
 REAR YARD = 15 FEET
- DENSITY**
 TOTAL PROJECT AREA = ±3.19 ACRES
 AREA IN LOT = ±3.00 ACRES
 AREA IN R/W = ±0.19 ACRES
- LANDSCAPING - N/A** - NO NEW LANDSCAPING WILL BE INSTALLED WITH THIS SUBDIVISION.
- SIGNS - N/A** - NO NEW SIGNS WILL BE INSTALLED WITH THIS SUBDIVISION.
- LIGHTING - N/A** - NO NEW LIGHTING WILL BE INSTALLED WITH THIS SUBDIVISION.
- PARKING - N/A** - NO NEW PARKING IS PROPOSED WITH THIS SUBDIVISION.
- STREETS - N/A** - NO NEW STREETS WILL BE CREATED WITH THIS SUBDIVISION.
- SANITARY SEWERS**
 PROPOSED LOT 1 WILL BE SERVICED BY A NEW PRIVATE SEPTIC SYSTEM.
- WATER SUPPLY**
 PROPOSED LOT 1 WILL BE SERVICED BY A NEW PRIVATE WELL.
- SOILS**
 THE SITE IS COMPOSED OF CwB (CROSSER LDAM, 1-4% SLOPES) AND IS A SOMEWHAT POORLY DRAINED SOILS WITH A SEASONAL HIGH WATER TABLE OF ABOUT 6-18 INCHES; BuA (BROOKSTON LOAM, 0-1% SLOPES) AND IS A POORLY DRAINED SOIL WITH A SEASONAL HIGH WATER TABLE OF ABOUT 0 INCHES.
- SOIL INFORMATION WAS OBTAINED FROM THE "SOIL SURVEY OF ELKHART COUNTY, INDIANA", THE SURVEY WAS PUBLISHED BY THE USDA AND NRCS IN COOPERATION WITH PURDUE UNIVERSITY AND THE STATE SOIL CONSERVATION BOARD.
- THE PROPOSED SEPTICS ON LOT 1 ARE BASED ON SOIL BORINGS PERFORMED BY SOIL SOLUTIONS DATED FEBRUARY 11, 2024.
- BENCHMARKS**
 BM#1 - MAG NAIL AT THE SOUTHWEST CORNER OF TRACT = 857.31' NAVD83
- CONTOURS**
 CONTOURS WERE PUT IN FROM ELEVATE. VERTICAL DATUM IS NAVD83.
- FLOOD NOTE**
 THIS PARCEL IS NOT WITHIN THE 1% ANNUAL CHANCE FLOOD (SPECIAL FLOOD HAZARD AREA) AS SCALED AND DEPICTED ON THE FEMA/FIRM COMMUNITY PANEL NUMBER 18059C0320, EFFECTIVE MAP DATE: AUGUST 2, 2011.
- ELEVATIONS OF BUILDINGS**
 FINISHED GRADE OF ANY FUTURE BUILDING SHALL BE SET TO ENSURE ADEQUATE FLOW OF STORMWATER AWAY FROM PROPOSED BUILDINGS. ANY FUTURE BUILDING WILL BE OF STANDARD CONSTRUCTION.
- WHEN BUILDING A STRUCTURE BELOW GRADE, SPECIAL CONSIDERATION SHOULD BE GIVEN TO SOIL CONDITIONS, FOUNDATION DESIGN, ETC., SUCH CONSIDERATION IS BEYOND, AND NOT PART OF, THIS PRIMARY SUBDIVISION.
- EROSION CONTROL PLAN**
 NO EROSION CONTROL PLAN/STORMWATER POLLUTION PREVENTION PLAN IS REQUIRED, DUE TO LAND DISTURBANCE IS ANTICIPATED TO BE LESS THAN AN ACRE OF LAND THAT WILL BE DISTURBED DURING CONSTRUCTION.

OWNER
 Todd M. & Melissa K. Cleveland
 71930 County Road 9
 Nappanee, IN 46550



I AFFIRM UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

Craig S. Batdorff 2/26/2024
 CRAIG S. BATDORFF, P.S.
 PROFESSIONAL SURVEYOR #LS21200006
 STATE OF INDIANA



ABONMARCHÉ

100 River Park Drive, Unit 306
 Columbus, IN 46508
 Phone: 317.339.9113
 Fax: 317.339.9113
 abonmarche.com

Engineering - Architecture - Land Surveying

NW 1/4 SEC. 28-135N-R5E
 UNION TOWNSHIP
 ELKHART COUNTY, INDIANA

PRIMARY SUBDIVISION

SHEET TITLE

DRAWN BY: TRM

FIELDBOOK: _____

PM REVIEW: _____

QA/QC REVIEW: MJR

DATE: 2/26/2024

SCALE: _____

HORIZ: 1" = 60'

VERT: _____

ACI JOB # _____

24-0054

SHEET NO.