

AGENDA

ELKHART COUNTY PLAT COMMITTEE

October 10, 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 12th day of September 2024.

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

PRIMARY APPROVALS

9:00 A.M.

- A. Petitioner: Josue D. Guevara **(page 1)**
represented by B. Doriot & Associates, Inc.
Petition: for primary approval of a 1-lot minor subdivision to be known as ***BIGLERS MINOR LOT 1 REPLAT.***
Location: north side of CR 40, 900 Ft. west of US 33, common address of 16659 CR 40 in Elkhart Township. *(MI-0625-2024)*
- B. Petitioner: Robert Moser **(page 2)**
represented by Jones Petrie Rafinski
Petition: for primary approval of 1-lot minor subdivision to be known as ***MCNUTT SUBSTATION MINOR SUBDIVISION.***
Location: west side of SR 13, 1,435 ft. south of CR 46, common address of 68777 SR 13 in Benton Township. *(MI-0626-2024)*
- C. Petitioner: Lyle D. & Dianne Bontrager **(page 3)**
represented by Advanced Land Surveying of Northern Indiana
Petition: for primary approval of a 2-lot minor subdivision to be known as ***LYLE & DIANNE BONTRAGER SUBDIVISION.***
Location: south side of CR 42, 590 ft. south of CR 27, common address of 18400 CR 42 in Elkhart Township. *(MI-0629-2024)*

D. Petitioner: Danny L. Yoder & Vonda S. Yoder Trustees (page 4)
Danny L. & Vonda S. Yoder
represented by Advanced Land Surveying of Northern Indiana
Petition: for primary approval of a 1-lot minor subdivision to be known as
WOODSIDE MINOR.
Location: east side of CR 8, 530 ft. south of CR 10, common address of 54644 CR 8 in
York Township. (MI-0630-2024)

The Elkhart County Plat Committee is meeting on Thursday, October 10, 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 October 10, 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=me49879b63106858c7c77adf3968b0b2>

MINUTES
ELKHART COUNTY PLAT COMMITTEE MEETING
HELD ON THE 12TH DAY OF SEPTEMBER 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; Danielle Richards, Planner; Danny Dean, Planner; and James W. Kolbus, Attorney for the Board.

Roll Call.

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

Absent: Steven 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 August 2024, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Snyder/Edwards*) that the Elkhart County Development 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 LLOYD & RHODA TROYER SUBDIVISION, for Lloyd E. & Rhoda A. Troyer represented by Advanced Land Surveying of Northern Indiana, Inc., on property located on the south side of CR 8, 1,200 ft. northwest of CR 35, common address of 13708 CR 8 in York Township, zoned A-1, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0549-2024*.

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

Motion: Action: Approve, **Moved by** Steve Warner, **Seconded by** Lori Snyder that this request for primary approval of a 2-lot minor subdivision to be known as LLOYD & RHODA TROYER 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 2-lot minor subdivision to be known as WELDY COUNTY ROAD 1 MINOR SUBDIVISION, for Jerry W. Weldy and Yvonna A. Weldy, Husband and Wife represented by Danch, Harner & Associates, on property located on the east side of CR 1, 1,735 ft. north of CR 144, common address of 68362 CR 1 in Locke Township, zoned A-1, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0545-2024*.

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

Motion: Action: Approve, **Moved by** Steve Edwards, **Seconded by** Phil Barker, that this request

for primary approval of a 2-lot minor subdivision to be known as WELDY COUNTY ROAD 1 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 2-lot minor subdivision to be known as MONTANA STREET HOLDINGS MINOR SUBDIVISION, for Montana Street Holdings Minor Subdivision represented by Wightman, on property located on the north side of CR 20, 425 ft. east of CR 100, common address of 30627 CR 20 in Baugo Township, zoned R-1, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0540-2024*.

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 2-lot minor subdivision to be known as MONTANA STREET HOLDINGS MINOR SUBDIVISION be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

7. The application for secondary approval of a 5-lot major subdivision to be known as RESONOVER'S ASH ROAD SUBDIVISION, for Albert Reasonover & Carmen E. Reasonover, Husband & Wife represented by Wightman, on property located on the east side of Ash Rd., 950 ft. north of Lincolnway East (Old US 33), common address of 56974 Ash Rd. in Baugo Township, zoned R-1, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #MA-0487-2024*.

Mrs. Snyder asked where the access would be for each lot.

Terry Lang, Wightman, 1402 Mishawka Ave., South Bend, was present representing the petitioner. He explained that there is an easement located on the north side of lot 3. He stated that it will be used to access the two lots and the utilities.

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

Motion: Action: Approve, Moved by Lori Snyder, **Seconded by** Steve Warner that this request for secondary approval of a 5-lot major subdivision to be known as RESONOVER'S ASH ROAD SUBDIVISION be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

8. The meeting was adjourned at 9:07 AM

Respectfully submitted,

Amber Weiss, Recording Secretary

Plat Committee Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 10, 2024

Transaction Number: MI-0625-2024.

Parcel Number(s): 20-11-25-376-017.000-014.

Existing Zoning: A-1.

Petition: for primary approval of a 1-lot minor subdivision to be known as BIGLERS MINOR LOT 1 REPLAT.

Petitioner: Josue D. Guevara, represented by B. Doriot & Associates, Inc.

Location: North side of CR 40, 900 Ft. West of US 33, in Elkhart Township.

Site Description: Proposed lot 1 is 0.66 acres, rectangular in shape, with a proposed single-family residence.

History and General Notes:

- **September 8, 1994** - The Plan Commission approved a 2-lot minor subdivision to be known as **BIGLERS MINOR**.

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 Development Ordinance.

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

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-0625-2024

Date: 08/30/2024

Meeting Date:

October 10, 2024

Plan Commission Hearing (Subdivision)

Transaction #:

MI-0625-2024

Description: for primary approval of a 1-lot minor subdivision to be known as BIGLERS MINOR LOT 1 REPLAT

Contacts: Applicant

B. Doriot & Associates, Inc.
P.O. Box 465
New Paris, IN 46553

Land Owner

Josue D Guevara
1269 Lincolnway W
Ligonier, IN 46767

Private Surveyor

B. Doriot & Associates, Inc.
P.O. Box 465
New Paris, IN 46553

Site Address: 16659 Cr 40
46526, IN Goshen

Parcel Number: 20-11-25-376-017.000-014

Township: Elkhart

Location: North Side Of Cr 40, 900 ft. West Of Us 33

Subdivision:

Lot #

Lot Area:

Frontage:

Depth:

Zoning: A-1

NPO List:

Present Use of Property:

Legal Description:

Comments: SEE NEW HOUSE PERMIT #BR-1515-2024

Applicant Signature:

Department Signature:

GOSHEN

Incorporated

M-1

ELKHART

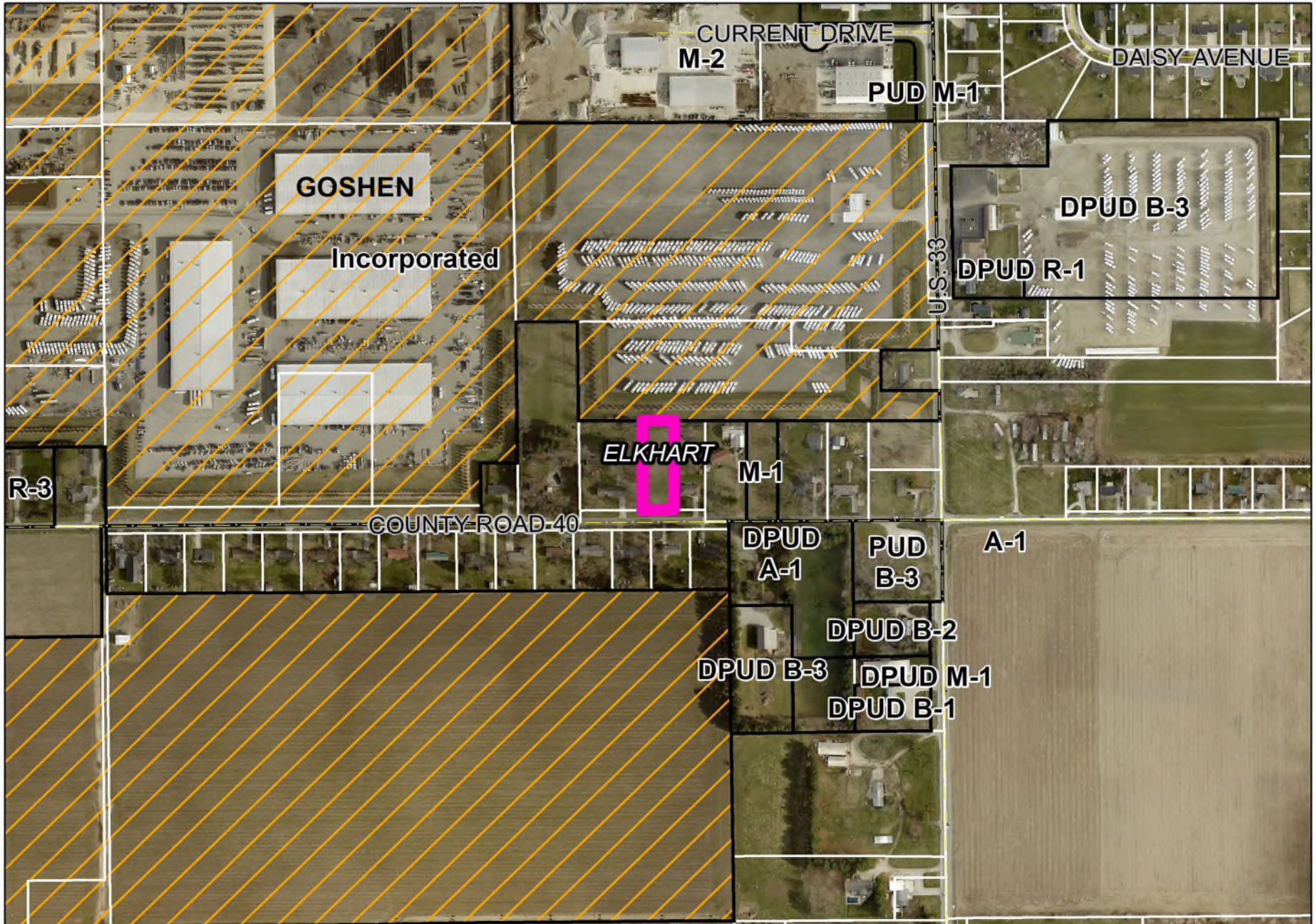
A-1

COUNTY ROAD 40

DPUD A-1

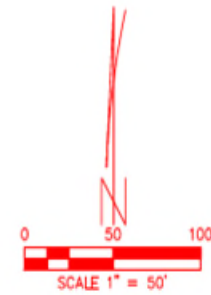
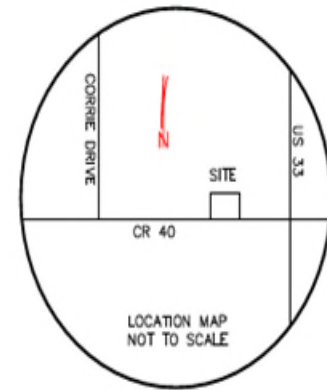






BIGLERS MINOR LOT 1 REPLAT

A 1 Lot Minor Subdivision, being a replat of part of Lot 1 in BIGLERS MINOR SUBDIVISION, recorded as Plat Book 21, Page 84, in the Office of the Recorder of Elkhart County, Indiana.



SURVEYOR'S REPORT

This survey was commissioned by the client for purposes of constructing a compliant subdivision.

General Information

In accordance with Title 865, Article 1, Chapter 12 of the Indiana Administrative Code ("Rule 12"), the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established this survey as a result of uncertainties in reference monumentation; in record descriptions and plats; in lines of occupation; and as introduced by random errors in measurement ("Relative Positional Accuracy"). There may be unwritten rights associated with these uncertainties. The client should assume there is an amount of uncertainty along any line equal in magnitude to the discrepancy in the location of the lines of possession from the surveyed lines.

There may be differences of deed dimensions versus measured dimensions along the boundary lines shown hereon and, likewise, there may be found survey markers near, but not precisely at, some boundary corners. In cases where the magnitude of these differences are less than the Relative Positional Accuracy stated below and less than the uncertainty identified for the reference monumentation (discussed below), the differences may be considered insignificant and are shown only for purposes of mathematical closure. Such differences that are greater than the Relative Positional Accuracy and the uncertainty in reference monumentation should be considered worthy of notice and are therefore further discussed below.

This survey and report are based in part upon opinions formed in accordance with an Indiana Land Surveyor's responsibility to conduct a survey in accordance with "law or a precedent" (865 IAC 1-12-11(5), Rules of the Indiana State Board of Registration for Land Surveyors). Since Indiana has no statutes addressing how to resolve boundary lines, a solution based on principles derived from common law precedent must be relied upon as the basis for a boundary resolution.

Unless otherwise noted or depicted hereon, there is no evidence of occupation along the perimeter lines of the subject tract. All survey monuments set or found this survey are flush with existing grade unless otherwise noted.

The Relative Positional Accuracy (due to random errors in measurement) of this survey is within the specifications for a(n) Suburban Class Survey. (Urban surveys: 0.07 feet plus 50 parts per million, Suburban surveys: 0.13 feet plus 100 parts per million, Rural surveys: 0.26 feet plus 200 parts per million)

Reference Monuments

Section corner information is per the Elkhart County Surveyor's office records.

DESCRIPTION

A part of the Southwest Quarter of Section 25, Township 36 North, Range 6 East, Second Principal Meridian, Elkhart Township, Elkhart County, Indiana, containing 0.66 acres, more or less, being a part of Lot 1 in BIGLERS MINOR SUBDIVISION (Plat Book 21, Page 84), and based on an Original Survey, by B. Doriot & Associates Land Surveying (C. Blake Doriot P.S. 890028), Job #2024-078, all bearings basal on assumption, completed on August 26, 2024, more particularly described as follows:

100 feet, by parallel lines, off, and from, the East Side of Lot 1 in BIGLERS MINOR SUBDIVISION, recorded in Plat Book 21, Page 84, of the Office of the Recorder of Elkhart County, Indiana;

subject to all encumbrances, restrictions, drain tiles, public highways, and right-of-ways of record.

PLAT NOTES

LEGEND:

- - Iron Rebar
- - Calculated Point
- ⊕ - Soil Bore
- ⊗ - 3' Building Setback
- ⊙ - 15' Building Setback
- ⊘ - 10' Building Setback

GENERAL:

- All irons set were #5 rebar capped (DOR10T 890028) and set flush, unless noted.
- Mag nails set with aluminum washer (DOR10T 890028) and set flush, unless noted.
- All corners and monuments that were found are flush and in good condition, unless noted.
- No information is intentionally left out, unless noted.
- All bearings are assumed, unless noted.
- All distances and bearings on this plat are noted as follows:
M=Measured, R=Recorded, C=Calculated.
- Call 811 before digging.

-Development shall begin in ASAP.

-The Current land use is zone A-1.

-Restrictions and setbacks shall conform to the Elkhart County Planning and Zoning Regulations.

-All proposed improvements, well locations, and septic designs shown are generic, and are for informational purposes only. The final plans, and locations, will be designed by others.

DRAINAGE:

- Not in the 100 year flood zone (FEMA).
- Drainage pattern will remain unchanged.
- This development will have no effect on any regulated drain.
- No regulated drains within 1000'.
- Finish grade of lots to approximate existing.
- Contours per Elkhart County GIS (1988 Datum with 2006 TOPO).
- Lowest floor elevation recommended to be above the Seasonal High Water Table, unless an approved engineered water proofing plan is submitted with the application for a building permit, or a gravity flow perimeter drain is installed.
- Less than 1 acre will be disturbed.

HEALTH:

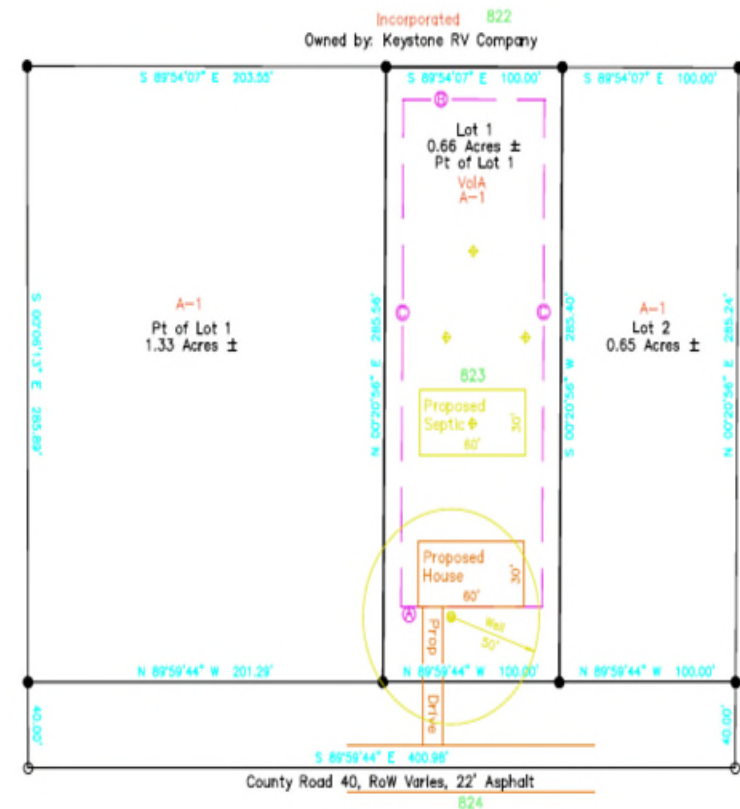
- No municipal services available within one mile.
- Site to be served by septic and well.

HIGHWAY:

- Existing road shall be used.
- Sight distance for proposed/existing drive: 800'± W, 800'± E to intersection.

SOILS:

- Soils are mapped as follows: VolA
- Soil types taken from the Elkhart County GIS.
- Soil Scientist: LLG Soil Consultants, LLC
- See soil borings for SHWT.
- Soil borings are completed as shown on Plat.



BIGLERS MINOR LOT 1 REPLAT

A 1 Lot Minor Subdivision, being a replat of part of Lot 1 in BIGLERS MINOR SUBDIVISION, recorded as Plat Book 21, Page 84, in the Office of the Recorder of Elkhart County, Indiana.

CERTIFICATE OF OWNERSHIP

WE DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED IN THE ABOVE CAPTION AND THAT AS SUCH OWNERS, WE HAVE CAUSED THE ABOVE DESCRIBED PROPERTY TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE HEREON DRAWN PLAT. AS OUR FREE AND VOLUNTARY ACT AND DEED'

BIGLERS MINOR LOT 1 REPLAT

SIGNED _____

PRINTED Guevara, Josue D

NOTARY CERTIFICATION

COUNTY OF ELKHART)
STATE OF INDIANA)

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY CAME THE ABOVE SIGNED OWNERS

WRITTEN _____

PRINTED Guevara, Josue D

WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING PLAT.

WITNESS MY HAND AND SEAL THIS ___ DAY OF _____, 2024.

SIGNED: _____

PRINTED: _____

RESIDENT OF _____ COUNTY, INDIANA

COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

DEED OF DEDICATION

I, THE ABOVE DESCRIBED OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREON, DO HEREBY LAYOFF, PLAT AND SUBDIVIDE THE SAID REAL ESTATE IN ACCORDANCE WITH THE PLAT HEREON. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED "BIGLERS MINOR LOT 1 REPLAT". ALL STREETS AND PUBLIC OPEN SPACES SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC. BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAT, BETWEEN WHICH LINES AND AND THE PROPERTY LINES THERE SHALL BE ERCTED OR MAINTAINED, NO BUILDING OR STRUCTURE. THE STRIPS OF GROUND SHOWN ON THIS PLAT AND MARKED "EASEMENT" ARE RESERVED TO THE PUBLIC UTILITIES FOR THE INSTALLATION OF WATER AND SEWER LINES, POLES, DUCT LINES, WIRES AND DRAINAGE FACILITIES, SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND THE EASEMENTS HEREON RESERVED. NO PERMANENT OR OTHER STRUCTURES ARE TO BE ERCTED OR MAINTAINED IN SAID EASEMENT, BUT OWNERS OF LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES AND THE RIGHTS OF OWNERS OF OTHER LOTS IN THIS SUBDIVISION.

DRAINAGE MAINTENANCE CERTIFICATE

THE MAINTENANCE OF ALL DRAINAGE FACILITIES, INCLUDING CULVERTS AND SWALES SHALL BE RESPONSIBILITY OF EACH LOT OWNER, AND NO OWNER SHALL PERMIT, ALLOW OR CAUSE ANY OF SAID FACILITIES TO BE OBSTRUCTED OR REMOVED IN ANY WAY IMPEDE THE FLOW OF WATER ACROSS OR THROUGH SAID FACILITIES. IN THE EVENT ANY SUCH FACILITIES BECOME DAMAGED OR IN DISREPAIR, IT SHALL BE THE RESPONSIBILITY OF THE LOT OWNER TO REPAIR SUCH FACILITIES AT THE OWNERS EXPENSE.

IN THE EVENT OF THE OWNER'S FAILURE TO MAINTAIN SUCH DRAINAGE FACILITIES IN GOOD ORDER AND REPAIR, APPROPRIATE GOVERNMENTAL AUTHORITY OF ELKHART COUNTY, INDIANA, MAY REPAIR SUCH DRAINAGE FACILITIES AND INVOICE THE COST OF REPAIRS TO THE LAST OWNER. ELKHART COUNTY, INDIANA IS GRANTED AN EASEMENT ACROSS A LOT OWNER'S REAL ESTATE. THE AMOUNT OF ANY ASSESSMENT FOR THE COSTS OF SUCH REPAIRS, AS ASSESSED BY SAID GOVERNMENTAL AUTHORITY, SHALL CONSTITUTE A LIEN UPON SAID REAL ESTATE OF THE LOT OWNER AND ENCUMBRANCE UPON THE TITLE TO SAID LOT.

ELKHART COUNTY, INDIANA IS FURTHER GRANTED THE RIGHT OF ACTION FOR THE COLLECTION OF SAID INDEBTEDNESS FROM THE LOT OWNER AND FOR THE FORECLOSURE OF SAID LIEN IN THE MANNER IN WHICH MORTGAGES ARE FORECLOSED UNDER THE LAWS OF THE STATE OF INDIANA. ANY SUCH COLLECTION AND/OR FORECLOSURE ACTION SHALL BE MAINTAINED IN THE COURTS OF GENERAL JURISDICTION OF THE STATE OF INDIANA AND SHALL BE COMMENCED IN ELKHART COUNTY, INDIANA.

ADDITIONAL NOTES

NO OWNERS OF ANY LOT OR ANY OTHER PARCEL WITHIN THIS PLAT SHALL AT ANYTIME REMONSTRATE AGAINST OR ATTEMPT TO CAUSE THE CESSATION OF ANY FARMING OPERATION WITHIN THE IMMEDIATE VICINITY OF THE PLAT ON THE BASIS THAT SUCH FARMING OPERATION, WHETHER NOW EXISTING OR EXISTING IN THE NEAR FUTURE, INTERFERES WITH THE RESIDENTIAL USE OF THE LOT OR TRACT OWNED BY THE PERSON OR PERSONS REMONSTRATING. ANY PERSON ACCEPTING TITLE TO A LOT OR TRACT WITHIN THIS PLAT ACKNOWLEDGES THAT GENERAL AGRICULTURAL AREAS EXIST ADJACENT TO OR NEAR THIS PLAT AND THAT ACTIVITIES ON SUCH AGRICULTURAL AREAS MAY RESULT IN NORMAL FARM INTERFERENCE SUCH AS NOISE, ODOR, DUST, AGRICULTURAL IMPLEMENT TRAFFIC, UNUSUAL HOURS AND OTHER NORMALLY AGRICULTURAL USES.

STATEMENT OF COMPLIANCE

This subdivision is found to be in compliance with the Elkhart County Subdivision Control ordinance and the dedications shown on this plat hereby approved and accepted to the benefit of Elkhart County this _____ day of _____, 2024.

Elkhart County Plan Commission

By: _____
Mae Kratzer, Plan Director

AUDITOR

DULY ENTERED FOR TAXATION THIS _____ DAY OF _____ OF 2024.

SIGNED: _____
Patricia A Pickens

AUDITOR OF ELKHART COUNTY, INDIANA

RECORDER

RECEIVED FOR RECORD THIS _____ DAY OF _____, 2024, AT

_____ AND RECORDED IN PLAT BOOK _____ AT PAGE NUMBER _____.

FEE: \$ _____

SIGNED: _____
Kaula Baker

RECORDER OF ELKHART COUNTY, INDIANA

DOCUMENT NUMBER: _____

I, C. Blake Doriot, 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.

SURVEYOR CERTIFICATION

COUNTY OF ELKHART)
STATE OF INDIANA)

I, C. BLAKE DORIOT, HEREBY CERTIFY THAT I AM A LAND SURVEYOR, LICENSED IN THE STATE OF INDIANA, IN COMPLIANCE WITH THE LAWS, THAT THIS PLAT, TO THE BEST OF MY KNOWLEDGE, CORRECTLY REPRESENTS A SURVEY MADE BY ME. THAT ALL MONUMENTS SHOWN THEREON ACTUALLY EXISTS. THAT THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.



PRO FORMA

Plat Committee Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 10, 2024

Transaction Number: MI-0626-2024.

Parcel Number(s): 20-16-11-300-002.000-003.

Existing Zoning: A-E, A-1.

Petition: for primary approval of 1-lot minor subdivision to be known as MCNUTT SUBSTATION MINOR SUBDIVISION.

Petitioner: Robert Moser, represented by Jones Petrie Rafinski.

Location: West side of SR 13, 1,435 ft. South of CR 46, in Benton Township.

Site Description: Proposed lot 1 is 7.79 acres, irregular in shape, with a proposed substation for the solar panel field.

History and General Notes:

- **July 8, 2021** – The Plan Commission recommended approval for a zone map change from A-1/DPUD A-1 to DPUD A-1 and granted primary approval of a 1-lot minor subdivision to be known as **ELKHART COUNTY SOLAR PROJECT DPUD**.
- **October 11, 2021** – The Board of County Commissioners approved a zone map change from A-1/DPUD A-1 to DPUD A-1 and primary approval of a 1-lot minor subdivision to be known as **ELKHART COUNTY SOLAR PROJECT DPUD (PC2021-30)**.
- **September 19, 2022** – The Board of County Commissioners approved a zone map change from A-1 and DPUD A-1 to AE A-1 (PC2022-25).
- Proposed lot 1 will need a developmental variance for no road frontage, if ever a structure is to be built.

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 Development Ordinance.

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

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-0626-2024

Date: 08/30/2024

Meeting Date:

October 10, 2024

Plan Commission Hearing (Subdivision)

Transaction #:

MI-0626-2024

Description: for primary approval of a 1-lot minor subdivision to be known as MCNUTT SUBSTATION MINOR
SUBDIVISION

Contacts: Applicant

Jones Petrie Rafinski
325 S Lafayette Blvd
South Bend, IN 46601

Land Owner

Robert Moser
1306 Pebble Ct
Goshen, IN 46528

Private Surveyor

Jones Petrie Rafinski
325 S Lafayette Blvd
South Bend, IN 46601

Site Address: 68777 Sr 13
MILLERSBURG, IN 46543

Parcel Number: 20-16-11-300-002.000-003

Township: Benton

Location: West Side Of Sr 13, 1,435 ft. South Of Cr 46

Subdivision:

Lot #

Lot Area:

Frontage:

Depth:

Zoning:

NPO List:

Present Use of Property:

Legal Description:

Comments: SEE RZ-0540-2022
SEE DPUD-0484-2021 FOR SOLAR PROJECT
THIS IS FOR ELECTRICAL SUBSTATION SITE TYING INTO SOLAR PROJECT

Applicant Signature:

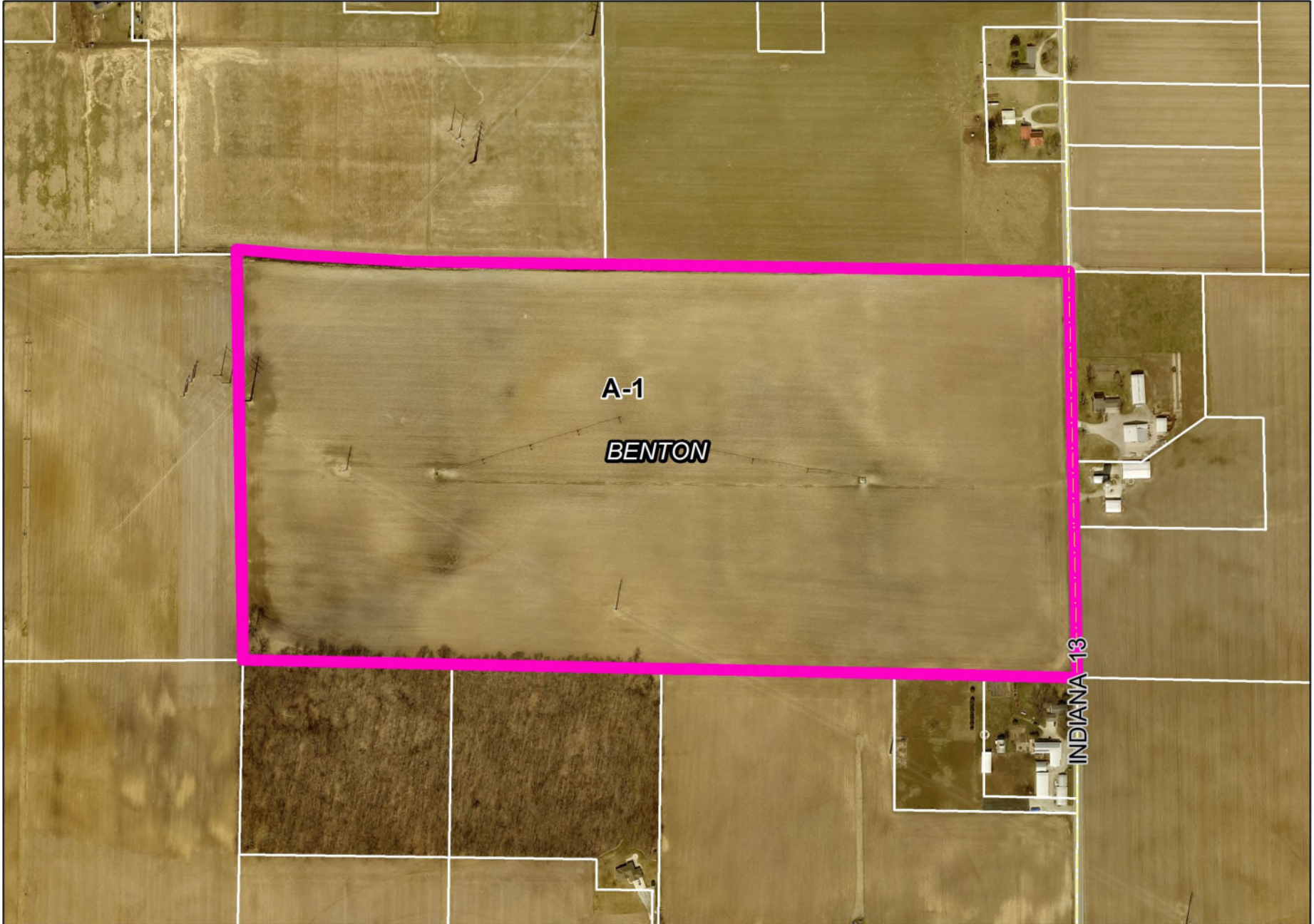
Department Signature:



A-1

BENTON

INDIANA 13



A-1

BENTON

INDIANA 13

MI-0626-2024

INDIANA 13

COUNTY ROAD 46

A-1

BENTON

MCNITT SUBSTATION MINOR SUBDIVISION

A Part of the Southwest Quarter of Section 11 Township 35 North, Range 7 East, Benton Township, Elkhart County, Indiana

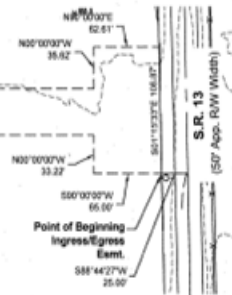


Record Legal Description

per Deed Record 2015-15887
The Southeast Quarter (1/4) of the Southwest Quarter (1/4) of Section Eleven (11), Township Thirty-five (35) North, Range Seven (7) East, containing Forty (40) acres, more or less.

ALSO

The Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Eleven (11), Township Thirty-five (35) North, Range Seven (7) East, containing Forty (40) acres, more or less.

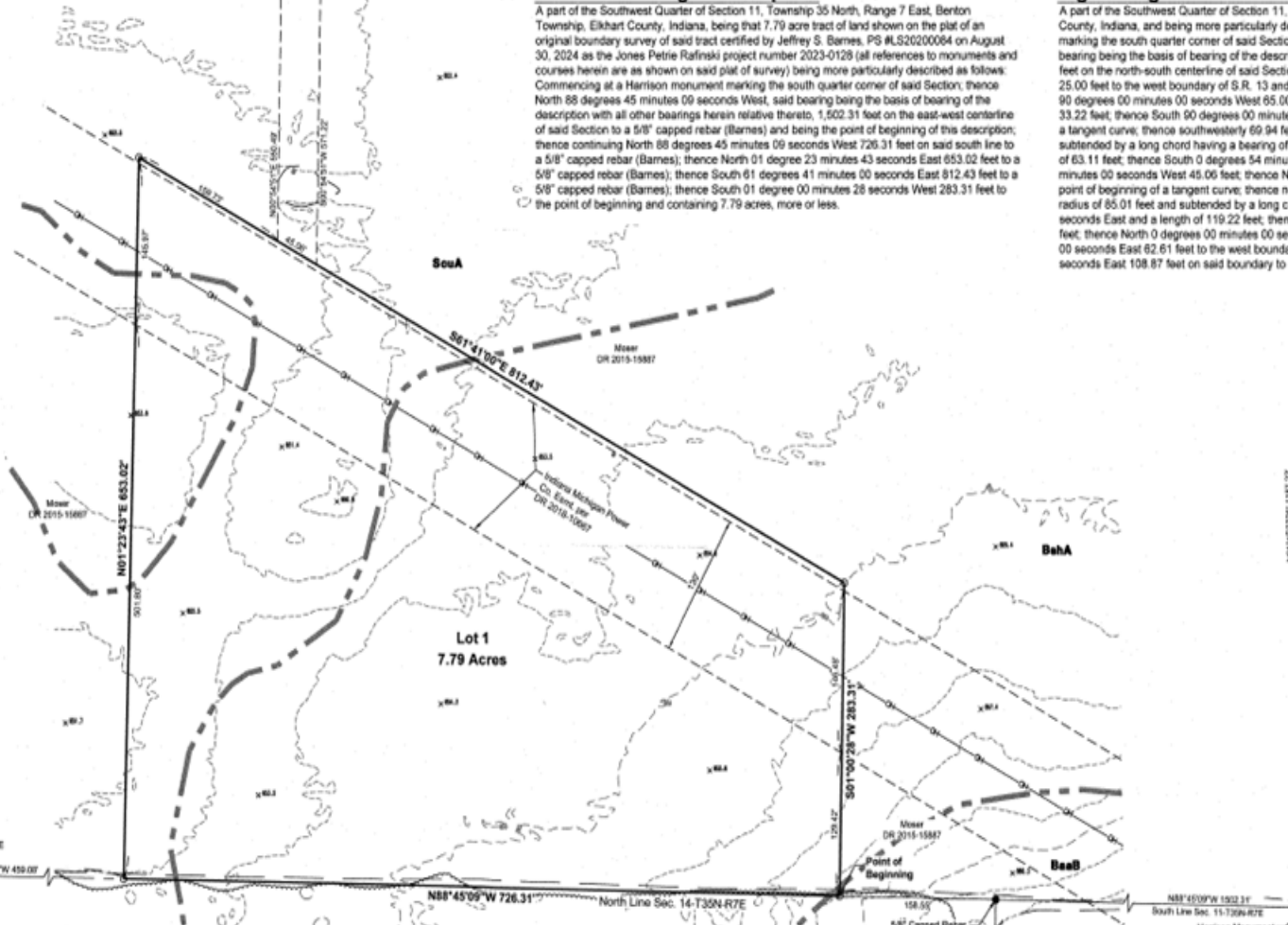


Subdivision Legal Description

A part of the Southwest Quarter of Section 11, Township 35 North, Range 7 East, Benton Township, Elkhart County, Indiana, being that 7.79 acre tract of land shown on the plat of an original boundary survey of said tract certified by Jeffrey S. Barnes, PS #LS20200084 on August 30, 2024 as the Jones Petrie Rafinski project number 2023-0128 (all references to monuments and courses herein are as shown on said plat of survey) being more particularly described as follows: Commencing at a Harrison monument marking the south quarter corner of said Section; thence North 88 degrees 45 minutes 09 seconds West, said bearing being the basis of bearing of the description with all other bearings herein relative thereto, 1,502.31 feet on the east-west centerline of said Section to a 5/8" capped rebar (Barnes) and being the point of beginning of this description; thence continuing North 88 degrees 45 minutes 09 seconds West 726.31 feet on said south line to a 5/8" capped rebar (Barnes); thence North 01 degree 23 minutes 43 seconds East 853.02 feet to a 5/8" capped rebar (Barnes); thence South 61 degrees 41 minutes 00 seconds East 812.43 feet to a 5/8" capped rebar (Barnes); thence South 01 degree 00 minutes 28 seconds West 283.31 feet to the point of beginning and containing 7.79 acres, more or less.

Ingress/Egress Easement

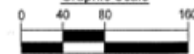
A part of the Southwest Quarter of Section 11, Township 35 North, Range 7 East, Benton Township, Elkhart County, Indiana, and being more particularly described as follows: Commencing at a Harrison monument marking the south quarter corner of said Section; thence North 01 degree 15 minutes 33 seconds West, said bearing being the basis of bearing of the description with all other bearings herein relative thereto, 1,187.22 feet on the north-south centerline of said Section; thence South 88 degrees 44 minutes 27 seconds West 25.00 feet to the west boundary of S.R. 13 and being the point of beginning of this description; thence South 90 degrees 00 minutes 00 seconds West 65.00 feet; thence North 0 degree 00 minutes 00 seconds West 33.22 feet; thence South 90 degrees 00 minutes 00 seconds West 1,861.72 feet to the point of beginning of a tangent curve; thence southwesterly 69.94 feet along an arc to the left having a radius of 45.00 feet and subtended by a long chord having a bearing of South 45 degrees 28 minutes 46 seconds West and a length of 63.11 feet; thence South 0 degrees 54 minutes 51 seconds West 571.22 feet; thence North 61 degrees 41 minutes 00 seconds West 45.06 feet; thence North 0 degrees 54 minutes 51 seconds East 560.49 feet to the point of beginning of a tangent curve; thence northeasterly 132.12 feet along an arc to the right having a radius of 85.01 feet and subtended by a long chord having a bearing of North 45 degrees 28 minutes 06 seconds East and a length of 119.22 feet; thence North 90 degrees 00 minutes 00 seconds East 1861.73 feet; thence North 0 degrees 00 minutes 00 seconds West 35.62 feet; thence North 90 degrees 00 minutes 00 seconds East 82.61 feet to the west boundary of S.R. 13; thence South 01 degree 15 minutes 33 seconds East 108.87 feet on said boundary to the point of beginning and containing 2.48 acres, more or less.



Legend

- ◆ Harrison Monument
- Existing Monument (Origin Unknown Unless Otherwise Noted)
- Railroad Tie Post
- 5/8" Capped Rebar Set (Barnes 20200084)
- (f) Record Dimension
- (m) Measured Dimension
- (c) Calculated Dimension
- FL Mon. Flush with Ground
- 0.1' Elev. of Mon. above Ground (Typ.)
- OH Overhead Line

Graphic Scale



(In Feet)
1 inch = 80 ft.



Savion Energy, LLC
422 Admiral Blvd.
Kansas City, MO 61406

Robert D. Moser, Trustee 1/2 Interest and

MCNUTT SUBSTATION MINOR SUBDIVISION

A Part of the Southwest Quarter of Section 11 Township 35 North, Range 7 East,
Benton Township, Elkhart County, Indiana

Drainage Maintenance Certification

The maintenance of all drainage facilities including culverts and swales shall be the responsibility of each lot owner, and no owner shall permit, allow or cause any of said facilities to be obstructed or removed or to in any way impede the flow of water across or through said facilities. In the event any such facilities become damaged or in disrepair, it shall be the responsibility of the lot owner to repair such facilities at the owner's expense.

In the event of the owner's failure to maintain such drainage facilities in good order and repair, appropriate governmental authority of Elkhart County, Indiana, may repair such drainage facilities and invoice the costs of such repair to the lot owner. Elkhart County, Indiana, is granted an easement across a lot owner's real estate for the purpose of repairing any drainage facilities on said lot owner's real estate. The amount of any assessment for the costs of such repair, as assessed by said governmental authority, shall constitute a lien upon the real estate of the lot owner and an encumbrance upon the title to said lot.

Elkhart County, Indiana, is further granted right of action for the collection of said indebtedness from the lot owner, and for the foreclosure of said lien in the manner in which mortgages are foreclosed under the laws of said State of Indiana. Any such collection and/or foreclosure action shall be maintained in the courts of general jurisdiction of the State of Indiana, and shall be commenced in Elkhart County, Indiana.

Elkhart County Plan Commission Approval

This subdivision is found to be in compliance with the Elkhart County Subdivision Control Ordinance and the dedications shown on this plat are hereby approved and accepted to the benefit of Elkhart County this

_____ day of _____, 2024.

Mae Kratzer, Plan Director

Auditor

Duly entered for taxation this _____ day of _____, 2024.

Patricia A. Pickens Auditor, Elkhart County, Indiana

Recorder

Received for record this _____ day of _____, 2024, at _____
and recorded in Plat Book _____ Page _____, Instrument No. _____

Kasia Baker Recorder, Elkhart County, Indiana

General Notes

The proposed subdivision is currently zoned A-E, (Alternative Energy Overlay). The south adjoiner is zoned A-1.

A-E	
Major Road (between fence and centerline)	120'
County Road (between fence and centerline)	75'
Property line (between fence & non-participating property line)	50'
Residential Building (between fence & non-participating residential building)	200'
Residential Use or District (between fence and residential use or district boundary)	100'
Other (between fence and body of water, well or septic system)	100'

Access to the proposed Lots will be from S.R. 13 via an ingress/egress easement.

Contours and improvements are depicted per an aerial mapping survey.

Soils are depicted per the Elkhart County GIS.

Intended land use is an electrical substation for a proposed solar farm.

Elkhart County Restrictions are in effect, no other restrictions.

Deed of Dedication

We the undersigned, owner(s) of the real estate shown and described herein, do hereby lay off, plat and subdivide said real estate in accordance with the requirements of the Elkhart County, Indiana, Subdivision Ordinance. This subdivision shall be known as MCNUTT SUBSTATION MINOR SUBDIVISION. All streets, alleys and public open spaces shown and not heretofore dedicated, are hereby dedicated to the public.

Owner's Certification

This is to certify that the undersigned is the owner of property herein described in the above caption, and have caused the same to be surveyed and subdivided as indicated thereon, for the uses and purposes therein set forth, thereon indicated.

Dated this _____ day of _____, 2024.

Donna M. Moser, Successor Trustee

Notary Public Certificate

State of Indiana)
) SS:
County of Elkhart)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared _____
and acknowledged the execution of this instrument.

Witness my hand and seal this _____ day of _____, 2024.

Notary Public, residing in _____ County

My commission expires: _____

Surveyor's Statement

This plat is in accordance with Title 865, Article 1, Chapter 12 of the Indiana Administrative Code with the lines of this plat conforming to a survey made under JPR supervision in August, 2024 and being recorded on XXXX in the Office of the Recorder of Elkhart County in Instrument No. XXXX

Surveyor's Certificate

I, Jeffrey S. Barnes, hereby certify that I am a land surveyor, licensed in compliance with the laws of the State of Indiana, that all the monuments will be installed in accordance with the provisions of the platting ordinance, and that their location, size, type and material are accurately shown.

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.

Jeffrey S. Barnes PS 20200604 Date 08/2/2024



JR JONES
PETRIE
RAFINSKI

South Bend, IN
p: 574.232.4198
Fort Wayne, IN
p: 304.452.2122

Savion Energy, LLC
422 Admiral Blvd.
Kansas City, MO 61406

CLIENT



MCNUT SUBSTATION MINOR SUBDIVISION

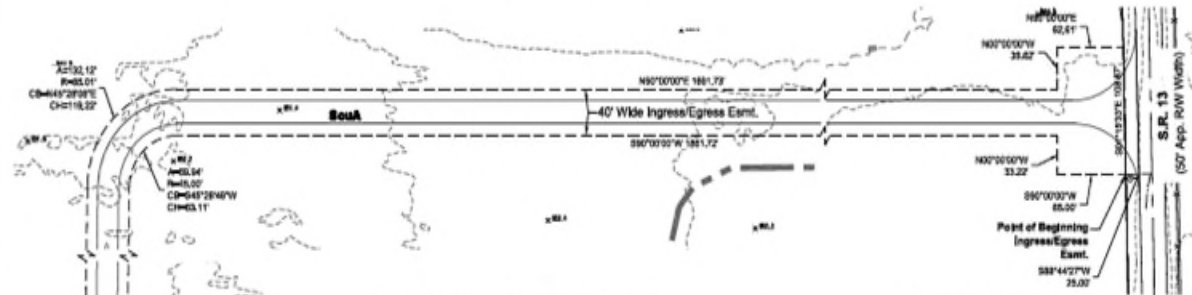
A Part of the Southwest Quarter of Section 11 Township 35 North, Range 7 East, Benton Township, Elkhart County, Indiana

Record Legal Description

per Deed Record 2015-15887
The Southeast Quarter (1/4) of the Southwest Quarter (1/4) of Section Eleven (11), Township Thirty-five (35) North, Range Seven (7) East, containing Forty (40) acres, more or less.

ALSO

The Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Eleven (11), Township Thirty-five (35) North, Range Seven (7) East, containing Forty (40) acres, more or less.

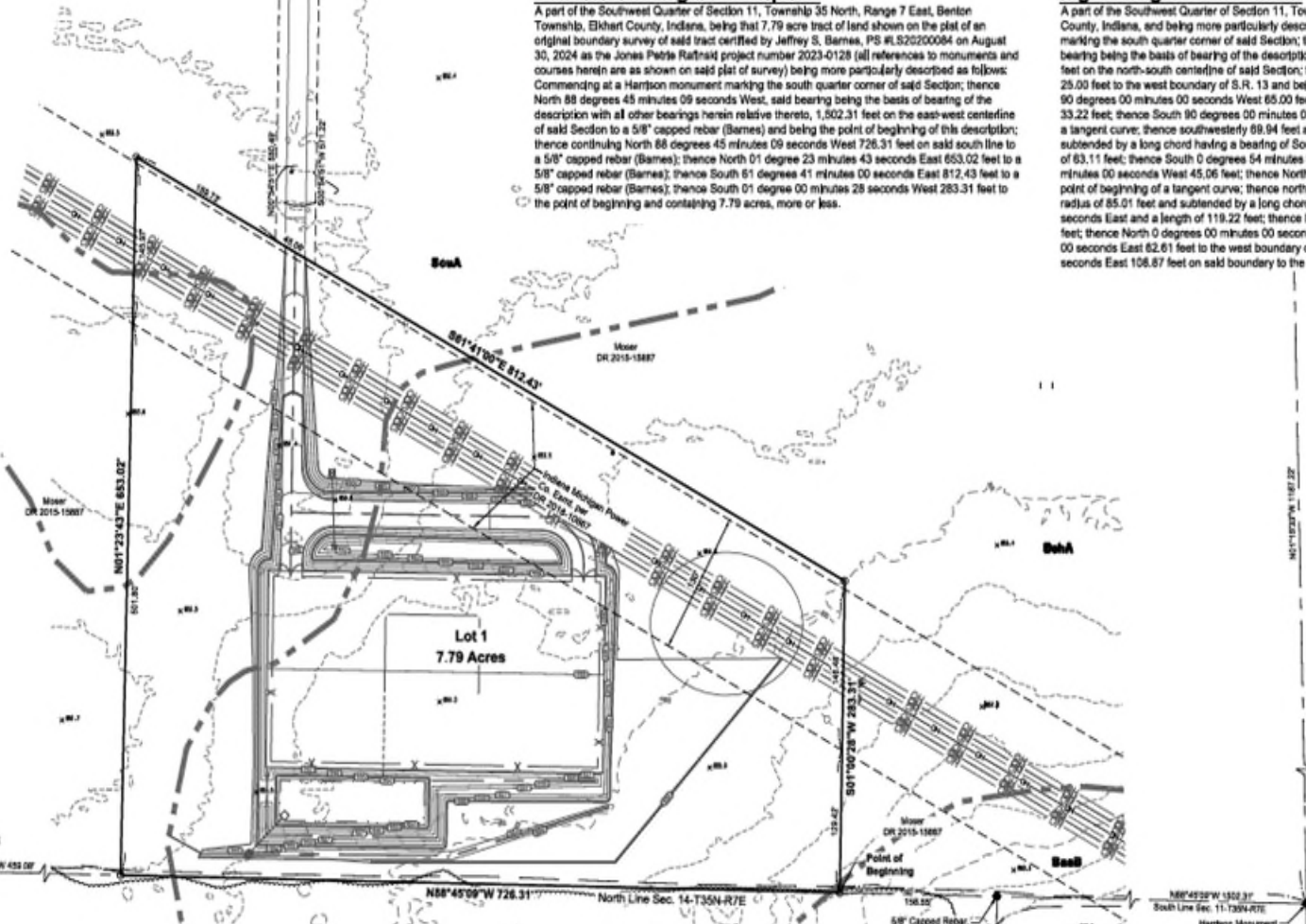


Subdivision Legal Description

A part of the Southwest Quarter of Section 11, Township 35 North, Range 7 East, Benton Township, Elkhart County, Indiana, being that 7.79 acre tract of land shown on the plat of an original boundary survey of said tract certified by Jeffrey S. Barnes, PS #LS20200084 on August 30, 2024 as the Jones Petrie Railroad project number 2023-0128 (all references to monuments and courses herein are as shown on said plat of survey) being more particularly described as follows: Commencing at a Harrison monument marking the south quarter corner of said Section; thence North 01 degree 23 minutes 43 seconds East 1,861.72 feet to the point of beginning of this description; thence continuing North 88 degrees 45 minutes 09 seconds West 726.31 feet on said south line to a 5/8" capped rebar (Barnes); thence South 61 degrees 41 minutes 00 seconds East 812.43 feet to a 5/8" capped rebar (Barnes); thence South 01 degree 00 minutes 28 seconds West 283.31 feet to the point of beginning and containing 7.79 acres, more or less.

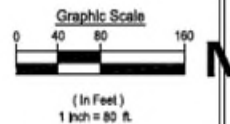
Ingress/Egress Easement

A part of the Southwest Quarter of Section 11, Township 35 North, Range 7 East, Benton Township, Elkhart County, Indiana, and being more particularly described as follows: Commencing at a Harrison monument marking the south quarter corner of said Section; thence North 01 degree 15 minutes 33 seconds West 25.00 feet to the west boundary of S.R. 13 and being the point of beginning of this description; thence South 90 degrees 00 minutes 00 seconds West 1,861.72 feet to the point of beginning of a tangent curve; thence southwesterly 89.04 feet along an arc to the left having a radius of 45.00 feet and subtended by a long chord having a bearing of South 45 degrees 28 minutes 46 seconds West and a length of 63.11 feet; thence South 0 degree 54 minutes 51 seconds West 571.22 feet; thence North 61 degrees 41 minutes 00 seconds West 45.06 feet; thence North 0 degrees 54 minutes 51 seconds East 550.49 feet to the point of beginning of a tangent curve; thence northeasterly 132.12 feet along an arc to the right having a radius of 85.01 feet and subtended by a long chord having a bearing of North 45 degrees 28 minutes 06 seconds East and a length of 119.22 feet; thence North 90 degrees 00 minutes 00 seconds East 1861.73 feet; thence North 0 degrees 00 minutes 00 seconds West 35.62 feet; thence North 90 degrees 00 minutes 00 seconds East 62.61 feet to the west boundary of S.R. 13; thence South 01 degree 15 minutes 33 seconds East 106.87 feet on said boundary to the point of beginning and containing 2.48 acres, more or less.



Legend

- ◆ Harrison Monument
- Existing Monument (Origin Unknown Unless Otherwise Noted)
- Railroad Tie Post
- 5/8" Capped Rebar Set (Barnes 20200084)
- (f) Record Dimension
- (m) Measured Dimension
- (c) Calculated Dimension
- FL Mon. Flush with Ground
- 0.1' Elev. of Mon. above Ground (Typ.)
- Overhead Line



JONES PETRIE RAFINSKI

South West, PL
174,332,638
Plan No. 2024-0128

SAVION ENERGY, LLC
422 Admiral Blvd.
Kansas City, MO 64106

OWNER: Robert D. Moser, Trustee 1/2 Interest and

Plat Committee Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 10, 2024

Transaction Number: MI-0629-2024.

Parcel Number(s): 20-11-34-451-012.000-014.

Existing Zoning: A-1.

Petition: For primary approval of a 2-lot minor subdivision to be known as LYLE & DIANNE BONTRAGER SUBDIVISION.

Petitioner: Lyle D. & Dianne Bontrager, represented by Advanced Land Surveying of Northern Indiana.

Location: South side of CR 42, 590 ft. south of CR 27, in Elkhart Township.

Site Description: Proposed lot 1 is 13 acres, irregular in shape, with an existing residence and accessory structure. Proposed lot 2 is 13 acres, irregular in shape, with a proposed residence.

History and General Notes:

- **February 17, 1999** – The Hearing Officer approved depth and width variances for the parent 26-acre parcel.
- **October 16, 2024** – The Hearing Officer will consider a new width variance for proposed lot 1 and a variance for no road frontage for proposed lot 2.

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 Development Ordinance.

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

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-0629-2024

Date: 09/03/2024

Meeting Date:

October 10, 2024

Plan Commission Hearing (Subdivision)

Transaction #:

MI-0629-2024

Description: for primary approval of a 2-lot minor subdivision to be known as LYLE & DIANNE BONTRAGER
SUBDIVISION

Contacts: Applicant

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

Land Owner

Lyle D Bontrager & Dianne J
Bontrager
18400 County Road 42
Goshen, IN 46526

Private Surveyor

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

Site Address: 18400 Cr 42
46526, IN Goshen

Parcel Number: 20-11-34-451-012.000-014

Township: Elkhart

Location: South Side Of Cr 42, 590 ft. South Of Cr 27

Subdivision:

Lot #

Lot Area:

Frontage:

Depth:

Zoning: A-1

NPO List:

Present Use of Property:

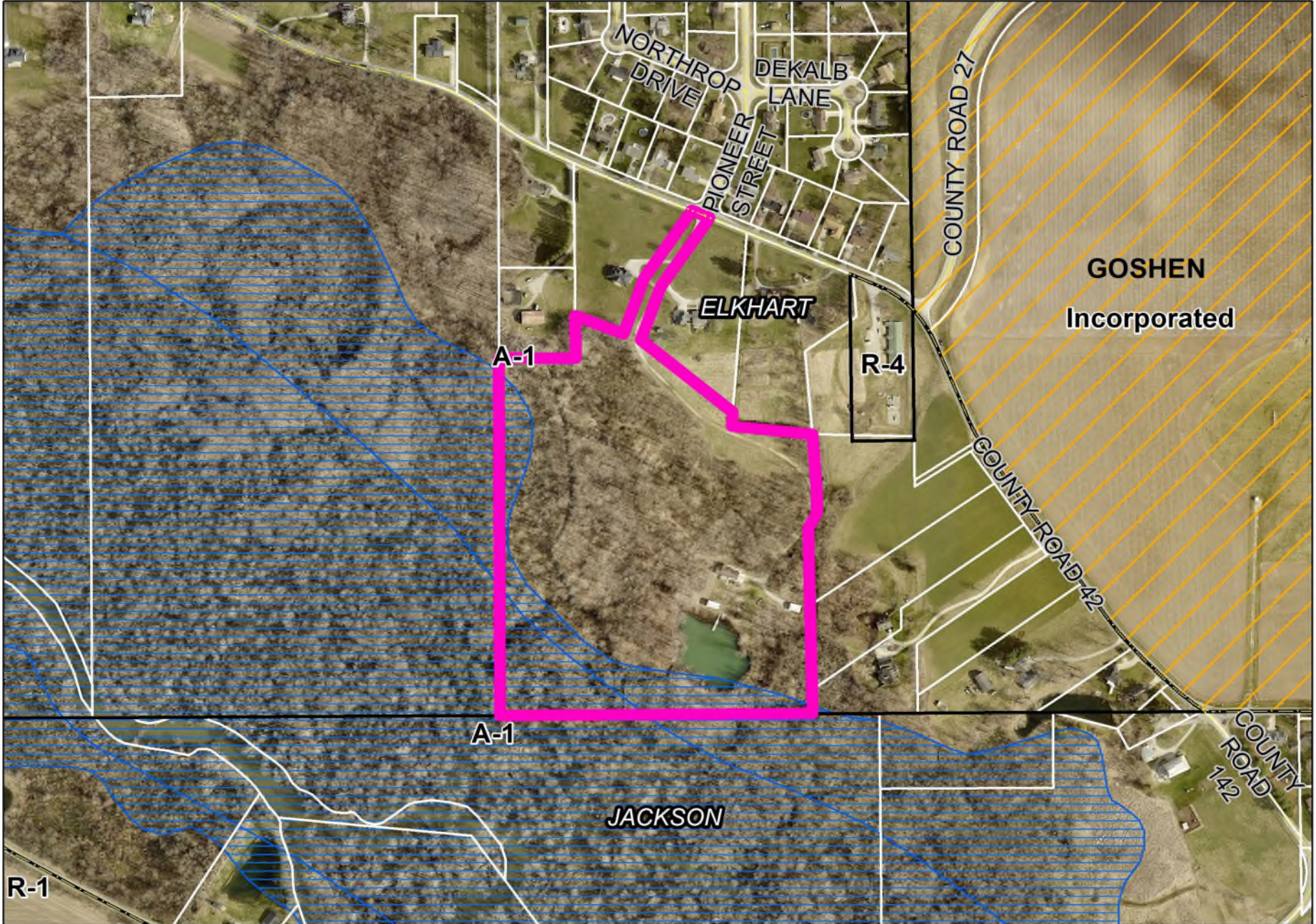
Legal Description:

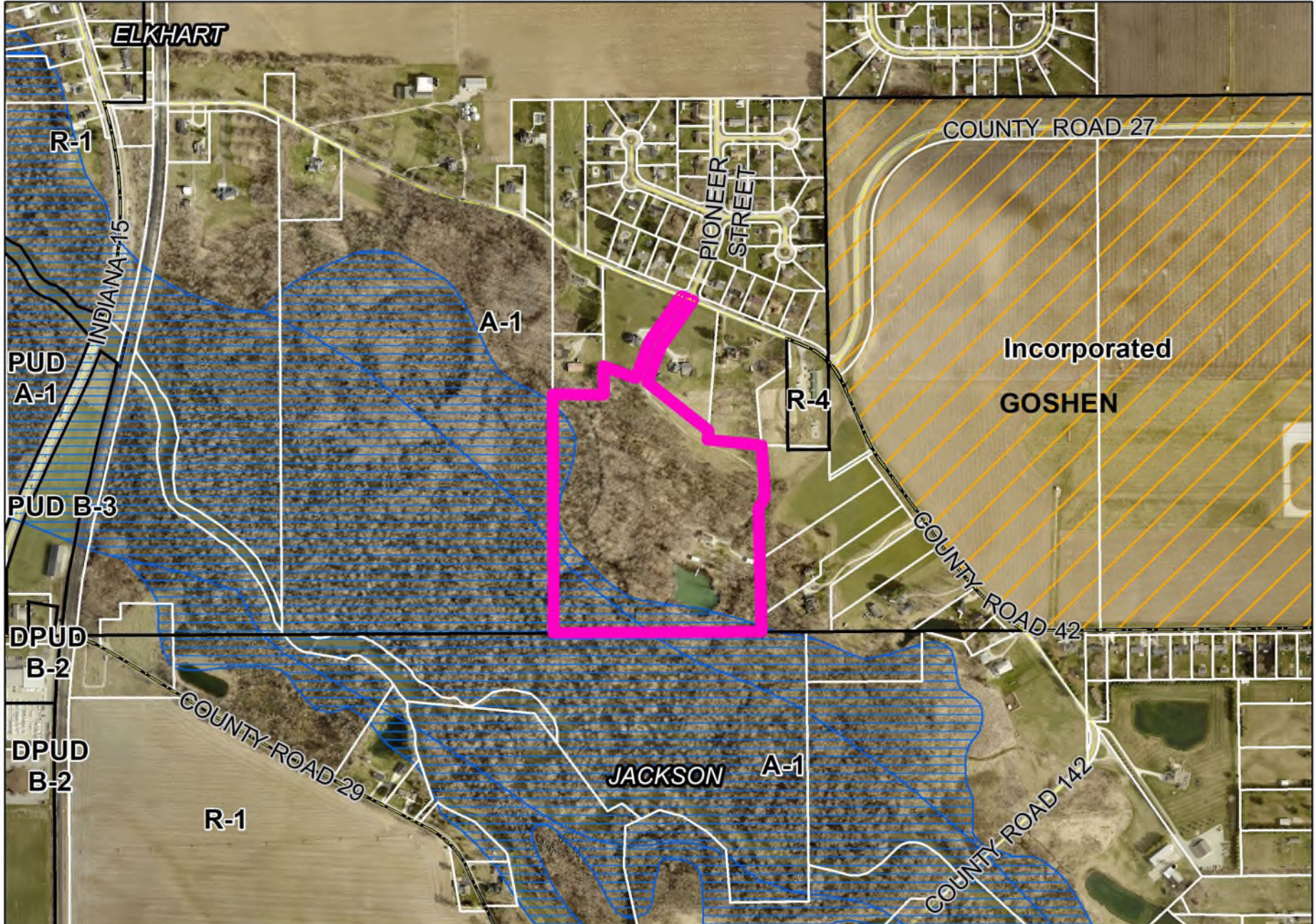
Comments:

Applicant Signature:

Department Signature:







LYLE & DIANNE BONTRAGER SUBDIVISION

A 2 LOT MINOR SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA

STATEMENT OF COMPLIANCE

THIS SUBDIVISION IS FOUND TO BE IN COMPLIANCE WITH THE ELKHART COUNTY DEVELOPMENT ORDINANCE AND THE DEDICATIONS SHOWN ON THIS PLAT ARE HEREBY APPROVED AND ACCEPTED TO THE BENEFIT OF ELKHART COUNTY THIS _____ DAY OF _____ 2024.

ELKHART COUNTY PLAN COMMISSION

BY: _____
MAE KRATZER, PLAN DIRECTOR

RECORDER

RECEIVED FOR RECORD THIS _____ DAY OF _____ 2024.
AT _____ AND RECORDED IN PLAT BOOK _____ PAGE _____

KAALA BAKER - RECORDER OF ELKHART COUNTY

AUDITOR

DULY ENTERED FOR TAXATION THIS _____ DAY OF _____ 2024.

PATRICIA A. POWENS - AUDITOR OF ELKHART COUNTY

DRAINAGE MAINTENANCE CERTIFICATION:

THE MAINTENANCE OF ALL DRAINAGE FACILITIES, INCLUDING CULVERTS AND SWALES SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER, AND NO OWNER SHALL PERMIT, ALLOW OR CAUSE ANY OF SAID FACILITIES TO BE OBSTRUCTED OR REMOVED OR TO IN ANY WAY IMPEDE THE FLOW OF WATER ACROSS OR THROUGH SAID FACILITIES.

IN THE EVENT ANY SUCH FACILITIES BECOMES DAMAGED OR IN DISREPAIR, IT SHALL BE THE RESPONSIBILITY OF THE LOT OWNER TO REPAIR SUCH FACILITIES AT OWNER'S EXPENSE. IN THE EVENT OF OWNER'S FAILURE TO MAINTAIN SUCH DRAINAGE FACILITIES IN GOOD ORDER AND REPAIR, APPROPRIATE GOVERNMENTAL AUTHORITY OF ELKHART COUNTY, INDIANA, MAY REPAIR SUCH DRAINAGE FACILITIES AND INVOICE THE COSTS OF SUCH REPAIR TO THE LAST OWNER. ELKHART COUNTY, INDIANA, IS GRANTED AN EASEMENT ACROSS A LOT OWNER'S REAL ESTATE FOR THE PURPOSE OF REPAIRING ANY DRAINAGE FACILITIES ON SAID LOT OWNER'S REAL ESTATE. THE AMOUNT OF ANY ASSESSMENT FOR THE COSTS OF SUCH REPAIR, AS ASSESSED BY SAID GOVERNMENTAL AUTHORITY SHALL CONSTITUTE A LIEN UPON THE REAL ESTATE OF THE LOT OWNER AND AN ENCUMBRANCE UPON THE TITLE TO SAID LOT.

ELKHART COUNTY, INDIANA, IS FURTHER GRANTED A RIGHT OF ACTION FOR THE COLLECTION OF SAID INDEBTEDNESS FROM THE LOT OWNER AND FOR THE FORECLOSURE OF SAID LIEN IN THE MANNER IN WHICH MORTGAGES ARE FORECLOSED UNDER THE LAWS OF THE STATE OF INDIANA. ANY SUCH COLLECTION AND/OR FORECLOSURE ACTION SHALL BE MAINTAINED IN THE COURTS OF GENERAL JURISDICTION OF THE STATE OF INDIANA, AND SHALL BE COMMENCED IN ELKHART COUNTY, INDIANA.

THIS SURVEY IS LOCATED IN AN AREA THAT IS CURRENTLY ZONED A-1 (AGRICULTURAL), AS SUCH NORMAL AGRICULTURAL OPERATION INCLUDING THE OPERATION OF MACHINERY, THE PRIMARY PROCESSING OF AGRICULTURAL PRODUCTS, AND ALL NORMAL AGRICULTURAL OPERATIONS PERFORMED IN ACCORDANCE WITH GOOD HUSBANDRY PRACTICES ARE PERMITTED TO BE CONDUCTED ON ADJOINING PROPERTIES.

THE BOUNDARY SURVEY FOR THIS BOUNDARY IS RECORDED IN INSTRUMENT NUMBER 2024-- IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.



DEED OF DEDICATION and OWNERS CERTIFICATION

THIS IS TO CERTIFY THAT WE, THE UNDERSIGNED, ARE THE OWNER(S) OF THE LAND DESCRIBED IN THE PLAT HERIN, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DO HEREBY ACKNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE THEREON INDICATED.

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, AS PROPRIETORS, HAVE CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT OPPOSITE, THAT SAID SUBDIVISION IS TO BE KNOWN AS LYLE & DIANNE BONTRAGER SUBDIVISION, THAT THE LOTS ARE NUMBERED AND HAVE THEIR RESPECTIVE DIMENSIONS GIVEN IN FEET AND DECIMAL PARTS THEREOF, AND THAT THE FACILITIES INCLUDED IN SAID SUBDIVISION ARE HEREBY DEDICATED FOR PUBLIC USE.

LYLE D. BONTRAGER

DIANNE J. BONTRAGER

BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED LYLE D. BONTRAGER AND DIANNE J. BONTRAGER AND EACH SEPARATELY AND SEVERALLY ACKNOWLEDGED THE FOREGOING INSTRUMENT AS THEIR VOLUNTARY ACT AND DEED FOR THE PURPOSES HERIN EXPRESSED.
WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____ 2024.

NOTARY

JENNIFER L. JUSTICE

RESIDENT OF ELKHART COUNTY

MY COMMISSION EXPIRES MAY 30, 2030

Plat Committee Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 10, 2024

Transaction Number: MI-0630-2024.

Parcel Number(s): 20-04-33-426-028.000-032, 20-04-33-426-029.000-032.

Existing Zoning: A-1.

Petition: For primary approval of a 1-lot minor subdivision to be known as WOODSIDE MINOR.

Petitioner: Danny L. Yoder & Vonda S. Yoder, Trustees, represented by Advanced Land Surveying of Northern Indiana.

Location: East side of CR 8, 530 ft. south of CR 10, in York Township.

Site Description: Proposed lot 1 is composed of two parcels totaling 4.78 acres, irregular in shape, with an existing residence and proposed accessory structure.

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 Development Ordinance.

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

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-0630-2024

Date: 09/03/2024

Meeting Date:

October 10, 2024

Plan Commission Hearing (Subdivision)

Transaction #:

MI-0630-2024

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

Contacts: Applicant

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

Authorized Agent

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

Land Owner

Danny L. Yoder & Vonda S.
Yoder Trustees Danny L. &
Vonda S. Yoder Jt Rev Trust
54644 Cr 8
Middlebury, IN 46540

Private Surveyor

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

Site Address:

54644 County Road 8
Middlebury, IN 46540

Parcel Number:

20-04-33-426-028.000-032

Township: York

Location: East Side Cr 8, 530 Feet South Of Cr 10

Subdivision:

Lot #

Lot Area:

Frontage:

Depth:

Zoning: A-1

NPO List:

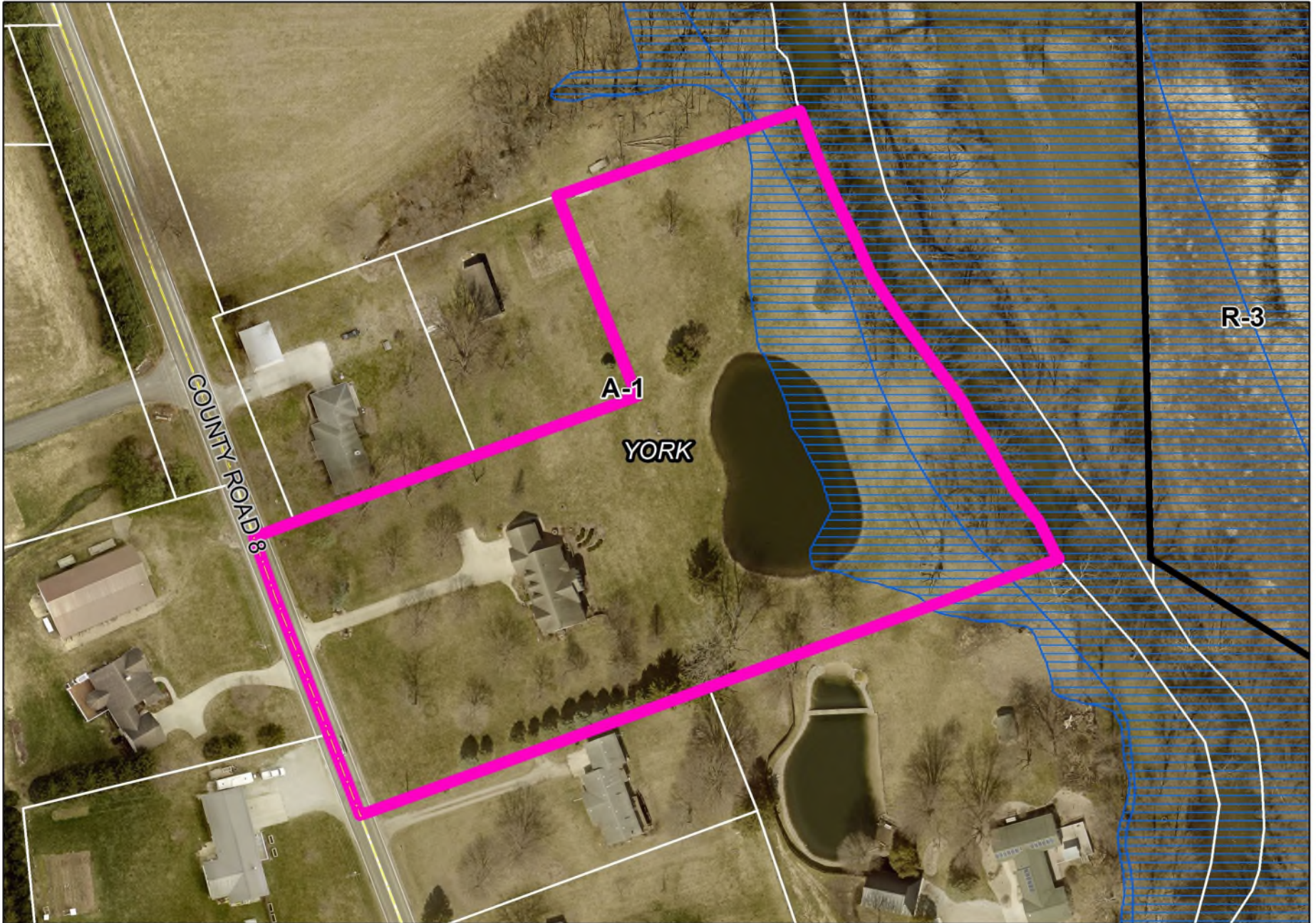
Present Use of Property:

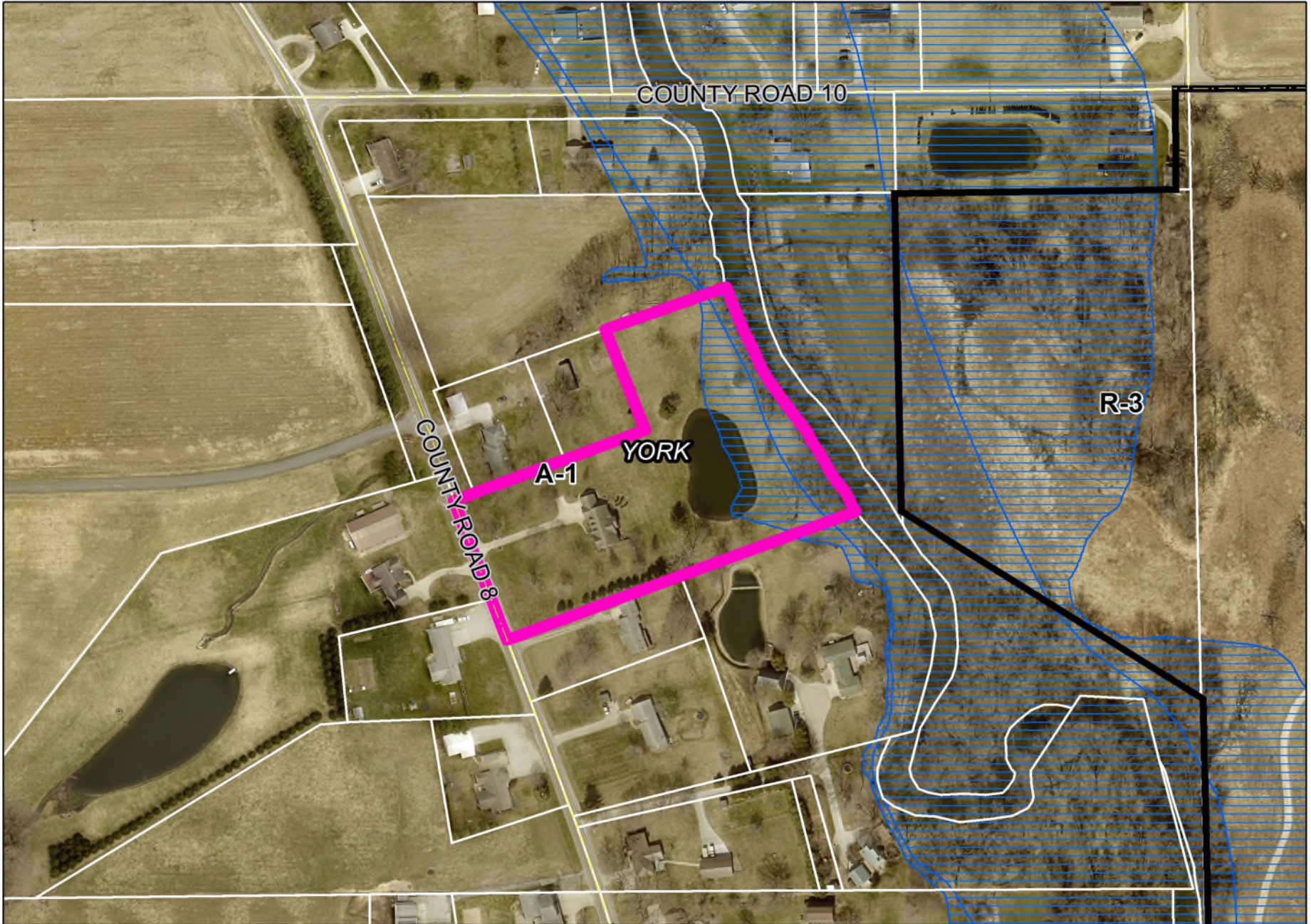
Legal Description:

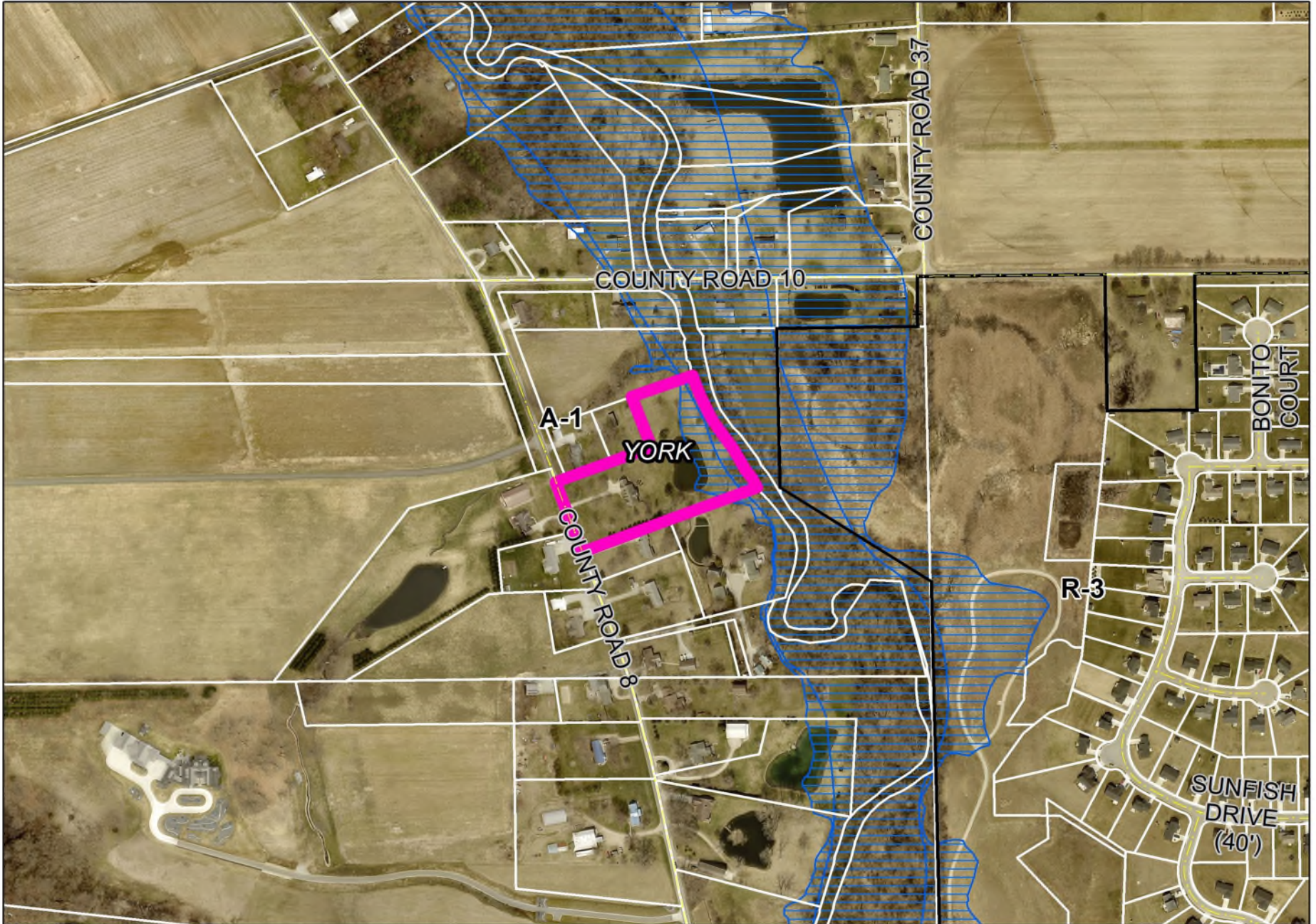
Comments:

Applicant Signature:

Department Signature:

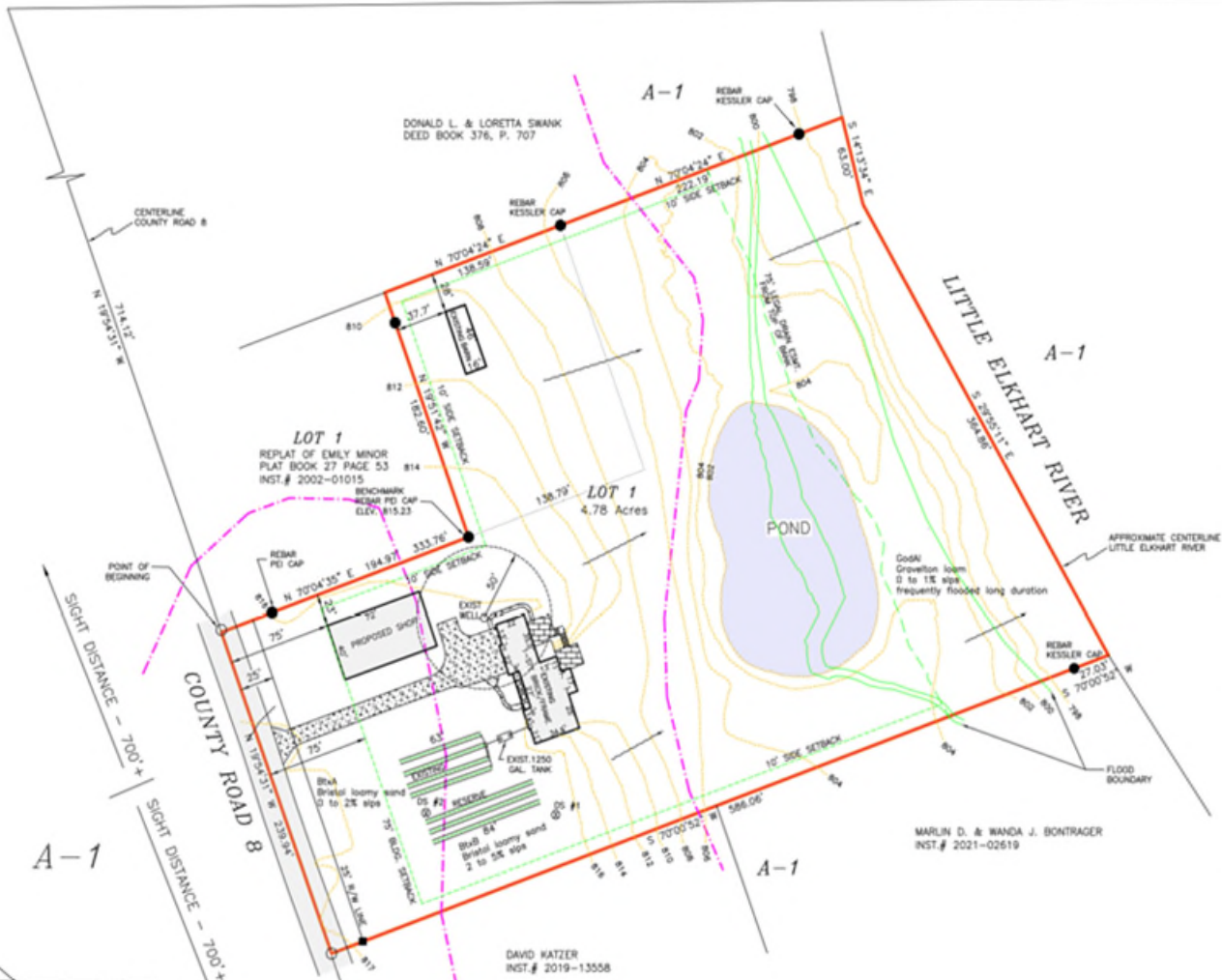






S 89°24'58" W 1425.72'

NORTH LINE SE 14, SECTION 33-T38N-R7E



- NOTES:**
- 1) THIS LOT 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) THIS LOT IS TO BE SUPPLIED BY A WELL AND SEPTIC PER ELKHART COUNTY ENVIRONMENTAL HEALTH DEPARTMENT APPROVAL.
 - 5) SOIL TYPE IS:
 BtxB Bristol loamy sand, 2 to 5% slips, >6.0' to water table depth
 BtxA Bristol sandy loam, 0 to 2% slips, >6.0' to water table depth
 GodA1 Gravelton loam 0 to 1% slips, frequently flooded long duration 0' to 0.5' to water table depth
 - 6) THIS AREA IS NOT IN A FLOODPLAIN AS PER INFORMATION OBTAINED FROM COMMUNITY PANEL NUMBER 180056 0178 D, EFFECTIVE DATE OF AUGUST 2, 2011.
 - 7) FINISH GRADE OF LOT TO REMAIN AS CLOSE AS POSSIBLE TO EXISTING GRADE.
 - 8) CONTOUR DATA IS GPS, INDIANA CORRS, NAVD 83, INDIANA EAST ZONE.
 - 9) ELKHART COUNTY RESTRICTIONS ARE IN EFFECT.
 - 10) DEVELOPMENT PLANNED AS SOON AS POSSIBLE.
 - 11) SITE FLOWS TO LITTLE ELKHART RIVER ADJACENT ON EAST SIDE SOUTH OF PROPERTY WHICH FLOWS TO LITTLE ELKHART RIVER

LEGAL DESCRIPTION

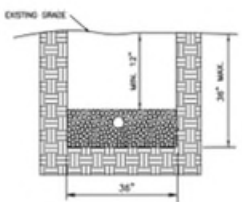
PARCEL 1:
 DESCRIPTION PREPARED BY DALE KESLER, LICENSE NO. 29400013, DATED APRIL 29, 2024 FOR PROJECT NO. 24007 FOR A PARCEL BEING PART OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 7 EAST, YORK TOWNSHIP, ELKHART COUNTY, INDIANA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 33 A HARRISON MONUMENT; THENCE SOUTH 89°24'58" WEST ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 1425.72 FEET TO A SET 5/8" REBAR WITH CAP AT COUNTY ROAD 8 CURVE P.1; THENCE SOUTH 19°54'31" EAST ALONG COUNTY ROAD 8 A DISTANCE OF 714.12 FEET TO THE POINT OF BEGINNING; THENCE NORTH 70°04'24" EAST ON THE SOUTHERLY LINE OF LOT NUMBERED 1 AS SHOWN ON THE REPLAT OF EMILY MINOR RECORDED JANUARY 8, 2002 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA IN PLAT BOOK 27, PAGE 53 AND THE SOUTHERLY LINE OF LOT NUMBERED 1 AS SHOWN ON THE PLAT OF EMILY MINOR RECORDED MAY 7, 1999 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA IN PLAT BOOK 25, PAGE 41, A DISTANCE OF 333.76 FEET; THENCE NORTH 19°55'36" WEST ON THE EASTERLY LINE OF SAID LOT 1 OF EMILY MINOR, A DISTANCE OF 182.71 FEET TO A SET 5/8" REBAR WITH CAP AT THE NORTHEASTERLY CORNER OF SAID LOT 1; THENCE NORTH 70°04'24" EAST, 188.03 FEET TO A SET 5/8" REBAR WITH CAP ON TOP OF THE BANK OF THE LITTLE ELKHART RIVER; CONTINUING NORTH 70°04'24" EAST, A TOTAL DISTANCE OF 222.19 FEET TO THE CENTERLINE OF THE LITTLE ELKHART RIVER; THENCE SOUTH 14°13'34" EAST ALONG THE CENTERLINE OF THE LITTLE ELKHART RIVER, 63.00 FEET; THENCE SOUTH 29°55'11" EAST ALONG SAID CENTERLINE, 364.86 FEET; THENCE SOUTH 70°00'52" WEST 27.03 FEET TO A SET 5/8" REBAR CAP ON TOP OF THE BANK OF THE LITTLE ELKHART RIVER; CONTINUING SOUTH 70°00'52" WEST, A TOTAL DISTANCE OF 613.09 FEET TO THE CENTERLINE OF COUNTY ROAD 8; THENCE NORTH 19°54'31" WEST ALONG SAID CENTERLINE 239.94 FEET TO THE POINT OF BEGINNING AND IN A PRIOR SURVEY TO CONTAIN 4.20 ACRES, MORE OR LESS.

PARCEL 2:
 LOT NUMBERED 1 AS SHOWN ON THE PLAT OF EMILY MINOR RECORDED MAY 7, 1999 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA IN PLAT BOOK 25, PAGE 41.
 EXCEPTING THEREFROM:
 LOT NUMBERED 1 AS SHOWN ON THE REPLAT OF EMILY MINOR RECORDED JANUARY 8, 2002 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA IN PLAT BOOK 27, PAGE 53.

PROPERTY ADDRESS: 54644 COUNTY ROAD 8
 MIDDLEBURY, INDIANA 46540
 OWNER: DANNY L. and VONDA S. YODER

ADVANCED LAND SURVEYING
 OF NORTHERN INDIANA INC.
 17120 COUNTY ROAD 46, NEW PARIS,
 INDIANA 46553
 (574) 849-4728
 RONNIE L. JUSTICE, PS



- CROSS SECTION OF TRENCH**
1. MAXIMUM TRENCH DEPTH IS 36"
 2. 4" PERFORATED PIPE IS ASTM-D 2729 PIPE
 3. 4" WASHED 5/8" STONE UNDER PIPE
 4. 2" WASHED 5/8" STONE OVER PIPE
 5. TOTAL STONE DEPTH IS 12"
 6. ALL TRENCHES MUST BE COVERED WITH A MINIMUM OF 12" OF FILL SOIL

LEGEND

- SET 5/8" REBAR W/CAP
- FOUND MONUMENT AS DESCRIBED
- SURVEY MARK SPIKE
- ⊙ SECTION CORNER
- SURFACE WATER FLOW DIRECTION
- - - SOIL SEPARATION LINE
- ⊙ #1 SOIL BORING LOCATION
- ▨ CONCRETE DRIVE



DATE: SEPTEMBER 2, 2024	PROJECT NUMBER: 240805
SCALE: 1" = 60'	AUTHORIZED BY: R. L. J.

WOODSIDE MINOR

A 1 LOT MINOR SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 7 EAST, YORK TOWNSHIP, ELKHART COUNTY, INDIANA

STATEMENT OF COMPLIANCE

THIS SUBDIVISION IS FOUND TO BE IN COMPLIANCE WITH THE ELKHART COUNTY DEVELOPMENT ORDINANCE AND THE DEDICATIONS SHOWN ON THIS PLAT ARE HEREBY APPROVED AND ACCEPTED TO THE BENEFIT OF ELKHART COUNTY THIS _____ DAY OF _____ 2024

ELKHART COUNTY PLAN COMMISSION

BY: _____
MAE KRATZER, PLAN DIRECTOR

RECORDED

RECEIVED FOR RECORD THIS _____ DAY OF _____ 2024

AT _____ AND RECORDED IN PLAT BOOK _____ PAGE _____

KAALA BAKER - RECORDER OF ELKHART COUNTY

AUDITOR

DULY ENTERED FOR TAXATION THIS _____ DAY OF _____ 2024

PATRICIA A. PICKENS - AUDITOR OF ELKHART COUNTY

DRAINAGE MAINTENANCE CERTIFICATION:

THE MAINTENANCE OF ALL DRAINAGE FACILITIES, INCLUDING CULVERTS AND SWALES SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER, AND NO OWNER SHALL PERMIT, ALLOW OR CAUSE ANY OF SAID FACILITIES TO BE OBSTRUCTED OR REMOVED OR TO IN ANY WAY IMPEDE THE FLOW OF WATER ACROSS OR THROUGH SAID FACILITIES.

IN THE EVENT ANY SUCH FACILITIES BECOMES DAMAGED OR IN DISREPAIR, IT SHALL BE THE RESPONSIBILITY OF THE LOT OWNER TO REPAIR SUCH FACILITIES AT OWNER'S EXPENSE. IN THE EVENT OF OWNER'S FAILURE TO MAINTAIN SUCH DRAINAGE FACILITIES IN GOOD ORDER AND REPAIR, APPROPRIATE GOVERNMENTAL AUTHORITY OF ELKHART COUNTY, INDIANA, MAY REPAIR SUCH DRAINAGE FACILITIES AND INVOICE THE COSTS OF SUCH REPAIR TO THE LAST OWNER. ELKHART COUNTY, INDIANA, IS GRANTED AN EASEMENT ACROSS A LOT OWNER'S REAL ESTATE FOR THE PURPOSE OF REPAIRING ANY DRAINAGE FACILITIES ON SAID LOT OWNER'S REAL ESTATE. THE AMOUNT OF ANY ASSESSMENT FOR THE COSTS OF SUCH REPAIR, AS ASSESSED BY SAID GOVERNMENTAL AUTHORITY SHALL CONSTITUTE A LIEN UPON THE REAL ESTATE OF THE LOT OWNER AND AN ENCUMBRANCE UPON THE TITLE TO SAID LOT.

ELKHART COUNTY, INDIANA, IS FURTHER GRANTED A RIGHT OF ACTION FOR THE COLLECTION OF SAID INDEBTEDNESS FROM THE LOT OWNER AND FOR THE FORECLOSURE OF SAID LIEN IN THE MANNER IN WHICH MORTGAGES ARE FORECLOSED UNDER THE LAWS OF THE STATE OF INDIANA. ANY SUCH COLLECTION AND/OR FORECLOSURE ACTION SHALL BE MAINTAINED IN THE COURTS OF GENERAL JURISDICTION OF THE STATE OF INDIANA, AND SHALL BE COMMENCED IN ELKHART COUNTY, INDIANA.

THIS SURVEY IS LOCATED IN AN AREA THAT IS CURRENTLY ZONED A-1 (AGRICULTURAL), AS SUCH NORMAL AGRICULTURAL OPERATION INCLUDING THE OPERATION OF MACHINERY, THE PRIMARY PROCESSING OF AGRICULTURAL PRODUCTS, AND ALL NORMAL AGRICULTURAL OPERATIONS PERFORMED IN ACCORDANCE WITH GOOD HUSBANDRY PRACTICES ARE PERMITTED TO BE CONDUCTED ON ADJOINING PROPERTIES.

THE BOUNDARY SURVEY FOR THIS BOUNDARY IS RECORDED IN INSTRUMENT NUMBER 2024-- IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

DEED OF DEDICATION and OWNERS CERTIFICATION

THIS IS TO CERTIFY THAT WE, THE UNDERSIGNED, ARE THE OWNER(S) OF THE LAND DESCRIBED IN THE PLAT HEREIN, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DO HEREBY ACKNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE THEREON INDICATED.

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, AS PROPRIETORS, HAVE CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT OPPOSITE, THAT SAID SUBDIVISION IS TO BE KNOWN AS WOODSIDE MINOR, THAT THE LOTS ARE NUMBERED AND HAVE THEIR RESPECTIVE DIMENSIONS GIVEN IN FEET AND DECIMAL PARTS THEREOF, AND THAT THE FACILITIES INCLUDED IN SAID SUBDIVISION ARE HEREBY DEDICATED FOR PUBLIC USE.

DANNY L. YODER

VONDA S. YODER

STATE OF INDIANA)
COUNTY OF ELKHART)SS:

BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DANNY L. YODER AND VONDA S. YODER AND EACH SEPARATELY AND SEVERALLY ACKNOWLEDGED THE FOREGOING INSTRUMENT AS THEIR VOLUNTARY ACT AND DEED FOR THE PURPOSES HEREIN EXPRESSED.

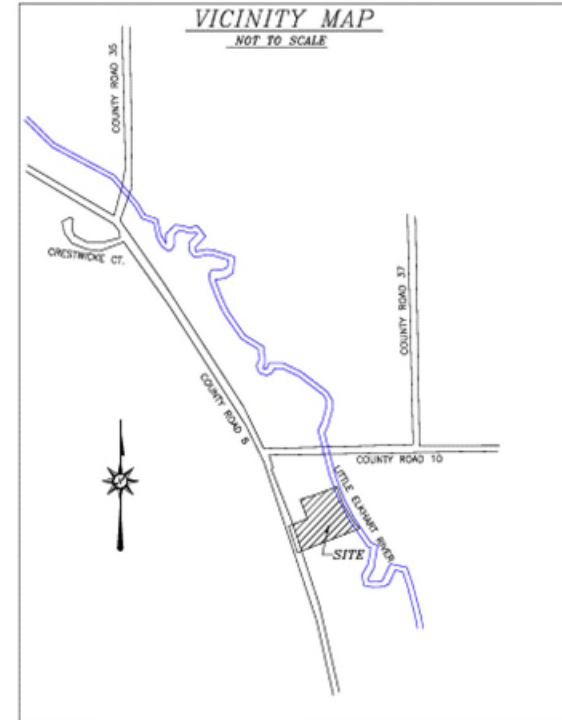
WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____ 2024.

NOTARY

JENNIFER L. JUSTICE

RESIDENT OF ELKHART COUNTY

MY COMMISSION EXPIRES MAY 30, 2030



PROPERTY ADDRESS: 54644 COUNTY ROAD 8
MIDDLEBURY, INDIANA 46540

OWNER: DANNY L. and VONDA S. YODER

I, RONNIE L. JUSTICE, 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.

I, RONNIE L. JUSTICE, HEREBY CERTIFY THAT I AM A LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA. I CERTIFY THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH TITLE 86B, ARTICLE 1, CHAPTER 12, SECTION 1 THROUGH 41 OF THE INDIANA ADMINISTRATIVE CODE, THAT ALL MONUMENTS ARE INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE DEVELOPMENT ORDINANCE OF ELKHART COUNTY, INDIANA.

SIGNATURE Ronnie L. Justice



	ADVANCED LAND SURVEYING OF NORTHERN INDIANA INC. 17120 COUNTY ROAD 46, NEW PARIS, INDIANA 46553 (574) 849-4728 RONNIE L. JUSTICE, PS
	DATE: SEPTEMBER 2, 2024 PROJECT NUMBER: 240805