

MINUTES

ELKHART COUNTY PLAT COMMITTEE MEETING

HELD ON THE 12th DAY OF DECEMBER 2013 AT 8:30 A.M.

MEETING ROOM – DEPARTMENT OF PUBLIC SERVICES BUILDING

4230 ELKHART ROAD, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plat Committee was called to order by the Chairperson, Roger Miller, with the following members present: Jeff Burbrink, Roger Miller, Doug Miller and Tom Stump. Blake Doriot was absent. Staff members present were: Chris Godlewski, Plan Director; Brian Mabry, Planning Manager; Mark Kanney, Planner; Duane Burrow, Planner; Kathy Wilson, Administrative Manager; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Burbrink/D. Miller*) that the minutes of the last regular meeting of the Elkhart County Plat Committee held on the 14th day of November 2013 be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Burbrink/D. Miller*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearing and the motion was carried unanimously.

4. The application for Primary approval of a one-lot minor subdivision to be known as **SONRISE ACRES**, for Herbert C. & Lillian Yoder represented by Progressive Engineering, Inc., on property located on the East side of CR 33, 600 ft. South of CR 36, common address of 64122 CR 33 in Clinton Township, zoned A-1, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #64122CR 33-131104-1*. The new lot will be of a size such that the agricultural buildings will continue to constitute legal uses.

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

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

5. The application for Primary approval of a two-lot minor subdivision to be known as **PEACEFUL ACRES**, for Melvin L. Claassen (owner/buyer) and Herbert Hoover (seller) represented by Progressive Engineering, Inc., on property located on the East side of CR 19, 500 ft. North of CR 126, common address of 60412 CR 19 in Jefferson Township, zoned A-1, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #60412CR 19-131104-1*. He mentioned that Brad Cramer's house and septic proposals for lot 1 have adequately accounted for the utility easement shown on the site plan.

Roger Miller asked Mr. Burrow whether there were any regulations governing a structure's proximity to a pipeline, and Mr. Burrow said structures simply need to be out of the easement.

Brad Cramer of Progressive Engineering, Inc., 58640 SR 15, Goshen, was present on behalf of the petitioners. In response to Mr. R. Miller's question regarding location of the driveway, he said it would be in the far Northwest corner of lot 1, the highest point on the road for good sight distance.

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

Motion: Action: Approve, **Moved by** Jeff Burbrink, **Seconded by** Tom Stump, that this request for Primary approval of a two-lot minor subdivision to be known as **PEACEFUL ACRES** be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

6. The application for Primary approval of a two-lot minor subdivision to be known as **SEVREY N. E. TIES**, for Richard A. & Kim R. Sevrey represented by Progressive Engineering, Inc., on property located on the West side of Cornwall Road, 225 ft. North of CR 2, and Northeast corner of Teall Road and CR 2, common address of 50959 Cornwall Road in Washington Township, zoned R-2, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #50959CornwallRd-131009-1*, adding that one of the petitioners' goals is to construct an accessory building on proposed lot 2. Mr. Burrow also said that during staff's analysis, the parcel was discovered to be absent from the tax roll. The problem has been corrected, and it is thought that the last owner of the parcel misrepresented the nature of the parcel when applying for a recent building permit.

Brad Cramer of Progressive Engineering, Inc., 58640 SR 15, Goshen, was present on behalf of the petitioners. Mr. Burbrink asked whether the subject property is located near Indiana Lake, and Mr. Cramer said it is near the Southwest corner of the lake.

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

Motion: Action: Approve, **Moved by** Doug Miller, **Seconded by** Tom Stump, that this request for Primary approval of a two-lot minor subdivision to be known as **SEVREY N. E. TIES** be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

7. The application for Primary approval of a two-lot minor subdivision to be known as **IRENE MINOR**, for Irene Yoder represented by B. Doriot & Associates, on property located on the Southeast corner of SR 19 and CR 42, common address of 27978 CR 42 in Union Township, zoned A-1, was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #27978CR 42-131104-1*, and the Technical Committee Report.

Charles Buzzard of B. Doriot & Associates, PO Box 465, New Paris, was present on behalf of the petitioners. He stated agreement with the staff's recommendations, said he is looking for the existing septic system on proposed lot 2, and said B. Doriot & Associates will not file for Secondary approval until additional soil borings for the South portion of lot 2 are done.

Mr. R. Miller asked whether the petitioner was "just looking to build another place, and that's the only reason really to split these up," and Mr. Buzzard said he believed so.

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

Motion: Action: Approve, **Moved by** Doug Miller, **Seconded by** Tom Stump, that this request for Primary approval of a two-lot minor subdivision to be known as **IRENE MINOR** be approved in accordance with the Staff Analysis provided the comments of the Technical Committee are made

conditions of approval. The motion was carried with a unanimous vote.

8. The application for Primary approval of a two-lot minor subdivision to be known as **GUNDERMAN MINOR**, for Reinhold O. & Velda I. Gunderman, Trustees (life estate), represented by B. Doriot & Associates, on property located on the West side of CR 115, 1,350 ft. South of CR 118, common address of 58737 CR 115 in Concord Township, zoned A-1, was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #58737CR 115-131104-1*, and the Technical Committee Report. Charles Buzzard of B. Doriot & Associates, PO Box 465, New Paris, was present on behalf of the petitioners. He said the septic system on lot 1 has been located but has been determined to be inadequate. The health department will tell the installer whether additional soil borings are needed as part of bringing the system into compliance. He added that there is more than adequate space for a new septic system if needed, and B. Doriot & Associates will not file for Secondary approval until the septic issues are resolved.

Mr. R. Miller asked whether the triangular, light-colored area occupying the South portion of the parcel is a dry lake, and Mr. Buzzard said it is open pasture. Mr. R. Miller said that since the soil of that area is marked "sandy loam," it is not very heavy.

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

Motion: Action: Approve, **Moved by** Doug Miller, **Seconded by** Tom Stump, that this request for Primary approval of a two-lot minor subdivision to be known as **GUNDERMAN MINOR** be approved in accordance with the Staff Analysis provided the listed unresolved Technical noted deficiencies are made conditions of this approval. The motion was carried with a unanimous vote.

9. The meeting was adjourned at 8:45 a.m.

Respectfully submitted,

Daniel Dean, Recording Secretary