

## **MINUTES**

### **ELKHART COUNTY PLAT COMMITTEE MEETING**

**HELD ON THE 14<sup>th</sup> DAY OF FEBRUARY 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: Roger Miller, Doug Miller, and Tom Stump. Members that were absent were Jeff Burbrink and Blake Doriot. 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. In order to approve the minutes, three votes out of five are needed for a quorum. Since Mr. Stump was not present at the last meeting and could not vote, there could not be a quorum. Therefore, Chairman Roger Miller decided that approval of the minutes for the last regular meeting of the Elkhart County Plat Committee held on the 10<sup>th</sup> day of January 2013 would be placed on the agenda for the March 14, 2013 Plat committee meeting.

3. The Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance was accepted as evidence for today's hearing with a unanimous vote.

4. The application for Primary approval of a one lot minor subdivision to be known as **STACKS MINOR**, for James W. and Debbi Jo Stack represented by B. Doriot & Associates, Inc., on property located on the East side of CR 33, 1,930 ft. South of CR 47 (corrected to CR 42), in Benton Township, zoned A-1, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #CR 33-130107-1*. Mr. Burrow pointed out that this property does comply with the platting requirements for a one lot minor subdivision.

Charles Buzzard, B. Doriot & Associates, P.O. Box 465, New Paris, represented the petition and commented that they have provided a drainage easement across the rear of proposed lots one and two. He said they also included building setbacks to ensure that any new construction is on the high ground outside of the drainage easement. He showed the Board members where the drainage easement would be located.

Mr. Stump pointed out that the location of the property is South of CR 42 rather than CR 47 as indicated on the Staff Report.

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 one lot minor subdivision be granted by the Plat Committee in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).

**Yes:** Doug Miller, Roger Miller, Tom Stump.

5. The application for Primary approval of a three lot minor subdivision to be known as **SPRING STREET ADDITION TO WAKARUSA**, for Smeltzer Lucille Trustee Smeltzer Revocable Tr (lf Est) (owner) and Pam K. Corwin (developer) represented by B. Doriot & Associates, Inc., on property located on the West side of Spring Street, 350 ft. North of Waterford Street (CR 40) & North end of Sycamore Street, 230 ft. North of Waterford Street (CR 40), common address of 107 S. Main Street in Olive Township, zoned R-2, was presented at this time.

Mark Kanney presented the Staff Report/Staff Analysis, which is attached for review as *Case #107SMainSt-130107-1*.

Mr. Kanney submitted a letter from the Town of Wakarusa *[attached to file as Staff Exhibit #1]* stating that they reviewed the request for the three lot subdivision and they support this development with stipulations that the mobile home be removed when the property is sold and the easement for vehicle access should not go farther west than the north/south unnamed gravel street to Spring Street. He said the Staff feels that is an issue best served by the Board of Zoning Appeals. Mr. Kanney noted that this Primary will go before the Board of Zoning Appeals for a variance to lot 1 to build on an access easement.

Roger Miller inquired about the flood plain. Mr. Kanney showed him where the map indicated Lot 3 to be inside the flood plain. He explained quite often based on the FEMA mapping flood plains are modeled and generalized and on-site elevations can be clarified better by the surveyor which is why a letter of map amendment (Loma) to FEMA needed to be applied for by the petitioner. Roger Miller was not certain it would matter to FEMA. Mr. Kanney explained he could send the letter of map amendment to FEMA to let them know that in a particular area of the map flood plain was incorrect. He said FEMA can make that change and they are in the process of doing so at this time.

Charles Buzzard, B. Doriot & Associates, New Paris, represented the petition and he confirmed that they have begun the process for the letter of map amendment to have the flood plain changed. Mr. Buzzard stated that all of the homes in this area were built before 1977, so they will be improving the neighborhood. B. Doriot & Associates agrees with the Town that when the ownership of the property is transferred or sold, before anything can be transferred, the mobile home will need to be removed from lot 3. Mr. Buzzard said they also applied for a cross access easement, across lot 2, from the unnamed gravel street to Spring Street and they will appear before the Board of Zoning Appeals next week.

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 three lot minor subdivision be granted by the Plat Committee in accordance with the Staff Analysis pending the following conditions:

1. The results of the BZA meeting regarding a variance to lot 1 to build on an access easement, and approval for the cross-access easement, across Lot 2 from the unnamed gravel street to Spring Street.
2. The recommendation from the Town of Wakarusa to send the letter of map amendment (Loma) to FEMA to change the flood plain elevations.
3. The recommendation from the Town of Wakarusa regarding removal of the mobile home from lot 3 when ownership is transferred.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).

**Yes:** Doug Miller, Roger Miller, Tom Stump.

6. The application for Primary approval of a two lot minor subdivision to be known as **SUNDAY MINOR SUBDIVISION**, for Michael A. Sunday represented by Brads-Ko Engineering & Surveying, Inc., on property located on the South side of CR 108, 1,550 ft. East of CR 31, common address of 16128 CR 108 in Washington Township, zoned A-1, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #16128CR108-121203-2*.

Mr. Burrow said the plat meets all the criteria associated with the Subdivision Control Ordinance and the Zoning Ordinance.

Roger Miller inquired about where the access would be off of CR 108. Mr. Burrow pointed out that they will have cross-access easements, but each parcel will have frontage onto CR 108. Roger Miller asked if there were restrictions on the property because of the gas line going across it. Mr. Burrow confirmed it is shown on the Primary site plan and it will also be shown on the Secondary plat. He said the restrictions are nothing to be concerned with and explained that they converted it from a blanket to a defined easement. Normally in the older properties it was just a blanket easement and had no defined area. Mr. Burrow clarified that what they have done with the platting was to establish a defined easement across the property.

Gregory Shock, Brads-Ko Engineering & Surveying, 1009 S. 9<sup>th</sup> Street, Goshen, is representing Mr. and Mrs. Sunday for the approval of this two lot minor subdivision. Mr. Sunday was present at the meeting. Mr. Shock said the present use is residential with two mobile homes and two accessory buildings. Lot 1, the westerly portion, contains five acres and Lot 2 will have the remainder of the acreage. He explained that Mr. Sunday would like to remove the mobile home on Lot 2 after his new residence has been completed. He said the second mobile home will remain and will continue to be used for a residence for Mr. Sunday's sister-in-law. Mr. Shock informed the Board that the existing drive would be used as a shared driveway and they are having a shared easement prepared which will be reviewed by his firm and given to the Planning Department for review. Mr. Shock stated that the soil borings were obtained and will support septic systems for both lots. The Health Department and Highway Department are in agreement and he requested approval of the petition.

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 be granted by the Plat Committee in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous vote (**summary:** Yes = 3).

**Yes:** Doug Miller, Roger Miller, Tom Stump.

7. The meeting was adjourned at 8:47 A.M.

Respectfully submitted,

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Sandra Herrli  
Recording Secretary