

MINUTES
ELKHART COUNTY PLAT COMMITTEE MEETING
HELD ON THE 14TH DAY OF SEPTEMBER 2023 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.

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 10th day of August 2023, 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 1-lot minor subdivision to be known as REPLAT OF DIAMOND ACRES, for Stephen J. Miller & Wilma J. Miller represented by Advanced Land Surveying of Northern Indiana, Inc., on property located on the south side of CR 18, 1,320 ft. east of CR 29, common address of 16482 CR 18 in Jefferson 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-0530-2023*.

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 REPLAT OF DIAMOND 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 1-lot minor subdivision to be known as HOBBY LANE HOMESTEAD, for Michael Vance & Sandra Vance represented by Advanced Land Surveying of Northern Indiana, Inc., on property located on the east side of CR 21, 3,190 ft. south of CR 146, in Jackson 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-0531-2023*.

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 1-lot minor subdivision to be known as HOBBY LANE HOMESTEAD 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 SCHWARTZ MANOR , for Chad C. Stover & Laura B. Stover Husband & Wife represented by Advanced Land Surveying of Northern Indiana, Inc., on property located on the north side of CR 14, 3,900 ft. east of SR 13 (Main St.), common address of 11387 CR 14 in Middlebury 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-0532-2023*.

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

Motion: Action: Approve, **Moved by** Steve Warner, **Seconded by** Steve Edwards that this request for primary approval of a 1-lot minor subdivision to be known as SCHWARTZ MANOR 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 ANDREA MINOR SUBDIVISION, for Rb Lakes 2 represented by Surveying And Mapping LLC, on property located on the east side of CR 23, 2,480 ft north of CR 18, in Jefferson Township, zoned A-1, was presented at this time.

Dany Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0533-2023*.

Phil Barker expressed his serious concerns regarding this petition. He pointed out that the house's placement and the soil's contours indicated that the seasonal high water table level was 10-26 inches below grade. He further explained that even if the house's placement is given the maximum leeway of 26 inches, the proposed basement would still be 9 feet into the water table, which is at 829.83. He expressed confusion over how this would work. Mr. Warner chimed in, stating that in the past, a proposal for a dense development with a similar situation had been revised to a much less dense development, which was approved. However, Mr. Barker pointed out that the area had serious issues and the location was out by Emerald Chase. He also mentioned that the septic would be an issue, and he had already talked to Bill Hartsuff from Environmental Health. He stated that the site plan showed a perimeter drain outlet to Indian Creek, but it showed it going uphill to get to it. In conclusion, he mentioned that he would have to be convinced with actual engineered drawings that this plan would work.

Rick Baine, 19719 Heritage Way, Goshen, was present as the land owner representing himself do to Debra Huges from Surveying and Mapping not being present. Mr. Baine discussed the issues surrounding the property. He mentioned that the question about septic has been addressed, and that a mound system with a perimeter will be used. He added that the house will be elevated 3 ft., but there is a possibility that it could be 3 ft. into the water table with a basement. He stated this concern was addressed with someone in the Building Department, and they will determine if the basement can be built or if it should be on a slab. However, Mrs. Snyder pointed out that none of the mentioned information has been presented to the Plat Committee, and that could make a huge difference. Mr. Auvil stated the purpose of a plat committee is to determine whether a property can create a buildable lot, but the issues with the construction of the house and the septic are all the function of the Building

Department and Environmental Health Department. He added that as the property owner, Mr. Baine, is aware of the situation, and until the Zoning Ordinance changes, there is nothing prohibiting putting a basement in, unless it is in ponding soil. Mr. Baine assured everyone that he would not do anything to jeopardize the integrity of the house. He pointed out that there is a house to the south with a full basement, and he has talked to the owner who has never had a water issues. He added that everyone on this road has a full basement with the same elevation, if not lower. Mrs. Kratzer reminded everyone that the property will have to go through secondary approval through staff and Bill Hartsuff for review. Mrs. Snyder asked Mr. Barker if the perimeter drain around a septic would make that much difference in high water. Mr. Barker replied that the idea of a perimeter drain is to lower the water table. He said he did not know how it would work, and that somehow the water has to get to Indian Creek. He stressed there has been no information given that can support that. He added that it needs to be surveyed with elevations showing the water drainage flows from point A to point B the plan will work has enough fall to get to the ditch. He stated he would not approve this request until there is proof, He continued saying as soon as it doesn't work the Petitioner will come back before the Plan commission frustrated they approved it. Mr. Auvil stated that the Building Department cannot issue a building permit until Environmental Health signs off on the design of the septic system and they cannot get secondary approval until Bill Hartsuff signs off on the design and the system. He added that it has been his experience in Elkhart County with the water table issues that it is never the person that builds the house who experiences any issues with the water. He said it will be two or three owners down the line who will call the Commissioner's office to say that their basement is now a pool. He suggested that a note be placed on the plat that there are concerns about the water table and basements are highly discouraged. He continued saying then the County is covered, and it's up to the future owner to pay attention to those documents. Mrs. Snyder agreed and requested that be done. Mr. Kolbus stated that statement will have to be part of the motion for primary approval. He added that if subdivisions meet the standards, they must be granted.

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 primary approval of a 1-lot minor subdivision to be known as ANDREA MINOR SUBDIVISION be approved in accordance with the Staff Analysis with the following condition imposed:

1. A note must be included on the secondary plat regarding the high-water table and strongly discouraging basements.

Vote: Motion passed (**summary:** Yes = 3, Abstain)

Yes: Steve Edwards, Steve Warner, Lori Snyder

Abstain: Phil Barker

8. The application for primary approval of a 1-lot minor subdivision to be known as SMIECINSKI'S COUNTY ROAD 1 MINOR SUBDIVISION, for Baugo Farms (Seller) Joseph P. Smiecinski & Laura Webb (Owners/Buyers) represented by Joseph M. Pietrzak P. L. S. , on property located on the east side of CR 1, 750 ft. north of CR 28, common address of 60810 CR 1 in Baugo 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-0536-2023*.

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

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

9. The application for primary approval of a 2-lot minor subdivision to be known as REPLAT OF LOT 24 NORTSHORE LANDINGS, SECTION ONE, for Patricia A. Linn Trustee of Patricia A. Linn 2004 Trust represented by Abonmarche Consultants, on property located on the southwest side of Linwood Dr. 425 ft. north of North Shore Dr., common address of 50273 Linwood Dr. in Osolo Township, zoned R-2, was presented at this time.

Adam Coleson presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0524-2023*.

Crystal Welsh, Abonmarche Consultants, 303 River Race Dr., Goshen, was present representing the petitioner. According to Mrs. Welsh, the property in question is a single lot that is currently part of a family estate. She stated the estate intends to separate the lot and sell the house while retaining ownership of the surrounding parcels. She noted the future of the "out lot" is yet to be determined, and another replat may be required at a later date to separate it. She stated it is important to note that the purpose of this replat is solely to dispose of the house and to retain the "out lot", and not for any building purposes.

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

Motion: Action: Approve, **Moved by** Steve Warner, **Seconded by** Steve Edwards that this request for primary approval of a 2-lot minor subdivision to be known as REPLAT OF LOT 24 NORTSHORE LANDINGS, SECTION ONE be approved in accordance with the Staff Analysis. The motion was carried with a unanimous vote.

10. 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, 1,900 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-0182-2023*.

Crystal Welsh, Abonmarche Consultants, 303 River Race Dr., Goshen, was present representing the petitioner. She requested this petition to be tabled. She stated this has been an ongoing project with The Pumpkin Vine and the property owners. She went on to say there is a discrepancy in the legal description of where the path was proposed vs. where it was put. She noted this petition will come back before the Board once the discrepancy is corrected.

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

Motion: Action: Table, **Moved by** Lori Snyder, **Seconded by** Steve Warner that this request for primary approval of a 1-lot minor subdivision to be known as MILLER MINOR SUBDIVISION AT CR 20 be tabled at the request of the surveyor. The motion was carried with a unanimous vote.

11. The meeting was adjourned at 9:25 AM

Respectfully submitted,

Amber Weiss, Recording Secretary