

**ELKHART COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER**

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

Elkhart County Zoning Ordinance and Staff Report materials are to be entered as evidence for today's hearings.

9:00 A.M.

- 1

- E. Petitioner: ***Randy Vance, Jerry M. Bethel, Sr. & Brenda Bethel, Husband & Wife (Land Contract Holders) & Randy Vance & Jessica Hubbel (Land Contract Purchasers)*** (Page 5)
Petition: for a 30 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence and the construction of a porch addition 90 ft. from the centerline of the right-of-way.
Location: South side of US 6, 2,510 ft. West of CR 15, common address of 23454 US 6 in Union Township, zoned A-1. DV-0057-2024

F. Petitioner: ***Andrew M. Yoder & Ellie Yoder, Husband & Wife*** (Page 6)
Petition: for a 23 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence.
Location: North end of Cameron Dr., 645 ft. North of Kenmar St., West of SR 19, in Olive Township, zoned GPUD R-1 & R-2. DV-0077-2024

G. Petitioner: ***Jeremiah L. Bontrager & Shirley V. Bontrager, Husband & Wife*** (Page 7)
Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 5 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an attached garage addition 5 ft. from the East side property line.
Location: South side of CR 20, 1,710 ft. East of CR 111, common address of 24536 CR 20 in Concord Township, zoned R-1. DV-0068-2024

H. Petitioner: ***David A. Douglas & Frances L. Douglas, Husband & Wife*** (Page 8)
Petition: for a 4 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of a covered porch 6 ft. from the West side property line, for an 8 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 112 ft. from the centerline of the right-of-way and for a 6 ft. lot-width Developmental Variance (Ordinance requires 80 ft.) to allow for an existing residence.
Location: South side of Old US 20, 750 ft. West of CR 1, common address of 30142 Old US 20 in Cleveland Township, zoned R-1. DV-0060-2024

9:30 A.M.

I. Petitioner: ***Dale L. Miller & Judy D. Miller, Husband & Wife*** (Page 9)
Petition: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement.
Location: Northeast side of the easement, 1,380 ft. West of CR 9, 2,650 ft. South of US 6, common address of 72963 CR 9 in Union Township, zoned A-1. DV-0063-2024

J. Petitioner: ***Tri-County Land Trustee Corporation (Land Contract Holder) & Marcus W. Miller & Ruth Ann Miller, Husband & Wife (Land Contract Purchasers)*** (Page 10)

Petitioner: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement on proposed lot 2.

Location: Southwest side of the easement, South of CR 4, 1,700 ft. East of CR 29, common address of 15638 CR 4 in York Township, zoned A-1.

DV-0073-2024

K. Petitioner: ***Mitchell A. Sheckler & Judith D. Sheckler, Husband & Wife*** (Page 11)

Petitioner: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Location: Northwest corner of CR 36 & CR 19, common address of 63961 CR 19 in Elkhart Township, zoned A-1.

DV-0069-2024

MOBILE HOME SPECIAL USE/DEVELOPMENTAL VARIANCE

L. Petitioner: ***Julie Clark*** (Page 12)

Petitioner: for a Special Use for a mobile home & for a 7 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for an existing accessory structure 3 ft. from the rear property line.

Location: North side of Homewood Ave., 135 ft. East of Adams St., North of North Park Ave., common address of 25747 Homewood Ave. in Osolo Township, zoned R-2.

SUP-0036-2024

The Elkhart County Board of Zoning Appeals Hearing Officer is meeting on Wednesday March 20th, 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 March 20th, 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=m3bf346cd5ef63d4860143a6c2f702dd0>

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: March 20, 2024

Transaction Number: DV-0054-2024.

Parcel Number(s): 20-04-26-100-004.000-032.

Existing Zoning: A-1.

Petition: for a 7:1 depth-to-width ratio Developmental Variance & for a 50 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence.

Petitioner: Vernon D. Bontrager & Pollyanna Bontrager, Husband & Wife.

Location: South side of SR 120, 2,560 ft. West of SR 13, in York Township.

Site Description:

- Physical Improvement(s) – Accessory structures.
- Proposed Improvement(s) – Residence.
- Existing Land Use – Vacant.
- Surrounding Land Use – Residential.

History and General Notes:

- **January 16, 2014** –A use and 3-1 depth-to-width ratio variance for the placement of an accessory structure without a residence was granted.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The 50 ft. of road frontage is shared with an existing residence that currently uses it as a driveway onto State Road 120.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 40-acre parcel and the proposed residence will be far from neighboring residences.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The parcel cannot be brought into compliance due to its location.

Hearing Officer Staff Report (Continued)

Hearing Date: March 20, 2024

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 02/07/2024 and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Developmental Variance - Developmental Variance

Elkhart County Planning & Development

Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 02/07/2024 Meeting Date: March 20, 2024 Transaction #: DV-0054-2024
Board of Zoning Appeals Public Hearing

Description: for a 7:1 depth-to-width-ratio Developmental Variance and a 50 ft. lot-width Developmental Variance
(Ordinance requires 100 ft.) to allow for the construction of a residence.

Contacts: Applicant Land Owner
Vernon D & Pollyanna Vernon D & Pollyanna
Bontrager H & W Bontrager H & W
9180 W 100 S 9180 W 100 S
Shipshewana, IN 46565 Shipshewana, IN 46565

Site Address: 00000 State Road 120
MIDDLEBURY, IN 46540

Parcel Number: 20-04-26-100-004.000-032

Township: York
Location: SOUTH SIDE OF SR 120, 2560 FT WEST OF SR 13

Subdivision: Lot #

Lot Area: 40.00 Frontage: 50.00 Depth: 2,619.00

Zoning: A-1 NPO List:

Present Use of Property: VACANT

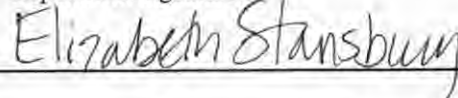
Legal Description:

Comments: PARCEL CREATION DATE 11-21-2013 AN ADMININSTRATIVE SUBDIVISION IS NEEDED.
PREVIOUS USE /DV 00SR120-13121-1

Applicant Signature:



Department Signature:



Application

Site address: _____

Parcel number(s): 20-04-26-100-004

Current property owner

Name: VERNON D AND POLLYANNA BONTRAGER

Address: 9180 W 1005 SHIPSEWANA IN 46565

Phone: 260-768-7377 Email: _____

Other party

☐ Agent ☐ Buyer ☐ Land contract purchaser ☐ Lessee

Name: _____

Address: _____

Phone: _____ Email: _____

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: Vernon D Bontrager

Staff Use Only

Description: for a 50 ft lot-width Dev Variance (Ord required)
100 ft) to allow for the construction of a residence

Parcel creation date: 11-21-2013

Subdivision required? ☒ Y ☐ N If yes, ☒ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: _____

Location: N (S) E W corner (side) end (of) SR 120
2,555 ft. N S E (W) of SR 13
in York Township

Frontage: 50 Depth: 2619.71 Area: 40 acres

Subdivision and lot number, if applicable: _____

Present use: Previous use / Dev Variance #00SR 120-13121-1

Developmental Variance — Questionnaire

Name: VERNON D + POLLYANNA BONTRAGER

1) Tell us what you want to do. WE WANT TO BUILD A 1200 SQ FT LOG CABIN WITH INDOOR PLUMBING + HEATING.

2) Tell us why you can't change what you're doing so you don't need a variance. TO BUY AN ADDITIONAL 50 FT OF ROAD FRONTAGE IS NOT AN OPTION FOR US.

3) Tell us why the variance won't hurt your neighbors or the community. THIS VARIANCE WILL NOT HAVE ANY EFFECT ON OUR NEIGHBORS NOR THE COMMUNITY.

4) Does the property need well and septic? Well: ☒ Y ☐ N Septic: ☒ Y ☐ N
Does the property need a new septic system? ☒ Y ☐ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☒ Y ☐ N

5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.

Building or addition 1 Size and height to the peak: 1184 SQ FT x 25 FT HIGH.
Tell us what you'll use it for. A TEMPORARY RESIDENCE WHILE WORKING THE PROPERTY.

Building or addition 2 Size and height to the peak: _____
Tell us what you'll use it for. _____

Building or addition 3 Size and height to the peak: _____
Tell us what you'll use it for. _____

6) Does the application include a variance for a residence on property with ^{NOT ENOUGH} ~~no road~~ frontage? ☒ Y ☐ N
If yes, fill out below.

Is the easement existing? ☒ Y ☐ N If the easement is existing, is it recorded? ☒ Y ☐ N

Tell us who owns (will own) the land under the easement. _____

Tell us how many parcels will use the easement. _____

7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.

Sign 1 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 2 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 3 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

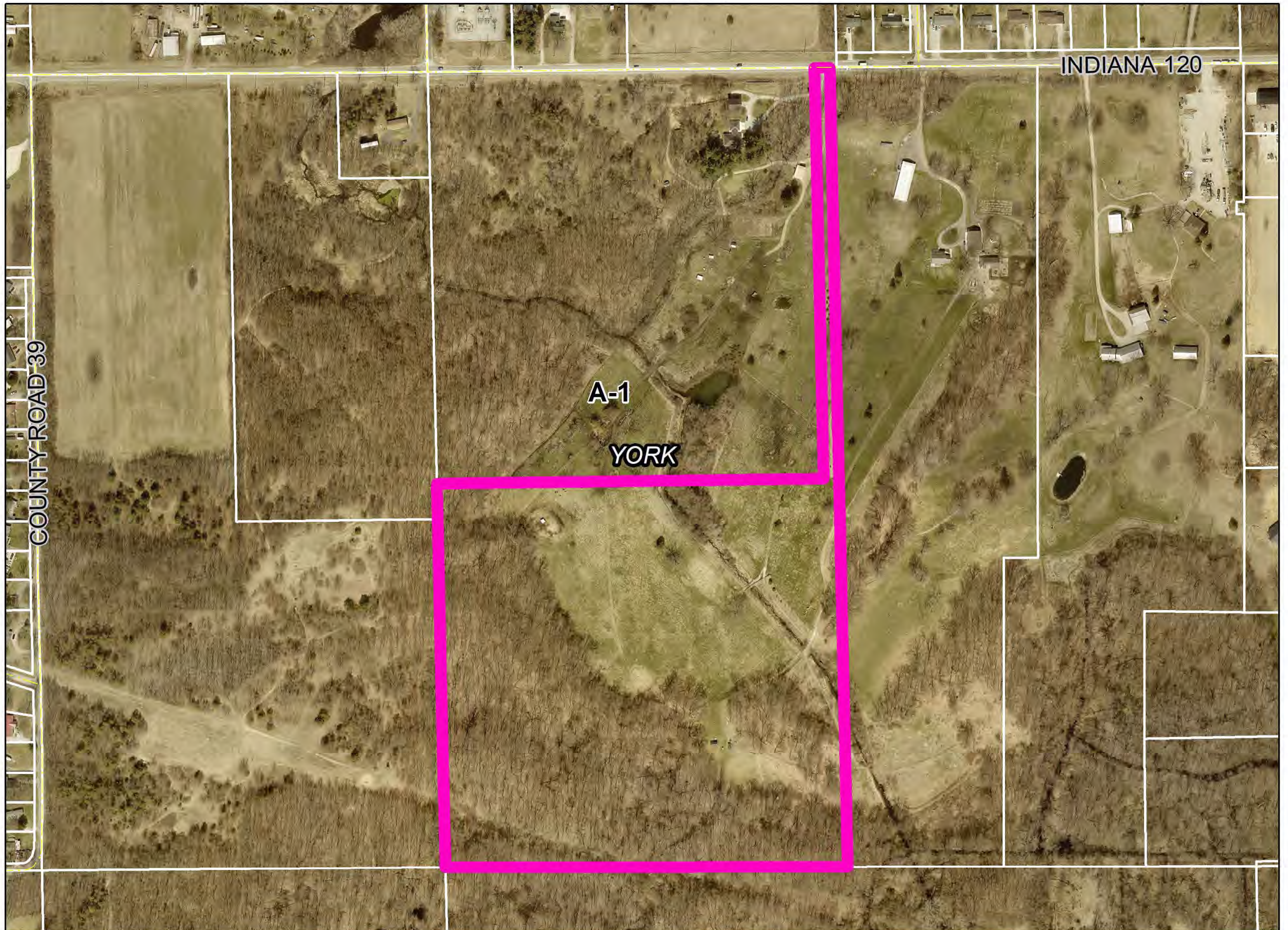
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

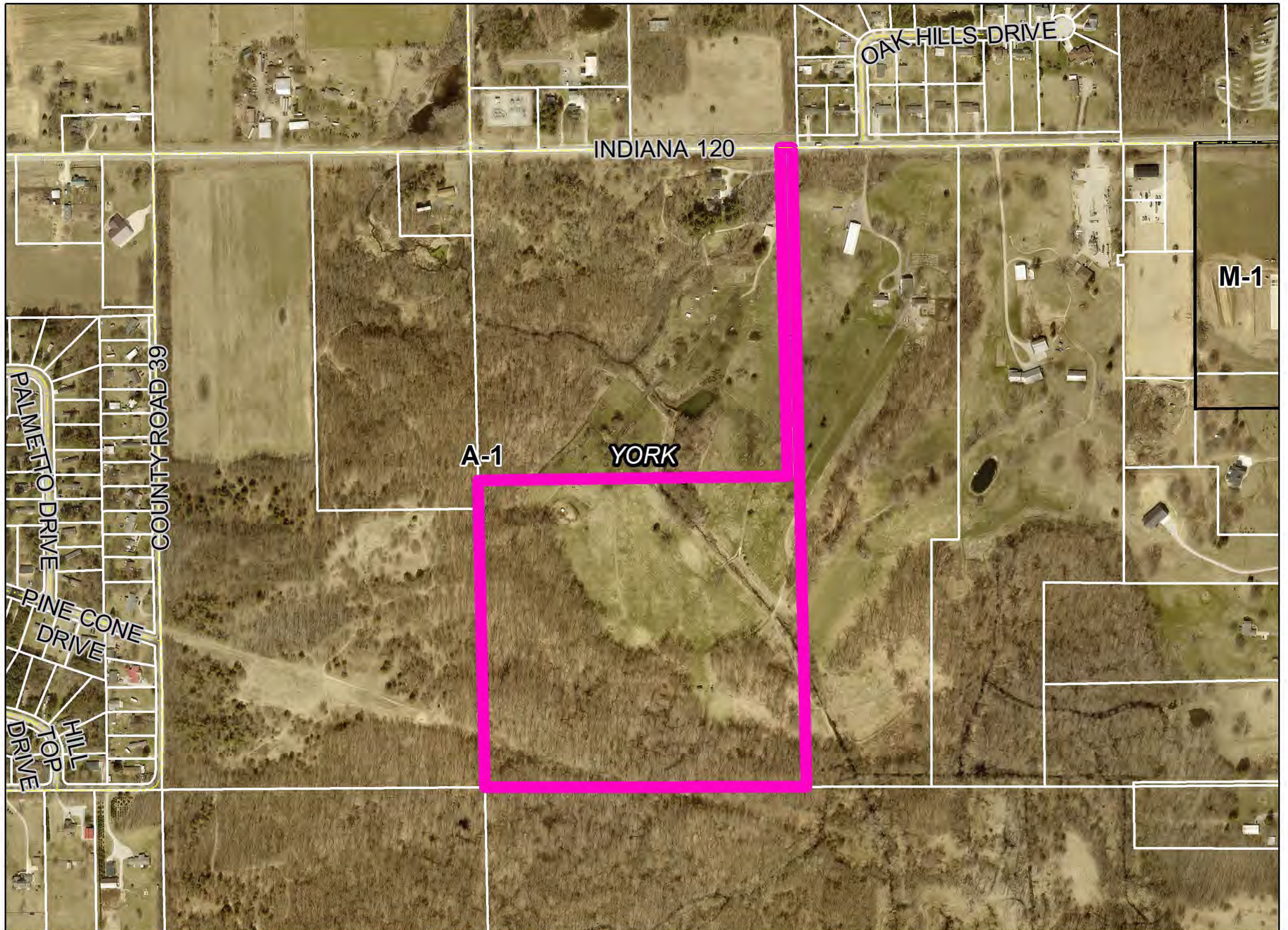
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

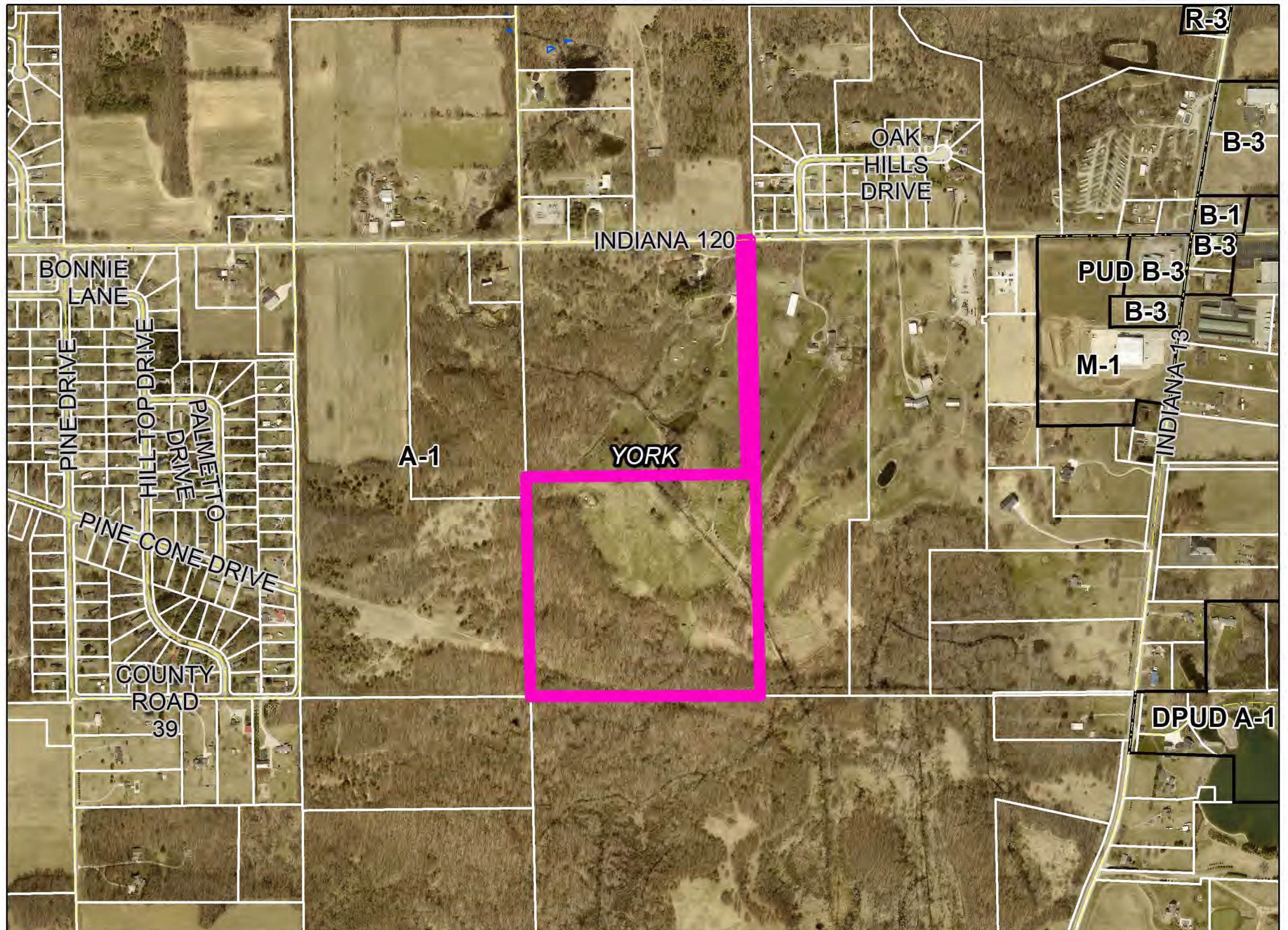
8) Does the application include a variance for parking spaces? ☐ Y ☒ N

If yes, tell us how many total there will be. _____

9) Tell us anything else you want us to know. WE HAVE A LAND USE VARIANCE FOR A 240 SQ FT PORTABLE LOG CABIN. MY WIFE AND DAUGHTERS PREFER INDOOR RESTROOM FACILITIES. THEY DO NOT ENJOY THE EXSISTING CABIN. THEREFORE I SPEND A LOT OF TIME ON THIS PROPERTY BY MYSELF. TOO RISKY!









Looking south toward property



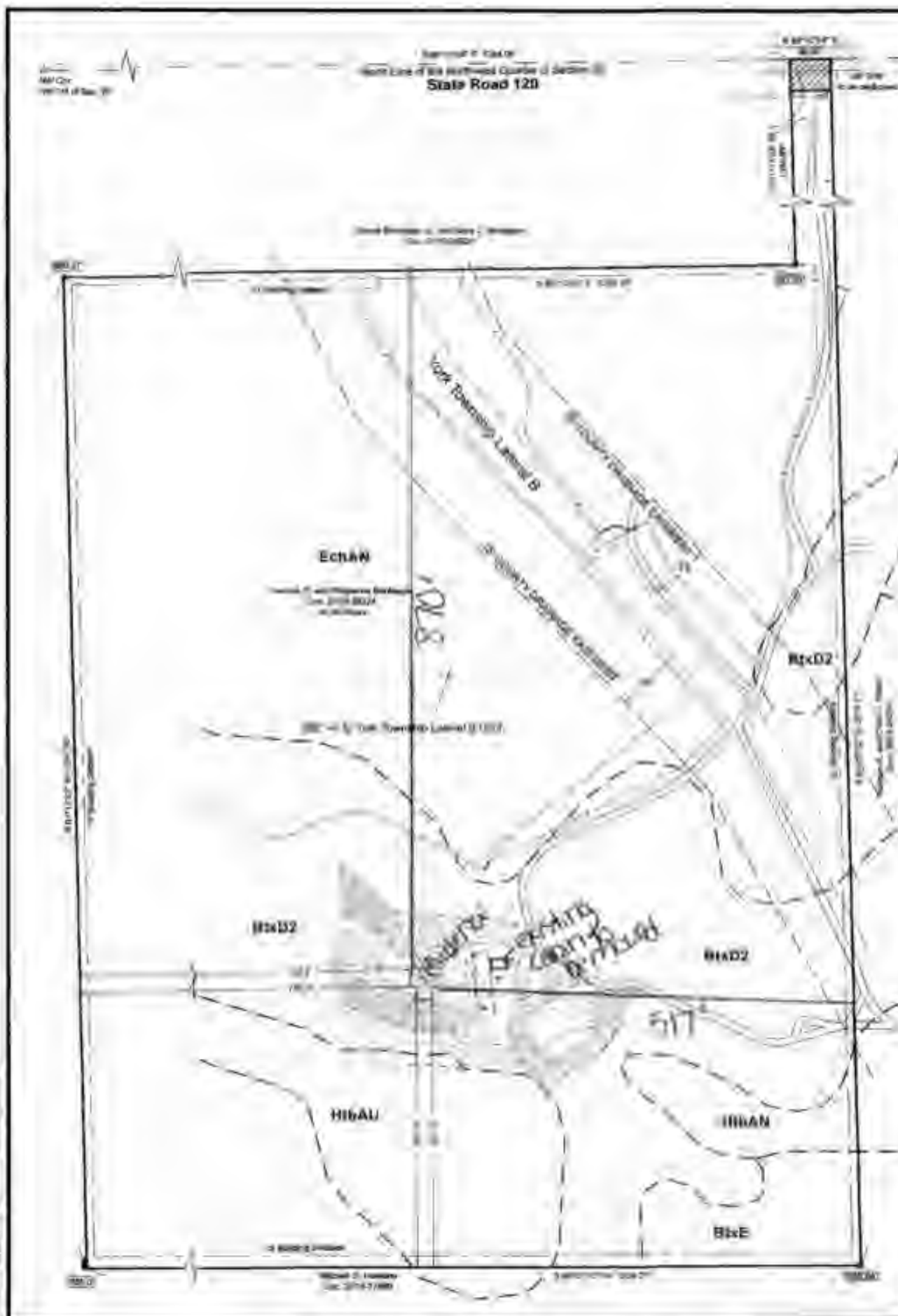
Looking west



Looking east



Looking north



Land Description - Doc. 2013-26224

A part of the Northwest Quarter of Section 26, Township 36 North, Range 7 East, York Township, Elkhart County, Indiana, better more particularly described as follows (bearing this description are based on a line connecting the monument at the Northeast corner and the monument at the Northwest corner of the Northwest Quarter of said Section 26, being South 89 degrees 27 minutes (3) seconds West):

commencing at a corner monument marking the Northwest corner of Section 26, Township 36 North, Range 7 East, thence North 89 degrees 27 minutes 54 seconds East, along the North line of the Northwest Quarter of said Section 26, a distance of 1294.05 feet to a survey mark spike at the point of beginning of this description, thence continuing along said line and bearing, 50.00 feet to a survey mark spike, thence South 03 degrees 17 minutes 22 seconds East, parallel with the West line of said Northwest Quarter, 26.13, 71 feet to a stake with cap (1/4 inch 300000) on the South line of said Northwest Quarter and being the North line of land described in Deed Record 91-022615 Elkhart County Records; thence South 89 degrees 27 minutes 54 seconds West, along said line, 1354.27 feet to a corner monument at the Southwest corner of said Northwest Quarter, and being the East line of land described in Deed Record 2008-19884, Elkhart County records, thence North 03 degrees 17 minutes (3) seconds West along said line and also the East line of land described in Deed Record 91-024649, Elkhart County records, 1247.86 feet to a stake with cap (1/4 inch 300000), thence North 89 degrees 27 minutes 54 seconds East, parallel with the North line of the Northwest Quarter, 1284.06 feet to a stake with cap (1/4 inch 300000), thence North 03 degrees 17 minutes 57 seconds West, parallel with the West line of said Northwest Quarter, 1355.95 feet to the Point of Beginning of this description, containing 40.00 acres, more or less.

PLANNING NOTES:

- 1) PROPOSED RESIDENCE MAIN LEVEL FLOOR ELEVATION IS 260.0' (0' ABOVE APPROXIMATE GRADE, ROLUP). THE PROPOSED BASEMENT FLOOR ELEVATION IS 241.5' (8' BELOW FIRST FLOOR ELEVATION) 240.5'.
- 2) RIGHT (DISTANCE) TO THE EAST IS 610'.
- 3) RIGHT (DISTANCE) TO THE WEST IS 610'.
- 4) SOIL TYPES:
GRASSY LOAMY SAND (BtD2) 10 TO 15 PERCENT SLOPES, MORE THAN 80' WATER TABLE DEPTH.
INDUSTRIAL LOAMY SAND (BtE) 18 TO 20 PERCENT SLOPES, MORE THAN 80' WATER TABLE DEPTH.
EDWARDS MUCK, DRAINED, 0 TO 1 PERCENT SLOPES, 0' WATER TABLE DEPTH.
HOUGHTON MUCK, DRAINED, 0 TO 1 PERCENT SLOPES, 0' WATER TABLE DEPTH.
HOUGHTON MUCK, UNDRAINED, 0 TO 1 PERCENT SLOPES, 0' WATER TABLE DEPTH.
- 5) BENCHMARK - HUB SET WITH FANG, 140 FEET EAST OF PROPOSED MTR, SHOWN HEREON. ELEVATION = 246.56.
- 6) DISTANCE TO YORK TOWNSHIP LATERAL DITCH IS APPROXIMATELY 500' NORTH OF THE BUILDING SITE.

Road Map

Based on existing York Township Road Map of Elkhart County, Indiana, Map Number 1889001770, dated 8/27/10, 1:50,000 scale, 11x17 inch.

THE PURPOSE OF THIS DRAWING IS TO SHOW REQUIREMENTS FOR AN ADMINISTRATIVE SUBDIVISION IN ELKHART COUNTY, INDIANA. THIS DRAWING IS NOT TO BE USED FOR A RECORD OR FINAL BOUNDARY SURVEY, A FINAL SURVEY OR A SURVEY FOR A RECORD. IT IS NOT TO BE USED FOR A RECORD OR FINAL BOUNDARY SURVEY, A FINAL SURVEY OR A SURVEY FOR A RECORD. IT IS NOT TO BE USED FOR A RECORD OR FINAL BOUNDARY SURVEY, A FINAL SURVEY OR A SURVEY FOR A RECORD.



LEGEND

- REBAR FOUND
- WOOD POST FOUND
- PROPOSED WELL
- SOIL BORING
- FENCE



Site Plan Detail
1"=50'

Client/Owner:

Warren & Polyanna Bontrager
(Doc. 2013-26224)

Site Location:

Vicinity Lane, State Road 120, Elkhart, IN 46540

Administrative Subdivision
Part of the Northwest Quarter (NW 1/4) of Section 26,
Township 36 North, Range 7 East
York Township, Elkhart County
State of Indiana

LAND & BOUNDARY
The Land and Boundary Resource Office
301 SOUTH 10TH STREET, ELKHART, IN 46540
PHONE: 765.291.1000
FAX: 765.291.1001
WWW.LANDBOUNDARY.COM

DATE OF SURVEY	10/1/2013
DATE OF PLOTTING	10/1/2013
DATE OF REVIEW	10/1/2013
DATE OF APPROVAL	10/1/2013
DATE OF RECORDING	10/1/2013
DATE OF CLOSURE	10/1/2013

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: March 20, 2024

Transaction Number: DV-0075-2024.

Parcel Number(s): 20-01-15-353-001.000-005.

Existing Zoning: A-1.

Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 10 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing detached accessory structure 40 ft. from the centerline of the right-of-way.

Petitioner: Dustin Allard & Carrie Allard, Husband & Wife.

Location: Southeast corner of Ash Rd. & Janet St. , in Cleveland Township.

Site Description:

- Physical Improvement(s) – Residence, accessory structures.
- Proposed Improvement(s) – Garage.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The existing accessory structure is used as a detached garage and the proposed accessory structure will follow setbacks.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The property is .68 acres and will remain residential in character.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The corner lot configuration limits the placement of accessory structures. More accessory structure square footage allows for less outdoor storage.

Hearing Officer Staff Report (Continued)

Hearing Date: March 20, 2024

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 02/12/2024 and as represented in the Developmental Variance application.

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

Developmental Variance - Developmental Variance

Date: 02/12/2024 Meeting Date: March 20, 2024 Transaction #: DV-0075-2024
Board of Zoning Appeals Public Hearing

Description: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 10 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing detached accessory structure (40) ft. from the centerline of the right-of-way of Ash Rd & Janet St.

Contacts: Applicant Land Owner
Dustin & Carrie Allard, Dustin & Carrie Allard,
Husband & Wife Husband & Wife
51948 Ash Road 51948 Ash Road
Granger, IN 46530 Granger, IN 46530

Site Address: 51948 Ash Road
GRANGER, IN 46530

Parcel Number: 20-01-15-353-001.000-005

Township: Cleveland
Location: SOUTH EAST CORNER OF ASH RD & JANET ST

Subdivision: PECKS SUBDIVISION

Lot # 3

Lot Area: 0.69 Frontage: 400.00 Depth: 300.00

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 3-1-62
RESIDENTIAL DWELLING= 1056 SQ FT TIMES 110%=1161 SQ FT
GARAGE AND SHED EQUAL 720 SQ FT
LEAVES 441 SQ FT
PROPOSED STRUCTURE IS 2400 SQ FT OVERAGE 1958 SQ FT

ACCESSORY STRUCTURE EXISTING IS TOO CLOSE TO ROADWAY- DV IS ADDED TO THIS TO BRING THE
STRUCTURE IN COMPLIANCE
CHECKED DOCUWARE NO HISTORY

Applicant Signature:

Carrie A. Allard

Department Signature:

[Signature]

Application

Site address: 51948 Ash Rd Granger In 46530
Parcel number(s): 20-01-15-353-001.000-005

Current property owner

Name: Dustin & Carrie Allard
Address: 51948 Ash Rd Granger In 46530
Phone: 574 292 8618 574 850 4520 Email: Bee3boyz@gmail.com

Other party ☐ Agent ☐ Buyer ☐ Land contract purchaser ☐ Lessee

Name: _____
Address: _____
Phone: _____ Email: _____

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: Dustin & Carrie Allard

Staff Use Only

Description: _____

Parcel creation date: _____

Subdivision required? ☐ Y ☐ N If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: _____

Location: N S E W corner side end of _____,
_____ ft. N S E W of _____,
in _____ Township

Frontage: _____ Depth: _____ Area: _____ acres

Subdivision and lot number, if applicable: _____

Present use: _____

Developmental Variance — Questionnaire

Name: Dustin & Carrie Allard

- 1) Tell us what you want to do. We want to put up a 40x60 building to store our vehicle collection
- 2) Tell us why you can't change what you're doing so you don't need a variance. The allowed 441.6 sqft is not enough add room for all of the vehicles
- 3) Tell us why the variance won't hurt your neighbors or the community. It will be for personal use and will not generate extra traffic.

- 4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N

- 5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.

Building or addition 1 Size and height to the peak: 40x60x14
Tell us what you'll use it for. Vehicle Storage

Building or addition 2 Size and height to the peak: _____
Tell us what you'll use it for. _____

Building or addition 3 Size and height to the peak: _____
Tell us what you'll use it for. _____

- 6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☒ N
If yes, fill out below.

Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N

Tell us who owns (will own) the land under the easement. _____

Tell us how many parcels will use the easement. _____

- 7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.

Sign 1 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 2 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 3 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

- 8) Does the application include a variance for parking spaces? ☐ Y ☒ N

If yes, tell us how many total there will be. _____

- 9) Tell us anything else you want us to know. We inherited several vehicle from my father when he recently passed. We would like to put up a building so that they are not sitting in the yard and driveway creating an eyesore.



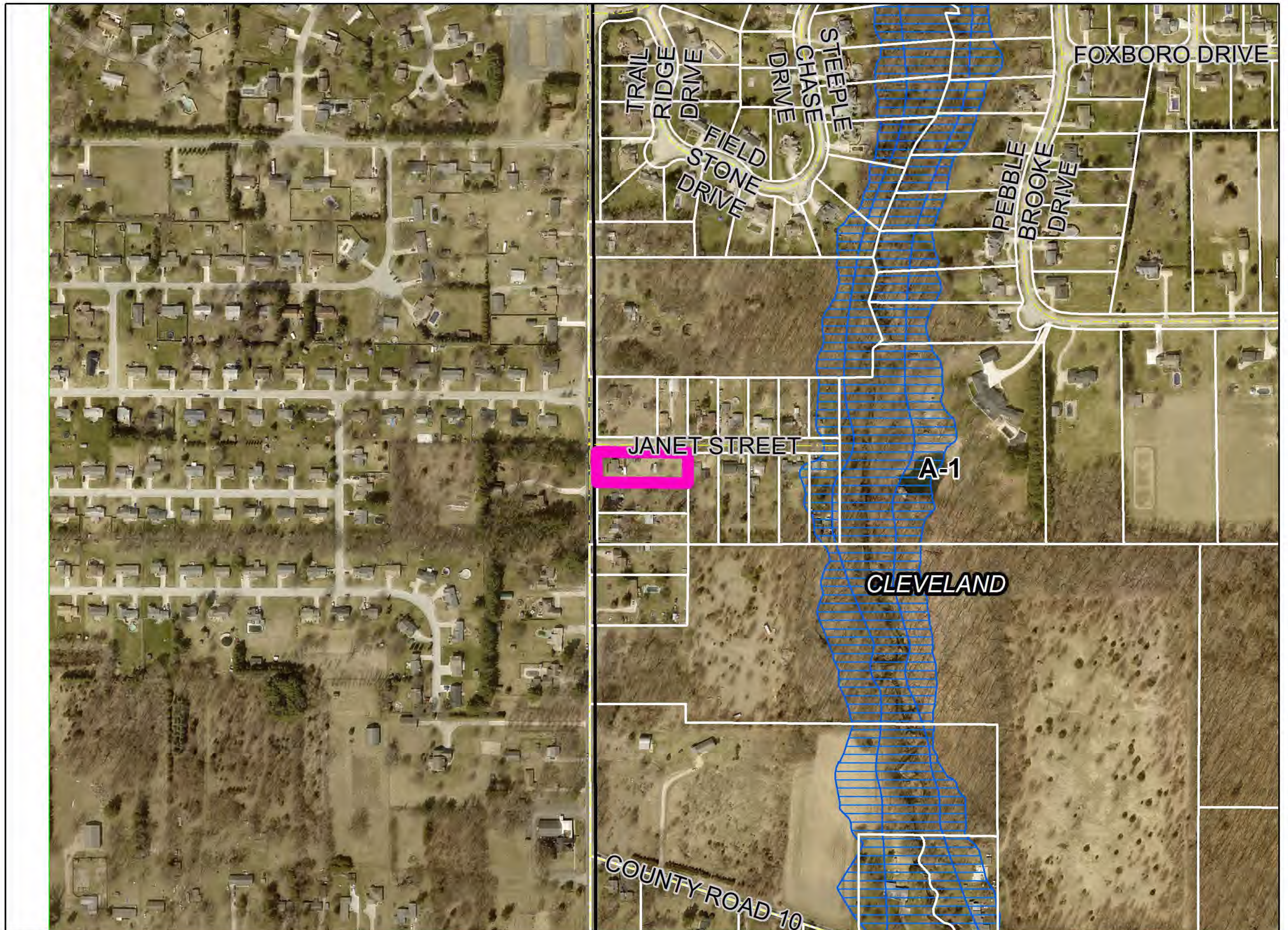


2021 Aerials



1 inch = 200 feet







Subject Property



Looking east



Looking west



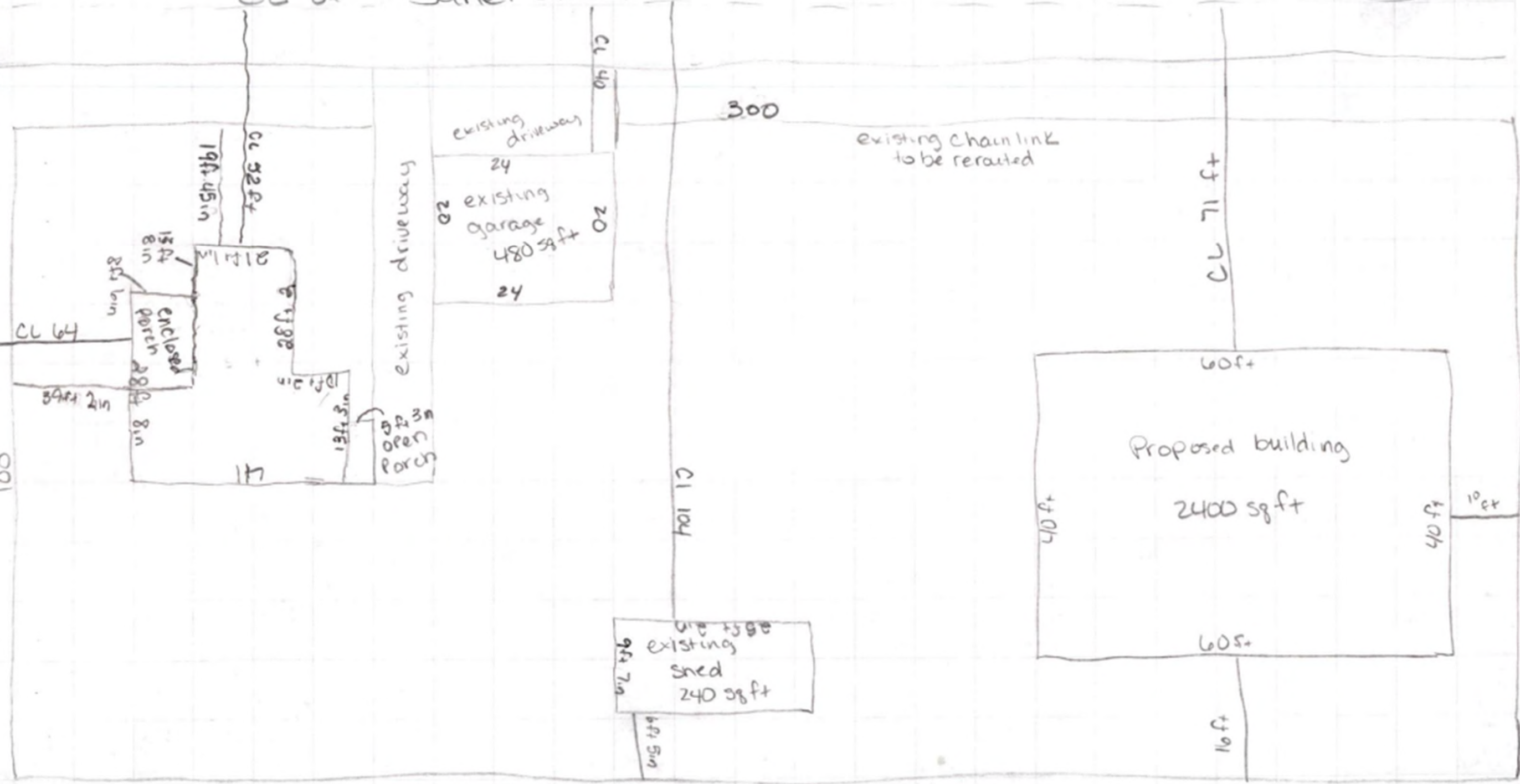
Looking north



Subject Property

FEB 12 2024

CL of Janet Street



existing chain link fence
surround entire property

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: March 20, 2024

Transaction Number: DV-0066-2024.

Parcel Number(s): Part of 20-08-03-351-012.000-035.

Existing Zoning: A-1.

Petition: for a 23 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for a lift station 52 ft. from the centerline of the right-of-way.

Petitioner: Middlebury Church of the Brethren, Northern Indiana.

Location: West side of Bristol Ave (CR 8), 515 ft. North of CR 14, in Middlebury Township.

Site Description:

- Physical Improvement(s) – None.
- Proposed Improvement(s) – Sanitary Sewer Lift Station.
- Existing Land Use – Commercial.
- Surrounding Land Use – Residential.

History and General Notes:

- **October 15, 1992** – The BZA approved a special use permit for a church.
- **February 8, 2024** – The Plat Committee approved a minor subdivision with a 0.18 acre (7,818 ft²) “outlot” to be known as Bristol Avenue Lift Station Minor Subdivision.
- “Outlot” is a term for a piece of property with a separate legal description used for open space, recreation, and or infrastructure purposes. Generally, an outlot is owned under common ownership or by a government entity.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. Lift stations are wastewater system structures located underground containing equipment (pumps, wet wells, and valves) used to collect and pump wastewater for treatment and disposal. There will be minimal impact on site distance because these types of structures are located underground.
2. Approval of the request will not cause substantial adverse effects on neighboring property. This parcel will be a 0.18-acre outlot in a mixed-use area in the Town of Middlebury, and the outlot will be used to construct a sanitary lift station for the Town of Middlebury. There will be minimal impact on neighboring properties because these types of structures are located underground.

Hearing Officer Staff Report (Continued)

Hearing Date: March 20, 2024

3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The variance to construct the lift station at this location is necessary due to the existing sanitary sewer system infrastructure layout and location.

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 2/12/2024 and as represented in the Developmental Variance application.

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

Developmental Variance - Developmental Variance

Date: 02/12/2024

Meeting Date:

March 20, 2024

Board of Zoning Appeals Public Hearing

Transaction #: DV-0066-2024

Description: for a 23 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for a lift station 52 ft. from the centerline of the right-of-way

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

Middlebury Church Of The
Brethren Northern Indiana
507 Bristol Ave
Middlebury, IN 465409048

Site Address: 507 Bristol Avenue
MIDDLEBURY, IN 46540

Parcel Number: 20-08-03-351-012.000-035
20-08-04-476-007.000-034

Township: Middlebury

Location: WEST SIDE OF BRISTOL AVE (CR 8), NORTH OF CR 14

Subdivision:

Lot #

Lot Area: 13.75 Frontage: 719.00 Depth: 329.02

Zoning: A-1

NPO List:

Present Use of Property: Place of Worship

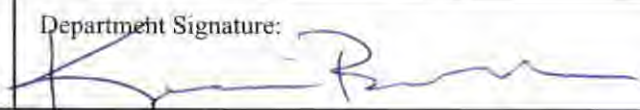
Legal Description:

Comments: SEE MI-0004-2024 APPROVED ON 2/4/2024
AFFIDAVIT ACCEPTED AS DEED

Applicant Signature:



Department Signature:



Application

Site address: 507 Bristol Ave, Middlebury, IN 46540 Bristol Lift Station

Parcel number(s): 20-08-03-351-012.000-035 20-08-04-476-007.000-034

Current property owner

Name: Middlebury Church Of The Brethren Northern Indiana

Address: 507 Bristol Ave Middlebury, In 46540-9048

Phone: 574-825-5466

Email: don_keri_anderson@msn.com

Other party

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: Crystal Welsh

Address: 303 River Race Dr #206, Goshen, IN 46526

Phone: 574-314-1027

Email: cwelsh@abonmarche.com

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent:

Donald Anderson
Leadership Team Chair

Staff Use Only

Description:

Area 23 ft Deep V (and neg 75)
to allow for a lift station

Parcel creation date:

Subdivision required?

☐ Y ☐ N

If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable:

Location: N S E (W) corner (side) end of CR B

515 ft. (N S E W) of CR 14

in Middlebury Township

Frontage:

719

Depth:

329.02

Area:

acres

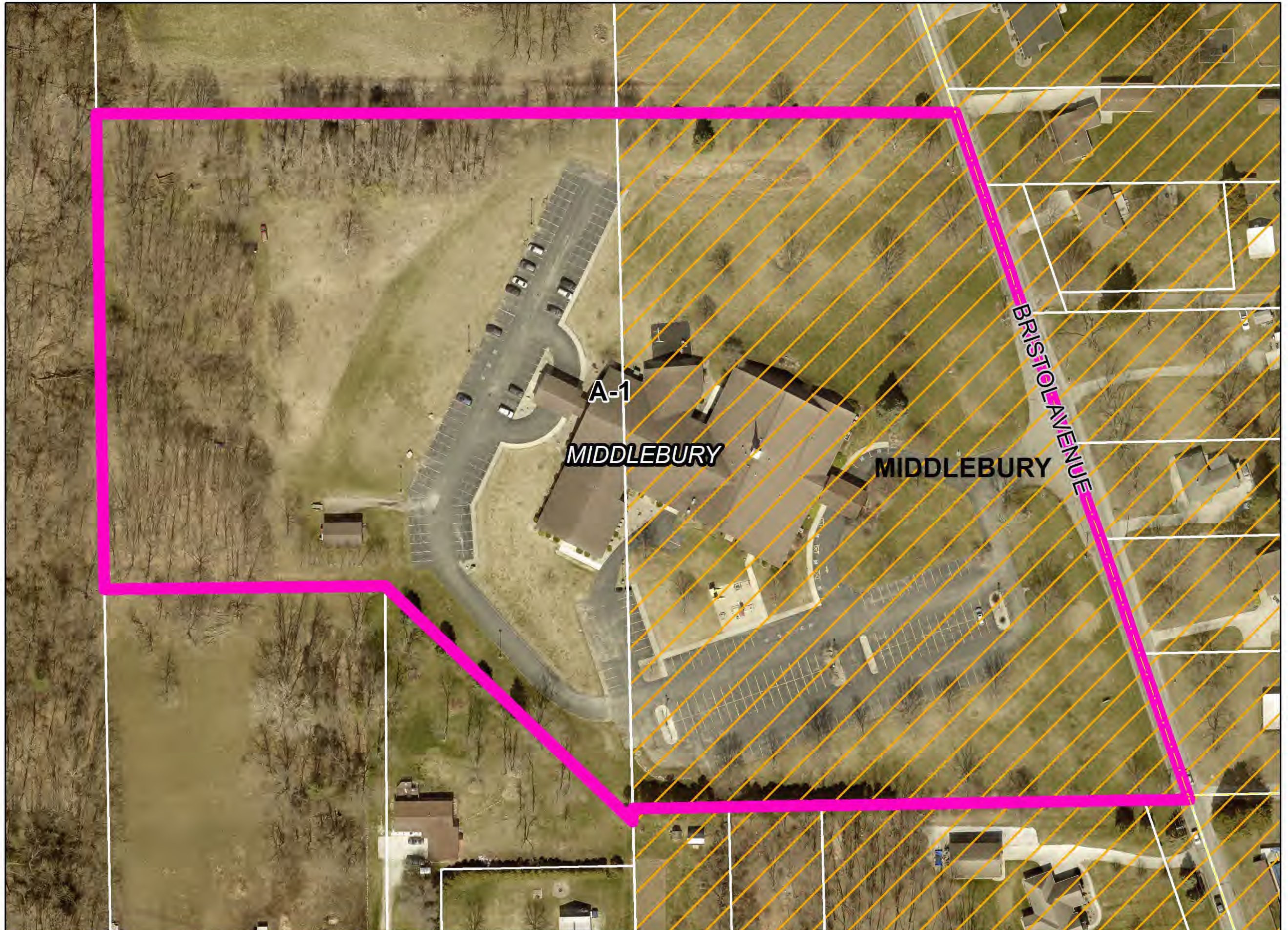
Subdivision and lot number, if applicable:

Present use:

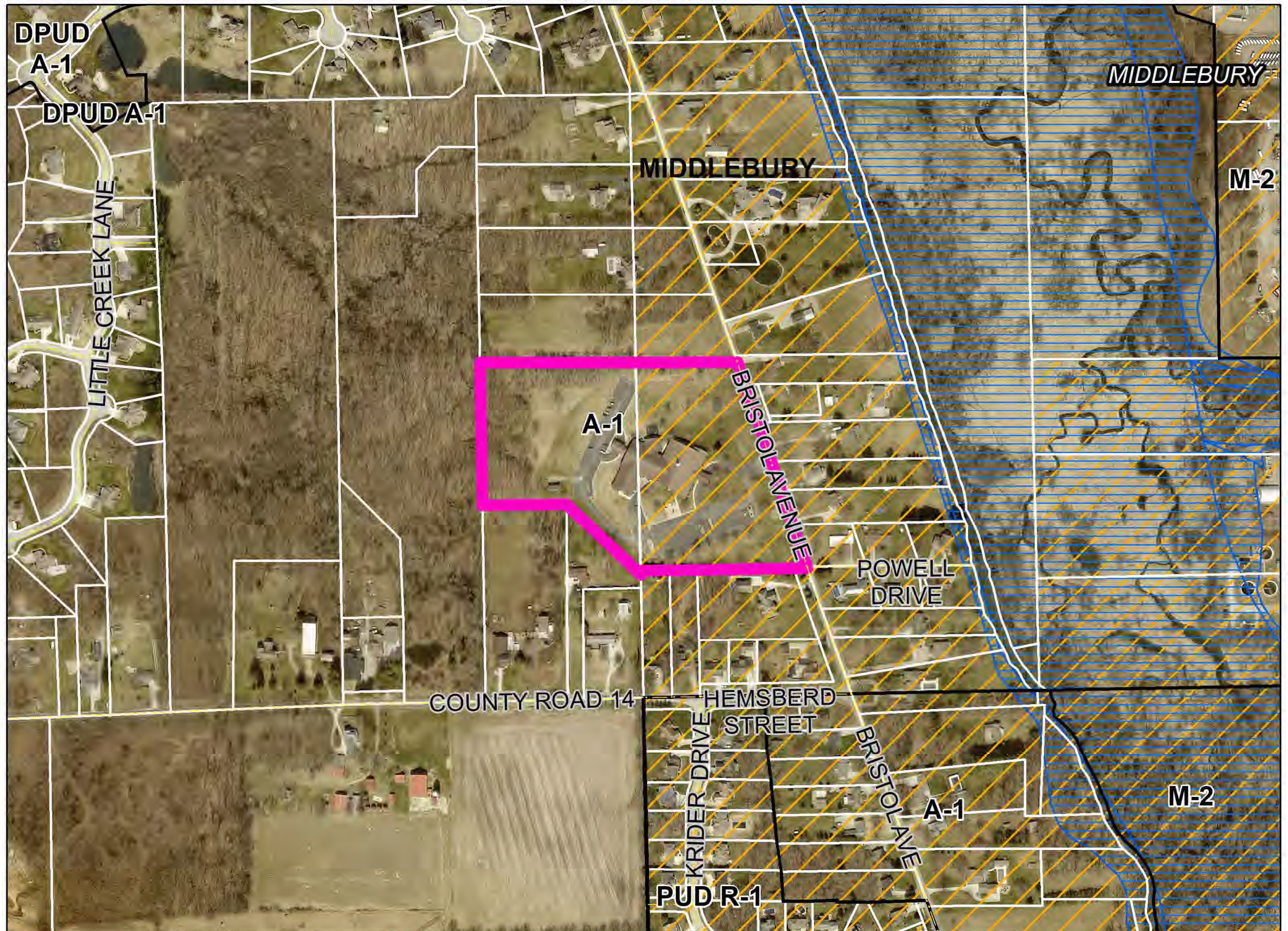
Developmental Variance — Questionnaire

Name: Bristol Lift Station

- 1) Tell us what you want to do. Install a new Town of Bristol Lift Station on the new subdivided property
Bristol will purchase the subdivided parcel after the process is complete. This will require the
equipment to be installed in the front yard setback. A requested variance from 75 to 60 foot front
yard setback is requested.
- 2) Tell us why you can't change what you're doing so you don't need a variance.
The Lift Station need to be located as designed which is in the front yard setback
- 3) Tell us why the variance won't hurt your neighbors or the community.
The Lift Station is a public facility and is needed for the community's sewer system
- 4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N
- 5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.
Building or addition 1 Size and height to the peak:
Tell us what you'll use it for. The tallest portion of the Lift Station and fence will be 6 feet tall.
Building or addition 2 Size and height to the peak:
Tell us what you'll use it for.
Building or addition 3 Size and height to the peak:
Tell us what you'll use it for.
- 6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☒ N
If yes, fill out below.
Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N
Tell us who owns (will own) the land under the easement.
Tell us how many parcels will use the easement.
- 7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.
Sign 1 Dimensions (length and width):
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
Sign 2 Dimensions (length and width):
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
Sign 3 Dimensions (length and width):
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- 8) Does the application include a variance for parking spaces? ☐ Y ☒ N
If yes, tell us how many total there will be.
- 9) Tell us anything else you want us to know.









Subject Property



Facing North



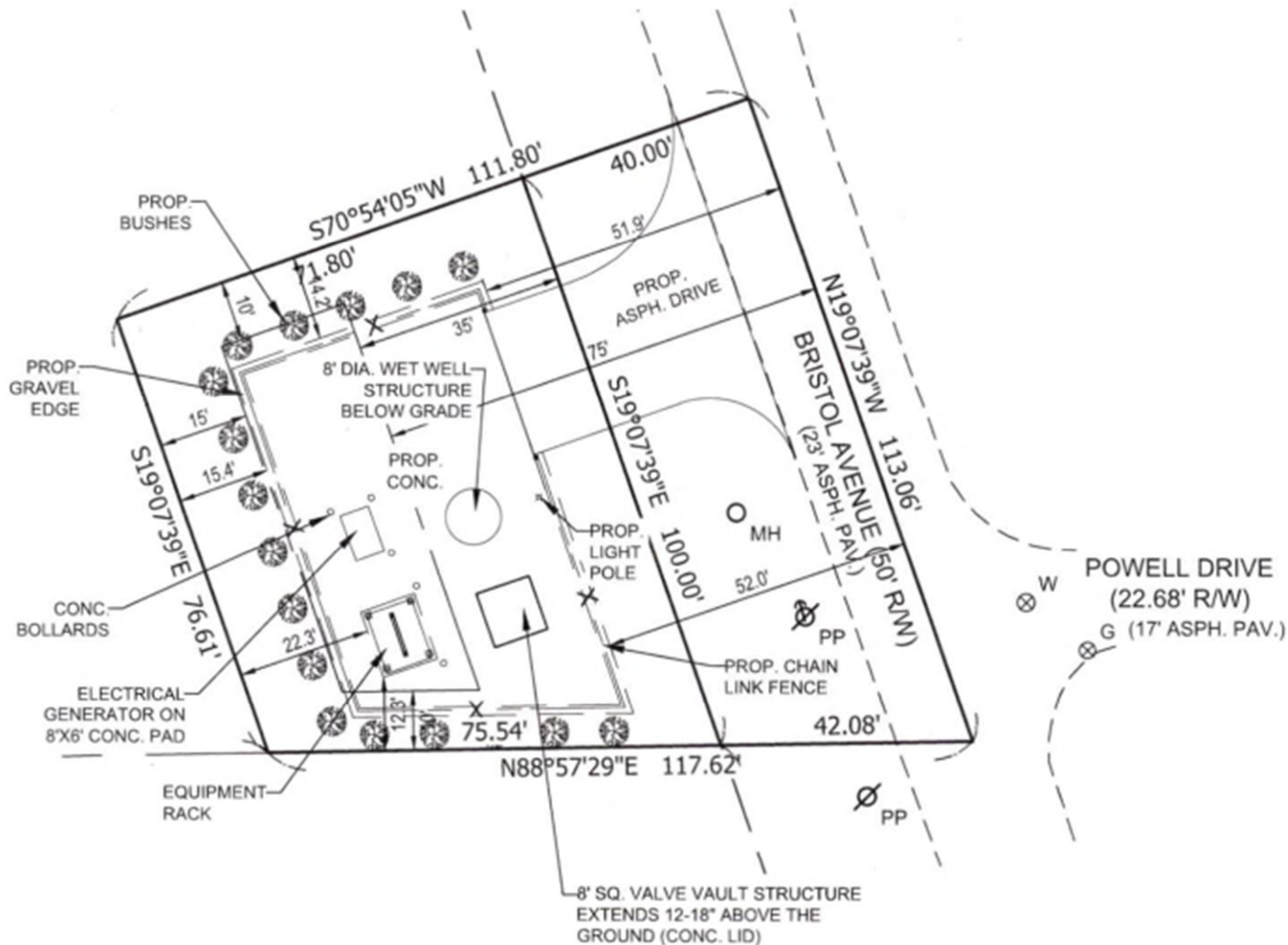
Facing South



Facing East



Facing West



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: March 20, 2024

Transaction Number: DV-0070-2024.

Parcel Number(s): 20-08-22-177-014.000-035.

Existing Zoning: M-1.

Petition: for a 57 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for a lift station 63 ft. from the centerline of the right-of-way.

Petitioner: Town of Middlebury Indiana.

Location: West side of SR 13, 2,500 ft. South of US 20, in Middlebury Township.

Site Description:

- Physical Improvement(s) – None.
- Proposed Improvement(s) – Sanitary Sewer Lift Station.
- Existing Land Use – Manufacturing.
- Surrounding Land Use – Residential & Manufacturing.

History and General Notes:

- **February 8, 2024** – The Plat Committee approved a minor subdivision with a 0.26 acre (11,326 ft²) “outlot” to be known as Hardwoods Lift Station Minor Subdivision.
- Outlot is a term for a piece of property with a separate legal description used for open space, recreation, and or infrastructure purposes. Generally, an outlot is owned under common ownership or by a government entity

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. Lift stations are wastewater system structures located underground containing equipment (pumps, wet wells, and valves) used to collect and pump wastewater for treatment and disposal. There will be minimal impact on site distance because these types of structures are located underground.
2. Approval of the request will not cause substantial adverse effects on neighboring property. This parcel will be a 0.26-acre outlot in a mixed-use area in the Town of Middlebury, and the outlot will be used to construct a sanitary lift station for the Town of Middlebury. There will be minimal impact on neighboring properties because these types of structures are located underground.

Hearing Officer Staff Report (Continued)

Hearing Date: March 20, 2024

3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The variance to place the lift station at this location is necessary due to the existing sanitary sewer system infrastructure layout and location.

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 2/12/2024 and as represented in the Developmental Variance application.

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

Developmental Variance - Developmental Variance

Date: 02/12/2024

Meeting Date:

March 20, 2024

Board of Zoning Appeals Public Hearing

Transaction #: DV-0070-2024

Description: for a 57 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for a lift station 63 ft. from the centerline of the right-of-way

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

Town Of Middlebury Indiana
418 N Main St
Middlebury, IN 46540

Site Address: 00000 State Road 13
MIDDLEBURY, IN

Parcel Number: 20-08-22-177-014.000-035

Township: Middlebury

Location: WEST SIDE OF SR 13, 2,500 FT. SOUTH OF US 20

Subdivision: REPLAT MIDDLEBURY INDUSTRIAL PARK

Lot # 1

Lot Area: 0.26 Frontage: 296.55

Depth: 75.00

Zoning: M-1

NPO List:

Present Use of Property: VACANT LAND

Legal Description:

Comments: SEE MI-0005-2024

Applicant Signature:



Department Signature:



Application

Site address: State Rd 13, Middlebury, In 46540 Hardwoods Lift Station
Parcel number(s): 20-08-22-177-014.000-035

Current property owner

Name: Town Of Middlebury Indiana
Address: Middlebury Town Hall 418 N Main Street Middlebury, In 46540
Phone: 574-825-1499 Email: townmanager@middleburyin.com

Other party ☒ Agent ☐ Buyer ☐ Land contract purchaser ☐ Lessee

Name: Crystal Welsh
Address: 303 River Race Dr #206, Goshen, IN 46526
Phone: 574-314-1027 Email: cwelsh@abonmarche.com

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: Mary M. Ciper

Staff Use Only

Description: for a 57 ft Dev Var (and Reg 120 ft)
to allow for a lift station 63 from the
centerline of the right of way

Parcel creation date: _____

Subdivision required? ☐ Y ☐ N If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: _____

Location: N S E W corner side end of SR 13
2,500 ft. N S E W of US 20
in _____ Township

Frontage: 296.55 Depth: 75 Area: 1.26 acres

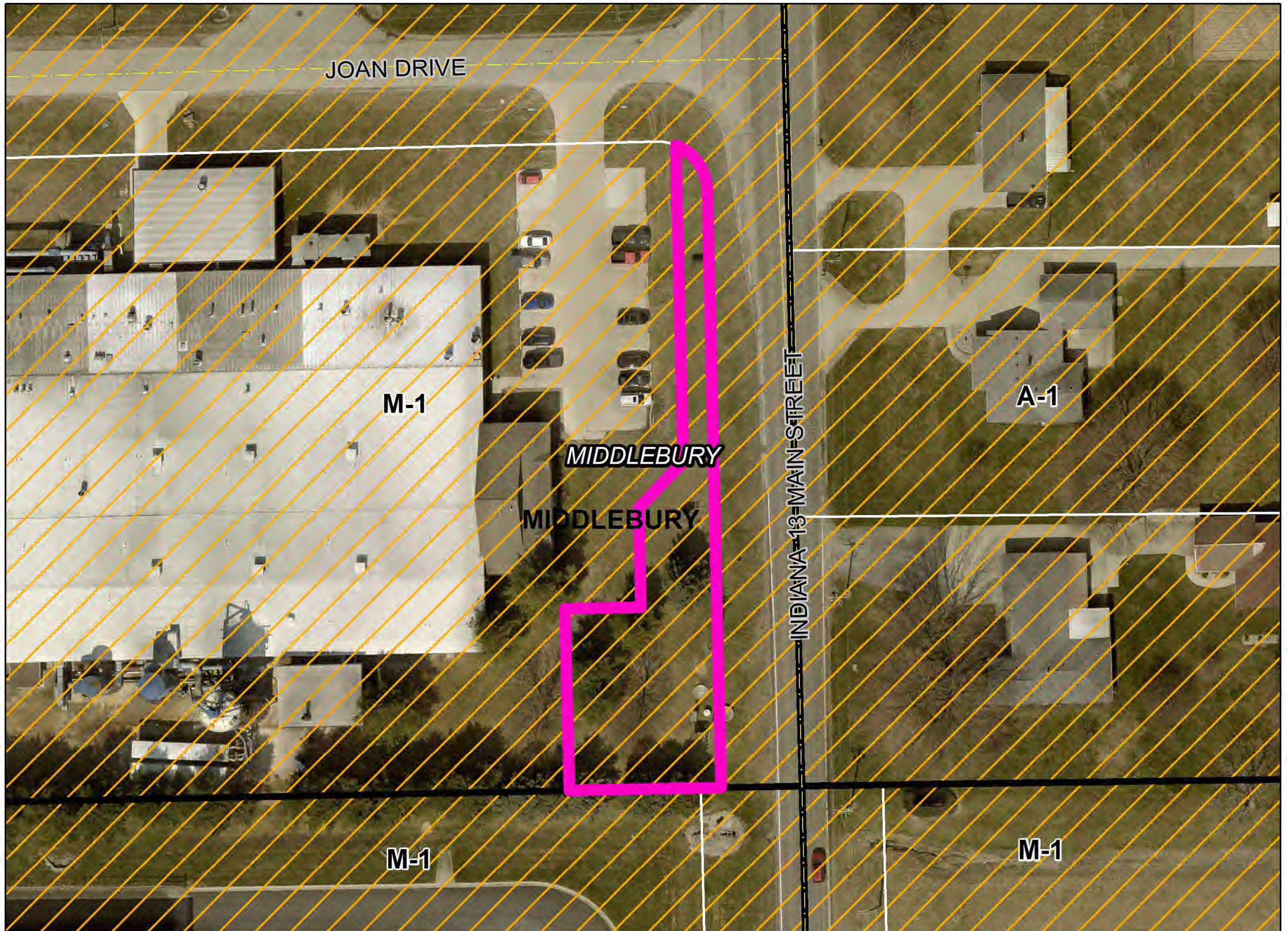
Subdivision and lot number, if applicable: Replat MB Ind Park lot 1

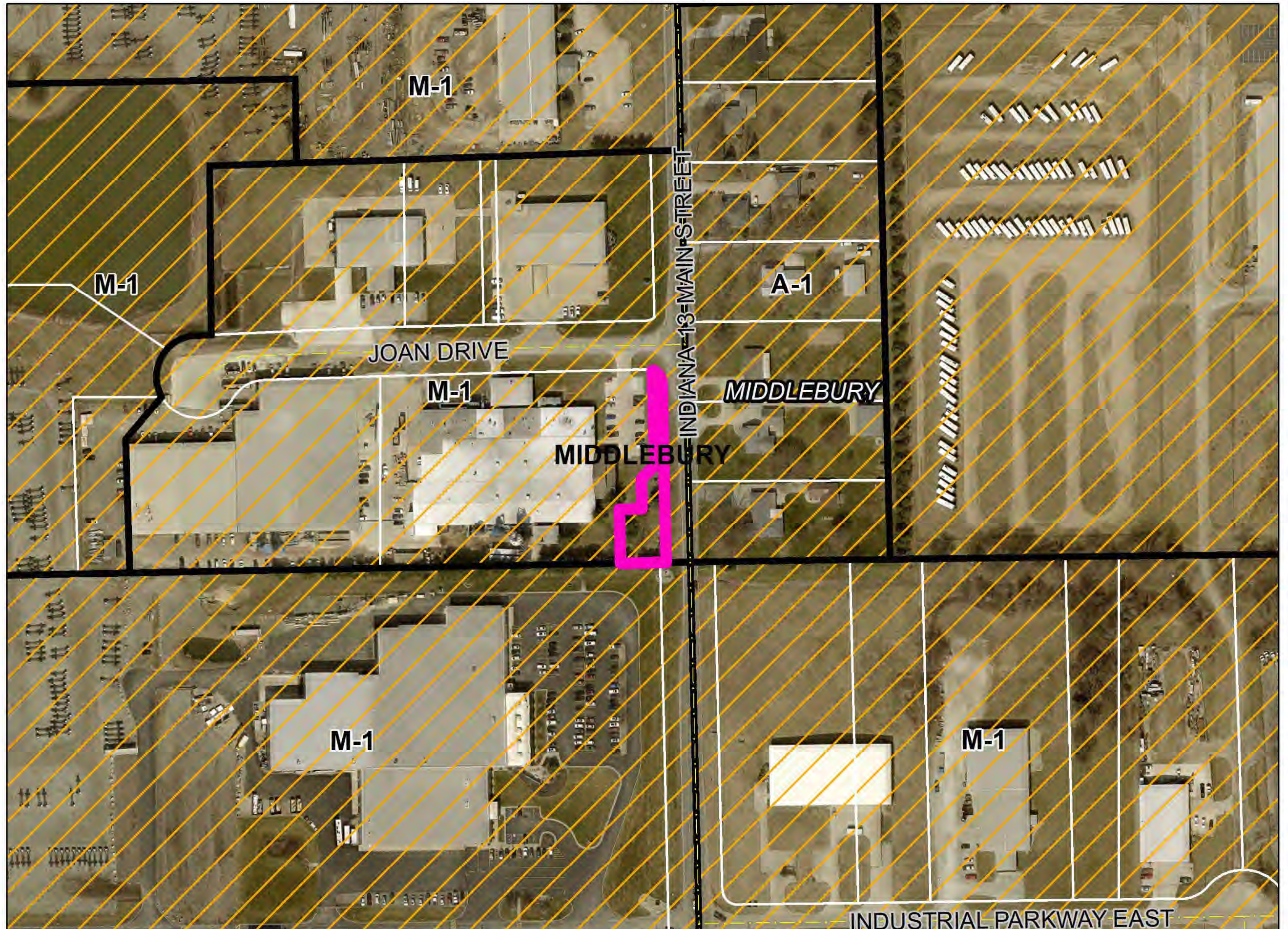
Present use: vacant land

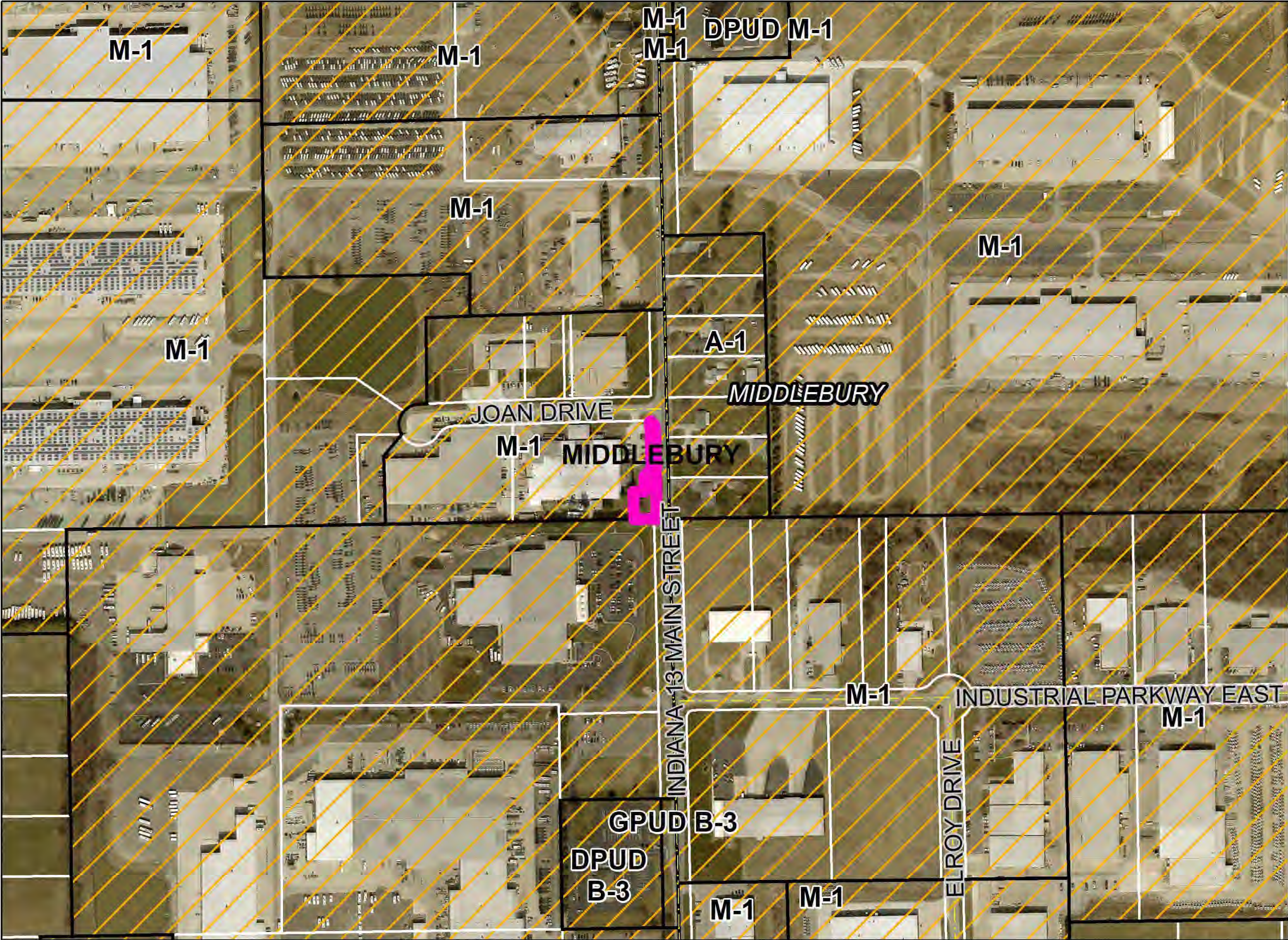
Developmental Variance — Questionnaire

Name: Hardwoods Lift Station

- 1) Tell us what you want to do. Install a new Town of Bristol Lift Station on the new subdivided property
- 2) Tell us why you can't change what you're doing so you don't need a variance. The Lift Station need to be located as designed which is in the front yard setback
- 3) Tell us why the variance won't hurt your neighbors or the community. The Lift Station is a public facility and is needed for the community's sewer system
- 4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N
- 5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.
- Building or addition 1** Size and height to the peak: _____
Tell us what you'll use it for. The tallest portion of the Lift Station and fence will be 6 feet tall.
- Building or addition 2** Size and height to the peak: _____
Tell us what you'll use it for. _____
- Building or addition 3** Size and height to the peak: _____
Tell us what you'll use it for. _____
- 6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☒ N
If yes, fill out below.
Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N
Tell us who owns (will own) the land under the easement. _____
Tell us how many parcels will use the easement. _____
- 7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.
- Sign 1** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- Sign 2** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- Sign 3** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- 8) Does the application include a variance for parking spaces? ☐ Y ☒ N
If yes, tell us how many total there will be. _____
- 9) Tell us anything else you want us to know. _____









Subject Property



Looking North



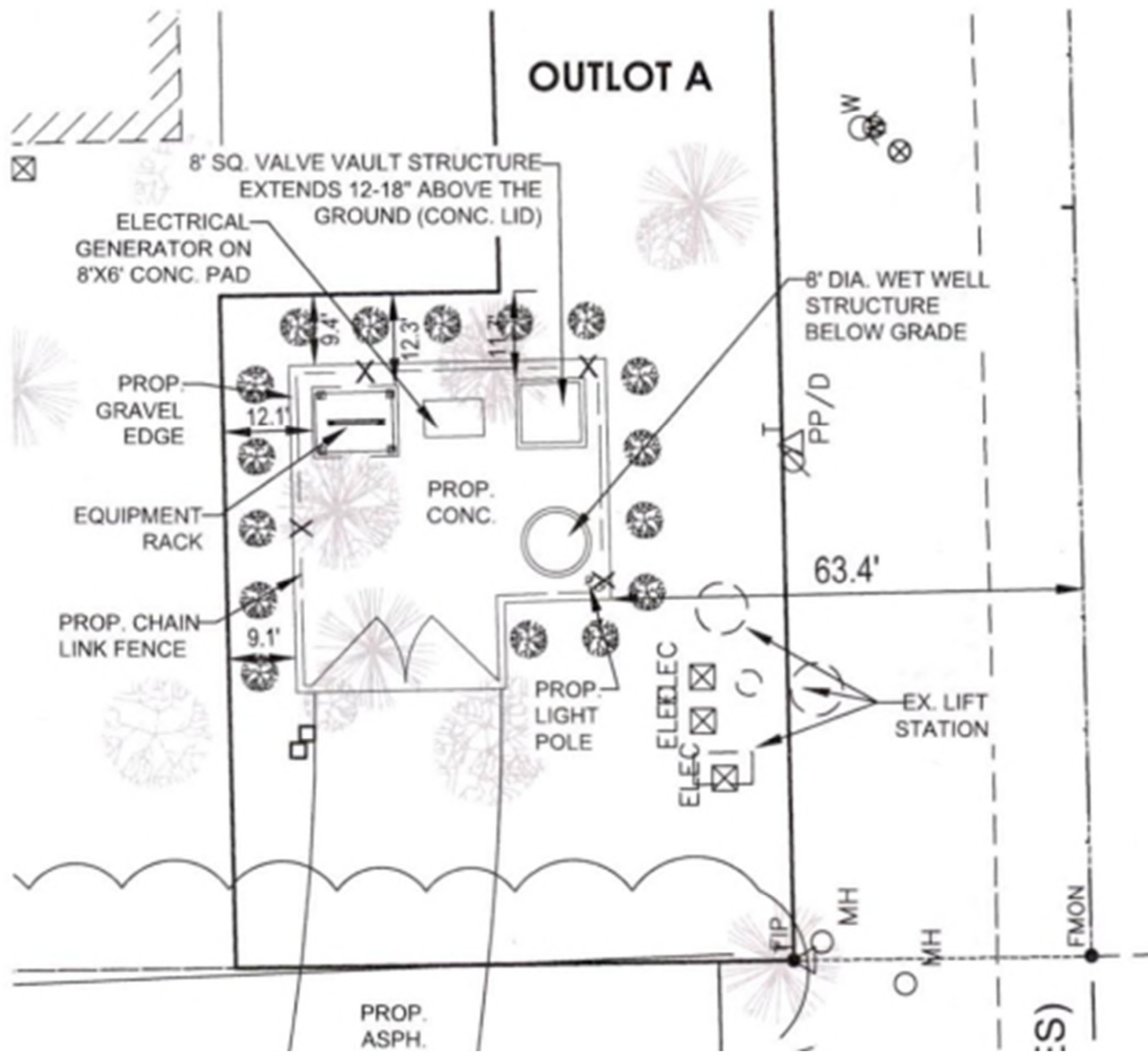
Looking South



Looking East



Looking West



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: March 20, 2024

Transaction Number: DV-0057-2024.

Parcel Number(s): 20-14-35-251-001.000-028, 20-14-35-251-002.000-028.

Existing Zoning: A-1.

Petition: for a 30 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence and the construction of a porch addition 90 ft. from the centerline of the right-of-way.

Petitioner: Randy Vance, Jerry M. Bethel, Sr. & Brenda Bethel, Husband & Wife (Land Contract Holders) & Randy Vance & Jessica Hubbel (Land Contract Purchasers).

Location: South side of US 6, 2,510 ft. West of CR 15, in Union Township.

Site Description:

- Physical Improvement(s) – Residence, accessory structure.
- Proposed Improvement(s) – Porch.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **January 17, 2024** – a complaint for having junk in the yard was opened.
- **January 26, 2024** – a complaint for building without a permit was opened.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The added encroachment to state road 6 will not limit visibility.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The neighboring properties are agricultural and there is little housing density in the area.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. Abutting to a state road and the location of the house limits the buildable area.

Hearing Officer Staff Report (Continued)

Hearing Date: March 20, 2024

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. A recorded deed is required showing all the petitioner's property on one deed and in one name.
3. A revised site plan is required showing the full property with the proposed porch dimensions and setbacks to the road to be placed in the petition file.
4. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Developmental Variance - Developmental Variance

**Elkhart County Planning & Development
Public Services Building**

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 02/08/2024 Meeting Date: March 20, 2024
Board of Zoning Appeals Public Hearing Transaction #: DV-0057-2024

Description: for a 30 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence and 90 ft. from the centerline of the right-of-way.

Contacts: <u>Applicant</u>	<u>Land Owner</u>	<u>Land Owner</u>	<u>Land Owner</u>
Randy Vance 23454 Us 6 Nappanee, IN 46550	Jerry M Sr & Brenda Bethel, H & W (Land Contract Holders) 23454 Us Highway 6 Nappanee, IN 46550	Randy Vance 23454 Us 6 Nappanee, IN 46550	Randy Vance & Jessica Hubbell (Land Contract Purchaser) 23454 Us 6 Nappanee, IN 46550

Site Address: 23454 Us Highway 6 NAPPANEE, IN 46550	Parcel Number: 20-14-35-251-001.000-028 20-14-35-251-002.000-028
--	---

Township: Union
Location: SOUTH SIDE OF US 6, 2510 FT WEST OF COUNTY ROAD 15

Subdivision: Lot #

Lot Area: 1.75 Frontage: 350.00 Depth: 217.00

Zoning: A-1 NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: CODE-0038-2024
CODE-0022-2024
ELEC-R-0824-2020
PARCEL CREATED 3-1-62
HAVE COPIES OF LAND CONTRACT AND DEED
NEEDS A RECORDED DEED SHOWING BOTH PROPERTIES ON ONE DEED AND IN HIS NAME PRIOR TO A BUILDING PERMIT BEING ISSUED.

Applicant Signature:

Department Signature:

Application

Site address: 23454 US 6 Nappanee IN
Parcel number(s):

Current property owner

Name: Jerry + Brenda Bethel
Address:
Phone: 574-453 6559 Email:

Other party ☐ Agent ☐ Buyer ☒ Land contract purchaser ☐ Lessee

Name: Randy Vance
Address: 23454 US 6 Nappanee
Phone: 517 260 5750 Email: Randy.Vance58@yahoo.com

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent:

Staff Use Only

Description:

Parcel creation date:

Subdivision required? ☐ Y ☐ N If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable:

Location: N S E W corner side end of
ft. N S E W of
in Township

Frontage: Depth: Area: acres

Subdivision and lot number, if applicable:

Present use:

Developmental Variance — Questionnaire

Name: _____

1) Tell us what you want to do. Add Enclosed Porch

2) Tell us why you can't change what you're doing so you don't need a variance. _____

I CAN'T PICK up road AND move

3) Tell us why the variance won't hurt your neighbors or the community. only have car +

neighbor and my Porch would Block
nothing

4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N

Does the property need a new septic system? ☐ Y ☒ N

If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N

5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.

Building or addition 1 Size and height to the peak: Bed room

Tell us what you'll use it for. _____

Building or addition 2 Size and height to the peak: Enclosed Porch

Tell us what you'll use it for. _____

Building or addition 3 Size and height to the peak: _____

Tell us what you'll use it for. _____

6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☐ N

If yes, fill out below.

Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N

Tell us who owns (will own) the land under the easement. _____

Tell us how many parcels will use the easement. _____

7) Does the application include variances for signs? ☐ Y ☐ N If yes, fill out below.

Sign 1 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 2 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 3 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

8) Does the application include a variance for parking spaces? ☐ Y ☐ N

If yes, tell us how many total there will be. _____

9) Tell us anything else you want us to know. _____

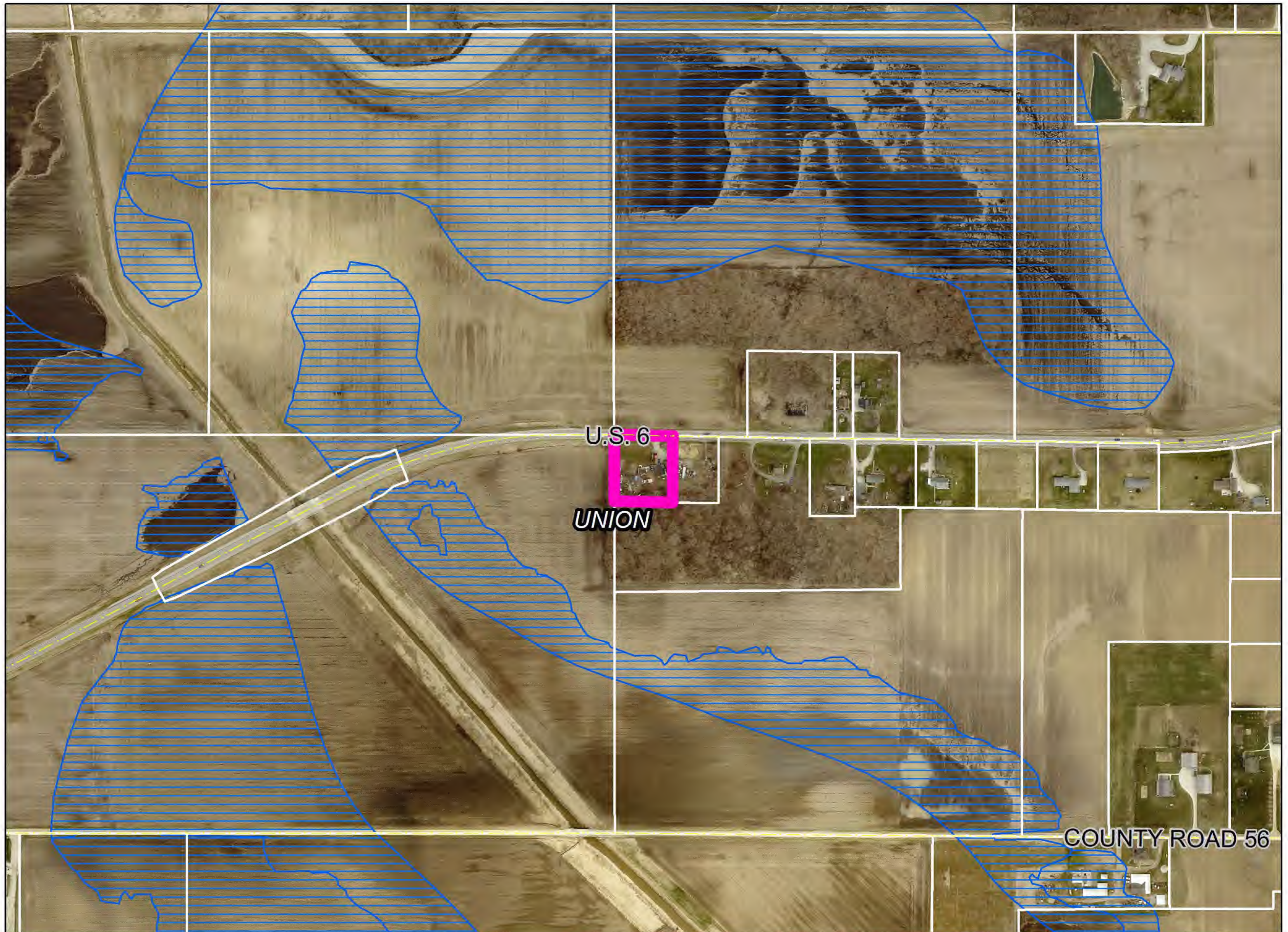


U.S. 6

A-1

UNION







Subject Property



Looking west



Looking east



Looking north

U.S. 6

90 ft

251-001

251-002

Shed

26 ft

Porch Addition 10 ft

Pool

Home

Addition

27' Coop

Shed

25

NC

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: March 20, 2024

Transaction Number: DV-0077-2024.

Parcel Number(s): 20-09-25-426-004.000-025.

Existing Zoning: GPUD R-1 & R-2.

Petition: for a 23 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence.

Petitioner: Andrew M. Yoder & Ellie Yoder, Husband & Wife.

Location: North end of Cameron Dr., 645 ft. North of Kenmar St., West of SR 19, in Olive Township.

Site Description:

- Physical Improvement(s) – None.
- Proposed Improvement(s) – Single-Family Residence.
- Existing Land Use – Vacant.
- Surrounding Land Use – Agricultural & Residential.

History and General Notes:

- **February 5th, 2008** – The Town Council of Wakarusa approved a zone map change from A-1 to GPUD R-1/R-2 /R-4 & GPUD B-1/B-2/B-3 (WK-2008-06).
- **March 14, 2024** – The Plan Commission will hear a rezoning request from the existing GPUD R-1 & R-2 to A-1.
- The property has a large drainage easement for the major subdivision to the south.
- An administrative subdivision has been submitted.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The existing configuration of the property is a result of a previous large scale mixed-use planned unit development from 2008 which was never fully developed out.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 7.656 acre parcel in a low density residential and agricultural area adjacent to a dense residential and mixed use area, and the property will remain residential and agricultural in character.

Hearing Officer Staff Report (Continued)

Hearing Date: March 20, 2024

3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. Without the benefit of the variance, the property could not be developed for the proposed low density residential use.

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 2/12/2024 and as represented in the Developmental Variance application.

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

Developmental Variance - Developmental Variance

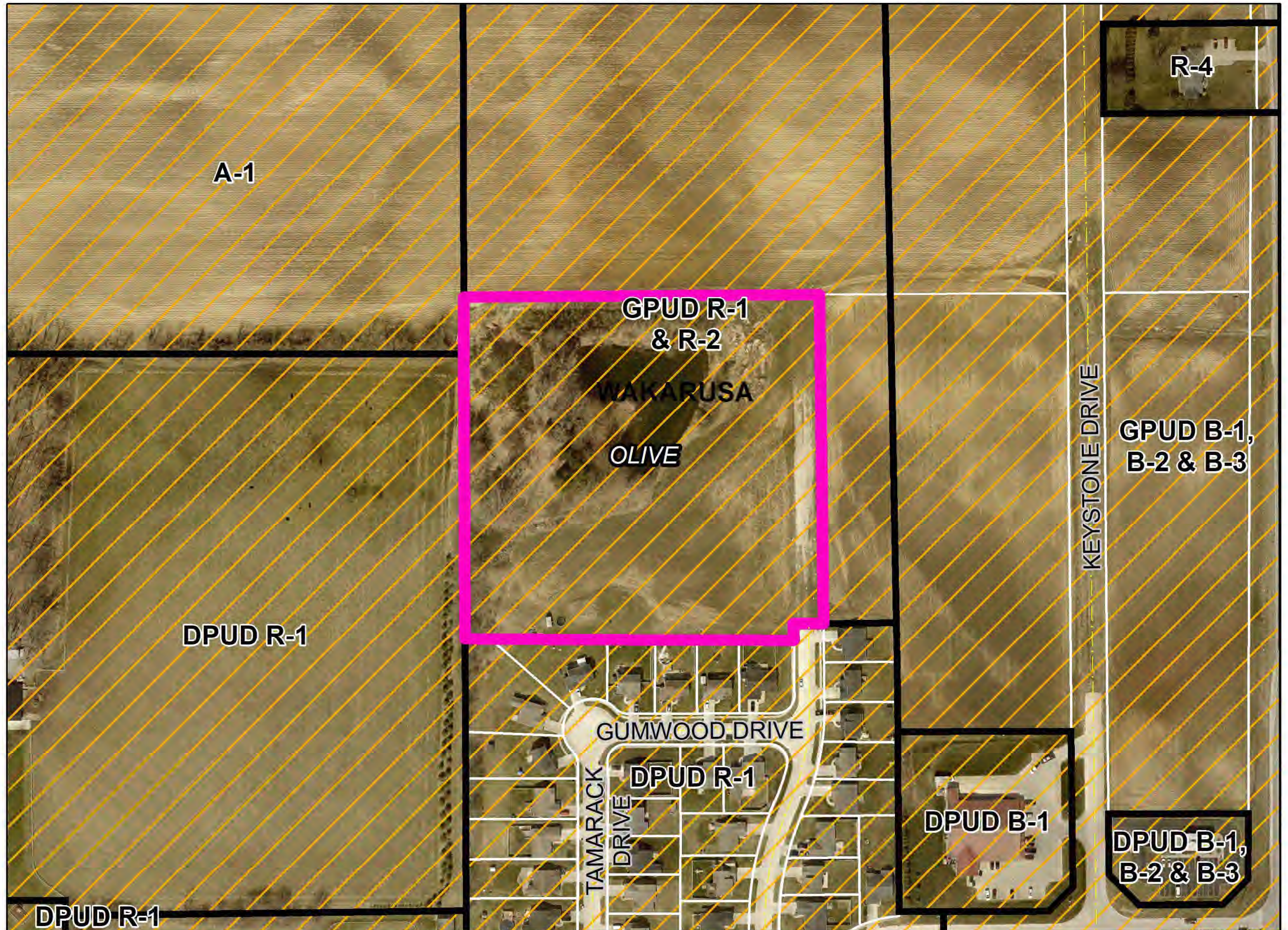
Date: 02/12/2024	Meeting Date: March 20, 2024	Transaction #: DV-0077-2024
Description: for a 23 ft lot width Developmental variance (ordinance requires 100 ft.) to allow for the construction of a residence.		
Contacts: <u>Applicant</u> Land & Boundary Llc 401 South 3Rd St Goshen, IN 46526	Authorized Agent Land & Boundary Llc 401 South 3Rd St Goshen, IN 46526	Land Owner Andrew M Yoder & Ellie Yoder 28137 Cr 38 Wakarusa, 46573
		Private Surveyor Land & Boundary Llc 401 South 3Rd St Goshen, IN 46526
Site Address: 00000 Cameron Dr. WAKARUSA, IN 46573	Parcel Number: 20-09-25-426-004,000-025	
Township: Olive		
Location: NORTH END OF CAMERON DR, 645 FT NORTH OF KENMAR ST., WEST OF SR 19		
Subdivision:	Lot #	
Lot Area: 7.66	Frontage: 77.00	Depth: 569.00
Zoning: GPUD	NPO List:	
Present Use of Property: VACANT LAND		
Legal Description:		
Comments: PARCEL CREATION DATE 8/16/2021. A SUBDIVISION WILL BE REQUIRED. RZ-0049-2024, CODE-0196-2020, COMP-2020-0671		
Applicant Signature: 	Department Signature: 	

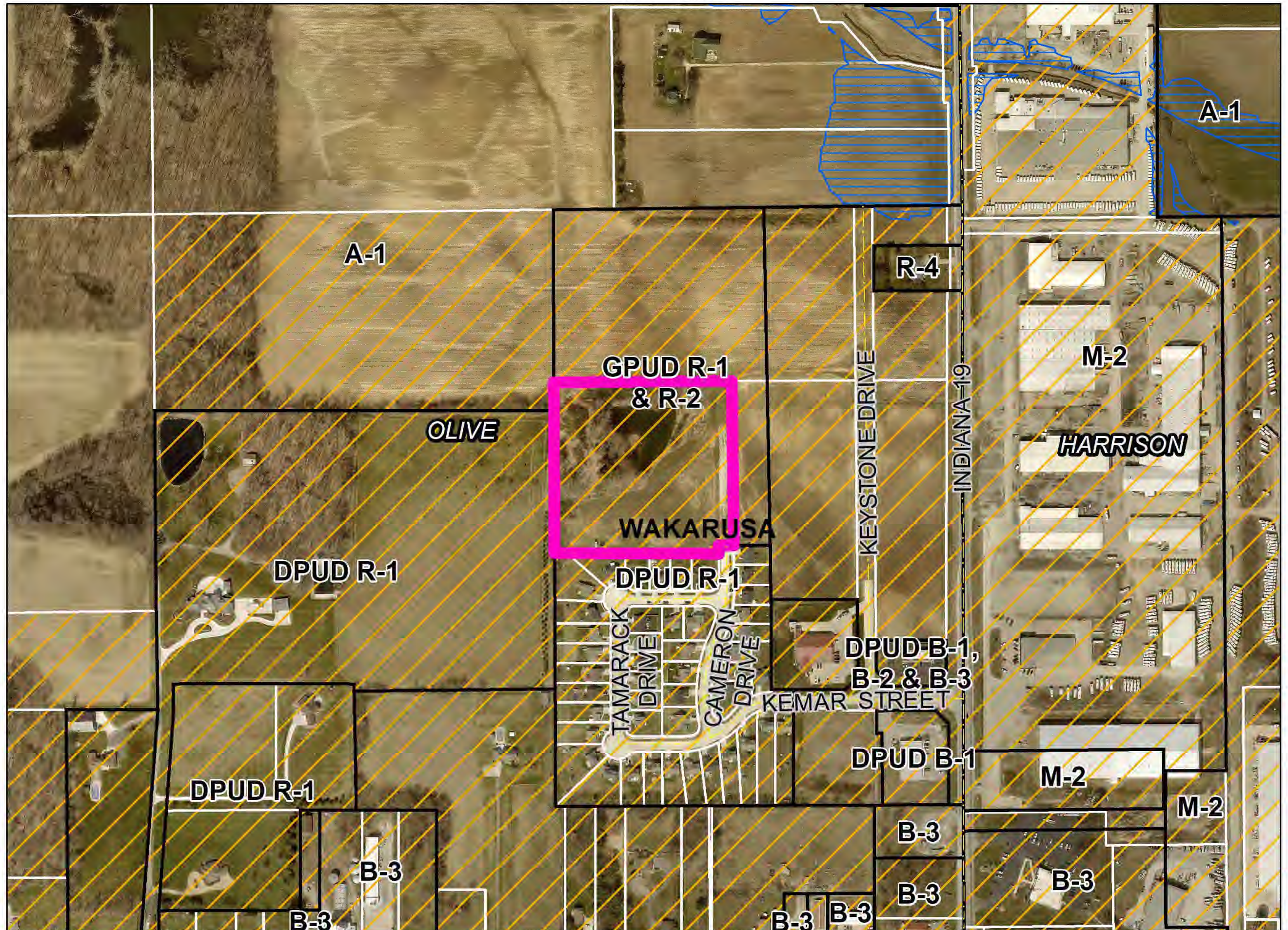
Developmental Variance — Questionnaire

Name: Travis Shetler

- 1) Tell us what you want to do. Developmental variance for a parcel with 77' of road frontage on Cameron Drive in Wakarusa.
- 2) Tell us why you can't change what you're doing so you don't need a variance. Cameron Drive is a dead end road that ends at the Southeast corner of the subject parcel.
- 3) Tell us why the variance won't hurt your neighbors or the community. The variance is to serve a single family residential property and only affects a dead end subdivision road.
- 4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N
- 5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.
Building or addition 1 Size and height to the peak: 28' to peak from existing grade 2500SF 2-Story
Tell us what you'll use it for. Single Family Residential
Building or addition 2 Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Size and height to the peak: _____
Tell us what you'll use it for. _____
- 6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☒ N
If yes, fill out below.
Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N
Tell us who owns (will own) the land under the easement. _____
Tell us how many parcels will use the easement. _____
- 7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.
Sign 1 Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
Sign 2 Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
Sign 3 Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- 8) Does the application include a variance for parking spaces? ☐ Y ☒ N
If yes, tell us how many total there will be. _____
- 9) Tell us anything else you want us to know. Cameron Drive originally had plans to extend North along the East side of the subject parcel. The town of Wakarusa has a platted 50' utility easement and gravel drive along said planned extension that the owner is working with the town to clarify title to.









Subject Property



Looking North



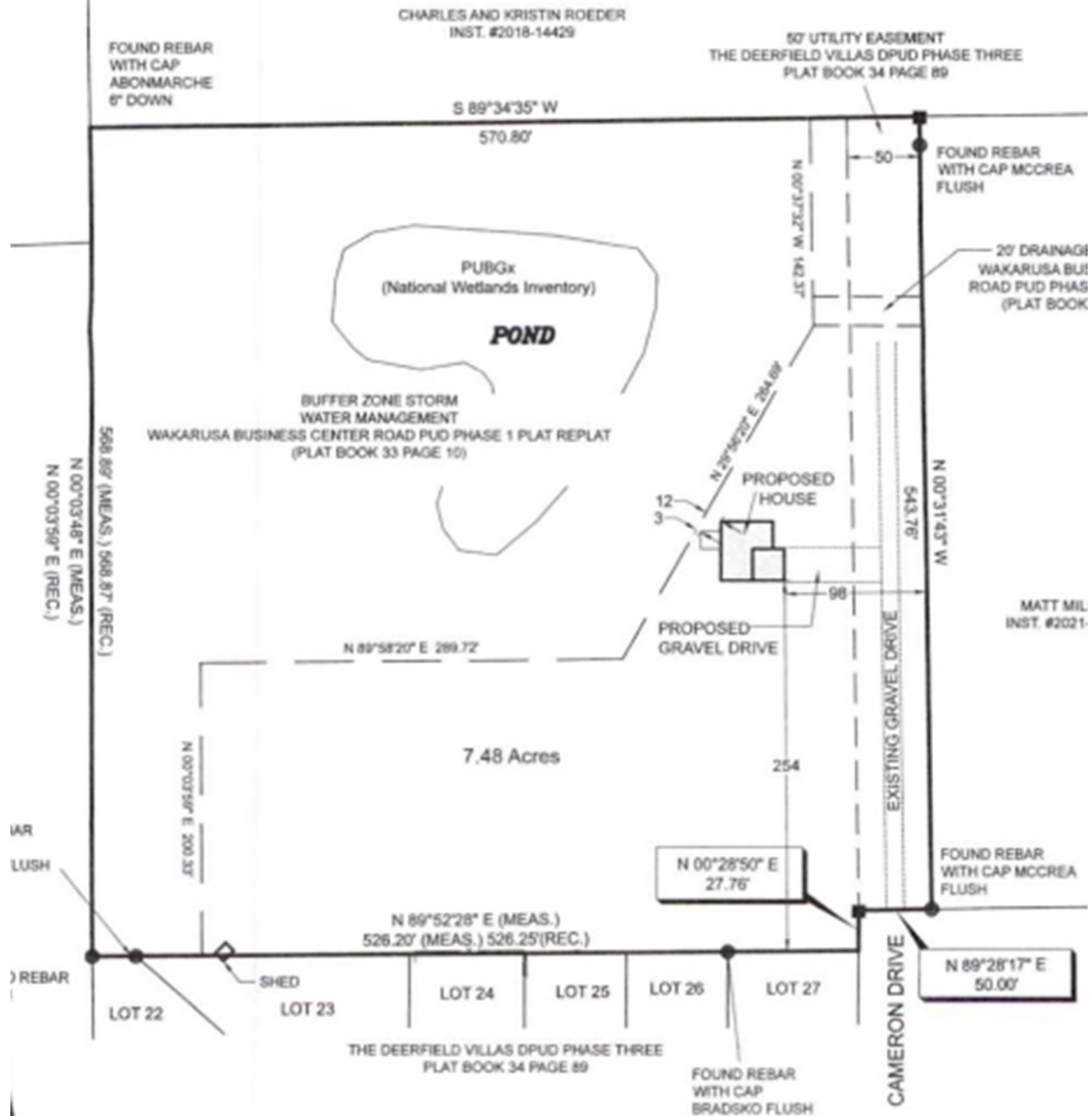
Looking South



Looking East



Looking West



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: March 20, 2024

Transaction Number: DV-0068-2024.

Parcel Number(s): 20-06-22-453-002.000-009.

Existing Zoning: R-1.

Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 5 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an attached garage addition 5 ft. from the East side property line.

Petitioner: Jeremiah L. Bontrager & Shirley V. Bontrager, Husband & Wife .

Location: South side of CR 20, 1,710 ft. East of CR 111, in Concord Township.

Site Description:

- Physical Improvement(s) – Residence, accessory structures.
- Proposed Improvement(s) – Accessory structure.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, commercial.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The proposed structure follows the front setback to County Road 20 and will not effect visibility.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The location of the proposed structure is fenced in and already used for storage.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The layout of the property limits the placement of the structure and additional storage space reduces the need for outdoor storage.

Hearing Officer Staff Report (Continued)

Hearing Date: March 20, 2024

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 02/12/2024 and as represented in the Developmental Variance application.

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

Developmental Variance - Developmental Variance

Date: 02/12/2024 Meeting Date: March 20, 2024 Transaction #: DV-0068-2024
Board of Zoning Appeals Public Hearing

Description: FOR A DEVELOPMENTAL VARIANCE TO ALLOW THE TOTAL SQUARE FOOTAGE OF ACCESSORY STRUCTURES TO EXCEED THAT ALLOWED BY RIGHT AND FOR A 5 FT. DEVELOPEMENTAL VARIANCE (ORDINANCE REQUIRES 10 FT.) TO ALLOW FOR THE CONSTRUCTION OF AN ATTACHED GARAGE ADDITION 5 FT. FROM THE EAST SIDE PROPERTY LINE

Contacts: Applicant Land Owner
Jeremiah L. Bontrager & Shirley V. Bontrager, Husband & Wife Jeremiah L. Bontrager & Shirley V. Bontrager, Husband & Wife
24536 Cr 20 24536 Cr 20
Elkhart, IN 46517 Elkhart, IN 46517

Site Address: 24536 County Road 20
ELKHART, IN 46517

Parcel Number: 20-06-22-453-002.000-009

Township: Concord

Location: SOUTH SIDE OF CR 20, 1,710 FT. EAST OF CR 111

Subdivision:

Lot #

Lot Area: 0.83 Frontage: 109.70 Depth: 330.00

Zoning: R-1

NPO List:

Present Use of Property:

Legal Description:

Comments: PROPERTY CREATED BEFORE 3/1/62. PROPERTY IS BUILDABLE AND DOES NOT REQUIRE A SUBDIVISION. 110% LIVING AREA = 1,247 SQ. FT. EXISTING ATTACHED GARAGE = 594 SQ. FT., EXISTING DETACHED GARAGE = 520 SQ. FT., NEW ATTACHED GARAGE ADDITION = 800 SQ. FT. 667 SQ. FT. OVER ALLOWED BY RIGHT. ALL NUMBERS TAKEN FROM THE ASSESSOR'S RECORDS.

Applicant Signature:

Department Signature:

February 12, 2024, 9:42 am

Developmental Variance — Questionnaire

Name: Jeremiah Bontrager

1) Tell us what you want to do. We want to Build an 800 sq ft Pool Barn as a storage/garage unit on the side of our house.

2) Tell us why you can't change what you're doing so you don't need a variance. We need a Variance because of the living space to garage/storage space.

3) Tell us why the variance won't hurt your neighbors or the community. It won't hurt our neighbors or community because we will tie it into our house and make it flow as much as possible. It will only be used to Park trailer or storage.

4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N

Does the property need a new septic system? ☐ Y ☒ N

If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N

5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.

Building or addition 1 Size and height to the peak: 25' x 32' 14 feet to the Peak
Tell us what you'll use it for. Parking trailer and Storage

Building or addition 2 Size and height to the peak: _____
Tell us what you'll use it for. _____

Building or addition 3 Size and height to the peak: _____
Tell us what you'll use it for. _____

6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☒ N

If yes, fill out below.

Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N

Tell us who owns (will own) the land under the easement. _____

Tell us how many parcels will use the easement. _____

7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.

Sign 1 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 2 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 3 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

8) Does the application include a variance for parking spaces? ☐ Y ☒ N

If yes, tell us how many total there will be. _____

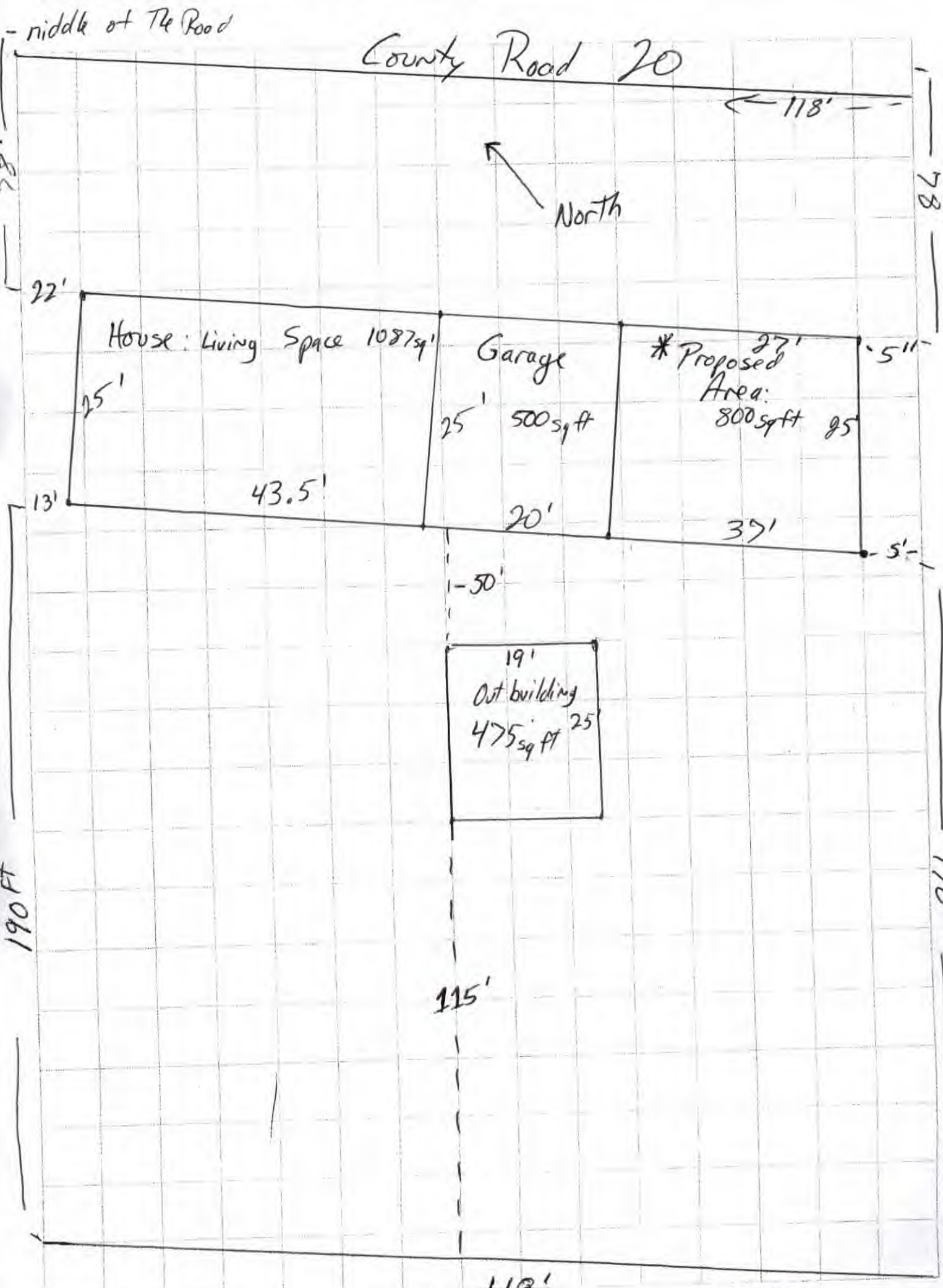
9) Tell us anything else you want us to know. We are wanting to build our area that is bigger and taller so we can Park our trailer and have space for Storage. We also plan to tie it into the house and combine to color so it's not as noticeable.

Name:

Site address:

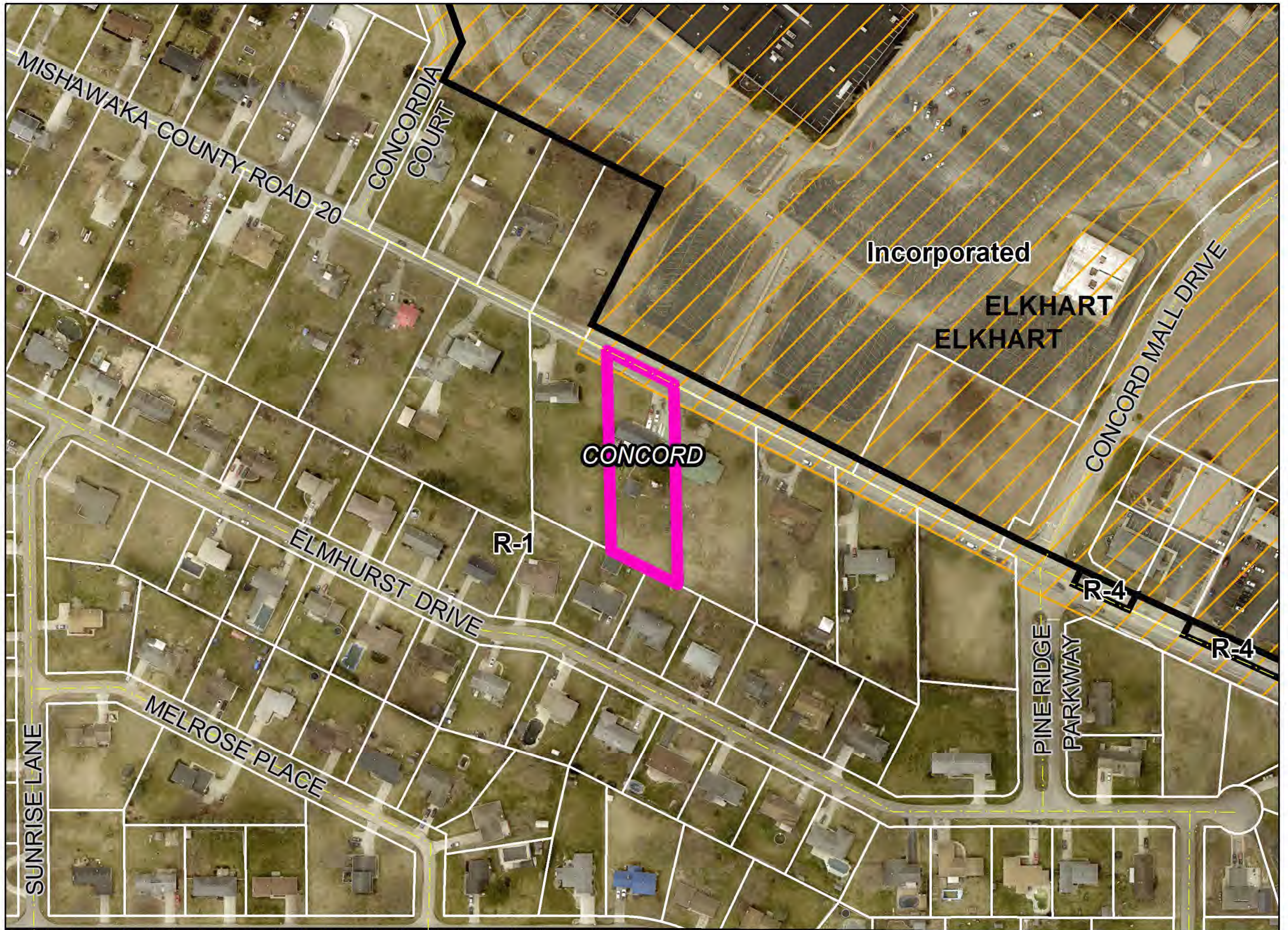
Subdivision and

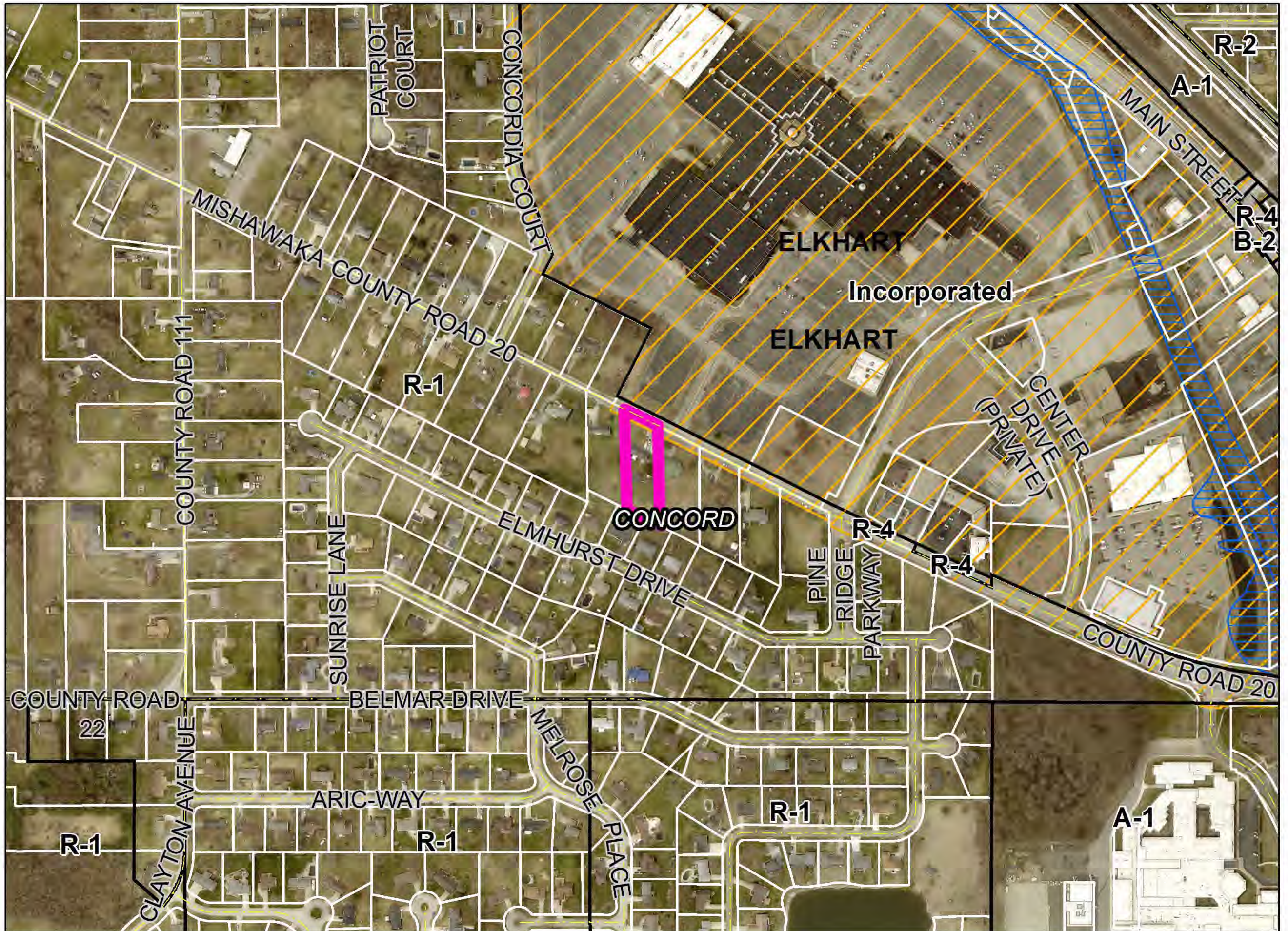
Parcel number:



FEB 12 2024









Subject Property



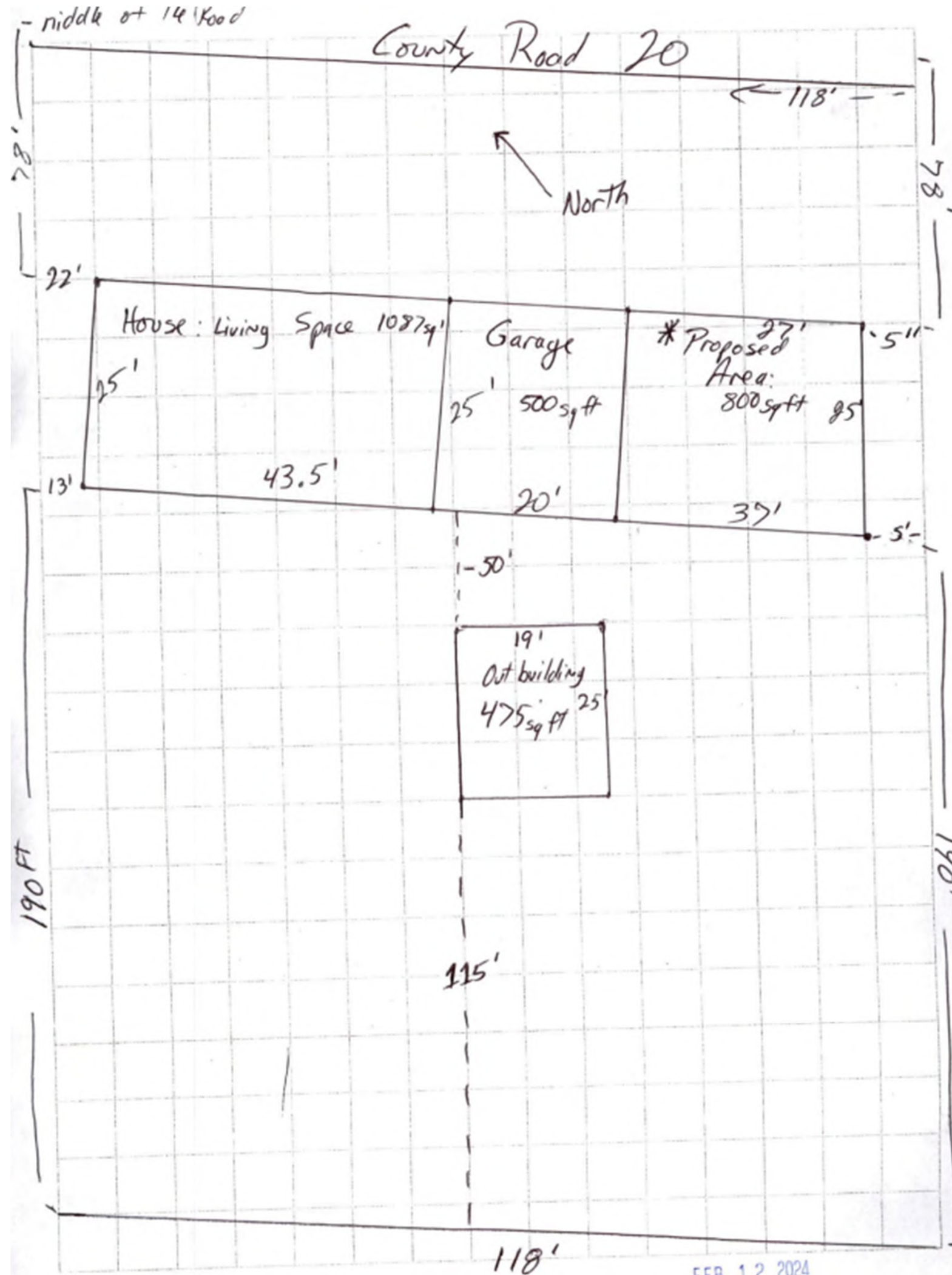
Looking east



Looking west



Looking north



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: March 20, 2024

Transaction Number: DV-0060-2024.

Parcel Number(s): 20-05-03-427-002.000-005.

Existing Zoning: R-1.

Petition: For a 4 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of a covered porch 6 ft. from the west side property line, for an 8 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 112 ft. from the centerline of the right-of-way, and for a 6 ft. lot-width Developmental Variance (Ordinance requires 80 ft.) to allow for an existing residence.

Petitioner: David A. Douglas & Frances L. Douglas, Husband & Wife.

Location: South side of Old US 20, 750 ft. west of CR 1, in Cleveland Township.

Site Description:

- Physical Improvement(s) – Single-family residence.
- Proposed Improvement(s) – Wraparound porch and rear addition.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The residence is existing, it has no impact on Old US 20, and there is no complaint history.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The residence nearest the porch encroachment is more than 100 ft. to the southwest, and all work at the rear does meet required setbacks.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The parcel is unusually narrow for a low-density R-1 neighborhood, and the only new encroachment is on the west side in the form of an open porch.

Hearing Officer Staff Report (Continued)

Hearing Date: March 20, 2024

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 2/9/2024 and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Developmental Variance - Developmental Variance

Elkhart County Planning & Development

Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 02/09/2024

Meeting Date:

March 20, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0060-2024

Description: for a 4 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of a covered porch 6 ft. from the west property line and for an 8 ft. Developmental Variance (Ordinance requires 120 ft. to allow for an existing residence 112 ft. from the centerline of the right-of-way

Contacts: Applicant

Dyksen & Sons
28621 County Road 30
Elkhart, IN 46517

Authorized Agent

Dyksen & Sons
28621 County Road 30
Elkhart, IN 46517

Land Owner

David A. Douglas And Frances
L. Douglas
30134 Old Us Hwy 20 West
Elkhart, IN 46514

Site Address: 30142 Old Us 20
ELKHART, IN 46514

Parcel Number: 20-05-03-427-002.000-005

Township: Cleveland

Location: SOUTH SIDE OF OLD US 20, 750 FT WEST OF CR 1

Subdivision:

Lot #

Lot Area: 0.41 Frontage: 74.00

Depth: 240.00

Zoning: R-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 3/1/1962

Applicant Signature:

Department Signature:

Application

Site address: 30142 Old U.S. 20 ELKHART, IN 46514

Parcel number(s): 20-05-03-427-002

Current property owner

Name: Kelly Bowdoin

Address: 30142 Old U.S. 20 ELKHART, IN 46514

Phone: 574.596.9038

Email: KellyBowdoin1@gmail.com

Other party

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: Michael Presswiler / Dyksen And Sons

Address: 28621 County Road 30 ELKHART, IN 46517

Phone: 574.226.2162

Email: MICHAEL@DYKSENANDSONS.COM

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: [Signature]

Staff Use Only

Description: for a 4 ft DV (Ord reg 10 ft) to allow for the construction of a ^{covered porch} addition to an existing residence 6 ft from the West property line and for a 8 ft DV (Ord reg 120 ft) for an existing residence 112 ft from the center line of the r-o-w

Parcel creation date: 3-1-1962

Subdivision required? ☐ Y ☒ N If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: Residence - 1,272 x 110% = 1,399
~~1,493~~ (Proposed addition is 1,493 and garage is 673 sq ft)

Location: N S W corner side end of Old US 20
750 ft. N S E W of CR 1
in Cleveland Township

Frontage: 74 Depth: 240 Area: .408 acres

Subdivision and lot number, if applicable: —

Present use: Residential

Developmental Variance — Questionnaire

Name: BOWDOIN ADDITION

- 1) Tell us what you want to do. KITCHEN + LIVING + MASTER SUITE + GARAGE
ADDITION
- 2) Tell us why you can't change what you're doing so you don't need a variance. EXISTING HOUSE
IS ALREADY IN THE SETBACK. EXTENSION OF PORCH TO THE
WEST ALSO IS CLOSE AND OVER THE PROPERTY.
- 3) Tell us why the variance won't hurt your neighbors or the community. MINIMAL IMPACT
TO THE WEST SIDE AND NEIGHBORS ARE SHIELDED FROM VIEW.

- 4) Does the property need well and septic? Well: ☒ Y ☐ N Septic: ☒ Y ☐ N
Does the property need a new septic system? ☒ Y ☐ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☒ Y ☐ N

- 5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.

Building or addition 1 Size and height to the peak: 1493 SQFT LIVING + 673 SQFT GARAGE
Tell us what you'll use it for. HIGHEST PEAK = 17'-3 3/4"

Building or addition 2 Size and height to the peak: _____
Tell us what you'll use it for. _____

Building or addition 3 Size and height to the peak: _____
Tell us what you'll use it for. _____

- 6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☒ N
If yes, fill out below.

Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N
Tell us who owns (will own) the land under the easement. _____
Tell us how many parcels will use the easement. _____

- 7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.

Sign 1 Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 2 Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

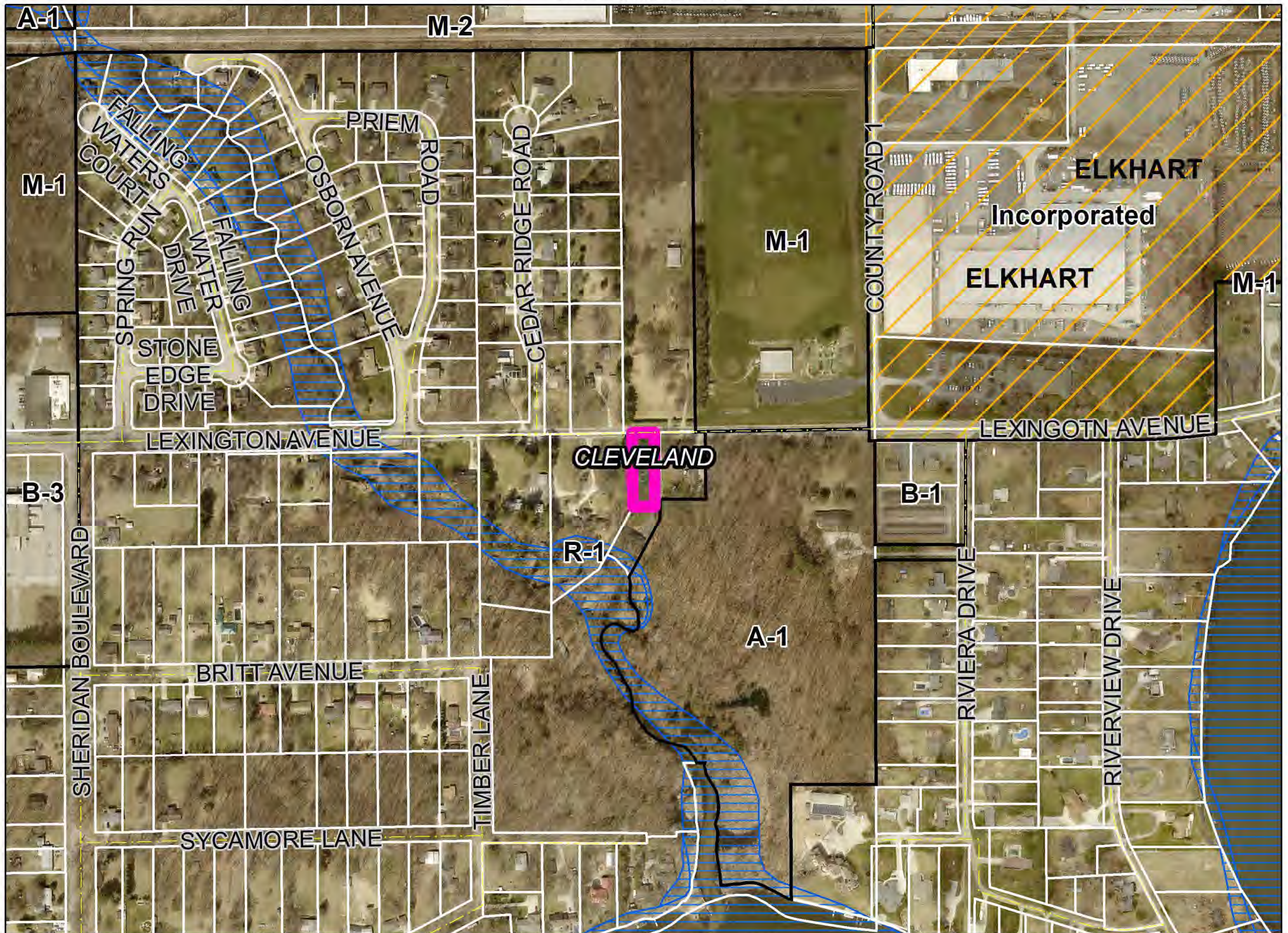
Sign 3 Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

- 8) Does the application include a variance for parking spaces? ☐ Y ☒ N
If yes, tell us how many total there will be. _____

- 9) Tell us anything else you want us to know. EXISTING HOUSE IS ALREADY IN SETBACK
CIRCA 1910 BUILD.









Subject property



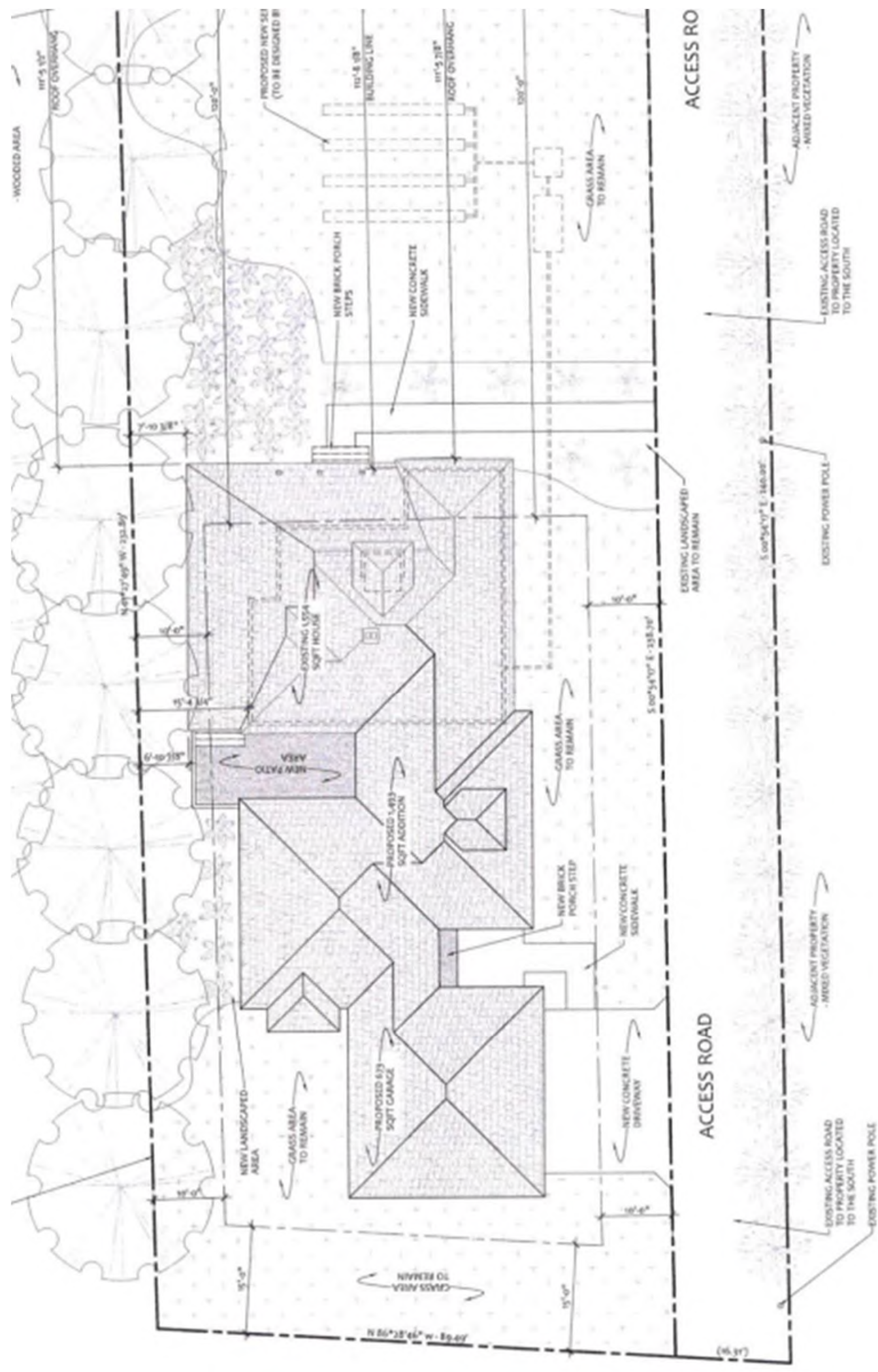
Looking north across Old US 20



Looking east



Looking west



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: March 20, 2024

Transaction Number: DV-0063-2024.

Parcel Number(s): 20-14-32-476-013.000-028.

Existing Zoning: A-1.

Petition: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement.

Petitioner: Dale L. Miller & Judy D. Miller, Husband & Wife.

Location: Northeast side of the easement, 1,380 ft. West of CR 9, 2,650 ft. South of US 6, in Union Township.

Site Description:

- Physical Improvement(s) – None.
- Proposed Improvement(s) – Single-Family Residence.
- Existing Land Use – Agricultural.
- Surrounding Land Use – Agricultural & Residential.

History and General Notes:

- **October 17, 2018** – The Hearing Officers approved a development variance to allow for the construction of a residence with no road frontage on a 4.5-acre parent parcel (DV-0609-2018)
- **December 27, 2018** – An administrative subdivision was approved by staff on a 4.5-acre parent parcel (AS-2697-2018).
- The proposed property configuration is comprised part of a parent and adjacent parcels.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The proposed configuration is the result of previous land splits including an administrative subdivision and cleans up a non-conforming accessory use / structure on the adjacent parcel.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This will be a 3.15-acre property in a low-density residential and agricultural area, and the property will remain residential and agricultural in character.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. Without the benefit of the variance, the property could not be used for residential use and would be nonconforming.

Hearing Officer Staff Report (Continued)

Hearing Date: March 20, 2024

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 2/9/2024 and as represented in the Developmental Variance application.
3. A subdivision is required.

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

Developmental Variance - Developmental Variance

Date: 02/09/2024 Meeting Date: March 20, 2024 Transaction #: DV-0063-2024
Board of Zoning Appeals Public Hearing

Description: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement

Contacts: Applicant	Land Owner	Private Surveyor
Advanced Land Surveying Of Northern Indiana, Inc. 17120 County Road 46 New Paris, IN 46553	Dale L Miller & Judy D Miller H&W 72977 County Road 9 Nappanee, IN 46550	Advanced Land Surveying Of Northern Indiana, Inc. 17120 County Road 46 New Paris, IN 46553

Site Address: 72963 County Road 9
NAPPANEE, IN 46550

Parcel Number: Part of 20-14-32-400-014.000-028
Part of 20-14-32-476-001.000-028

Township: Union
Location: WEST SIDE OF CR 29, 2650 SOUTH OF US 6

Subdivision: Lot #

Lot Area: 3.15 Frontage: 0.00 Depth:

Zoning: A-1 NPO List:

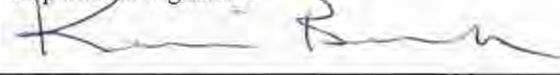

Present Use of Property: RESIDENTIAL & VACANT LAND

Legal Description:

Comments: SEE PREVIOUS DV-0609-2018 APPROVED ON 10/17/2018 FOR NO ROAD FRONTAGE, AND AS-2697-2018 FOR NEW RESIDENCE. PER JENNIFER AT ADV LAND SURV, JASON SAID SUBDIVISION IS NOT NEEDED - KB 2/9/2024 (JASON NOT HERE TO VERIFY)
BOTH PARCELS HAVE CREATION DATE OF 3/1/1967

Applicant Signature:

Department Signature:



Application

Site address: 72963 County Road 9, Nappanee, IN 46550

Parcel number(s): Part of 20-14-32-476-001.000-028, Part of 20-14-32-400-014.000-028

Current property owner

4.5 acres
3/1/967

2.13 acres
3/1/967

Name: Dale L. and Judy D. Miller

Address: 72963 County Road 9, Nappanee, IN 46550

Phone: 574-773-0220

Email: dale.miller86@icloud.com

Other party

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: Ronnie Justice P.S. / Advanced Land Surveying

Address: 17120 County Road 46, New Paris, IN 46553

Phone: 574-849-4728

Email: ron@advancedlandsurveying.net

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: Ronnie Justice

Staff Use Only

Description:

Parcel creation date:

Subdivision required? ☐ Y ☒ N *Per Jason* If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable:

Location: N S E W corner side end of _____ ft. N S E W of _____ in *Union* Township

Frontage: *0* Depth: _____ Area: *6.63* acres *Split - 3.15*

Subdivision and lot number, if applicable:

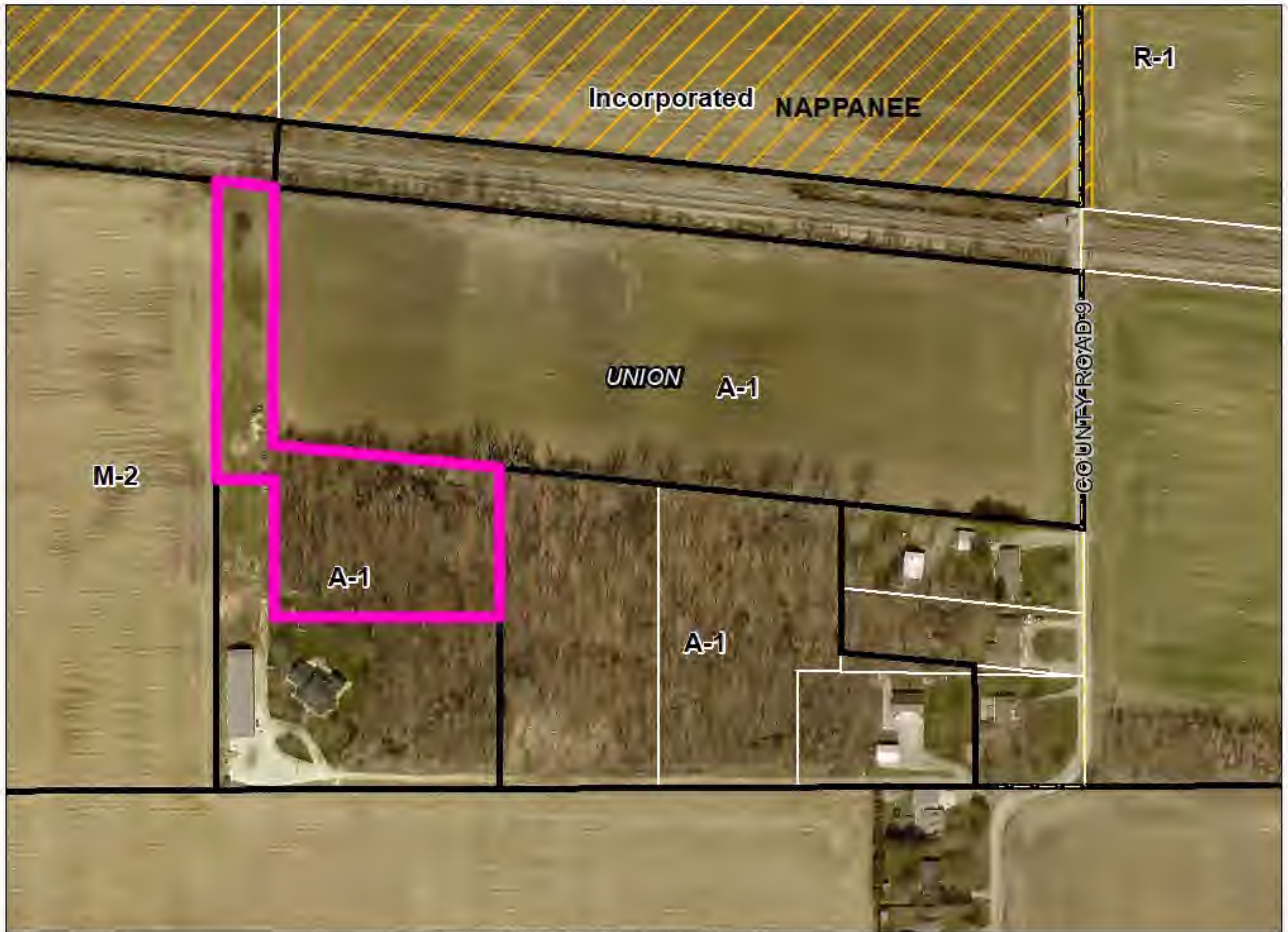
Present use:

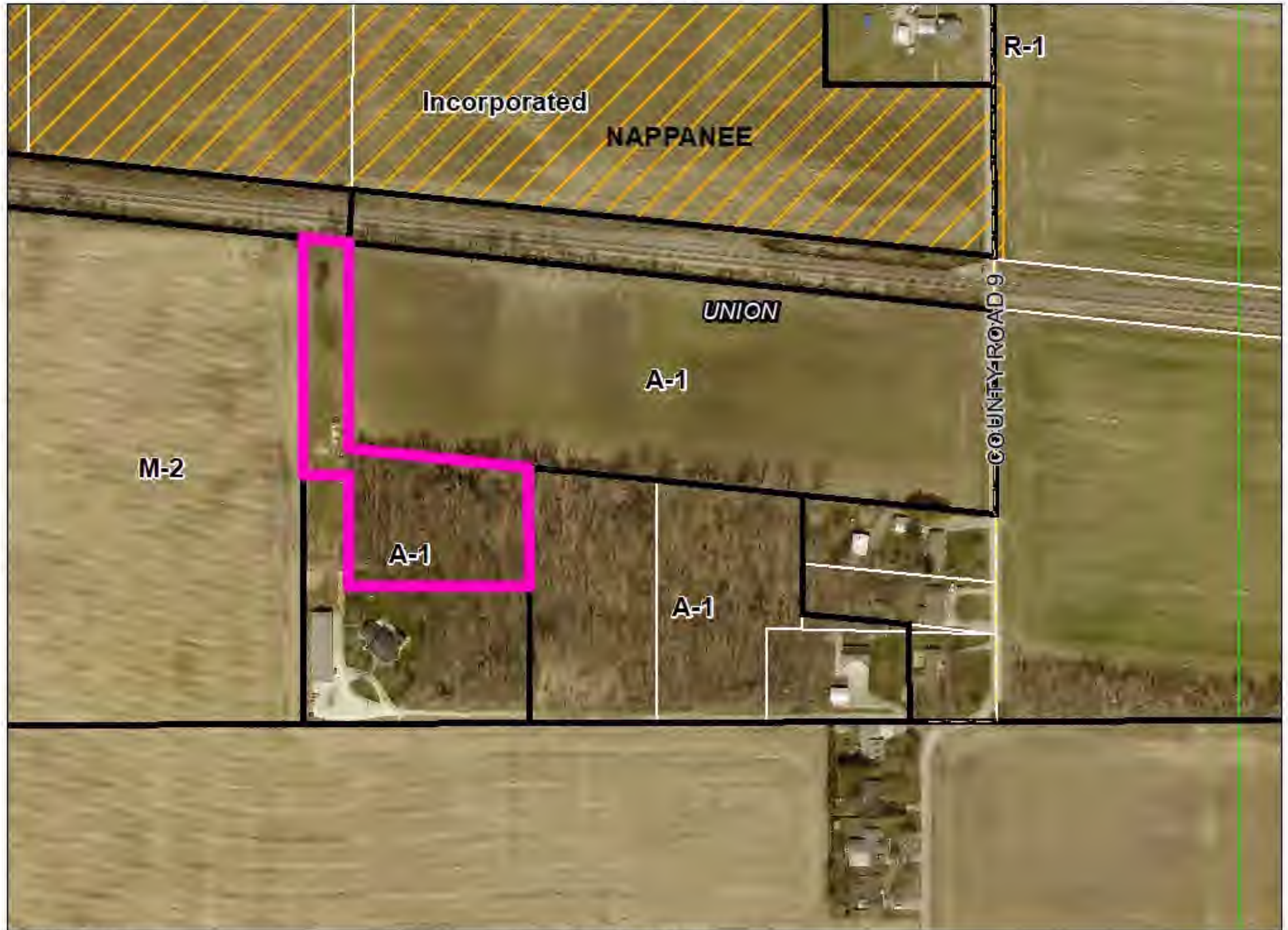
Developmental Variance — Questionnaire

Name: Dale L. and Judy D. Miller

- 1) Tell us what you want to do. Creation of new parcel for dawdy house that will have zero road frontage.
- 2) Tell us why you can't change what you're doing so you don't need a variance. Parent parcel has zero road frontage variance already; variance is needed for newly created parcel
- 3) Tell us why the variance won't hurt your neighbors or the community. Zero road frontage variance currently exists on parent parcel; no new easement/driveway will be created as both parcels will use same drive
- 4) Does the property need well and septic? Well: ☒ Y ☐ N Septic: ☒ Y ☐ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N
- 5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.
- Building or addition 1** Size and height to the peak: _____
Tell us what you'll use it for. Dawdy house
- Building or addition 2** Size and height to the peak: _____
Tell us what you'll use it for. _____
- Building or addition 3** Size and height to the peak: _____
Tell us what you'll use it for. _____
- 6) Does the application include a variance for a residence on property with no road frontage? ☒ Y ☐ N
If yes, fill out below.
Is the easement existing? ☒ Y ☐ N If the easement is existing, is it recorded? ☒ Y ☐ N
Tell us who owns (will own) the land under the easement. Dale L. & Judy D. Miller / RTN Corp.
Tell us how many parcels will use the easement. 3
- 7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.
- Sign 1** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- Sign 2** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- Sign 3** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- 8) Does the application include a variance for parking spaces? ☐ Y ☒ N
If yes, tell us how many total there will be. _____
- 9) Tell us anything else you want us to know. Per Jason in planning, minor subdivision is not needed.









Subject Property



Looking North



Looking South

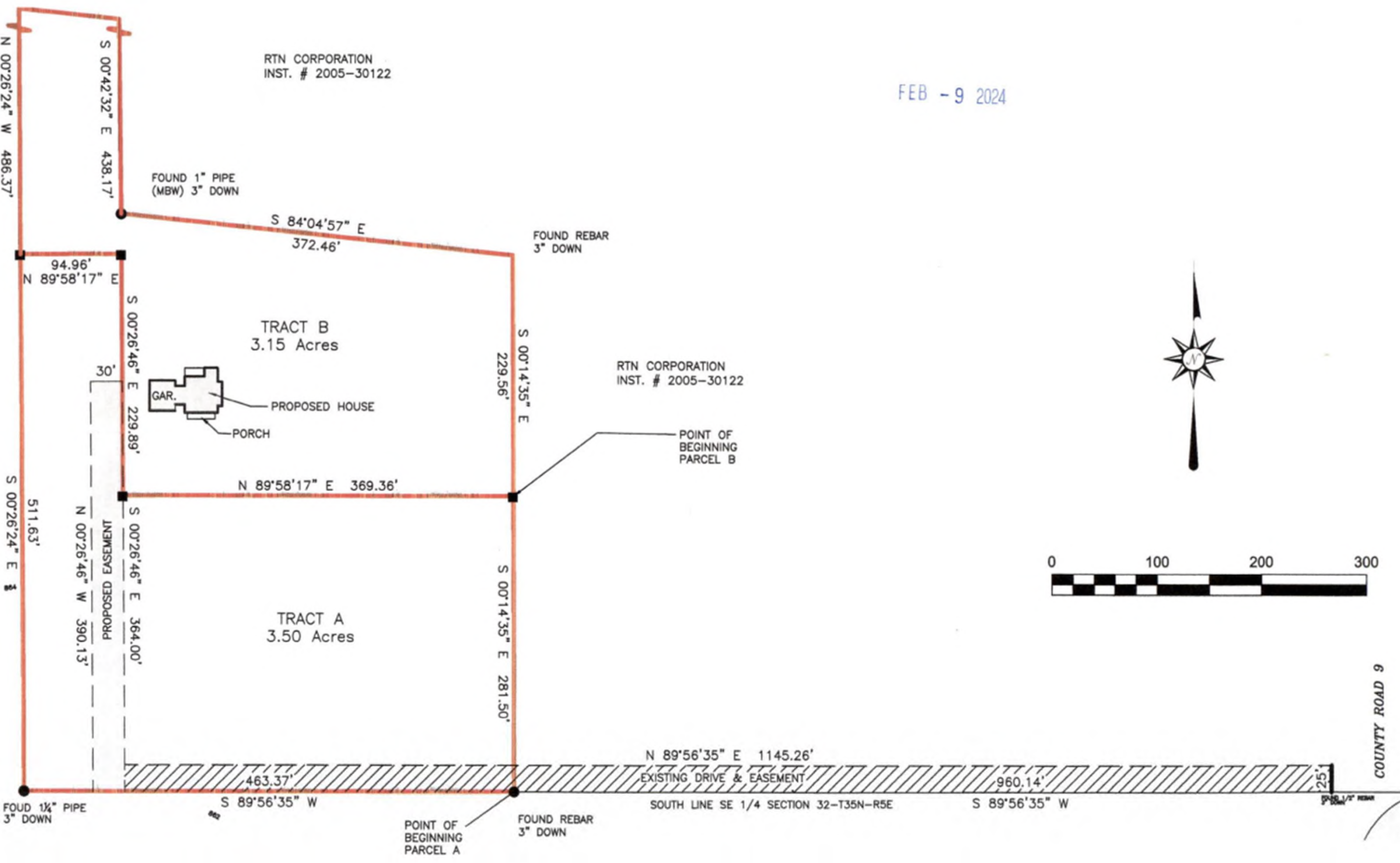


Looking East



Looking West

FEB -9 2024



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: March 20, 2024

Transaction Number: DV-0073-2024.

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

Existing Zoning: A-1.

Petition: For a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement on proposed lot 2.

Petitioner: Tri-County Land Trustee Corporation (Land Contract Holder) & Marcus W. Miller & Ruth Ann Miller, Husband & Wife (Land Contract Purchasers).

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

Site Description:

- Physical Improvement(s) – Residence, barns, accessory structures, solar array.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **December 15, 2022** – The BZA approved a Special Use for a home workshop/business for a storage barn business and a 7:1 Developmental Variance to allow construction of a residence.
- The petitioners' representative will apply for a 2-lot minor subdivision as shown on the 2/12/2024 site plan.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. If easement access is allowed, no new driveway on CR 4 will be required.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The subdivision will result in only one new residence in a low-density residential and agricultural area.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The parent parcel has limited road frontage despite its size, and easement access is the safest basis for supporting the petitioners' right to subdivide.

Hearing Officer Staff Report (Continued)

Hearing Date: March 20, 2024

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 2/12/2024 and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Developmental Variance - Developmental Variance

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 02/12/2024

Meeting Date:

March 20, 2024

Board of Zoning Appeals Public Hearing

Transaction #: DV-0073-2024

Description: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement

Contacts: Applicant

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

Contract Purchaser

Marcus W. Miller & Ruth Ann
Miller, Husband & Wife
51425 County Road 29
Bristol, IN 46507

Land Owner

Tri-County Land Trustee
Corporation (Land Contract
Holder)
61554 Cr 43
Goshen, IN 46528

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, 1440 FEET EAST OF CR 29

Subdivision:

Lot #

Lot Area:

19.45

Frontage:

120.00

Depth:

1,768.00

Zoning: A-1

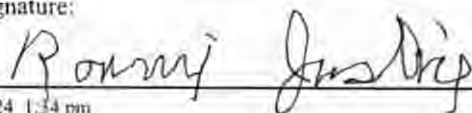
NPO List:

Present Use of Property: RESIDENTIAL DWELLING & AG


Legal Description:

Comments: SUP-0845-2022- HOME WORK AND 7:1- NEEDS COMMITMENT RETURNED WITH SIGNATURES
BR-0087-2023 DIESEL STORAGE SHED- NEEDS RENEWED
BA-2278-2022 CALF BARN- NEEDS RENEWED
BR-0086-2023 ACCESSORY BUILDING- NEEDS RENEWED
BR-0085-2023 SINGLE FAMILY RESIDENCE NEEDS RENEWED
BA-2276-2022- JUST RENEWED 2/2024- NO INSPECTION COMPLETED
RONNIE JUSTICE WILL BE SUBMITTED A 2-LOT MINOR SUB. ONE LOT WILL HAVE THE EXISTING RESIDENCE ON IT AND ONE LOT WILL BE VACANT FOR THE TIME BEING.
PARCEL CREATION DATE IS PENDING DUE TO THE SPLIT
CURRENT PARCEL CREATION DATE IS 6/1/81
ES 2/12/2024

Applicant Signature:



Department Signature:



February 12, 2024 1:34 pm

Application

Site address: 15638 COUNTY ROAD 4, BRISTOL, IN 46507

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

Current property owner

Name: TRI-COUNTY LAND TRUSTEE CORPORATION

Address: 51425 COUNTY ROAD 29, BRISTOL, IN 46507

Phone: _____

Email: _____

Other party

☒ Agent

☐ Buyer



Land contract purchaser

☐ Lessee

Name: Ronnie Justice P.S. / Advanced Land Surveying

Address: 17120 County Road 46

Phone: 574-849-4728

Email: ron@advancedlandsurveying.net

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: _____

Ronnie Justice

Staff Use Only

Description: _____

Parcel creation date: _____

Subdivision required? ☐ Y ☐ N If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: _____

Location: N S E W corner side end of _____,

_____ ft. N S E W of _____,

in _____ Township

Frontage: _____ Depth: _____ Area: _____ acres

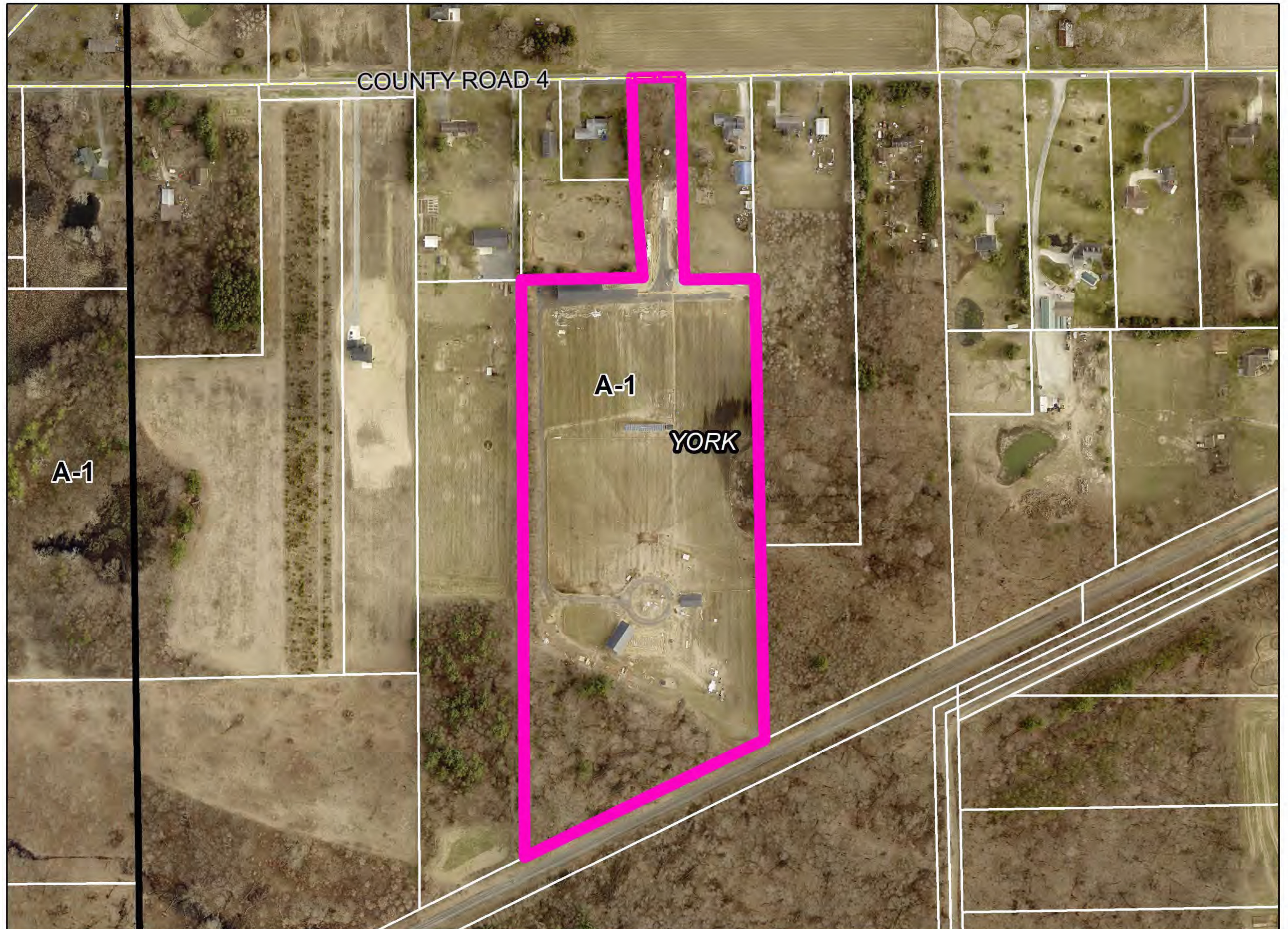
Subdivision and lot number, if applicable: _____

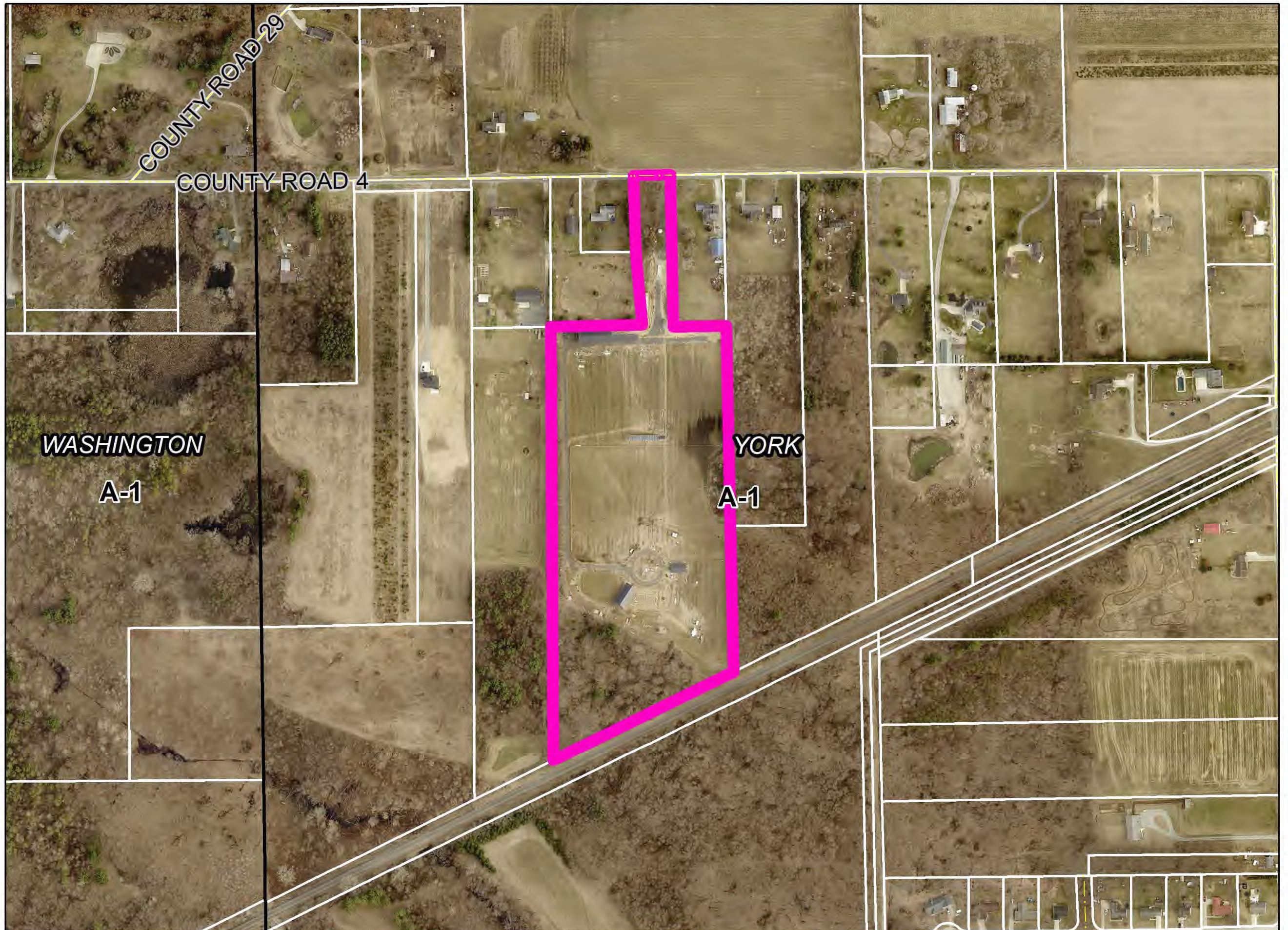
Present use: _____

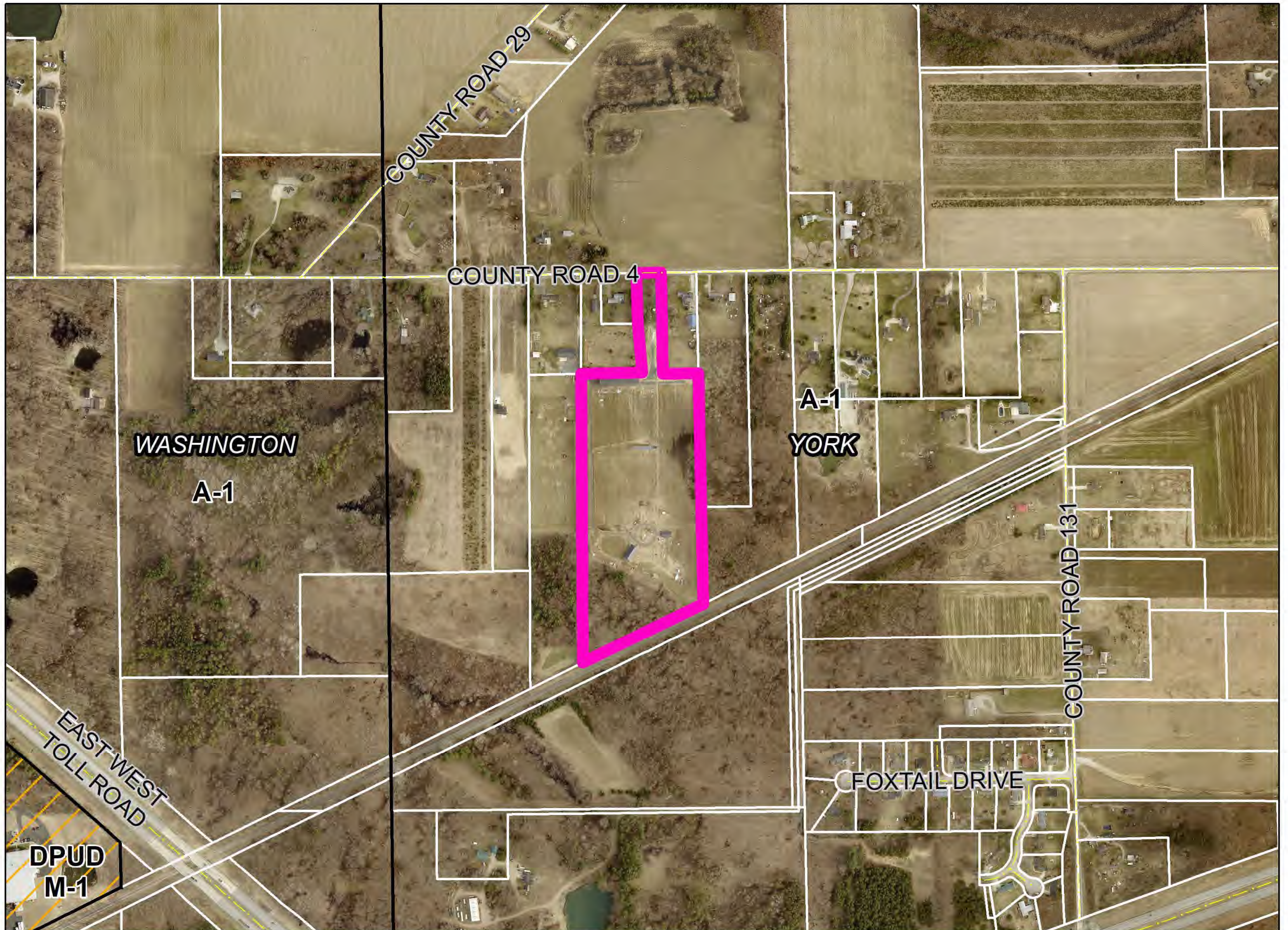
Developmental Variance — Questionnaire

Name: MARCUS W. and RUTH ANN MILLER

- 1) Tell us what you want to do. Do a minor subdivision to split property into 2 parcels.
lot 1 will be a vacant lot with 6.26 acres and lot 2 will be 13.16 acres with house — No road frontage
- 2) Tell us why you can't change what you're doing so you don't need a variance. _____
I have 2 interested parties in the property and only 135 feet of road frontage
- 3) Tell us why the variance won't hurt your neighbors or the community. the area is residential and agricultural with large lots in the area and the residencies will be far from county road 4
- 4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N
- 5) Does the application include variances to allow for buildings or additions? ☐ Y ☐ N If yes, fill out below.
Building or addition 1 Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 2 Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Size and height to the peak: _____
Tell us what you'll use it for. _____
- 6) Does the application include a variance for a residence on property with no road frontage? ☒ Y ☐ N
If yes, fill out below.
Is the easement existing? ☐ Y ☒ N If the easement is existing, is it recorded? ☐ Y ☐ N
Tell us who owns (will own) the land under the easement. buyer of lot number 1
Tell us how many parcels will use the easement. 2
- 7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.
Sign 1 Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
Sign 2 Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
Sign 3 Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- 8) Does the application include a variance for parking spaces? ☐ Y ☒ N
If yes, tell us how many total there will be. _____
- 9) Tell us anything else you want us to know. Lot 1 will be checked for well and septic through the Minor subdivision process. lot 2 has existing home and septic









Entrance to subject property



Looking southwest from end of entrance



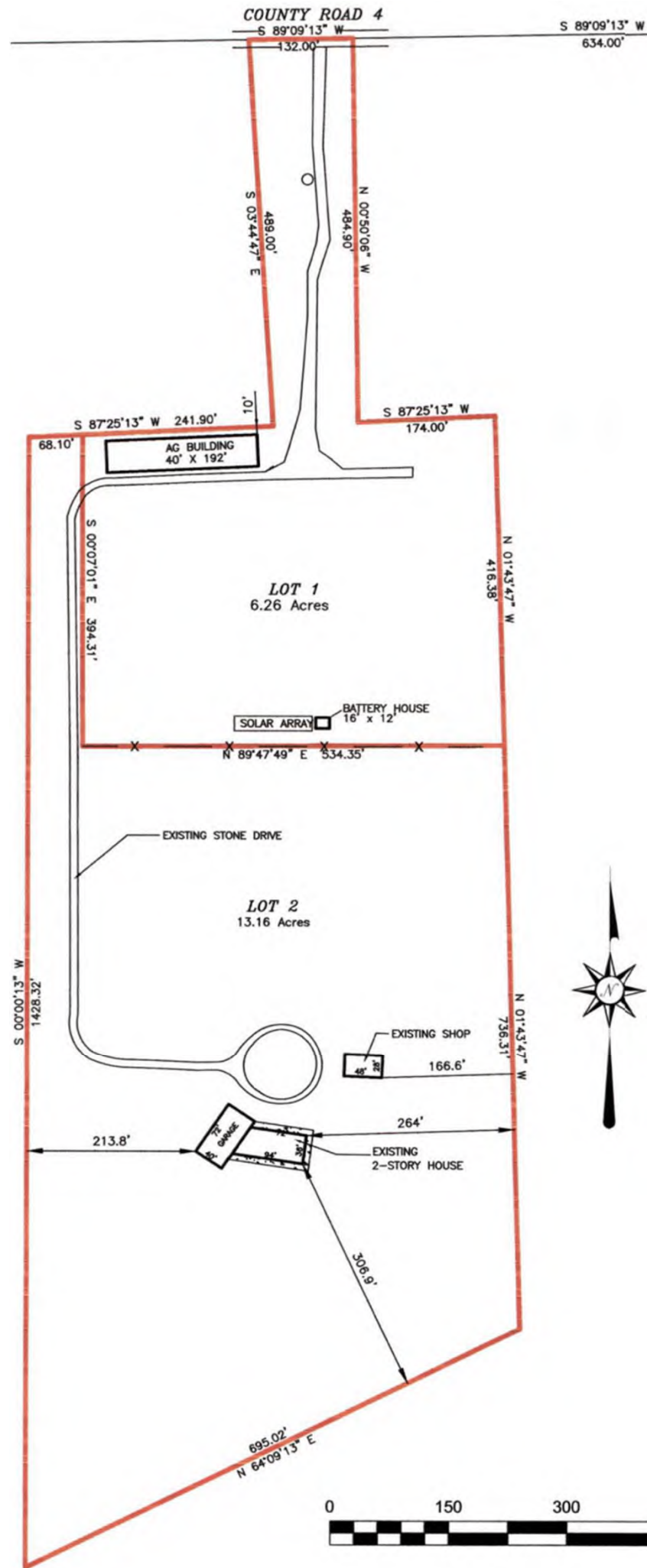
Looking north across CR 4



Looking east



Looking west



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: March 20, 2024

Transaction Number: DV-0069-2024.

Parcel Number(s): 20-11-18-476-008.000-014.

Existing Zoning: A-1.

Petition: For a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Petitioner: Mitchell A. Sheckler & Judith D. Sheckler, Husband & Wife.

Location: Northwest corner of CR 36 & CR 19, in Elkhart Township.

Site Description:

- Physical Improvement(s) – Residence, accessory structure.
- Proposed Improvement(s) – Replacement accessory structure.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The petitioners' intent is to replace a deteriorated, nonconforming structure, improving neighborhood character and safety.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The areas south and east of the subject property are open agricultural, and the proposed structure meets all setback requirements.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The petitioners are planning for only temporary excess storage (546 sq. ft. over what is allowed), as the existing structure needs to be replaced and then demolished.

Hearing Officer Staff Report (Continued)

Hearing Date: March 20, 2024

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 2/12/2024 and as represented in the Developmental Variance application.
3. If the existing accessory structure remains after 2 years from the date of approval of this variance, a front setback variance is required.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Developmental Variance - Developmental Variance

Elkhart County Planning & Development Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 02/12/2024 Meeting Date: March 20, 2024 Transaction #: DV-0069-2024
Board of Zoning Appeals Public Hearing

Description: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right

Contacts: Applicant	Authorized Agent	Builder	Land Owner
Kauffman'S Carpentry 5196 W 1000 N Milford, IN 46542	Kauffman'S Carpentry 5196 W 1000 N Milford, IN 46542	Kauffman'S Carpentry 5196 W 1000 N Milford, IN 46542	Mitchell & Judith Sheckler, Husband & Wife 63961 County Road 19 Goshen, IN 46526

Site Address: 63961 County Road 19 GOSHEN, IN 46526	Parcel Number: 20-11-18-476-008.000-014
--	---

Township: Elkhart
Location: NW CORNER OF CR 19 & CR 36, 145 SQFT WEST OF CR 19

Subdivision: N/A	Lot # N/A
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Lot Area: 0.91	Frontage: 362.00	Depth: 269.00
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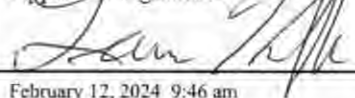
Zoning: A-1	NPO List:
-------------	-----------

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: RESIDENTIAL DWELLING AREA 1,744 SQFT X 110% = 1,918.4 SQFT MINUS BARN -600 SQFT, LEAN-TO -280 SQFT, LEANT-TO -240 SQFT = 798.4 SQFT OF BUILDABLE STORAGE SPACE MINUS NEW PROPOSED STRUCTURE AND SQFT DETACHED GARAGE WITH LOFT 2,016 SQFT. = OVER -1,218 SQFT

Applicant Signature:



February 12, 2024 9:46 am

Department Signature:



Application

Site address: 63961 CR 19 Goshen IN

Parcel number(s): 11-18-476-008-014

Current property owner

Name: Mitchell Sheckler

Address: 63961 CR 19 Goshen IN

Phone: 574-606-7883

Email: _____

Other party



Agent



Buyer



Land contract purchaser



Lessee

Name: Laura Kauffman

Address: 5196W 1000N M. Ford IN 46542

Phone: 574-678-0469

Email: _____

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: *Laura Kauffman

Staff Use Only

Description: For a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Parcel creation date: 4/18/89.

Subdivision required?



Y



N

If yes,



AS



Minor



Major

Residential accessory breakdown, if applicable: SEE ATTACHED SHEET.

Location: (N) S E (W) corner side end of CR 19 + CR 36.

145

ft.

N

S

E

(W)

of

CR 19

in ELKHART

Township

Frontage: 362

Depth: 269

Area: 0.908

acres

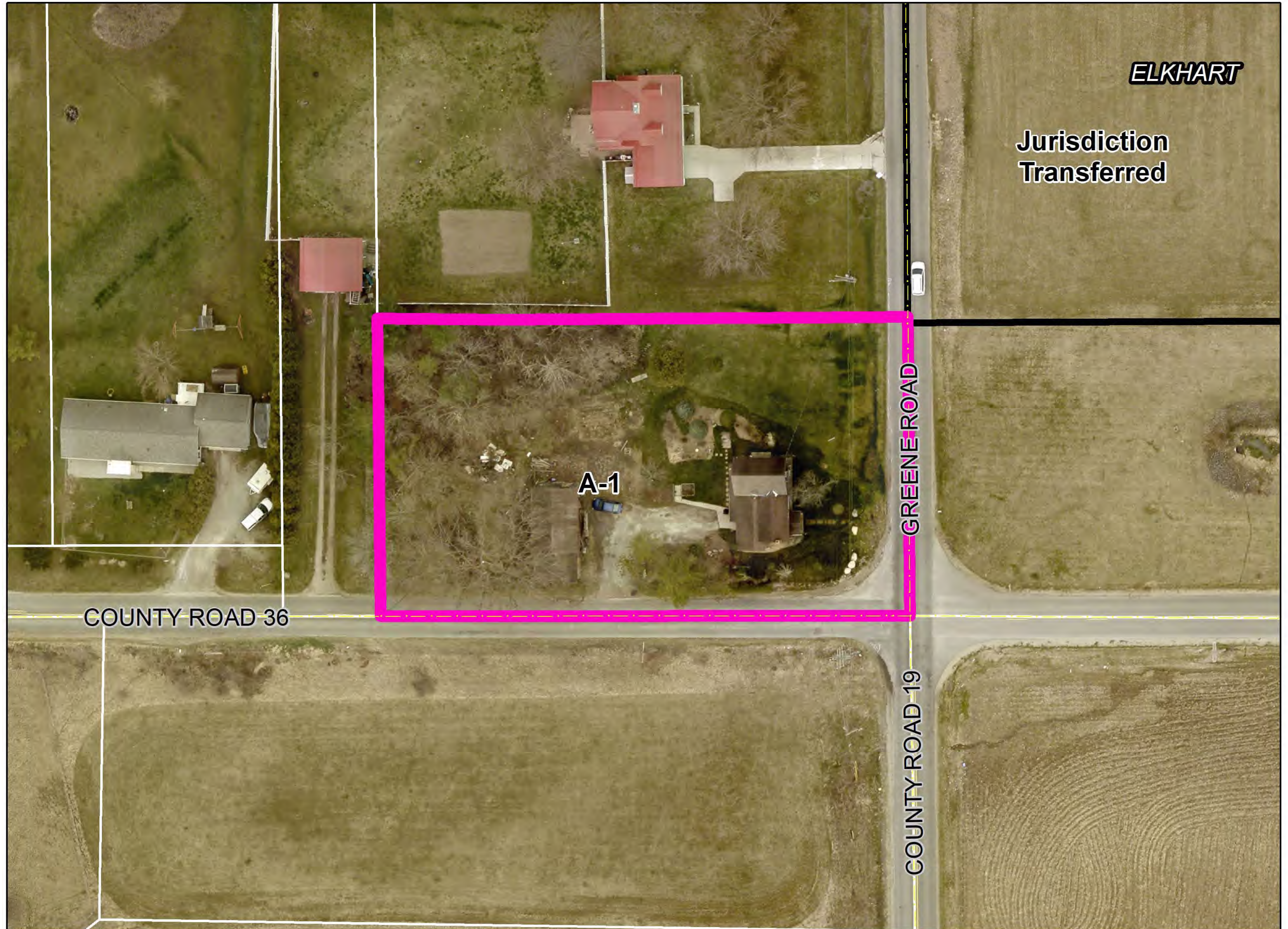
Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL

Developmental Variance — Questionnaire

Name: Mitch Sheckler

- 1) Tell us what you want to do. Build 32x42 Garage For Vehicle / Personal Storage
- 2) Tell us why you can't change what you're doing so you don't need a variance. Have Personal Items IN Barn (To Be Torn Down) That would Transfer To New Garage
- 3) Tell us why the variance won't hurt your neighbors or the community. Taking a Blighted Structure and Replacing w/ New
- 4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N
- 5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.
Building or addition 1 Size and height to the peak: 32x42 / 24' To Peak
 Tell us what you'll use it for. Garage / Vehicle, Personal Storage
Building or addition 2 Size and height to the peak: _____
 Tell us what you'll use it for. _____
Building or addition 3 Size and height to the peak: _____
 Tell us what you'll use it for. _____
- 6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☒ N
If yes, fill out below.
 Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N
 Tell us who owns (will own) the land under the easement. _____
 Tell us how many parcels will use the easement. _____
- 7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.
Sign 1 Dimensions (length and width): _____
 Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
 Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
 Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
Sign 2 Dimensions (length and width): _____
 Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
 Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
 Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
Sign 3 Dimensions (length and width): _____
 Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
 Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
 Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- 8) Does the application include a variance for parking spaces? ☐ Y ☒ N
If yes, tell us how many total there will be. _____
- 9) Tell us anything else you want us to know. _____



ELKHART

Jurisdiction
Transferred

A-1

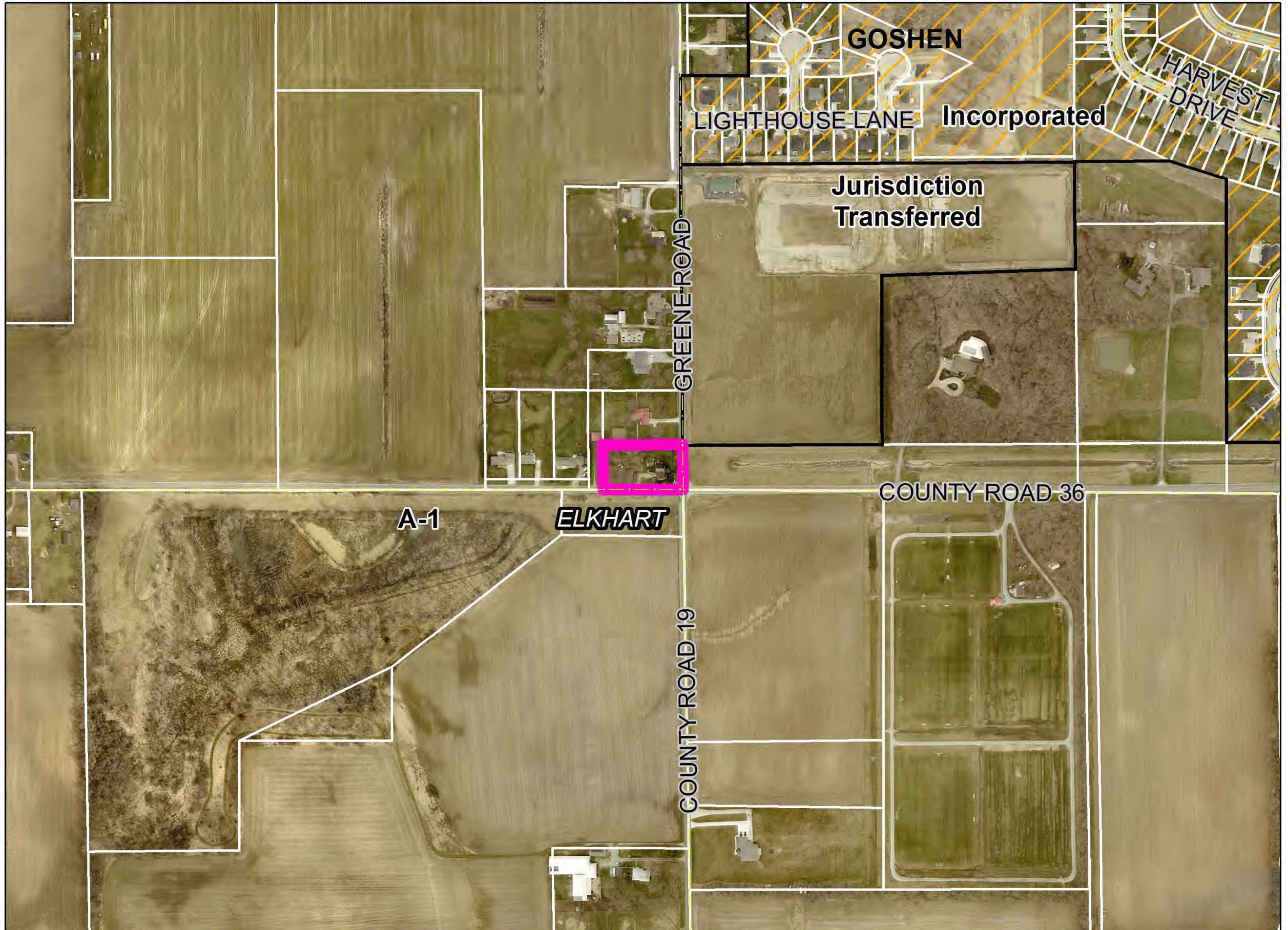
GREENE ROAD

COUNTY ROAD 36

COUNTY ROAD 19









Subject property



Looking northeast at subject property



Looking southwest at rear of property

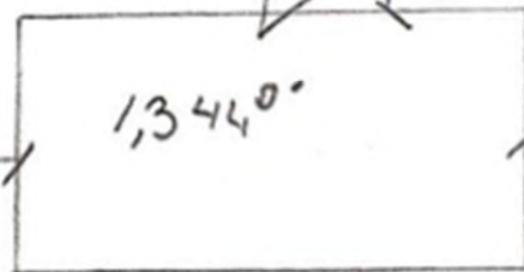


Looking east along CR 36



Looking west along CR 36

Propose 2 New Garage
32x42

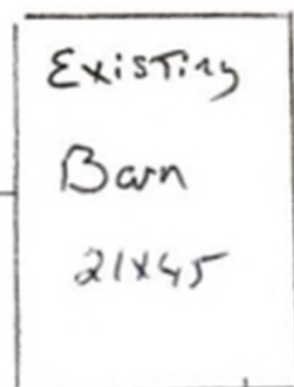


63961 CR 19

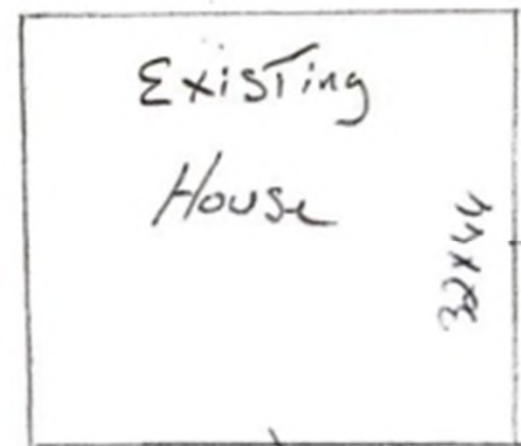
Goshen

Parcel # 11-18-476-008, 000-014

COUNTY # 11-18-476-008-014



To Be Removed



CR 36 265'

150'

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: March 20, 2024

Transaction Number: SUP-0036-2024.

Parcel Number(s): 20-02-28-376-019.000-026.

Existing Zoning: R-2.

Petition: For a Special Use for a mobile home & for a 7 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for an existing accessory structure 3 ft. from the rear property line.

Petitioner: Julie Clark.

Location: North side of Homewood Ave., 135 ft. east of Adams St., north of North Park Ave., in Osolo Township.

Site Description:

- Physical Improvement(s) – Mobile home, accessory structures.
- Proposed Improvement(s) – Replacement mobile home.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, commercial.

History and General Notes:

- **November 19, 1987** – The BZA approved a Special Use for an existing mobile home to be occupied by Jerry Luke. The approval was followed by many successful renewals.

Staff Analysis:

For a Special Use for an mobile home, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. Mobile homes are allowed by Special Use in the R-2 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. There are existing mobile homes on adjoining and nearby lots, and the replacement mobile home will be a neighborhood enhancement.
3. The Special Use will substantially serve the public convenience and welfare by providing for affordable housing.

Hearing Officer Staff Report (Continued)

Hearing Date: March 20, 2024

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. The request is approved subject to Staff renewal every three (3) years and with a one (1) year review to verify compliance with the following:
 - a. The mobile home shall be adequately stabilized and skirted and have tie-downs installed.
 - b. The water supply and sewage disposal system shall be installed in accordance with County Health Department specifications.
 - c. Adequate provisions for storage shall be provided at all times to eliminate exterior storage of personal property, tools, and vehicles, except licensed motor vehicles.
 - d. At all times, the premises shall be kept free of abandoned junk vehicles and parts thereof as described by Indiana State Law.
2. The request is approved in accordance with the site plan submitted 1/25/2024 and as represented in the Special Use application.
3. The existing mobile home must be removed within 180 calendar days of the issuance date of the certificate of occupancy for the replacement mobile home.

For a 7 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for an existing accessory structure 3 ft. from the rear property line, staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. There is no utility easement at the rear and no threat to public safety.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The accessory structure has been in this position for many years with no complaints.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. Compliance with the terms of the zoning ordinance would require a costly and unnecessary relocation.

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 1/25/2024 and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use - Mobile Home

Elkhart County Planning & Development

Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 01/25/2024

Meeting Date:

March 20, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0036-2024

Description: for a Special Use for an existing mobile home and for a 7 ft. Developmental Variance (Ordinance requires 10 ft.)
to allow for an existing shed 3 ft. from the rear property line

Contacts: ApplicantLand Owner

Julie Clark

Julie Clark

25747 Homewood Ave.

25747 Homewood Ave.

Elkhart, IN 46514

Elkhart, IN 46514

Site Address: 25747 Homewood Ave
ELKHART, IN 46514

Parcel Number:

20-02-28-376-019.000-026

Township: Osolo

Location: NORTH SIDE OF HOMEWOOD AVE., 135 FT. EAST OF ADAMS ST., NORTH OF NORTH PARK AVE.

Subdivision: NORTH PARK

Lot # 90 & 91

Lot Area:

0.31

Frontage:

100.00

Depth:

135.00

Zoning: R-2

NPO List:


Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE APPROVED SPECIAL USE: 87-133SU for an existing mobile home to be occupied by petitioner for an indefinite period.
SEE APPROVED SPECIAL USE: SUP-0031-2021: RENEWAL OF MOBILE HOME SPECIAL USE
SEE APPROVED SPECIAL USE: SUP-0924-2017: MOBILE HOME RENEWAL
SEE APPLIED FOR PERMIT BR-0210-2023: DEMOLITION OF EXISTING MOBILE HOME TO BE REMOVED AFTER NEW MOBILE HOME IS SET

Applicant Signature:

Department Signature:




January 25, 2024 3:40 pm

Meeting held at
County
Administration Bldg.
117 N. 2nd St.
Goshen, IN 46526
Meeting rooms
104, 106 & 108

Application

Site address: 25747 Homewood ave Elkhart, IN, 46514

Parcel number(s): 90, 91

Current property owner

Name: Julie Clark

Address: 25747 Homewood ave. Elkhart, IN 46514

Phone: 574-262-8141

Email: dauidclarkcal30@gmail.com

Other party

☐ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: _____

Address: _____

Phone: _____

Email: _____

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: Julie Clark

Staff Use Only

Description: for a Special Use for a mobile home and for a 7ft Developmental Variance (Ordinance requires 10ft) to allow for an existing shed 3 ft. from the rear property line

Previous Sp Use Terry Luke (Osolo)

Parcel creation date: _____

Subdivision required?

☐ Y ☒ N

If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: _____

Location: N S E W corner side end of Homewood Ave

135 ft. N S E W of Adams St.

in Osolo Township

Frontage: 100 Depth: 135 Area: 0.31 acres

Subdivision and lot number, if applicable: Nock Park, 90 & 91

Present use: Residential

Special Use for a Mobile Home — Questionnaire

Name: _____

- 1) Is there an existing main residence already on the property? ☒ Y ☐ N

If yes, tell us who will live in the existing main residence. Julie & David Clark

- 2) Tell us who will live in the mobile home. Julie & David Clark

- 3) Is the mobile home needed because of a hardship like poor health, age, or an emergency? ☒ Y ☐ N

If yes, tell us about it. Elderly and in need of a better living conditions

- 4) Tell us why the mobile home won't hurt your neighbors or the community. it will be a upgrade

- 5) Does the mobile home need its own well and septic? Well: ☒ Y ☐ N Septic: ☒ Y ☐ N

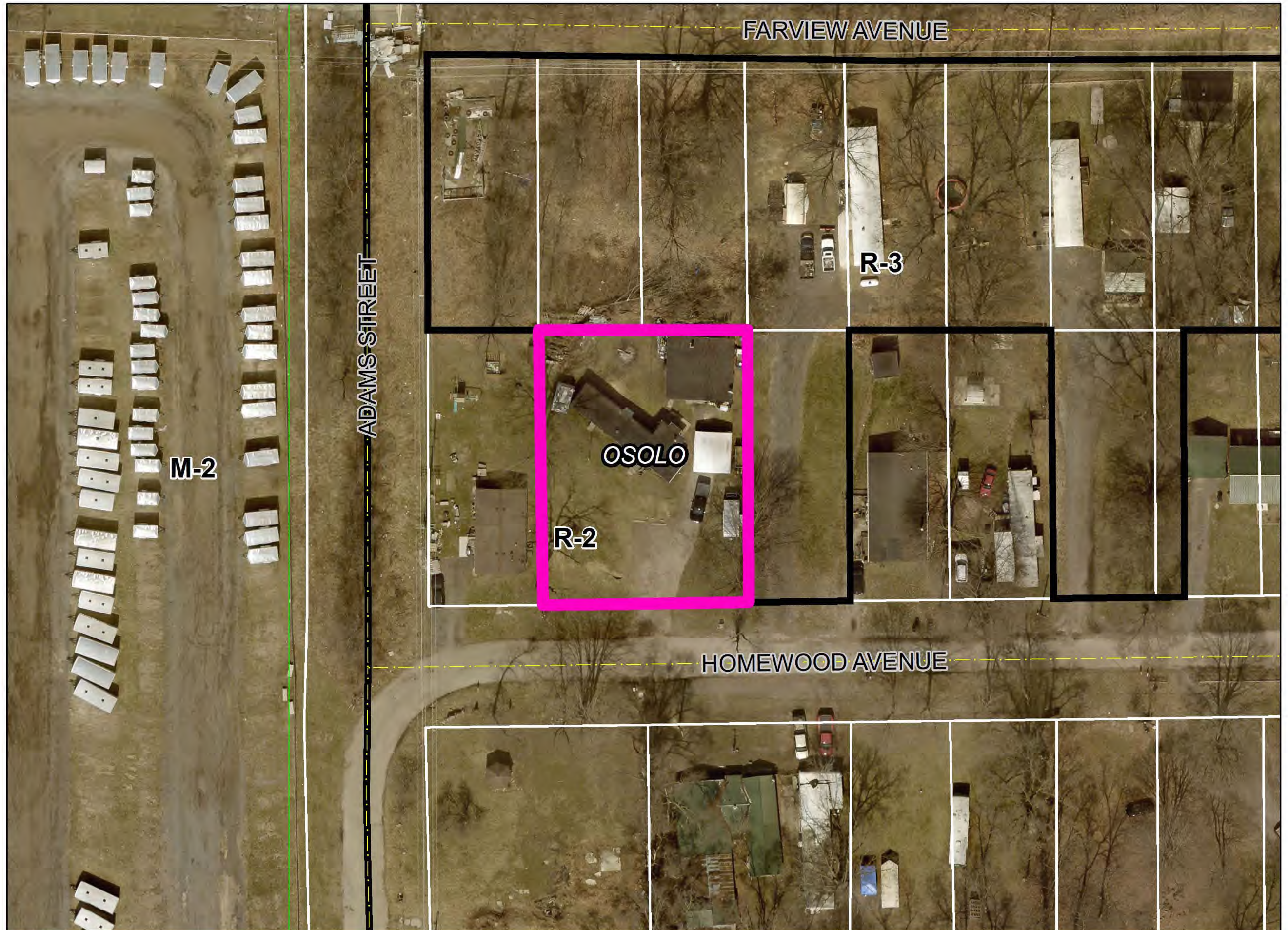
Does the mobile home need a new septic system? ☐ Y ☐ N

If yes, did the Health Department say there's enough space for it? ☒ Y ☐ N

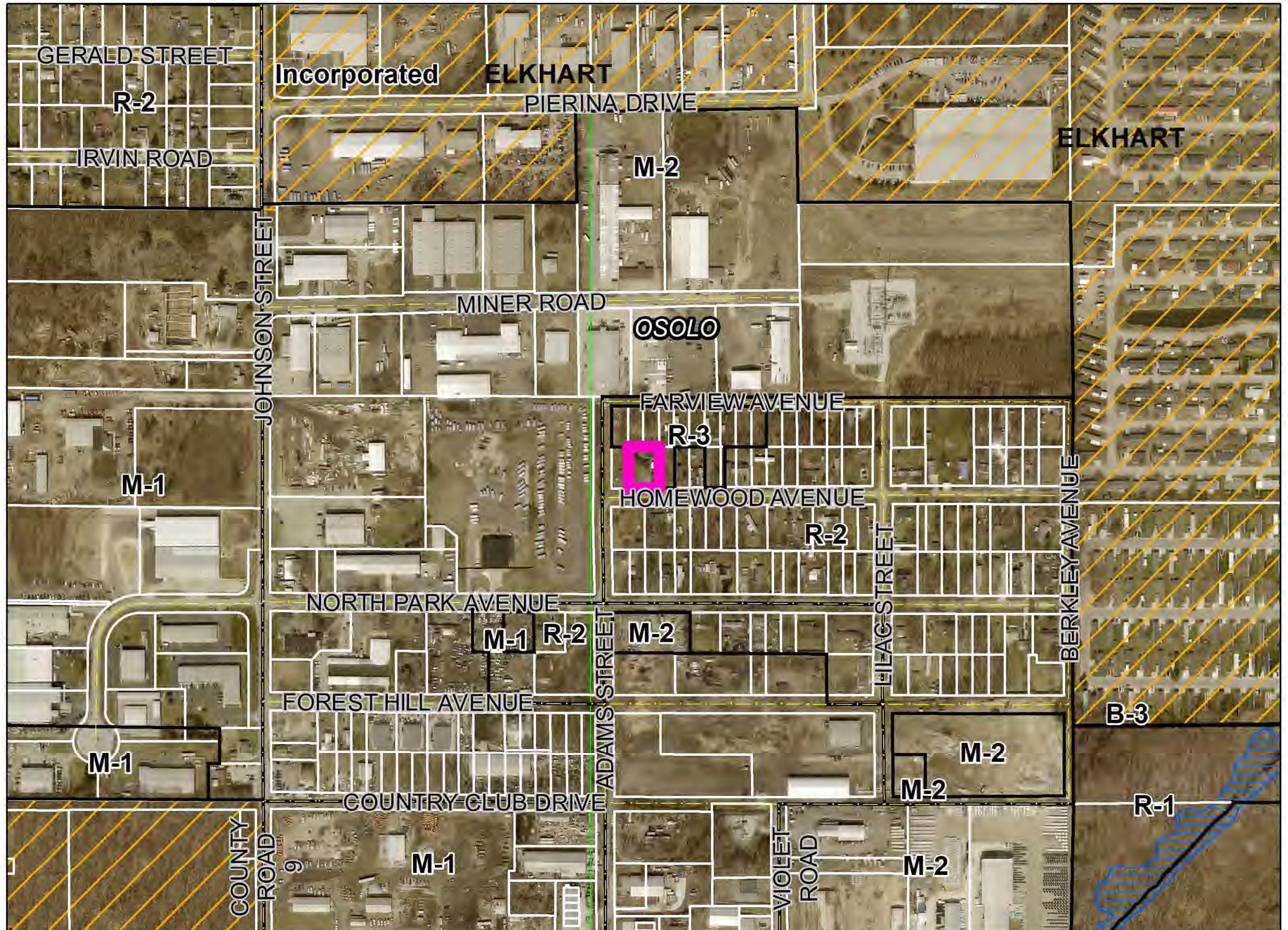
- 6) Tell us the size of the mobile home. 16' x 72'

- 7) Tell us the year of the mobile home. 1993

- 8) Tell us anything else you want us to know. we already had a new Septic System installed last year and existing well is good









Subject property



Looking south

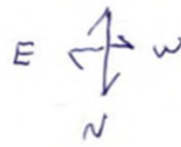


Looking east



Looking west

JAN 25 2024



JAN 25 2024

