

# AGENDA

## ELKHART COUNTY BOARD OF ZONING APPEALS

AUGUST 20, 2009

8:30 A.M.

DEPARTMENT OF PUBLIC SERVICES  
MEETING ROOMS A & B  
4230 ELKHART ROAD, GOSHEN, INDIANA

Call to Order

Roll Call

Approval of Minutes of the last regular meeting of the Elkhart County Board of Zoning Appeals held on the 16<sup>th</sup> day of July 2009.

Approval of Legal Ads published in the Elkhart Truth and the Goshen News ten days prior to the public hearings.

Elkhart County Zoning Ordinance to be entered as evidence for today's hearings.

Staff Reports to be entered as evidence for today's hearings.

Postponement of Business Items – Any person having business to come before the Board may request postponement or withdrawal of such at this time.

### VARIANCE

8:30 A.M.      (HOMAN)

A.      Petitioner:      *Michael S. Rhude*      (Page 4)  
          Petition:      for a 3 to 1 depth to width ratio Variance to allow for an existing residence (Parcel 1), for a 3 to 1 depth to width ratio Variance and a 72 ft. lot width Variance (Ordinance requires 100 ft.) to allow for the construction of a residence (Parcel 2), and for a 3 to 1 depth to width ratio Variance and a 72 ft. lot width Variance (Ordinance requires 100 ft.) to allow for the construction of a residence (Parcel 3).  
          Location:      South side of SR 120, 360 ft. West of CR 43 and West side of CR 43, 1,550 ft. South of SR 120, common address of 10920 SR 120 in York Township, zoned A-1.      (20092101)

### USE VARIANCES

A.      Petitioner:      *Scott Pelletier*      (Page 5)  
          Petition:      for a Use Variance for a graphics business.  
          Location:      East side of SR 15, 1,520 ft. South of CR 20, common address of 58718 SR 15 in Jefferson Township, zoned A-1.      (20092067)

B. Petitioner: **Wayne J. & Rienna R. Sommers** (Page 6)  
Petition: for a Use Variance for a continued residential use of a portion of an existing building in a B-3 zone.  
Location: North side of Old US 20, 340 ft. West of Rowe Street, common address of 2232 Toledo Road in Concord Township. (20092081)

**9:00 A.M. (HESSER)**

C. Petitioner: **Glen Hershberger** (Page 7)  
Petition: for a Use Variance for an auto detailing business.  
Location: North side of CR 56, ¼ mile West of CR 29, common address of 16353 CR 56 in Jackson Township, zoned A-1. (20091771)

**SPECIAL USES**

A. Petitioner: **Lift Jesus Higher Ministries** (Page 8)  
Petition: for an amendment to an existing Special Use for a church to reduce the size of the parcel (Specifications F - #48).  
Location: Southwest corner of CR 15 & CR 6, common address of 53111 CR 15 in Osolo Township, zoned A-1. (20092096)

**9:30 A.M. (WOLGAMOOD)**

B. Petitioner: **Rose Watson (buyer) and Myron & Joyce Martin (sellers)** (Page 9)  
Petition: for a Special Use for an addiction clinic in an A-1 zone (Specifications F - #14).  
Location: East side of CR 31, 1,424 ft. North of CR 36, common address of 63700 CR 31 in Clinton Township. (20092091)

C. Petitioner: **Mario Saldivar** (Page 10)  
Petition: for a Special Use to allow for an agricultural use (keeping of one horse) on a tract of land containing three acres or less (Specifications F - #1).  
Location: Southwest corner of CR 22 & Fairwind Drive, 1,500 ft. East of CR 9 being Lot 1 of Fairwind Acres, common address of 25700 CR 22 in Concord Township, zoned A-1. (20092098)

D. Petitioner: **Michael King** (Page 11)  
Petition: for a renewal of an existing Special Use for a home workshop/business for the repair of motorcycles (Specifications F - #45).  
Location: North side of CR 12, 320 ft. West of CR 1, common address of 30059 CR 12 in Cleveland Township, zoned R-1. (20092097)

**10:00 A.M. (LANTZ)**

E. Petitioner: **Danny L. Fry (lessor) and Steve Chupp, S & L Builders (lessee)** (Page 12)  
Petition: for a Special Use for warehousing and storing of construction equipment and vehicles, recreational vehicles, boats and personal storage in an A-1 district (Specifications F - #44).  
Location: West side of SR 13, ½ mile South of CR 36, common address of 64455 SR 13 in Clinton Township. (20092094)

F. Petitioner: **Joseph & Cynthia Lewis** (Page 13)  
Petition: for a Special Use for a wireless communications facility (Specifications F - #31.50).  
Location: Northwest corner of CR 19 & CR 20, common address of 58913 CR 19 in Jefferson Township, zoned A-1. (20092093)

**10:30 A.M. (MILLER)**

G. Petitioner: **North Side Baptist Church** (Page 14)  
Petition: for an amendment to an existing Special Use for an addition for offices, entryway, and restrooms.  
Location: East side of CR 9, 160 ft. South of Meadow Oak Lane, common address of 53198 CR 9 in Osolo Township, zoned R-1/M-2. (20092068)

H. Petitioner: **Jorge Pizana** (Page 15)  
Petition: for an amendment to an existing Special Use for a private baseball diamond and accessory building to allow for the construction of an addition onto the accessory building for a restroom facility (Specifications F - #4).  
Location: North side of CR 146, 1,200 ft. East of SR 13 in Benton Township, zoned A-1. (20092028)

**SPECIAL USE / USE VARIANCE**

A. Petitioner: **Laura Evans** (Page 16)  
Petition: for a Special Use for a home workshop/business for dog grooming (Specifications F - #45), and for a Use Variance to allow for the placement of a sign 35 ft. from centerline of the right-of-way (Ordinance requires 55 ft.).  
Location: East side of CR 105, 1,250 ft. South of CR 20, common address of 58030 CR 105 in Concord Township, zoned R-1. (20092047)

**APPEALS**

**11:00 A.M. (HOMAN)**

A. Petitioner: **Lavern E. Yutzy** (Page 17)  
Petition: for an Appeal to allow for the construction of a second residence on a single zoning lot.  
Location: West and South side of SR 13, 2,200 ft. North of CR 30, common address of 61571 SR 13 in Clinton Township, zoned A-1. (20092040)

B. Petitioner: **Preston Joy** (Page 18)  
Petition: for an Appeal to allow for the construction of a personal storage building with no primary structure.  
Location: West side of Dutton Drive, 900 ft. North of North Shore Drive in Osolo Township, zoned R-2. (20091975)

**APPEAL/VARIANCE**

**11:30 A.M. (HESSER)**

- A. Petitioner: ***Greg Flora*** **(Page 19)**  
 Petition: for an Appeal to allow for the construction of a second residence on a single zoning lot and for a Developmental Variance to allow the total square footage of accessory structures (9,982) to exceed the total square footage in the primary structure (2,800), a difference of 7,182 sq. ft.  
 Location: West side of CR 13, 2,250 ft. North of CR 46, common address of 68607 CR 13 in Union Township, zoned A-1. (20092078)

**APPEAL FROM THE HEARING OFFICER’S DECISION**

- A. Petitioner: ***Dennis & Donna Myers (landowners) and Kevin & Tonya Rhodes (appellants)*** **(Page 20)**  
 Petition: for a 3 to 1 depth to width ratio Variance on Parcel ‘A’ for construction of a residence, and for a 3 to 1 depth to width ratio Variance on Parcel ‘B’ for an existing residence.  
 Location: North side of CR 22, 2,175 ft. East of CR 33, common address of 15141 CR 22 in Middlebury Township, zoned A-1. (20091880(A))

**TABLED ITEMS**

- A. Petitioner: ***Lawrence Ramer*** **(Page 21)**  
***\*\* (PUBLIC HEARING CLOSED) \*\****  
 Petition: for an 8 ft. Variance to allow for an addition onto an existing accessory building 2 ft. from the rear property line (Ordinance requires 10 ft.), and a Developmental Variance to allow the total square footage of accessory structures (11,860) to exceed the total square footage of the primary structure (3,648), a difference of 8,212 sq. ft.  
 Location: North side of CR 38, 2,185 ft. West of CR 11, common address of 25445 CR 38 in Harrison Township, zoned A-1. (20083434)
- B. Petitioner: ***Michael Lewis*** **(Page 22)**  
***\*\* (PUBLIC HEARING OPEN) \*\****  
 Petition: for an Appeal to allow for an addition onto an existing accessory structure on property without a primary residence.  
 Location: Northwest corner of Perkins Street and Ne-Ce-Dah Drive, being Lots 71 & 72 of Shore Acres Subdivision in Concord Township, zoned R-1. (20091925)

**ITEMS TRANSFERRED FROM HEARING OFFICER**

**AUDIENCE ITEMS**

**STAFF/BOARD ITEMS** *(time of review at the discretion of the Board of Zoning Appeals)*

- *Announcement by Bob Watkins regarding Mr. Harrell’s retirement*

**ADJOURNMENT**