

AGENDA

ELKHART COUNTY BOARD OF ZONING APPEALS

MAY 20, 2010
8:15 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 15th day of April 2010.

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 Report materials 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.

TRANSFERRED FROM HEARING OFFICER

8:15 A.M.

(HESSER)

- A. Petitioner: ***John P. Wirt*** **(Page 1)**
Petition: for a Developmental Variance to allow for the construction of an attached deck 12 ft. from the rear (west) property line (Ordinance requires 25 ft.).
Location: West side of N. Division Street (CR 23) at the intersection of CR 25, 585 ft. South of CR 8, common address of 503 N. Division Street in Washington Township, zoned R-1. *(503NDivisionSt-100409-1)*
- B. Petitioner: ***Jeremiah W. King*** **(Page 2)**
Petition: for a 3 to 1 depth to width ratio Variance to allow for an existing residence, and a Developmental Variance to allow the total square footage of accessory structures to exceed the total square footage in the primary structure.
Location: North side of CR 44, 2,000 ft. West of CR 17, common address of 22397 CR 44 in Union Township, zoned A-1. *(22397County Road 44-100415-1)*

C. Petitioner: **Glenn & Amy Yoder** (Page 3)
Petition: for a Special Use for an existing mobile home.
Location: West side of CR 33, 550 ft. South of CR 20, common address of 59169 CR 33 in Middlebury Township, zoned A-1. (59169CR 33-100419-1)

D. Petitioner: **Greg & Diann West** (Page 4)
Petition: for a Special Use for an existing mobile home, and for a 3 to 1 depth to width ratio Variance to allow for an existing mobile home.
Location: South side of State Line Road, 1 ¼ miles East of CR 11, common address of 23337 State Line Road in Osolo Township, zoned A-1. (23337State LineRd-100415-1)

VARIANCES

8:30 A.M. (LANTZ)

A. Petitioner: **Big M, Inc. (owner of Parcel 'C') and Jeffrey Runels (owner of Parcel 'D')** (Page 5)
Petition: for a 3 to 1 depth to width ratio Variance and a 60 ft. lot width Variance (Ordinance requires 100 ft.) for construction of a residence on Parcel 'C', and a 3 to 1 depth to width ratio Variance and a 60 ft. lot width Variance (Ordinance requires 100 ft.) for construction of a residence on Parcel 'D'.
Location: Parcel 'C' – East side of Fishers Pond, 475 ft. South of Shadow Hill; Parcel 'D' – East end of Shadow Hill, 112 ft. East of Timber Wind York Township, zoned A-1. (-100407-1)

B. Petitioner: **Earl R., Jr. & Kathy Smothers** (Page 6)
Petition: for a 1 ft. Developmental Variance to allow for the construction of a detached personal storage building 4 ft. from the north side property line (Ordinance requires 5 ft.).
Location: West side of CR 31, 850 ft. South of CR 138, being Lot 13 of James Place Section 1, common address of 65695 CR 31 in Elkhart Township, zoned A-1. (65695CR 31-100416-1)

SPECIAL USES

A. Petitioner: **Devon & Wanda Bontrager** (Page 7)
Petition: for a Special Use for a home workshop/business for bike repair (Specifications F - #45).
Location: Southeast corner of CR 37 & CR 26, common address of 60152 CR 37 in Middlebury Township, zoned A-1. (60152CR 37-100414-1)

9:00 A.M. (WOLGAMOOD)

B. Petitioner: **Concord Community Schools (Intermediate School)** (Page 8)
Petition: for an amendment to a site plan for an existing Special Use for a school (Specifications F - #38) to allow for an electronic message board sign.
Location: Southwest corner of CR 20 & US 33, common address of 24050 CR 20 in Concord Township, zoned A-1. (24050CR 20-100416-1)

- C. Petitioner: ***Donal & Taceile Rumfelt*** (Page 9)
 Petition: for a Special Use for a beauty shop in an A-1 district (Specifications F - #46).
 Location: South side of CR 56, 1 mile East of CR 127, common address of 16020 CR 56 in Jackson Township. (16020CR 56-100415-1)
- 9:30 A.M. (MILLER)**
- D. Petitioner: ***David L. Bontrager*** (Page 10)
 Petition: for a Special Use for a home workshop/business for cabinetry (Specifications F - #45).
 Location: South side of CR 18, 410 ft. West of East County Line Road, common address of 10054 CR 18 in Middlebury Township, zoned A-1. (10054County Road 18-100414-1)
- E. Petitioner: ***Eric T. & Joyce A. Menchinger*** (Page 11)
 Petition: for a Special Use for a church (Specifications F - #48.00).
 Location: North side of CR 24 at the intersection with CR 1, common address of 29985 CR 24 in Baugo Township, zoned A-1. (29985County Road 24-100419-1)
- F. Petitioner: ***Michael Kelley*** (Page 12)
 Petition: for a Special Use for a child care home in an A-1 district (Specifications F - #23.10).
 Location: North side of CR 12, 1,500 ft. East of CR 37 North (at North end of CR 37 South), common address of 12500 CR 12 in York Township. (12500CR 12-100416-1)
- 10:00 A.M. (LANTZ)**
- G. Petitioner: ***Ryan Andrew & Heather J. Kallimani*** (Page 13)
 Petition: for a Special Use to allow for an agricultural use for the keeping of chickens and cows in an R-1 district (Specifications F - #1).
 Location: North side of Newman Street, 600 ft. Northeast of CR 45, 2,400 ft. South of Hively Avenue (CR 18), common address of 57755 Newman Street in Concord Township. (57755NewmanSt-100413-1)
- H. Petitioner: ***Donovan & Jacqueline Leidelmeyer (property owners & business owners/operators) and Brittany Muir (business owner/operator)*** (Page 14)
 Petition: for a Special Use for a home workshop/business for a boutique (Specifications F - #45).
 Location: South side of Warren Street (CR 16), 500 ft. East of Main Street (SR 13), common address of 411 E. Warren Street in Middlebury Township, zoned R-1. (411EWarrenSt-100412-1)

10:30 A.M. (MILLER)

- I. Petitioner: ***Frank G. & Elizabeth A. Burns*** (Page 15)
Petition: for a Special Use for warehousing and storing of inflatable moonwalks (bounce houses) in an A-1 district (Specifications F - #44).
Location: North side of CR 108, 537 ft. East of CR 27, common address of 16905 CR 108 in Washington Township. (16905CR 108-100419-1)
- J. Petitioner: ***Stacey Yoder*** (Page 16)
Petition: for a Special Use for a home workshop/business for a massage therapy business (Specifications F - #45).
Location: West side of CR 15, 2,600 ft. South of CR 50, being Lot 4 of Union Grove Minor Subdivision, common address of 71025 CR 15 in Union Township, zoned A-1. (71025CR 156-100419-1)
- K. Petitioner: ***Little Pine Church of the Brethren, Inc.*** (Page 17)
Petition: for a Special Use for an existing church (Specifications F - #48)
Location: West side of CR 19, 420 ft. South of US 20, common address of 57061 CR 19 in Jefferson Township, zoned A-1. (57061County Road 19-100416-1)

USE VARIANCES

11:00 A.M. (WOLGAMOOD)

- A. Petitioner: ***Glen & Erma Yoder and Lynn & Joan Whetstone*** (Page 18)
Petition: for a Use Variance to allow for a second residence on a single zoning lot.
Location: East side of CR 43, 2,000 ft. South of CR 38, common address of 65360 CR 43 in Clinton Township, zoned A-1. (65360County 43Rd-100419-1)
- B. Petitioner: ***Tim Kidder (buyer) and Steve C. Cupery (seller)*** (Page 19)
Petition: for a Use Variance to allow a residential use in an M-2 district.
Location: Southwest corner of North Park Avenue and Adams Street, 1,000 ft. East of CR 9, common address of 25786 North Park Avenue in Osolo Township. (25786North ParkAve-100416-1)

11:30 A.M. (HESSER)

- C. Petitioner: ***Omer Dean Schlabach*** (Page 20)
Petition: for a Use Variance to allow for a second residence on a single zoning lot.
Location: West side of CR 116, 3,150 ft. South of CR 16, 800 ft. North of CR 116 curve, common address of 57035 CR 116 in Middlebury Township, zoned A-1. (57035CR 116-100407-1)

USE VARIANCE/DEVELOPMENTAL VARIANCE

- A. Petitioner: ***Richard & Katherine Jessup*** (Page 21)
Petition: for a Use Variance to allow for the construction of an accessory building on a parcel without a residence, for a 10 ft. Variance to allow said structure 40 ft. from centerline of the right-of-way of E. Indiana Lake Road, and a 19 ft. Variance to allow said structure 31 ft. from centerline of the right-of-way of Church Street (Ordinance requires 50 ft.).
Location: Southeast corner of E. Indiana Lake Road & Church Street, 1,100 ft. North of CR 2, 425 ft. West of CR 23, being East part of Lot 1 of Fern Ridge 3rd Subdivision in Washington Township, zoned R-2.
(0E. INDIANA LAKE ROAD-100414-1)

SPECIAL USE/DEVELOPMENTAL VARIANCE

- A. Petitioner: ***Devon R. & Raymonde S. Witmer*** (Page 22)
Petition: for a Special Use for warehousing and storing of cut limestone (Specifications F - #44) to include outside storage, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed the total square footage in the primary structure.
Location: South side of CR 30, 2,000 ft. West of CR 13, common address of 24340 CR 30 in Harrison Township, zoned A-1. (24340CR 30-100406-1)

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

ADJOURNMENT