

**Elkhart County
Planning & Development:
Planning/Building/GIS/
Code Enforcement/**

USE VARIANCE & DEVELOPMENTAL VARIANCE

*Our Mission at the Planning and Development
Division of Elkhart County, Indiana is to focus
on a long term commitment to economic vitality and
efficient use of land while reflecting the highest
professional standard with enduring regard for
our customers and the public trust.*



**Phone (574) 971-4678
Hours: Monday 8:00am–5:00pm and
Tuesday–Friday 8:00am–4:00pm
dps@elkhartcounty.com
<http://elkhartcountyplanninganddevelopment.com/index.htm>**

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When should you apply for a Developmental Variance?

- ◆ When you are seeking relief from up to 10% of minimum front, side or rear setback requirement and that may be processed as a request for an Administrative Adjustment in accordance with Sec. 3.9. of the Elkhart County Zoning Ordinance.

What is a setback?

- ◆ A setback is measured as the minimum distance between the nearest part of the foundation of a structure and a road centerline, right-of-way line, or the front, side or rear property line of the zoning lot on which the structure is located, as applicable.

How long is the process for a Developmental Variance?

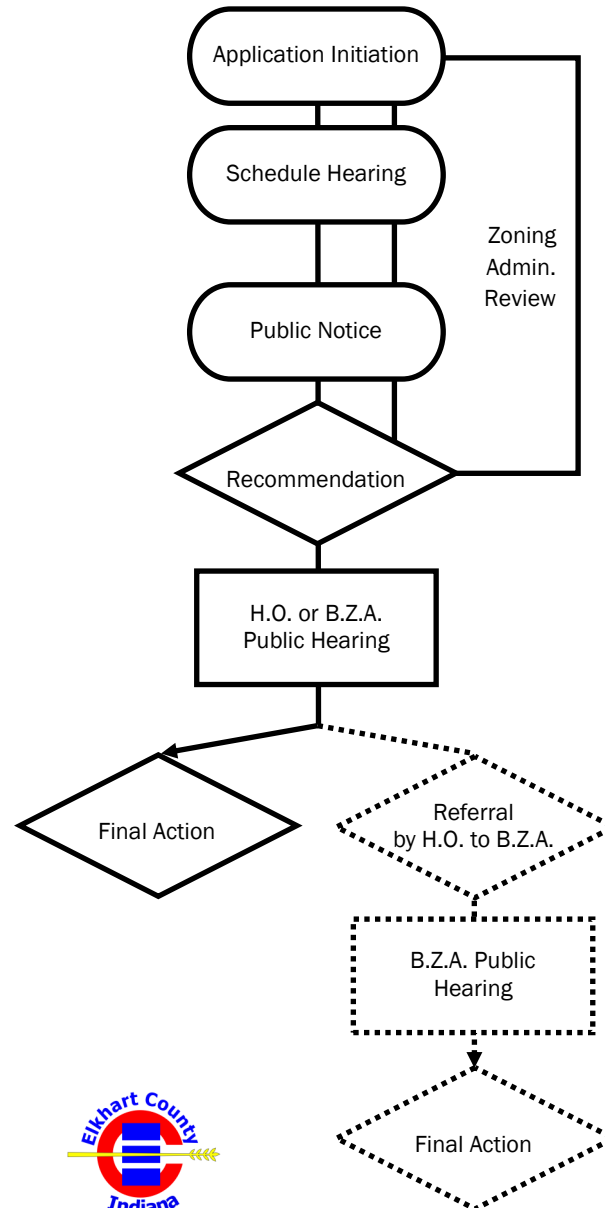
- ◆ From filing deadline to decision, it will take at least 30 calendar days and it must occur in conjunction with the submittal of a site plan.

What is unique about Variances in a Flood Hazard Area?

- ◆ BZA may not issue a Variance for a residential use or structure within a floodway
- ◆ BZA may issue a Variance from the provisions in Sec. 7.5 for a nonresidential use or structure subject to the following standards and conditions:
 - ◆ Permit required from Indiana Department of Natural Resources
 - ◆ If the structure is on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archeological and Cultural Sites, Structures, Districts and Objects

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Article 3 Development Review Procedures, Sec. 3.8 Developmental Variance Flow Chart



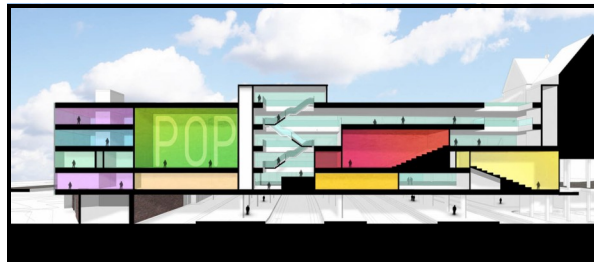
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How do you acquire a Use Variance decision?

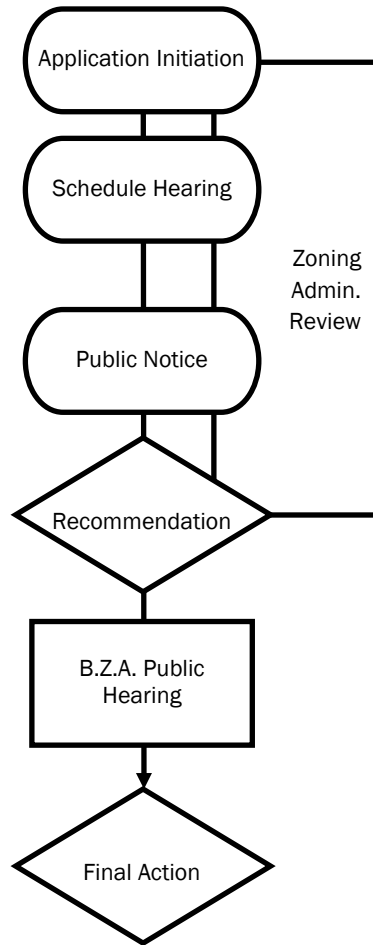
- ◆ Complete an application for a Use Variance along with the submittal of a site plan
- ◆ Follow the steps of the Use Variance flow chart with the assistance of the Department of Planning and Development Staff
- ◆ Attend the Board of Zoning Appeals Public Hearing

What is the review criteria for a Use Variance (Sec. 3.7)?

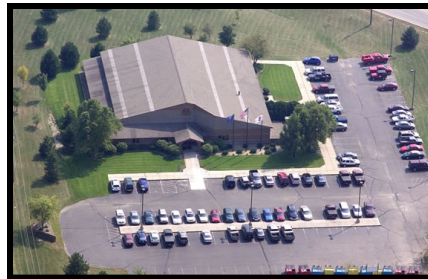
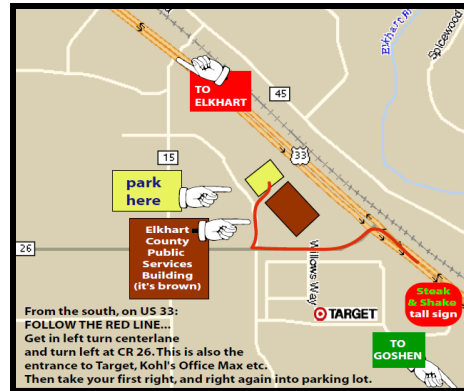
- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- B. The use and value of the area adjacent to the property included in the Use Variance will not be affected in a substantially adverse manner.
- C. The need for the Use Variance arises from some condition peculiar to the property involved.
- D. The strict application of the terms of the Zoning Ordinance would constitute an unnecessary hardship if applied to the property for which the Use Variance is sought.
- E. The approval does not interfere substantially with the County Comprehensive Plan.



Article 3 Development Review Procedures,
Sec. 3.7 Use Variance
Flow Chart



Information provided in this brochure either in visual or text form is according to the Elkhart County Zoning Ordinance effective as of February 2, 2015.



Aerial photograph of the Elkhart County, IN
Department of Public Services building

Elkhart County

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