



Elkhart County Planning & Development

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Written Interpretation – Timing of Accessory Dwelling Construction

Question: Does the County allow a person to pull a building permit for a primary structure and an accessory structure at the same time? If so, how does it prevent only an accessory structure from being built without the associated primary structure?

Relevant Code Citations:

Zoning Ordinance Article 1, SECTION 2, b. ACCESSORY BUILDING OR USE: An “accessory building or use” is one which:

- (a) Is incidental and subordinate to, and serves the principal building or principal use; and
- (b) Is customarily and commonly associated with the principal building or principal use served; and
- (c) Is subordinate in area, extent, and purpose to the principal building or principal use served; and

....

Interpretation: The County does not allow a person to pull a building permit for an accessory structure at the same time as a primary structure due to the concern that the accessory structure may be built and used without the primary structure ever being built. In order to provide consistency in practice and flexibility for the applicant, once a building permit is approved for the primary structure, and the rafters of the structure have been put in place, a person may apply for and receive approval for a building permit for an accessory structure. The applicant must supply photographic evidence that the rafters of the primary structure are in place, or the Zoning Administrator may send a Code Enforcement Inspector to the subject property to verify.

A handwritten signature in cursive script, reading 'Brian Mabry', is written over a horizontal line.

Brian Mabry, AICP
Planning, Zoning, and Code Enforcement Manager