

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

*AUGUST 14, 2024*  
*9:00 A.M.*

*ADMINISTRATION BUILDING*  
*MEETING ROOMS 104, 106, & 108*  
*117 N. 2<sup>nd</sup> STREET, GOSHEN, INDIANA*

Call to Order

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

**DEVELOPMENTAL VARIANCES**

**9:00 A.M.**

- A.     Petitioner:     ***Scott Tuttle*** **(Page 1)**  
      Petition:       for a Developmental Variance to allow for the construction of a residence on  
                          property (proposed lot 2) with no road frontage served by an access easement.  
      Location:       East side of CR 29, 2,500 ft. North of CR 52, CR 29 in Jackson Township,  
                          zoned A-1. DV-0449-2024
- B.     Petitioner:     ***Bradley E. Stewart & Wanda C. Stewart, Husband & Wife*** **(Page 2)**  
      Petition:       for a Developmental Variance to allow for the total square footage of  
                          accessory structures to exceed that allowed by right.  
      Location:       North side of Elm Rd., 1,055 ft. East of CR 15, common address of 22778  
                          Elm Dr. in Concord Township, zoned R-1. DV-0466-2024
- C.     Petitioner:     ***James A. Slabaugh*** **(Page 3)**  
      Petition:       for a 12 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for  
                          the construction of an accessory structure 63 ft. from the centerline of the  
                          right-of-way.  
      Location:       North side of CR 146, 130 ft. East of CR 137, common address of 12487 CR  
                          146 in Benton Township, zoned A-1. DV-0490-2024
- D.     Petitioner:     ***Daniel L. George & George Hiland*** **(Page 4)**  
      Petition:       for a Developmental Variance to allow for the total square footage of  
                          accessory structures to exceed that allowed by right.  
      Location:       North side of Greenleaf Blvd., 2,695 ft. Southwest of CR 10, Greenleaf Blvd.  
                          in Osolo Township, zoned R-1. DV-0484-2024

- E. Petitioner: ***Austin King & Jourdan King, Husband & Wife*** (Page 5)  
 Petition: for a 50 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of an addition to an existing residence.  
 Location: South of CR 16, 2,215 ft. East of CR 21, common address of 19824-1 CR 16 in Jefferson Township, zoned A-1. DV-0491-2024
- F. Petitioner: ***Jason R. Hageman & Christy Hagerman, Husband & Wife*** (Page 6)  
 Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a 2 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 27 ft. in height.  
 Location: South side of CR 146, 1,300 ft. East of CR 21, common address of 19950 CR 146 in Jackson Township, zoned A-1. DV-0486-2024
- G. Petitioner: ***Judith A. Lewis*** (Page 7)  
 Petition: for a 47 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the existing residence and sunroom addition 73 ft. from the centerline of right-of-way CR 6 East.  
 Location: Northeast corner of CR 15 & CR 6, common address of 52982 CR 15 in Osolo Township, zoned A-1. DV-0492-2024
- H. Petitioner: ***Adam R. Bliss & Elizabeth A. Bliss, Husband & Wife*** (Page 8)  
 Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.  
 Location: West side of Trout Creek Rd., 2,175 ft. North of Division St., common address of 801 Trout Creek Rd. in Washington Township, zoned R-1. DV-0495-2024
- I. Petitioner: ***George Cornish & Melissa Cornish, Husband & Wife*** (Page 9)  
 Petition: for a 25 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing residence 25 ft. from the centerline of the right-of-way, for a 27 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the placement of an accessory structure 23 ft. from the centerline of the right-of-way, for a 1 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing residence 4 ft. from the west side property line, and for a 3 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing residence 2 ft. from the east side property line.  
 Location: North side of Heaton Vista, 1,345 ft. East of CR 113, common address of 23047 Heaton Vista in Osolo Township, zoned R-2. DV-0493-2024

#### **MOBILE HOME SPECIAL USE/DEVELOPMENTAL VARIANCE**

- J. Petitioner: ***Linda Lester*** (Page 10)  
 Petition: for a Special Use for an existing mobile home and for a Developmental Variance to allow for an existing mobile home within 300 ft. of a residence.  
 Location: Southside of CR 104, 2,220 ft. East of CR 21, common address of 19080 CR 104 in Washington Township, zoned A-1. SUP-0479-2024

The Elkhart County Board of Zoning Appeals Hearing Officer is meeting on Wednesday August 14, 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](http://www.elkhartcountyplanninganddevelopment.com) at **9:00 am** on August 14, 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:*** August 14, 2024

***Transaction Number:*** DV-0449-2024.

***Parcel Number(s):*** 20-15-25-200-024.000-018.

***Existing Zoning:*** A-1.

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

***Petitioner:*** Scott Tuttle.

***Location:*** East side of CR 29, 2,500 ft. north of CR 52, in Jackson Township.

***Site Description:***

- Physical Improvement(s) – None.
- Proposed Improvement(s) – Residence.
- Existing Land Use – Agricultural.
- Surrounding Land Use – Residential, agricultural.

***History and General Notes:***

- **August 8, 2024** – The plat committee considered Tuttle Minor Subdivision.

***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, only one new driveway on CR 29 will be required.
2. Approval of the request will not cause substantial adverse effect on neighboring property. A shared driveway for two residences will affect only the subject property.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Requiring frontage for lot 2 would decrease the buildable area of both lots.



# ***Hearing Officer Staff Report (Continued)***

*Hearing Date:* August 14, 2024

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

1. A variance from the developmental standards of the Development Ordinance is void unless a subdivision plat is recorded within 180 calendar days from the date of the grant.
2. The request is approved in accordance with the site plan submitted 7/1/2024 and as represented in the Developmental Variance application.





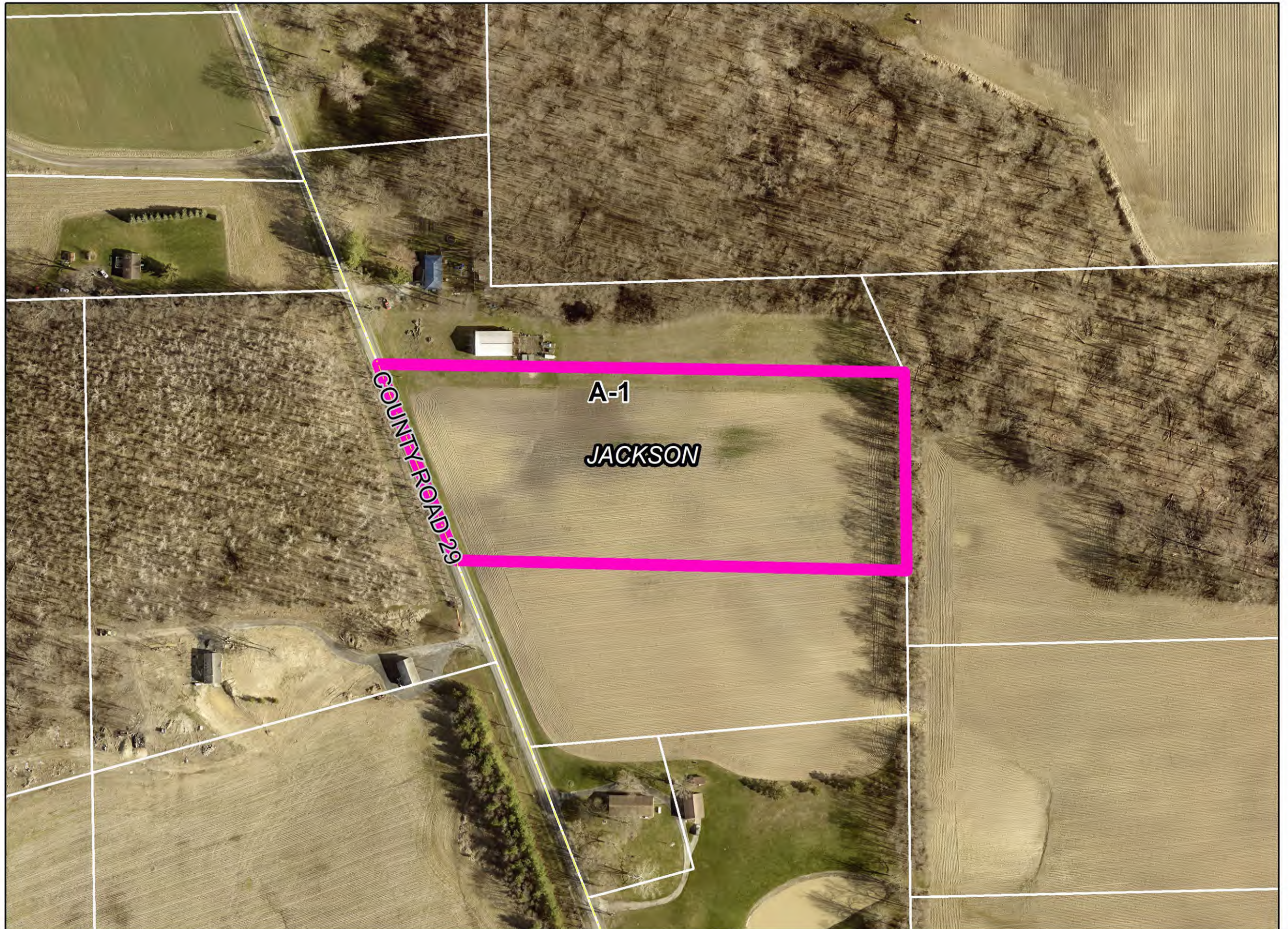
A-1

JACKSON

COUNTY ROAD 29



DV-0449-2024





DV-0449-2024



2021 Aerials

1 inch = 400 feet







Subject property





Facing north





Facing south





Facing west



# 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: 06/28/2024 Meeting Date: August 14, 2024 Transaction #: DV-0449-2024  
Board of Zoning Appeals Public Hearing

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

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Scott J. Tuttle	Kamela Tuttle	Scott J. Tuttle
13165 N Eastshore Dr.	13165 North Shore Dr	13165 N Eastshore Dr.
Syracuse, IN 46567	Syracuse, IN 46567	Syracuse, IN 46567

Site Address: 00000 County Road 29 NEW PARIS, IN 46553	Parcel Number: 20-15-25-200-024.000-018
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Township: Jackson  
Location: EAST SIDE OF CR 29, 2,500 FT NORTH OF CR 52

Subdivision: TUTTLE MINOR SUB	Lot # 2
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Lot Area: 6.00	Frontage: 355.00	Depth: 735.00
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Zoning: A-1	NPO List: 07/29/2024
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Present Use of Property: VACANT

Legal Description:

Comments: NEW SPLIT  
MI -0448-2024

Applicant Signature:

Department Signature:

Application

Site address: \_\_\_\_\_

Parcel number(s): 20-15-25-200-024-000-018

Current property owner

Name: Scott Tuttle

Address: 13165 N Eastshore Dr. Syracuse IN 46567

Phone: 574-370-1728 Email: 3701728@gmail.com

Other party

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: Kamela Tuttle

Address: 13165 N Eastshore Dr. Syracuse, IN 46567

Phone: 574-354-0800 Email: Kamituttle75@gmail.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: Kamela M Tuttle

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: \_\_\_\_\_

Scott Tuttle

1) Tell us what you want to do. Driveway Variance - No road access to east lot, want to use one driveway on the north side of lot.

2) Tell us why you can't change what you're doing so you don't need a variance. best vision for oncoming traffic & best layout of the land.

3) Tell us why the variance won't hurt your neighbors or the community. We are in the country & far enough away from neighbors that it won't effect them.

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. Current - Scott Tuttle

Tell us how many parcels will use the easement. build residential homes

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

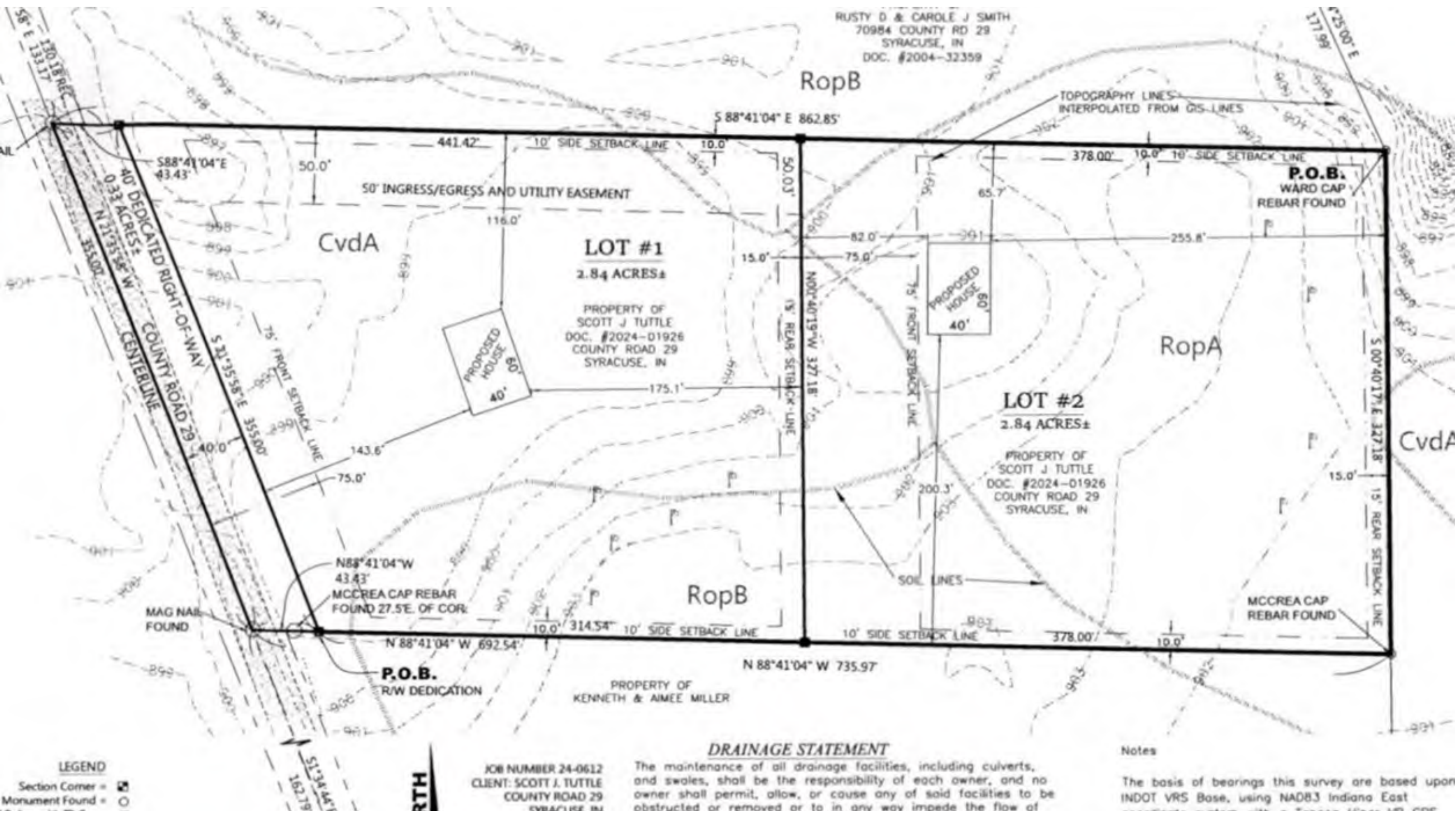
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

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. \_\_\_\_\_





# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** August 14, 2024

***Transaction Number:*** DV-0466-2024.

***Parcel Number(s):*** 20-06-12-151-016.000-009.

***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.

***Petitioner:*** Bradley E. Stewart & Wanda C. Stewart, Husband & Wife.

***Location:*** North side of Elm Dr., 1,055 ft. east of CR 15, in Concord Township.

***Site Description:***

- Physical Improvement(s) – Residence, shed to be removed.
- Proposed Improvement(s) – Accessory structure.
- 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 request is 488 sq. ft., or 33 percent, over what is allowed by right, and all other development standards are met.
2. Approval of the request will not cause substantial adverse effect on neighboring property. Approval will reduce the need for outside domestic storage, and there are detached garages of similar sizes on neighboring property.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The modest size of the home results in a low storage limit, and a shed will be removed during the process.

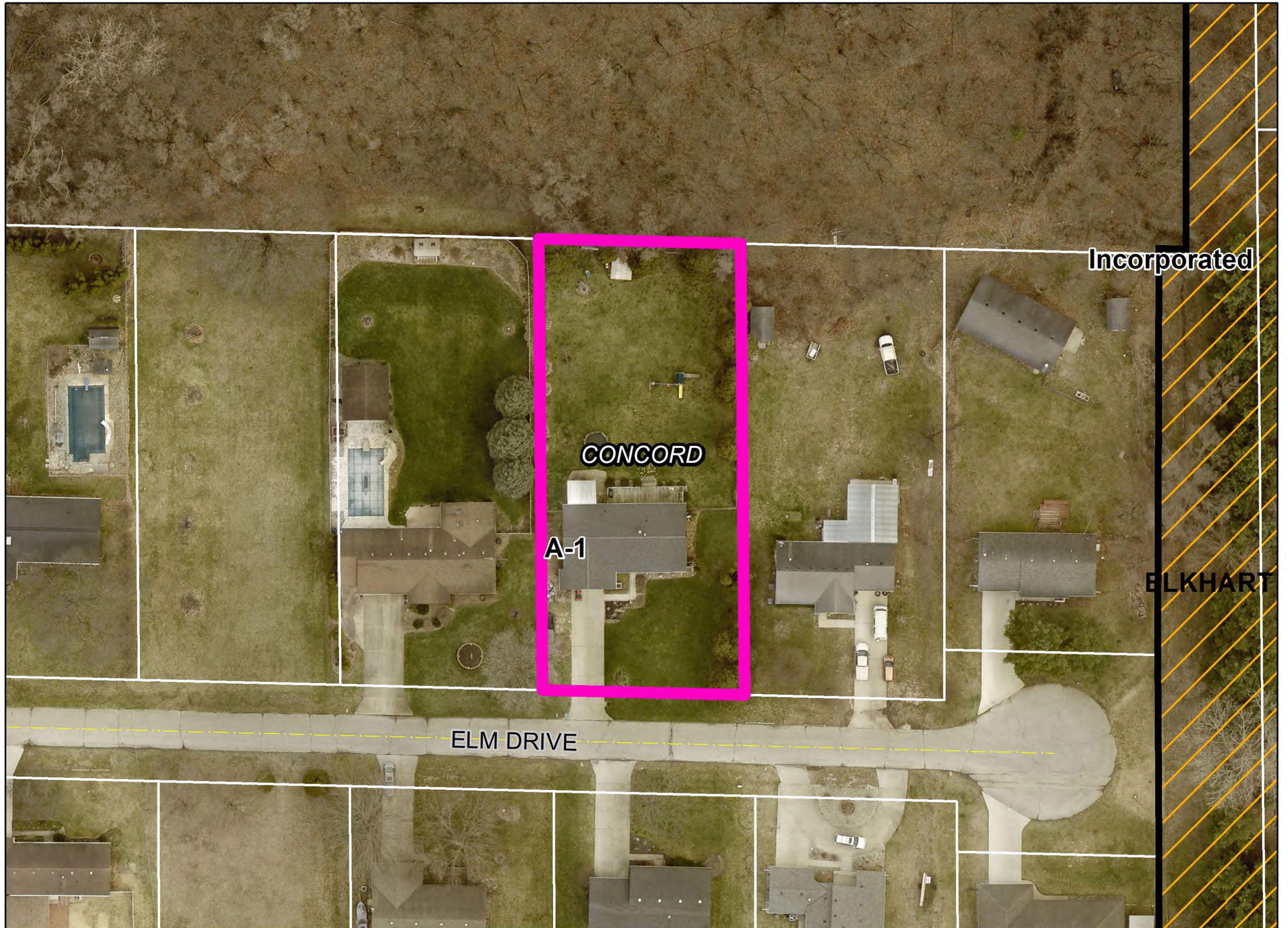
# ***Hearing Officer Staff Report (Continued)***

*Hearing Date:* August 14, 2024

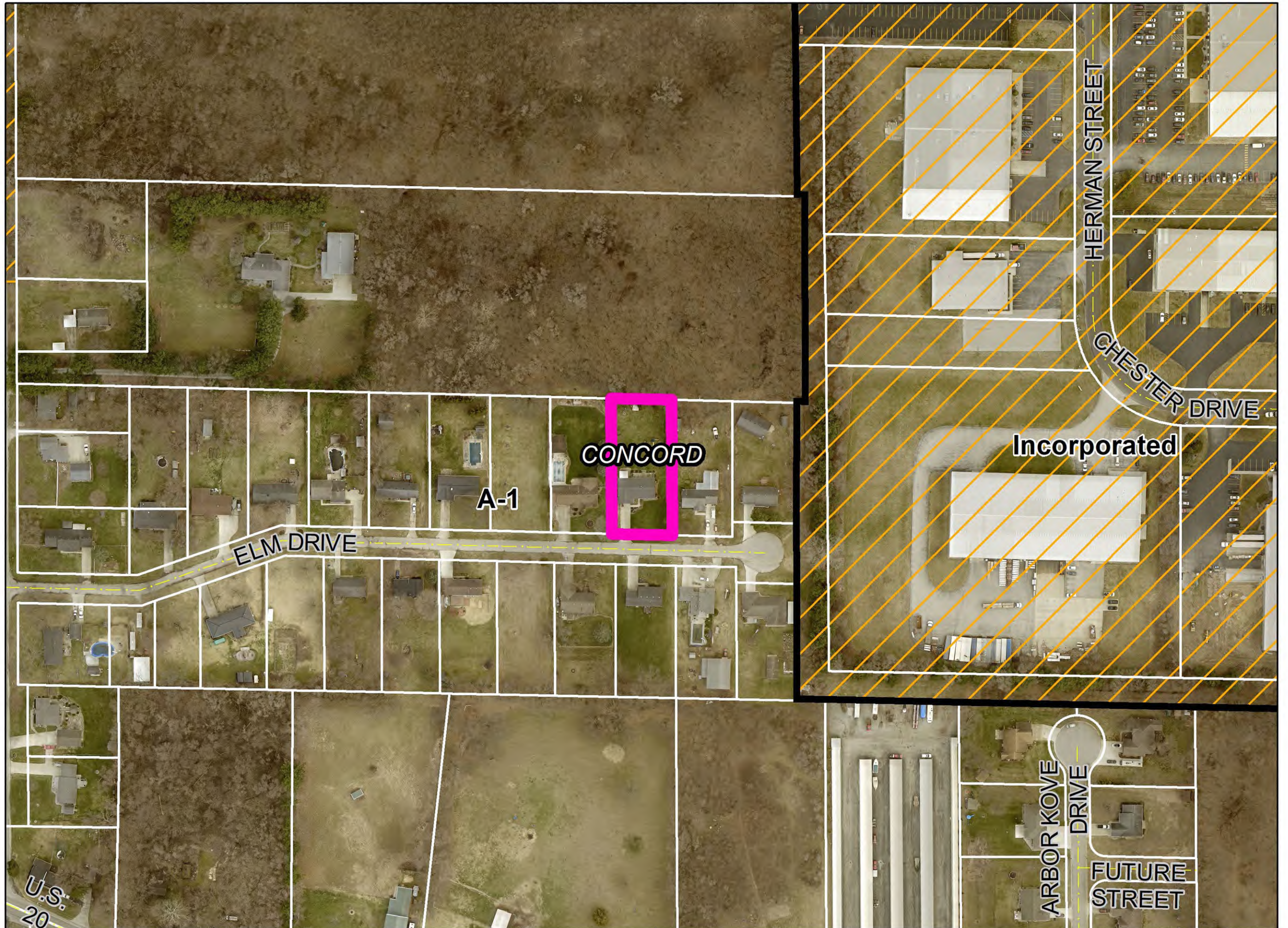
Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Development 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 7/3/2024 and as represented in the Developmental Variance application.

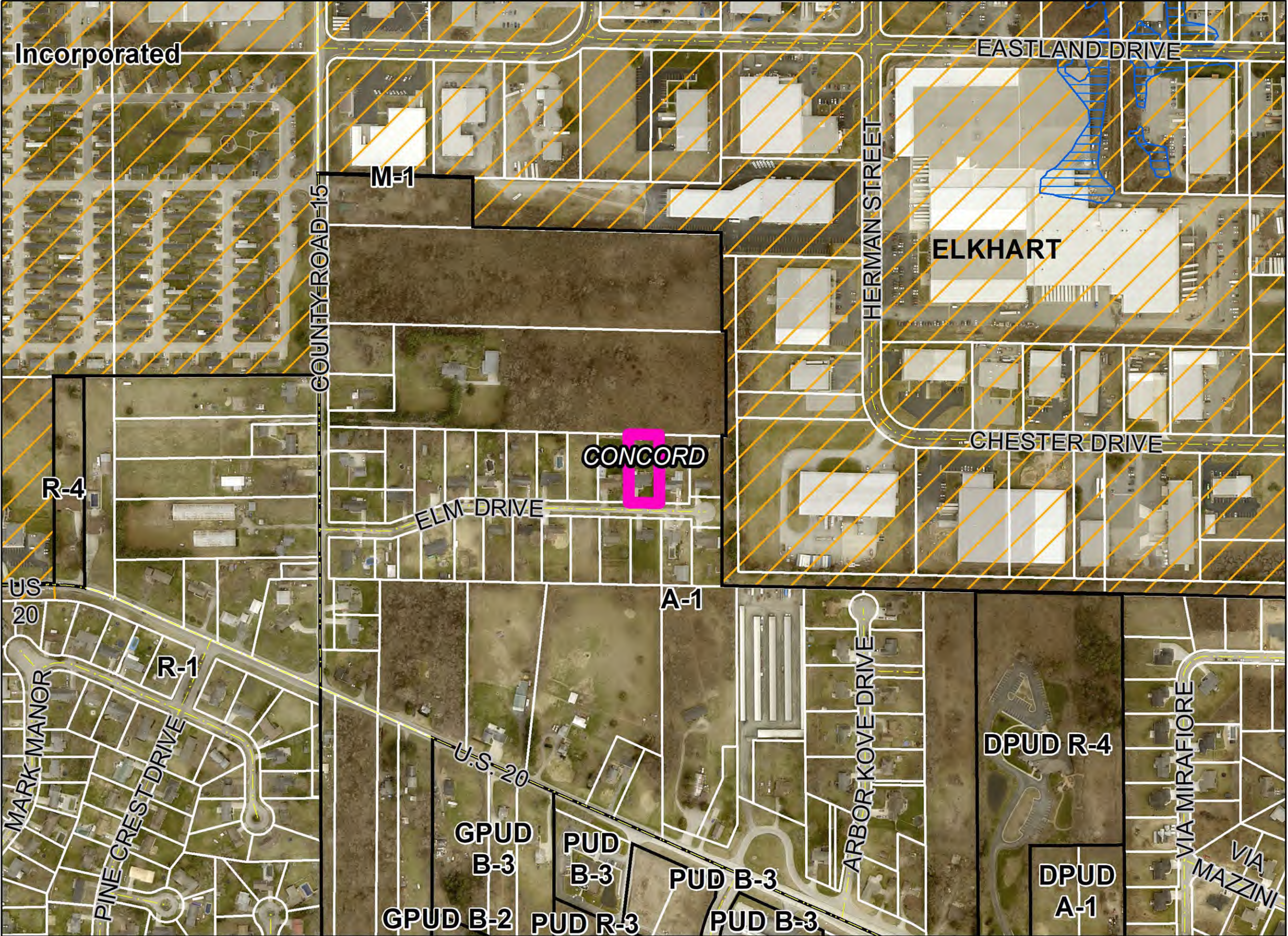
















Subject property





Facing west





Facing east





Facing south



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: 07/03/2024 Meeting Date: August 14, 2024  
Board of Zoning Appeals Public Hearing Transaction #: DV-0466-2024

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

Contacts: Applicant Land Owner  
Bradley E. Stewart & Wanda C. Bradley E. Stewart & Wanda C.  
Stewart H & W Stewart H & W  
22778 Elm Dr. 22778 Elm Dr.  
Elkhart, IN 46516 Elkhart, IN 46516

Site Address: 22778 Elm Dr Parcel Number: 20-06-12-151-016.000-009  
ELKHART, IN 46516

Township: Concord  
Location: NORTH SIDE OF ELM RD., 1,055 FT. EAST OF CR 15

Subdivision: FERN DELLS Lot # 20

Lot Area: 0.51 Frontage: 100.00 Depth: 224.00

Zoning: A-1 NPO List: 07/29/2024

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: NOTE 10 FT EASEMENT ON THE REAR PROPERTY LINE. WITH PEAK HEIGHT TALLER THAN 18 FT, SITE PLAN REFLECTS THE PROPER SETBACKS.  
RESIDENTIAL DWELLING AREA 1360 SQFT X 110 % = 1,496 SQFT MINUS GARAGE 484 SQFT = 1012 SQFT OF BUILDABLE STORAGE SPACE MINUS NEW PROPOSED STRUCTURE AND SQFT 30 X 40 1200 SQFT = -188 SQFT OF LEFTOVER BUILDABLE AREA. AW

Applicant Signature: Department Signature:

Application

Site address: 22778 ELM DRIVE, ELKHART INDIANA

Parcel number(s): LOT 20 Fern Dells Fourth.

Current property owner

Name: Bradley and Wanda Stewart

Address: 22778 ELM DRIVE ELKHART IN. 46516

Phone: 574-849-0223 Email: FORISTRIVER@YAHOO.COM  
574 304 6446

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: [Signature]

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: N/A

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 ELM DR.  
1.055 ft. N S (E) W of CR 15  
in CONCORD Township

Frontage: 100 FT Depth: 224 FT Area: 0.514 acres

Subdivision and lot number, if applicable: FERN DELLS, LOT 20

Present use: RESIDENTIAL



## Developmental Variance — Questionnaire

Name: Bradley and Wanda Stewart

1) Tell us what you want to do. I want to build a 30x50x16 Pole building. The roofs peak will be 26 feet. 21 Feet

2) Tell us why you can't change what you're doing so you don't need a variance. The main purpose of the building will be to store a 40' class A motorhome, as well as storage. Anything smaller will not do.

3) Tell us why the variance won't hurt your neighbors or the community. The building will be located at the rear corner of our lot and there are only woods behind.

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: 30x50x16 Peak 26  
Tell us what you'll use it for. Storage. Peak 21

**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

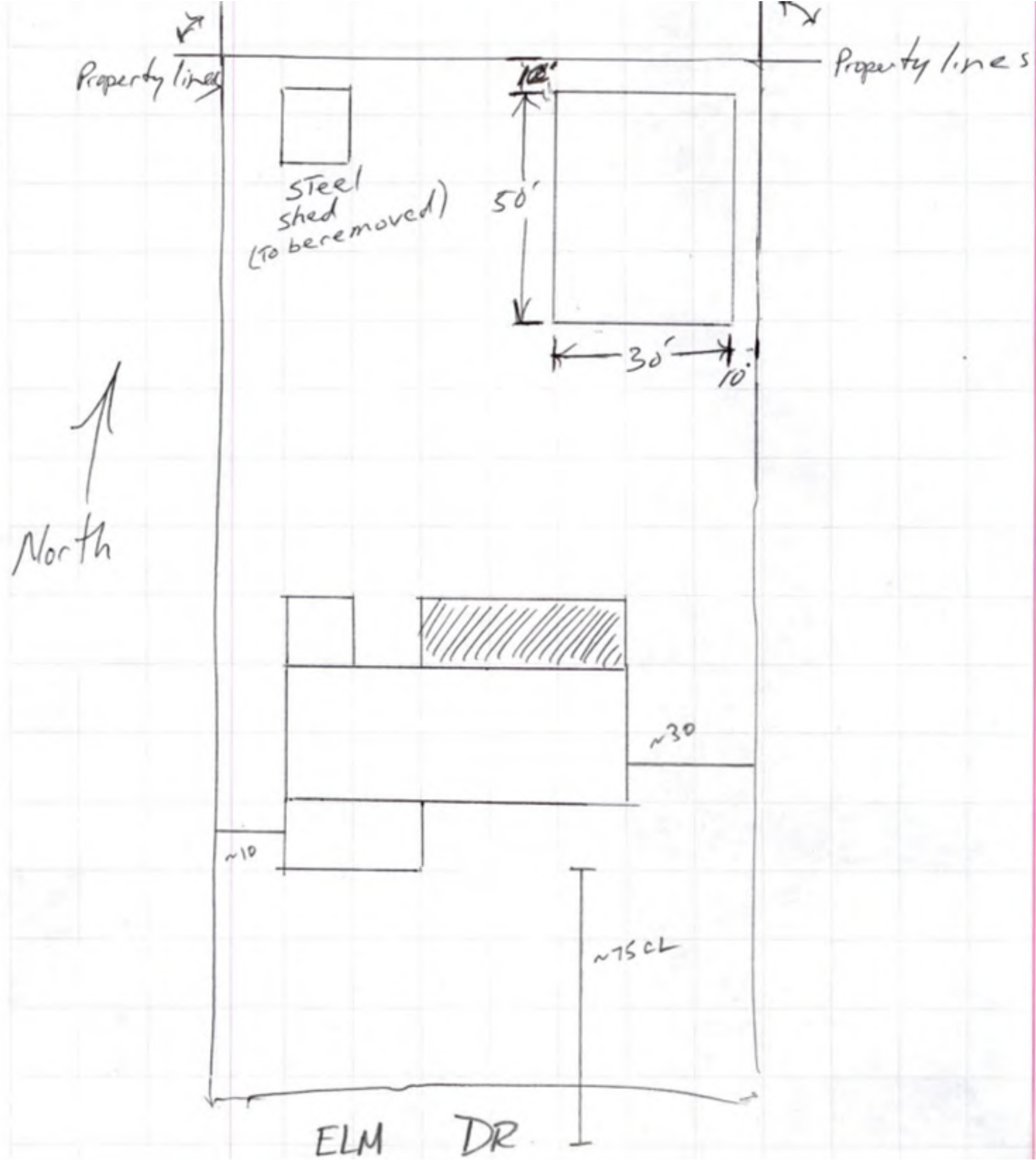
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

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. \_\_\_\_\_





# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** August 14, 2024

***Transaction Number:*** DV-0490-2024.

***Parcel Number(s):*** 20-16-15-200-002.000-003.

***Existing Zoning:*** A-1.

***Petition:*** For a 12 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an accessory structure 63 ft. from the centerline of the right-of-way.

***Petitioner:*** James A. Slabaugh.

***Location:*** North side of CR 146, 130 ft. east of CR 137, in Benton Township.

***Site Description:***

- Physical Improvement(s) – Residence, sheds.
- Proposed Improvement(s) – 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. This portion of CR 146 is a low-volume street in a low-density area, and there is no threat to public safety.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The east neighbor's sight distance is not affected.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The homeowner seeks maximum separation from the residence with minimum front setback encroachment.

# ***Hearing Officer Staff Report (Continued)***

*Hearing Date:* August 14, 2024

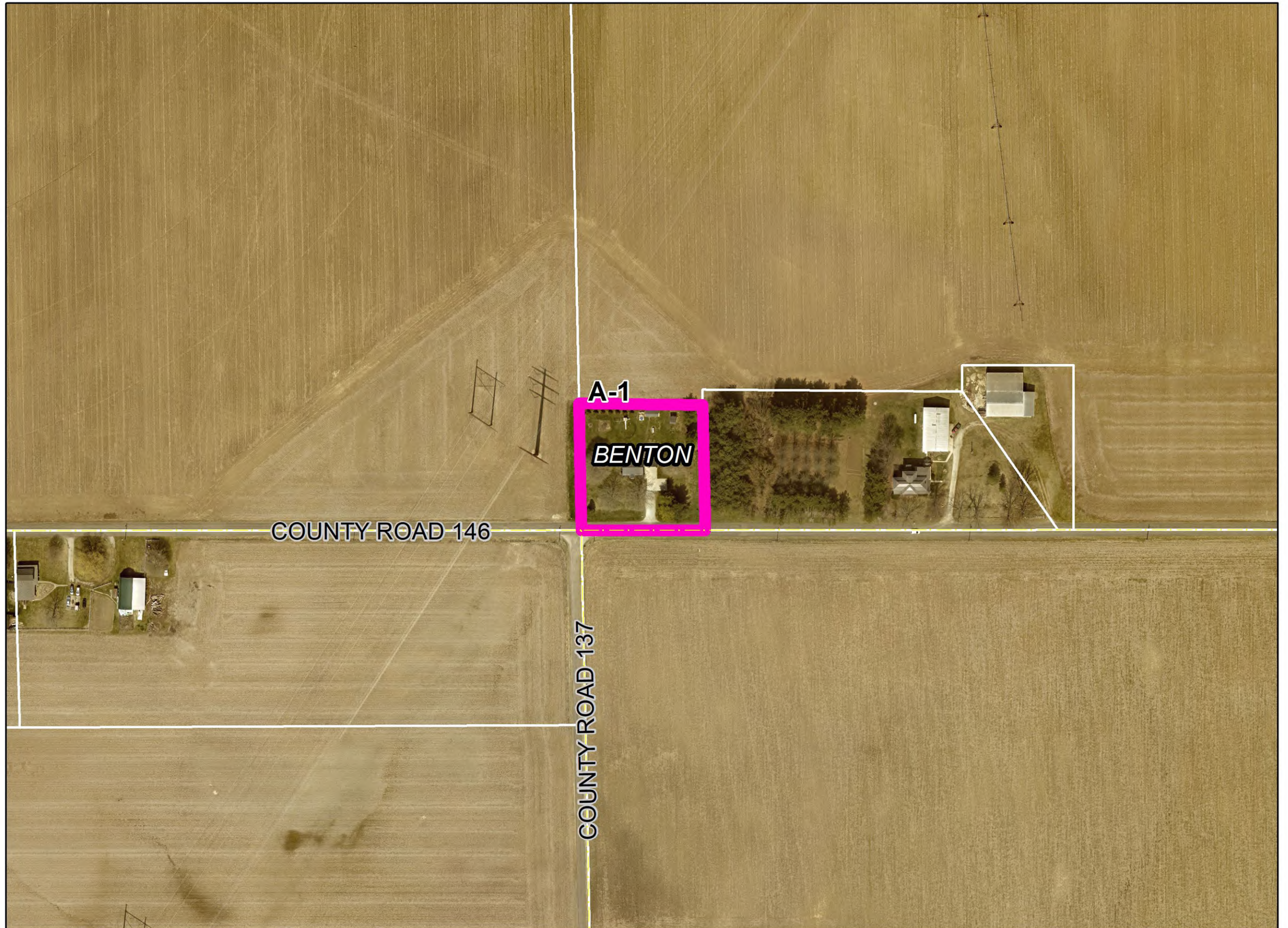
Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Development 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 7/15/2024 and as represented in the Developmental Variance application.

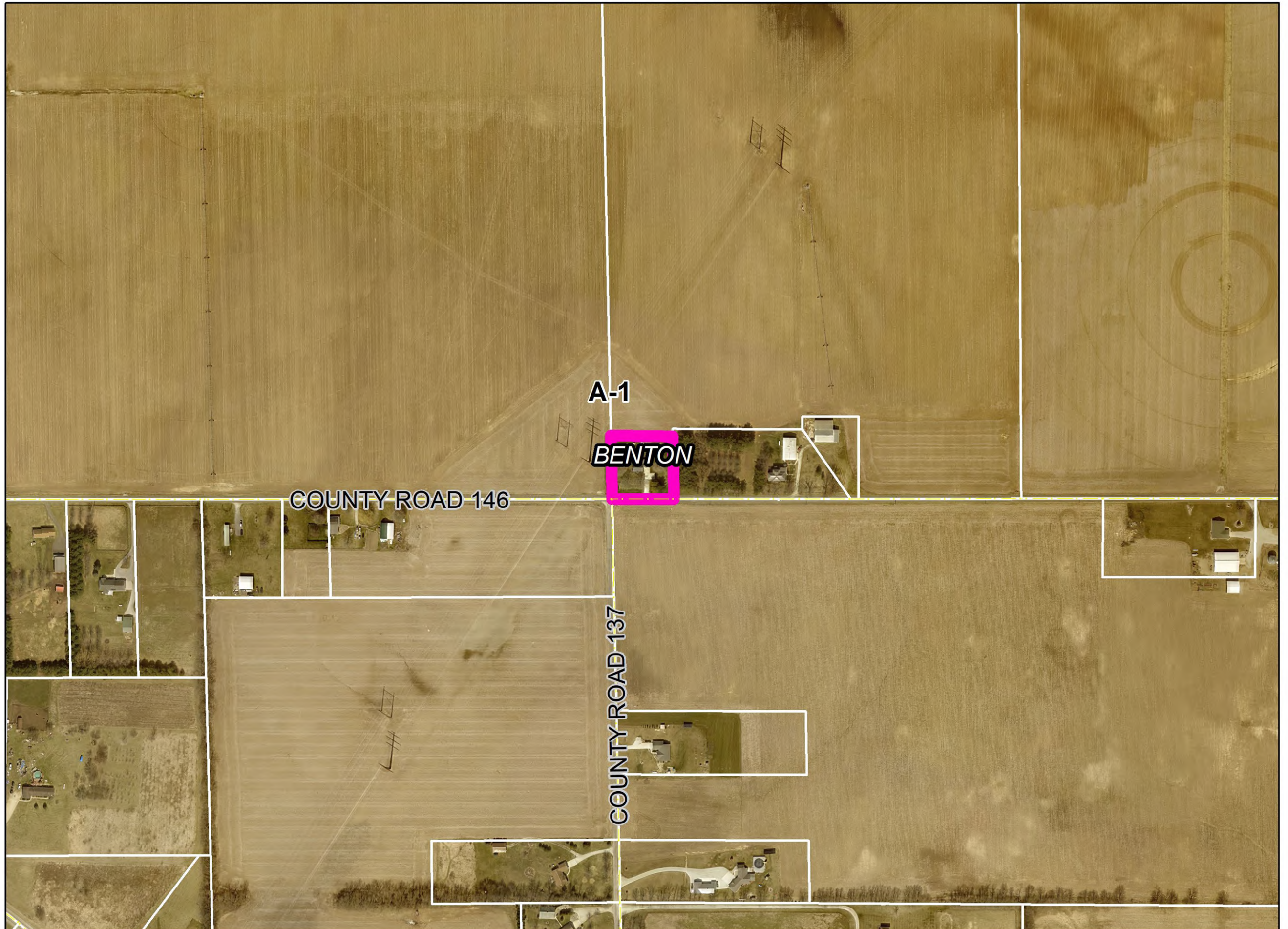
















Subject property





Facing west





Facing east





Facing south



# 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: 07/15/2024 Meeting Date: August 14, 2024 Transaction #: DV-0490-2024  
Board of Zoning Appeals Public Hearing

Description: for a 12 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an accessory structure 63 ft. from the centerline of the right-of-way

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
In-Line Construction	In-Line Construction	James A Slabaugh
69737 County Road 21	69737 County Road 21	66149 Sr 15
New Paris, IN 46553	New Paris, IN 46553	Goshen, IN 46526

Site Address: 12487 Cr 146  
MILLERSBURG, IN 46543

Parcel Number: 20-16-15-200-002.000-003

Township: Benton  
Location: NORTH SIDE OF CR 146, 130 FT EAST OF CR 137

Subdivision: Lot #

Lot Area: 1.02 Frontage: 204.00 Depth: 207.50

Zoning: A-1 NPO List: 07/29/2024

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 3/1/62  
PERSONAL STORAGE CALCULATIONS:  
RESIDENTIAL DWELLING: 1536 X 110%= 1670 SQ FT; MINUS GARAGE (336), SHED  
( 96), SHED (176) EQUAL 1062 SQ FT.  
PROPOSED BUILD 660 SQ FT LEAVES 402 SQ FT FOR BUILDABLE PERSONAL STORAGE ALLOWED BY RIGHT ES  
NO HISTORY PER DANIELLE

Applicant Signature:

Department Signature:



Application

Site address: 12487 CR 146 Millersburg IN 46543

Parcel number(s): \_\_\_\_\_

Current property owner

Name: James Slabaugh

Address: 12487 CR 146 Millersburg IN 46543

Phone: 574 536 6884 Email: \_\_\_\_\_

Other party

☒ Agent ☐ Buyer ☐ Land contract purchaser ☐ Lessee

Name: In-Line Builders (Mervin Eicher)

Address: 69737 CR 21 New Paris IN 46553

Phone: 574 202 0116 Email: inlinebuilders23@gmail.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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Parcel creation date: \_\_\_\_\_

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

Residential accessory breakdown, if applicable: 15364.110 = 167057 ft

garage: 334, shed 96, shed 176 = 1062

New building: 660

Location: N S E W corner side end of \_\_\_\_\_,

\_\_\_\_\_ ft. N S E W of \_\_\_\_\_,

in \_\_\_\_\_ Township

Frontage: 204 Depth: 207.5 Area: 1.02 acres

Subdivision and lot number, if applicable: \_\_\_\_\_

Present use: \_\_\_\_\_



## Developmental Variance — Questionnaire

Name: In-Line Builders

1) Tell us what you want to do. Pole barn storage shed  
22x30

2) Tell us why you can't change what you're doing so you don't need a variance. Homeowner (James Slabaugh) does not want it  
too close to the house if possible

3) Tell us why the variance won't hurt your neighbors or the community. No close neighbors.  
The Building is for storage only

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: 22x30x19  
Tell us what you'll use it for. 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. 1

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

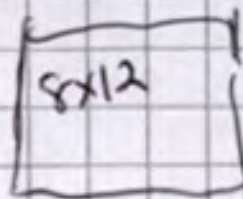
8) Does the application include a variance for parking spaces? ☐ Y ☒ N  
If yes, tell us how many total there will be. \_\_\_\_\_

9) Tell us anything else you want us to know. \_\_\_\_\_

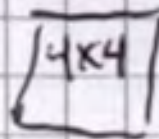


North

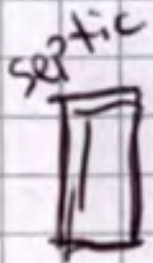
6'



18'



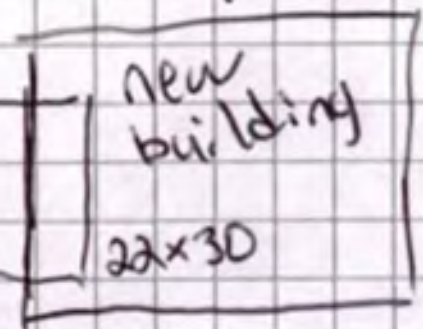
78'



- 87' -

East

122'



- 46' -

87'

well  
driveway

63'

South

CR 146

West



# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** August 14, 2024

**Transaction Number:** DV-0484-2024.

**Parcel Number(s):** 20-02-36-302-007.000-026.

**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.

**Petitioner:** Daniel L. George & George Hiland.

**Location:** North side of Greenleaf Blvd., 2,695 ft. southwest of CR 10, in Osolo Township.

**Site Description:**

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

**History and General Notes:**

- **August 18, 2022** – The BZA denied a Use Variance to allow an accessory structure without a residence.

**Staff Analysis:**

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 996 sq. ft., or 79 percent, over what is allowed by right, all other development standards are met, and there is no risk to public health or safety.
2. Approval of the request will not cause substantial adverse effect on neighboring property. All neighboring properties but one already contain homes of similar dimensions.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The proposed accessory scale is what would be expected in any large-lot river neighborhood.



# ***Hearing Officer Staff Report (Continued)***

*Hearing Date:* August 14, 2024

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

1. A variance from the developmental standards of the Development 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 revised site plan must be submitted for staff approval showing building dimensions and the correct west side setback.
3. 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.

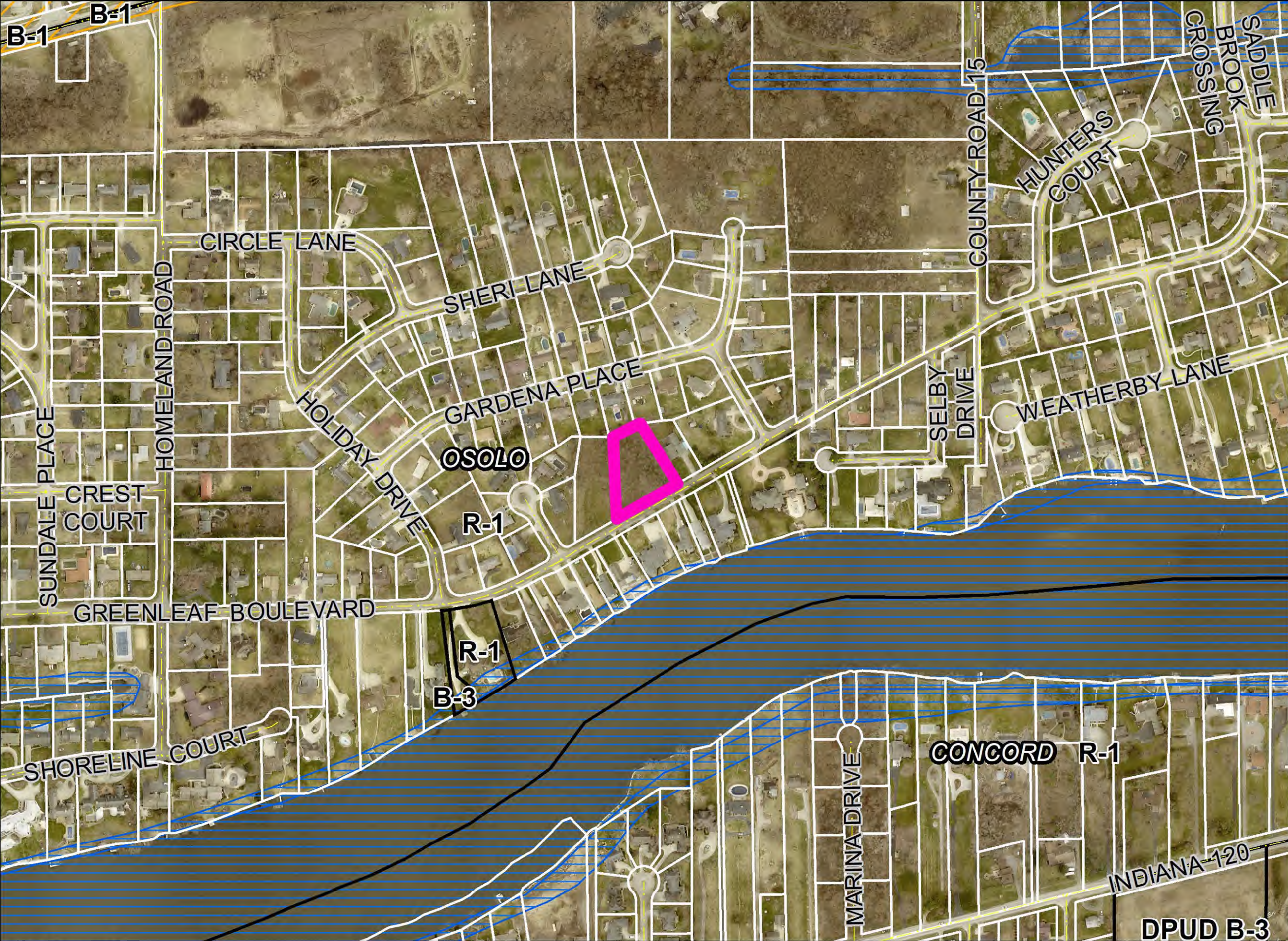
















Subject property





Facing west





Facing east





Facing south



# 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: 07/12/2024 Meeting Date: August 14, 2024  
Board of Zoning Appeals Public Hearing Transaction #: DV-0484-2024

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

Contacts: <u>Applicant</u>	<u>Land Owner</u>
George Daniel L & George Hiland Jt Ten With Full Rights Of Survivorship 22978 Greenleaf Blvd Elkhart, IN 46514	George Daniel L & George Hiland Jt Ten With Full Rights Of Survivorship 22978 Greenleaf Blvd Elkhart, IN 46514

Site Address: 00000 Greenleaf Blvd  
ELKHART, IN 46514

Parcel Number: 20-02-36-302-007.000-026

Township: Osolo  
Location: NORTH SIDE OF GREEN LEAF, 2,695 FT SOUTHWEST OF CR 10,

Subdivision: Lot #

Lot Area: 2.14 Frontage: 233.07 Depth: 270.78

Zoning: R-1 NPO List: 07/29/2024

Present Use of Property: R-1

Legal Description:

Comments: PARCEL CREATED 3/1/1962  
DOES NOT NEED SUBDIVISION PER JASON 6/28/2024  
SEE PREVIOUS USE VARIANCE #UV-0502-2022 WHICH WAS DENIED ON 8/18/2022  
PROPOSED RESIDENCE = 1,320 SQ FT X 110% = 1,452 SQ FT, MINUS NEW STORAGE BUILDING AT 2,250 SQ FT,  
WHICH IS AN OVERAGE OF 798 SQ FT

Applicant Signature:

Department Signature:



Application

Site address: 00000 GREEN LEAF BLVD.

Parcel number(s): 20-02-36-302-002.000-026

Current property owner

Name: Daniel George & George Hiland

Address: 22978 Green leaf Blvd. Elkhart, In. 46514

Phone: 574-250-1052

Email: ghiland74@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: George Hiland

Staff Use Only

Description: FOR A DEVELOPMENTAL VARIANCE TO ALLOW FOR THE TOTAL SQUARE <sup>FOOTAGE</sup> OF ACCESSORY STRUCTURES TO EXCEED THAT ALLOWED BY RIGHT.

Parcel creation date: 3/1/1962

PER JASON 6/28/24.

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 GREEN LEAF

2,695

ft.

N

(S)

E

(W)

of

CR 10.

in

OSOLO

Township

Frontage: 233.07

Depth: 270.78

Area: 1.05

acres

Subdivision and lot number, if applicable: N/A

Present use: VACANT LAND.



## Developmental Variance — Questionnaire

Name: George Hiland

1) Tell us what you want to do. We are requesting to build a structure for storage of boats, trailers and equipments. The structure will have living space as well

2) Tell us why you can't change what you're doing so you don't need a variance. We need more storage space than living space w/ this property.

3) Tell us why the variance won't hurt your neighbors or the community. We plan to use materials that complement the neighborhood

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: 50' x 60' Barndominium

Tell us what you'll use it for. Storage & living quarters

**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. N/A

Tell us how many parcels will use the easement. N/A

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

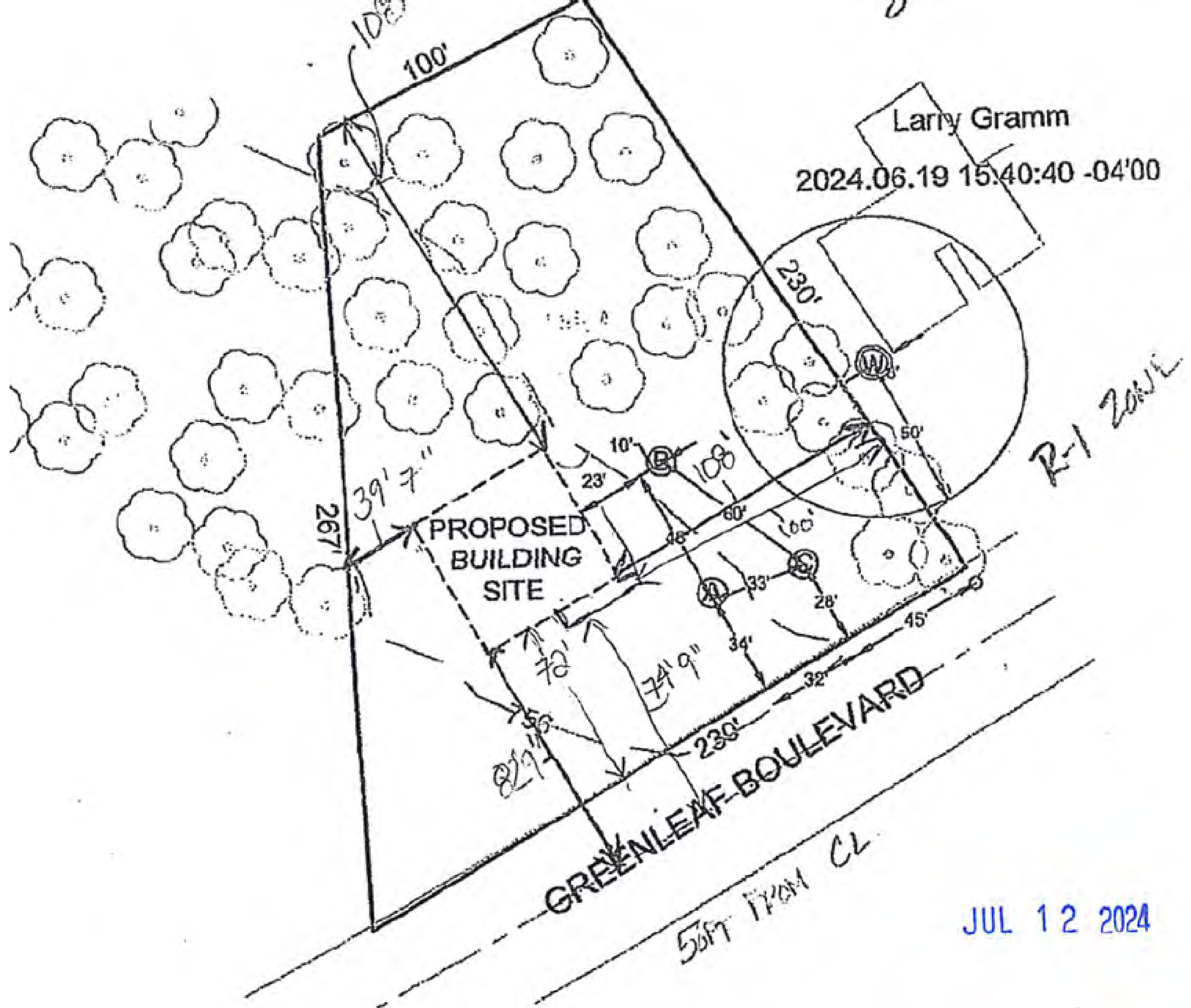
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

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

If yes, tell us how many total there will be. There will be an attached garage along w/ a driveway

9) Tell us anything else you want us to know. \_\_\_\_\_





JUL 12 2024



# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** August 14, 2024

***Transaction Number:*** DV-0491-2024.

***Parcel Number(s):*** 20-07-09-300-004.000-019, 20-07-09-300-006.000-019.

***Existing Zoning:*** A-1.

***Petition:*** For a 50 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of an addition to an existing residence.

***Petitioner:*** Austin King & Jourdan King, Husband & Wife.

***Location:*** South of CR 16, 2,215 ft. east of CR 21, in Jefferson Township.

***Site Description:***

- Physical Improvement(s) – Residence.
- Proposed Improvement(s) – Addition.
- 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 current configuration has existed since 1970 with no complaints or risk to public safety.
2. Approval of the request will not cause substantial adverse effect on neighboring property. No development other than an addition to an existing residence is proposed.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. A complex history of land splits and homebuilding before permits were required resulted in the current configuration.



# ***Hearing Officer Staff Report (Continued)***

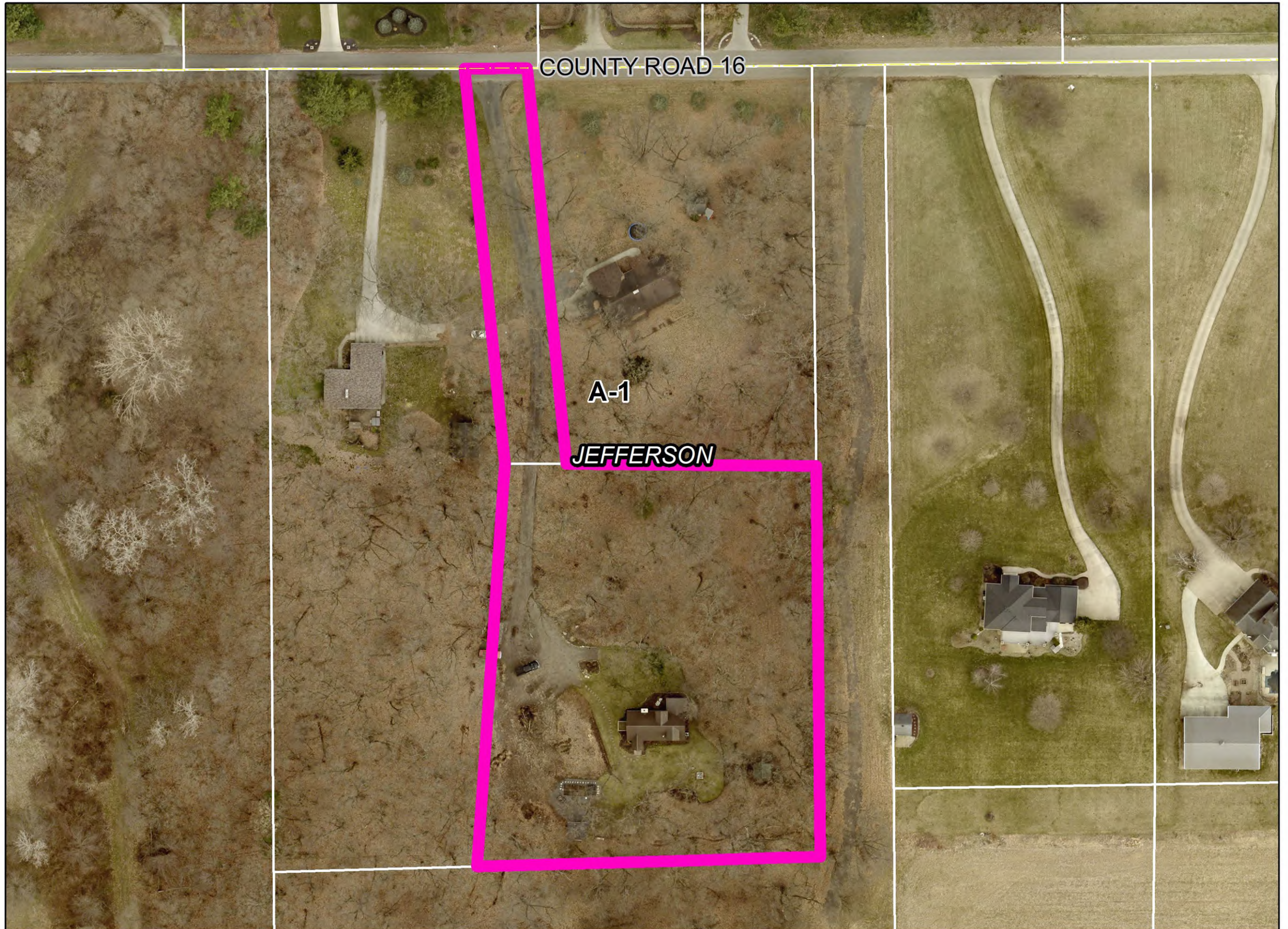
*Hearing Date:* August 14, 2024

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

1. A variance from the developmental standards of the Development 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 7/15/2024 and as represented in the Developmental Variance application.



DV-0491-2024



COUNTY ROAD 16

A-1

**JEFFERSON**

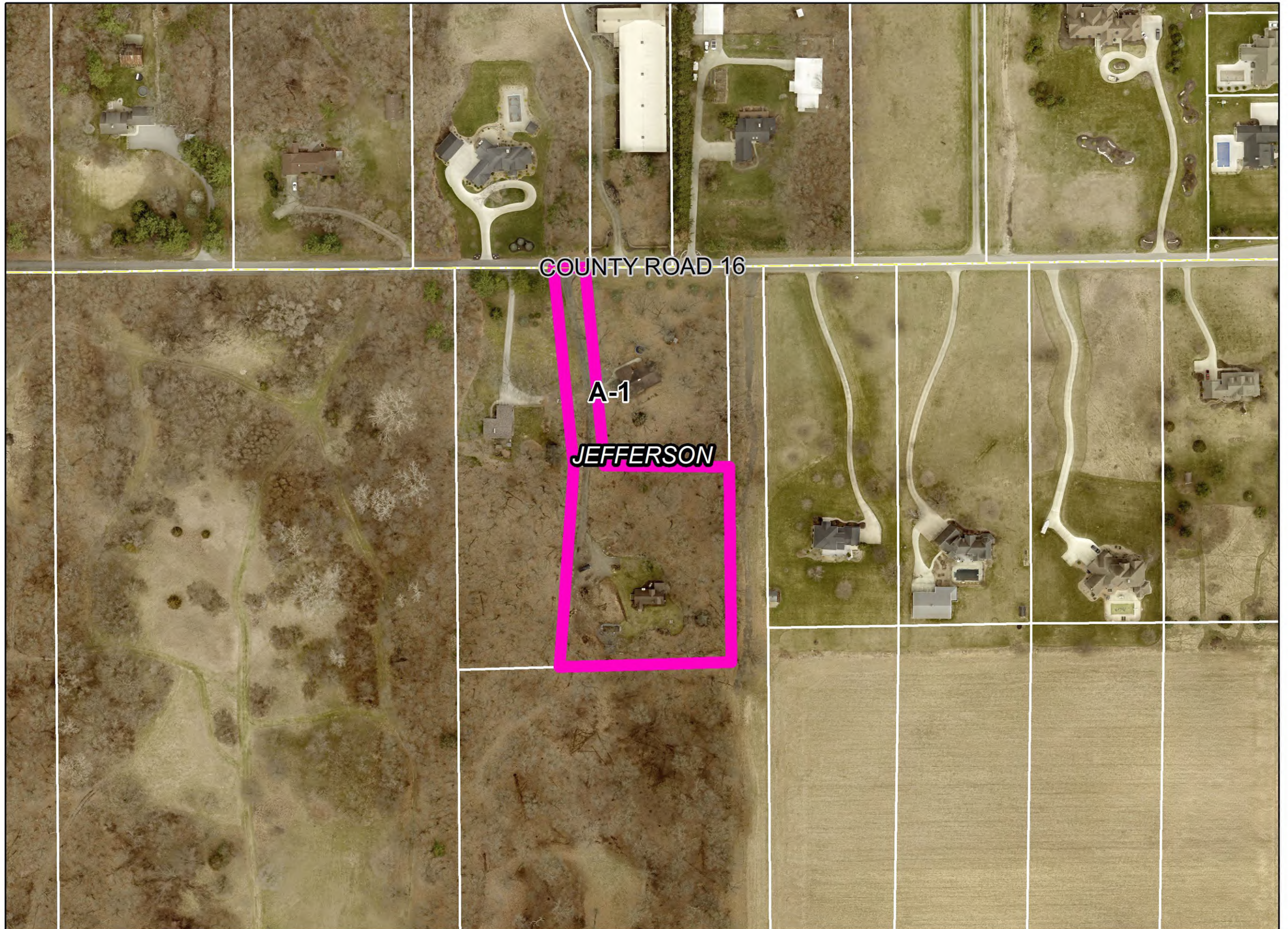
2021 Aerials

1 inch = 100 feet





DV-0491-2024

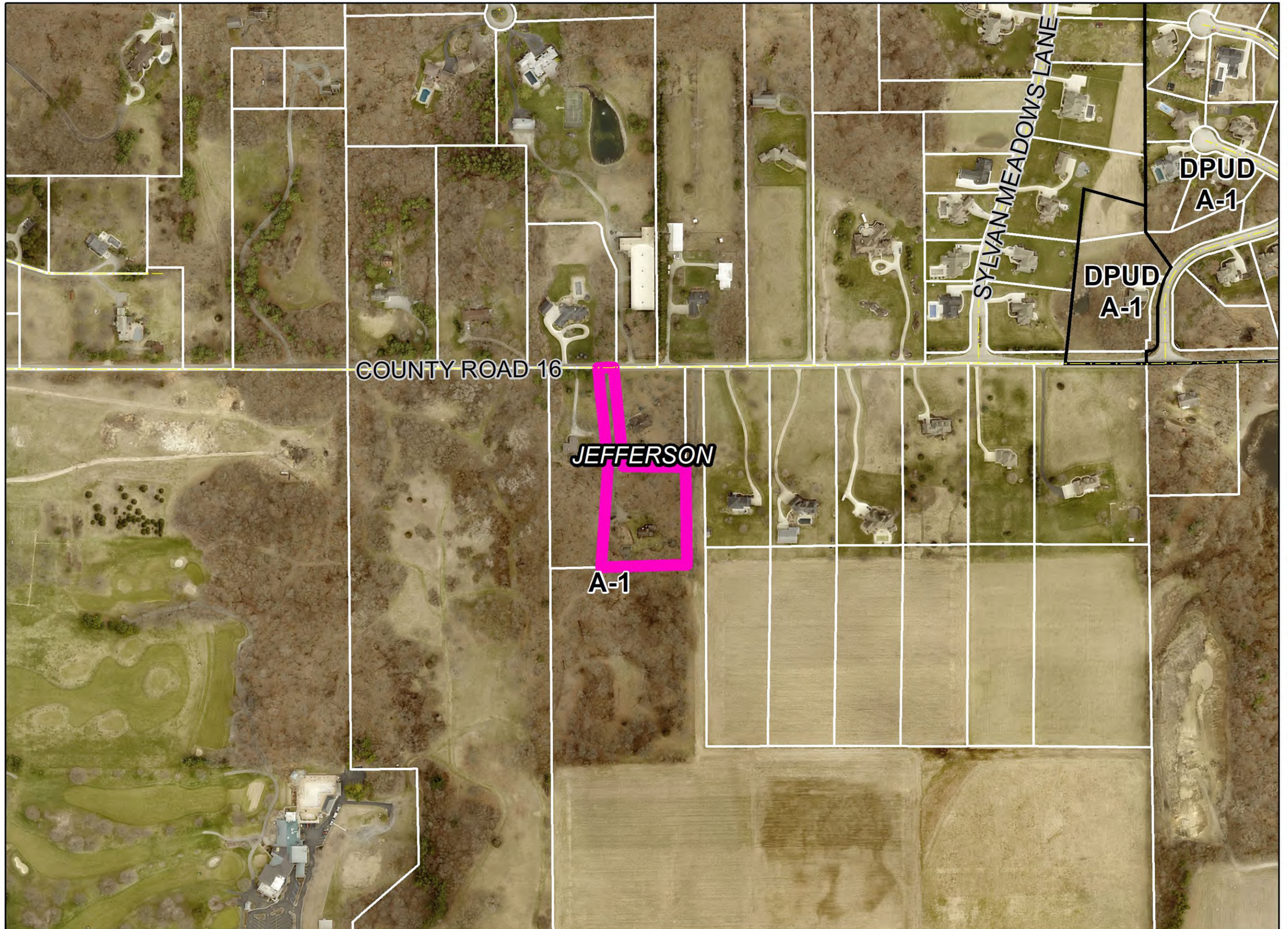


COUNTY ROAD 16

A-1

JEFFERSON









Subject property





Facing east





Facing west





Facing north



# 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: 07/15/2024 Meeting Date: August 14, 2024  
Board of Zoning Appeals Public Hearing Transaction #: DV-0491-2024

Description: for a 50 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of an addition to an existing residence.

Contacts: <u>Applicant</u>	<u>General Contractor</u>	<u>Land Owner</u>
Freedom Builders	Freedom Builders	Austin King & Jourdan King
54824 Cr 33	54824 Cr 33	Husband & Wife
Middlebury, IN 46540	Middlebury, IN 46540	19824-1 Cr 16
		Bristol, IN 46507

Site Address: 19824 1 Cr 16 BRISTOL, IN 46507	Parcel Number: 20-07-09-300-004.000-019 20-07-09-300-006.000-019
--	---

Township: Jefferson  
Location: S OF CR 16, 2,215 FT EAST OF CR 21

Subdivision:	Lot #
--------------	-------

Lot Area: 2.44	Frontage: 50.22	Depth: 640.00
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Zoning: A-1	NPO List: 07/29/2024
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 2/10/1967

Applicant Signature:

Department Signature:



Application

Site address: 19824-1 CR 16

Parcel number(s): 20-07-09-300-004.000-019, 20-07-09-300-006.000-019

Current property owner

Name: AUSTIN + JOURDAN KING H+W

Address: 19824-1 CR 16.

Phone: 574-349-0281

Email: \_\_\_\_\_

Other party

☐ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: FREEDOM BUILDERS

Address: 54824 CR 33

Phone: 574-202-6505

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: + [Signature] Hutto

Staff Use Only

Description: for a ~~50x22~~ lot-width Developmental Variance  
(Ordinance requires [100ft.]) to allow for the construction  
of an addition to an existing residence.

Parcel creation date: 2/10/1967

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

Residential accessory breakdown, if applicable: N/A.

Location: N ⑤ E W corner side end of CR 16  
2,215 ft. N S ⑤ W of CR 21  
in JEFFERSON Township

Frontage: 50.22 Ft. Depth: 640 Ft. Area: 2.028 = 2.364  
.336 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENCE.

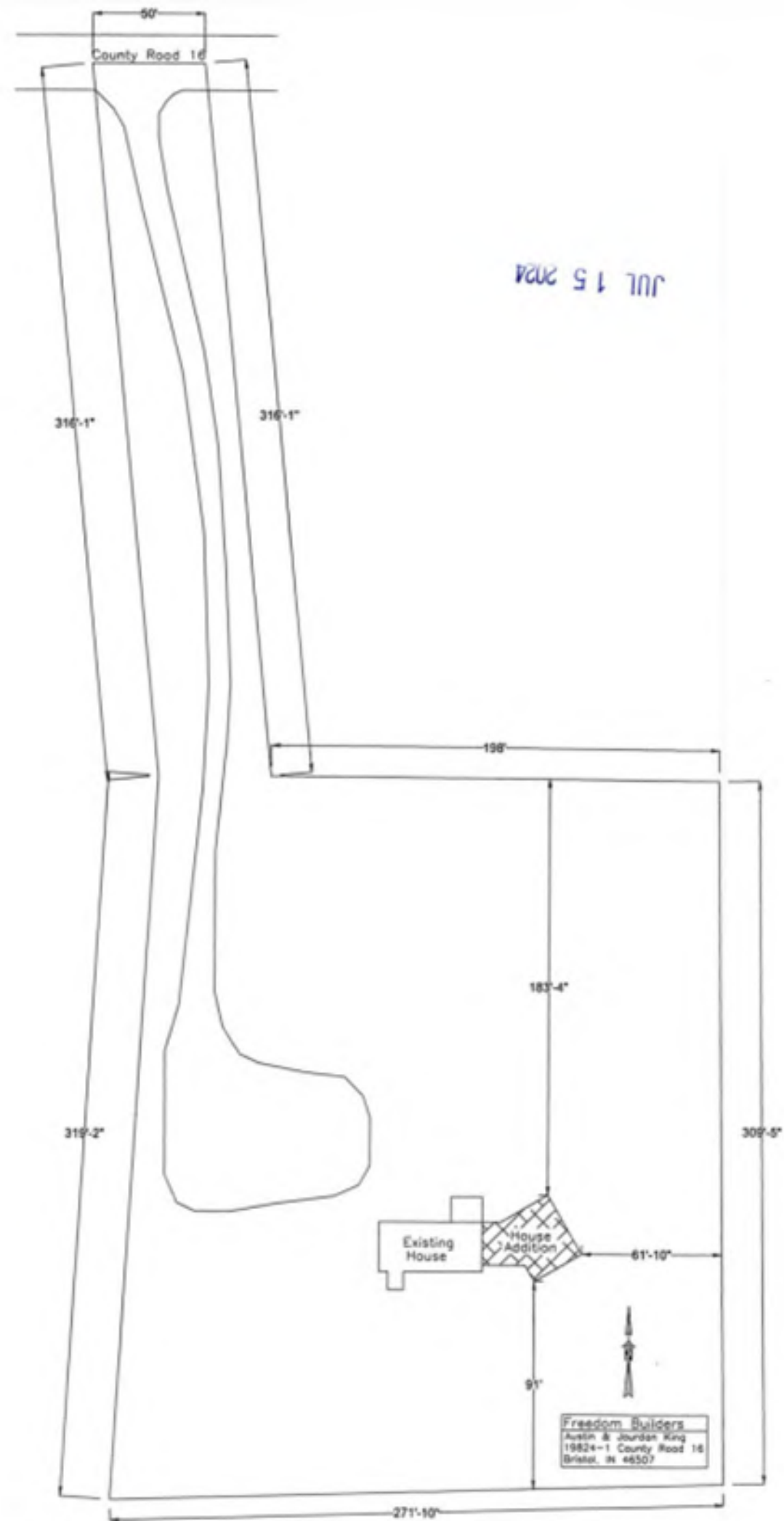


## Developmental Variance — Questionnaire

Name: \_\_\_\_\_

- 1) Tell us what you want to do. DU to allow for 50' of road frontage where 100' is required
- 2) Tell us why you can't change what you're doing so you don't need a variance. This is an existing parcel with a residence on it.
- 3) Tell us why the variance won't hurt your neighbors or the community. We will be improving an existing home in a residential area.
- 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: 2,024 sq ft; 20 to the peak  
Tell us what you'll use it for. Existing residence
- Building or addition 2** Size and height to the peak: 977 sq ft; 19 to the peak  
Tell us what you'll use it for. Addition to existing residence.
- 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. \_\_\_\_\_







# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** August 14, 2024

***Transaction Number:*** DV-0486-2024.

***Parcel Number(s):*** 20-15-17-226-011.000-018.

***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 2 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 27 ft. in height.

***Petitioner:*** Jason R. Hagerman & Christy Hagerman, Husband & Wife.

***Location:*** South side of CR 146, 1,300 ft. east of CR 21, in Jackson Township.

***Site Description:***

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

***History and General Notes:***

- The southeast corner of the building as shown is in the DNR flood fringe. The building will need to be moved or meet flood protection requirements.

***Staff Analysis:***

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 1,581 sq. ft., or 41 percent, over what is allowed by right, and the proposed building is far from the road on a 2.34-acre lot and poses no risk to public safety.
2. Approval of the request will not cause substantial adverse effect on neighboring property. Approval will reduce the need for outside domestic storage, and neighboring property to the south contains an accessory structure of similar size.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The size and height of the proposed building are what would be expected in a large-lot residential neighborhood.



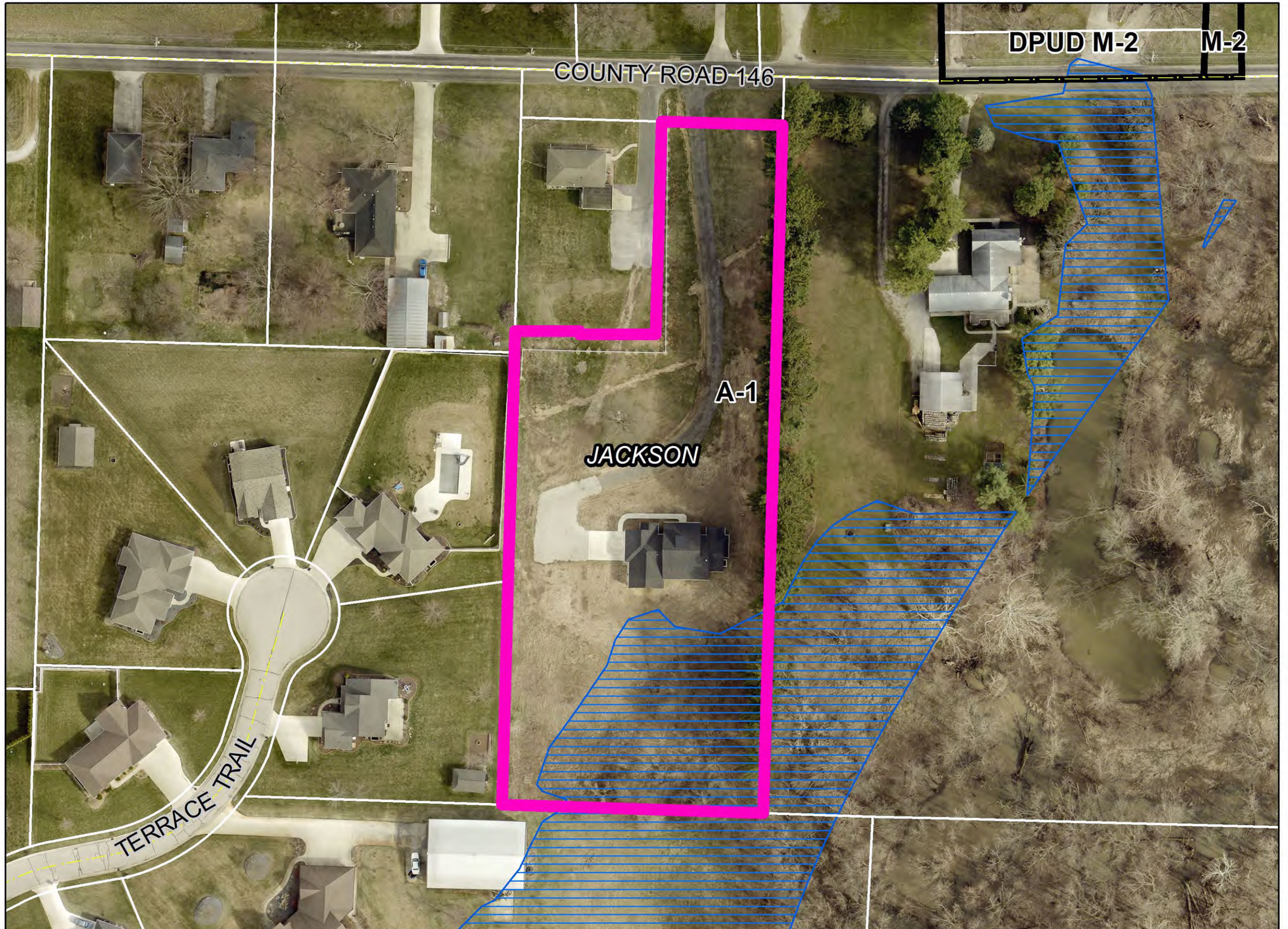
# ***Hearing Officer Staff Report (Continued)***

*Hearing Date:* August 14, 2024

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

1. Variances from the developmental standards of the Development Ordinance are 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 7/15/2024 and as represented in the Developmental Variance application.

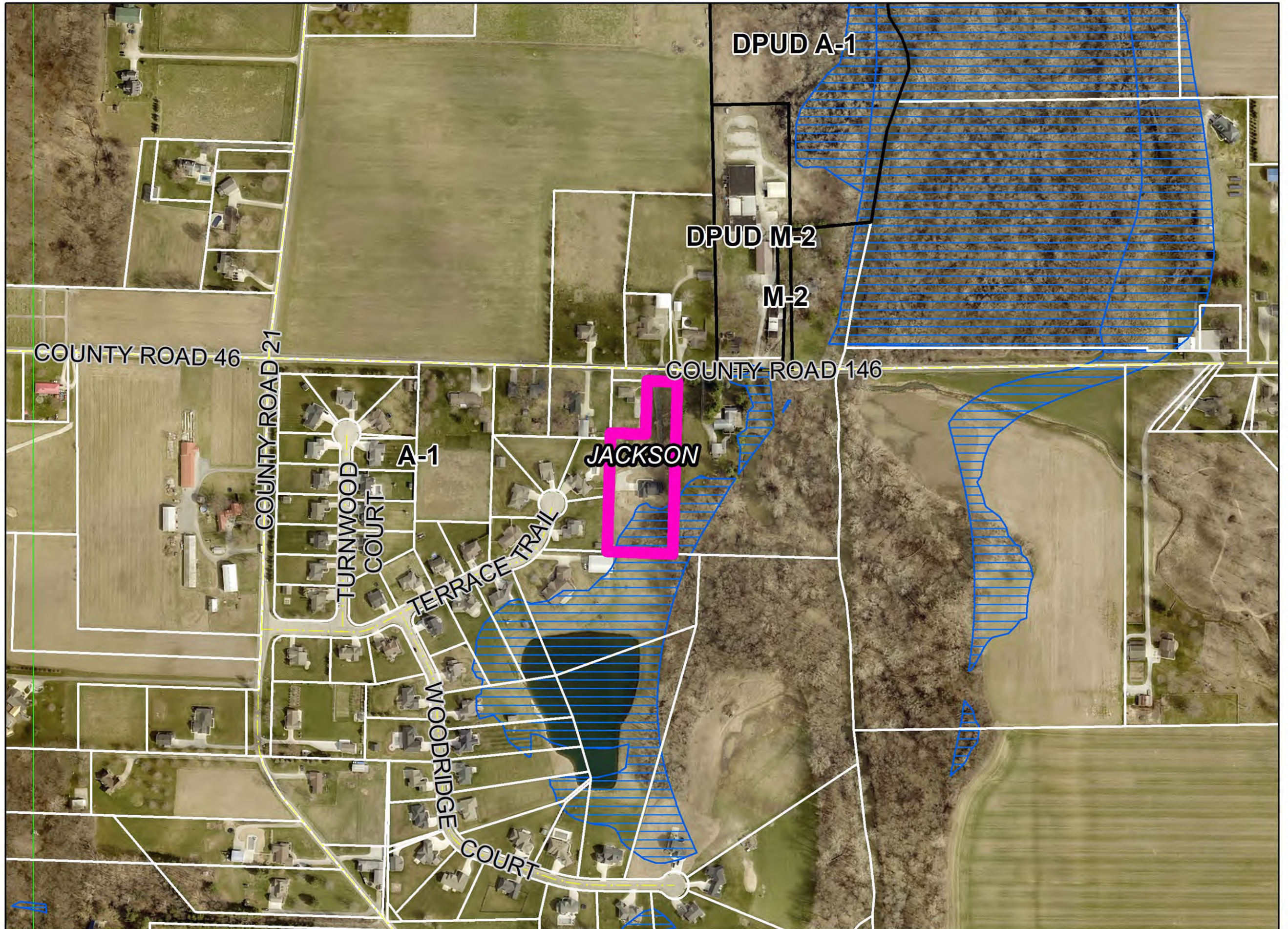
















Subject property





Proposed building site





Facing east





Facing west





Facing north



# 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: 07/15/2024 Meeting Date: August 14, 2024 Transaction #: DV-0486-2024  
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 2 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 27 ft. in height

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Pacemaker Buildings, Inc. Po Box 259 North Webster, IN 46555	Pacemaker Buildings, Inc. Po Box 259 North Webster, IN 46555	Jason R. Hageman And Christy Hagerman, Husband And Wife 19966 County Road 146 New Paris, IN 46553

Site Address: 19950 Cr 146  
NEW PARIS, IN 46553

Parcel Number: 20-15-17-226-011.000-018

Township: Jackson  
Location: SOUTH SIDE OF CR 146, 1,300 FT. EAST OF CR 21

Subdivision: WHISPERING PINES REPLAT

Lot # 2

Lot Area: 2.34 Frontage: 100.00 Depth: 567.91

Zoning: A-1

NPO List: 07/29/2024

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE MI-0453-2022 SECONDARY REPLAT, RECORDED 7/6/2022  
NEW HOUSE ON #BR-1443-2022 (CERT OF OCCUPANCY ISSUED)  
RESIDENCE (BASED ON PERMIT AS DOES NOT SHOW ON AUDITOR'S CARDS), 3,472 SQ FT X 110% = 3,819 SQ FT,  
MINUS 648 (GARAGE) AND 364 (SHED), WITH PROPOSED BUILDING AT 5,400 SQ FT (60 X 90) LEAVES AN OVERAGE  
OF 2,593 SQ FT - KB 7/15/2024  
LEGAL IS PRE-REPLAT DESCRIPTION BUT DOES DESCRIBE CORRECT PROPERTY (DD)  
SE CORNER OF BUILDING AS SHOWN IS IN DNR FLOOD FRINGE (DD)

Applicant Signature:

Department Signature:



Application

Site address: 19950 CR 146 New Paris, IN 46553

Parcel number(s): 20-15-17-226-011.000-018

Current property owner

Name: Jason + Christy Hagerman

Address: 19950 CR 146 New Paris, IN 46553

Phone: 260-894-1885 Email: jason@outlandcustomcoatings.com

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

Name: Kurt Hochstetler - Pacemaker Buildings

Address: 7240 N SR 13 North Webster, IN 46555

Phone: 574-834-4448 Email: khochstetler@pacemakerbuildings.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 DV

Parcel creation date: \_\_\_\_\_

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

Residential accessory breakdown, if applicable: See sheet attached

Location: N (S) E W corner (side) end of CR 146,  
1,300 ft. N S (E) W of CR 21,  
in \_\_\_\_\_ Township

Frontage: 100 Depth: 567.91 Area: 2.34 acres

Subdivision and lot number, if applicable: Whispering Pines Replat

Present use: Residential



## Developmental Variance — Questionnaire

Name: Kurt Hochstetler - Pacemaker Buildings - Representing the Hagermans

1) Tell us what you want to do. Build a 60 x 90 Post Frame building for personal storage. Recreational use for kids.

2) Tell us why you can't change what you're doing so you don't need a variance. Needing the space for personal storage and having enough room as the family grows

3) Tell us why the variance won't hurt your neighbors or the community. Country setting, farming community, sets back off the road behind the house. These style buildings are common in this area

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: 60' x 90' Post Frame - 27' peak

Tell us what you'll use it for. Personal storage - recreation area for kids

**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. From a design perspective this building will enhance the property, as well as those around it. There is currently 56' of 6' privacy fence and an additional 250' to be added upon completion.



JASON HAGERMAN  
19950 CR 146  
NEW PARIS, IN 46553

JUL 15 2024

PARCEL NUMBER:  
20-15-17-226-011.000-018  
JACKSON TOWNSHIP  
ACRES: 2.34

ZONED: A-1  
7-10-2024

W=WELL 10' FROM HOUSE  
S=SEPTIC 18' FROM HOUSE  
SR=SEPTIC RESERVE

H=HOUSE 3472 SF  
G=GARAGE 648 SF  
X=SHED 364 SF

P=PROPOSED  
60' x 90' POST  
FRAME BUILDING  
5400 SF

- - -=PRIVACY FENCE  
56' EXISTING  
250' TO BE ADDED

NOT TO SCALE





# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** August 14, 2024

***Transaction Number:*** DV-0492-2024.

***Parcel Number(s):*** 20-02-24-378-001.000-026.

***Existing Zoning:*** A-1.

***Petition:*** for a 47 ft. Developmental Variance (ordinance requires 120 ft.) to allow for an existing residence and sunroom addition 73 ft. from the centerline of the right-of-way CR 6 East.

***Petitioner:*** Judith A. Lewis.

***Location:*** Northeast corner of CR 15 & CR 6, in Osolo Township.

***Site Description:***

- Physical Improvement(s) – Residence, sheds.
- Proposed Improvement(s) – Attached sunroom.
- 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 and is not causing sight distance issues at the intersection.
2. Approval of the request will not cause substantial adverse effect on neighboring property. Granting the request will not affect the character of the neighborhood as this is an existing residence, and the proposed improvement does not protrude into the setback further than the existing residence.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The residence is existing, and without the approval of this request the residence would not be allowed to be in this location.



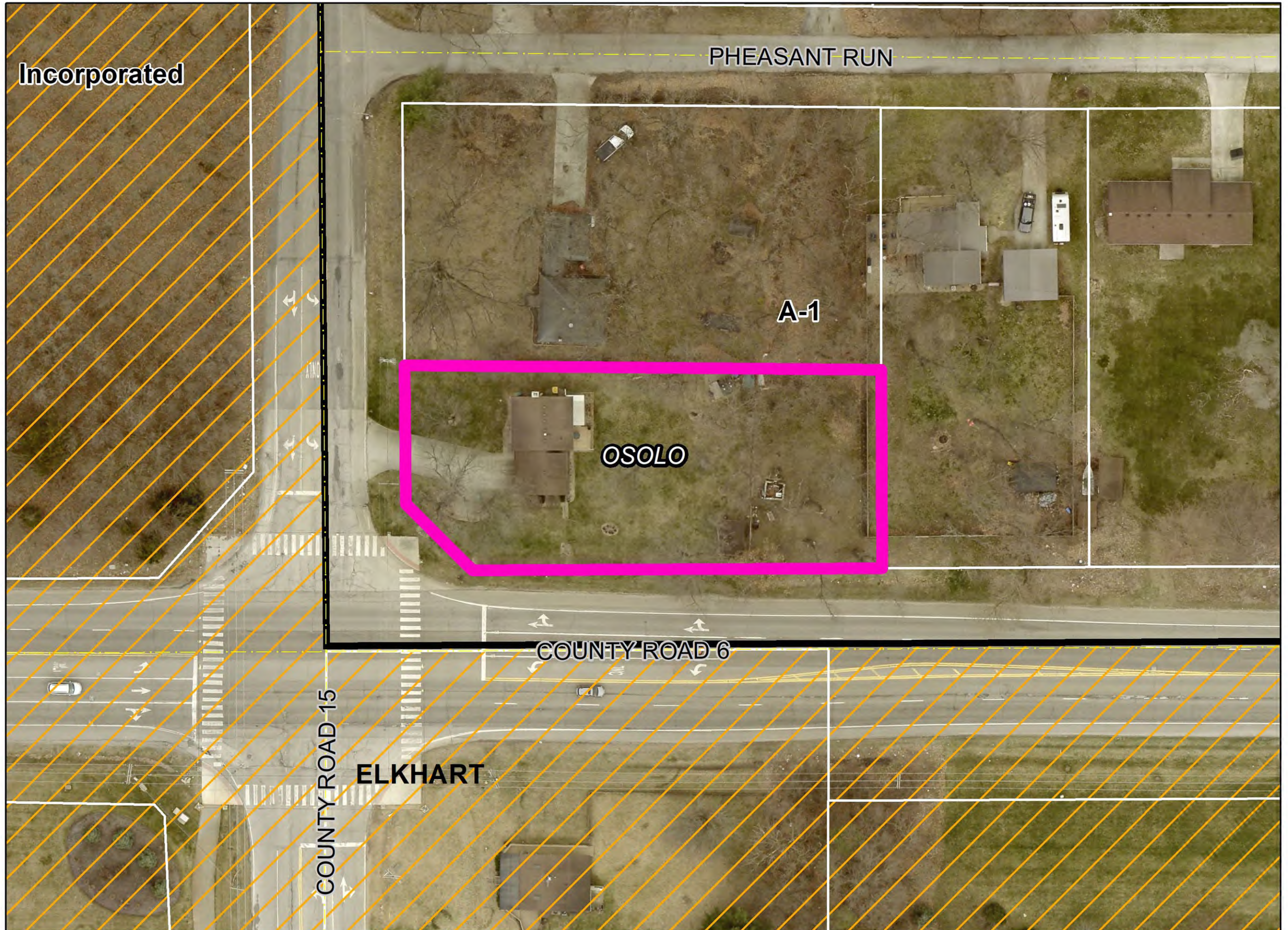
# ***Hearing Officer Staff Report (Continued)***

*Hearing Date:* August 14, 2024

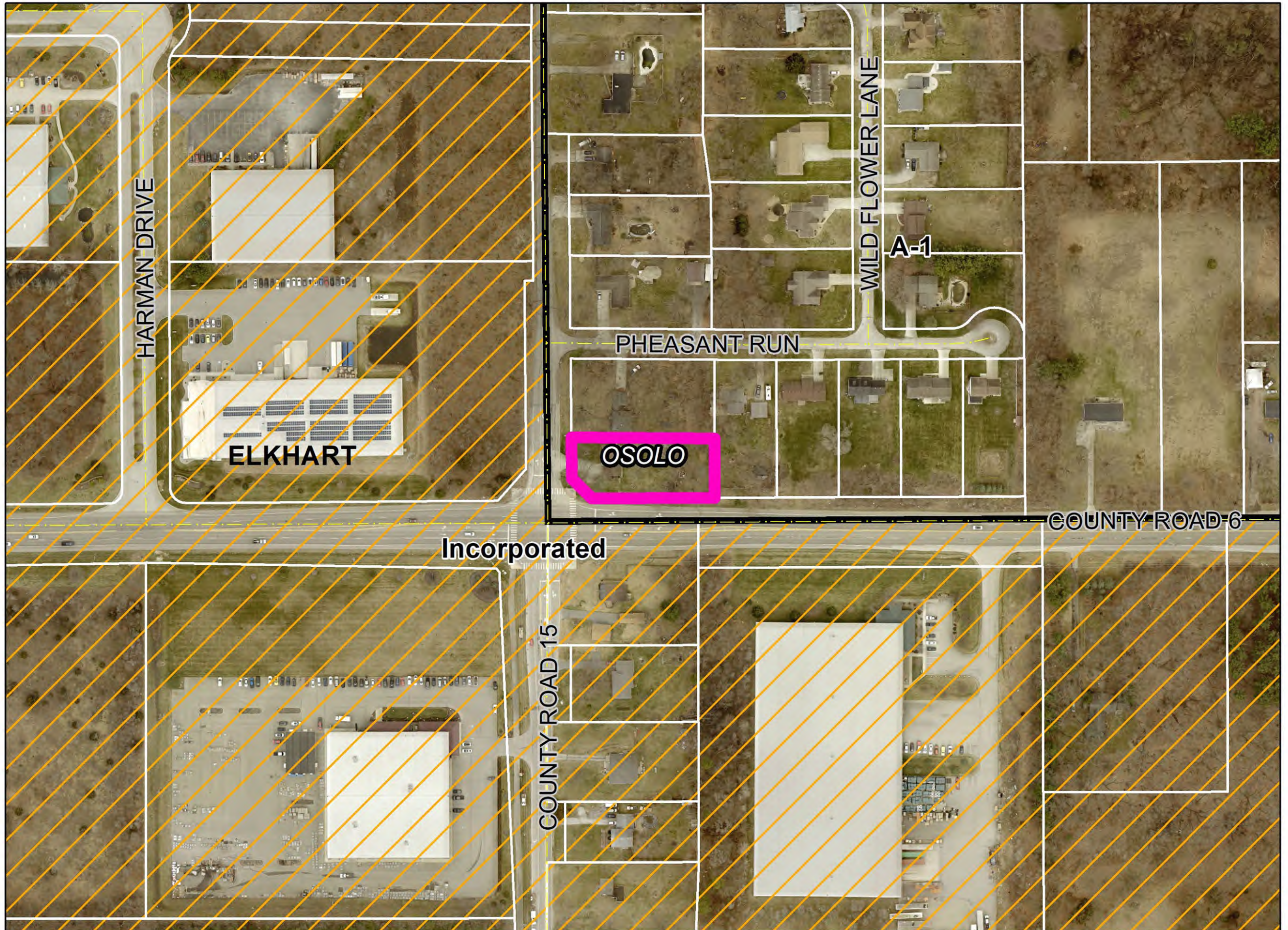
Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Development 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 (dated 7/15/2024) and as represented in the Developmental Variance application.

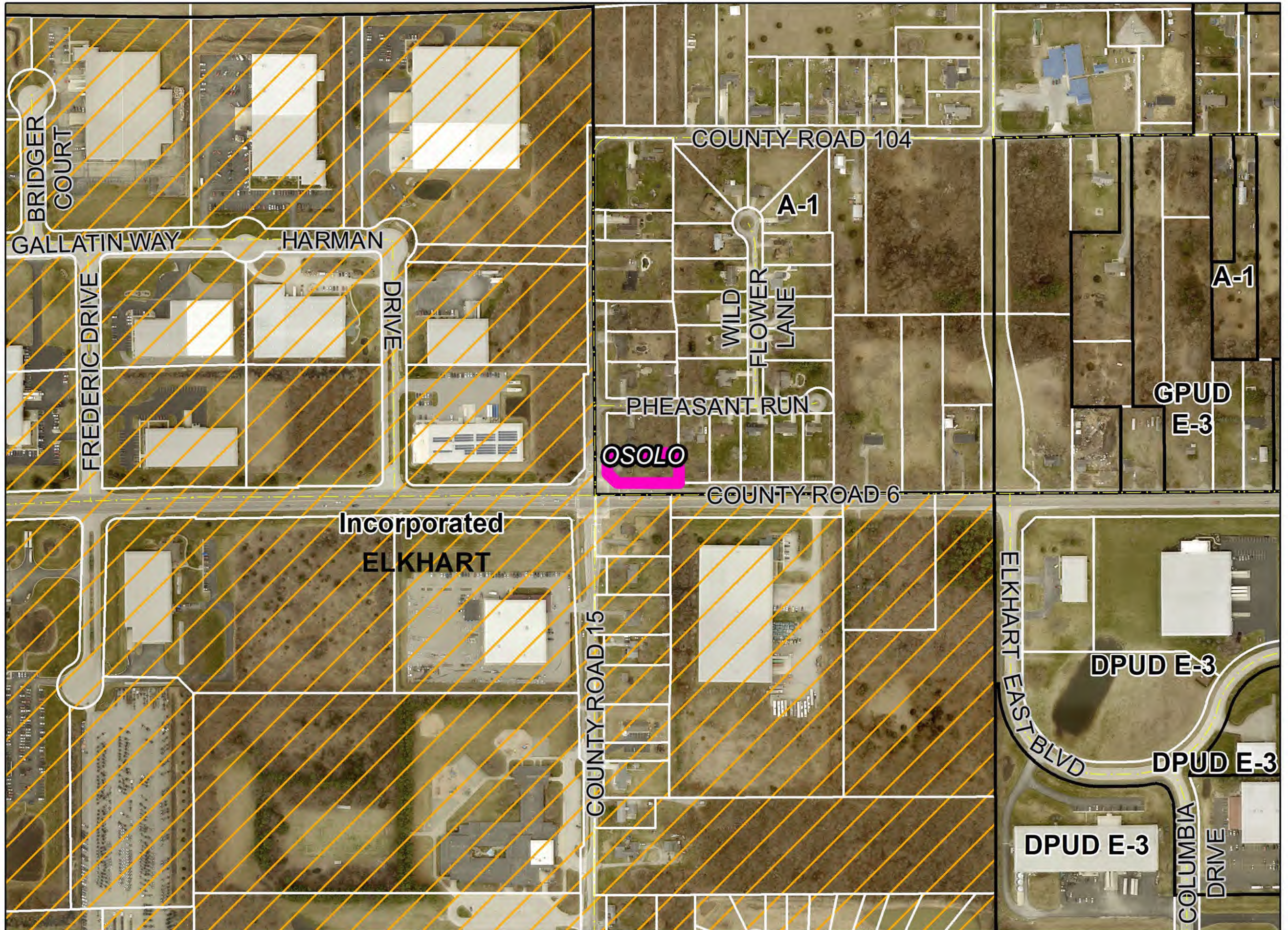
















Looking east towards subject property





Looking at Subject property from intersection





Facing South





Facing north





Facing west from driveway



# 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: 07/15/2024 Meeting Date: August 14, 2024  
Board of Zoning Appeals Public Hearing Transaction #: DV-0492-2024

Description: for a 47 ft. Developmental Variance (Ordinance requires 120 ft) to allow for the existing residence and sunroom  
addition 73 ft. from the centerline of the right-of-way County Road 6 East.

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Raber Patio Enclosures	Raber Patio Enclosures	Judith A. Lewis
P.O. Box 365, 655 S Van Buren St	P.O. Box 365, 655 S Van Buren St	52982 Cr 15
Shipshewana, IN 46565	Shipshewana, IN 46565	Elkhart, IN 46514

Site Address: 52982 Cr 15 ELKHART, IN 46514	Parcel Number: 20-02-24-378-001.000-026
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Township: Osolo  
Location: NORTH EAST CORNER OF CR 15 AND COUNTY ROAD 6

Subdivision: COUNTRY ESTATES EAST	Lot # 1
-----------------------------------	---------

Lot Area: 0.52	Frontage: 381.00	Depth: 235.00
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Zoning: A-1	NPO List: 07/29/2024
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Present Use of Property: RESIDENTIAL DWELLING

Legal Description:

Comments: PARCEL CREATION DATE 3/1/74  
NO HISTORY PER DANIELLE

Applicant Signature:	Department Signature:
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Application

Site address: 52982 CR 15 Elkhart, In 46514

Parcel number(s): 02 24 378 001 026

Current property owner

Name: Judy Lewis

Address: 52982 CR 15 Elkhart, In 46514

Phone: 574-370-4084

Email: \_\_\_\_\_

Other party

☐ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: Rabur Patis

Address: P.O. Box 305, Shipshewana, IN

Phone: 260-708-7100

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: \_\_\_\_\_

Judith A. Lewis

Staff Use Only

Description: For a 50 ft. Developmental Variance (Ordinance requires 120ft) to allow for the Construction of a Sunroom 70ft From centerline From the SOUTH SIDE Property line. & for a 47 ft. DV to allow for an existing ~~CR 6~~ residence 73ft. from the centerline of the right-of-way of CR 6 E

Parcel creation date: N/A

Subdivision required?

☐ Y

☒ N

If yes,

☐ AS

☐ Minor

☐ Major

Residential accessory breakdown, if applicable: \_\_\_\_\_

Location: (N) S (E) W corner side end of CR 15 + CR 6,  
105 ft. (N) S E W of CR 6,  
in OSOLO Township

Frontage: 381 Ft. Depth: 235 Ft. Area: 0.521 acres

Subdivision and lot number, if applicable: COUNTRY ESTATES EAST, LOT 1

Present use: RESIDENTIAL



## Developmental Variance — Questionnaire

Name: Judy Lewis

1) Tell us what you want to do. Remove an old 13'x8' sunroom that isn't in very good shape + replace it with an 18'6" x 8' sunroom.

2) Tell us why you can't change what you're doing so you don't need a variance. The existing size is too small

3) Tell us why the variance won't hurt your neighbors or the community. Because it doesn't protrude past to house.

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: Sunroom 18'6" x 11'  
Tell us what you'll use it for. Sunroom to sit in.

**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. \_\_\_\_\_



CR 15

center line

CR 6

43'

45

70'

53'

30

18

30

24

35'

30

18

70'

18'6"

Proposed  
Summum

144'

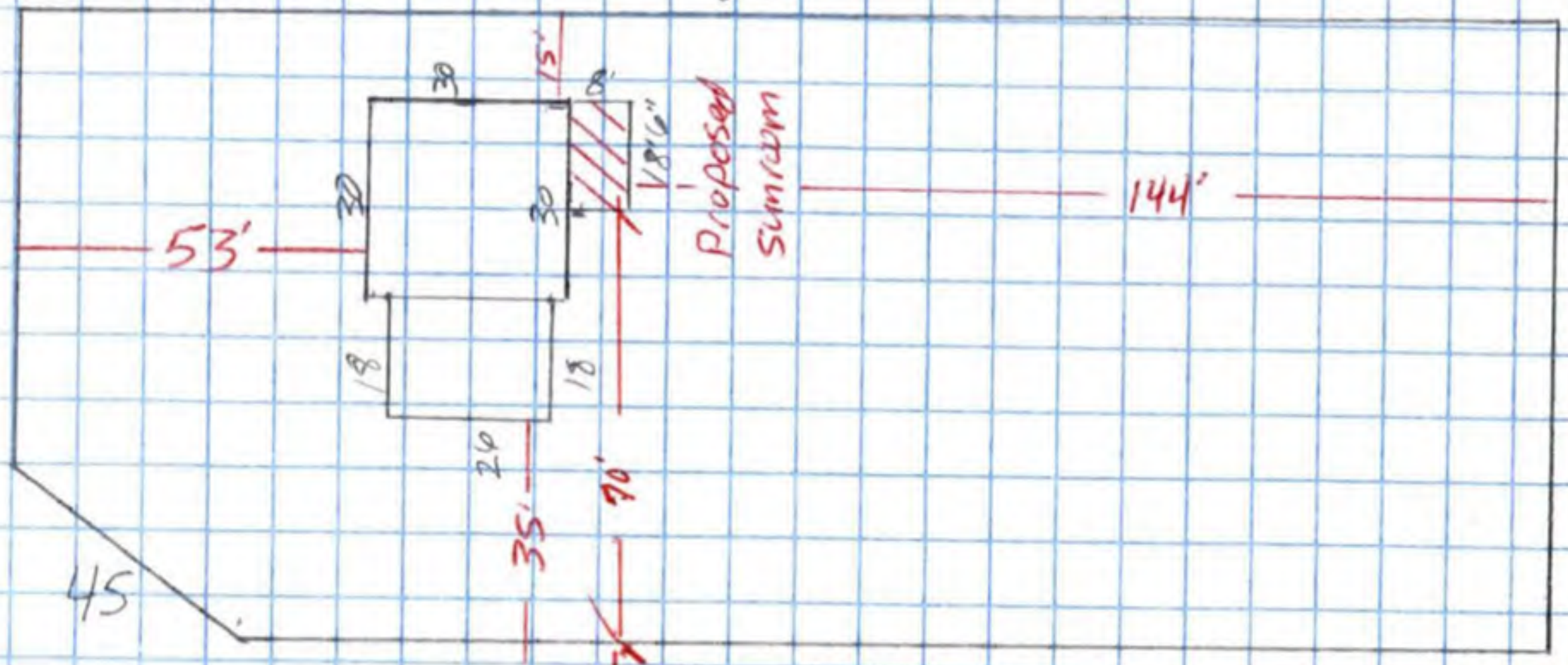
235'

202'

98'

40:1"

N





# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** August 14, 2024

***Transaction Number:*** DV-0495-2024.

***Parcel Number(s):*** 20-03-22-426-010.000-031.

***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.

***Petitioner:*** Adam R. Bliss & Elizabeth A. Bliss, Husband & Wife.

***Location:*** West side of Trout Creek Rd., 2,175 ft. North of N. Division St., in Washington Township.

***Site Description:***

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

***History and General Notes:***

- **June 17, 1999** – an Appeal to allow for an agricultural use (tree farm) in an R-1 district was granted (992063).

***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 will not hinder sight distances of the neighboring properties as it is setback far off the roadway.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The request is 4,488 sq. ft. or 43.3% over what is allowed by right. The property is 14.68 acres in a residential neighborhood and will remain residential in character.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The amount of outside storage needed will be reduced with the extra storage space.



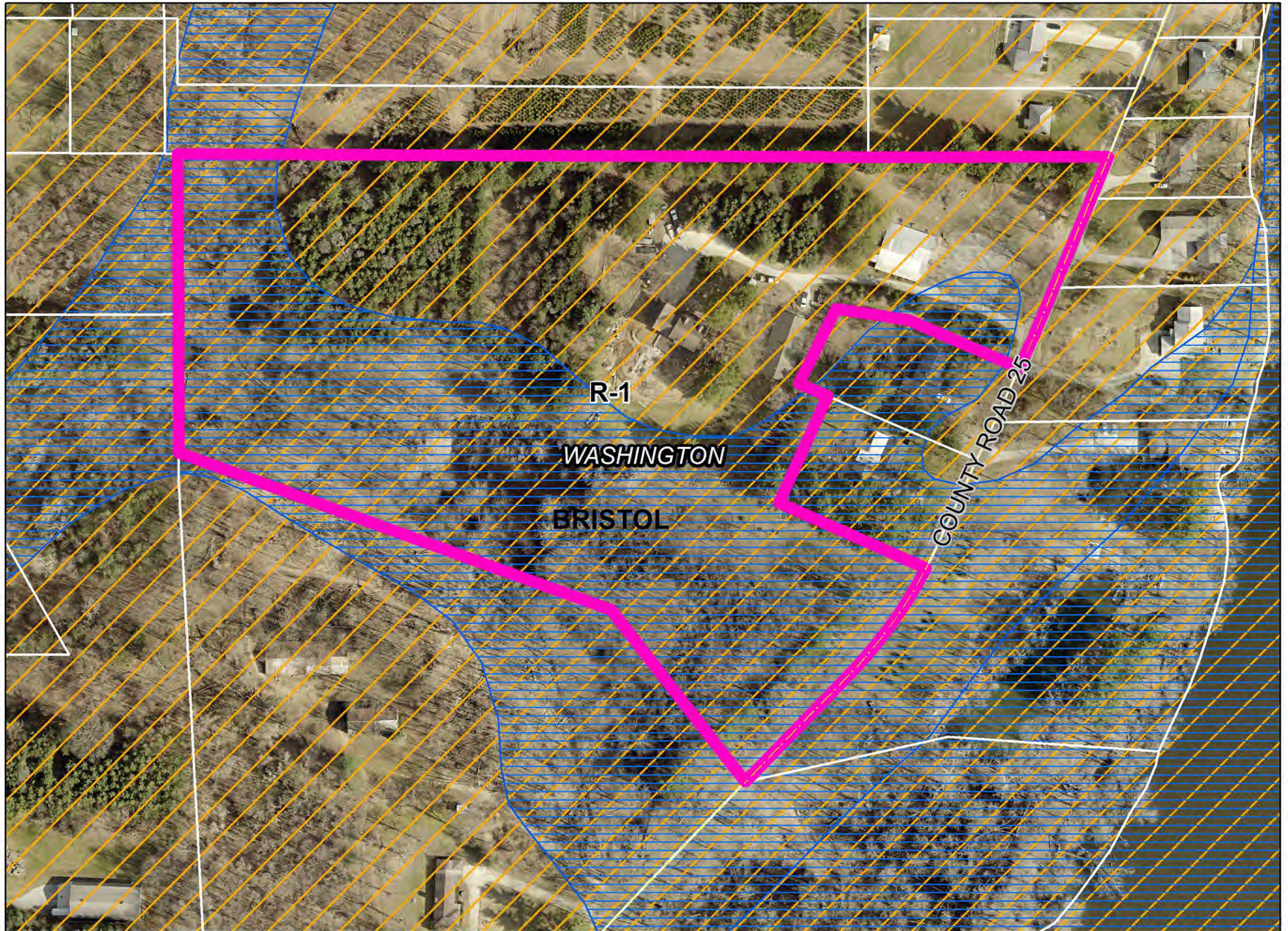
# ***Hearing Officer Staff Report (Continued)***

*Hearing Date:* August 14, 2024

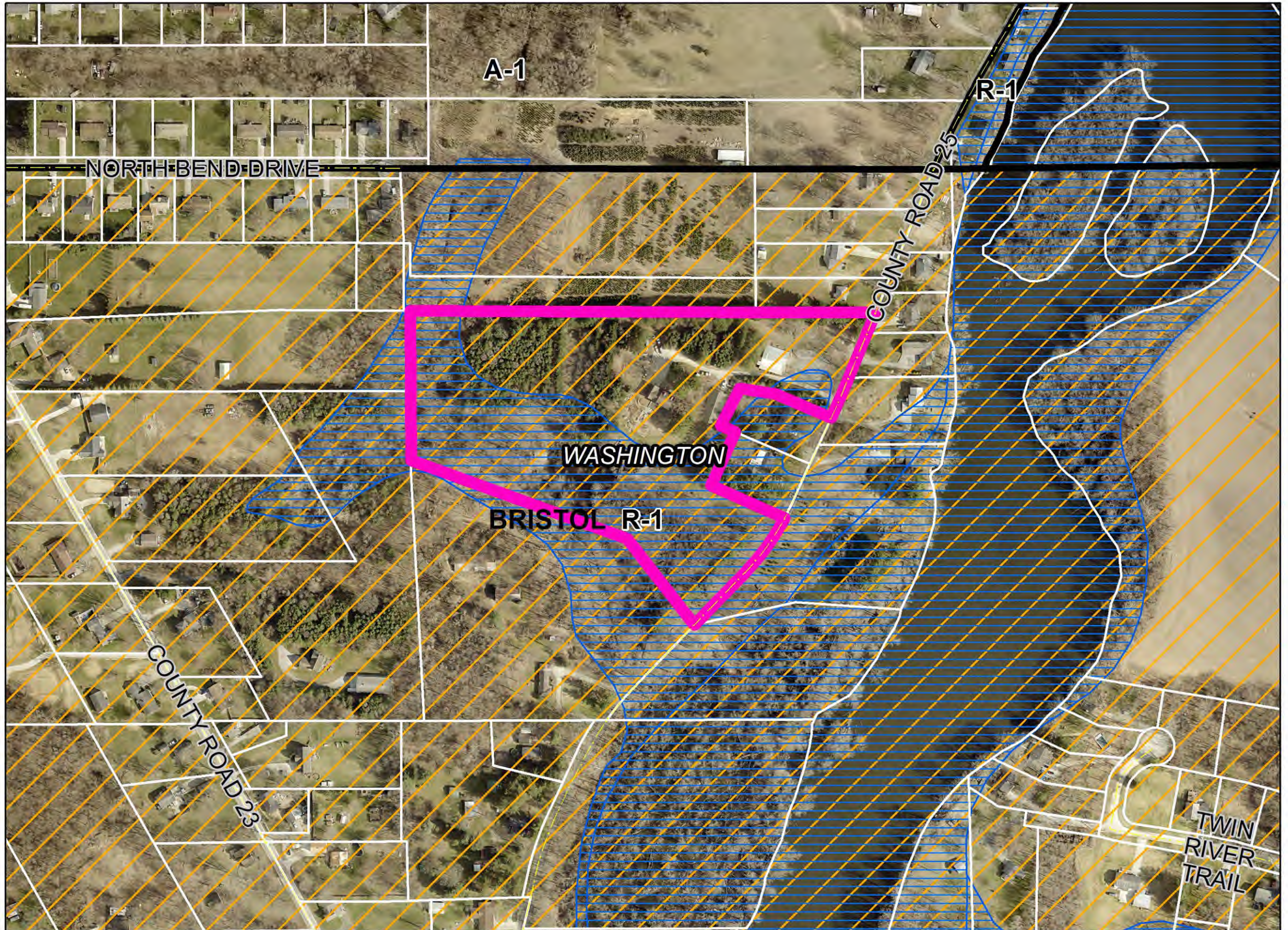
Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Development 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 (dated 7/15/2024) and as represented in the Developmental Variance application.

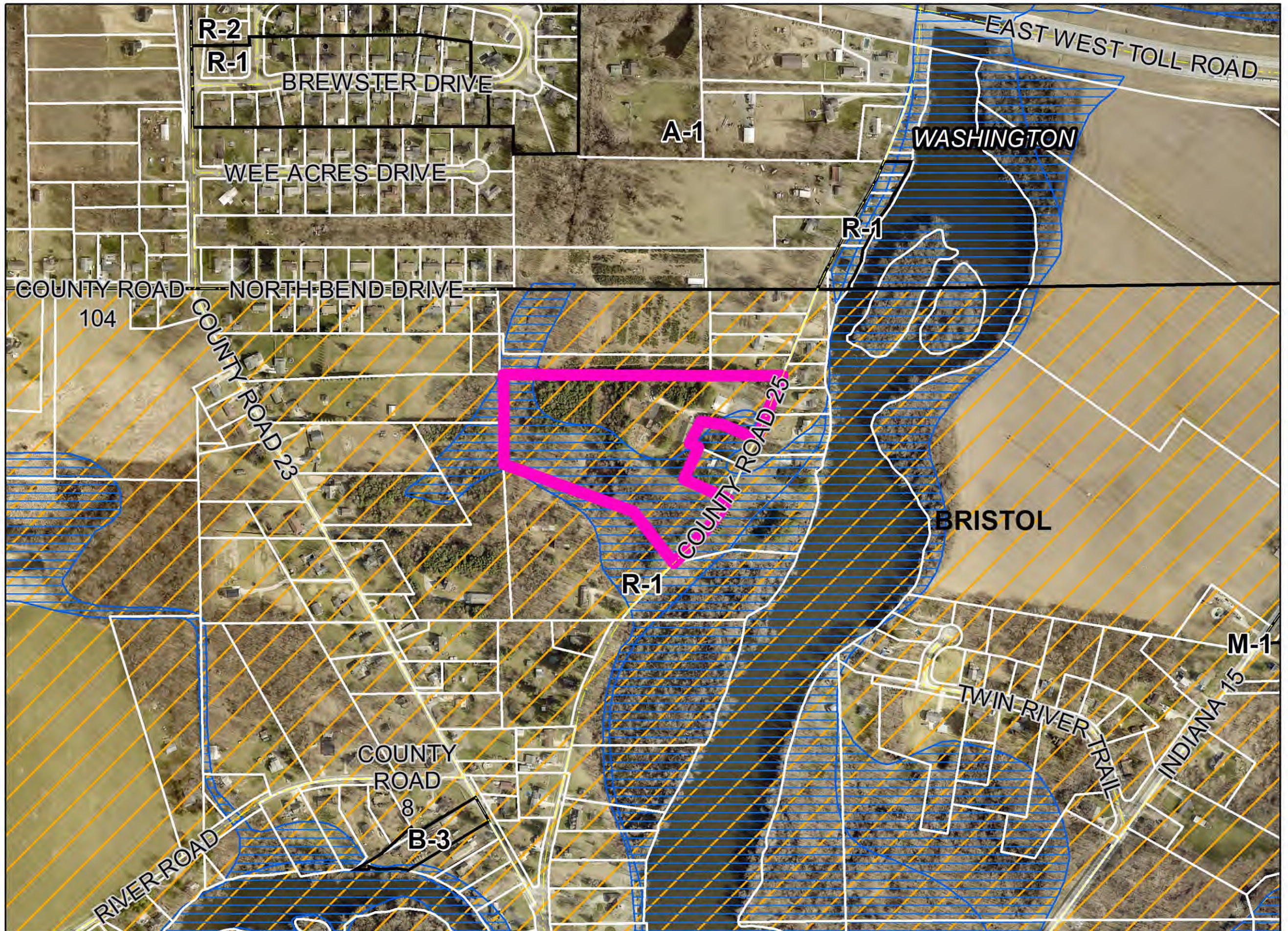
















Subject property facing west





Subject property from roadway





Facing north





Facing south





Facing east



# 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: 07/15/2024 Meeting Date: August 14, 2024  
Board of Zoning Appeals Public Hearing Transaction #: DV-0495-2024

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

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>General Contractor</u>	<u>Land Owner</u>
Almac-Sotebeer Inc P.O. Box 1997 Elkhart, IN 46515	Almac-Sotebeer Inc P.O. Box 1997 Elkhart, IN 46515	Almac-Sotebeer Inc P.O. Box 1997 Elkhart, IN 46515	Adam R. Bliss & Elizabeth A. Bliss, Husband & Wife 801 Trout Creek Rd. Bristol, IN 46507

Site Address: 801 Trout Creek Rd BRISTOL, IN 46507	Parcel Number: 20-03-22-426-010.000-031
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Township: Washington  
Location: WEST SIDE OF TROUT CREEK RD., 2,175 FT NORTH OF N. DIVISION ST.

Subdivision:	Lot #
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Lot Area: 14.68	Frontage: 610.80	Depth: 1,120.80
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Zoning: R-1	NPO List: 07/29/2024
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 6/5/1987  
RESIDENTIAL DWELLING AREA 5,172 SQFT X 200 % = 10,344 SQFT GARAGE -1632, BARN -3308.8 SQFT = 5,403.2 SQFT  
OF BUILDABLE STORAGE SPACE MINUS 100 FT X 100 FT 10,000 SQFT= -4,596.8 SQFT.  
NOTE THE 992063 APPEAL TO ALLOW FOR AN AGRICULTURAL USE (TREE FARM) IN AN R-1 DISTRICT-WAS  
APPROVED (6-16-99)

Applicant Signature:	Department Signature:
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Application

Site address: 801 Trout Creek Road, Bristol IN 46507

Parcel number(s): 20-03-22-426-010.000-031

Current property owner

Name: Adam R. and Elizabeth A. Bliss

Address: 801 Trout Creek Road, Bristol IN 46507

Phone: 574-358-9133

Email: abliss@classacustoms.com

Other party

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: Rick Sotebeer

Address: 4530 Chester Drive, Elkhart IN 46516

Phone: 574-370-5668

Email: rsotebeer@almacsotebeer.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: for a DEVELOPMENTAL VARIANCE TO ALLOW for the total square footage of accessory structures to exceed that allowed by right.

Parcel creation date: 6/5/1987

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 TROUT CREEK Rd.

11840 377 ft. N S E W of 80/90 CRD

in WASHINGTON Township

Frontage: 610.8 ft. Depth: 1,120.8 ft. Area: 14.68 acres

Subdivision and lot number, if applicable: N/A.

Present use: RESIDENTIAL.



Developmental Variance — Questionnaire

Name: Rick Sotebeer (contractor)

1) Tell us what you want to do. Tear down and remove old metal building and replace with new 100'x100' metal building

2) Tell us why you can't change what you're doing so you don't need a variance. New metal building has already been purchased and delivered

3) Tell us why the variance won't hurt your neighbors or the community. New building will be contained in same general area and should only improve value of surrounding community by providing a much better looking structure than what currently exists - will allow any outside storage to be contained indoors as well.

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: 100'x100', 22'-1" to peak

Tell us what you'll use it for. 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. \_\_\_\_\_



Zoned R-1  
Adam R. and Elizabeth A. Bliss  
Doc. 2014-13614  
Parcel #20-03-22-426-010.000-031

Concrete

Zone X

Existing Residence

Metal Barn  
FFE = 761.35'

Metal Building  
(Proposed)

Metal Building  
(To be Removed)

Gravel

Trout Creek Road

BM240704-1  
758.75'

Raymond L. May  
Doc. 87-012274

Zone AE  
(1% Annual Chance)

LEGEND

● IRON PIPE FOUND





# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** August 14, 2024

***Transaction Number:*** DV-0493-2024.

***Parcel Number(s):*** 20-02-23-279-026.000-026.

***Existing Zoning:*** R-2.

***Petition:*** for a 25 ft. Developmental Variance (ordinance requires 50 ft.) to allow for an existing residence 25 ft. from the centerline of the right-of-way, for a 3 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing residence 2 ft. from the east side property line, for a 1 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing residence 4 ft. from the west side property line, and for a 27 ft. Developmental Variance (ordinance requires 50 ft.) to allow for the placement of an accessory structure 23 ft. from the centerline of the right-of-way.

***Petitioner:*** George Cornish & Melissa Cornish, Husband & Wife.

***Location:*** North side of Heaton Vista, 1,345 ft. East of CR 113, in Osolo Township.

***Site Description:***

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

***History and General Notes:***

- **June 28, 2024** – A complaint was received for a shed being too close to the road (CODE-0480-2024).

***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 and is not causing site distance issues.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a dense lake neighborhood with many structures encroaching on the required setback. The existing residence has no complaints.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the approval of the variance the existing residence would have to be removed, and the proposed structure would eliminate the need for outside storage.



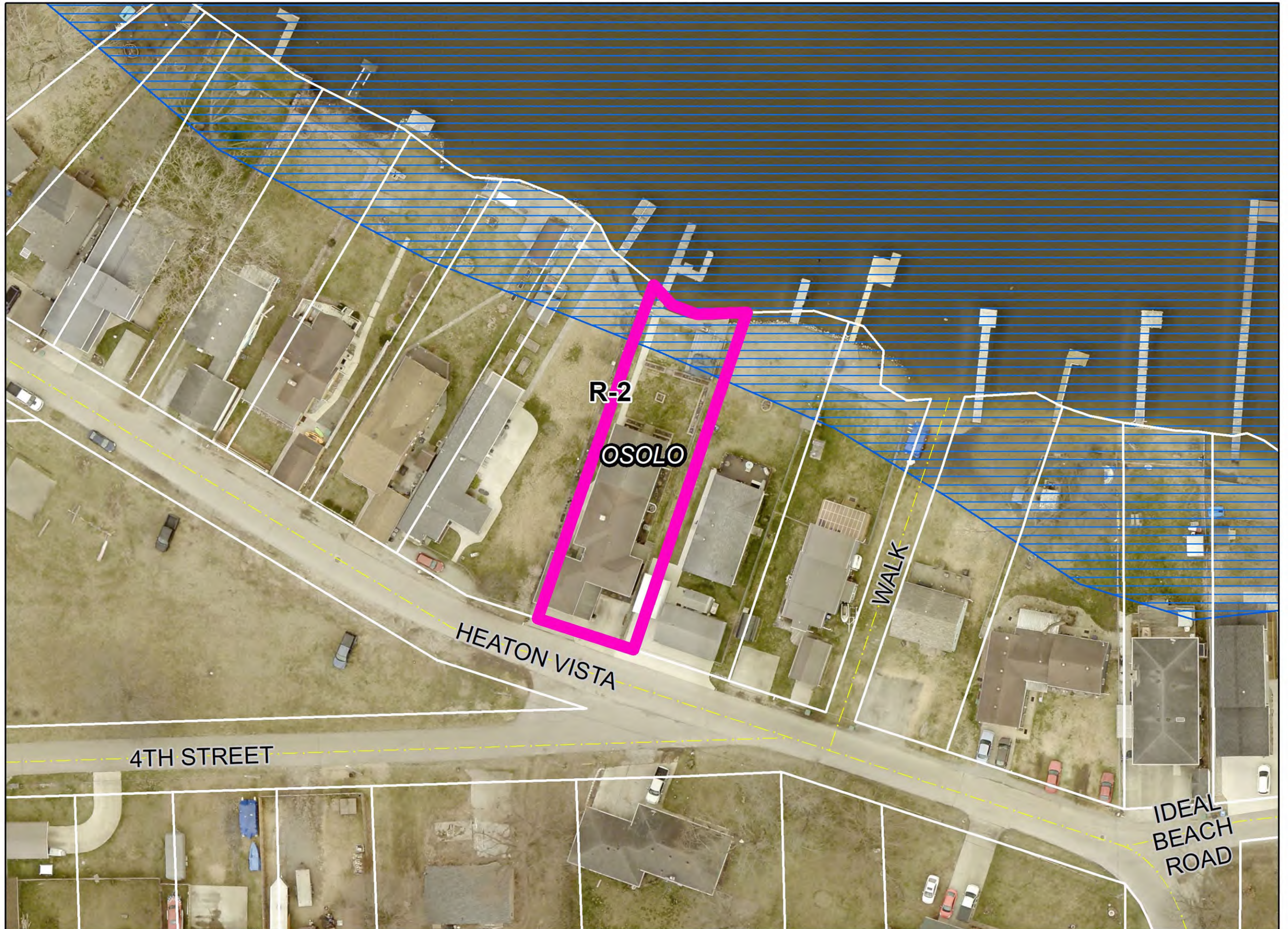
# ***Hearing Officer Staff Report (Continued)***

*Hearing Date:* August 14, 2024

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

1. Variances from the developmental standards of the Development Ordinance are 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 (dated 7/15/2024) and as represented in the Developmental Variance application.
3. A permit for the accessory structure is required.

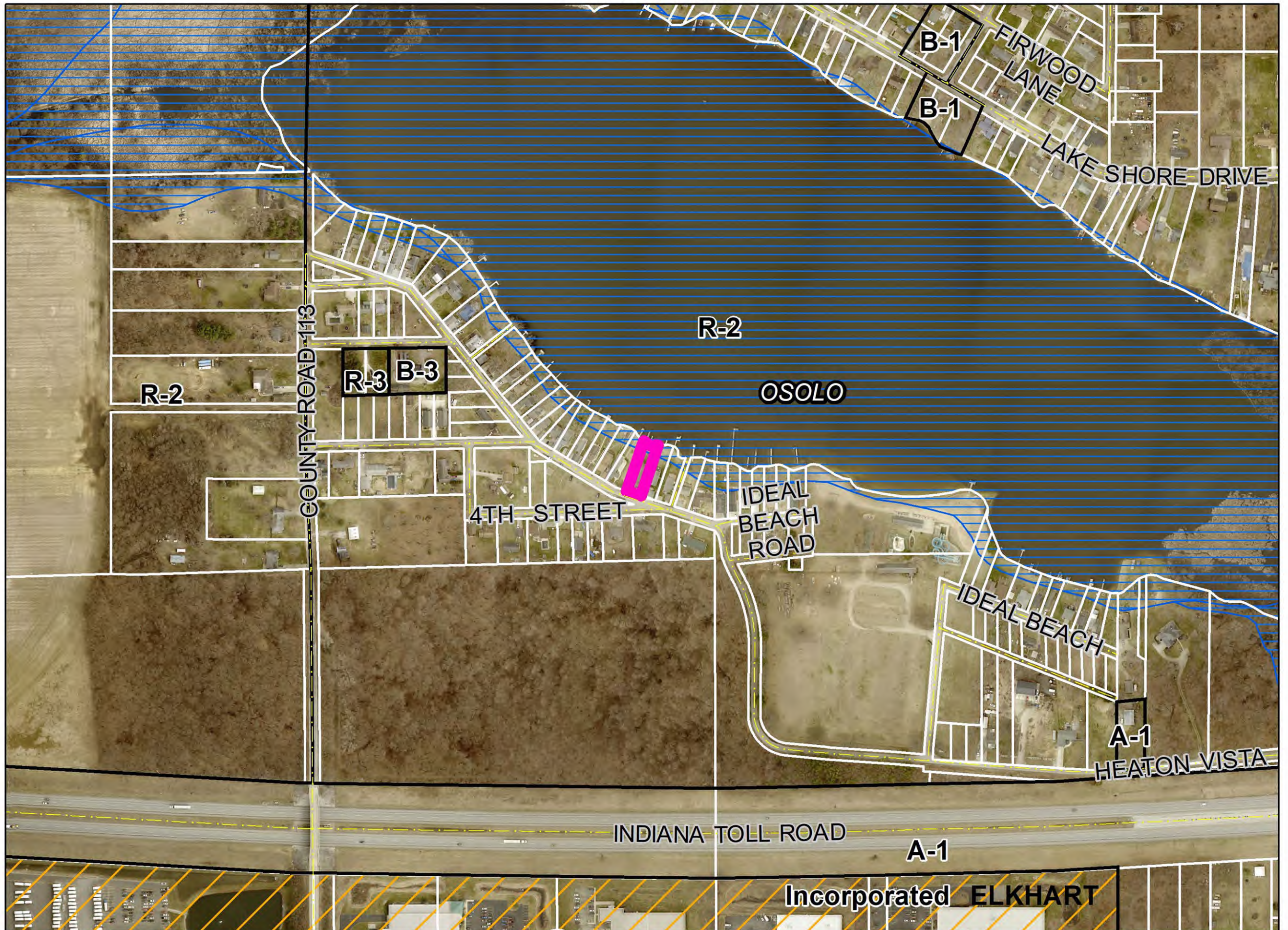
















Looking north towards subject property





Looking southwest





Facing east





Facing west





Facing south



# 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: 07/15/2024 Meeting Date: August 14, 2024  
Board of Zoning Appeals Public Hearing Transaction #: DV-0493-2024

Description: for a 25 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing residence 25 ft. from the centerline of the right-of-way, for a 27 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the placement of an accessory structure 23 ft. from the centerline of the right-of-way, for a 1 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing residence 4 ft. from the west side property line, and for a 3 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing residence 2 ft. from the east side property line.

Contacts: <u>Applicant</u>	<u>Land Owner</u>
George Cornish And Melissa Cornish, Husband And Wife 23047 Heaton Vista Elkhart, IN 46514	George Cornish And Melissa Cornish, Husband And Wife 23047 Heaton Vista Elkhart, IN 46514

Site Address: 23047 Heaton Vis  
ELKHART, IN 46514

Parcel Number: 20-02-23-279-026.000-026

Township: Osolo  
Location: NORTH SIDE OF HEATON VISTA, 1,345 FT. EAST OF CR 113

Subdivision: HEATON PARK Lot # 27

Lot Area: 0.14 Frontage: 50.00 Depth: 176.00

Zoning: R-2 NPO List: 07/29/2024

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE CODE #0480-2024 FOR BUILDING WITHOUT A PERMIT, AND TOO CLOSE TO PROPERTY LINE  
RESIDENCE = 1,654 SQ FT X 110% = 1,819 SQ FT, MINUS 576 (GARAGE) AND PROPOSED BUILDING AT 11.4' X 17 FT  
(193.8 SQ FT), LEAVES 1049.2 SQ FT AVAILABLE FOR PERSONAL STORAGE - KB 7/15/2024

Applicant Signature:

Department Signature:



Application

Site address: 23047 Heaton Vista Elkhart In. 46514

Parcel number(s): 20-02-23-279-026.000-026

Current property owner

Name: ~~23047~~ George & Melissa Cornish

Address: 23047 Heaton Vista Elkhart In. 46514

Phone: (574) 202-8294

Email: george.rbd@comcast.net

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: George R Cornish

Staff Use Only

Description: DV - existing residence + proposed shed

Parcel creation date: \_\_\_\_\_

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

Residential accessory breakdown, if applicable: 1,654 x 110'70 = 1819, minus  
576 (garage) - 193.8 (proposed shed) = 1,049.2 sq ft avail

Location: N (S) E W corner (side) end of Heaton Vista,  
1,345 ft. N (S) E W of CTR 113,  
in Osolo Township

Frontage: 50 Depth: 176 Area: .138 acres

Subdivision and lot number, if applicable: Heaton Park, Lot 27

Present use: Residential

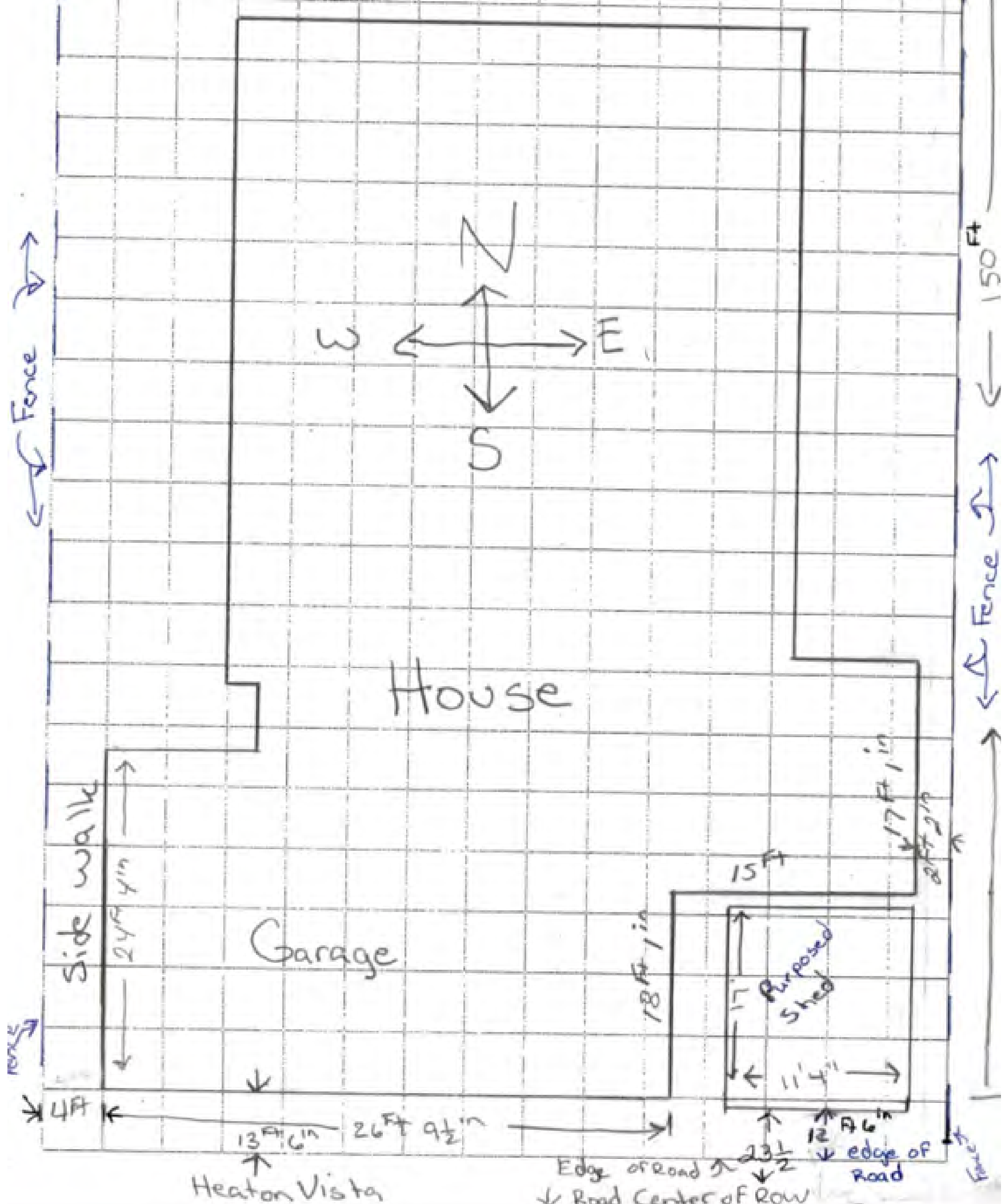


## Developmental Variance — Questionnaire

Name: George + Melissa Cornish

- 1) Tell us what you want to do. We Want to Have a Storage Shed  
Beside our ~~garage~~ garage
- 2) Tell us why you can't change what you're doing so you don't need a variance. We live on a  
Lake So there is not alot of space, things are  
Very tight
- 3) Tell us why the variance won't hurt your neighbors or the community. It won't hurt my  
neighbors Because it will sit back even with  
our garage so it don't block anyone's 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: 11 1/4 x 17 x 12 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. \_\_\_\_\_  
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. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_







# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** August 14, 2024

***Transaction Number:*** SUP-0479-2024.

***Parcel Number(s):*** 20-03-21-426-011.000-030.

***Existing Zoning:*** A-1.

***Petition:*** for a Special Use for an existing mobile home and for a Developmental Variance to allow for an existing mobile home within 300 ft. of a residence.

***Petitioner:*** Linda Lester.

***Location:*** Southside of CR 104, 2,220 ft. East of CR 21, in Washington Township.

***Site Description:***

- Physical Improvement(s) – Mobile home and Detached Accessory structures.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

***History and General Notes:***

- **July 21, 1994** – a Special Use for a mobile home to be occupied by Elmer Miller and family was granted (94-2799).

***Staff Analysis:***

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

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A mobile home is allowed in the A-1 zone with a Special Use.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. The mobile home has existed since 1991 with no complaints.
3. The Special Use will substantially serve the public convenience and welfare by providing an affordable living option.



# *Hearing Officer Staff Report (Continued)*

*Hearing Date:* August 14, 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 (dated 7/09/2024) and as represented in the Special Use application.

*For a Developmental Variance to allow for an existing mobile home within 300 ft. of a residence, staff finds that:*

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The mobile home is existing with no complaints from neighbors.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 1-acre parcel in a low-density area and the property will remain residential in character.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The property could not continue to have a mobile home without the variance.

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

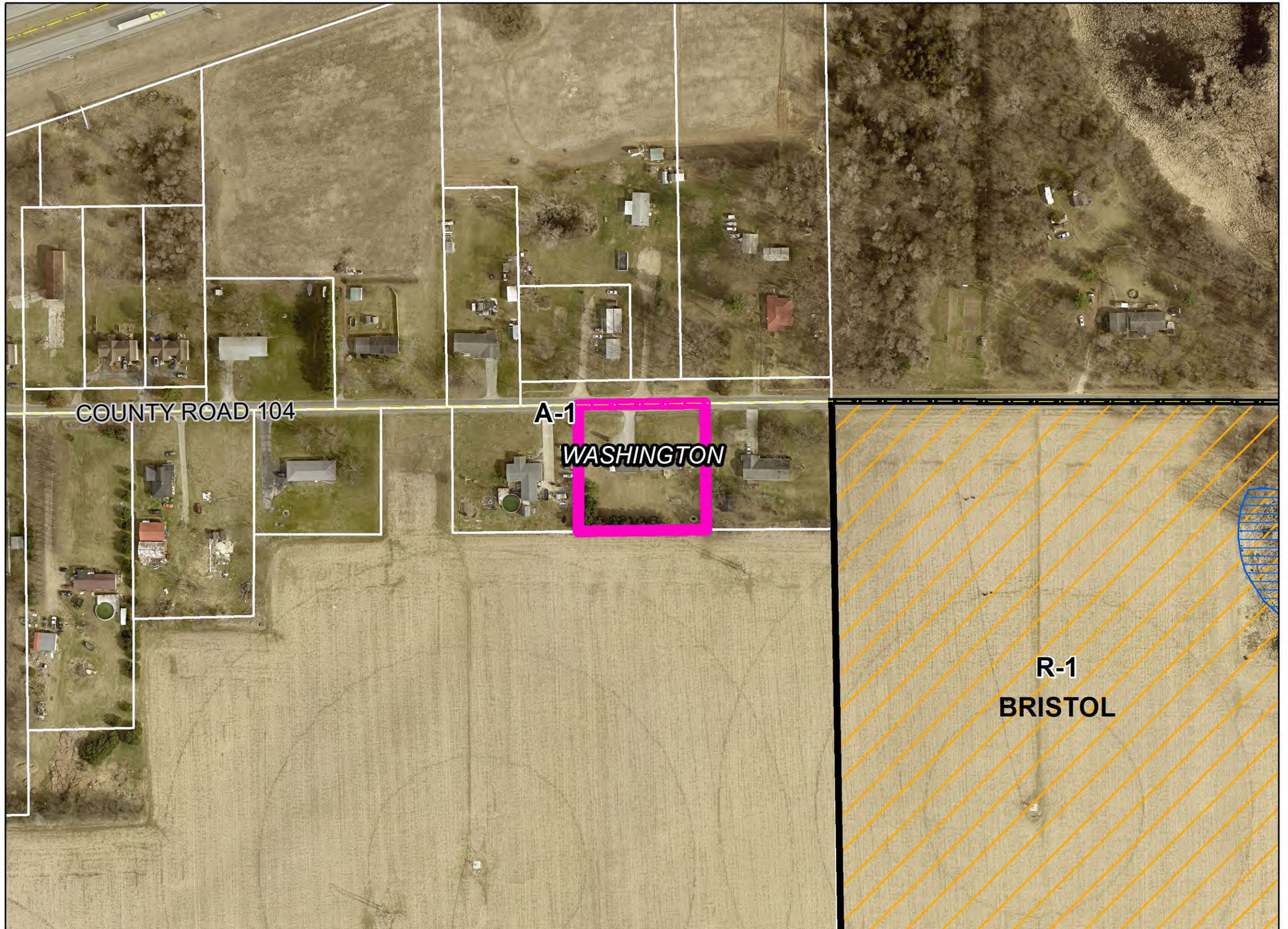
1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 7/09/2024) and as represented in the Developmental Variance application.



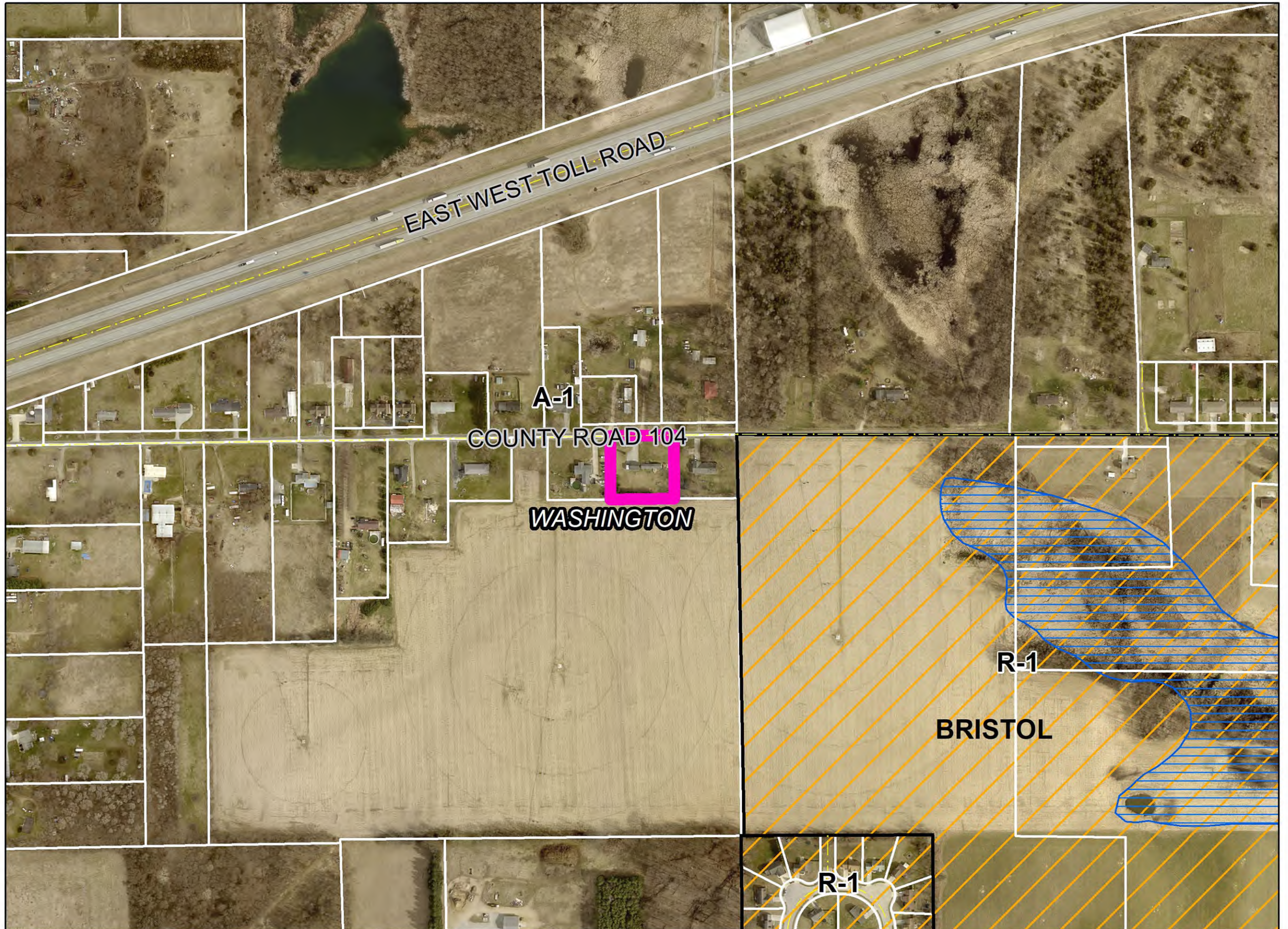
SUP-0479-2024















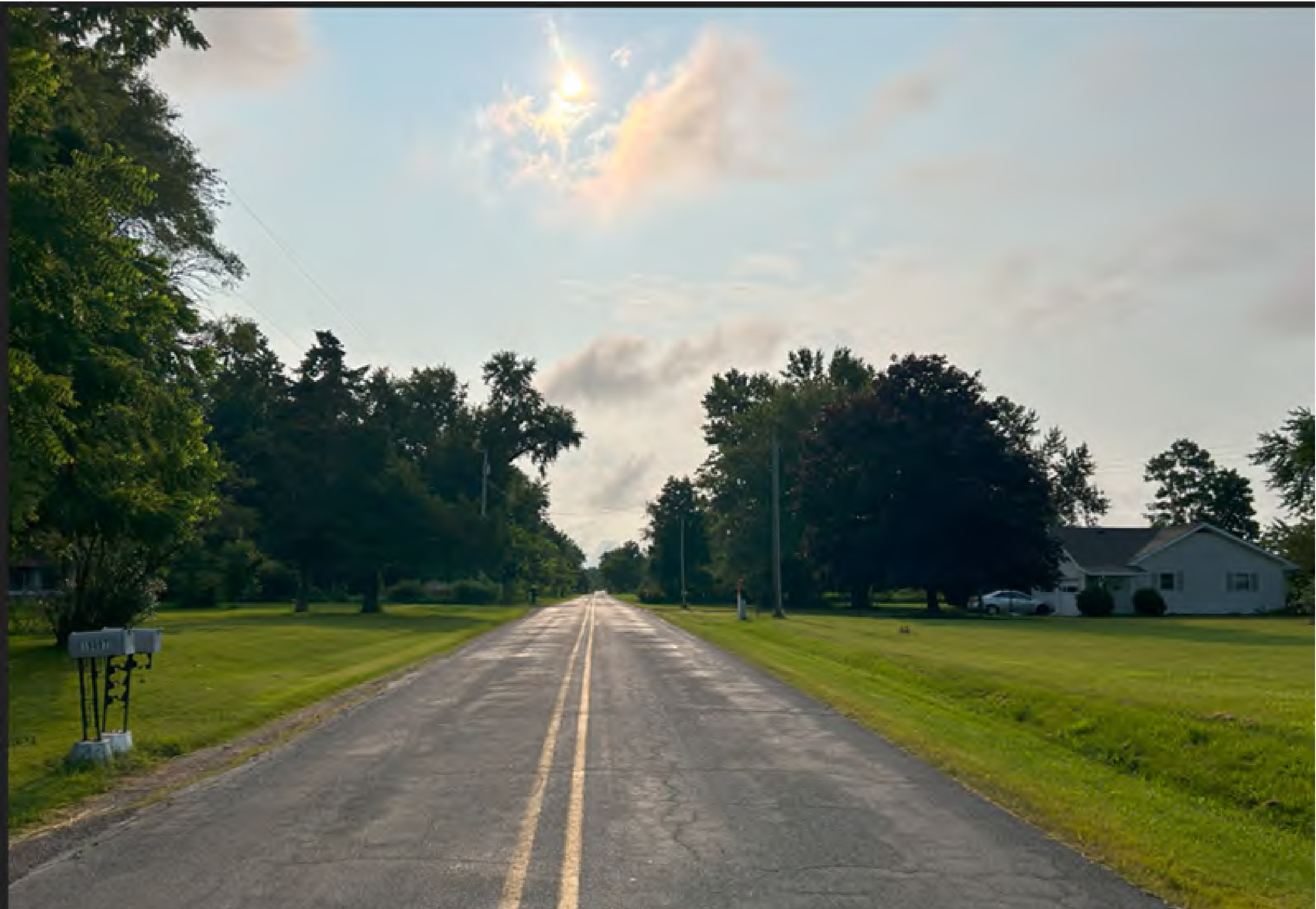
Subject property





Facing west





Facing east





Facing north



# 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

Special Use - Mobile Home

Date: 07/09/2024 Meeting Date: August 14, 2024  
Board of Zoning Appeals Public Hearing Transaction #: SUP-0479-2024

Description: for a Special Use for an existing mobile home and for a Developmental Variance to allow for an existing mobile home within 300 ft. of a residence

Contacts: Applicant Land Owner  
Linda Lester Linda Lester  
19080 County Road 104 19080 County Road 104  
Bristol, IN 46507 Bristol, IN 46507

Site Address: 19080 Cr 104 Parcel Number: 20-03-21-426-011.000-030  
BRISTOL, IN 46507

Township: Washington  
Location: SOUTH SIDE OF CR 104, 2,220 FEET EAST OF CR 21

Subdivision: Lot #

Lot Area: 1.00 Frontage: 208.00 Depth: 188.70

Zoning: A-1 NPO List: 07/29/2024

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PREVIOUS SPECIAL USE WAS UNDER PREVIOUS OWNER FOR SPECIFIC RESIDENT. THIS IS TO CORRECT THAT. SEE SPECIAL USE #94-27799, APPROVED 7/21/1994 FOR ELMER MILLER RESIDENCE = 980 SQ FT X 110% = 1,078 SQ FT, MINUS 120 (SHED), AND 660 (GARAGE) WHICH LEAVES 298 SQ FT AVAILABLE FOR PERSONAL STORAGE - KB 7/9/2024

Applicant Signature: Department Signature:



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

Application

Site address: 19080 CR 104

Parcel number(s): 20-03-21-426-011

Current property owner

Name: Linda Lester

Address: 19080 County Road 104 Bristol In 46507

Phone: 574 612 4187 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: Linda Lester

Staff Use Only

Description: \_\_\_\_\_

For a special use an existing mobile home

Parcel creation date: 8-5-1994

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

Residential accessory breakdown, if applicable: \_\_\_\_\_

Location: N (S) E W corner side end (of) CR 104

2,220 ft. N S (E) W of CR 21

in Wash Township

Frontage: 208 Depth: 208 Area: 1 acres

Subdivision and lot number, if applicable: ✓

Present use: Residential



Special Use for a Mobile Home — Questionnaire

Name: Linda Lester

- 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. \_\_\_\_\_

- 2) Tell us who will live in the mobile home. Linda Lester

- 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. \_\_\_\_\_

- 4) Tell us why the mobile home won't hurt your neighbors or the community. Cause its been there for years, and I keep all the updates on my home and take care of yard

- 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. 14x70

- 7) Tell us the year of the mobile home. 1991

- 8) Tell us anything else you want us to know. I have lived here for 10 years my neighbors are like family. we all watch out for each other. I bought this home cause it was close to my children and grandkids. When I bought this and went down to pay for the special licences I was told it was not nessasary, They just put it in my name. I don't even know why it needs a special licences for me to live here. Since I know there is enough land for it to be here. But here we are. I filled this out to best of my ability.



N ↓

208.7

601

208.7

Back ↓

1x30 →

← 56' →

14x70 1991 Liberty

Front

93

Garage

10x12

40' →

83' ↑

83' ↑

C.R. Road 104

208.7

208.7