

AGENDA
ELKHART COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER

FEBRUARY 14, 2024
9:30 A.M.

ADMINISTRATION BUILDING
MEETING ROOMS 104, 106, & 108
117 N. 2nd 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 VARIANCE

9:30 A.M.

- A. Petitioner: ***Glen Dale Yoder*** **(Page 1)**
 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 CR 40, 2,875 ft. East of SR 15, common address of 18417 CR
 40 in Elkhart Township, zoned A-1.
 DV-0822-2023

TABLED

- B. Petitioner: ***MDRA Properties LLC*** **(Page 2)**
 Petition: for a Developmental Variance to allow for an existing residence on property
 with no road frontage served by an access easement.
 Location: North end of the easement, 2,835 ft. West of CR 1, 1,300 ft. North of CR 38,
 common address of 64733 CR 1 in Olive Township, zoned A-1.
 DV-0790-2023

The Elkhart County Board of Zoning Appeals Hearing Officer is meeting on Wednesday February 14, 2024, at **9:30 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 at **9:30 am** on February 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: February 14, 2024

Transaction Number: DV-0822-2023.

Parcel Number(s): 20-11-27-451-002.000-014.

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.

Petitioner: Glen Dale Yoder.

Location: North side of CR 40, 2,875 ft. East of SR 15, in Elkhart Township.

Site Description:

- Physical Improvement(s) – Single family residence, accessory structures.
- Proposed Improvement(s) – Accessory structure.
- Existing Land Use – Residential
- Surrounding Land Use – Residential, agricultural, City of Goshen.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

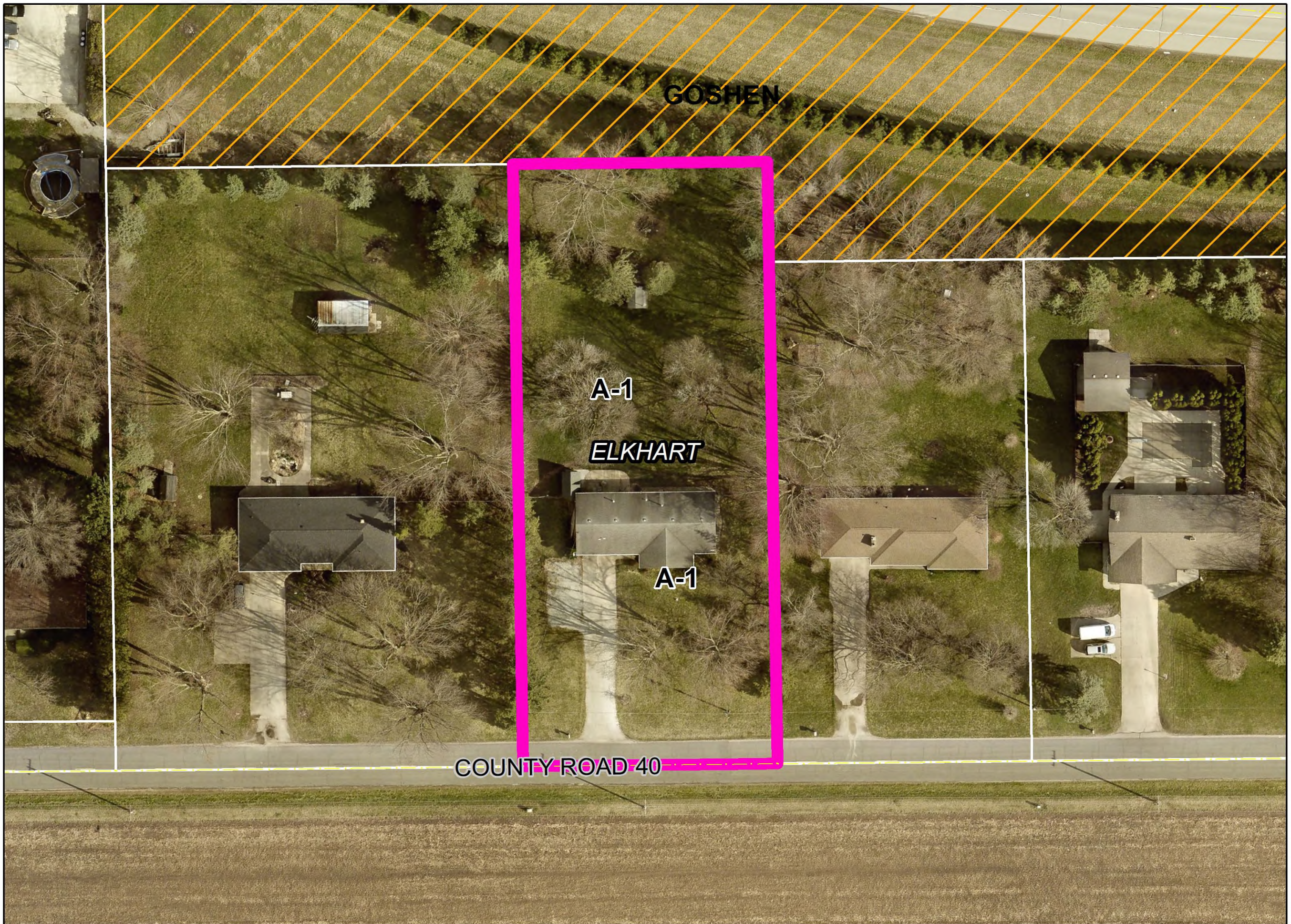
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 693 sq. ft., or 49 percent, over what is allowed by right and the proposed new structure meet all setbacks.
2. Approval of the request will not cause substantial adverse effects on neighboring property. This is a 0.79-acre parcel in a moderately dense residential area adjacent to the City of Goshen and the lot will remain residential in character.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The variance reduces the need for outdoor storage.

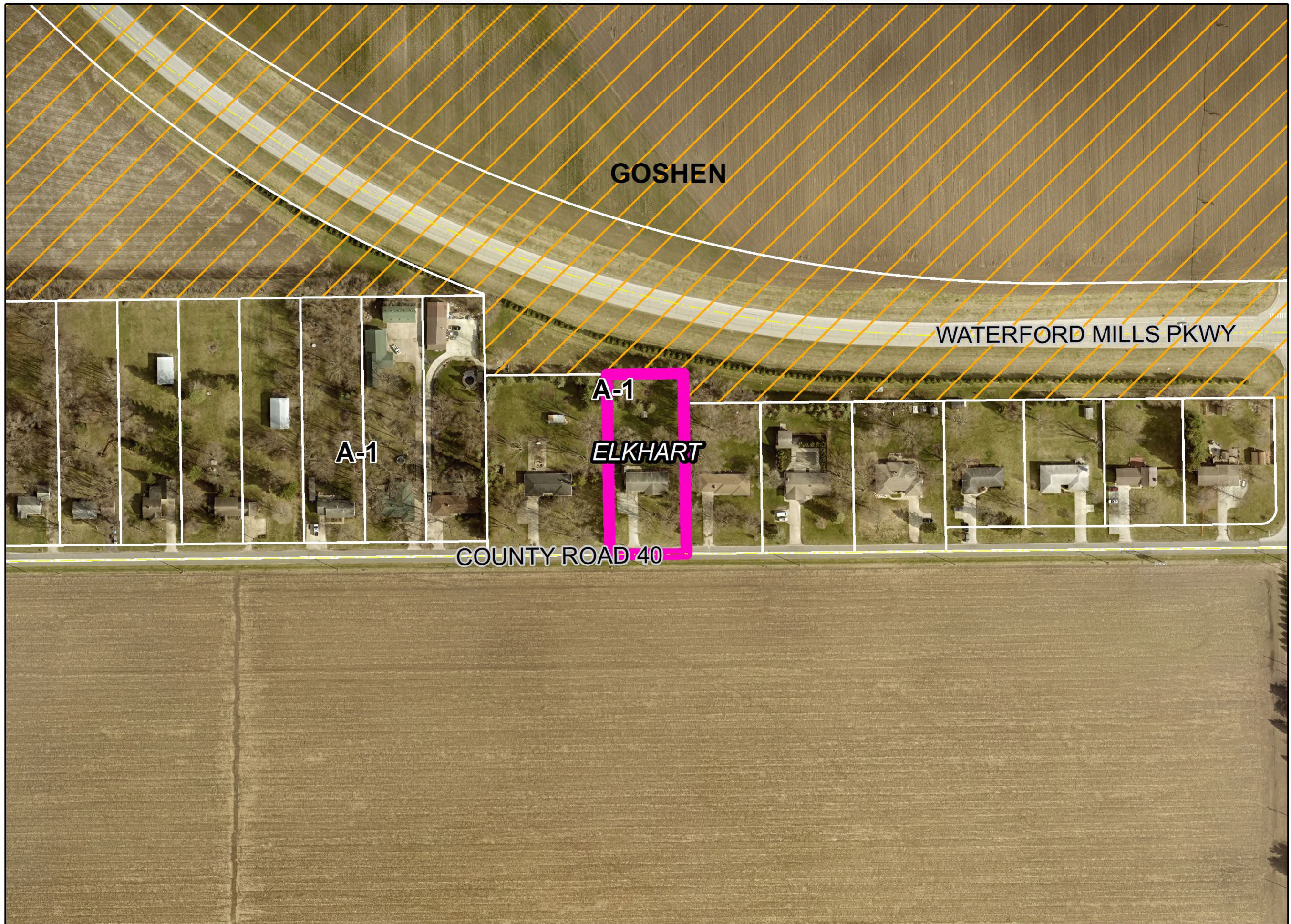
Hearing Officer Staff Report (Continued)

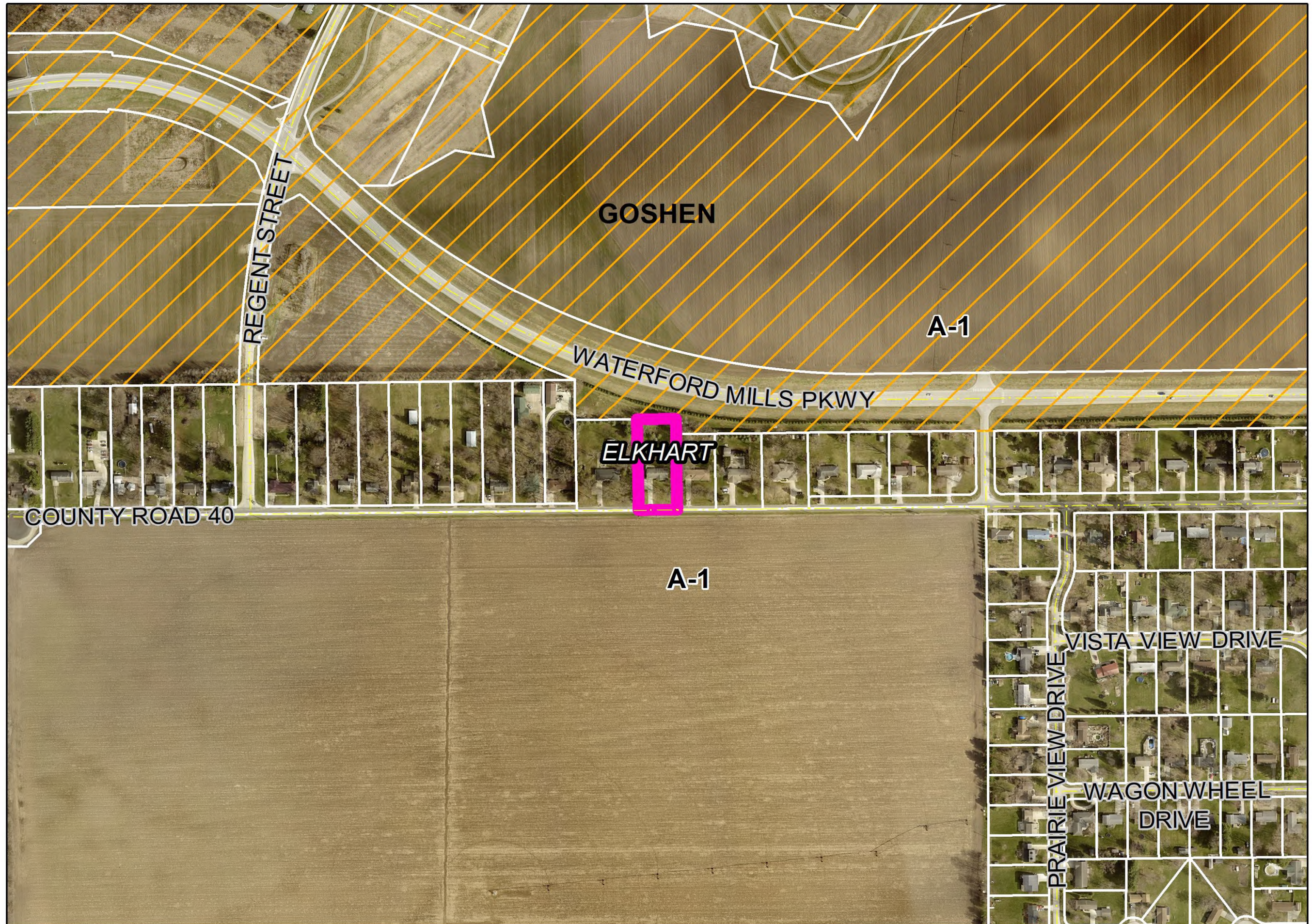
Hearing Date: February 14, 2024

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 12/21/2023 and as represented in the Developmental Variance application.









Subject Property & Looking North



Looking South



Looking East



Looking West

Developmental Variance — Questionnaire

Name: Glen Dale Yoder

1) Tell us what you want to do. I would like to build a pole building for personal storage

2) Tell us why you can't change what you're doing so you don't need a variance. I would like to make it a little bigger / have more sq. footage than allowed

3) Tell us why the variance won't hurt your neighbors or the community. There are other pole building structures close by and mine would fit in with those

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. 32x40- 15' height

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

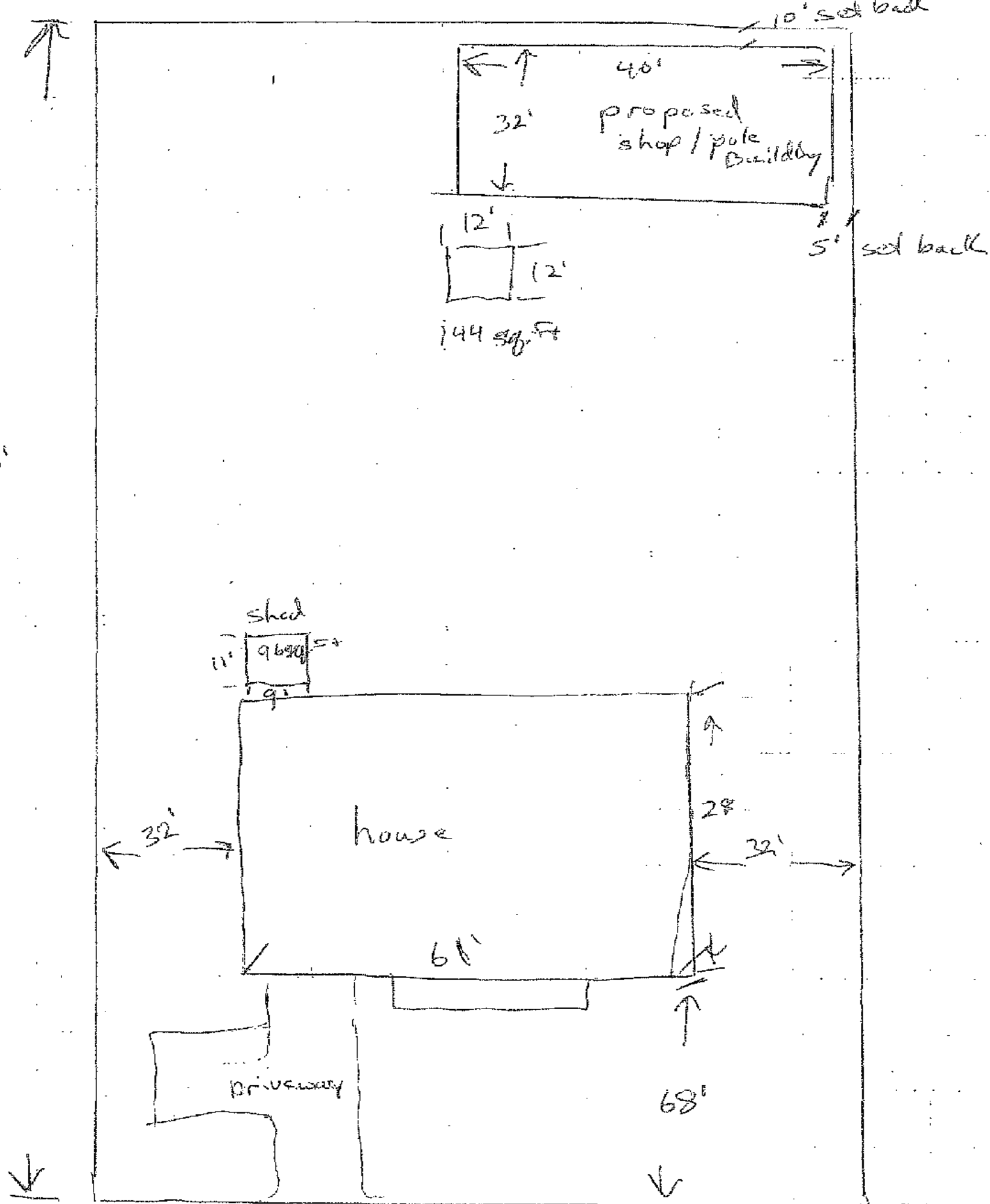
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

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. _____

300'



County Road 40

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: January 17, 2024

Transaction Number: DV-0790-2023.

Parcel Number(s): 20-09-22-300-009.000-024, 20-09-22-476-001.000-024.

Existing Zoning: A-1.

Petition: for a Developmental Variance to allow for an existing residence on property with no road frontage served by an access easement.

Petitioner: MDRA Properties LLC.

Location: North end of the easement, 2,835 ft. West of CR 1, 1,300 ft. North of CR 38 , in Olive Township.

Site Description:

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

History and General Notes:

- **December 14, 2023** – Hochstetler Long Lane Minor was approved by the Plan Commission.

Staff Analysis:

Staff finds that:

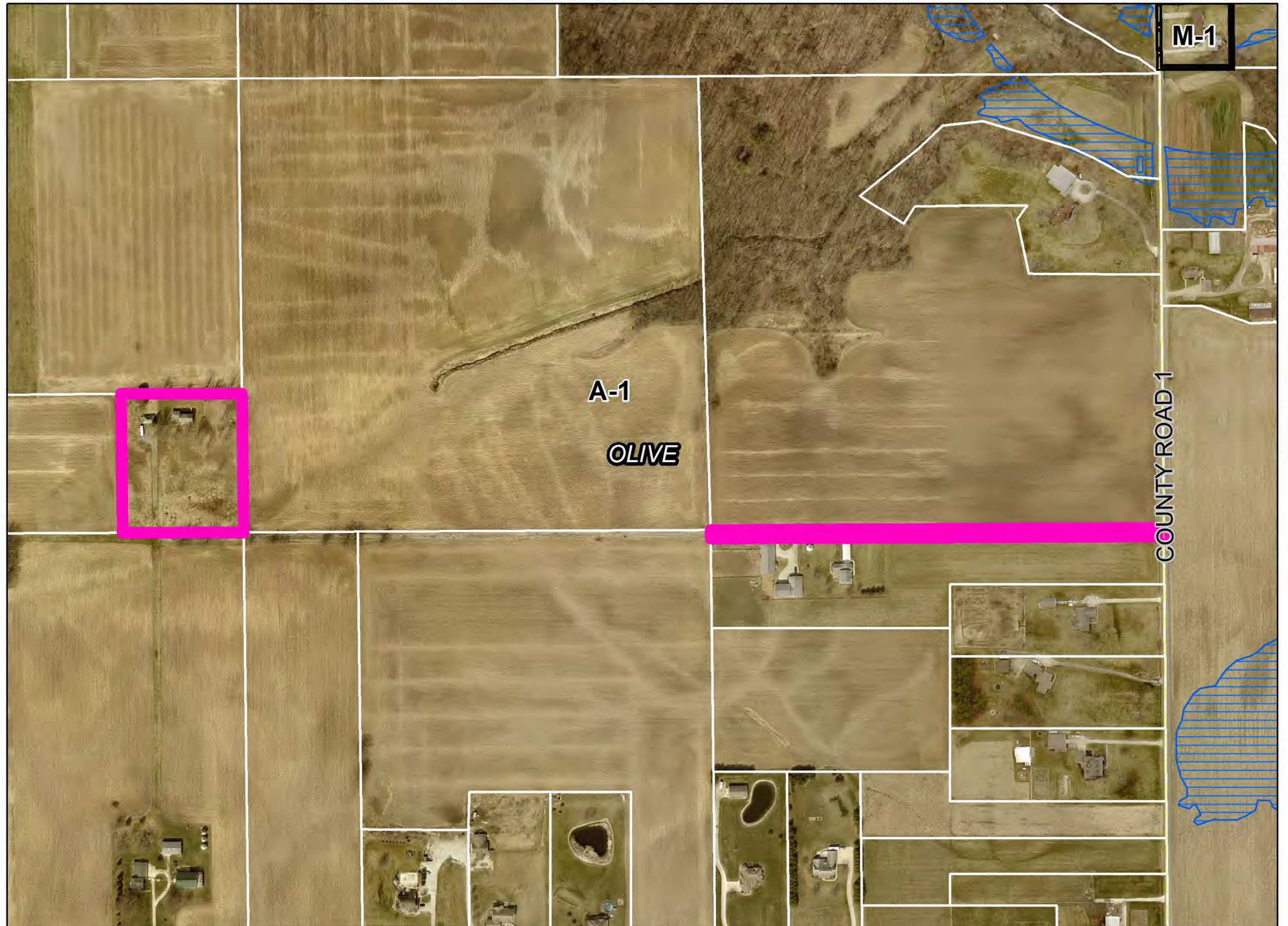
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. This is an existing home and the size of the property is not changing.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The use of the property will not be changing.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. Substantial changes to the residence would not be possible without the variance.

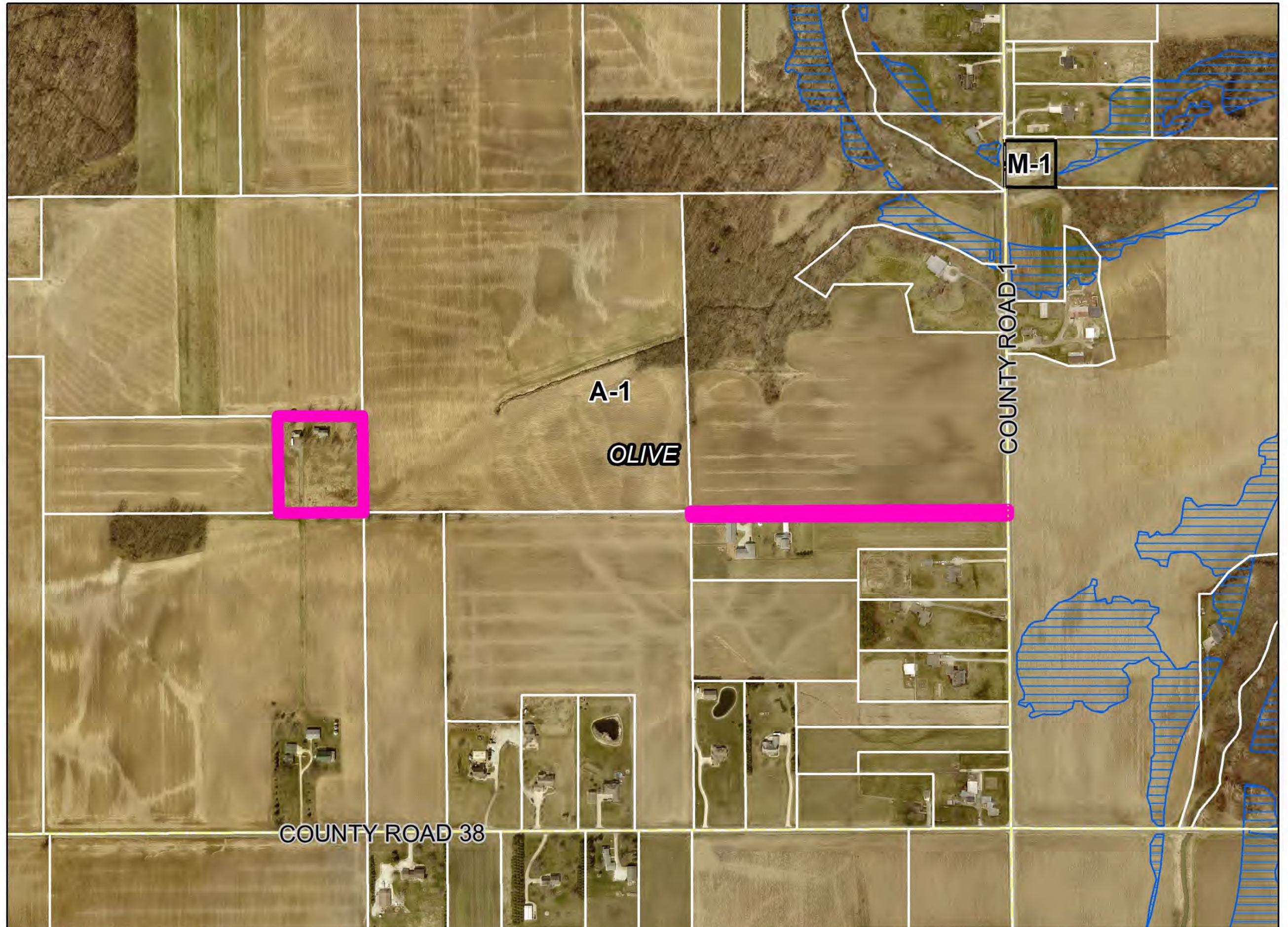
Hearing Officer Staff Report (Continued)

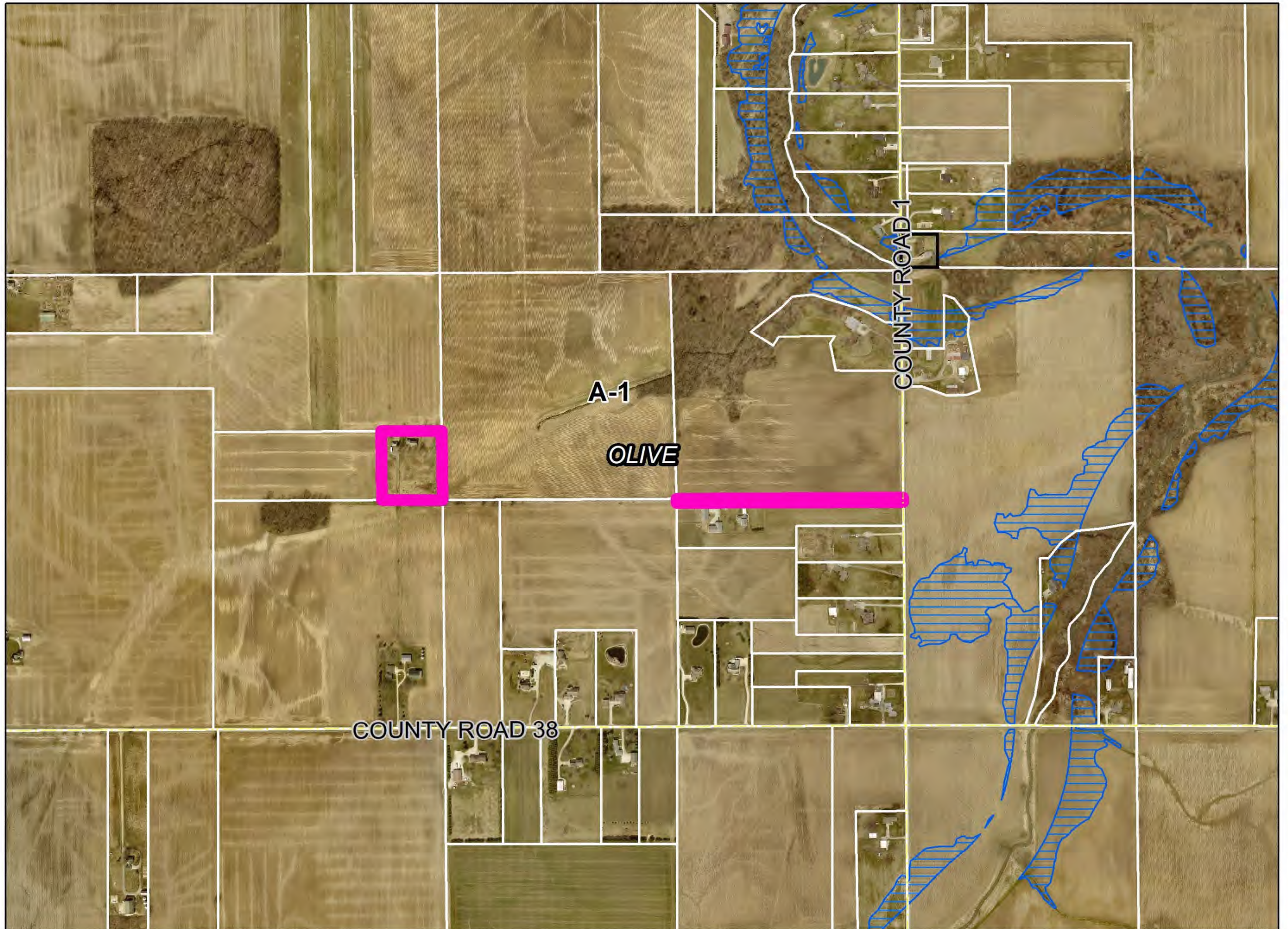
Hearing Date: January 17, 2024

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 11/29/2023 and as represented in the Developmental Variance application.









Subject Property



Facing North



Facing South



Facing East



Subject Property

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: 11/29/2023 Meeting Date: January 17, 2024 Transaction #: DV-0790-2023
Board of Zoning Appeals Public Hearing

Description: for a Developmental Variance for an existing residence on property with no road frontage served by an access easement

Contacts: <u>Applicant</u>	<u>Land Owner</u>	<u>Private Surveyor</u>
B. Doriot & Associates, Inc. P.O. Box 465 New Paris, IN 46553	Mdra Properties Llc 66448 Cedar Road Wakarusa, IN 46573	B. Doriot & Associates, Inc. P.O. Box 465 New Paris, IN 46553

Site Address: 64733 County Road 1
WAKARUSA, IN 46573

Parcel Number: 20-09-22-300-009.000-024
20-09-22-476-001.000-024

Township: Olive

Location: WEST SIDE OF COUNTY ROAD 1, 1290 FT NORTH OF COUNTY ROAD 38

Subdivision: HOCHSTETLER LONG LANE MINOR

Lot # 1

Lot Area: 3.21 Frontage: 0.00 Depth: 401.00

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE PRIMARY SUBDIVISION MI-0731-2023
PARCEL CREATION DATE 4/8/11

Applicant Signature:

Department Signature:

Developmental Variance — Questionnaire

Name: _____

1) Tell us what you want to do. This variance is attached to "Hochstetler Long Lane Minor."
No Road Frontage

2) Tell us why you can't change what you're doing so you don't need a variance. _____

3) Tell us why the variance won't hurt your neighbors or the community. _____

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. Weldy, John W / Jacobs, Jane A

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. _____

