

AGENDA

ELKHART COUNTY BOARD OF ZONING APPEALS HEARING OFFICER

JULY 17, 2024
9:00 A.M.

ADMINISTRATION BUILDING
MEETING ROOMS 104, 106, & 108
117 N. 2nd STREET, GOSHEN, INDIANA

Call to Order

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

DEVELOPMENTAL VARIANCES

9:00 A.M.

- A. Petitioner: ***Falcon Property Group, LLC*** (Page 1)
Petition: for a 40 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a commercial building 35 ft. from the centerline of the right-of-way of E. Lincoln St., for a 49 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a commercial building 26 ft. from the centerline of the right-of-way of Sherman St., and for a 4 ft. Developmental Variance (Ordinance requires 15 ft.) to allow for the construction of an commercial building 11 ft. from the rear property line.
Location: Southwest corner of E. Lincoln St. & Sherman St., common address of 130 E. Lincoln St. in Benton Township, zoned M-2. DV-0342-2024
- B. Petitioner: ***Matthew Nelson & Loren M. Nelson, 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 and for a 7 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for the construction of an accessory structure 32 ft. in height.
Location: Southeast corner of North Shore Dr. & Deer Run Trail, 1,160 ft. South of Fawn, common address of 25290 North Shore Dr. in Osolo Township, zoned R-2. DV-0397-2024

- C. Petitioner: ***Rick & Rosa Bancroft*** (Page 3)
 Petition: for a 15 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 105 ft. from the centerline of the right-of-way of Old US 20, for a 5 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for an existing accessory structure 5 ft. from the rear property line, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
 Location: Southeast corner of Old US 20 & Riverdale Dr., common address of 29066 Old US 20 in Cleveland Township, zoned R-1. DV-0368-2024
- D. Petitioner: ***Devon H. Miller & Jil L. Miller, Husband & Wife*** (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 CR 12, 1,600 ft. West of CR 8, common address of 13523 CR 12 in Middlebury Township, zoned A-1. DV-0408-2024
- E. Petitioner: ***James D. Mast & Hanah Mast, Husband & Wife*** (Page 5)
 Petition: for a 50 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence.
 Location: South side of CR 40, 2630 ft. East of CR 33, common address of 00000 CR 40 in Clinton Township, zoned A-1. DV-0403-2024
- F. Petitioner: ***AMMF Land Trustee Corporation (Land Contract/ Holder) & Gary Miller (Land Contract/ Purchaser)*** (Page 6)
 Petition: for a 4 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing accessory structure 1 ft. from the East side property line.
 Location: South side of CR 38, 815 ft. East of West County Line Rd., common address of 30846 CR 38 in Olive Township, zoned A-1. DV-0416-2024
- G. Petitioner: ***David Brian Cole*** (Page 7)
 Petition: for a 15 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of a detached accessory structure 35 ft. from the centerline of the right-of-way of Beach Rd.
 Location: Southeast corner of North Shore Dr. & Beach Rd., 1,065 ft. West of CR 11, common address of 24940 North Shore Dr. in Osolo Township, zoned R-2. DV-0417-2024

MOBILE HOME SPECIAL USE/DEVELOPMENTAL VARIANCE

- H. Petitioner: ***Roy G. Bailey*** (Page 8)
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: East side of Maude St., 210 ft. South of Willard Rd., West of CR 5, common address of 53970 Maude St. in Osolo Township, zoned R-2. SUP-0351-2024
- I. Petitioner: ***Jacob V. Burkholder & Kristen M. Burkholder*** (Page 9)
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: South side of Homewood Ave., 180 ft. West of Lilac St., East of CR 9, common address of 25648 Homewood Ave. in Osolo Township, zoned R-2. SUP-0392-2024

TABLED

- J. Petitioner: ***Robert R. Schwindaman & Marisa A. Schwindaman, Husband & Wife*** (Page 10)
Petition: for a 1 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing residence and the construction of an attached accessory structure 4 ft. from the east side property line, for a 5 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing attached deck 0 ft. from the east side property line, and for a 3 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing residence 2 ft. from the west side property line.
Location: South side of North Shore Dr., 1,865 ft. West of CR 11, common address of 25086 North Shore Dr. in Osolo Township, zoned R-2. DV-0322-2024

The Elkhart County Board of Zoning Appeals Hearing Officer is meeting on Wednesday July 17, 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 at **9:00 am** on July 17, 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: July 17, 2024

Transaction Number: DV-0342-2024.

Parcel Number(s): 20-12-34-464-004.000-008, 20-16-03-226-003.000-004.

Existing Zoning: M-2.

Petition: For a 40 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a commercial building 35 ft. from the centerline of the right-of-way of E. Lincoln St., for a 49 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a commercial building 26 ft. from the centerline of the right-of-way of Sherman St., and for a 4 ft. Developmental Variance (Ordinance requires 15 ft.) to allow for the construction of a commercial building 11 ft. from the rear property line.

Petitioner: Falcon Property Group, LLC.

Location: Southwest corner of E. Lincoln St. & Sherman St., in Benton Township.

Site Description:

- Physical Improvement(s) – Storage building to be demolished, tower to remain.
- Proposed Improvement(s) – Storage building.
- Existing Land Use – Commercial.
- Surrounding Land Use – Mixed.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

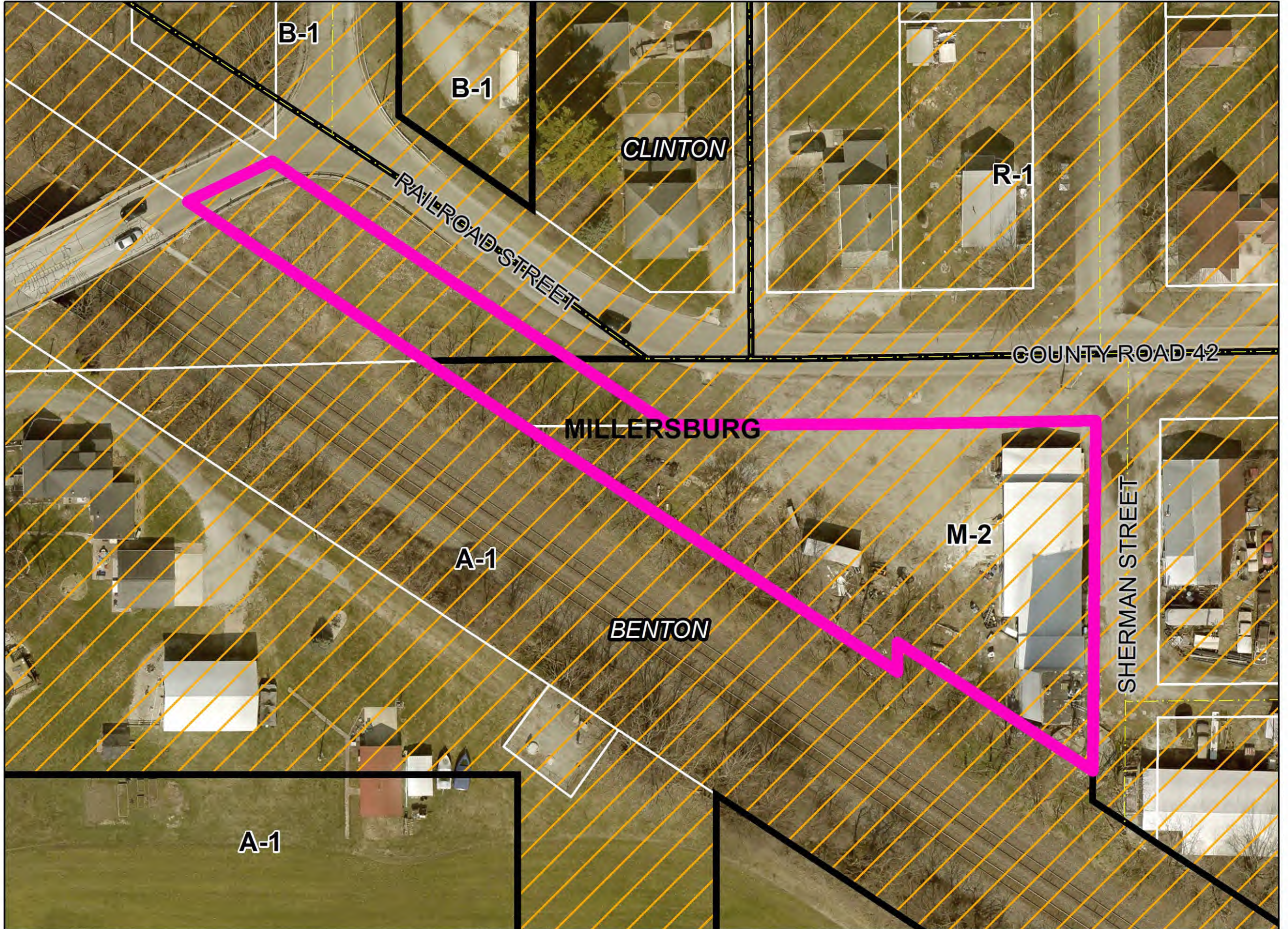
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. This is a dense, mixed-use area of Millersburg, and the proposed E. Lincoln St. setback is only 12 ft. less than the setback of the existing building.
2. Approval of the request will not cause substantial adverse effect on neighboring property. Neighboring property to the west, south, and east contains either railroad or other M-2 uses, and neighboring property to the north is dense residential.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Proposed setbacks that reflect the setbacks of nonconformities on neighboring properties are more appropriate.

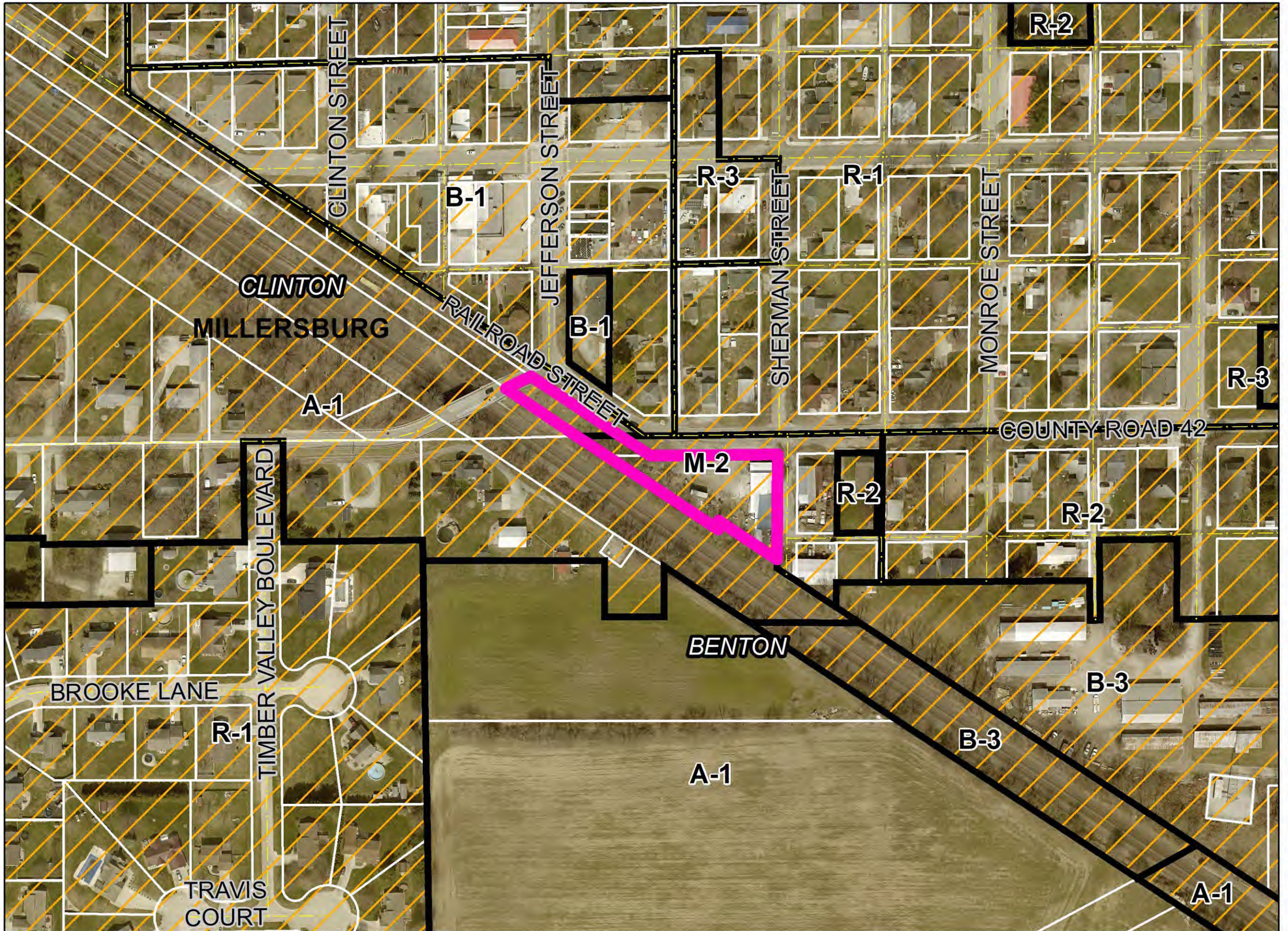
Hearing Officer Staff Report (Continued)

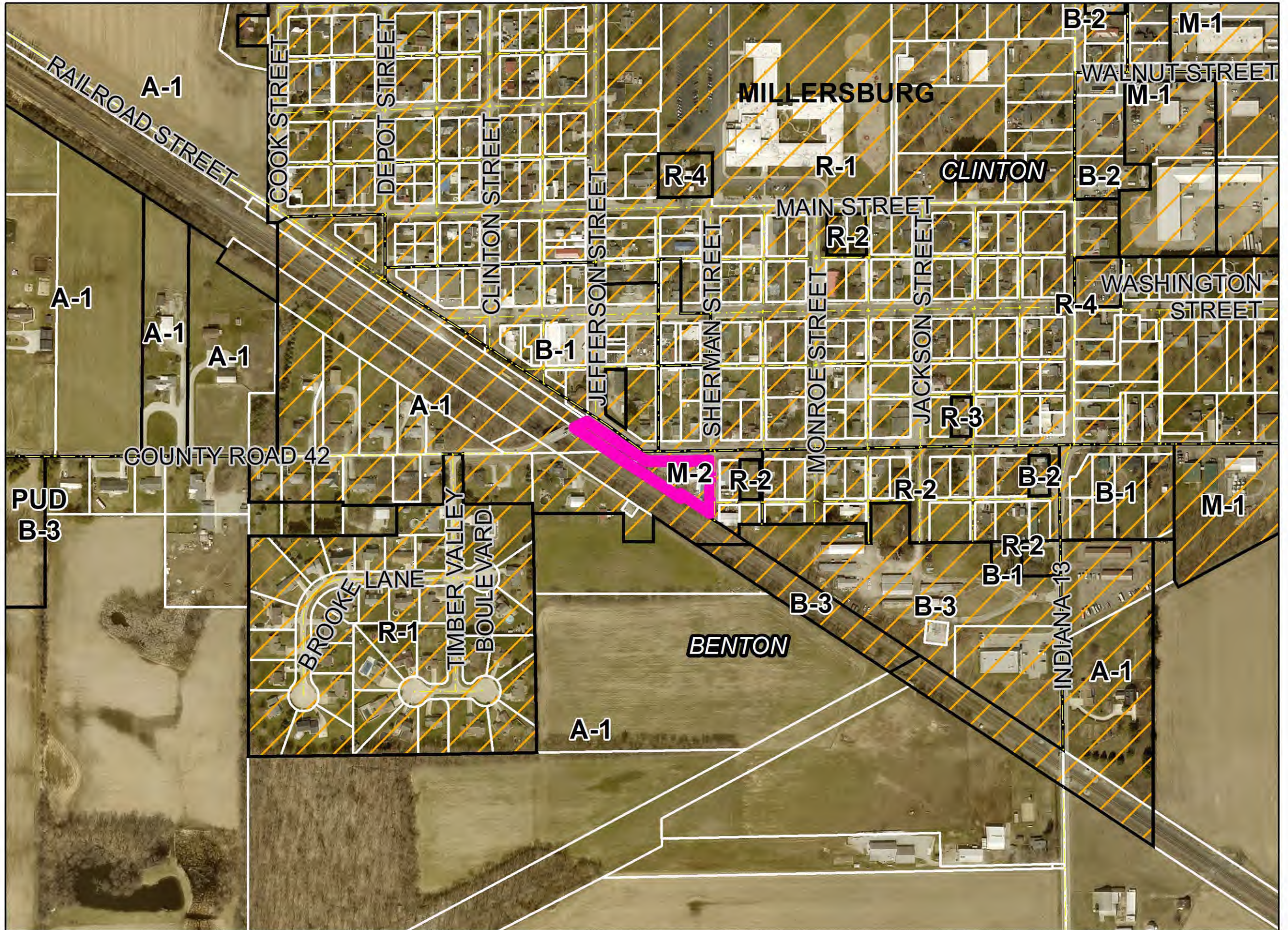
Hearing Date: July 17, 2024

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 5/15/2024 and as represented in the Developmental Variance application.









Subject property



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

Developmental Variance - Developmental Variance

DV-0342-2024

Date: 05/15/2024

Meeting Date:

July 17, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0342-2024

Description: for a 40 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a commercial building 35 ft. from the centerline of the right-of-way E. Lincoln St., for a 49 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a commercial building 26 ft. from the centerline of the right-of-way of Sherman St., and for a 4 ft. Developmental Variance (Ordinance requires 15 ft.) to allow for the construction of an commercial building 11 ft. from the rear property line

Contacts: Applicant

Anthony Glentz
613 Colorado St.
Goshen, IN 46526

Authorized Agent

Anthony Glentz
613 Colorado St.
Goshen, IN 46526

Land Owner

Falcon Property Group, Llc
11614 Cr 44
Millerburg, IN 46543

Site Address: 130 E. Lincoln Street
MILLERSBURG, IN 46543

Parcel Number: 20-12-34-464-004.000-008
20-16-03-226-003.000-004

Township: Benton

Location: SOUTHWEST CORNER OF E. LINCOLN ST. & SHERMAN ST., 316 FT. SOUTHEAST OF W. LINCOLN ST. (CR 42)

Subdivision:

Lot #

Lot Area: 0.93 Frontage: 636.95 Depth: 190.00

Zoning: M-2

NPO List: 07/01/2024

Present Use of Property: COMMERCIAL

Legal Description:

Comments: PARCEL CREATION DATE 3/1/62

Applicant Signature:

Department Signature:

Application

Site address: 130 E Lincoln ave millersburg, IN

Parcel number(s): 20-16-03-226-003,000-004, 20-12-39-464-004

Current property owner

Name: Stan Chupp

Address: 11614 CR 44 millersburg, IN 46543

Phone: (574) 320-9379 Email: _____

Other party Agent Buyer Land contract purchaser Lessee

Name: Anthony Glantz

Address: 613 Colorado St Goshen IN 46526

Phone: (810) 223-7060 Email: Tony@shipshewena-homes.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: _____

Location: N (S) E W corner (side) end of EAST LINCOLN ST.,
315 ft. N (S) E (W) of W. Lincoln St. (CR42),
in BENTON Township

Frontage: 636.95 Depth: 190 FT. Area: 0.93 acres

Subdivision and lot number, if applicable: _____

Present use: INDUSTRIAL.

Developmental Variance — Questionnaire

Name: _____

1) Tell us what you want to do. Tearing down old Grain + Feed mill + putting up a Building for Trucks + storage

2) Tell us why you can't change what you're doing so you don't need a variance. because the building size is such that will not fit on property another way. And proposed building can't be downsized

3) Tell us why the variance won't hurt your neighbors or the community. because the old building was not kept up. The new building will be cleaner + allow for equipment to be indoors

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

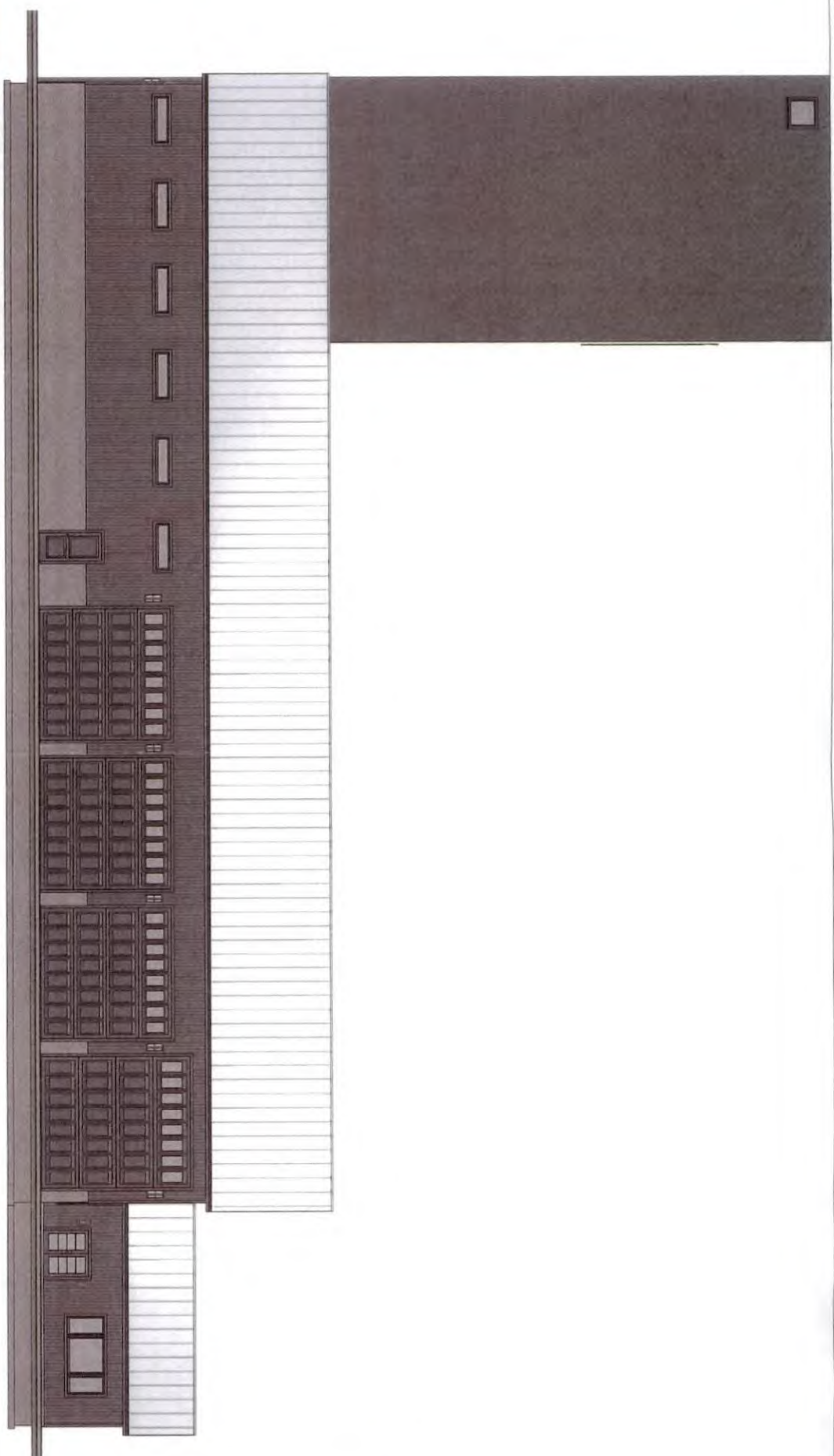
5) Does the application include variances to allow for buildings or additions? Y N If yes, fill out below.
Building or addition 1 Size and height to the peak: 140 x 72 and 32' to peak
Tell us what you'll use it for. storage of equipment + office space
Building or addition 2 Size and height to the peak: _____
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. _____



GENERAL NOTES:

THIS PLAN SET, COMBINED WITH THE BUILDING CONTRACT, PROVIDES BUILDING DETAILS FOR THE PROJECT. THE CONTRACTOR SHALL VERIFY THAT SITE CONDITIONS ARE CONSISTENT WITH THESE PLANS BEFORE STARTING WORK. WORK NOT SPECIFICALLY DETAILED SHALL BE CONSTRUCTED TO THE SAME QUALITY AS SHOWN WORK THAT IS DETAILED. ALL WORK SHALL BE DONE IN ACCORDANCE WITH INTERNATIONAL BUILDING CODES AND LOCAL ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE AND DEEMED TO HAVE CONDUCTED A THOROUGH REVIEW OF ALL BUILDING PROJECTS. VIOLATIONS, MISORDERS SHALL BE IN FORCE THROUGHOUT THE DURATION OF THE BUILDING PROJECT.

WRITTEN DIMENSIONS AND SPECIFIC NOTES SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND GENERAL NOTES. THE ENGINEER/DESIGNER SHALL BE CONSULTED FOR CLARIFICATION IF SITE CONDITIONS ARE ENCOUNTERED THAT ARE DIFFERENT THAN SHOWN. IF DISCREPANCIES ARE FOUND IN THE PLANS OR NOTES, OR IF A QUESTION ARISES OVER THE INTENT OF THE PLANS OR NOTES, CONTRACTOR SHALL VERIFY AND IS RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS).

ALL TRADES SHALL MAINTAIN A CLEAN WORK SITE AT THE END OF EACH WORK DAY.

PLEASE SEE ADDITIONAL NOTES CALLED OUT ON OTHER SHEETS.

OWNER: Sam Chapp
 ADDRESS: 11614 County Road 44 Millersburg, In 46543
 County: Elkhart

STORM WATER PERMIT:
 BUILDING PERMIT:
 DESIGNER:
 CONSULTANT:
 BUILDER:

Jed Burdigan 516.526.1216
 jburdigan@shpshw.com
 Shipshewana Homes

- PROJECT SUMMARY:
- 1 SITE & DISTURBANCE PLAN
 - 2 FRONT ELEVATIONS
 - 3 SIDE ELEVATIONS
 - 4 MAIN FLOOR PLAN
 - 5 ROOF PLAN
 - 6 BASEMENT FLOOR PLAN
 - 7 FOUNDATION PLAN
 - 8 INTERIOR FINISHES
 - 9 INTERIOR PERSPECTIVES
 - 10 ELECTRICAL PLAN
 - 11
 - 12



725 S Van Buren St, Shipshewana, IN 46565
 260-768-4040 www.shipshewanahomes.com

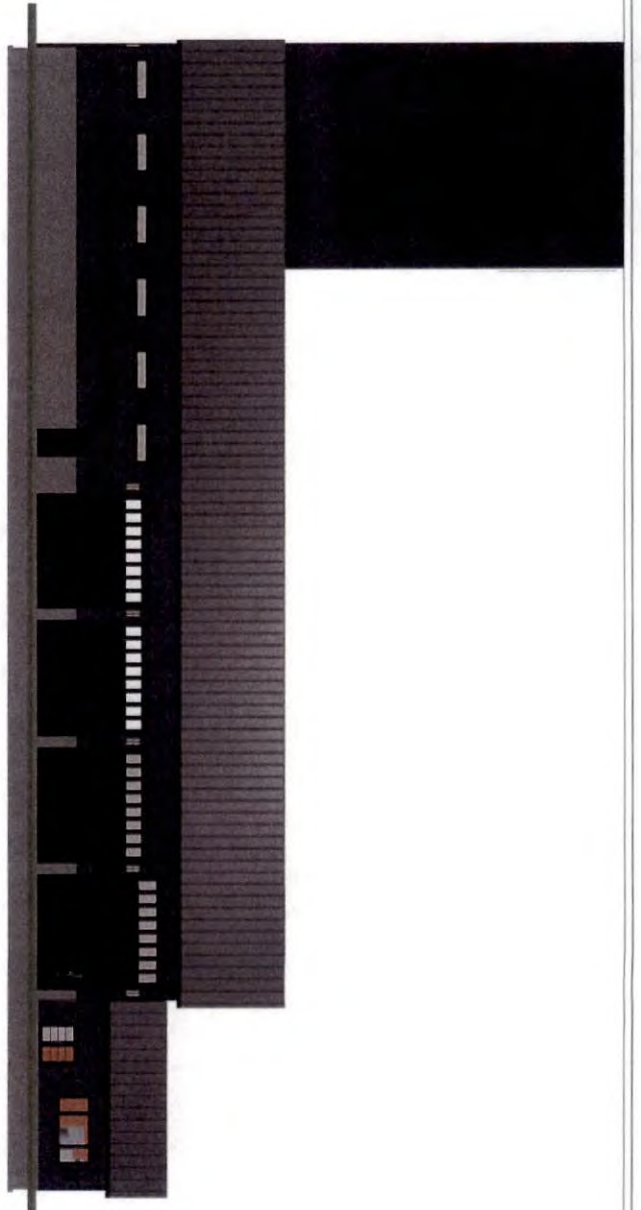
11614 County Road 44
 Millersburg, In 46543
Ultimate Edge

PROJECT SUMMARY

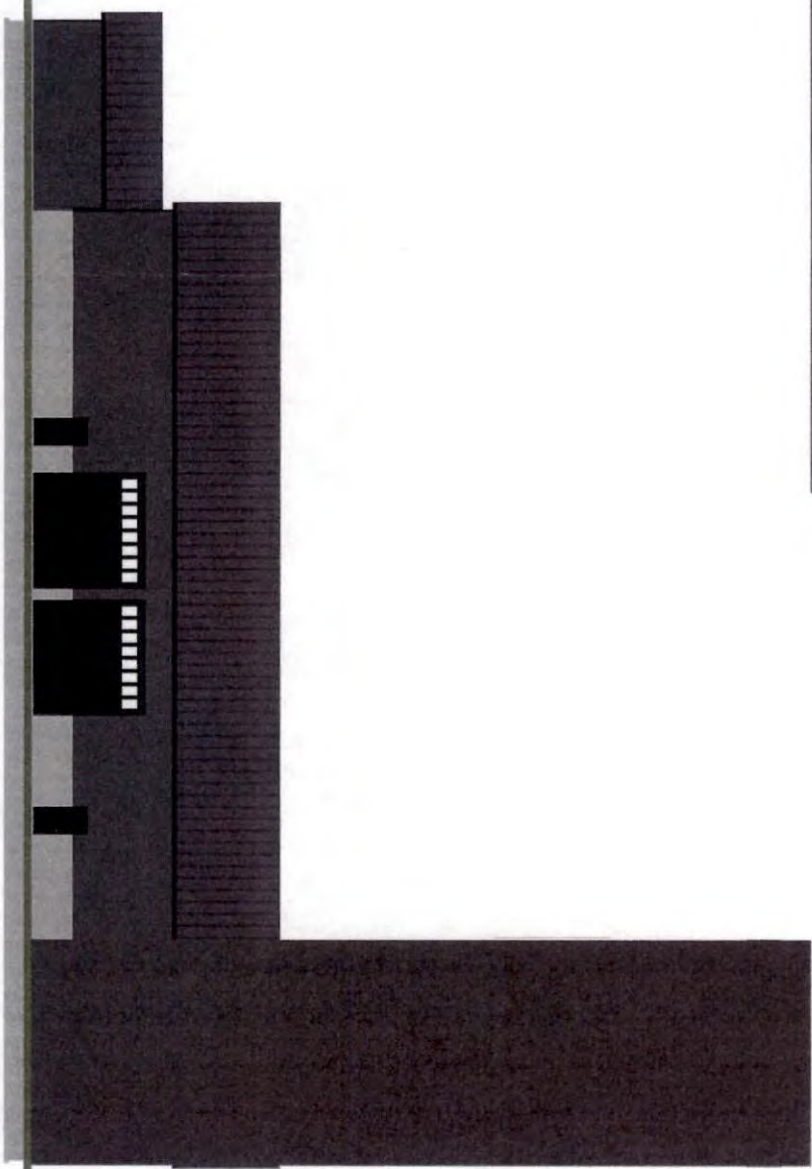
SCALE @ 24" X 36"
 DATE:
 DRAWN BY:

SHEET NUMBER
1

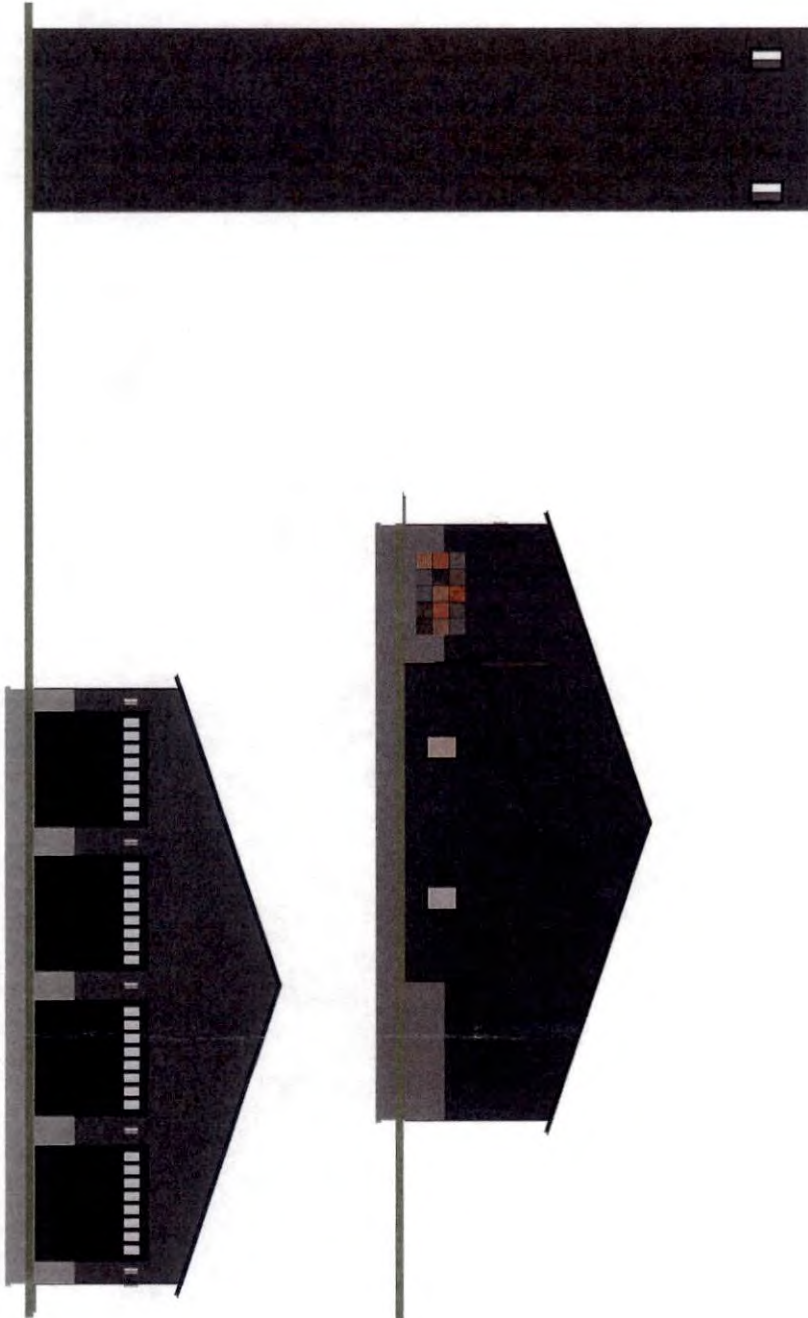
FRONT ELEVATION
1/4"=1'



REAR ELEVATION
1/4"=1'



E. SIDE ELEVATION
1/4"=1'



W. SIDE ELEVATION
1/4"=1'



725 S Van Buren St. Shipshewana, IN 46565
260-768-4040 www.shipshewanahomes.com

11614 County Road 44
Millersburg, In 46543

Ultimate Edge

SIDE ELEVATIONS

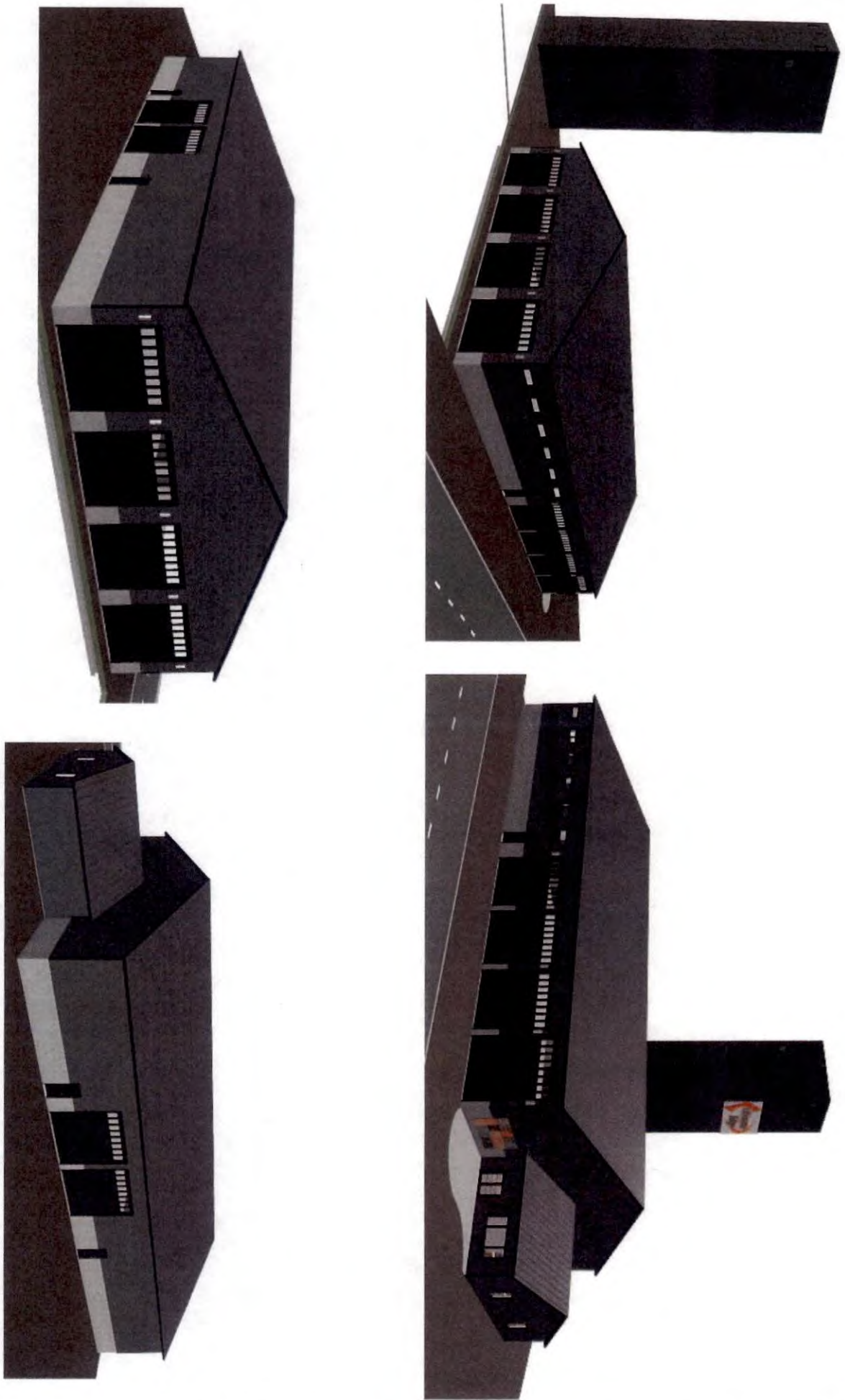
SCALE @ 24" X 36"

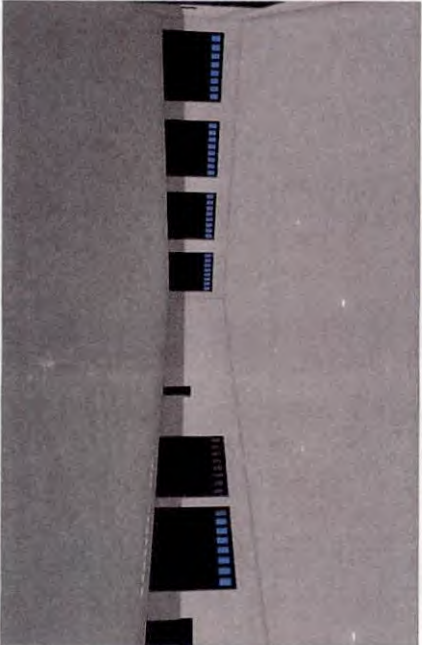
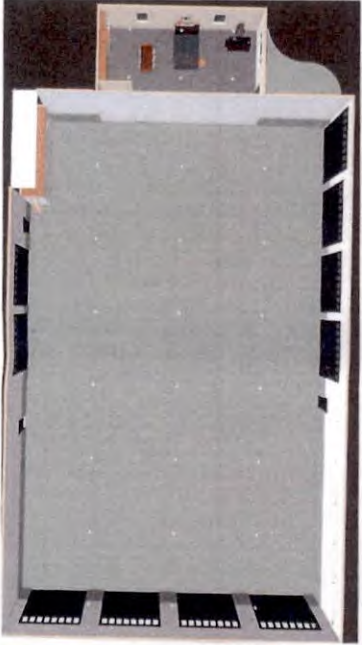
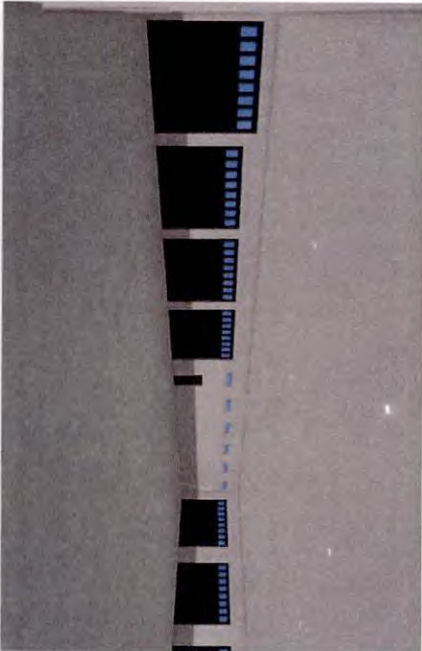
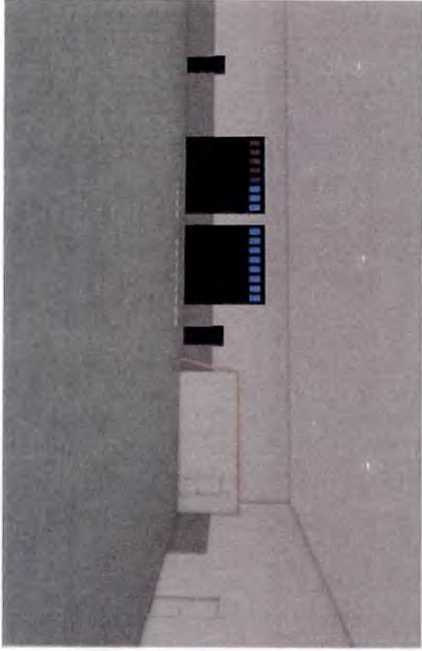
DATE:

DRAWN BY:

SHEET NUMBER

4





East Lincoln St

75 CL

280'

Center of Road

144'

Concrete to Street

120'

Proposed Building for Storage of equipment

Stamped concrete

24'

Office

40'

56'

EL 10'

Stan Chupp
130 E Lincoln
Millersburg, IN
46543

Benton Twp

Parcel # 20-16-03-226-003.000-004

121' 15"

Parking For employees

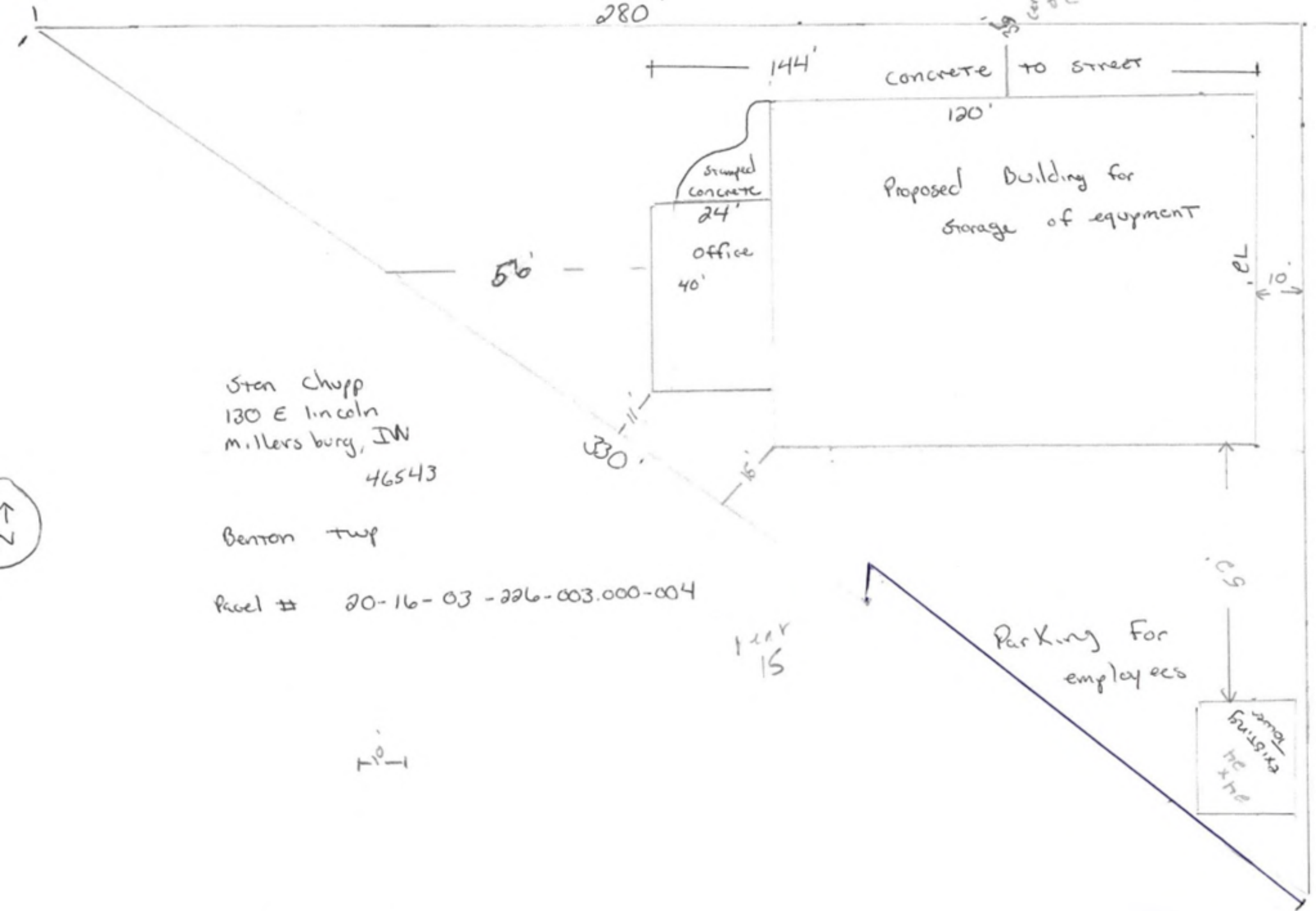
EXISTING
24' x 12'
tower

10'

75 CL
Shirburn St. 32 ft. Row
173'

MA

27



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 17, 2024

Transaction Number: DV-0397-2024.

Parcel Number(s): 20-02-09-453-027.000-026.

Existing Zoning: R-2.

Petition: For a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 7 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for the construction of an accessory structure 32 ft. in height.

Petitioner: Matthew Nelson & Loren M. Nelson, Husband & Wife.

Location: Southeast corner of North Shore Dr. & Deer Run Trail, 1,160 ft. south of Fawn Ln., in Osolo Township.

Site Description:

- Physical Improvement(s) – Residence.
- 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 proposed location is far from the road, where height and footprint will not affect health or welfare.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The parcel to the east contains an accessory structure of similar size and height, and all setback requirements are met.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The scale of the proposed structure is what would be expected in a large-lot lake neighborhood.

Hearing Officer Staff Report (Continued)

Hearing Date: July 17, 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 6/11/2024 and as represented in the Developmental Variance application.

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

1. The proposed accessory structure cannot be used as an accessory dwelling unit.

DV-0397-2024

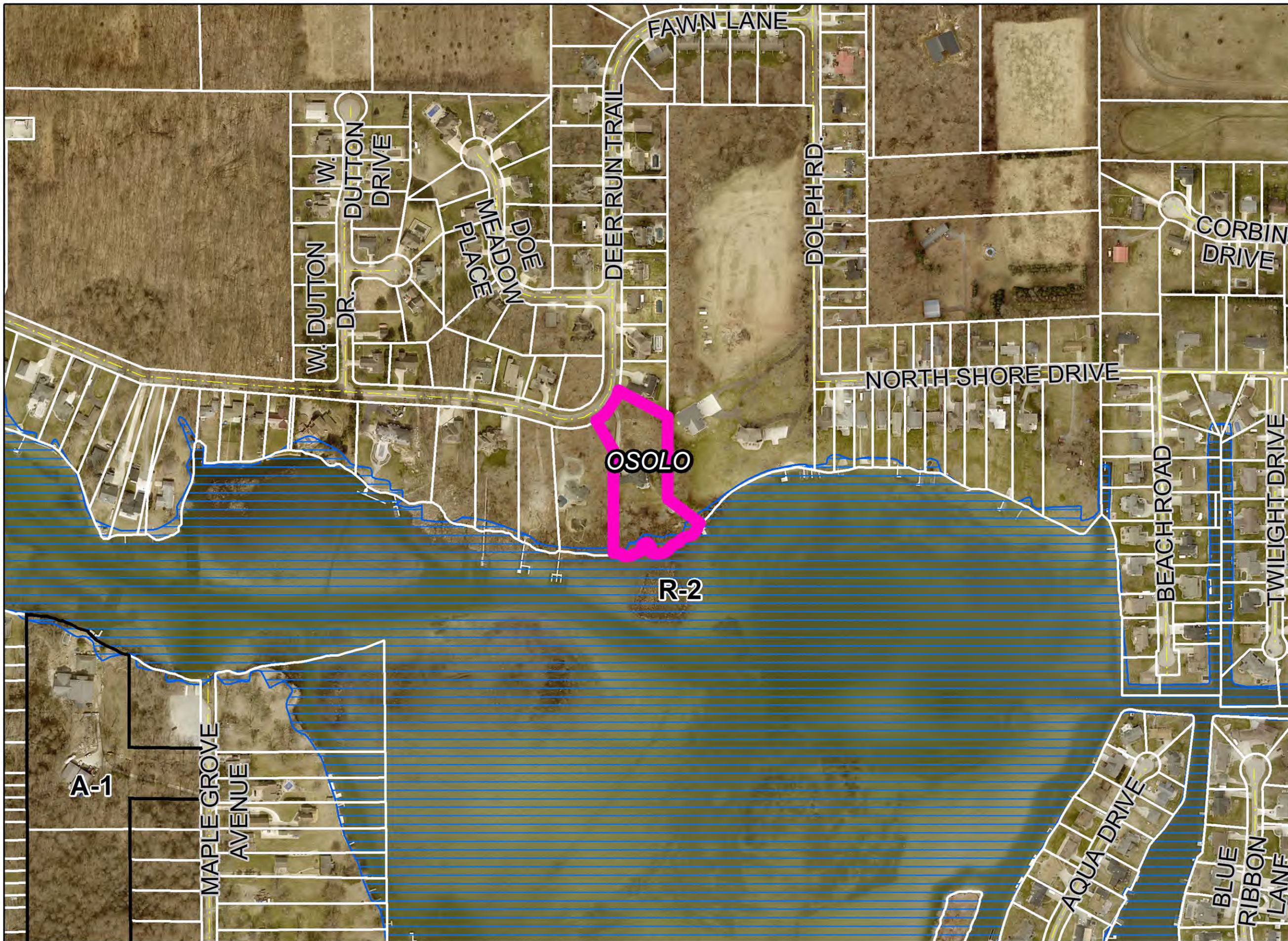


2021 Aerials

1 inch = 80 feet









Subject property



Subject property



Facing north



Facing south



Facing west

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

DV-0397-2024

Developmental Variance - Developmental Variance

Date: 06/11/2024 Meeting Date: July 17, 2024
Board of Zoning Appeals Public Hearing Transaction #: DV-0397-2024

Description: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 7ft Developmental Variance (Ordinance requires 25 ft.) to allow for the construction for an accessory structure 32 ft in height.

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Freedom Builders 54824 Cr 33 Middlebury, IN 46540	Freedom Builders 54824 Cr 33 Middlebury, IN 46540	Matthew Nelson & Loren M Nelson, Husband & Wife 25290 North Shore Dr Elkhart, IN 46514

Site Address: 25290 N Shore Dr ELKHART, IN 46514	Parcel Number: 20-02-09-453-027.000-026
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Township: Osolo
Location: SOUTH SIDE OF NORTH SHORE DR/DEER RUN TRAIL CURVE, EAST ON FAWN , 2, 115 FT SOUTH OF STATE LINE ROA

Subdivision: SIMONTON AT THE CROSSING	Lot # 61
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Lot Area: 1.79	Frontage: 123.15	Depth: 121.95
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Zoning: R-2	NPO List: 07/01/2024
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Present Use of Property: RESIDENTIAL DWELLING

Legal Description:

Comments: MECH PERMIT FOR AC/FURNANCE 2645-2020-NO INSPECTIONS COMPLETED.
EHSC-2017-0087- CAN NOT VIEW THIS COMPLIANT.
PARCEL CREATION DATE 9/21/90

RES DWELLING349 SQ FT X 110% = 3827 SQ FT MINUS GARAGE 851 SQ FT LEAVES 2976 SQ FT. PROPOSED STRUCTURE 4260 SQ FT- 1284 SQ FT OVERAGE ON ACCESSORY STRUCTURE ALLOWED BY RIGHT

Applicant Signature:

Department Signature:

Application

Site address: 25290 North Shore Drive Elkhart, IN 46514

Parcel number(s): 20-02-09-453-027.000-026

Current property owner

Name: Matthew & Loren Nelson

Address: 25290 North Shore Drive Elkhart, IN 46514

Phone: 574-849-2321 Email: mnelson@unitedbev.net

Other party Agent Buyer Land contract purchaser Lessee

Name: Freedom Builders

Address: 54824 County Road 33 Middlebury, IN 46540

Phone: 574-350-0078 Email: jh.freedombuilders@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: _____

Staff Use Only

Description: _____

Parcel creation date: 9/21/20

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: _____

1) Tell us what you want to do. Variance to allow personal storage to exceed that allowed by right.

2) Tell us why you can't change what you're doing so you don't need a variance. Due to the personal storage allowed by right on this 0.20 acre parcel, it does not give the owner the storage area desired

3) Tell us why the variance won't hurt your neighbors or the community. The proposed storage building will fit in well in this residential area. It will not adversely affect the value of neighboring properties.

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'x60' (3,600 sf) ; 32' to the peak

Tell us what you'll use it for. Personal storage + 22x30 loft - 2nd story SH

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

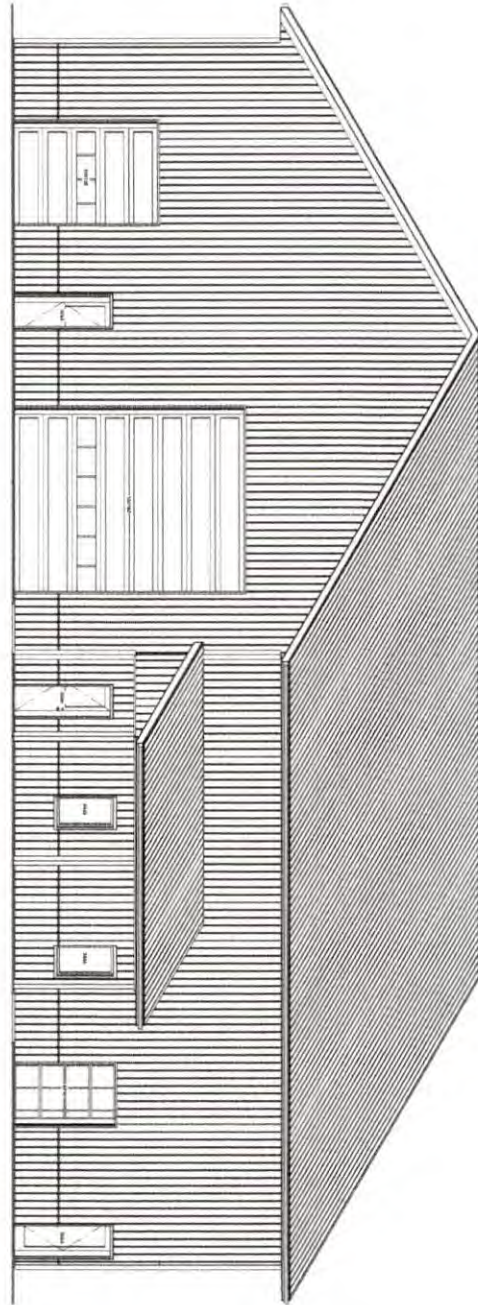
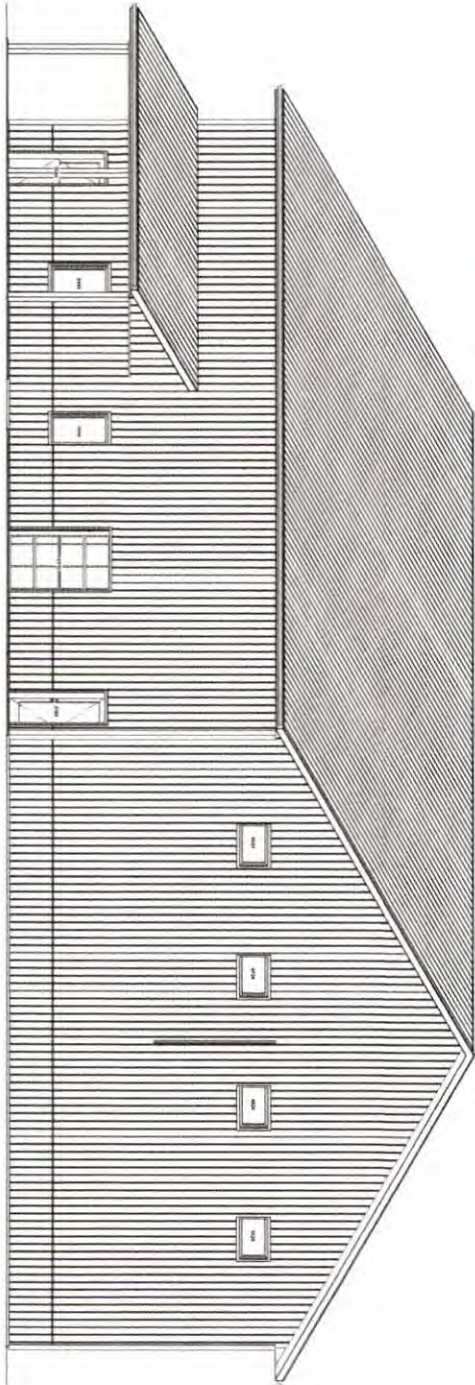
Electronic message board? Y N If no, lighted? Y N

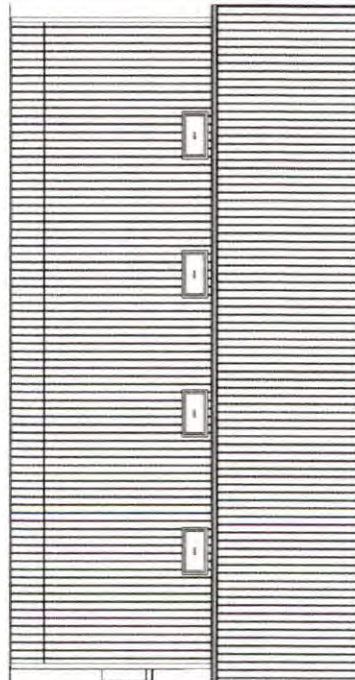
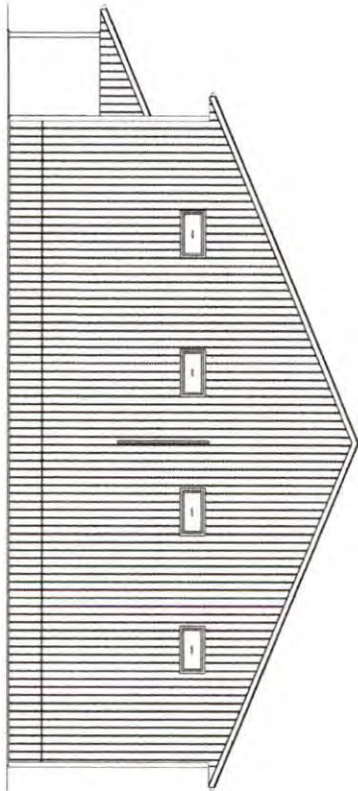
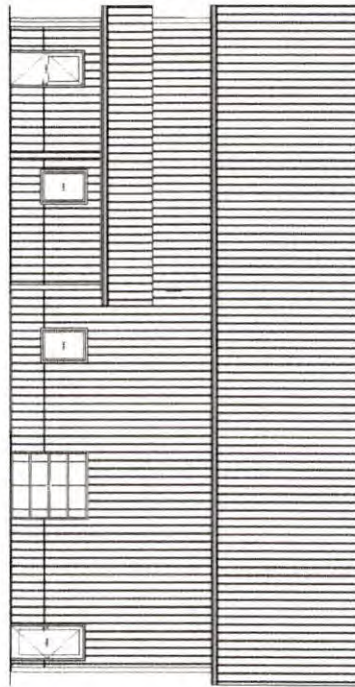
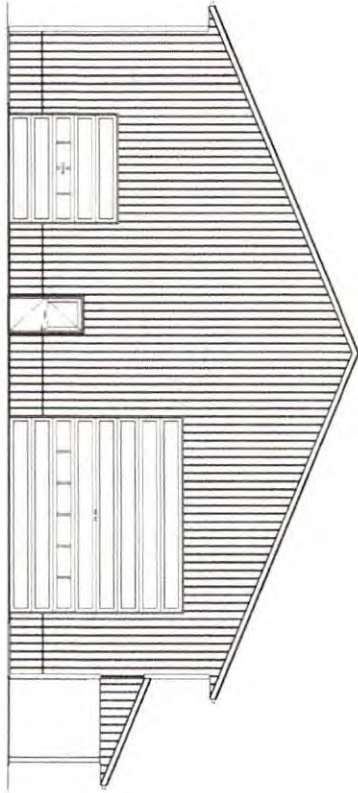
Freestanding? Y N Wall mounted? Y N

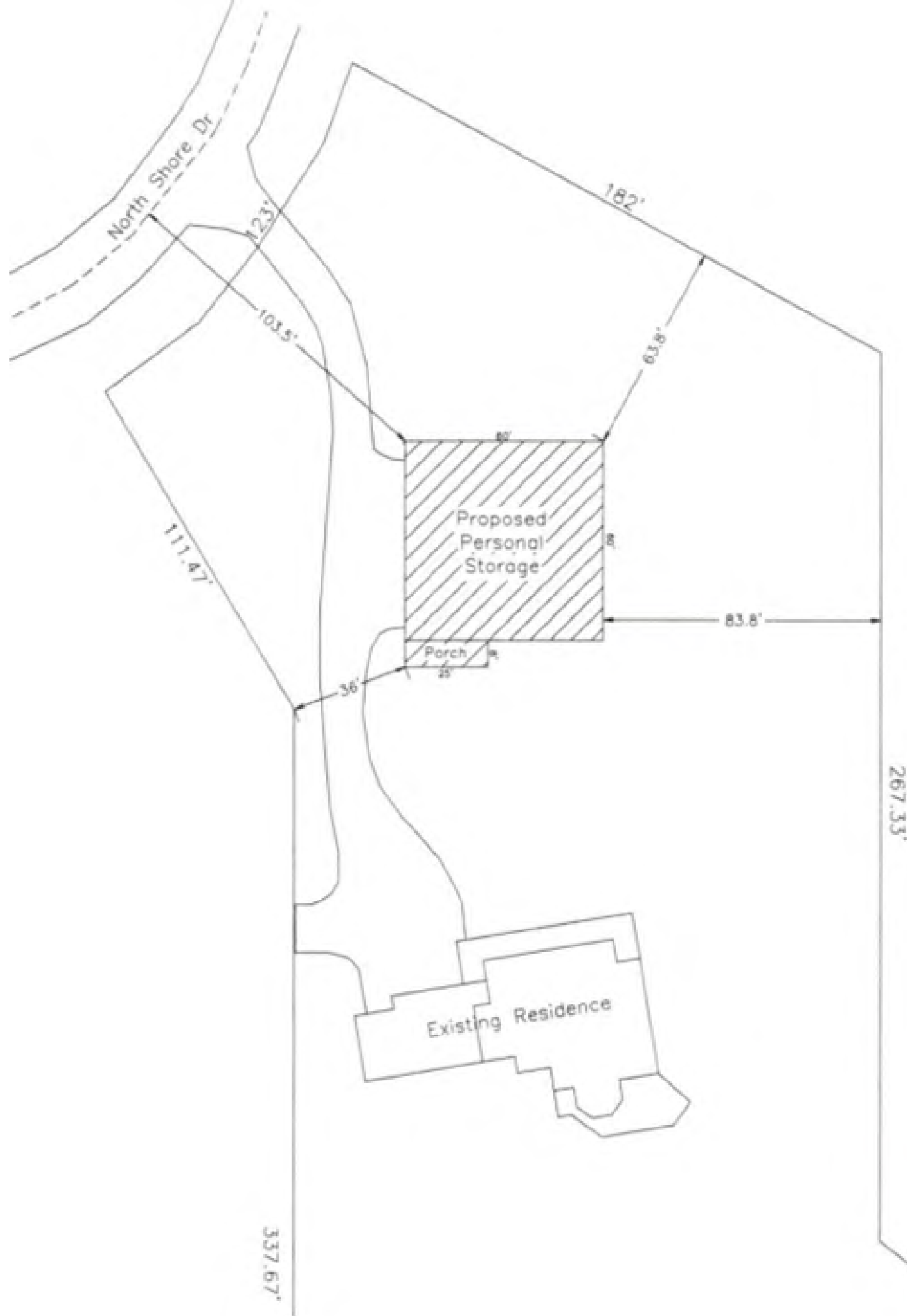
8) Does the application include a variance for parking spaces? Y N

If yes, tell us how many total there will be. _____

9) Tell us anything else you want us to know. They plan on finishing the basement at the end of this year. After that has been completed, they will be well under the allowed personal storage limit. However, they wanted to get the storage building built this summer.







JUN 11 2024



Freedom Builders
Matthew & Loren Nelson
25290 North Shore Dr
Elkhart, IN 46514

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 17, 2024

Transaction Number: DV-0368-2024.

Parcel Number(s): 20-05-02-428-001.000-005.

Existing Zoning: R-1.

Petition: For a 15 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 105 ft. from the centerline of the right-of-way Old US 20, for a 5 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for an existing accessory structure 5 ft. from the rear property line, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Petitioner: Rick & Rosa Bancroft.

Location: Southeast corner of Old US 20 & Riverdale Dr., in Cleveland Township.

Site Description:

- Physical Improvement(s) – Residence, accessory structure.
- Proposed Improvement(s) – Residential addition.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, Commercial (City of Elkhart).

History and General Notes:

- **April 7, 2020** – A complaint about building a detached garage without a permit was verified.
- **May 7, 2020** – The case was closed after a permit was issued. The site plan showed south and east setbacks of 12 ft., and the size was allowed based on finished basement.
- **June 6, 2023** – A remodeling permit was issued following a house fire.

Staff Analysis:

Staff finds that:

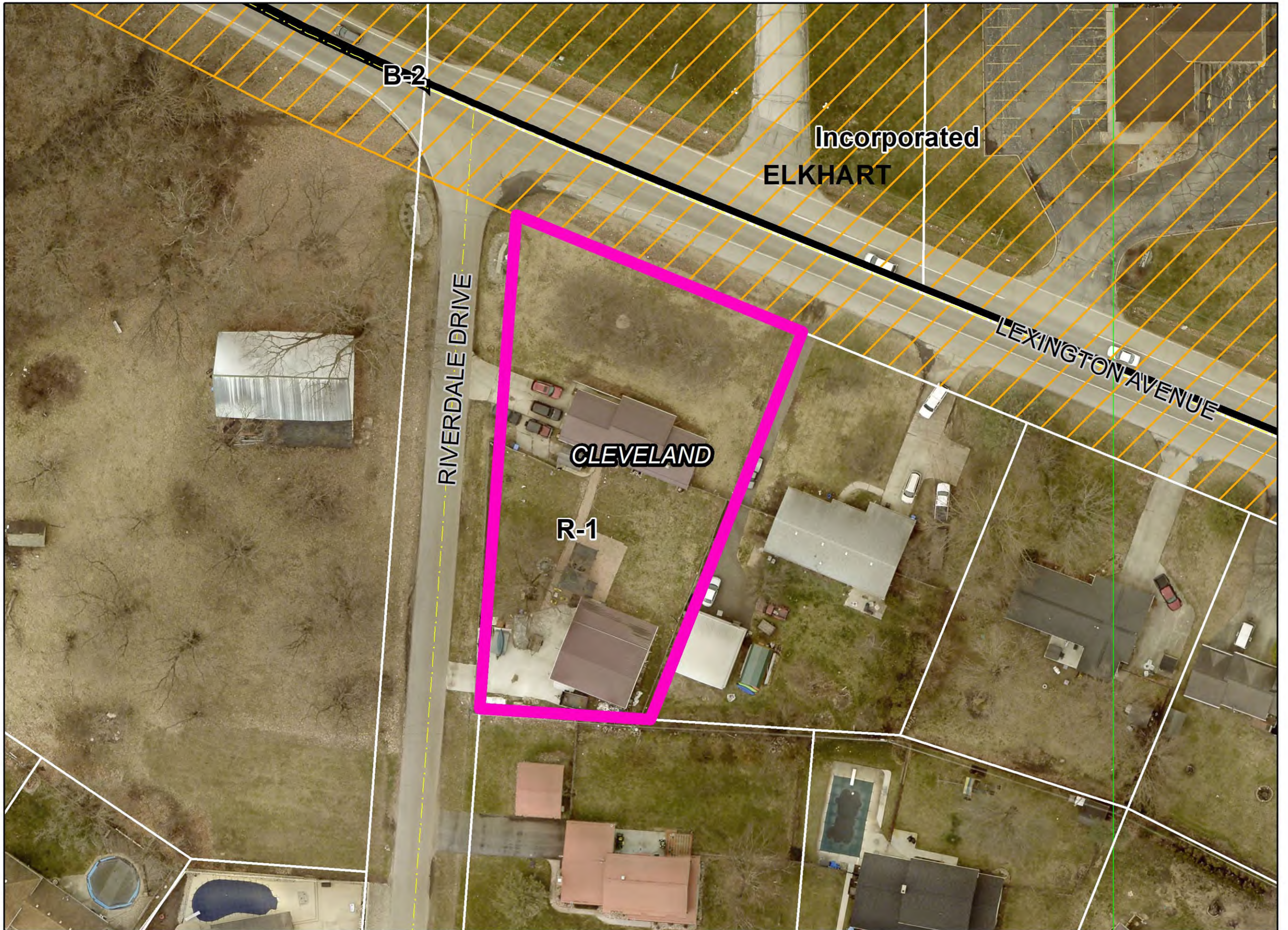
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The house is existing and does not hinder the line of sight of the right-of-way.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The new addition meets all required setbacks, and there are detached garages of similar size on neighboring properties.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The existing residence does not encroach further into the Old US 20 setback than surrounding structures on adjoining properties.

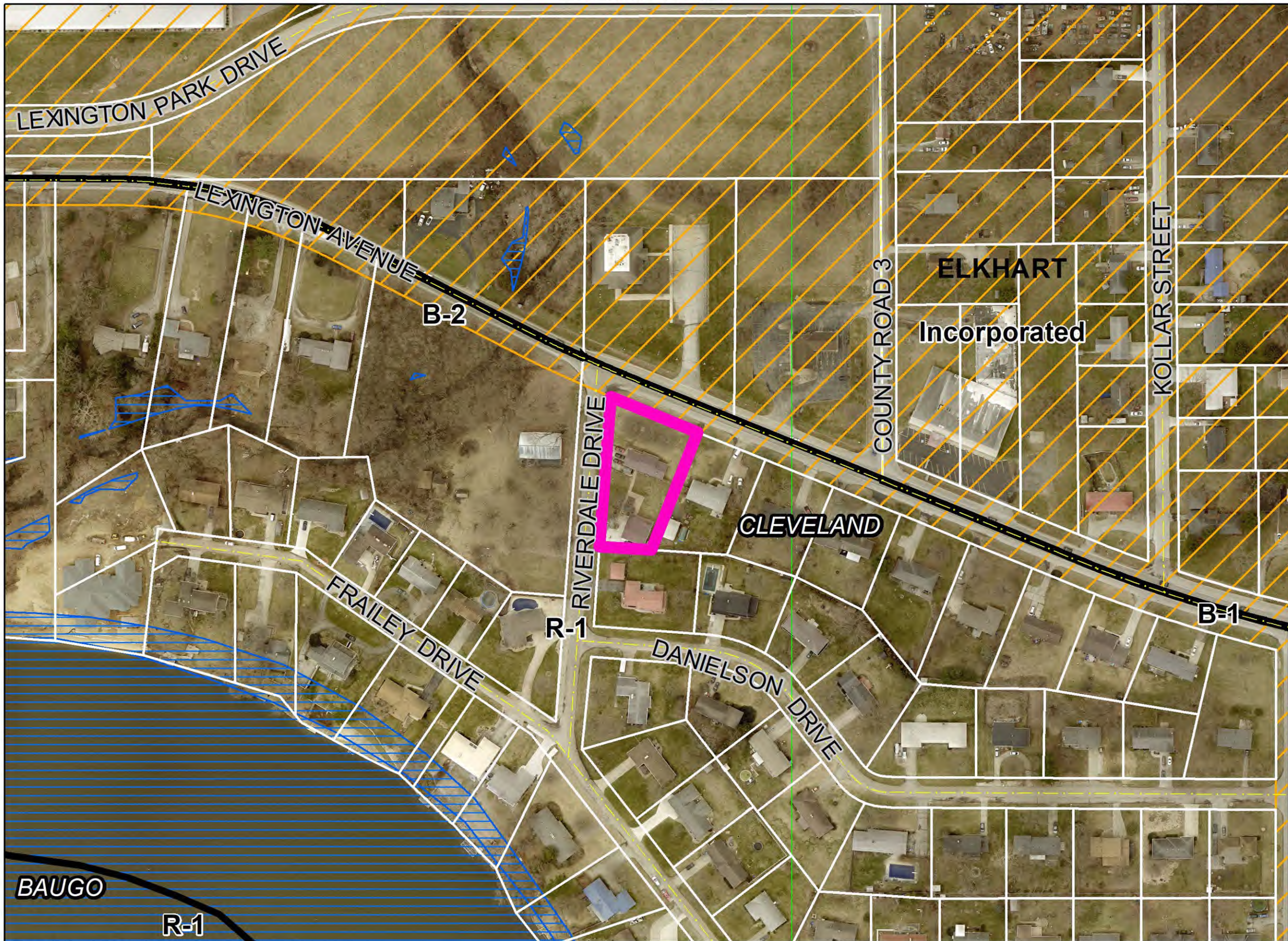
Hearing Officer Staff Report (Continued)

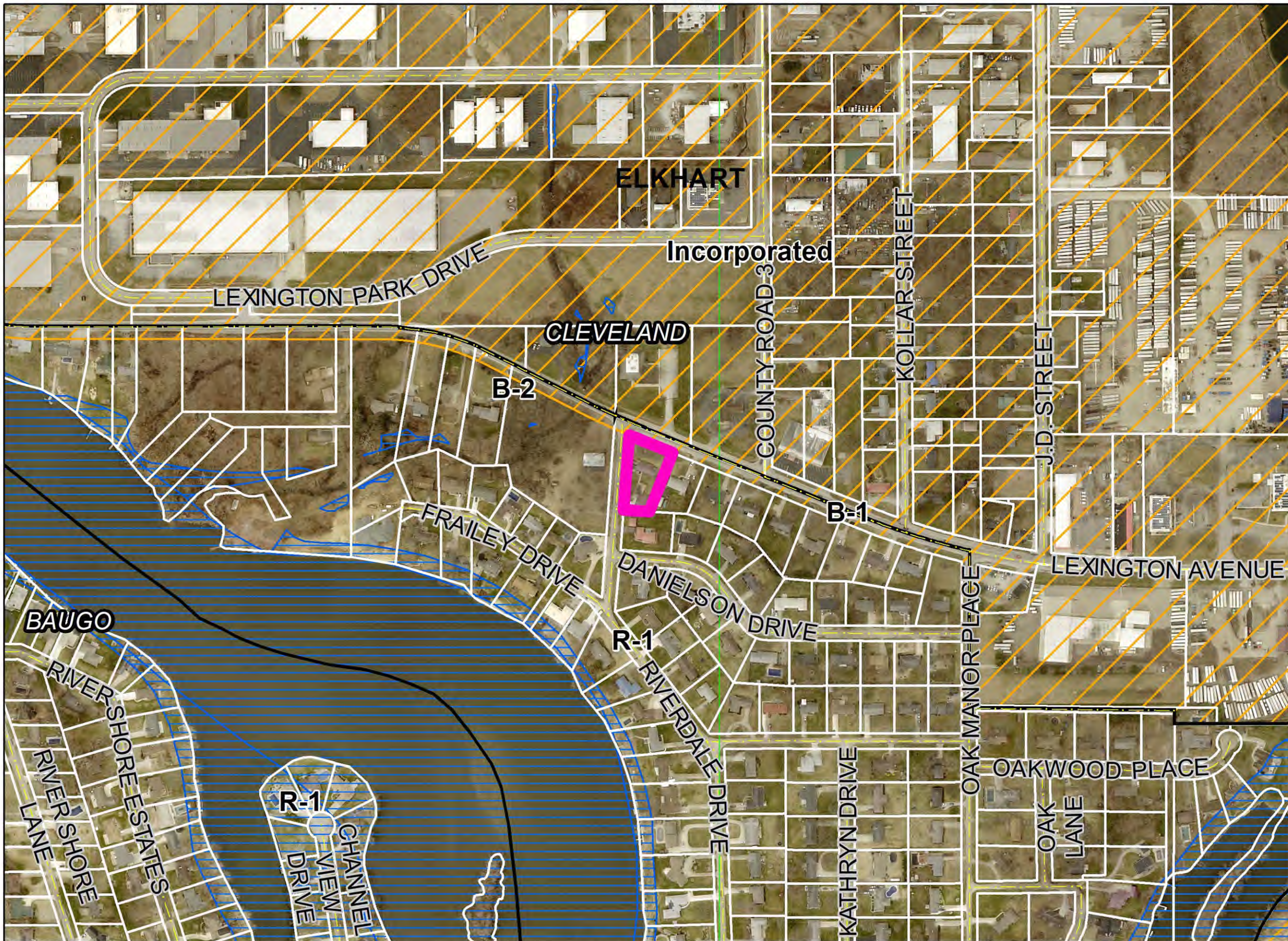
Hearing Date: July 17, 2024

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 5/30/2024 and as represented in the Developmental Variance application.









Subject property



Rear of Subject Property



Subject property looking east



Looking north



Looking south

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

Developmental Variance - Developmental Variance

DV-0368-2024

Date: 05/30/2024

Meeting Date:

July 17, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0368-2024

Description: for a 15 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 105 ft. from the centerline of the right-of-way OLD US 20, for an 8 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for an existing residence 5 ft. from the rear property line, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right

Contacts: Applicant

Rick & Rosa Bancroft
29066 Old Us 20
Elkhart, IN 46514

Land Owner

Rick & Rosa Bancroft
29066 Old Us 20
Elkhart, IN 46514

Site Address: 29066 Old Us 20
ELKHART, IN 46514

Parcel Number: 20-05-02-428-001.000-005

Township: Cleveland

Location: SOUTH EAST CORNER OF OLD US 20 AND RIVERDALE DRIVE

Subdivision: FRAILEY'S RIVERDALES 7TH

Lot # 90

Lot Area: 0.66 Frontage: 396.50 Depth: 79.13

Zoning: R-1

NPO List: 07/01/2024

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 3-1-62
SEE BR-0682-2020 BUILDING BUILT WITHOUT BUILDING PERMIT APPROVAL AND BUILDING BUILT OVER SEPTIC.
BR-1115-2023 BUILDING PERMIT FOR REMODEL DUE TO HOUSE FIRE
CODE-0169-2021 JUNK CARS
CODE-0171-2024-UNSAFE- DUE TO HOUSE FIRE
CODE-0670-2022-JUNK CARS
CODE-0681-2023 CARS AND BOATS FOR SALE
CODE 0065-2023-BUILDING WITHOUT PERMIT FOR ACCESSORY STRUCTURE
COMP-2020-2019-CAN NOT OPEN THE COMPLAINT

IT SHOULD BE NOTED THE ACCESSORY STRUCTURE IS NOW BUILT OVER THE NEW SEPTIC SYSTEM AND SEPTIC DEPARTMENT IS AWARE AND HAS A LETTER IN FILE NOTING THIS. ES

Applicant Signature:

Department Signature:

Application

Site address: 29066 Old US 20

Parcel number(s): 05-02-428-001-005 / 20-05-02-⁴²⁸~~428~~-001-000-005

Current property owner

Name: Rick & Rosa Bancroft

Address: 29066 Old US 20 Elkhart, In. 46514

Phone: 574-369-1347 Email: bnikkita@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:

Staff Use Only

ES.
May 13, 2024

Description: Setback - 170ft from Old US 20

Currently 105ft -

~~Existing necessary structures to exceed allowed by code.~~

~~existing necessary structures needs to be brought into compliance - expedited permit, no inspections, no health dept - ²¹¹² ~~2112~~ - might be built with permits~~

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: Res dwelling = ²¹¹² ~~970~~ x 110% ~~1056~~ -

garage (576) + shed (100) total (676) leaves ¹⁵³⁶ ~~320~~ buildable storage

has a 40 x 40 building (permit ~~22-0682-2020~~).
(passed finals)

Location: N S E W corner side end of _____
_____ ft. N S E W of _____
in _____ Township

Frontage: 396.57 Depth: 79.13 Area: 0.662 acres

Subdivision and lot number, if applicable: Frailley's Riverdale 7th Lot 90

Present use: Residential

R-1

Developmental Variance — Questionnaire

Name: Rick Bancroft & Rosa Bancroft

1) Tell us what you want to do. we would like to add on to our home, we had a house fire, and alot were destroyed now that we can repair the house, we would like to add on to the kitchen

2) Tell us why you can't change what you're doing so you don't need a variance. I had a Pale barn built 5yrs. ago, and I'm being told that our home is out of variance to expand.

3) Tell us why the variance won't hurt your neighbors or the community. it would add beauty to our home and value, it would increase the property value which helps keep value higher

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 NA

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: 12x20 addition
Tell us what you'll use it for. to increase the size of kitchen

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. We would be very appreciative if Elkhart county would please grant us the variance to remodel our home.

Thank you
Rick & Rosa Bancroft

Grey Solid Line = concrete / road / driveway
Solid Orange Line = privacy fence

Grey Dashed Line = property line
Black Dashed Line = measurements

Solid Black Line = existing structures

Riverdale Drive



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 17, 2024

Transaction Number: DV-0408-2024.

Parcel Number(s): 20-08-04-100-031.000-034, 20-08-04-100-036.000-034, 20-08-04-201-019.000-034, 20-08-04-201-020.000-034, 20-08-04-201-021.000-034.

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: Devon H. Miller & Jil L. Miller, Husband & Wife.

Location: North side of CR 12, 1,600 ft. west of CR 8, in Middlebury Township.

Site Description:

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

History and General Notes:

- **March 17, 1994** – The BZA approved an appeal to allow a residence on property served by an access easement and subdivided by parent-to-child split.

Staff Analysis:

Staff finds that:

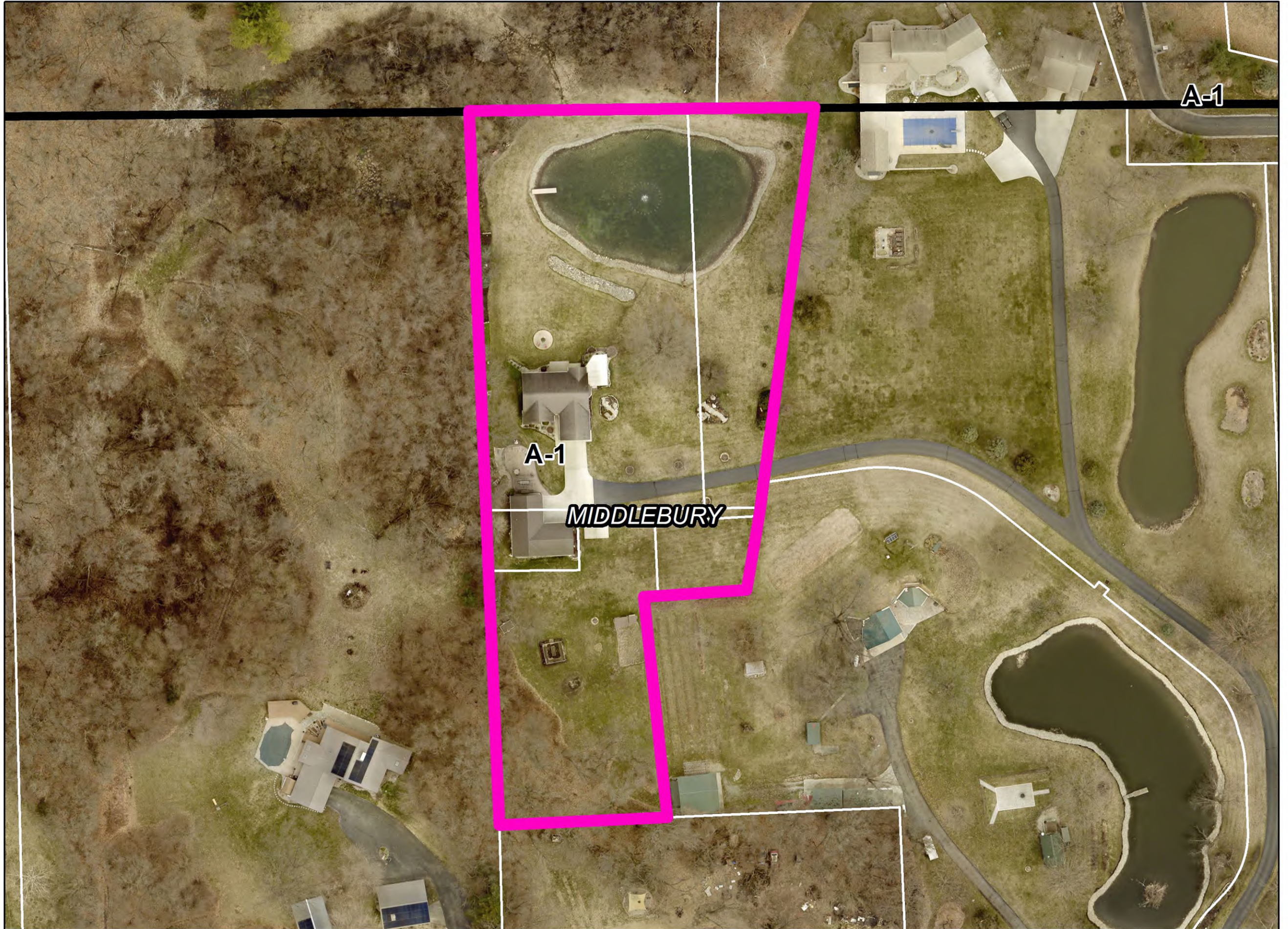
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The building and addition are set far back from CR 12 and do not threaten public health or welfare.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The building and addition meet all setback and height requirements and are at least 150 ft. from the nearest offsite residence.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The scale of the building and addition are what would be expected in a low-density area of large-lot homesites.

Hearing Officer Staff Report (Continued)

Hearing Date: July 17, 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 6/17/2024 and as represented in the Developmental Variance application.



DV-0408-2024

YORK

A-1

MIDDLEBURY

A-1

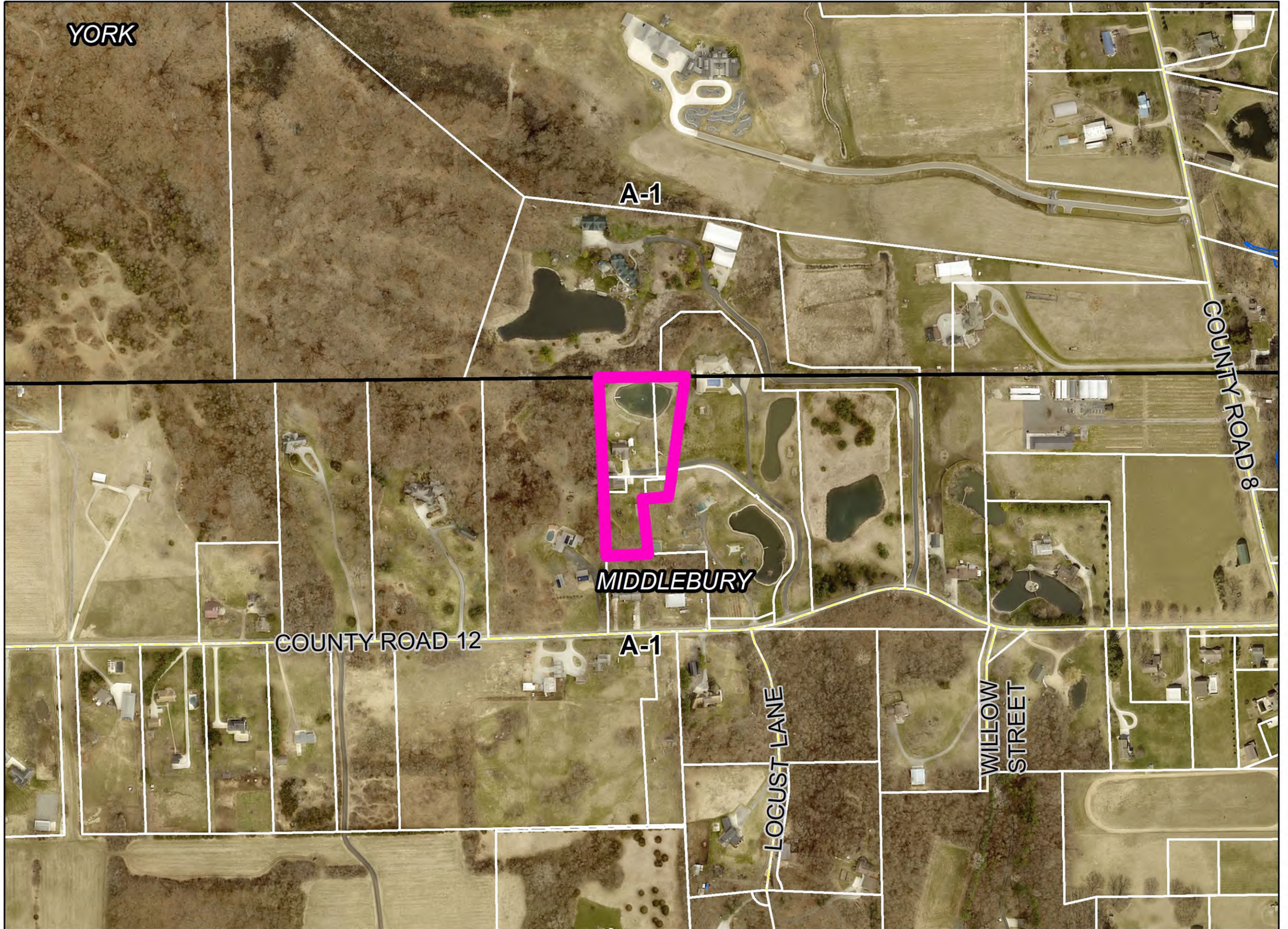
COUNTY ROAD 12

LOCUST LANE

2021 Aerials

1 inch = 200 feet







Looking west toward property



Looking west toward property



Looking west



Looking south

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

DV-0408-2024

Developmental Variance - Developmental Variance

Date: 06/17/2024 Meeting Date: July 17, 2024
Board of Zoning Appeals Public Hearing Transaction #: DV-0408-2024

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>General Contractor</u>	<u>Land Owner</u>
Mh Bontrager Construction 59155 County Road 41 Middlebury, IN 46540	Mh Bontrager Construction 59155 County Road 41 Middlebury, IN 46540	Devon H. Miller And Jil L. Miller, Husband And Wife 13523 County Road 12 Middlebury, IN 46540

Site Address: 13523 County Road 12 MIDDLEBURY, IN 46540	Parcel Number: 20-08-04-100-031.000-034 20-08-04-100-036.000-034 20-08-04-201-019.000-034 20-08-04-201-020.000-034 20-08-04-201-021.000-034
--	--

Township: Middlebury
Location: NORTH SIDE OF CR 12, 1,600 FT WEST OF CR 8

Subdivision: Lot #

Lot Area: 2.86 Frontage: 0.00 Depth: 330.00

Zoning: A-1 NPO List: 07/01/2024

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 5/11/1994
RESIDENCE = 2,480 SQ FT X 110% = 2,728 SQ FT, MINUS 1,728 (GARAGE) AND 484 (ATTACHED GARAGE) -
PROPOSED BUILDING IS 40 X 48 = 1,920 SQ FT, WHICH IS AN OVERAGE OF 1,404 SQ FT
SEE APPEAL #94-1321 FOR RESIDENCE ON ACCESS EASEMENT, APPROVED 3/17/1994
DV #20022288 FOR 3:1 APPROVED 6/19/2002
PERMIT #BR-0985-2024 NEEDS ELECTRICAL FINAL (ROOF MOUNTED SOLAR)

Applicant Signature:

Department Signature:

Application

Site address: 13523 CR 12 Middlebury IN 46540

Parcel number(s): 1.363 ^{6/11/94} 20-08-04-100-031 20-08-04-201-021 ^{4/28/15} 1.706

Current property owner ^{11/3/03} 1.08 20-08-04-100-036 20-08-04-201-019 ^{4/28/15} 1.57 20-08-04-201-020 ^{4/28/15}

Name: Devon Miller

Address: 13523 CR 12 Middlebury IN 46540

Phone: 574-215-8592 Email: _____

Other party Agent Buyer Land contract purchaser Lessee

Name: MH Bontrager Construction

Address: 59155 CR 41 Middlebury IN 46540

Phone: 574-612-6011 Email: hdmike@Ibyfax.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: Mikhael Bontrager

Staff Use Only

Description: _____

Parcel creation date: _____

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: see attached

Location: (N) (S) (E) (W) corner (side) end of CR 12
1,700 ft. (N) (S) (E) (W) of CR 8
in Middlebury Township

Frontage: 0 Depth: _____ Area: 2.859 acres

Subdivision and lot number, if applicable: _____

Present use: Residential

Developmental Variance — Questionnaire

Name: Devon Miller

1) Tell us what you want to do. Add a 1920 sq ft garage to a 1728 sq ft. existing garage

2) Tell us why you can't change what you're doing so you don't need a variance. There would not be enough space for what I'm wanting to do.

3) Tell us why the variance won't hurt your neighbors or the community. It's a good ways off the Road and only be used for personel storage & small work shop.

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: 40x48 21' to peak
Tell us what you'll use it for. personel storage + small work shop

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): _____

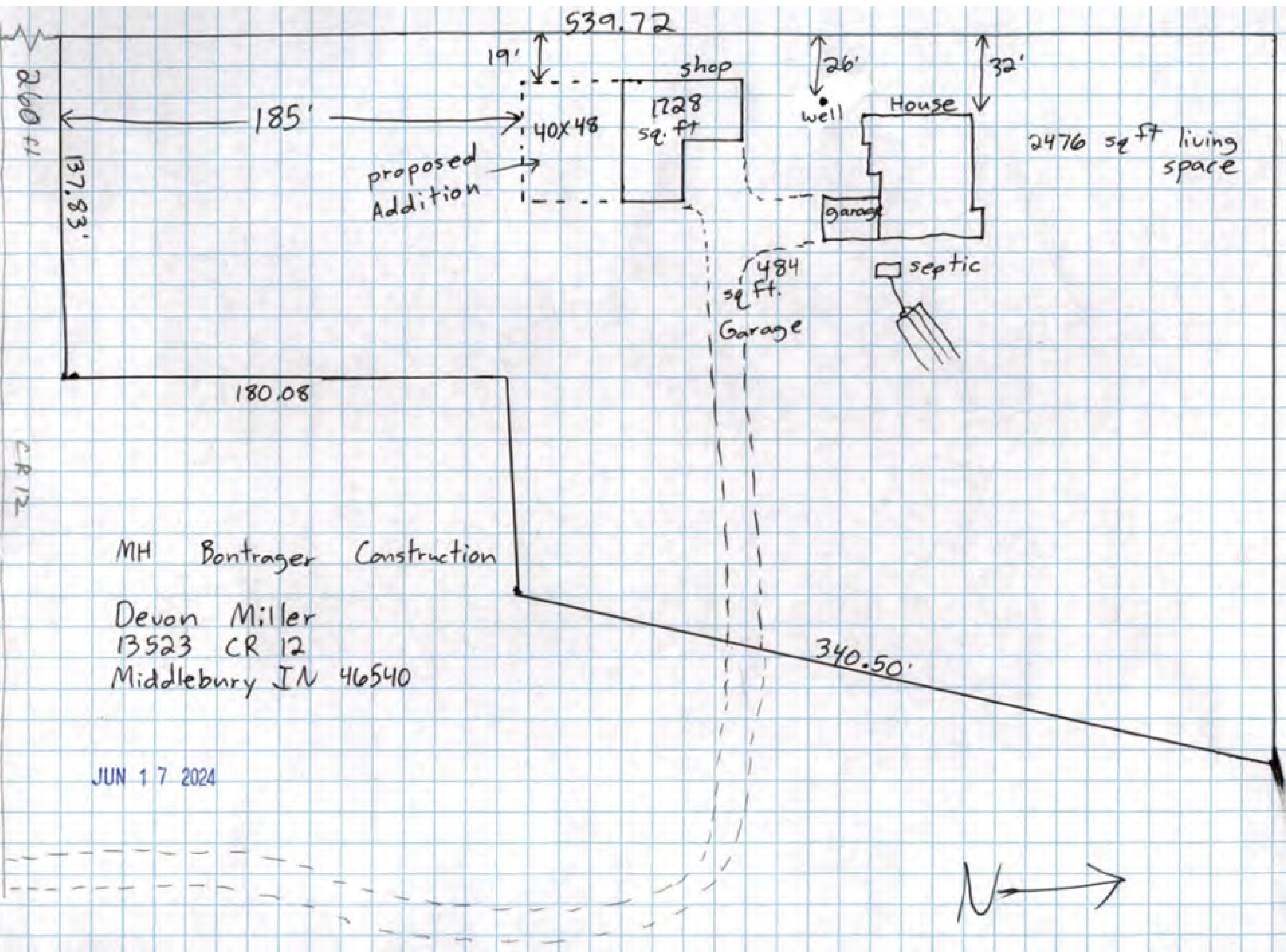
Existing? Y N Double faced? Y N

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. _____



539.72

260 ft

137.83'

185'

19'

40x48

proposed
Addition

shop

1728
sq. ft

26'
well

House

32'

2476 sq ft living
space

garage

septic

484
sq. ft.
Garage

180.08

CR 12

MH Bontrager Construction

Devon Miller

13523 CR 12

Middlebury IN 46540

340.50'

JUN 17 2024



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 17, 2024

Transaction Number: DV-0403-2024.

Parcel Number(s): 20-12-32-200-022.000-007.

Existing Zoning: A-1.

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

Petitioner: James D. Mast & Hanah Mast, Husband & Wife.

Location: South side of CR 40, 2,630 ft. east of CR 33, in Clinton Township.

Site Description:

- Physical Improvement(s) – None.
- Proposed Improvement(s) – Residence.
- Existing Land Use – Agricultural.
- 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. Any new driveway must meet safety standards regardless of lot width.
2. Approval of the request will not cause substantial adverse effect on neighboring property. A lot width of 50 ft. will still allow safe entry and exit with no encroachment 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. A lot width of 50 ft. is adequate in a low-density residential and agricultural area.

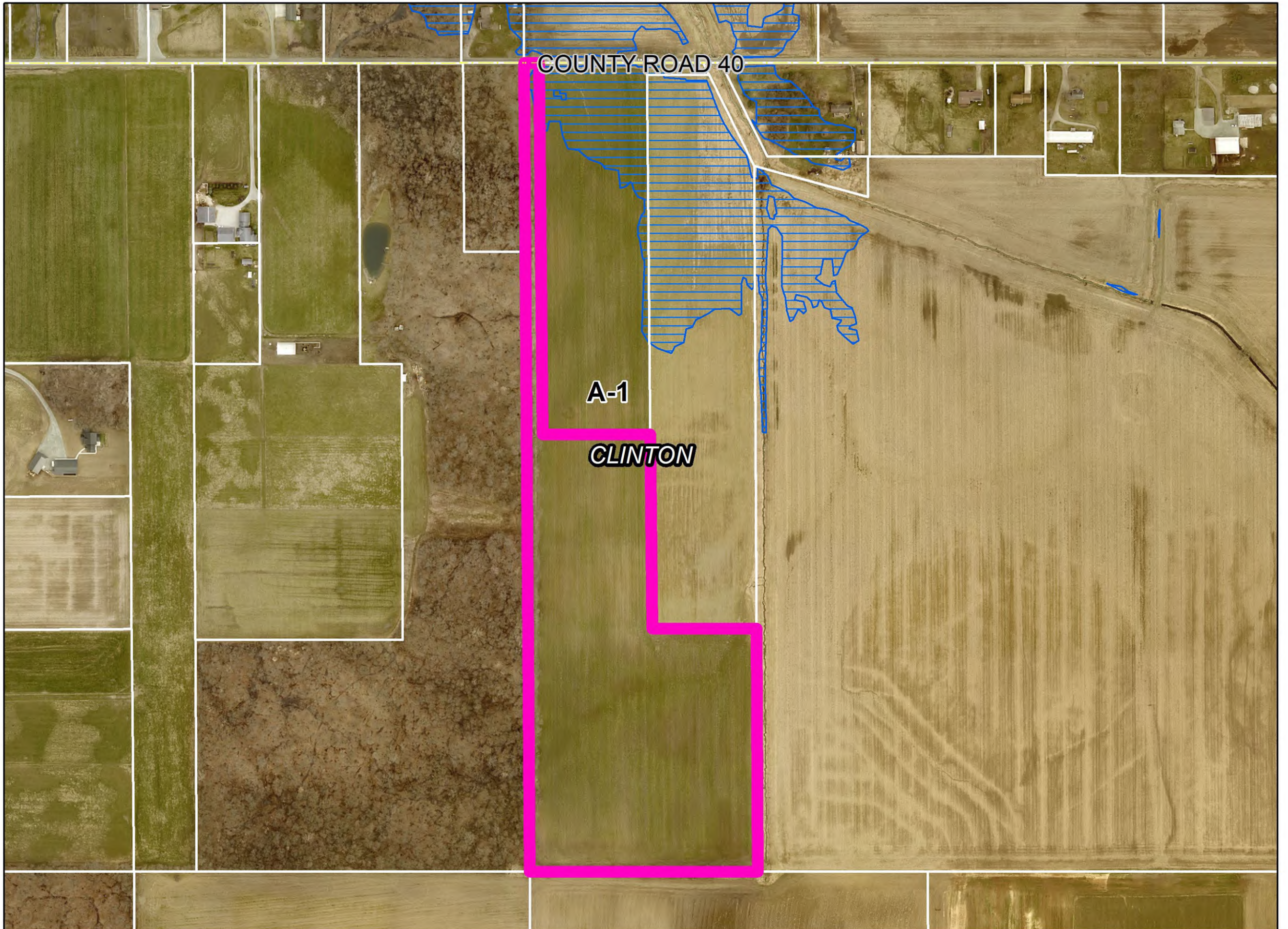
Hearing Officer Staff Report (Continued)

Hearing Date: July 17, 2024

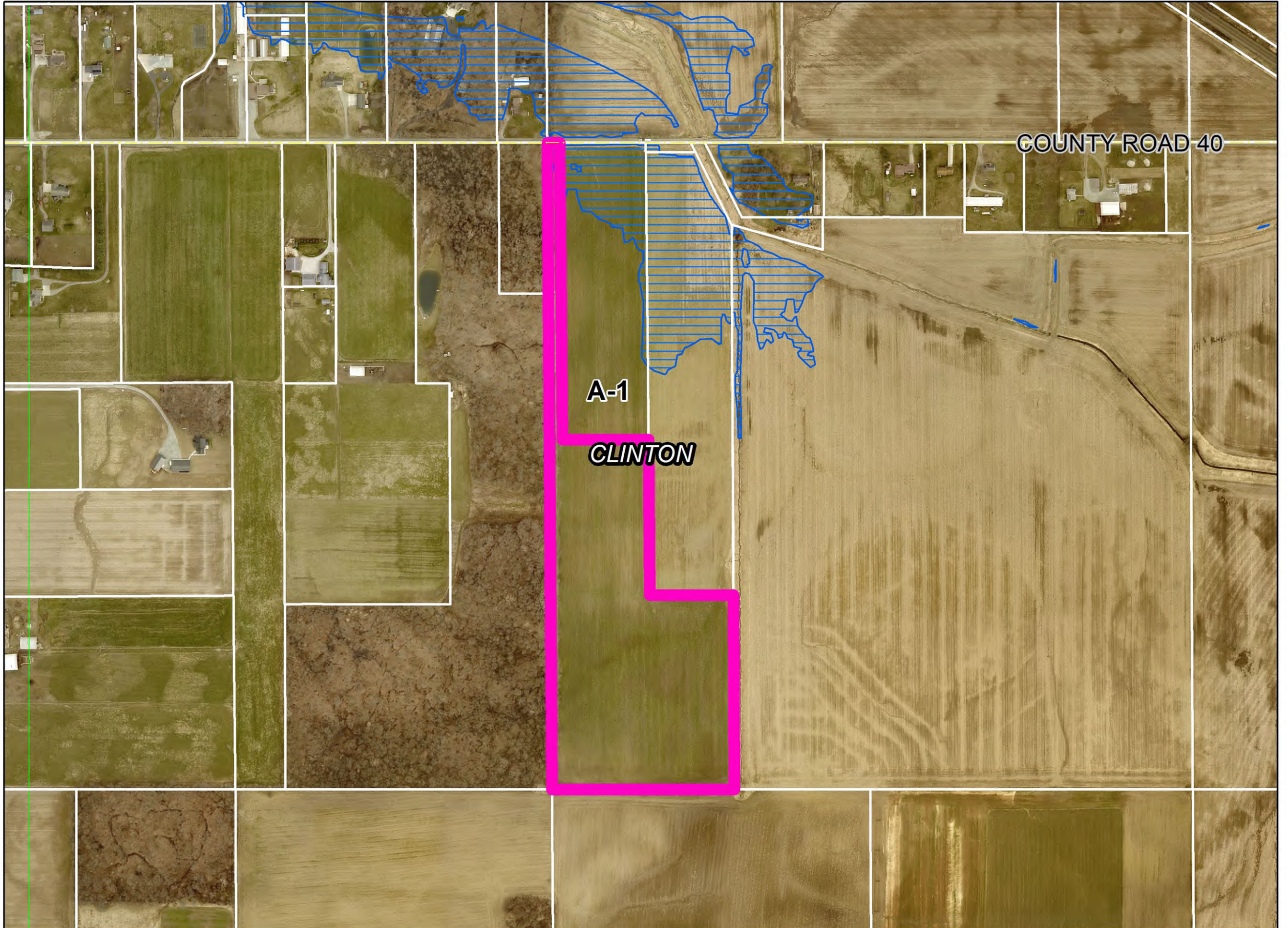
Staff recommends **APPROVAL** with the following condition(s) imposed:

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 6/13/2024 and as represented in the Developmental Variance application.
3. A subdivision is required.

DV-0403-2024



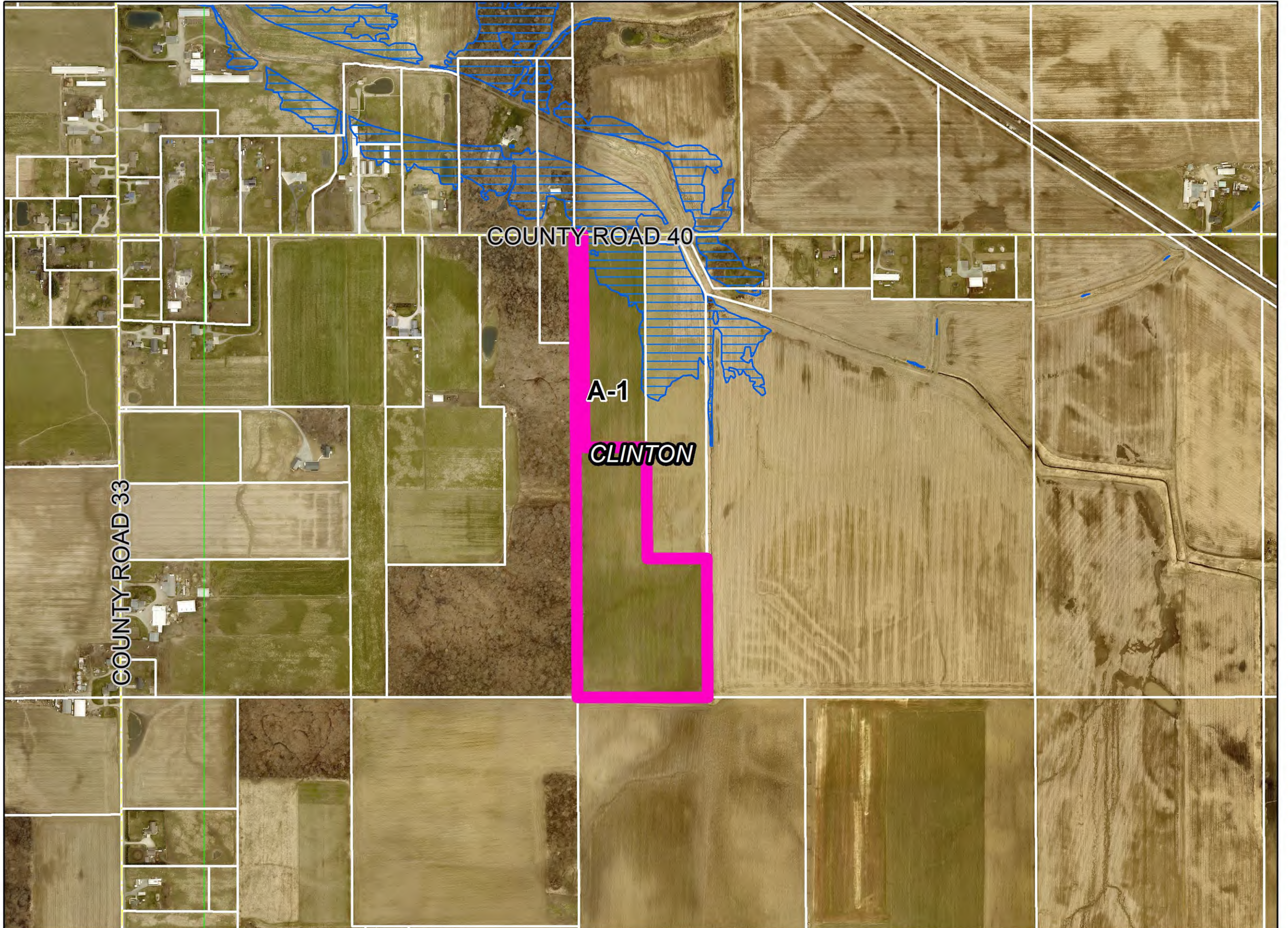
DV-0403-2024



2021 Aerials

1 inch = 500 feet







Subject property



Facing east



Facing west



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

DV-0403-2024

Developmental Variance - Developmental Variance

Date: 06/13/2024

Meeting Date:

July 17, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0403-2024

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

Contacts: Applicant

Land & Boundary Llc
401 South 3Rd St
Goshen, IN 46526

Authorized Agent

Land & Boundary Llc
401 South 3Rd St
Goshen, IN 46526

Land Owner

James D & Hanah Mast,
Husband & Wife
6257 W 1300 N
Nappanee, IN 46550

Site Address: 00000 County Road 40
GOSHEN, IN 46528

Parcel Number:

20-12-32-200-022.000-007

Township: Clinton

Location: SOUTH SIDE OF COUNTY ROAD 40, 2,630 FT EAST OF COUNTY ROAD 33

Subdivision:

Lot #

Lot Area:

21.76

Frontage:

50.00

Depth:

1,227.00

Zoning: A-1

NPO List: 07/01/2024

Present Use of Property: VACANT

Legal Description:

Comments: WILL NEED AN ADMIN SUB OR MINOR SUB-LAND AND BOUNDARY AWARE OF THIS AND WILL BE SUBMITTING THE ADMIN SUB AT A LATER DATE. ALSO, THEY ARE AWARE THE SITE PLAN WILL NEED TO BE UPDATED AS THERE ARE NO SETBACKS ASSOCIATED WITH THE RESIDENCE TO BE BUILT.
DNR WILL NEED TO BE CONTACTED DUE TO THE DRIVEWAY BEING IN THE FLOOD FRINGE. LAND AND BOUNDARY HAVE ALSO BEEN INFORMED ABOUT THIS AS WELL.
THERE WERE TWO PARCEL SPLITS- NOT SURE WHICH ONE TO USE 3/30/22 OR 4/14/22. BOTH ARE FOR THE SAME PARCEL.

Applicant Signature:

Department Signature:

Application

Site address: Vacant Land, County Road 40 Goshen, Indiana 46528

Parcel number(s): 20-12-32-200-022.000-007

Current property owner

Name: James D. and Hanah Mast

Address: 6257 W 1300 N Nappanee, Indiana 46550

Phone: _____ Email: _____

Other party Agent Buyer Land contract purchaser Lessee

Name: Levi Rednour

Address: 401 S Third Street Goshen, Indiana 46528

Phone: 574-320-5514 Email: levi@landbro.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: _____

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 CR 40,
2430 ft. N S E W of CR 33,
in _____ Township

Frontage: 50 **Depth:** 1227. **Area:** 21.74 acres

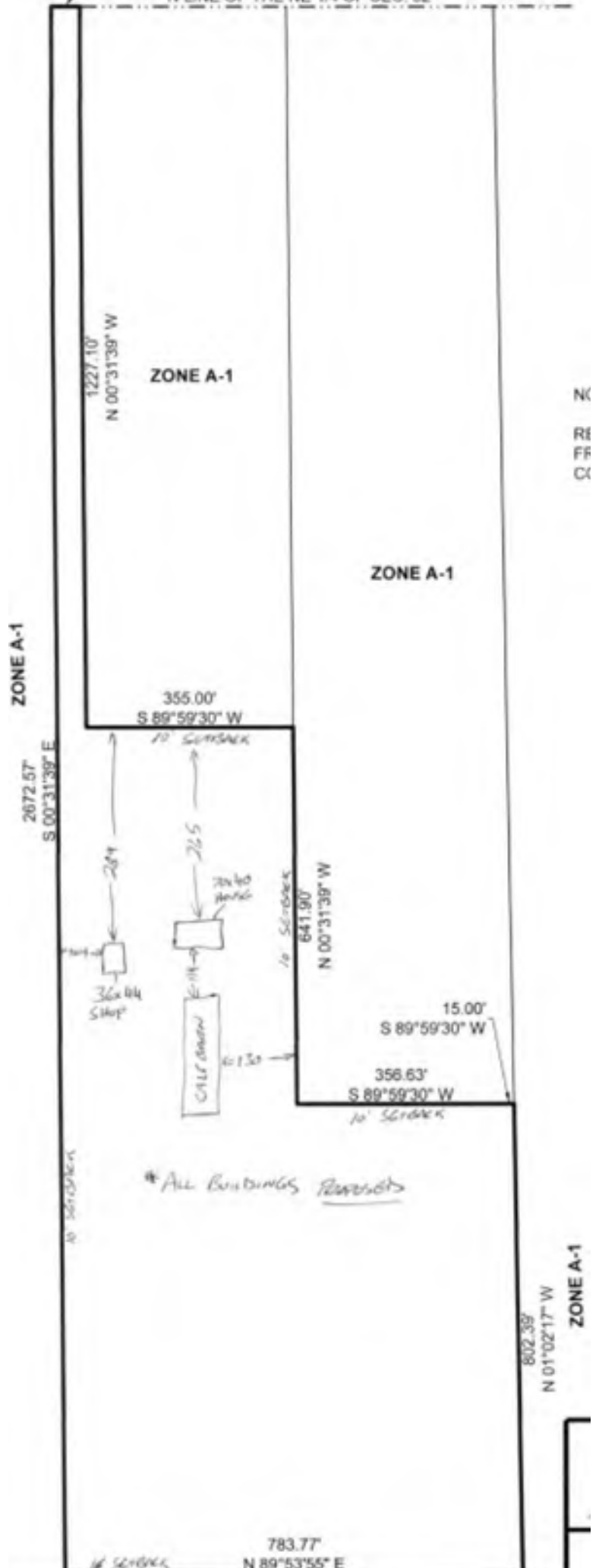
Subdivision and lot number, if applicable: _____

Present use: 3/30/22 3 4/14/2022

Developmental Variance — Questionnaire

Name: _____

- 1) Tell us what you want to do. Request a lot width variance for a parcel that is 50 feet wide at the front building setback line. Elkhart County requirement is 100 feet.
- 2) Tell us why you can't change what you're doing so you don't need a variance. The parcel lines are existing from prior splits, no new lines are being created. The plan is to develop this parcel into a residential lot. Parcels South and East are currently farmed while the parcel to the West is wooded.
- 3) Tell us why the variance won't hurt your neighbors or the community. This parcel will be used as a residential lot and will have minimal vehicle traffic. There are several houses along County Road 40 which fits the current plan to develop this lot in a residential lot.
- 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. _____
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. This parcel is planned to be developed into a residential lot with a house and pole barn. County Road 40 is fairly flat in this area and site distances to the East and West are 610 feet plus.



C
R
E
K

ZONE A-1

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 17, 2024

Transaction Number: DV-0416-2024.

Parcel Number(s): 20-09-27-100-003.000-024.

Existing Zoning: A-1.

Petition: For a 4 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing accessory structure 1 ft. from the east side property line.

Petitioner: AMMF Land Trustee Corporation (Land Contract Holder) & Gary Miller (Land Contract Purchaser).

Location: South side of CR 38, 815 ft. east of West County Line Rd., in Olive Township.

Site Description:

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

History and General Notes:

- **July 11, 2024** – The plat committee considered Gary Miller CR 38 Minor Subdivision.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The subject building is isolated from public areas.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The affected property is vacant farmland.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Enforcement of a full 5 ft. setback would result in encroachment of farming activity on the subject property.

Hearing Officer Staff Report (Continued)

Hearing Date: July 17, 2024

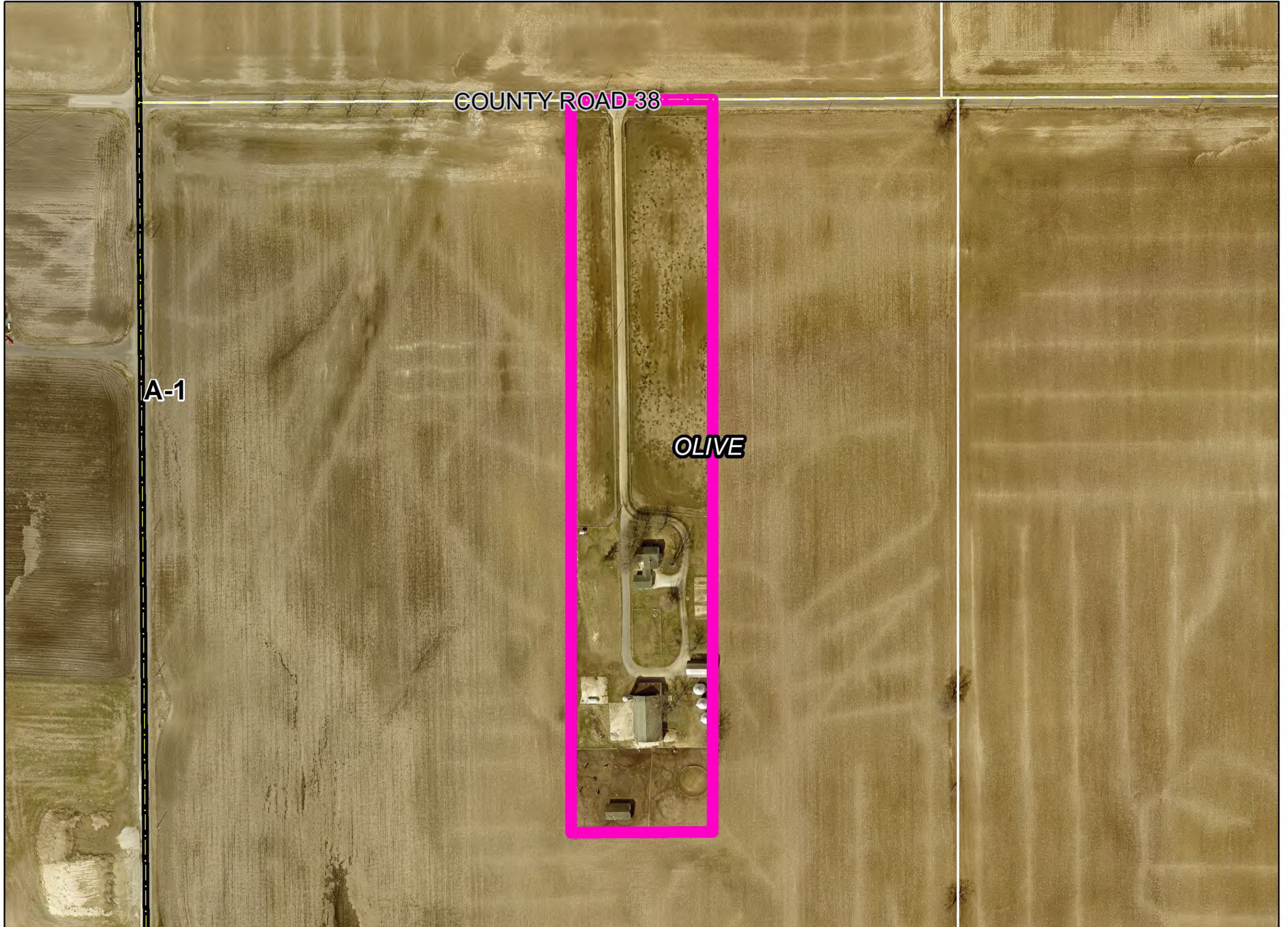
Staff recommends **APPROVAL** with the following condition(s) imposed:

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 6/17/2024 and as represented in the Developmental Variance application.

COUNTY ROAD 38

A-1

OLIVE

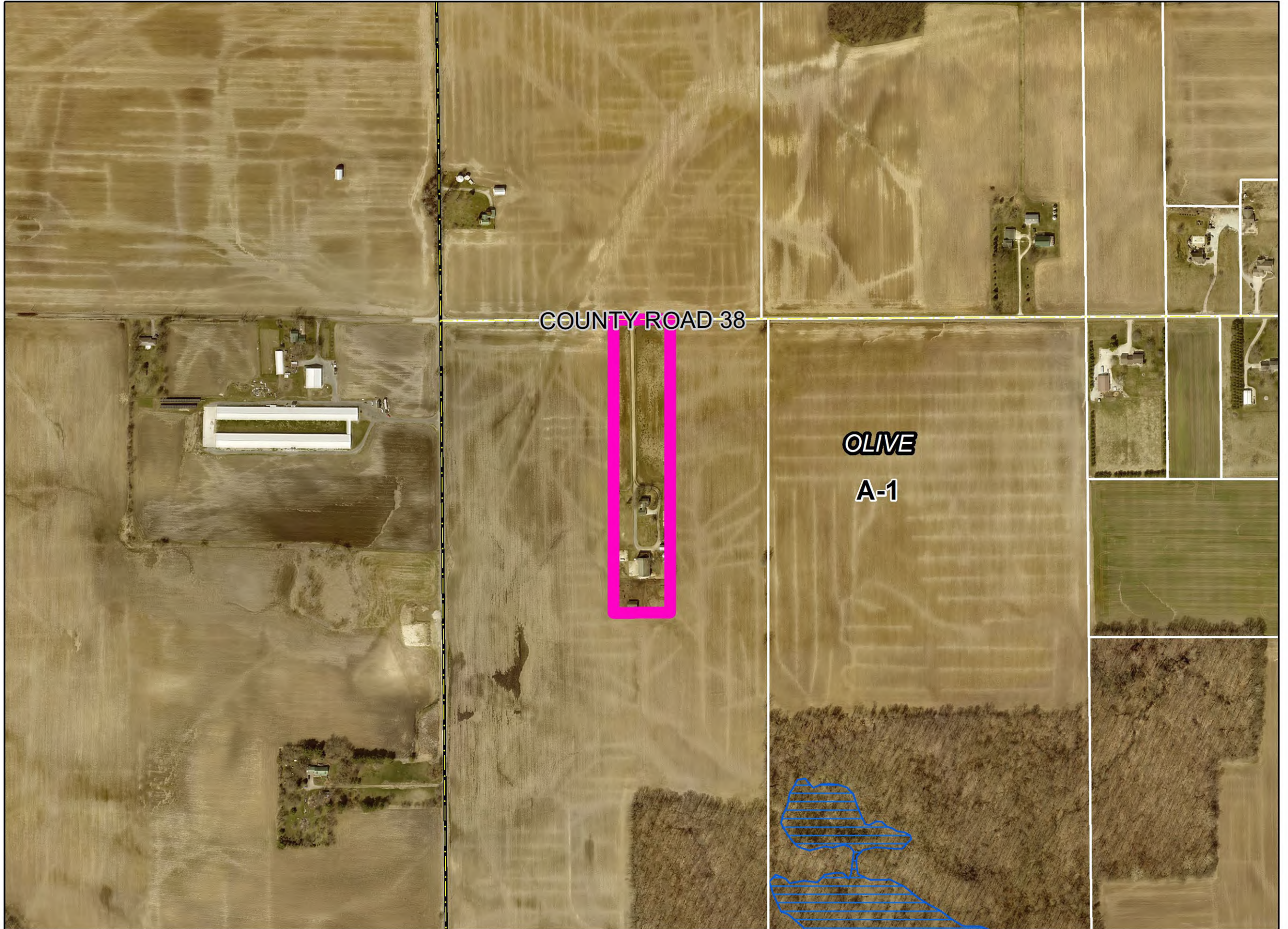




COUNTY ROAD 38

A-1
OLIVE

DV-0416-2024



COUNTY ROAD 38

OLIVE
A-1



Subject property



Subject property facing south



Facing east



Facing west



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

Developmental Variance - Developmental Variance

DV-0416-2024

Date: 06/17/2024 Meeting Date: July 17, 2024
Board of Zoning Appeals Public Hearing Transaction #: DV-0416-2024

Description: FOR A 4 FT. DEVELOPMENTAL VARIANCE (ORDINANCE REQUIRES 5 FT.) TO ALLOW FOR AN EXISTING ACCESSORY STRUCTURE 1 FT. FROM THE EAST SIDE PROPERTY LINE

Contacts: <u>Applicant</u>	<u>Land Owner</u>	<u>Land Owner</u>	<u>Private Surveyor</u>
Wightman & Associates, Inc 1405 N Michigan Plymouth, IN 46563	Gary Miller (Land Contract Purchaser) 30846 County Road 38 Wakarusa, IN 46573	Ammf Land Trustee Corporation (Land Contract Purchaser) 30846 County Road 38 Wakarusa, IN 46573	Wightman & Associates, Inc 1405 N Michigan Plymouth, IN 46563

Site Address: 30846 County Road 38 WAKARUSA, IN 46573	Parcel Number: 20-09-27-100-003.000-024
--	---

Township: Olive
Location: SOUTH SIDE OF CR 38, 815 FT. EAST OF WEST COUNTY LINE RD.

Subdivision:	Lot #
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Lot Area: 6.49	Frontage: 234.00	Depth: 1,209.00
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Zoning: A-1	NPO List: 07/01/2024
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Present Use of Property: RESIDENTIAL/AGRICULTURAL

Legal Description:

Comments: SEE MI-0313-2024 FOR PRIMARY APPROVAL OF A 1-LOT MINOR SUBDIVISION TO BE KNOWN AS MILLER'S MINOR SUBDIVISION. GOING BEFORE THE PLAT COMMITTEE 7/11/24

Applicant Signature:

Department Signature:

Application

Site address: 30846 County Road 38, Wakarusa, IN 46573

Parcel number(s): 20-09-27-100-003.000-024

Current property owner

Name: AMMF TRUSTEE CORPORATION - Gary Miller

Address: 30846 COUNTY ROAD 38, Wakarusa, IN 46573

Phone: 574-842-3135 Email: _____

Other party Agent Buyer Land contract purchaser Lessee

Name: J. Bernard Feeney, Professional Surveyor

Address: 1405 N. Michigan Street, Plymouth, IN 46561

Phone: 574-936-3469 Email: bfeeney@gowightman.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: *J. Bernard Feeney*

Staff Use Only

Description: for a 4 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing accessory structure 1 ft. from the east side property line

Parcel creation date: new Minor sub filed MI-0313-2024

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N S E W corner side end of Ch 38,
815 ft. N S E W of West County Line Rd.
in Olive Township

Frontage: 234' **Depth:** 1,209' **Area:** 6.49 acres

Subdivision and lot number, if applicable: _____

Present use: Residential / Agricultural

Developmental Variance — Questionnaire

Name: AMMF TRUSTEE CORPORATION - Gary Miller

1) Tell us what you want to do. Current shed is only 1.5' from the side yard property line and would like to leave it in place

2) Tell us why you can't change what you're doing so you don't need a variance. The shed is an existing building that does not conform to the normal set backs

3) Tell us why the variance won't hurt your neighbors or the community. The shed is an existing building adjacent to farm ground

4) Does the property need well and septic? Well: [X] Y [] N Septic: [X] Y [] N
Does the property need a new septic system? [] Y [X] N
If a new septic system is needed, did the Health Department say there's enough space for it? [] Y [] N

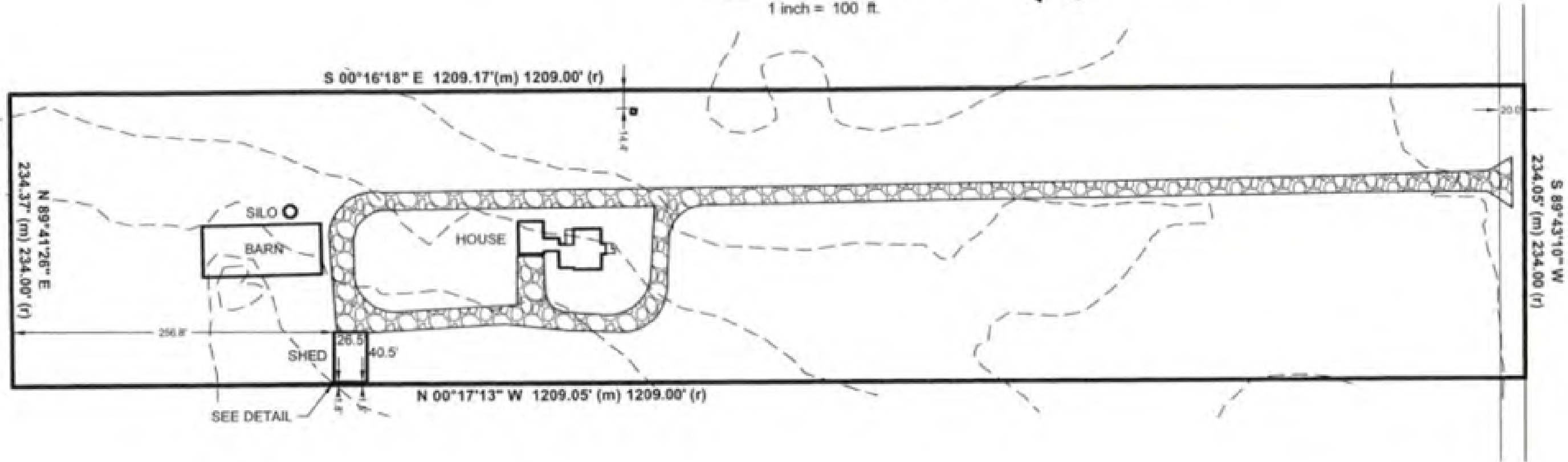
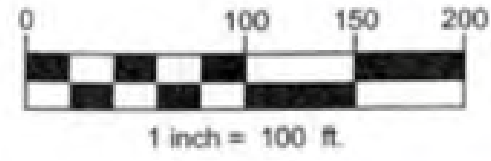
5) Does the application include variances to allow for buildings or additions? [X] Y [] N If yes, fill out below.
Building or addition 1 Size and height to the peak: 1,073.25 sq. feet 20' x 40'
Tell us what you'll use it for. Storage
Building or addition 2 Size and height to the peak:
Tell us what you'll 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 [X] 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 [X] 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 [X] 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: July 17, 2024

Transaction Number: DV-0417-2024.

Parcel Number(s): 20-02-10-353-001.000-026.

Existing Zoning: R-2.

Petition: For a 15 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of a detached accessory structure 35 ft. from the centerline of the right-of-way of Beach Rd.

Petitioner: David Brian Cole.

Location: Southeast corner of North Shore Dr. & Beach Rd., 1,065 ft. west of CR 11, in Osolo Township.

Site Description:

- Physical Improvement(s) – Residence, shed to be removed.
- Proposed Improvement(s) – Detached accessory structure.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

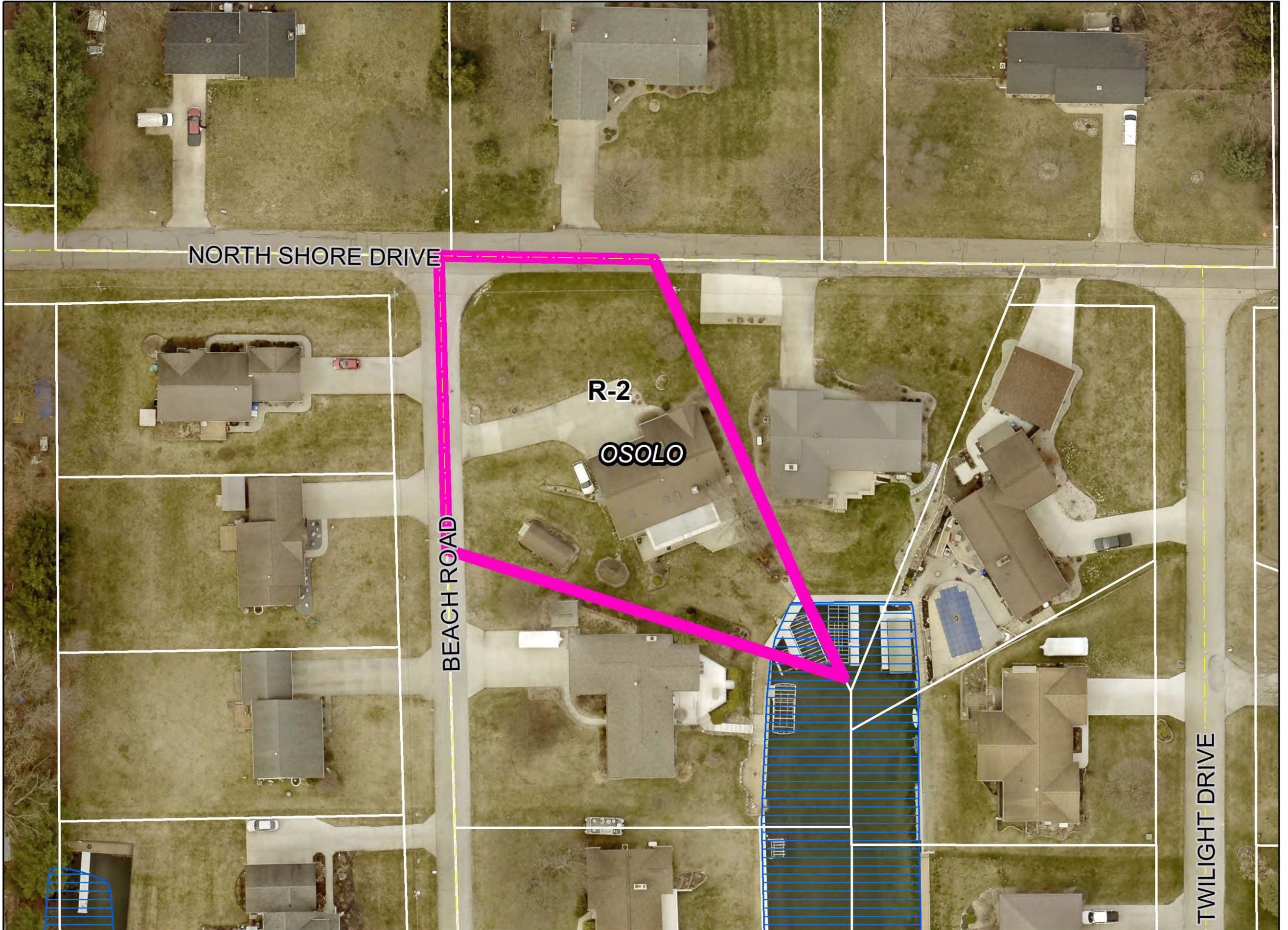
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The proposed encroachment is no greater than that of the existing shed and will not affect sight distance.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a dense lake neighborhood with other reduced setbacks, and the character of the subject property and adjacent properties will not change.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Because of the rear taper of the lot, the front setback cannot be met without a major reduction in building size.

Hearing Officer Staff Report (Continued)

Hearing Date: July 17, 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 exact property boundaries and demonstrating how a 40×30 building will meet a 35 ft. front setback and a 5 ft. side setback in the available space.
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.



NORTH SHORE DRIVE

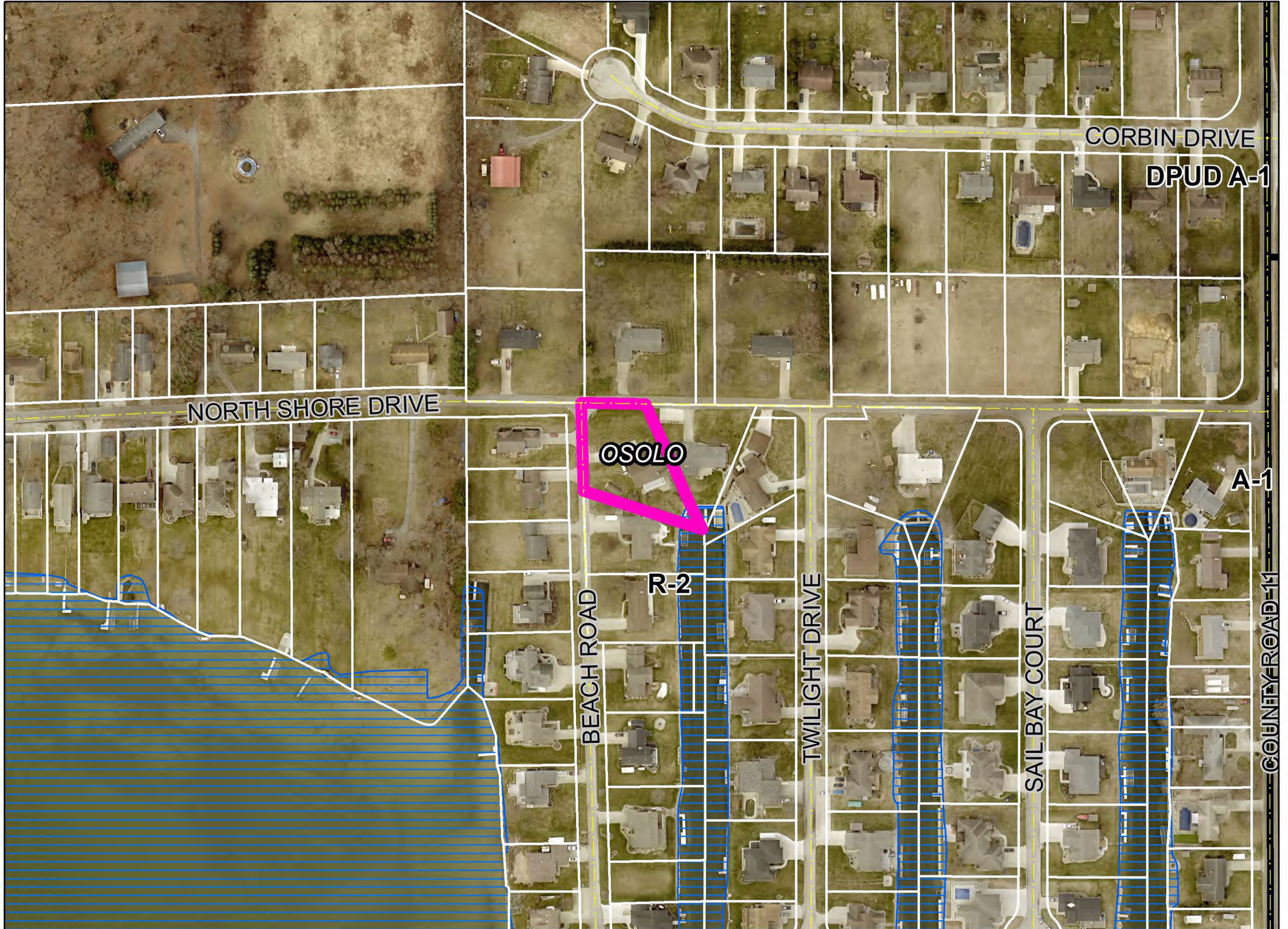
R-2
OSOLO

BEACH ROAD

TWILIGHT DRIVE



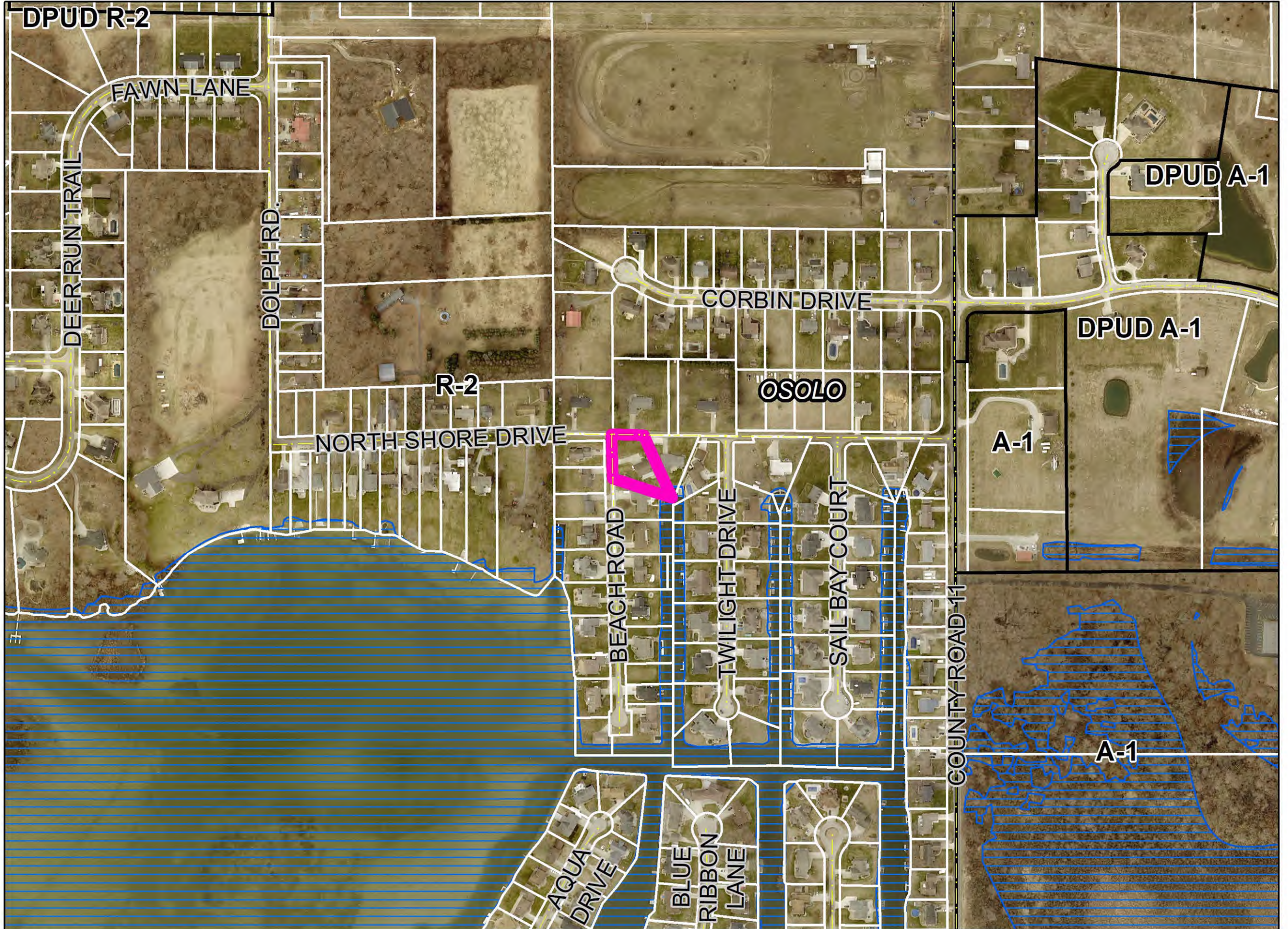
DV-0417-2024



2021 Aerials

1 inch = 200 feet







Subject property



Subject property area for proposed structure



Facing North



Facing south



Facing west from driveway

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

Developmental Variance - Developmental Variance

DV-0417-2024

Date: 06/17/2024 Meeting Date: July 17, 2024
Board of Zoning Appeals Public Hearing Transaction #: DV-0417-2024

Description: for a 15 ft. Developmental Variance (Ordinance Requires 50 ft.) to allow for the construction of a detached accessory structure 35 ft from the centerline of the right-of-way of Beech Rd.

Contacts: Applicant Land Owner
David Brian Cole David Brian Cole
24940 North Shore Dr. 24940 North Shore Dr.
Elkhart, IN 46514 Elkhart, IN 46514

Site Address: 24940 N Shore Dr Parcel Number: 20-02-10-353-001.000-026
ELKHART, IN 46514

Township: Osolo
Location: SE CORNER OF NORTH SHORE DR. & BEACH ROAD, 1,065 FT. W OF CR 11

Subdivision: Lot #

Lot Area: 0.28 Frontage: 219.70 Depth: 175.00

Zoning: R-2 NPO List: 07/01/2024

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 10/5/1974
RESIDENTIAL BREAK DOWN 1,744 SQFT X 110 % = 1,918.4 SQFT (GAZEBO AND SHED WILL BE REMOVED). OF
BUILDABLE STORAGE SPACE. MINUS NEW PROPOSED STRUCTURE AND SQFT. 30 X 40 1,200 SQFT = 718.4 SQFT OF
LEFT-OVER BUILDABLE AREA.

Applicant Signature:

Department Signature:

Application

Site address: 24940 North Shore Dr, Elkhart, IN 46514

Parcel number(s): 02-10-353-001-026

Current property owner

Name: DAVID B. COLE

Address: 24940 NORTH SHORE DR.

Phone: 319-423-1229

Email: Davidcole1223@gmail.com

Other party

- Agent
- Buyer
- Land contract purchaser
- Lessee

Name: _____

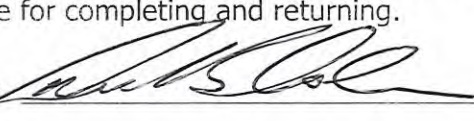
Address: _____

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: _____



Staff Use Only

Description: _____

Parcel creation date: _____

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Application

Site address: _____

Parcel number(s): _____

Current property owner

Name: _____

Address: _____

Phone: _____ 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: _____

Staff Use Only

Description: for a 15ft. Developmental Variance (Ordinance Requires 50ft.)
to allow for the construction of a detached accessory structure
35 ft. from the centerline of the right-of-way of Beach Rd. and
for a 10ft. Developmental Variance (Ordinance requires 15ft.) to allow for
the construction of a detached accessory structure 5ft. from the
South rear property line

Parcel creation date: 10-15-74

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N S E W corner side end of North Shore Dr. & Beach Rd.
1,066 ft. ft. N S E W of CR 11
in Osola Township

Frontage: 219.7 **Depth:** 175 **Area:** 0.284 acres

Subdivision and lot number, if applicable: N/A

Present use: Residential

Developmental Variance — Questionnaire

Name: David B. Cole

1) Tell us what you want to do. Add GARAGE to side of Existing house
Variance Request for less than 50' from mid street to STRUCTURE

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

Require new garage to be forty feet long

3) Tell us why the variance won't hurt your neighbors or the community. Does not intrude due
to corner lot and we will remove EXISTING shed and gazebo

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: 30' x 40' x 12'

Tell us what you'll use it for. GENERAL Storage and workshop

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

Developmental Variance — Questionnaire

Name: _____

1) Tell us what you want to do. _____

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

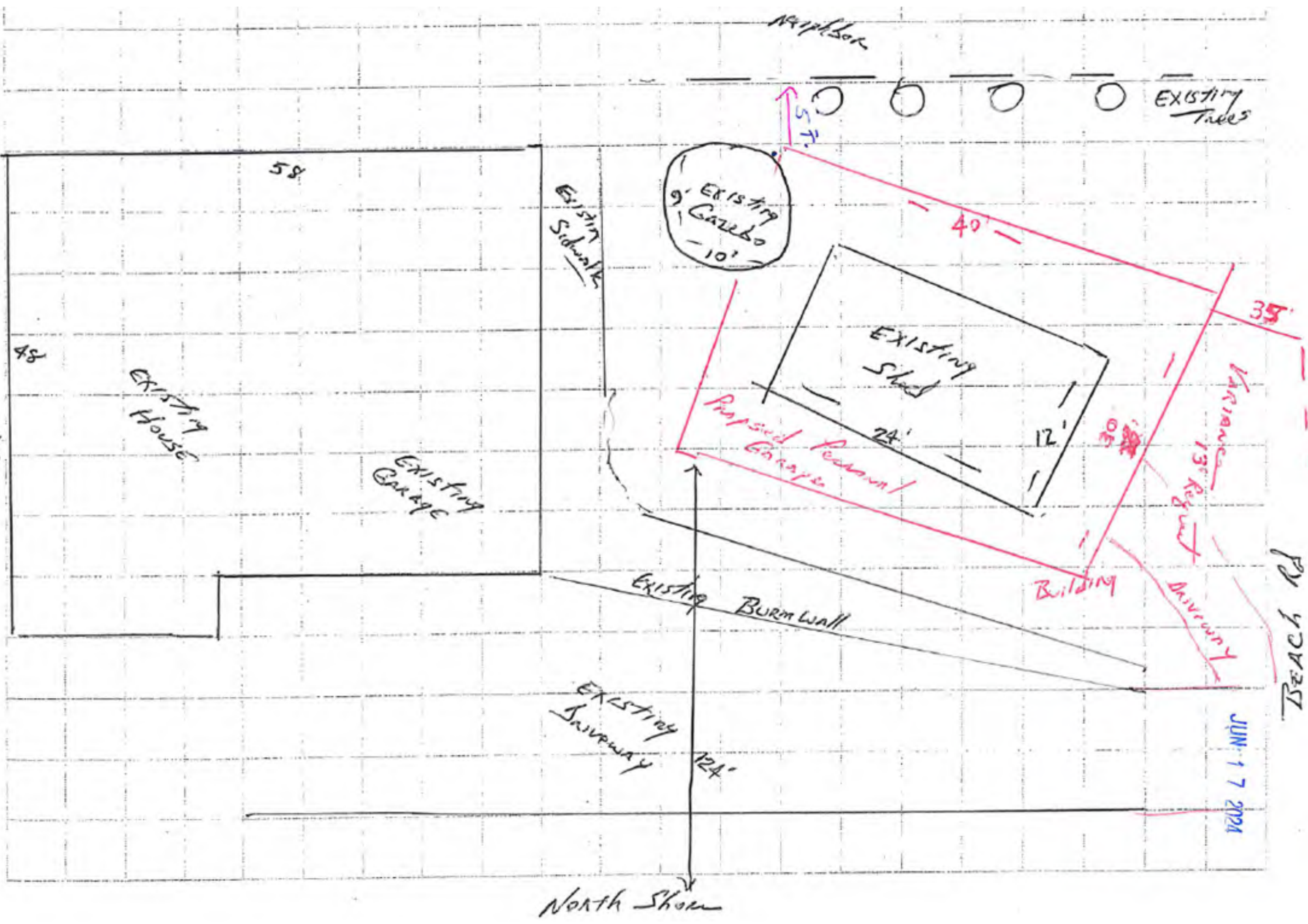
5) Does the application include variances to allow for buildings or additions? Y N If yes, fill out below.
Building or addition 1 Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 2 Size and height to the peak: _____
Tell us what you'll use it for. _____
Building 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. _____
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. Corner lot, Proposed Structure
sits 2.5 ft below that part of driveway.



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 17, 2024

Transaction Number: SUP-0351-2024.

Parcel Number(s): 20-02-30-353-004.0000-026.

Existing Zoning: R-2.

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: Roy G. Bailey.

Location: East side of Maude St., 210 ft. South of Willard Rd., West of CR 5, in Osolo Township.

Site Description:

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

History and General Notes:

- **June 20, 1985** – A Special Use for a mobile home to be occupied by the petitioner’s father, Jasper Blair, was granted.
- **September 18, 1997** – A Special Use for a mobile home to be occupied by the petitioner, Stacy A. Orem, and family was granted.
- **June 18, 2003** – A Special Use for a mobile home to be occupied by Shawn & Jessica Smith and family was granted.

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 R-2 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 is existing and has 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: July 17, 2024

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

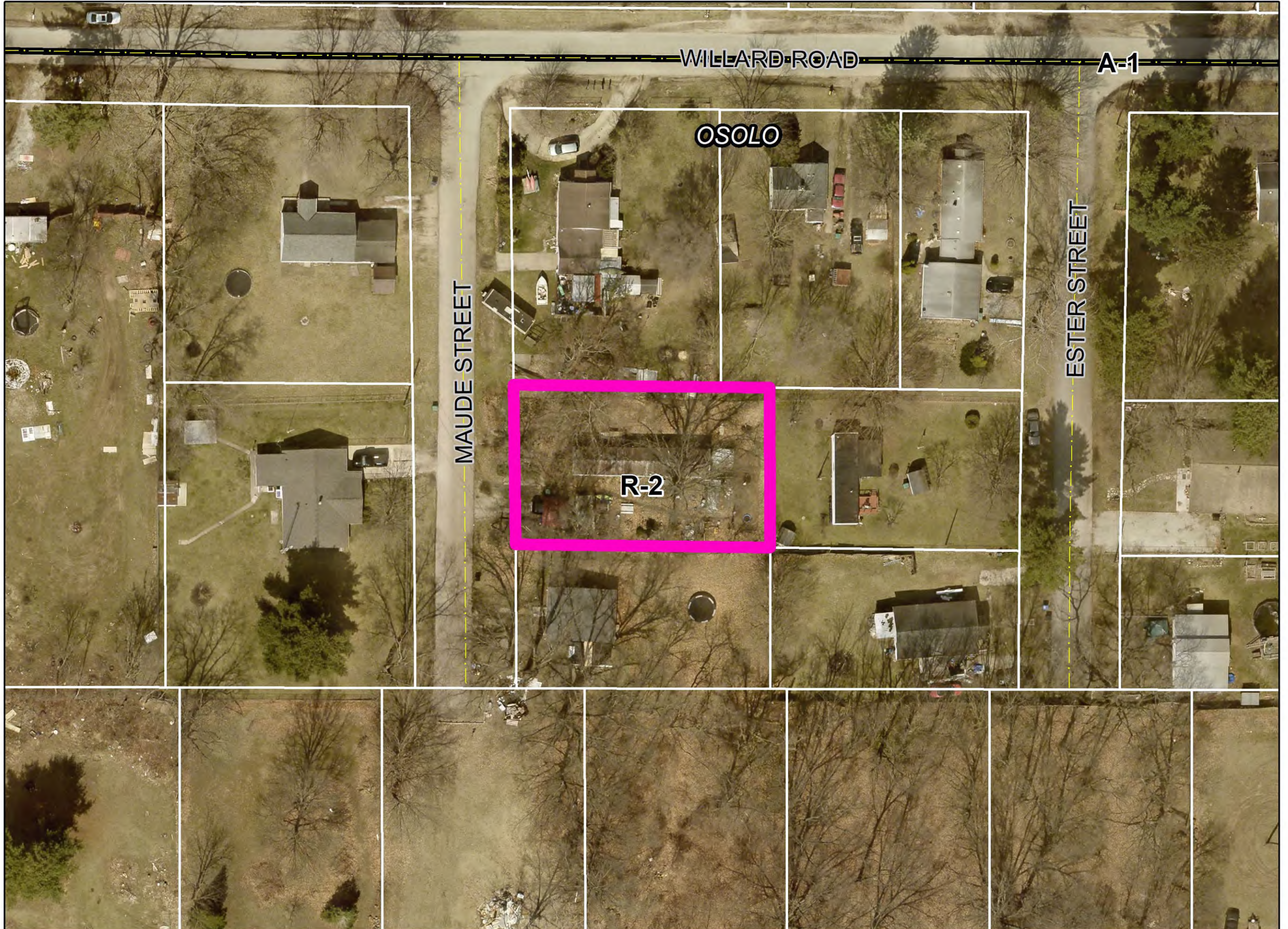
1. The request is approved subject to Staff renewal every three (3) years and with a one (1) year review to verify compliance with the following:
 - a. The mobile home shall be adequately stabilized and skirted and have tie-downs installed.
 - b. The water supply and sewage disposal system shall be installed 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 05/21/2024 and as represented in the Special Use application.

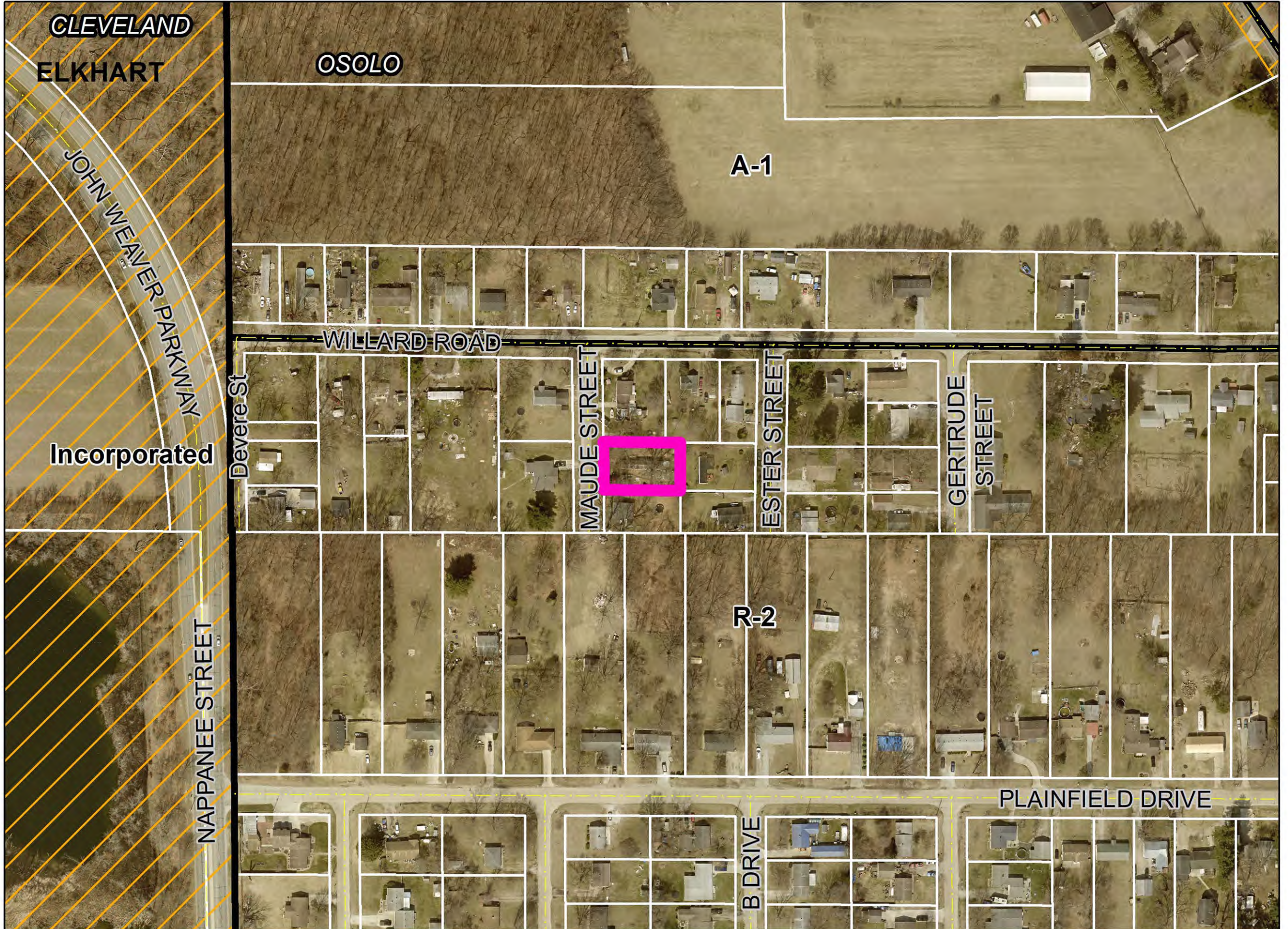
For a Developmental Variance to allow for an existing mobile home within 300 ft. of a residence, staff finds that:

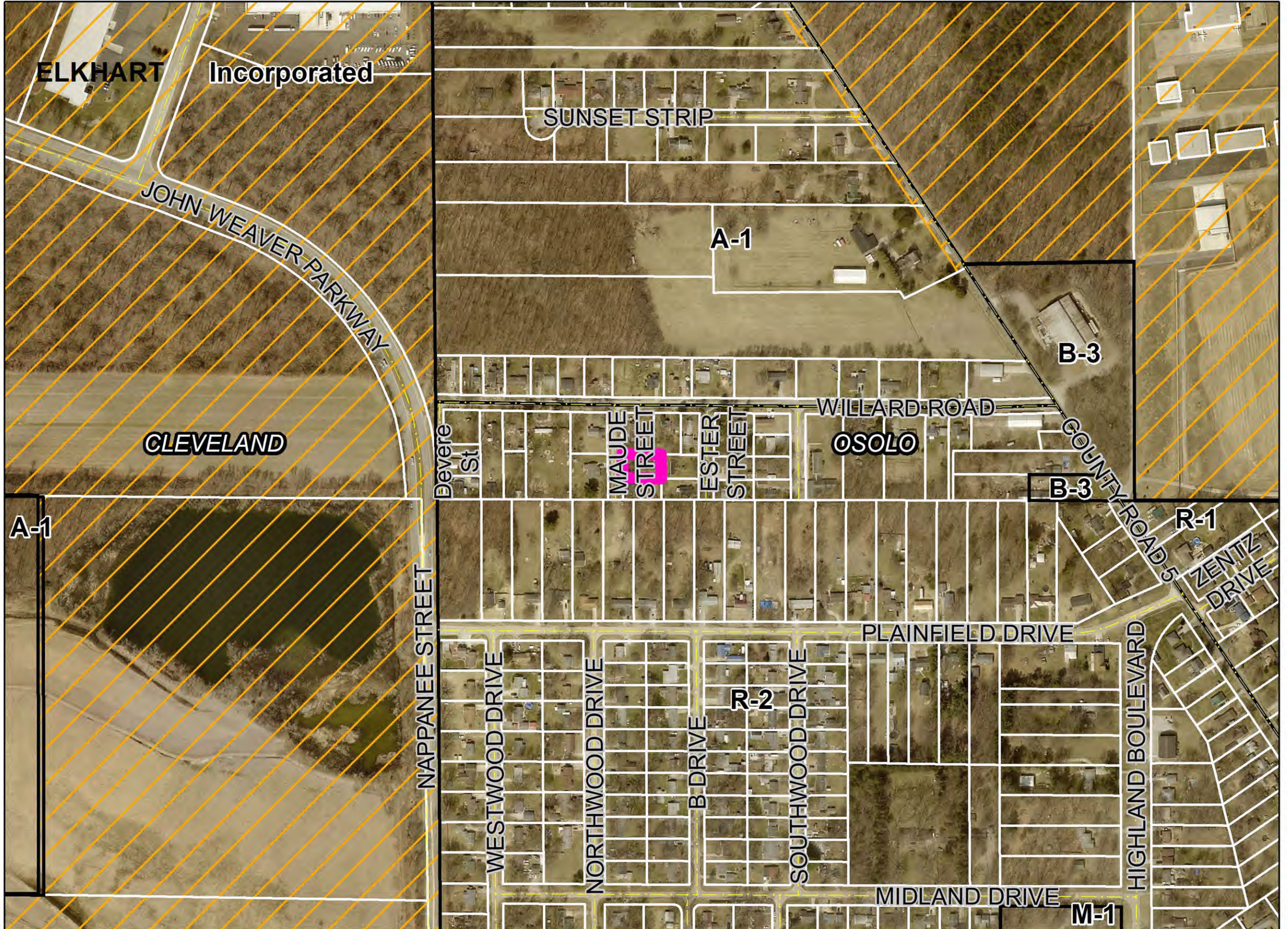
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. This is a mixed residential area with mobile homes throughout the neighborhood.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The mobile home is existing with no complaints from neighbors. The neighborhood is 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 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 05/21/2024 and as represented in the Developmental Variance application.









Subject property



Facing north



Facing south



Facing west

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

SUP-0351-2024

Date: 05/21/2024

Meeting Date:

July 17, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0351-2024

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

Roy G Bailey
55418 Beech Road
Osceola, IN 46561

Land Owner

Roy G Bailey
55418 Beech Road
Osceola, IN 46561

Site Address: 53970 Maude Street
ELKHART, IN 46514

Parcel Number: 20-02-30-353-004.000-026

Township: Osolo

Location: EAST SIDE OF MAUDE STREET, 210 FEET SOUTH OF WILLARD ROAD, WEST OF CR 5

Subdivision:

Lot #

Lot Area: 0.21 Frontage: 74.50

Depth: 125.00

Zoning: R-2

NPO List: 07/01/2024

Present Use of Property: RESIDENTIAL DWELLING

Legal Description:

Comments: PARCEL CREATION DATE 8-18-64
SUP-20032349
97341385-75-SU

Applicant Signature:

Department Signature:

Application

Site address: 53970 Maude St Elkhart IN 46514

Parcel number(s): 20-02-30-353-004.000-026

Current property owner

Name: Roy Bailey

Address: 55418 Beech Rd Osceola IN 46561

Phone: 574-536-6505 Email: ones-treasure@yahoo.com

Other party

- Agent Buyer Land contract purchaser Lessee

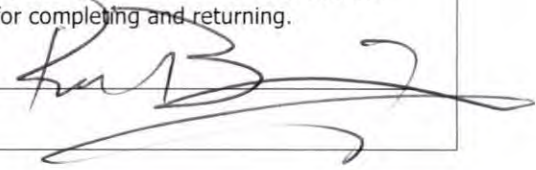
Name: _____

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: _____



Staff Use Only

Description: _____

Parcel creation date: 8-18-64

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: _____

Special Use for a Mobile Home — Questionnaire

Name: Roy Bailey

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. D.K.

2) Tell us who will live in the mobile home. D.K.

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.

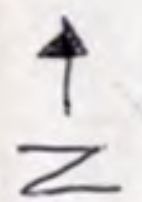
4) Tell us why the mobile home won't hurt your neighbors or the community. Existing mobile home has been a part of the neighborhood and community for decades.

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 a new septic system is needed, did the Health Department say there's enough space for it? Y N

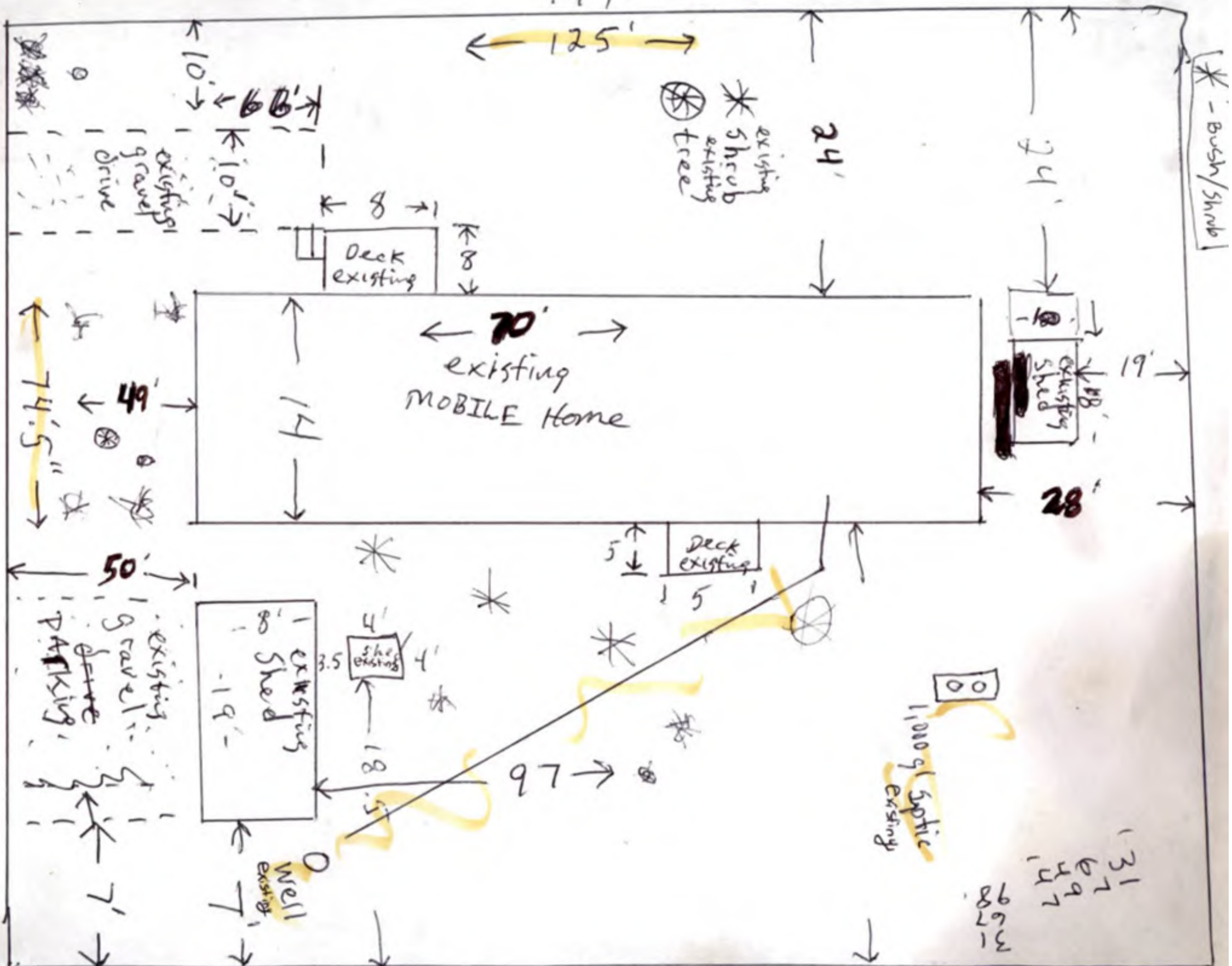
6) Tell us the size of the mobile home. 70' x 14'

7) Tell us the year of the mobile home. 1986

8) Tell us anything else you want us to know.



53970 MAUDE ST. EIKHART IN



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 17, 2024

Transaction Number: SUP-0392-2024.

Parcel Number(s): 20-02-28-377-011.000-026.

Existing Zoning: R-2.

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: Jacob V. Burkholder & Kristen M. Burkholder.

Location: South side of Homewood Ave., 180 ft. West of Lilac St., East of CR 9, in Osolo Township.

Site Description:

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

History and General Notes:

- **May 17, 1984** – A Special Use for a mobile home to be occupied by William Allen was granted.
- **November 17, 1999** – A Special Use for an existing mobile home to be occupied by Breda L. Hayes, was granted.
- **December 18, 2002** – A Special Use for an existing mobile home to be occupied by William W. Bates, was granted.
- **March 14, 2012** – A Special Use for an existing mobile home was granted for a period of 10 years.

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 R-2 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 is existing and has 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: July 17, 2024

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

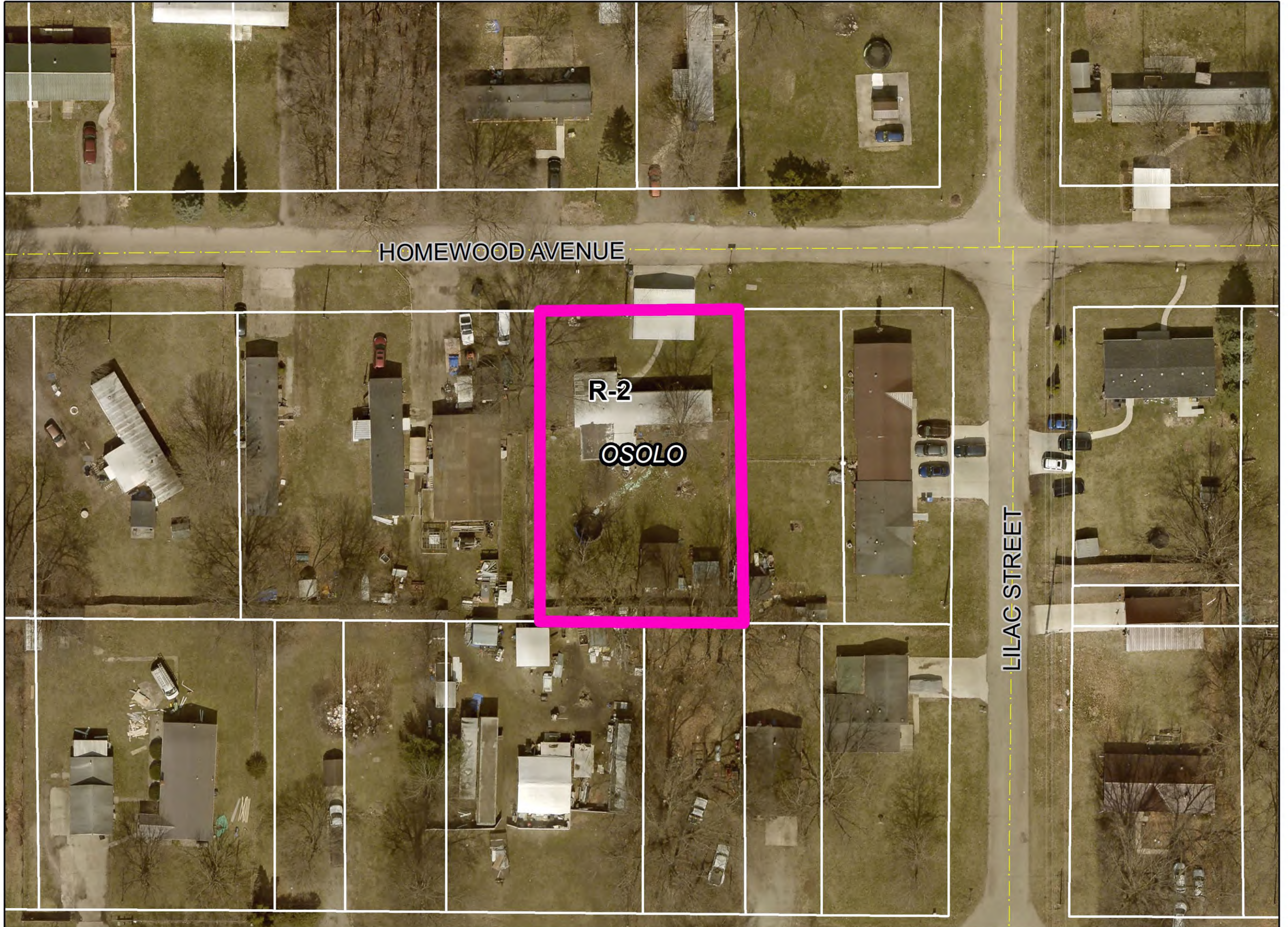
1. The request is approved subject to Staff renewal every three (3) years and with a one (1) year review to verify compliance with the following:
 - a. The mobile home shall be adequately stabilized and skirted and have tie-downs installed.
 - b. The water supply and sewage disposal system shall be installed 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 06/05/2024 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. The mobile home is existing and is buffered from neighboring residences.
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 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 06/05/2024 and as represented in the Developmental Variance application.

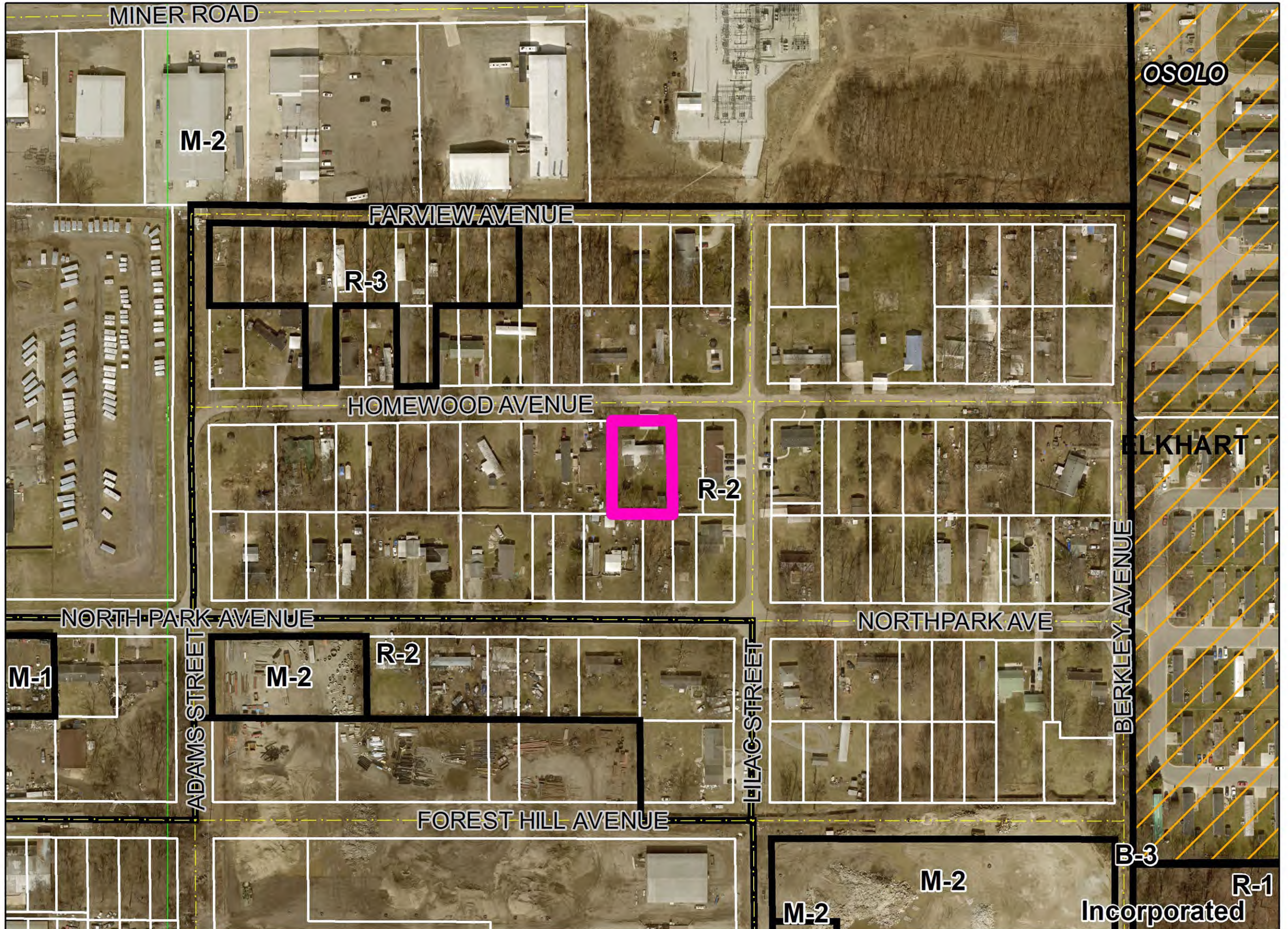


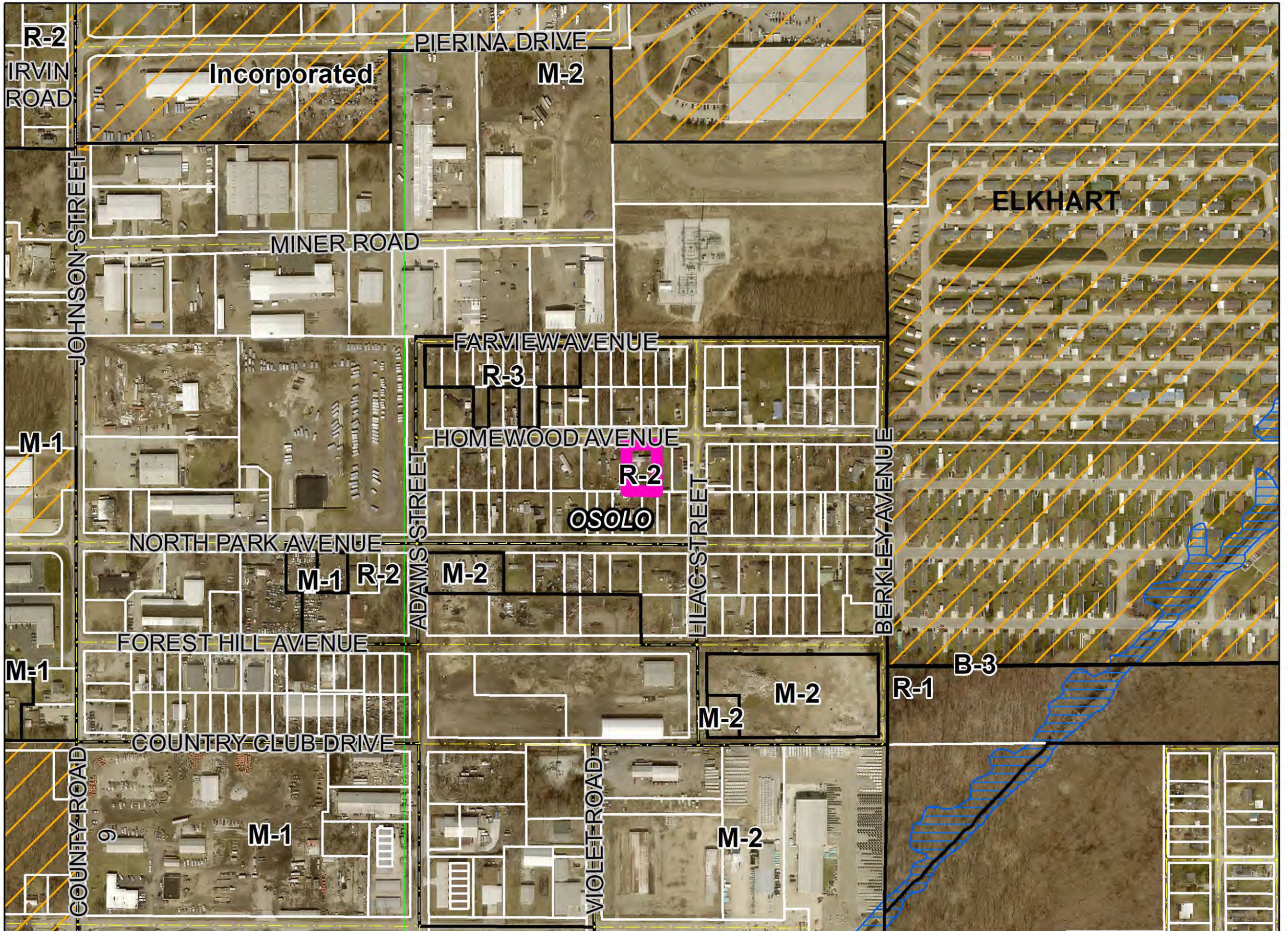
HOMEWOOD AVENUE

R-2

OSOLO

LILAC STREET







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

SUP-0392-2024

Date: 06/05/2024 Meeting Date: July 17, 2024
Board of Zoning Appeals Public Hearing Transaction #: SUP-0392-2024

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
Jacob V. Burkholder & Kristen M. Burkholder
25648 Homewood Ave Elkhart, IN 46514
Jacob V. Burkholder & Kristen M. Burkholder
25648 Homewood Ave Elkhart, IN 46514

Site Address: 25648 Homewood Avenue
ELKHART, IN 46514

Parcel Number: 20-02-28-377-011.000-026

Township: Osolo
Location: SOUTH SIDE OF HOMEWOOD, 100 FEET WEST OF LILAC

Subdivision: NORTH PARK

Lot # 142 & 143

Lot Area: 0.31 Frontage: 100.00 Depth: 144.33

Zoning: R-2

NPO List: 07/01/2024

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE SPECIAL USE #25648HOMEWOODAVE-120208-1 APPROVED FOR 10 YEARS ON 3/14/2012, SPECIAL USE #20024304 APPROVED 12/18/2002, SPECIAL USE #993649 APPROVED 11/17/1999, SPECIAL USE #91-30-U APPROVED 4/18/1991, AND SPECIAL USE #84-45-SU APPROVED 5/17/1984

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: 25648 Homewood ave

Parcel number(s): _____

Current property owner

Name: Kristen Burkholder

Address: 25648 Homewood ave Elkhart IN 46514

Phone: 574-238-8919 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: Kristen Burkholder

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 Homewood Ave
_____ ft. N S E W of _____
in Osalo Township

Frontage: 100 Depth: 144.33 Area: 31 acres

Subdivision and lot number, if applicable: Norsh Park Lot 142 & 143

Present use: residential

Special Use for a Mobile Home — Questionnaire

Name: Kristen Burkholder

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. me

2) Tell us who will live in the mobile home. myself + 3 kids

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. Been a resident for 15 years. no problems

5) Does the mobile home need its own well and septic? Well: Y N Septic: Y N

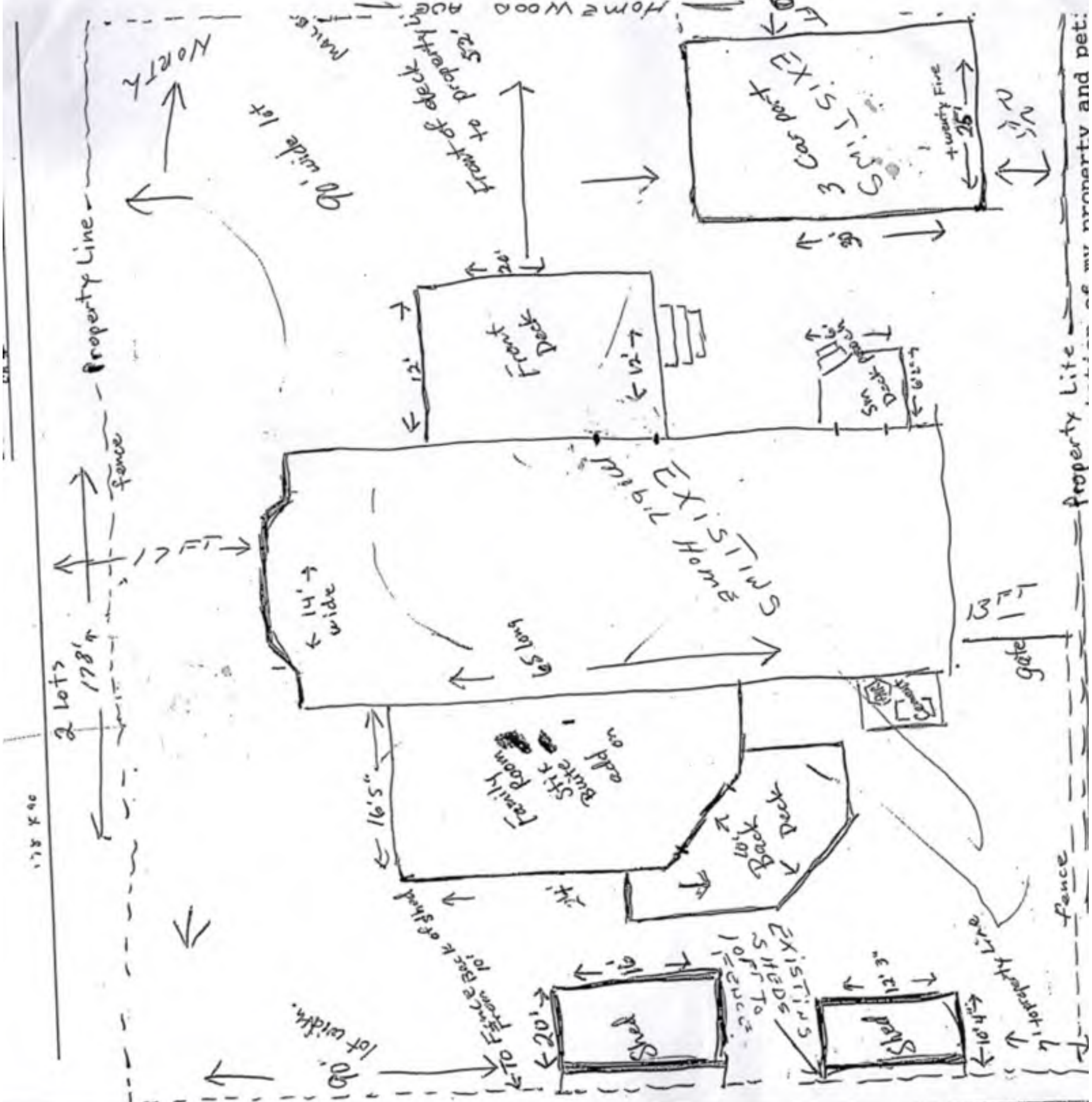
Does the mobile home need a new septic system? Y N

If yes, did the Health Department say there's enough space for it? Y N

6) Tell us the size of the mobile home. 14" 65 addition 16'5" 24

7) Tell us the year of the mobile home. Unknown over 20 years

8) Tell us anything else you want us to know.



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 17, 2024

Transaction Number: DV-0322-2024.

Parcel Number(s): 20-02-09-477-007.000-026.

Existing Zoning: R-2.

Petition: For a 1 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing residence and the construction of an attached accessory structure 4 ft. from the east side property line, for a 5 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing attached deck 0 ft. from the east side property line, and for a 3 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing residence 2 ft. from the west side property line.

Petitioner: Robert R. Schwindaman & Marisa A. Schwindaman, Husband & Wife.

Location: South side of North Shore Dr., 1,865 ft. west of CR 11, in Osolo Township.

Site Description:

- Physical Improvement(s) – Residence.
- Proposed Improvement(s) – Attached garage.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- **June 19, 2024** – The Hearing Officer tabled this petition to allow the petitioners time to reach an agreement with an affected neighbor.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request meets all other standards, and there is no threat to public health or safety.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The proposed encroachment is no greater than that of the existing residence, and the proposed configuration is typical for the neighborhood.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. Strict application would result in an impractical project that would not fit the character of the neighborhood.

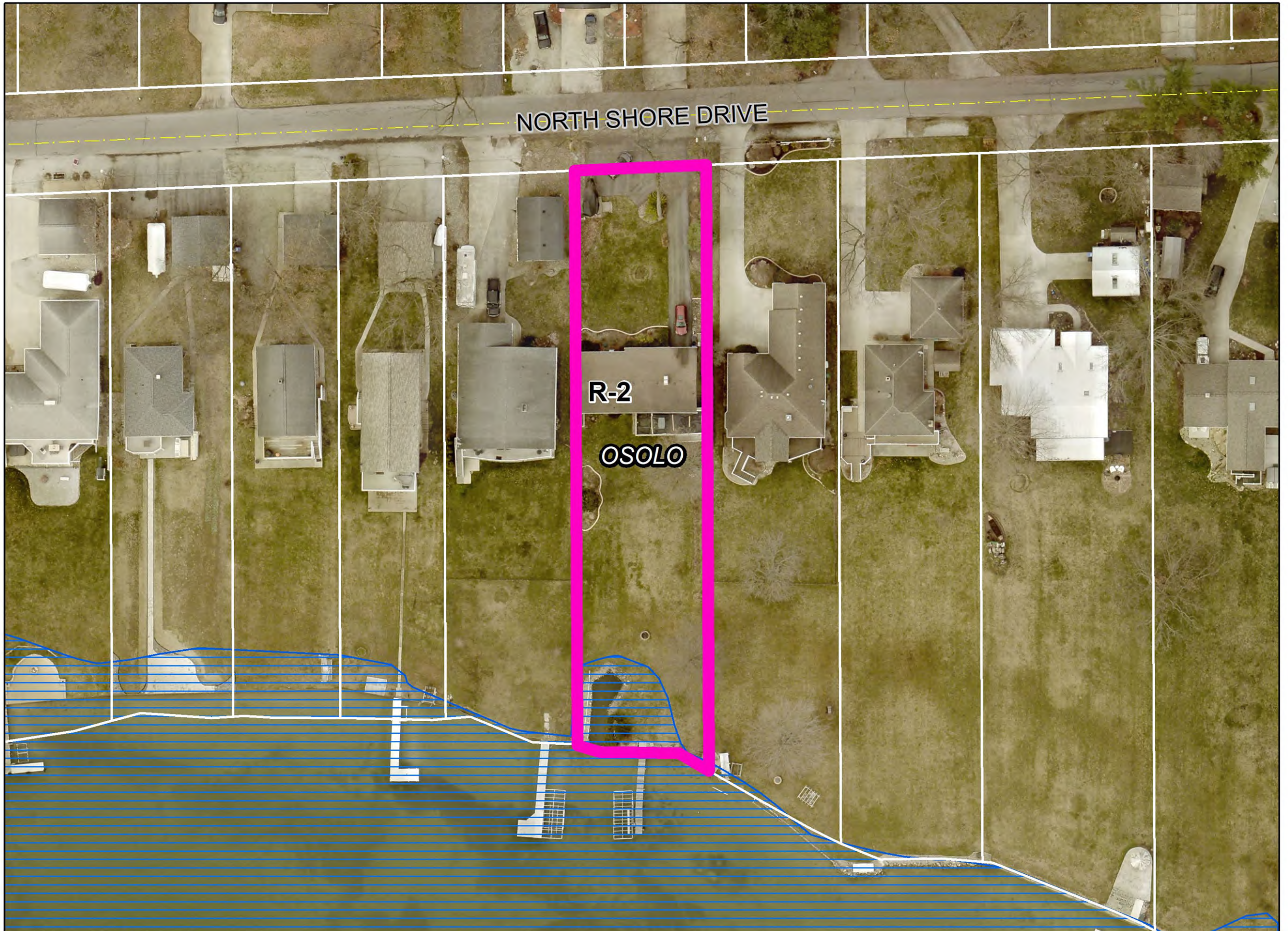
Hearing Officer Staff Report (Continued)

Hearing Date: July 17, 2024

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

1. Variances from the developmental standards of the Zoning 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. A revised site plan must be submitted for staff approval clearly showing the setbacks and dimensions of the addition.
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.

DV-0322-2024



NORTH SHORE DRIVE

R-2

OSOLO

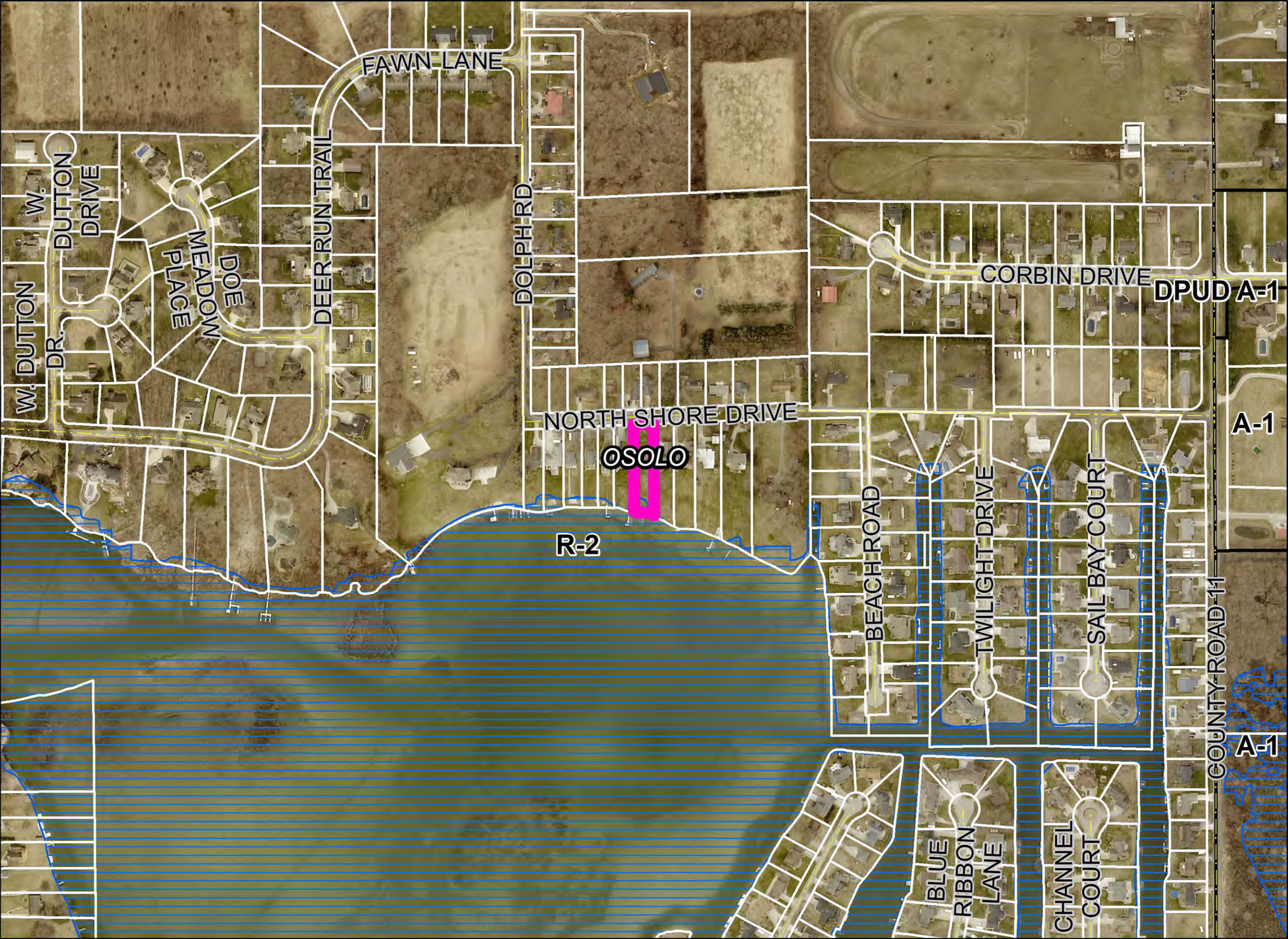
DV-0322-2024



2021 Aerials

1 inch = 200 feet







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

Developmental Variance - Developmental Variance

DV-0322-2024

Date: 05/08/2024

Meeting Date:

June 19, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0322-2024

Description: for a 1 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing residence and the construction of an attached accessory structure 4 ft. from the east side property line, for a 5 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing deck 0 ft. from the east side property line, and for a 3 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing residence 2 ft. from the west side property line

Contacts: Applicant

1 Stop Property Solutions
51285 Bittersweet Road
Granger, IN 46530

Authorized Agent

1 Stop Property Solutions
51285 Bittersweet Road
Granger, IN 46530

Land Owner

Robert R. & Marisa A
Schwindaman Husband & Wife
25086 North Shore Dr
Elkhart, IN 46514

Site Address: 25086 North Shore Drive
ELKHART, IN 46514

Parcel Number:

20-02-09-477-007.000-026

Township: Osolo

Location: SOUTH SIDE OF NORTH SHORE DRIVE, 1865 FT. WEST CR 11

Subdivision: DOLPH NORTH SIDE SUBDIVISION

Lot # 6

Lot Area: 0.40 Frontage: 65.00

Depth: 125.00

Zoning: R-2

NPO List: 06/05/2024

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 3-1-62
NO HISTORY IS ENERGOV OR DOCUWARE
REVISED SITE PLAN CLEARLY SHOWING THE SETBACKS AND DIMENSIONS OF THE ADDITIONS.
DV-0322-2024 PER HOMEOWNER AND BUILDER APPLICATION WILL BE WITHDRAWN IN JULY AT HEARING
OFFICER MEETING DUE TO COMING INTO AGREEMENT WITH THE SIDE SETBACK ORDINANCE REQUIREMENT
OF 5FT. PER MAE OK TO ISSUE PERMIT AT THIS TIME. ES

Applicant Signature:

Department Signature:

Application

Site address: 25086 NORTH SHORE DR ELKHART IN 46514

Parcel number(s): LOT 6 0.42 ACRES ± 20-02-09-477-007-024

Current property owner

Name: ROBERT + MARISA SCHWINDAMAN

Address: 25086 NORTH SHORE DR ELKHART IN 46514

Phone: (574) 276-8097
(574) 276-4280

Email: RSCHWINDAMAN@FORSTRIVERINC.COM
MARISASCHWIND@GMAIL.COM

Other party

Agent Buyer Land contract purchaser Lessee

Name: SERGIO VARGAS 1 Stop Property Solutions

Address: 5685 Bittersweet Rd Suite G GRANGER IN 46530

Phone: (574) 400-3214

Email: 1stoppropolutions@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:

Sergio Vargas
contractor

Staff Use Only

Description: _____

Parcel creation date: 3-1-62

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____
2424 sq ft + 110 sq ft = 2426.4 = 64 sq ft = 2602.4
proposed structure 1296 sq ft - leaves 1306 sq ft.

Location: N S E W corner side end of Northshore Dr.
400 ft ft. N S E W of Dolph Rd
in _____ Township

Frontage: 67 ft Depth: 125 Area: .4 acres

Subdivision and lot number, if applicable: Dolph North side Subdivision

Present use: Residential

R-2

Developmental Variance — Questionnaire

Name: ROBERT & MARISA SCHWINDMAN

1) Tell us what you want to do. ADD ON 3 STALL GARAGE ± 48' X 27', WITH FULL LENGTH CONCRETE DRIVEWAY.

2) Tell us why you can't change what you're doing so you don't need a variance. WE CAN NOT CHANGE THE PLANS OR IT WILL LIMIT THE FUNCTIONALITY OF THE ADDITION.

3) Tell us why the variance won't hurt your neighbors or the community. THE VARIANCE WILL NOT HURT THE NEIGHBORS OR COMMUNITY, IT WILL ADD CURB APPEAL TO OUR HOME, COMMUNITY, AND 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: 27' X 48' ±, 14' HEIGHT
Tell us what you'll use it for. PARKING & 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. THIS ADDITION WILL BRING MORE FUNCTIONALITY TO OUR EXISTING HOME, AND WILL ALSO ALLOW MORE SPACE FOR FAMILY GATHERINGS.

NORTH SHORE DRIVE (50.0' R/W)

