

AGENDA

ELKHART COUNTY BOARD OF ZONING APPEALS HEARING OFFICER

JUNE 19, 2024
9:00 A.M.

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

Call to Order

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

DEVELOPMENTAL VARIANCES

9:00 A.M.

- A. Petitioner: ***Karen Zehr formerly known as Karen Lehman*** (Page 1)
Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
Location: West side of South Monroe St., 265 ft. South of East Washington St., common address of 115 South Monroe St. in Clinton Township, zoned R-1. DV-0268-2024
- B. Petitioner: ***Robert R. Schwindaman & Marisa A. Schwindaman, Husband & Wife*** (Page 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.
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
- C. Petitioner: ***Troy K. Greiner & Sheila Greiner, Husband & Wife*** (Page 3)
Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
Location: South side of Tower Rd., 1,300 ft. West of CR 1, common address of 30256 Tower Rd. in Baugo Township, zoned B-2. DV-0292-2024

- D. Petitioner: ***Clint M. Flora & Deborah R. Flora, Husband & Wife*** (Page 4)
 Petition: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement.
 Location: North end of the easement, West side of CR 13, 400 ft. South of CR 44, in Union Township, zoned A-1. DV-0327-2024
- E. Petitioner: ***Dane P. Flora & Clara J. Flora, 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: West side of CR 13, 2,400 ft. South of CR 44, in Union Township, zoned A-1. DV-0329-2024
- F. Petitioner: ***C. W. Peterson III*** (Page 6)
 Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
 Location: South side of Oak Dr., 260 ft. East of Ash Rd., common address of 30958 Oak Dr. in Cleveland Township, zoned B-2/R-1. DV-0295-2024
- G. Petitioner: ***Alexander Manford Alber & Amber Irene Alber, Husband & Wife*** (Page 7)
 Petition: for a 30 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence.
 Location: South side of State Line Rd., 800 ft. West of CR 17, common address of 21462 State Line Rd. in Washington Township, zoned A-1. DV-0335-2024
- H. Petitioner: ***Shawn R. Schrader & Erin E. Schrader, Co-Trustees of the Shawn R. & Erin E. Schrader Trust*** (Page 8)
 Petition: for a 50 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for an existing residence on proposed lot 1.
 Location: West side of CR 27, 2,270 ft. North of CR 24, common address of 59097 CR 27 in Jefferson Township, zoned A-1. DV-0336-2024
- I. Petitioner: ***Kent A. Bucher & Lana M. Bucher, Husband & Wife*** (Page 9)
 Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
 Location: South side of CR 2, 735 ft. West of CR 25, common address of 17858 CR 2 in Washington Township, zoned A-1. DV-0318-2024
- J. Petitioner: ***Glen R. Lehman & Vera S. Lehman, Husband & Wife*** (Page 10)
 Petition: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement.
 Location: Northeast end of the easement, East side of CR 43, 1,000 ft. North of CR 28, in Middlebury Township, zoned A-1. DV-0332-2024
- K. Petitioner: ***Bret P. Mays & Kimberly R. Mays, Husband & Wife*** (Page 11)
 Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
 Location: South side of CR 108, 2,530 ft. East of CR 31, common address of 15932 CR 108 in Washington Township, zoned A-1. DV-0333-2024

The Elkhart County Board of Zoning Appeals Hearing Officer is meeting on Wednesday June 19, 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 June 19, 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: June 19, 2024

Transaction Number: DV-0268-2024.

Parcel Number(s): 20-12-34-481-012.000-008.

Existing Zoning: R-1.

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

Petitioner: Karen Zehr, formerly known as Karen Lehman.

Location: West side of South Monroe St., 265 ft. south of East Washington St., in Clinton Township.

Site Description:

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

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

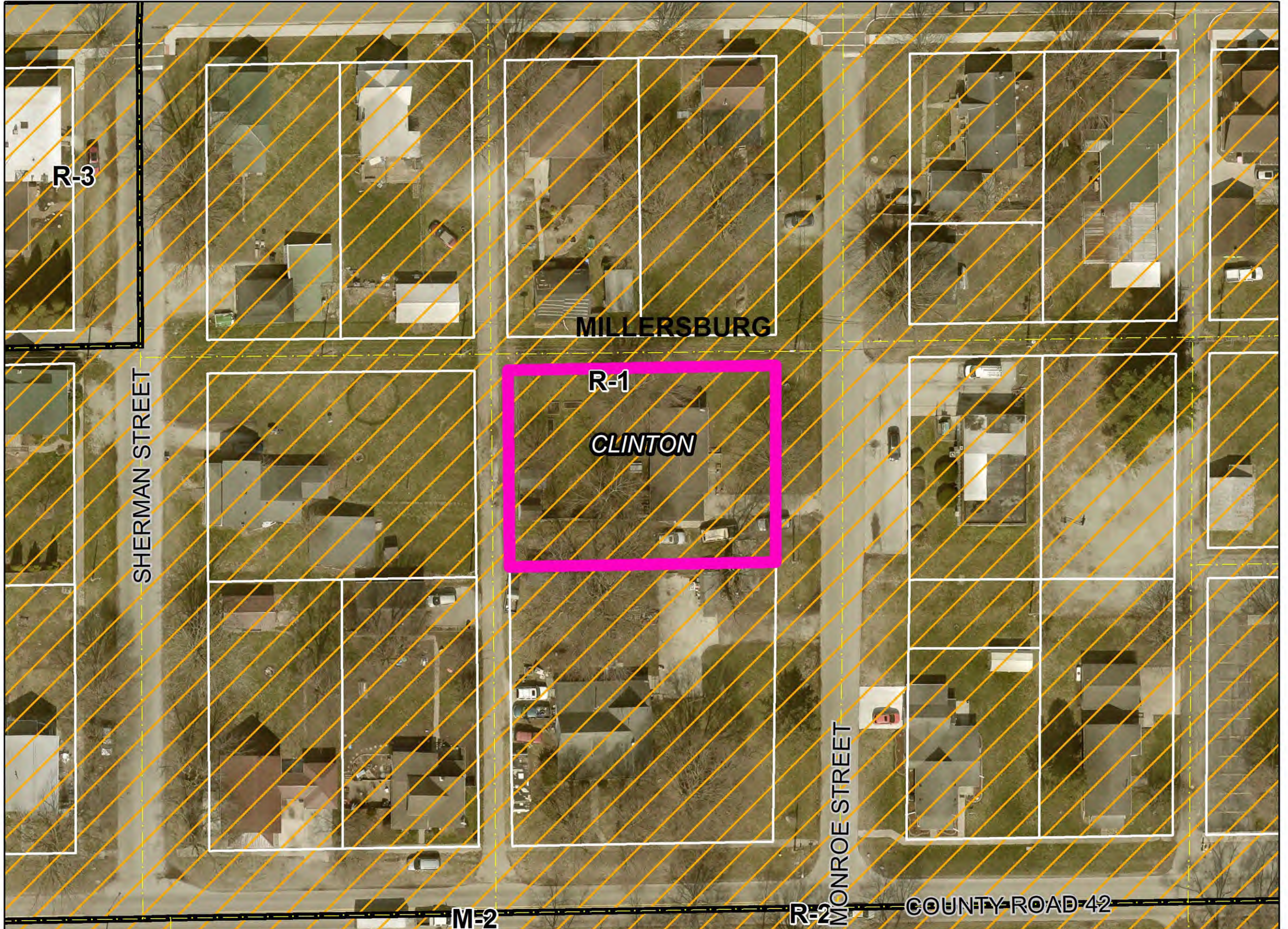
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. All other development standards are met.
2. Approval of the request will not cause substantial adverse effect on neighboring property. Granting the request will not affect town character, and there are detached garages of similar sizes on neighboring property.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The small size of the home results in a low storage limit, and two sheds will be removed to accommodate the new structure.

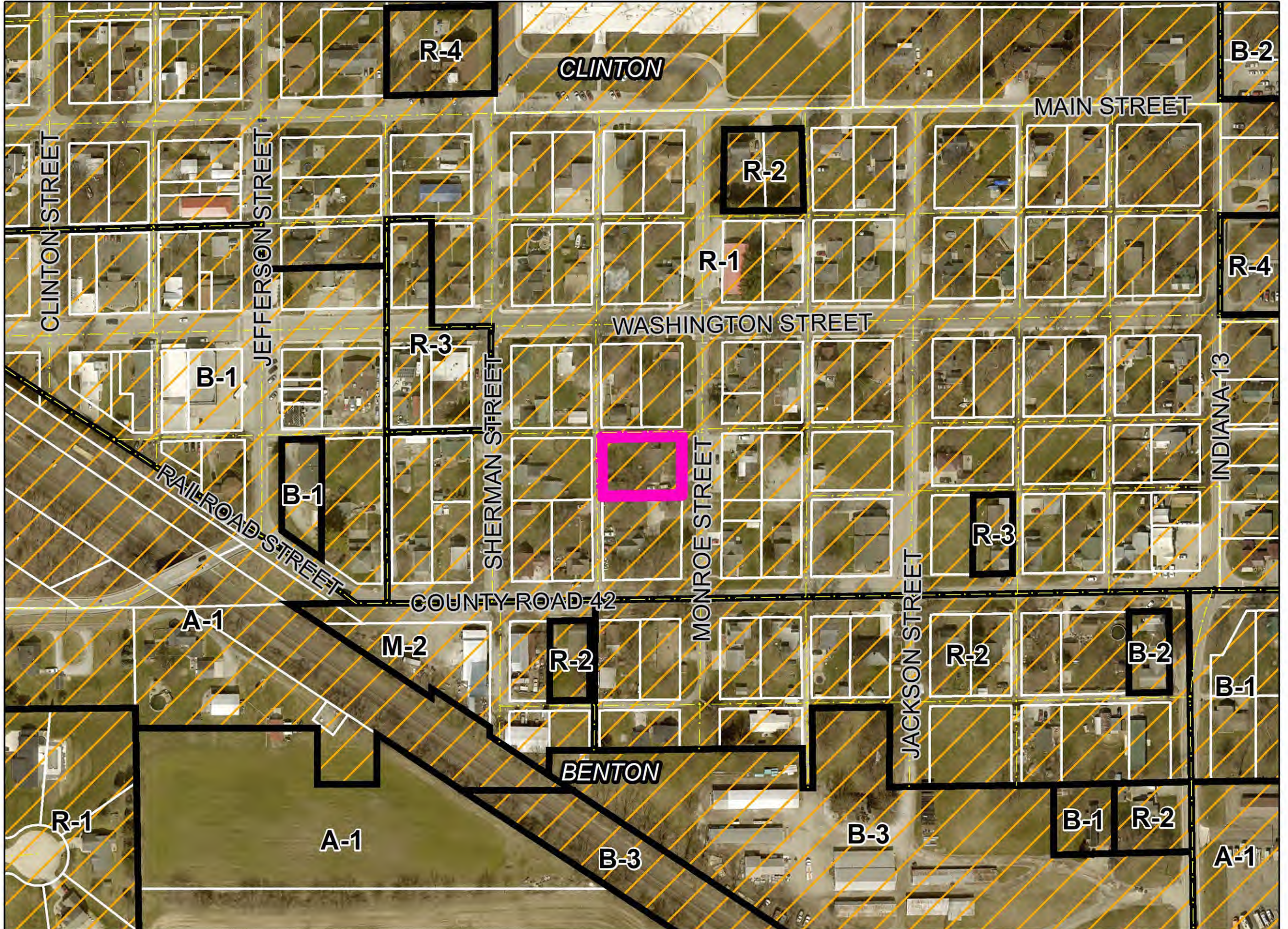
Hearing Officer Staff Report (Continued)

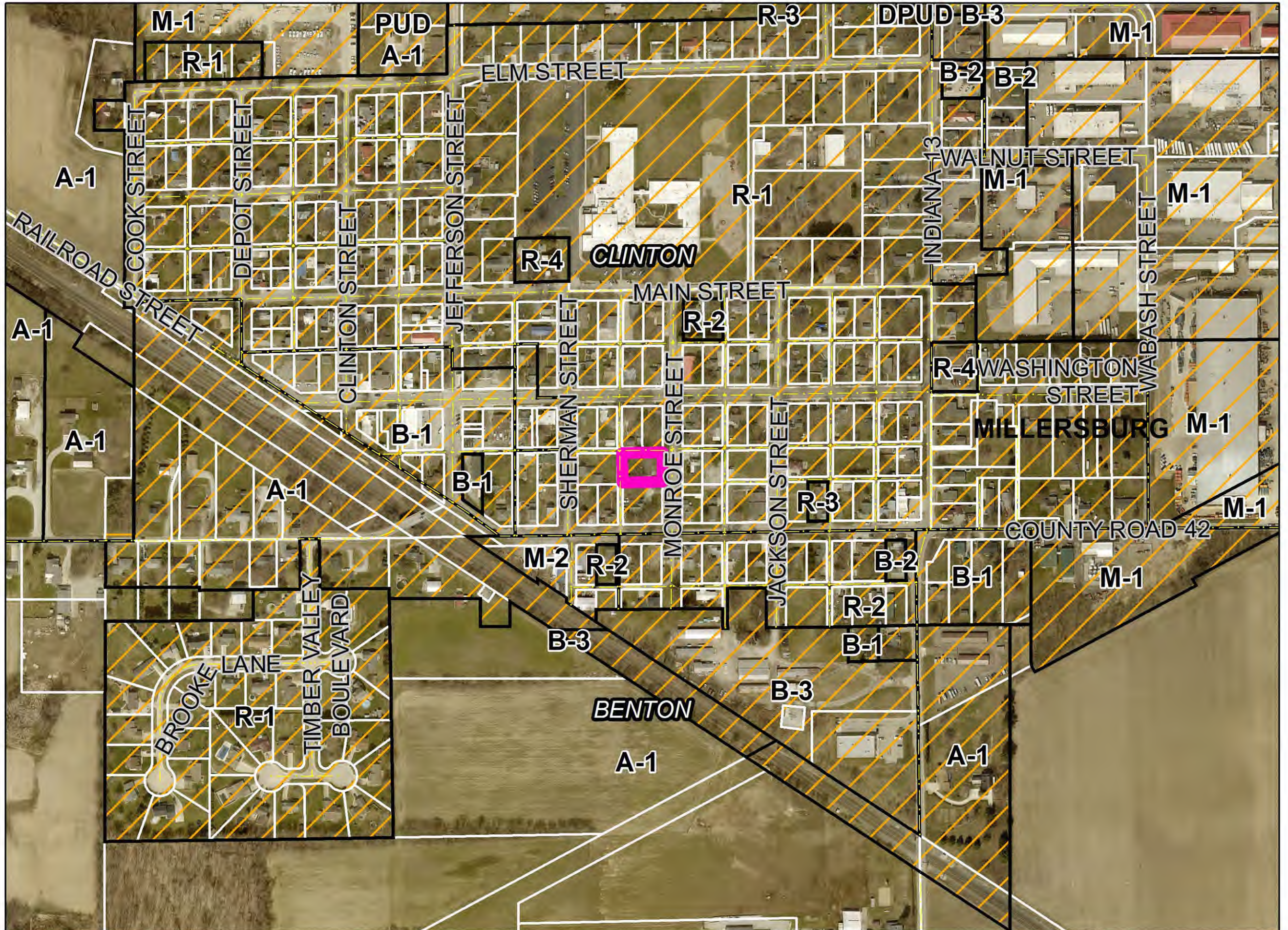
Hearing Date: June 19, 2024

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

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 1 year 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 4/19/2024 and as represented in the Developmental Variance application.
3. The lot line adjustment done in 1988 must be addressed either through a subdivision secondary plat that revises lots 108, 107, and 113 or by showing a recorded deed restoring lot 108 to its original dimensions.









Subject property



Facing proposed building area



Facing south



Facing north



Facing east

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-0268-2024

Date: 04/19/2024

Meeting Date:

June 19, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0268-2024

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

Contacts: Applicant

John Zehr
115 South Monroe St
Millersburg, IN 46543

Land Owner

Karen Zehr, Formerly Known
As Karen Lehman
Po Box 177
Millersburg, IN 465430177

Site Address: 115 South Monroe Street
MILLERSBURG, IN 46543

Parcel Number: 20-12-34-481-012.000-008

Township: Clinton

Location: WEST SIDE OF SOUTH MONROE ST, 265 FT. SOUTH OF EAST WASHINGTON ST

Subdivision: MILLERS 3RD EXTENSION

Lot # 108

Lot Area: 0.31 Frontage: 97.25 Depth: 132.00

Zoning: R-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: KAREN LEHMAN IS LISTED AS CURRENT PROPERTY OWNER, BUT CAN OBTAIN NEW RECORDED DEED SHOWING MARRIED NAME OF ZEHR, IF NECESSARY.

RESIDENCE = 960 SQ FT X 110% = 1,056 SQ FT, MINUS 308 (GARAGE), 80 (SHED) AND 80 (SHED), PROPOSED BUILDING IS 1,152 SQ FT (36 X 32), WHICH IS AN OVERAGE OF 564 SQ FT.

HOMEOWNER SAID THE 2 SHEDS AT 80 SQ FT EACH WOULD BE DEMOLISHED IF THIS VARIANCE IS APPROVED

Applicant Signature:

Department Signature:

Application

Site address: 115 S Monroe St Millersburg IN

Parcel number(s): 12-34-481-012-008

Current property owner

Name: Karen Zehr

Address: 115 S Monroe St Millersburg IN

Phone: 260-499-0705 Email: _____

Other party Agent Buyer Land contract purchaser Lessee

Name: John Zehr

Address: 115 S Monroe St Millersburg IN

Phone: 574-312-5354 Email: innovativelec@gmail.com

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: [Signature]

Staff Use Only

Description: DV-Accessory Storage

Parcel creation date: _____

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: Residence = 960 x = 1056,
minus 308 (garage), 80 (shed), 80 (shed), proposed
building is 32 x 36 (1152) = 564 over

Location: N S E (W) corner (side) end of South Monroe St,
265 ft. N (S) E W of East Washington,
in Clinton Township

Frontage: 97.25 Depth: 132 Area: .307 acres

Subdivision and lot number, if applicable: Miller's 3rd Extension Lot 10

Present use: Residential

Developmental Variance — Questionnaire

Name: John Zehr

1) Tell us what you want to do. Build a detached garage for storage

2) Tell us why you can't change what you're doing so you don't need a variance. The ~~garage~~ garage that is attached to the house takes away from our allowed square footage.

3) Tell us why the variance won't hurt your neighbors or the community. We currently have two storage sheds occupying this space. We would just replace them with a garage

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: 32x36 16' to peak
Tell us what you'll use it for. Garage and 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. _____

APR 19 2024

20' utility easement

Monroe St

100'

10' utility easement
135'



Overhead elec service

city water line

Driveway

24

House

410

Garage

21

Orn

Orn

37'

Existing Fence
(to be removed)

new fence 6'

4' chain link

existing fence 4'

Orn

32'

60'

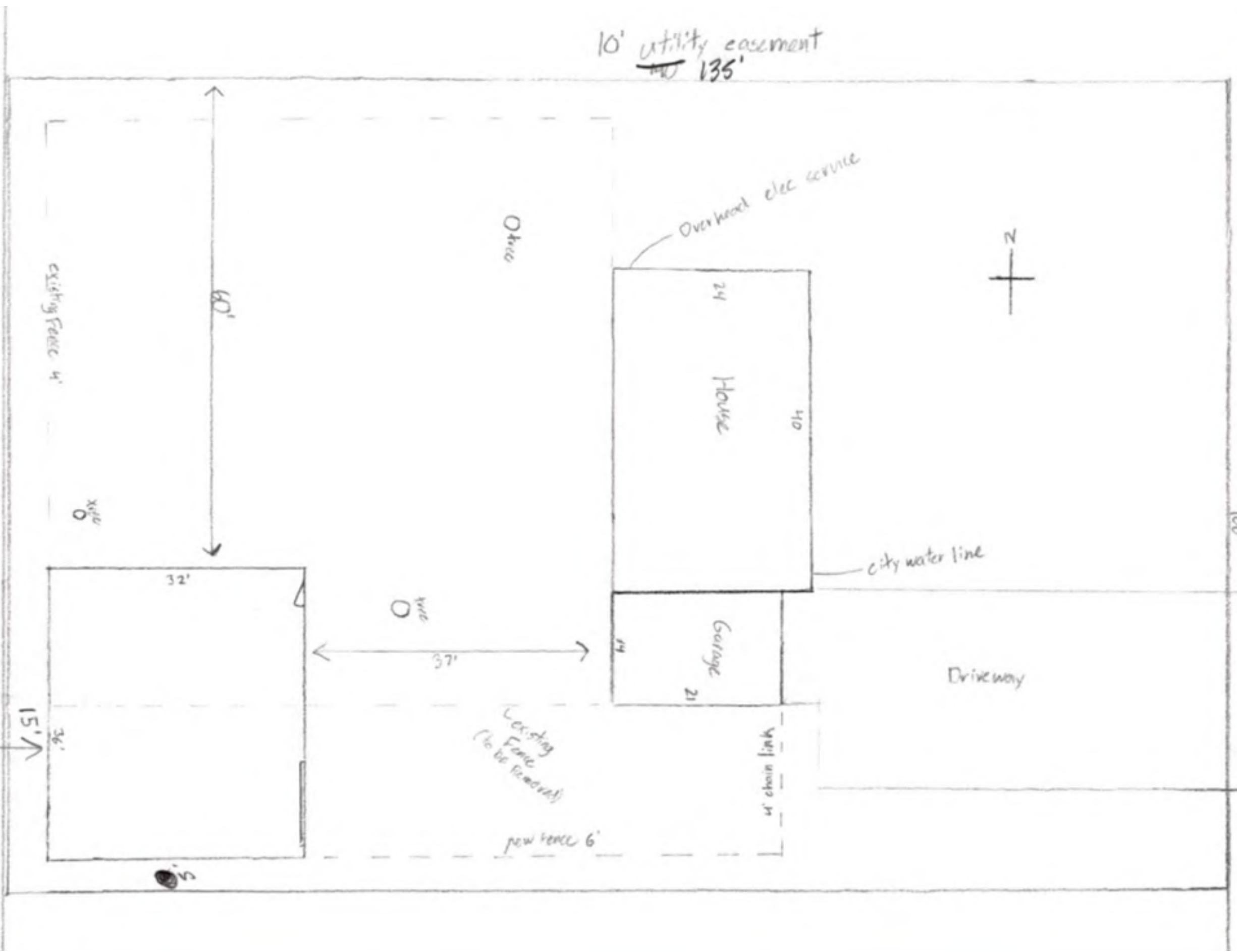
36'

15'

3

Paved Alley

alley to D



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: June 19, 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:

- None.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request 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.

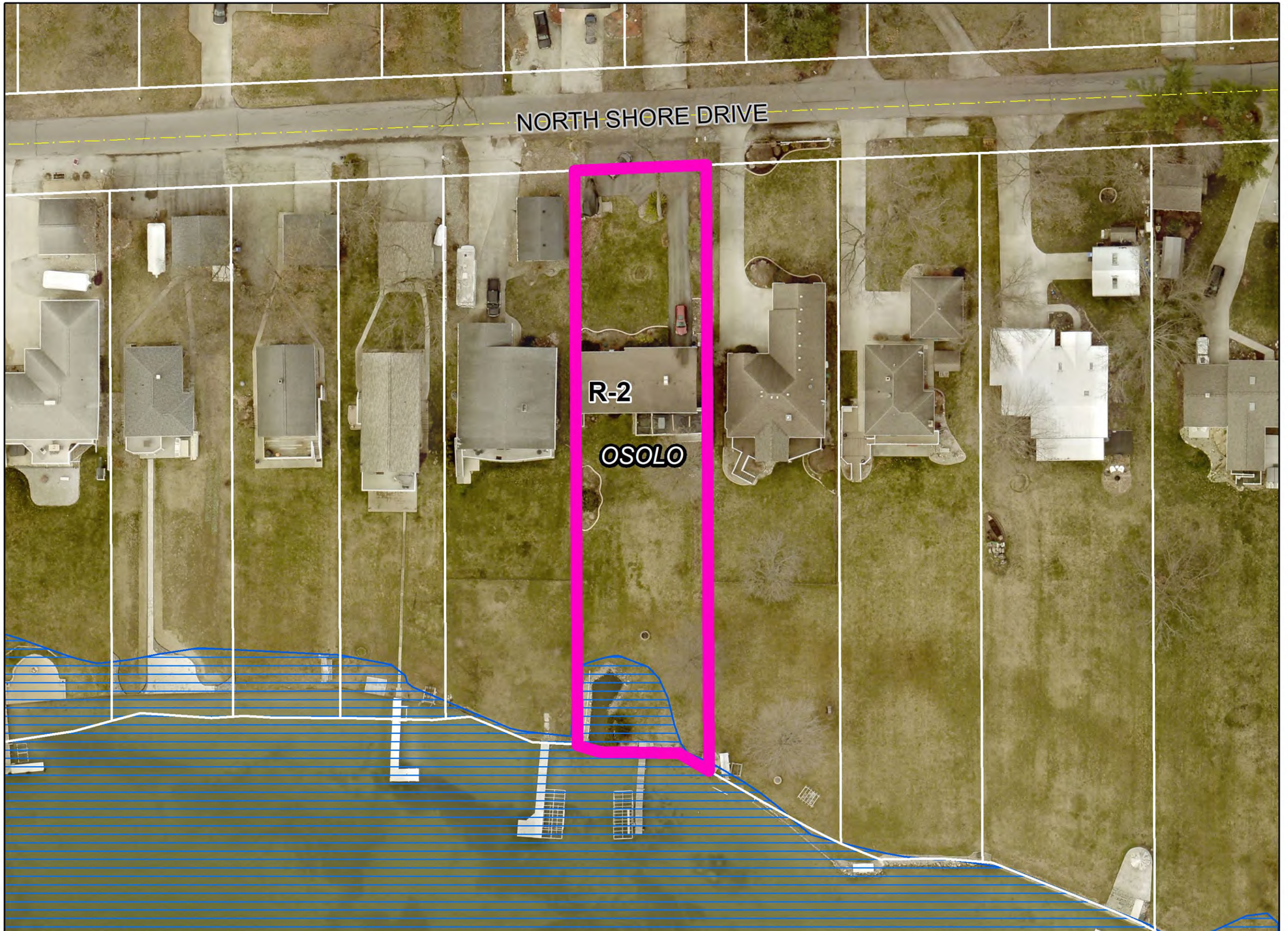
Hearing Officer Staff Report (Continued)

Hearing Date: June 19, 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

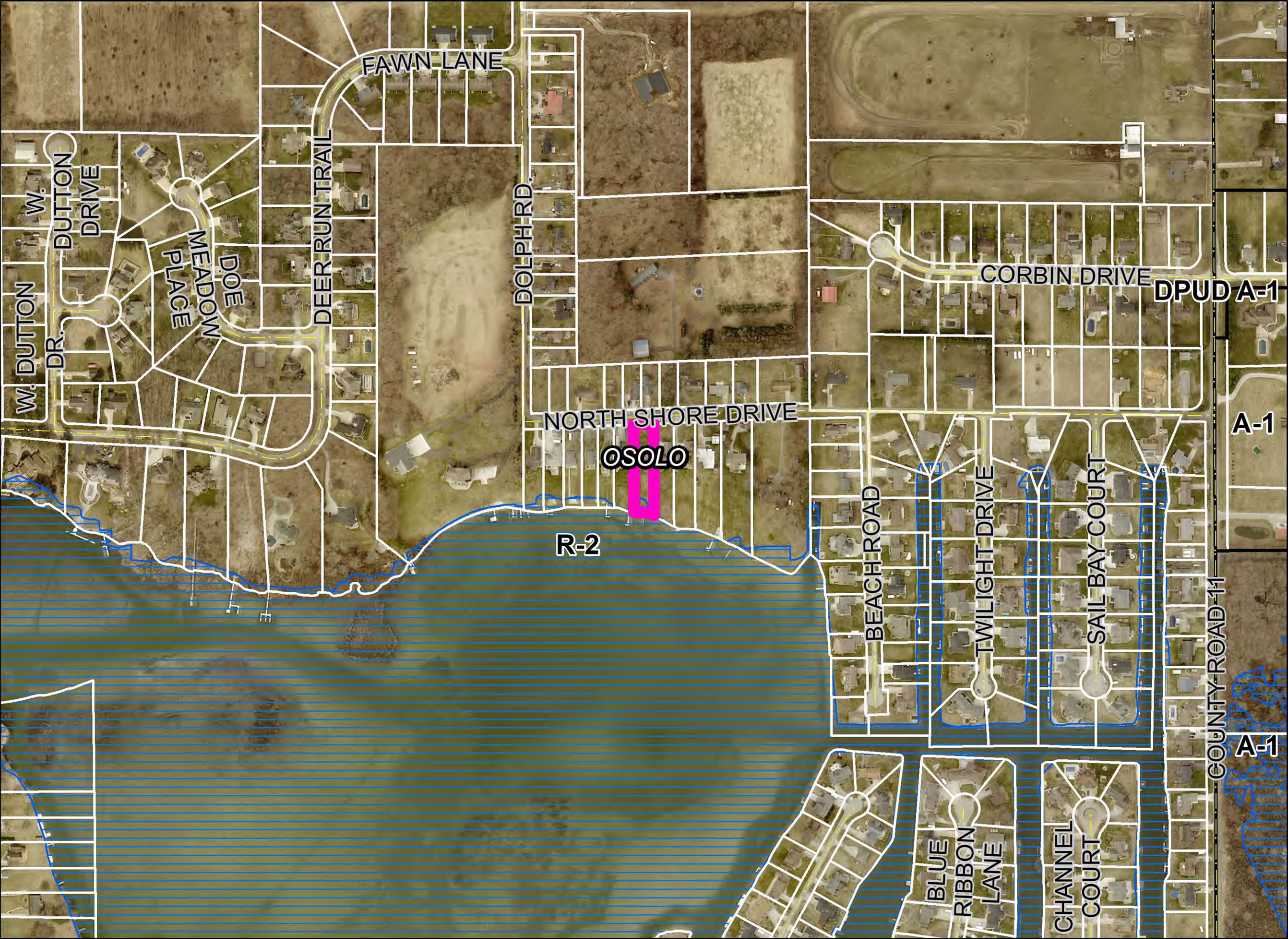
DV-0322-2024



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

DV-0322-2024

Developmental Variance - Developmental Variance

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:

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.

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 Email: RSCHWINDAMAN@FORSTRIVERINC.COM
(574) 276-4280 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
lot 6
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

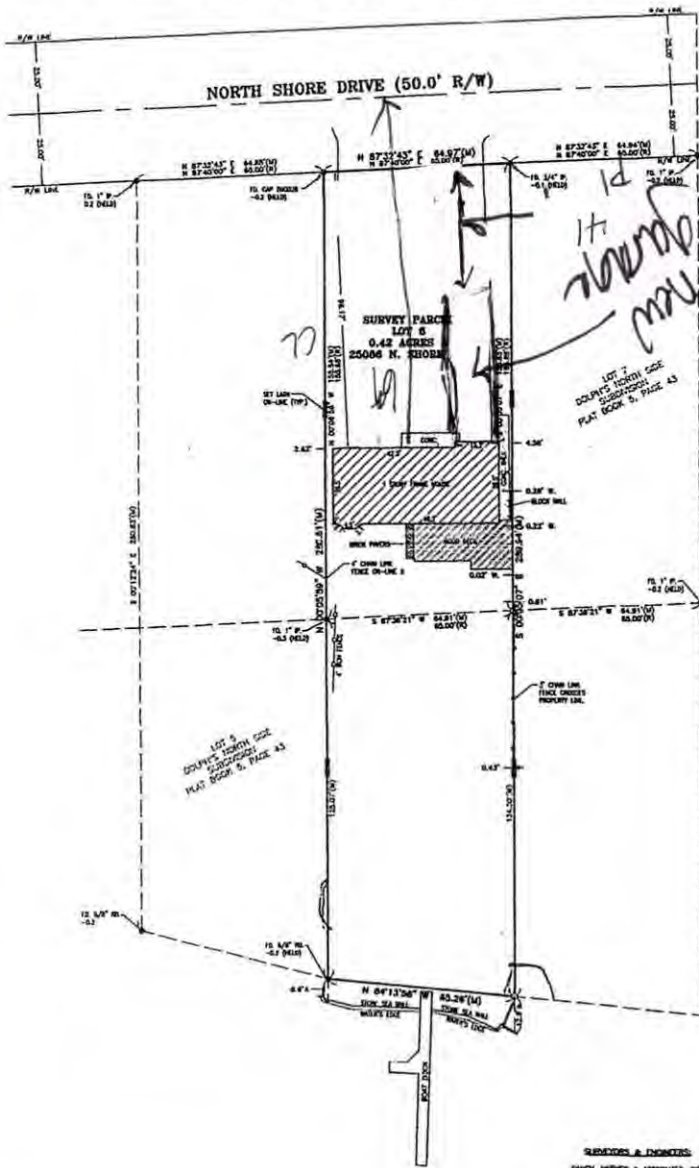
8) Does the application include a variance for parking spaces? Y N
If yes, tell us how many total there will be. _____

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.

SURVEY PREPARED FOR: MARISA SCHWINMAN
 SURVEY DATED: 4/8/24
 FILE #: 240136

BOUNDARY SURVEY
 PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 5 EAST,
 OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA.

LEGAL DESCRIPTION:
 LOT NUMBERED SEE (6), AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF
 DOLPH'S NORTH SIDE SUBDIVISION, SAID PLAT BEING RECORDED IN PLAT BOOK 5, PAGE 43, IN THE
 OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.



SURVEYOR'S REPORT

TITLE HOLDERS/CLIENT NAME: MARISA SCHWINMAN

1) IN ACCORDANCE WITH TITLE 865, ARTICLE 1.1, CHAPTER 12, SECTION 1 THROUGH 30 OF THE INDIANA
 ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATION AND OPINIONS ARE SUBMITTED REGARDING THE
 VARIOUS UNCERTAINTIES IN THE LOCATION OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS
 A RESULT OF:

- A) VARIANCES IN THE REFERENCE MONUMENTS;
- B) DISCREPANCIES IN RECORD DESCRIPTIONS AND PLATS;
- C) INCONSISTENCIES IN LINES OF OCCUPATION AND;
- D) RANDOM ERRORS IN MEASUREMENT (RELATIVE POSITION);

BOUNDARY SOLUTION CONSIDERED OF: THE RECORD DESCRIPTIONS USED IN THIS SURVEY AS PROVIDED BY
 THE CLIENT. THE PURPOSE OF THIS SURVEY IS TO RETRACE THE BOUNDARY AS DESCRIBED, THE SUBJECT
 PROPERTY LIES IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 5 EAST, OSOLO
 TOWNSHIP, ELKHART COUNTY, INDIANA.

SURVEY DATA SHOWN HEREON IS A LOCAL GROUND COORDINATE SYSTEM. BEARING AND DISTANCE
 RELATIONSHIPS TO FOUND MONUMENTATION ON THE ADJOINING PROPERTIES IS GIVEN ON THE ATTACHED
 PLAT FOR THE PURPOSE OF ESTABLISHING A HISTORY OF MONUMENTATION; HOWEVER, THIS PLAT DOES
 NOT REPRESENT A SURVEY OF SAID ADJOINING PROPERTIES.

THERE MAY BE DIFFERENCES WITH DEED DIMENSIONS WHEN COMPARED WITH MEASURED DIMENSIONS
 ALONG THE BOUNDARY LINES SHOWN HEREON. IN CASES WHERE THE MAGNITUDE OF THESE DIFFERENCES
 IS LESS THAN THE THEORETICAL UNCERTAINTY STATED IN THE FOLLOWING REPORT AND LESS THAN THE
 UNCERTAINTY IDENTIFIED FOR THE REFERENCE MONUMENTATION DISCLOSED IN THE FOLLOWING REPORT,
 THE DIFFERENCES MAY BE CONSIDERED NEGLECTIBLE AND ARE SHOWN ONLY FOR THE PURPOSES OF
 MATHEMATICAL CLOSURE AND ARE THEREFORE NOT DISCUSSED BELOW. WHEN SUCH DIFFERENCES ARE
 GREATER THAN SAID UNCERTAINTIES OR ARE THE RESULT OF TITLE DISCREPANCIES, THEY ARE GENERALLY
 DISCUSSED IN MORE DETAIL BELOW AS MAY BE NECESSARY FOR CLARITY OF THE LINES ESTABLISHED OR
 RE-ESTABLISHED ON THIS SURVEY.

UNLESS OTHERWISE NOTED ON THE ATTACHED PLAT OR IN THE FOLLOWING REPORT, THERE IS NO
 EVIDENCE OF OCCUPATION ALONG THE BOUNDARY LINES OF THE SUBJECT TRACT, WHICH FEENCES OR
 OTHER LINES OF OCCUPATION ARE SHOWN ON THE PLAT, THEY HAVE BEEN LOCATED ONLY AT THE ENDS OR
 SPECIFIC LOCATIONS NOTED; THEREFORE, FOR THE PURPOSES OF THIS SURVEY, SUCH LINES ARE
 ASSUMED TO RUN STRAIGHT BETWEEN SAID LOCATIONS, BUT IN ACTUALITY MAY SLIGHTLY VARY FROM SUCH
 STRAIGHT LINE.

THE RELATIVE POSITIONAL PRECISION (DUE TO RANDOM ERRORS OF MEASUREMENT) OF THE CORNERS OF
 THE SUBJECT TRACT ESTABLISHED IN THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR AN URBAN SURVEY
 (0.07 FEET PLUS 50 PPM) AS DEFINED IN LMS 806, AS A RESULT OF THE ABOVE OBSERVATIONS, IT IS
 MY OPINION THAT THE UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON
 THIS SURVEY ARE AS FOLLOWS:

- DUE TO VARIANCES IN REFERENCE MONUMENTS: AS NOTED
 DUE TO DISCREPANCIES IN THE RECORDED DESCRIPTION: AS NOTED
 DUE TO INCONSISTENCIES IN THE LINES OF OCCUPATION: AS NOTED

BASES OF BEARING: IN THIS SURVEY IS USING GPS OBSERVATION (GEOCENTRIC NORTH)

2) THAT THIS PARCEL DOES NOT FALL WITHIN THE FLOOD HAZARD AREA AS DEFINED ON AND SEALED
 FROM THE COMMUNITY PANEL MAPS ESTABLISHED BY H.A.L.D. FOR FLOOD INSURANCE, PANEL NO.
 18030C0400, DATED AUGUST 27th, 2011 (ZONE "X").

3) THAT THIS SURVEY WAS PERFORMED FROM PUBLIC RECORDS AND LEGAL DESCRIPTIONS SUPPLIED BY:
 CLIENT

4) REFERENCES: WARRANTY DEED 2020-25993; RECORDED PLAT OF DOLPH'S NORTH SIDE SUBDIVISION,
 PLAT BOOK 5, PAGE 43.

SURVEYOR'S CERTIFICATION

TO: MARISA SCHWINMAN

I, R.L. HARNER, AM A REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA AND HEREBY CERTIFY:
 THAT I HAVE SURVEYED THE LANDS HEREON DESCRIBED AND DELINEATED, AND THAT THIS SURVEY
 WAS PERFORMED UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND
 BELIEF THIS SURVEY HAS BEEN PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF RULE 12
 OF INDIANA ADMINISTRATIVE CODE 865, AND AS PRESCRIBED BY
 INDIANA ADMINISTRATIVE CODE 865, 1-1-12.

R.L. HARNER, L.S.
 INDIANA REG. #910032



Dolph, Harner & Associates, Inc.
 Land Surveyors & Professional Engineers
 Landscape Architects & Real Estate Appraisers
 1505 W. 4th Street, Elkhart, IN 46517
 (317) 298-9950

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE
 CARE TO OBTAIN FACT SOCIAL SECURITY NUMBER IN THIS DOCUMENT UNLESS
 INDICATED BY LAW.
 DON L. HARNER

DATE	DRAWN BY:	REVISIONS			SHEET
4/9/24	SJAM				1 / 1

SURVEYORS & ENGINEERS
 DOLPH, HARNER & ASSOCIATES, INC.
 1505 WEST 4TH STREET
 SOUTH BEND, IN 46612
 (317) 298-9950
 ATRN: MICHAEL DARSH

EXISTING LEGEND

△ SET AND BAL.	▽ FOUND WELL	□ FOUND SIGN	○ FOUND SIGN
● FENCE AND WALL	○ FOUND SIGN	□ FOUND SIGN	○ FOUND SIGN
○ RECORD DISTANCE	○ FOUND SIGN	□ FOUND SIGN	○ FOUND SIGN
○ FOUND SIGN	○ FOUND SIGN	□ FOUND SIGN	○ FOUND SIGN
○ FOUND SIGN	○ FOUND SIGN	□ FOUND SIGN	○ FOUND SIGN
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○ FOUND SIGN	○ FOUND SIGN	□ FOUND SIGN	○ FOUND SIGN
○ FOUND SIGN	○ FOUND SIGN	□ FOUND SIGN	○ FOUND SIGN
○ FOUND SIGN	○ FOUND SIGN	□ FOUND SIGN	○ FOUND SIGN

GENERAL SURVEY DISCLAIMER NOTES:
 THE INFORMATION SHOWN ON THIS WARRANTY IS INTENDED FOR THE CLIENT ONLY. ANY RISK OR
 LIABILITY WITHOUT WRITTEN PERMISSION AND SUPERVISION BY THE LAND SURVEYOR FOR THE SPECIFIC
 PURPOSES, METHODS WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL
 EXPOSURE TO THE LAND SURVEYOR.

ANY UTILITY OR EXISTING LOCATIONS IF SHOWN ARE APPROXIMATE. THE CLIENT MUST FIELD
 VERIFY UTILITY LOCATIONS WITH THE RESPECTIVE UTILITY COMPANY. THE LAND SURVEYOR
 ASSUMES NO LIABILITY FOR THE ACCURACY OF THE LOCATION OR DEPTH OF EXISTING UTILITIES
 OR THE EXISTENCE OR NON-EXISTENCE OF ADDITIONAL UNDERGROUND UTILITIES OR STRUCTURES.

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIRST
 VERIFICATION OF EXISTING POINTS SHOULD BE OBTAINED PRIOR TO COMMENCEMENT OF
 ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, ESTABLISHMENT AND OTHER RESTRICTIONS NOT
 SHOWN HEREON REFER TO YOUR DEED, INSTRUMENT, TITLE RECORD, CONTRACTS AND LEGAL,
 BUILDING, ZONING AND SUBDIVISION ORDINANCES.

UNLESS SPECIFICALLY SHOWN HEREON, THIS SURVEY DOES NOT SUPPORT TO INDICATE THE
 PRESENCE OR ABSENCE OF METALS AND MINERALS OR ENVIRONMENTALLY HAZARDOUS
 MATERIALS. THE SURVEYOR EXPRESSLY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR THE
 SAME.

ANY INFORMATION ON THIS SURVEY IS NOT INTENDED TO BE SUPPLIED FOR REUSE
 BY ANY PERSON, FIRM OR CORPORATION OR ANY OTHER USER OR USER OF THE
 PRODUCT OR THE USER AND OTHER REUSE. ANY REUSE WITHOUT WRITTEN
 PERMISSION AND SUPERVISION BY THE SURVEYOR, ARCHITECT OR SURVEYOR OR THE
 USER SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY
 OR LEGAL EXPOSURE TO THE ENGINEER, ARCHITECT OR SURVEYOR.

ALL UNDERGROUND UTILITIES MUST BE FIELD VERIFIED BY THE
 CONTRACTOR BEFORE ANY CONSTRUCTION WORK BEGINS.

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: June 19, 2024

Transaction Number: DV-0292-2024.

Parcel Number(s): 20-05-15-201-016.000-001 & 20-05-15-201-018.000-001.

Existing Zoning: B-2.

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

Petitioner: Troy K. Greiner & Sheila Greiner, Husband & Wife.

Location: South side of Tower Rd., 1,300 ft. west of CR 1, in Baugo Township.

Site Description:

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

History and General Notes:

- **April 17, 2013** – The Hearing Officer approved a Developmental Variance for storage. The approval was for the building now receiving an addition.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The addition will allow for continued inside storage of personal items.
2. Approval of the request will not cause substantial adverse effect on neighboring property. An accessory structure like this one with a modest addition is common for single-family-residential land uses.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. Without the variance granted, the property owner would not be able to store personal items inside a structure.

Hearing Officer Staff Report (Continued)

Hearing Date: June 19, 2024

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

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 5/2/2024 and as represented in the Developmental Variance application.

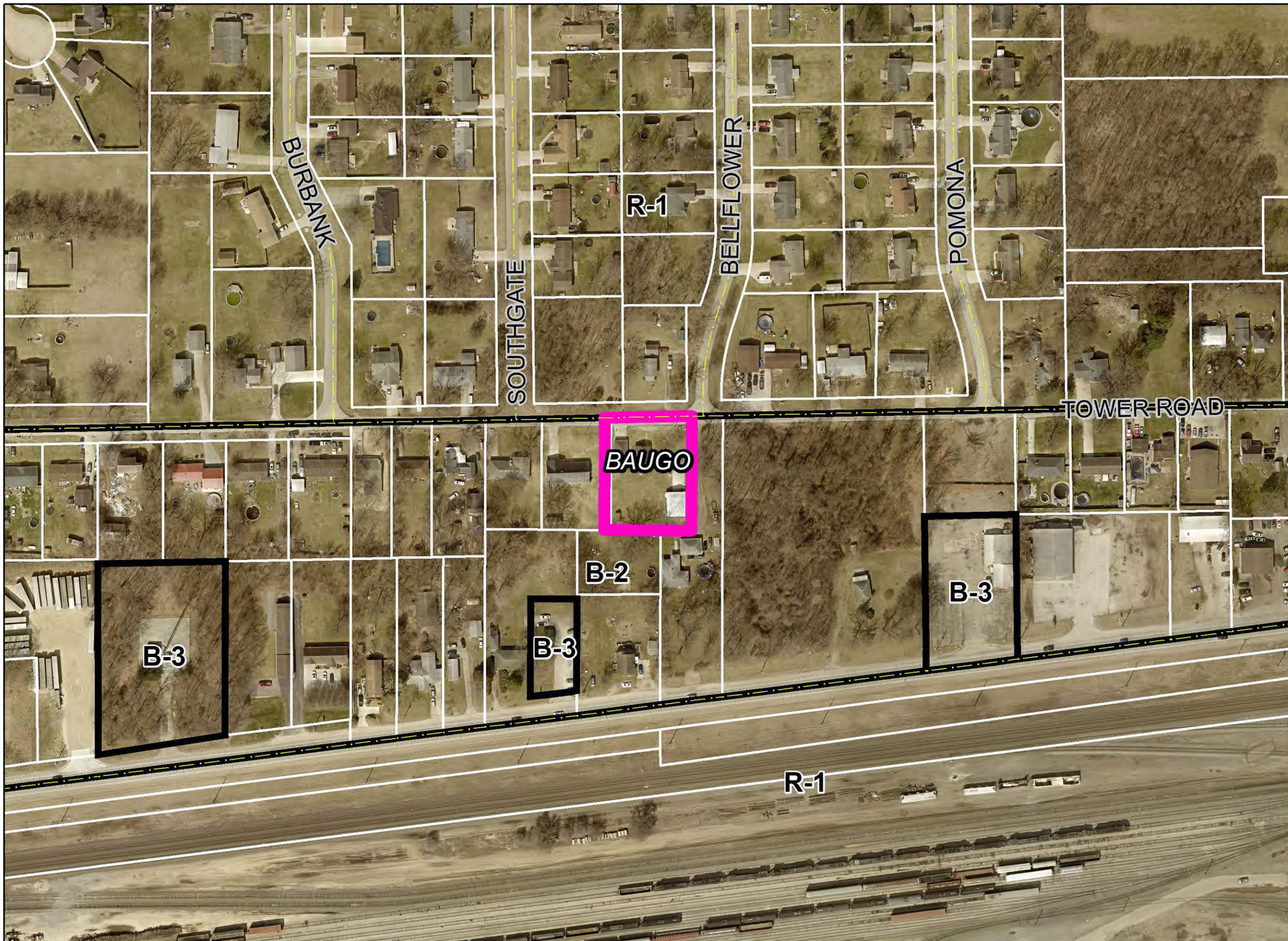
DV-0292-2024

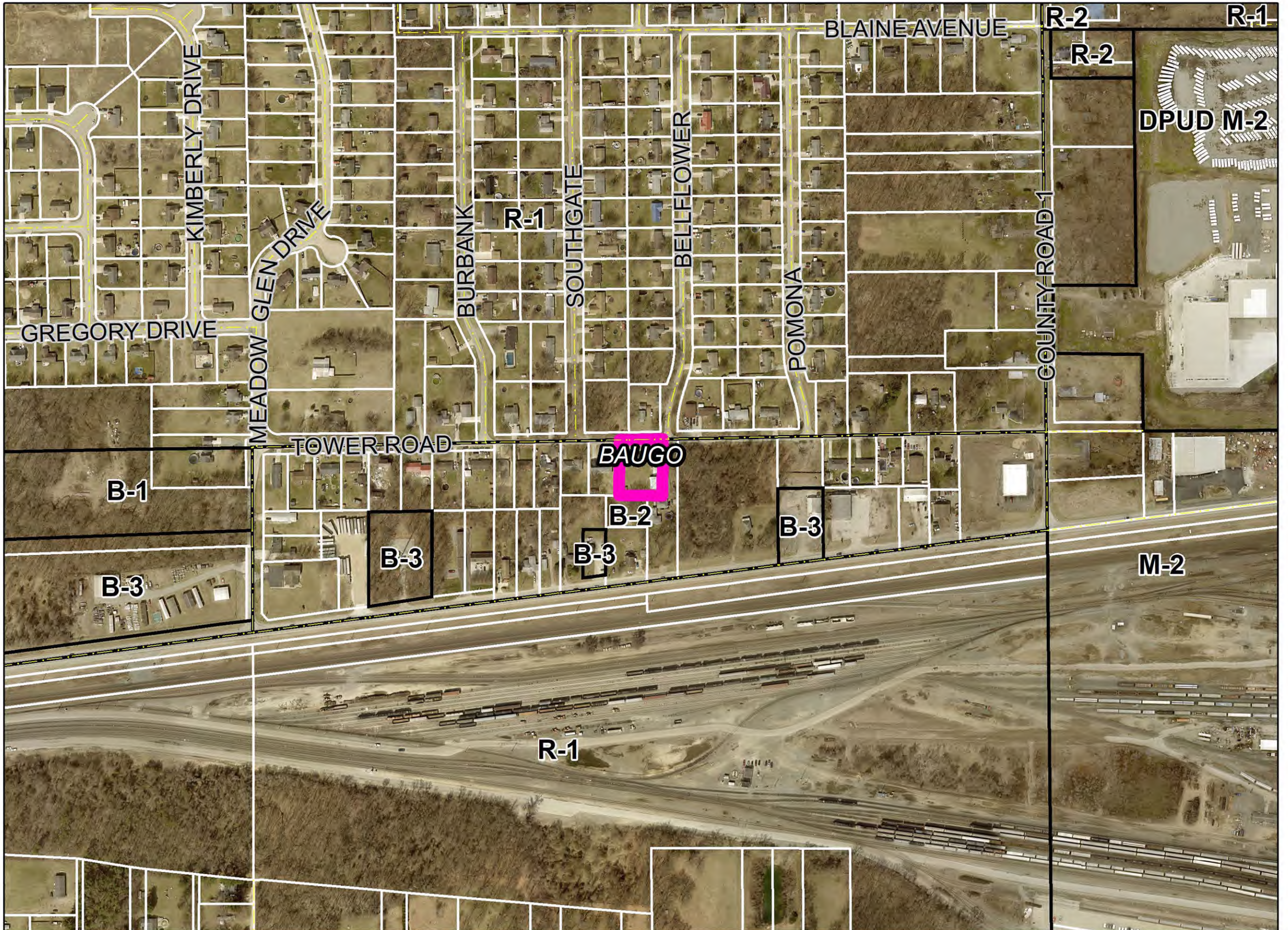


2021 Aerials

1 inch = 60 feet









Subject property



Facing building receiving a west addition



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

Date: 05/02/2024 Meeting Date: June 19, 2024 Transaction #: DV-0292-2024
Board of Zoning Appeals Public Hearing

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

<u>Applicant</u>	<u>Land Owner</u>
Troy K. Greiner & Sheila Greiner, Husband And Wife 30256 Tower Rd Elkhart, IN 46516	Troy K. Greiner & Sheila Greiner, Husband And Wife 30256 Tower Rd Elkhart, IN 46516

Site Address: 30256 Tower Road ELKHART, IN 46516	Parcel Number: 20-05-15-201-016.000-001 20-05-15-201-018.000-001
---	---

Township: Baugo
Location: SOUTH SIDE OF TOWER RD, 1,300 FT. WEST OF CR 1

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



Lot Area: 0.61 Frontage: 142.00 Depth: 162.00

Zoning: B-2	NPO List:
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Present Use of Property: RESIDENTIAL & VACANT/EASEMENT

Legal Description:

Comments: PARCEL CREATED 3/1/1962
INCLUDED EASEMENT TO THE WEST IN PROPERTY MEASUREMENTS
SEE PREVIOUS DV #30256TOWERRD-130325-1 APPROVED 4/17/2013 FOR ACCESSORY STORAGE
RESIDENCE = 628 SQ FT X 110% = 690 SQ FT, MINUS 1,200 SQ FT (TYPE 3 BARN) AND 720 SQ FT (GARAGE), NEW
PROPOSED LEAN-TO IS 480 SQ FT (30 X 16), WHICH IS A TOTAL OVERAGE OF 1,710 SQ FT

Applicant Signature: 	Department Signature: 
---	---

Application

Site address: 30256 Tower Road

Parcel number(s): 201-016 20-05-15-201-016
20-05-15-201-018

Current property owner

Name: Troy & Sheila GREINER

Address: 30278 Tower Road

Phone: 574-320-0642 Email: greiner4@comcast.net

Other party Agent Buyer Land contract purchaser Lessee

Name: _____

Address: _____

Phone: _____ Email: _____

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: Troy Greiner Sheila Greiner

Staff Use Only

Description: _____

Parcel creation date: 3/1/1962

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N (S) E W corner (side) end of Tower Rd,
1,300 ft. N S E (W) of CR 1,
in Baugo Township

Frontage: 142 Depth: 162 Area: .57 acres
+ .041 =

Subdivision and lot number, if applicable: _____

Present use: _____

Developmental Variance — Questionnaire

Name: Troy Greiner

1) Tell us what you want to do. I would like to add a 16x30 Lean-to on to our Existing pole barn

2) Tell us why you can't change what you're doing so you don't need a variance. Existing home is too small and storage Fee's have gotten out of hand.

3) Tell us why the variance won't hurt your neighbors or the community. OUR overFlow won't be outside. It will be ~~one~~ less house in the neighborhood with junk stored in plain sight.

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

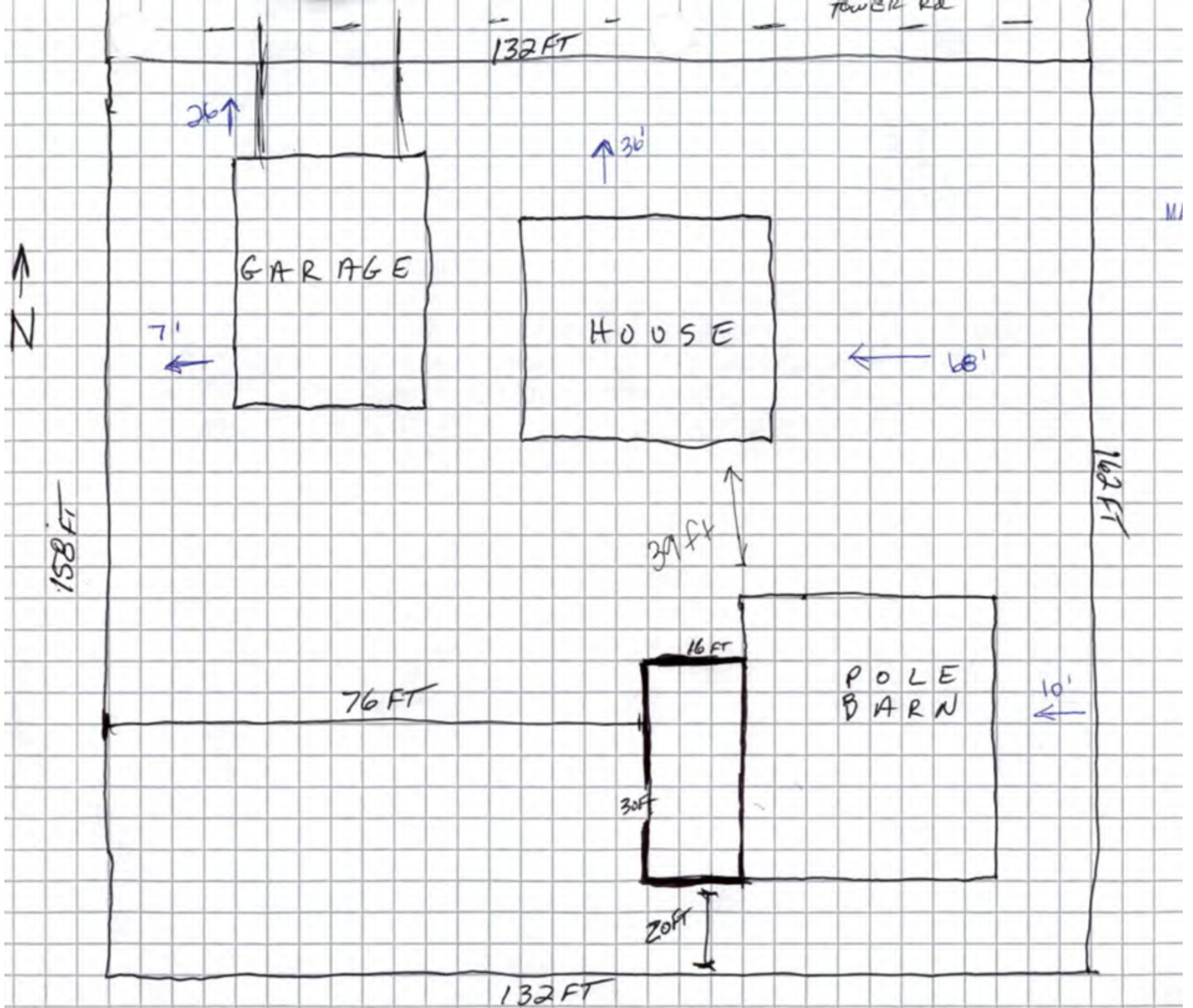
5) Does the application include variances to allow for buildings or additions? Y N If yes, fill out below.
Building or addition 1 Size and height to the peak: 30x16 10ft Peak
Tell us what you'll use it for. _____
Building or addition 2 Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Size and height to the peak: _____
Tell us what you'll use it for. _____

6) Does the application include a variance for a residence on property with no road frontage? Y N
If yes, fill out below.
Is the easement existing? Y N If the easement is existing, is it recorded? Y N
Tell us who owns (will own) the land under the easement. _____
Tell us how many parcels will use the easement. _____

7) Does the application include variances for signs? Y N If yes, fill out below.
Sign 1 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N
Sign 2 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N
Sign 3 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N

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

9) Tell us anything else you want us to know. _____



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: June 19, 2024

Transaction Number: DV-0327-2024.

Parcel Number(s): 20-14-10-276-004.000-028.

Existing Zoning: A-1.

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

Petitioner: Clint M. Flora & Deborah R. Flora, Husband & Wife.

Location: North end of the easement, West side of CR 13, 400 ft. South of CR 44, in Union Township.

Site Description:

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

History and General Notes:

- **February 16, 2022** – This same variance was granted but expired before construction was started. The following variance (DV-0329-2024) is for the other lot in the same subdivision and is also to replace one that expired.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The proposed residence will access County Road 13 through a shared driveway with adequate sight distance.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The proposed residence is setback far from neighboring residences.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The use of an access easement is the best way to protect the owner's right to subdivide.

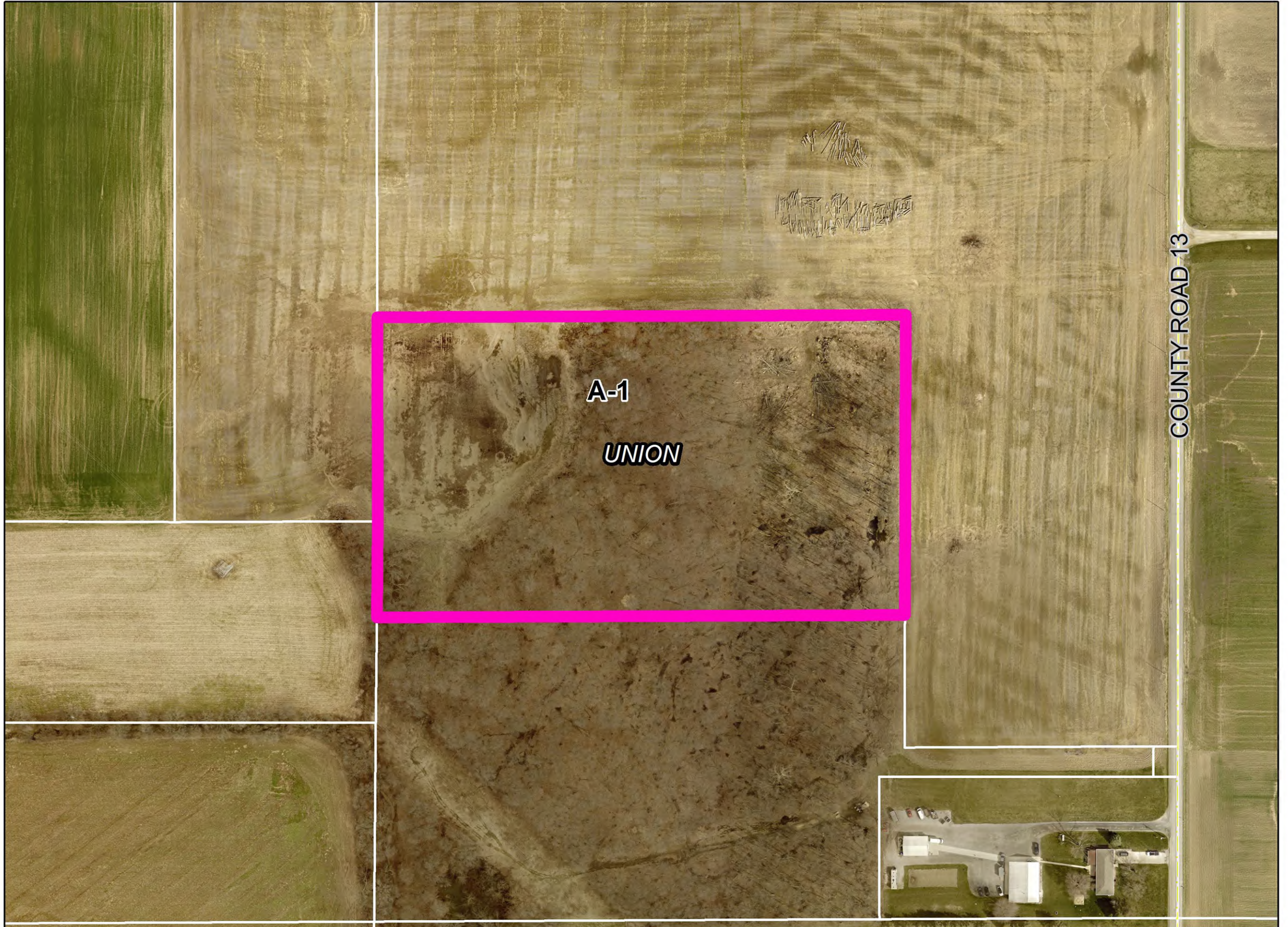
Hearing Officer Staff Report (Continued)

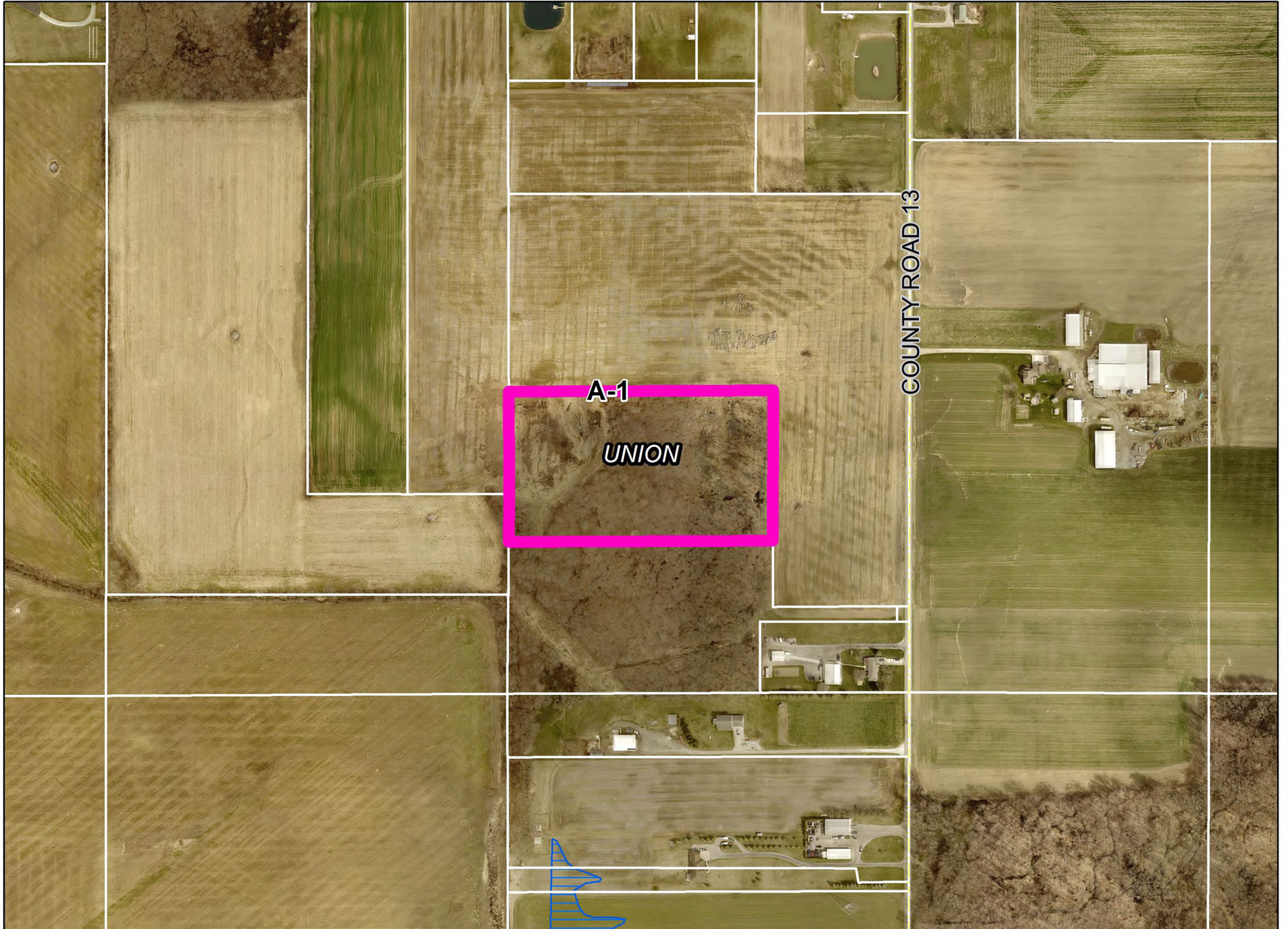
Hearing Date: June 19, 2024

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

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 5/10/2024 and as represented in the Developmental Variance application.







A-1

UNION

COUNTY ROAD 13



Subject property facing west



Looking north



Looking east



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-0327-2024

Date: 05/10/2024

Meeting Date:

June 19, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0327-2024

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

Contacts: Applicant

Kindig & Sloat
102 Heritage Pkwy
Nappanee, IN 46540

Authorized Agent

Kindig & Sloat
102 Heritage Pkwy
Nappanee, IN 46540

Land Owner

Clint M. Flora And Deborah R.
Flora, Husband And Wife
70566 County Road 21
New Paris, IN 46553

Site Address: 00000 County Road 13
NAPPANEE, IN 46550

Parcel Number: 20-14-10-276-004.000-028

Township: Union

Location: NORTH END OF THE EASEMENT, WEST OF CR 13, 2,390 FT. SOUTH OF CR 44

Subdivision: LOIS LANE

Lot # 1

Lot Area: 10.06 Frontage: 0.00 Depth: 871.65

Zoning: A-1

NPO List:

Present Use of Property: VACANT

Legal Description:

Comments: PREVIOUS DV #0974-2021 APPROVED 2/16/2022 BUT HAS EXPIRED. MINOR WAS DONE 2/10/2022 MI#0973-2021, RECORDED 12/28/2022

Applicant Signature:

Department Signature:

Application

Site address: undetermined on County Road 13, Naganssee IN

Parcel number(s): 20-14-10-276-004.000-028

Current property owner

Name: Clint M. Flora & Deborah R. Flora

Address: 70566 County Road 21, New Paris, IN 46553

Phone: 574-333-9083 Email: _____


Other party Agent Buyer Land contract purchaser Lessee

Name: Loren R. Sloat

Address: Box 31, Naganssee IN 46550

Phone: 574-773-7996 Email: lsloat@k.indigand sloat.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 _____ ,
_____ ft. N S E W of _____ ,
in _____ Township

Frontage: _____ Depth: _____ Area: _____ acres

Subdivision and lot number, if applicable: _____

Present use: _____

Developmental Variance – Questionnaire

Name: Clint M Flora & Deborah A. Flora

1) Tell us what you want to do. Construction of residence on parcel with no road frontage, served by an easement see prior variance approved on 2-16-22, DV-0974-2021

2) Tell us why you can't change what you're doing so you don't need a variance. Variance was previously approved in 2022, but has expired due to lapse of time

3) Tell us why the variance won't hurt your neighbors or the community. See DV 0974-2021

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. Dane P. Flora & Clara J. Flora
Tell us how many parcels will use the easement. two - see Plat

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. See DV-0974-2021, approved on 2-16-22, prior to approval of Plat on 12-19-22.

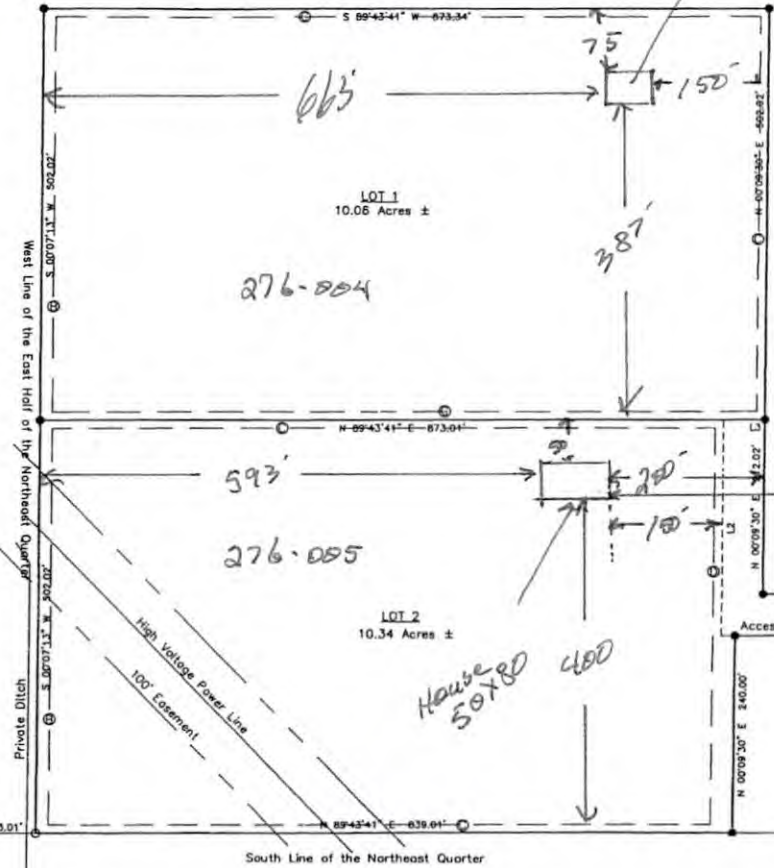
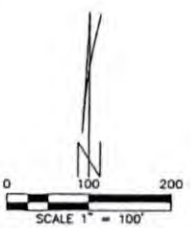
LOIS LANE

A Two Lot Minor Subdivision in the Northeast Quarter of Section 10, Township 35 North, Range 5 East, 2nd Principal Meridian, Union Township, Elkhart County, Indiana

Document # 92-15656

PLAT BOOK 42 PAGE NUMBER 60

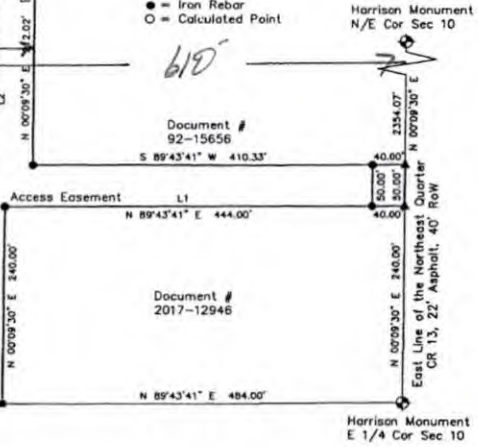
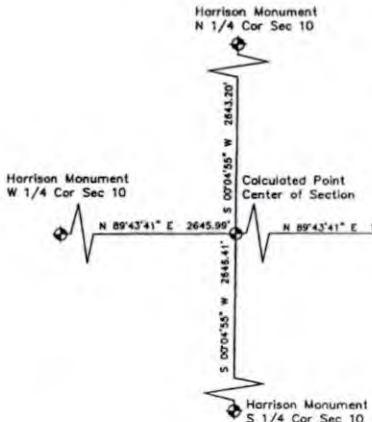
MAY 10 2024



EASEMENT

LINE BEARING	DISTANCE
L1 S 89°43'41" W 460.33'	
L2 N 00°09'30" E 262.02'	
L3 N 89°43'41" E 150.00'	

- LEGEND
- ⊙ = 35' Building Setback
 - ⊕ = 15' Building Setback
 - ⊗ = 10' Building Setback
 - ⊖ = Setback Varies
 - ▲ = Mag Nail
 - = Iron Rebar
 - = Calculated Point



I, C. BLAKE DORIOT, HEREBY CERTIFY THAT I AM A LAND SURVEYOR, LICENSED IN THE STATE OF INDIANA, IN COMPLIANCE WITH THE LAWS, THAT THIS PLAT TO THE BEST OF MY KNOWLEDGE CORRECTLY REPRESENTS A SURVEY MADE BY ME. THAT ALL MONUMENTS SHOWN THEREON ACTUALLY EXISTS, THAT THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.

C. Blake Doriot

C. BLAKE DORIOT, P.L.S. #890028

Revised 5/25/2022 Revised 1/24/2022 Revised 1/23/2022 Revised 1/21/2022

B. DORIOT & ASSOCIATES INC.
P.O. Box 465 New Paris, IN 46553
574-536-3031

DRAWN BY: CEB	APPROVED BY: CBD
FIELD CREW: CEB	PROJ. NO. 2022-005
DATE: 12-20-2021	DWG. 2022-005.dwg
Owner: Lois E Martin	

PAGE 1 OF 3

V172 P68

V172 P68

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: June 19, 2024

Transaction Number: DV-0329-2024.

Parcel Number(s): 20-14-10-276-005.000-028.

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: Dane P. Flora & Clara J. Flora, Husband & Wife.

Location: West side of CR 13, 2,400 ft. South of CR 44, in Union Township.

Site Description:

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

History and General Notes:

- **February 16, 2022** – This same variance was granted but expired before construction was started. The preceding variance (DV-0327-2024) is for the other lot in the same subdivision and is also to replace one that expired.

Staff Analysis:

Staff finds that:

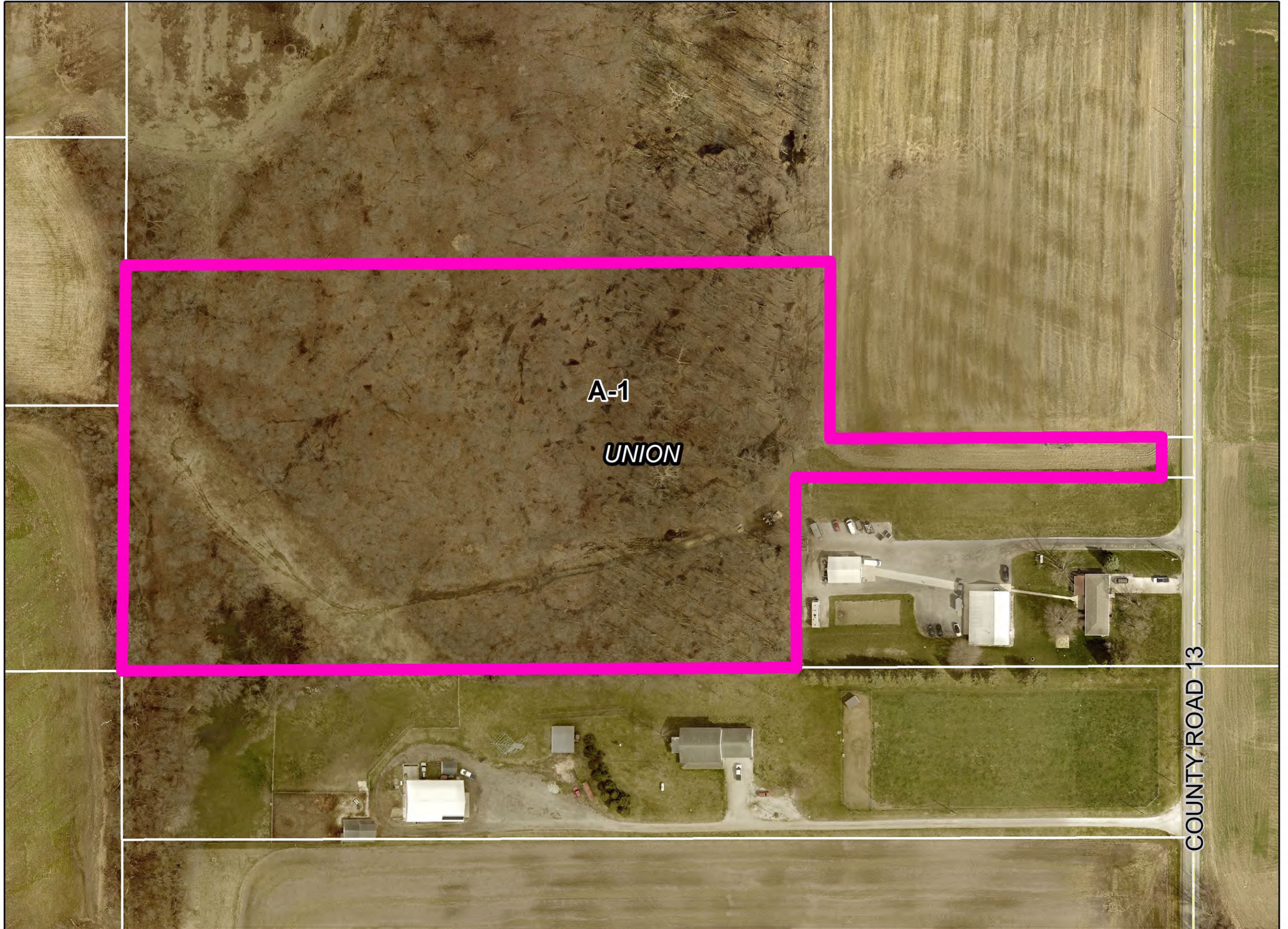
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The proposed driveway provides adequate sight distance to County Road 13.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The proposed residence is setback far from neighboring residences.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The property does not have enough road frontage to allow a residence to be built without a variance.

Hearing Officer Staff Report (Continued)

Hearing Date: June 19, 2024

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

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 5/10/2024 and as represented in the Developmental Variance application.

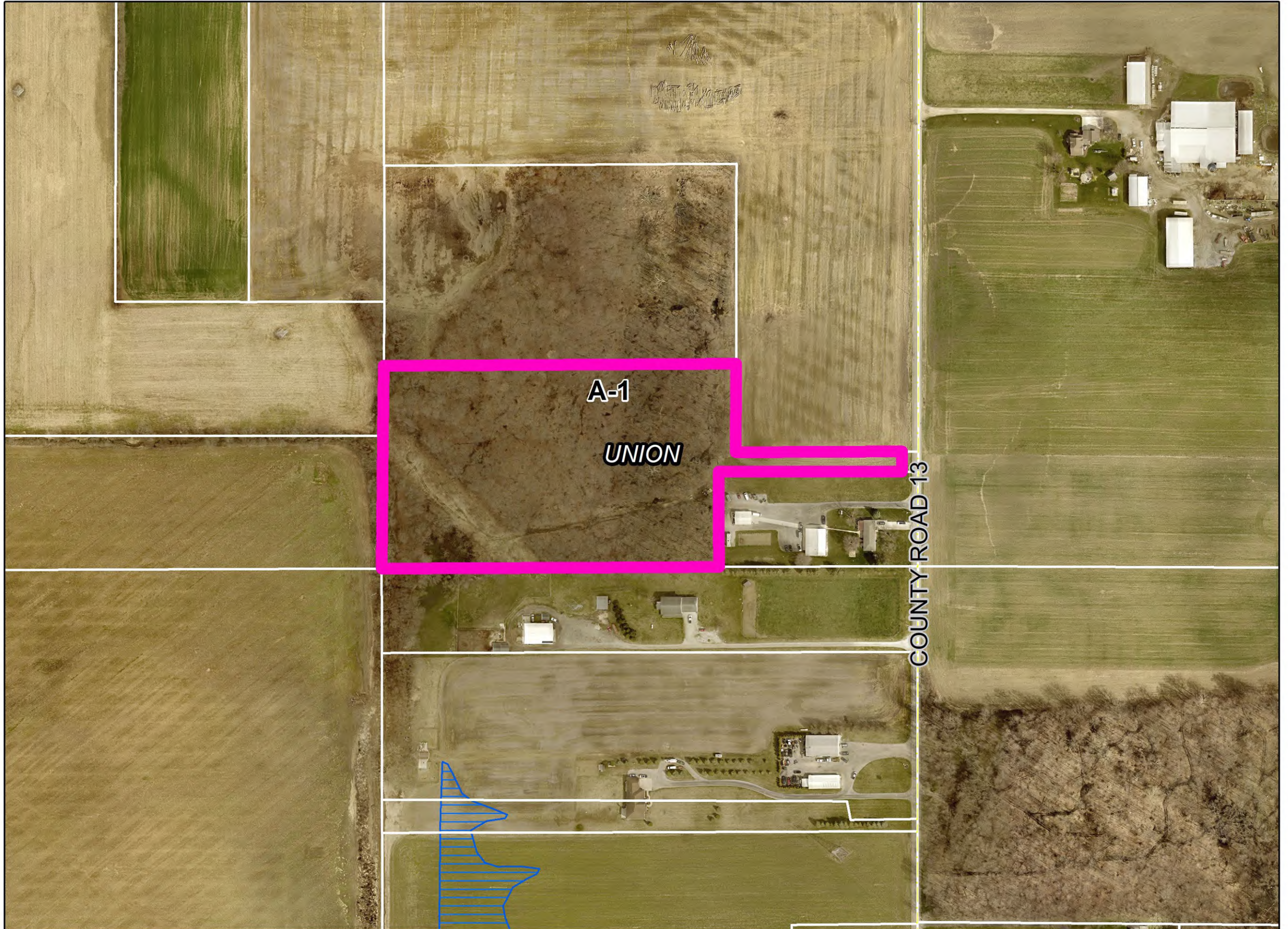


A-1

UNION

COUNTY ROAD 13

DV-0329-2024

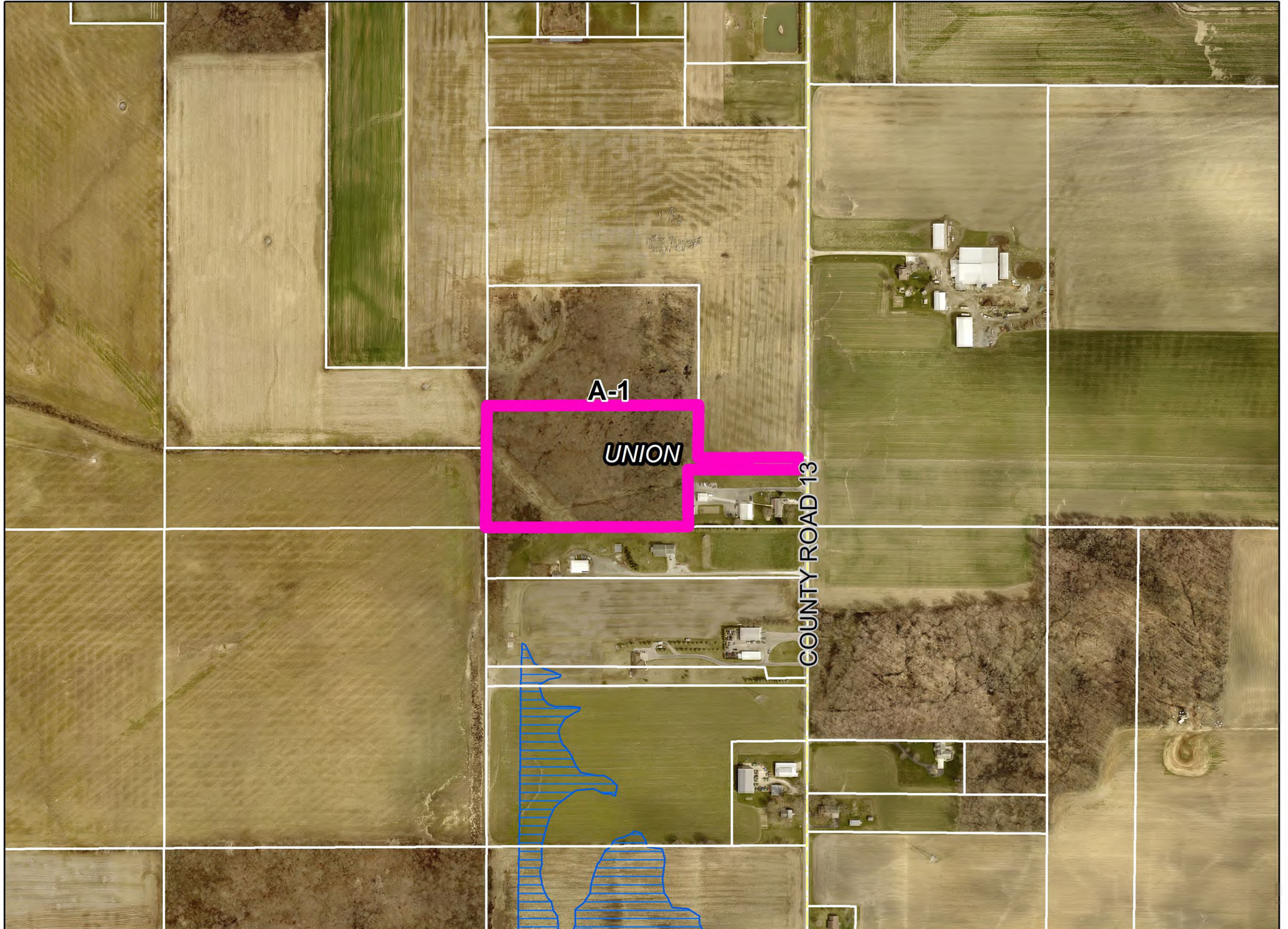


2021 Aerials

1 inch = 300 feet



DV-0329-2024



2021 Aerials

1 inch = 500 feet





Looking east toward property



Looking north



Looking east



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-0329-2024

Date: 05/10/2024 Meeting Date: June 19, 2024 Transaction #: DV-0329-2024
Board of Zoning Appeals Public Hearing

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

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Kindig And Sloat, Pc 102 Heritage Pkwy Nappanee, IN 46550	Kindig And Sloat, Pc 102 Heritage Pkwy Nappanee, IN 46550	Dane P. Flora & Clara J. Flora, Husband & Wife 24575 Cr 142 Goshen, IN 46526

Site Address: 00000 Cr 13 NAPPANEE, IN 46550	Parcel Number: 20-14-10-276-005.000-028
---	---

Township: Union
Location: WEST SIDE OF CR 13, 2,400 FT. SOUTH OF CR 44

Subdivision: LOIS LANE	Lot # 2
------------------------	---------

Lot Area: 10.34	Frontage: 50.00	Depth: 1,354.00
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Zoning: A-1	NPO List:
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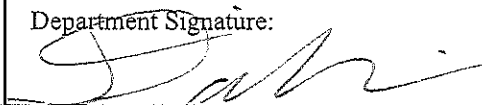
Present Use of Property: VACANT

Legal Description:

Comments: PREVIOUS DV #0974-2021 APPROVED 2/16/2022 BUT HAS EXPIRED. MINOR WAS DONE 2/10/2022 MI#0973-2021, RECORDED 12/28/2022

Applicant Signature:

Department Signature:



May 10, 2024 10:07 am

Application

Site address: 00000 CR 13, Nappanee, IN 46550

Parcel number(s): 20-14-10-276-005.000-028

Current property owner

Name: Dane P. Flora & Clara J. Flora

Address: 24575 CR 142, Goshen IN 46526

Phone: 574-596-8188 Email: _____

Other party Agent Buyer Land contract purchaser Lessee

Name: Loren R. Sloat

Address: P.O. Box 31, Nappanee, IN 46550

Phone: 574-773-7926 Email: lsloat@krudigand sloat.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: 12-28-2022

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N S E (W) corner (side) end of CR 13,
2,400 ft. N (S) E W of CR 44,
in Union Township

Frontage: 50 Depth: 1,357 Area: 10.34 acres

Subdivision and lot number, if applicable: Lois Lane, Lot 2

Present use: Vacant

Developmental Variance — Questionnaire

Name: Dane P. Flora & Clara J. Flora

1) Tell us what you want to do. Construction of residence on parcel approved as lot 2 of Lois Lane Minor Subdivision, access to OR 13 as approved by the Plat is 50' wide, and depth of lot as approved by the Plat is 1323.01. Need 7:1 depth/width variance and variance for 50' road frontage

2) Tell us why you can't change what you're doing so you don't need a variance. Plat was approved on December 19, 2022

3) Tell us why the variance won't hurt your neighbors or the community. Plat was approved on December 19, 2022

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. See DV-0974-2021 which was approved on 2-16-22, prior to the Plat being approved on 12-19-22.

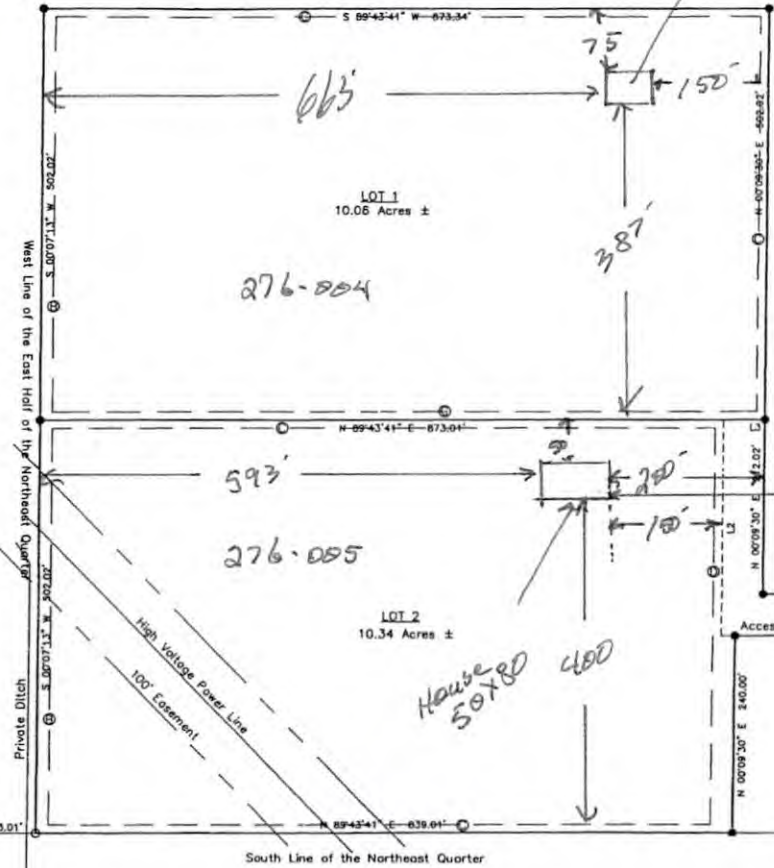
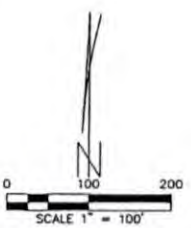
LOIS LANE

A Two Lot Minor Subdivision in the Northeast Quarter of Section 10, Township 35 North, Range 5 East, 2nd Principal Meridian, Union Township, Elkhart County, Indiana

Document # 92-15656

PLAT BOOK 42 PAGE NUMBER 60

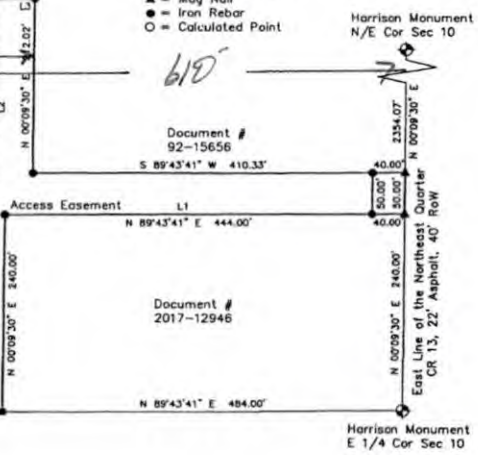
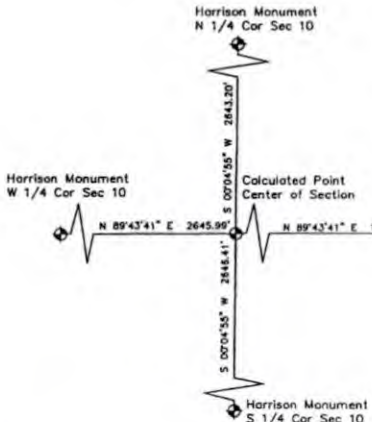
MAY 10 2024



EASEMENT

LINE BEARING	DISTANCE
L1 S 89°43'41" W	460.33'
L2 N 00°09'30" E	262.02'
L3 N 89°43'41" E	150.00'

- LEGEND**
- ⊙ = 35' Building Setback
 - ⊕ = 15' Building Setback
 - ⊗ = 10' Building Setback
 - ⊖ = Setback Varies
 - ▲ = Mag Nail
 - = Iron Rebar
 - = Calculated Point



I, C. BLAKE DORIOT, HEREBY CERTIFY THAT I AM A LAND SURVEYOR, LICENSED IN THE STATE OF INDIANA, IN COMPLIANCE WITH THE LAWS, THAT THIS PLAT TO THE BEST OF MY KNOWLEDGE CORRECTLY REPRESENTS A SURVEY MADE BY ME. THAT ALL MONUMENTS SHOWN THEREON ACTUALLY EXISTS, THAT THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.

C. Blake Doriot

C. BLAKE DORIOT, P.L.S. #890028

Revised 5/25/2022 Revised 1/24/2022 Revised 1/23/2022 Revised 1/21/2022

B. DORIOT & ASSOCIATES INC.
P.O. Box 465 New Paris, IN 46553
574-536-3031

DRAWN BY: CEB	APPROVED BY: CBD
FIELD CREW: CEB	PROJ. NO. 2022-005
DATE: 12-20-2021	DWG. 2022-005.dwg
Owner: Lois E Martin	

PAGE 1 OF 3

V172 P68

V172 P68

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: June 19, 2024

Transaction Number: DV-0295-2024.

Parcel Number(s): 20-05-03-153-004.000-005 & 20-05-03-153-005.000-005.

Existing Zoning: B-2/R-1.

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

Petitioner: C. W. Peterson III.

Location: South side of Oak Dr., 260 ft. East of Ash Rd., in Cleveland Township.

Site Description:

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

History and General Notes:

- **May 16, 1996** – A special use was granted for a substation underground access point.
- **June 13, 2024** – The Plan Commission heard a rezoning petition to remove the B-2 zone from the property.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The accessory structure meets all required setbacks.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The neighborhood has other large accessory structures and the proposed structure will not affect the character of the neighborhood.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. This proposal reduces the need for outside storage.

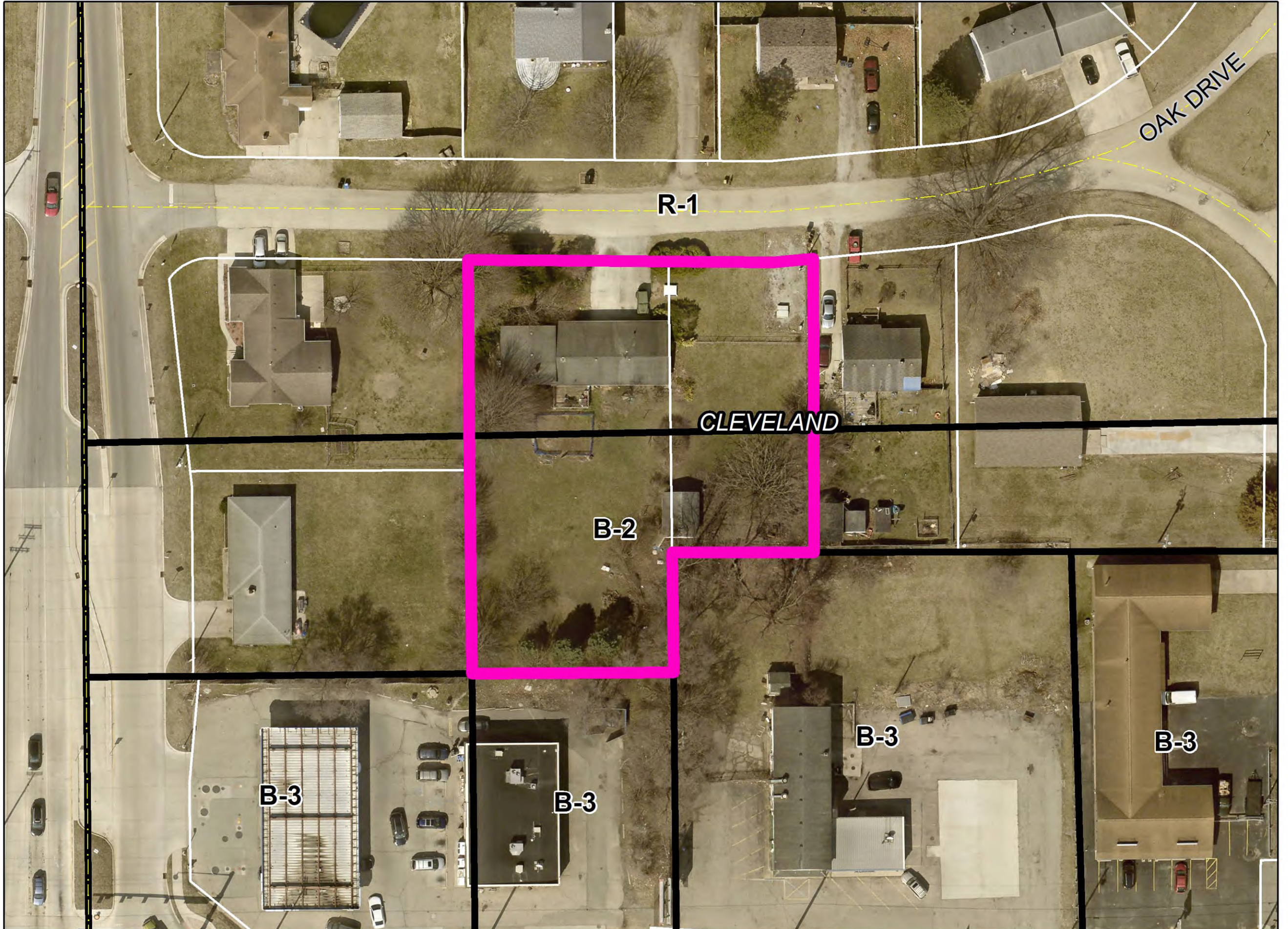
Hearing Officer Staff Report (Continued)

Hearing Date: June 19, 2024

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

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 05/03/2024 and as represented in the Developmental Variance application.

DV-0295-2024

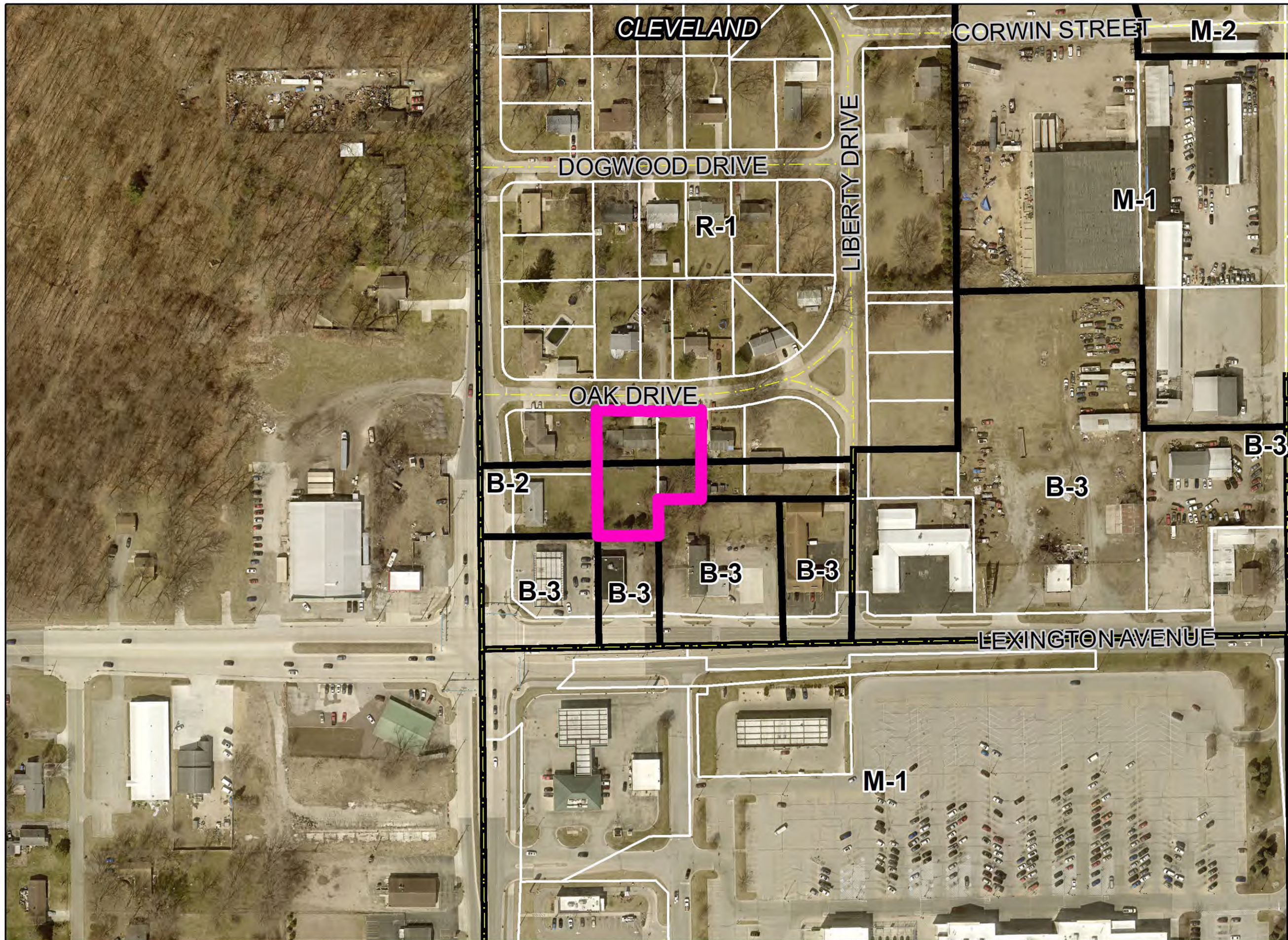


2021 Aerials

1 inch = 60 feet



DV-0295-2024

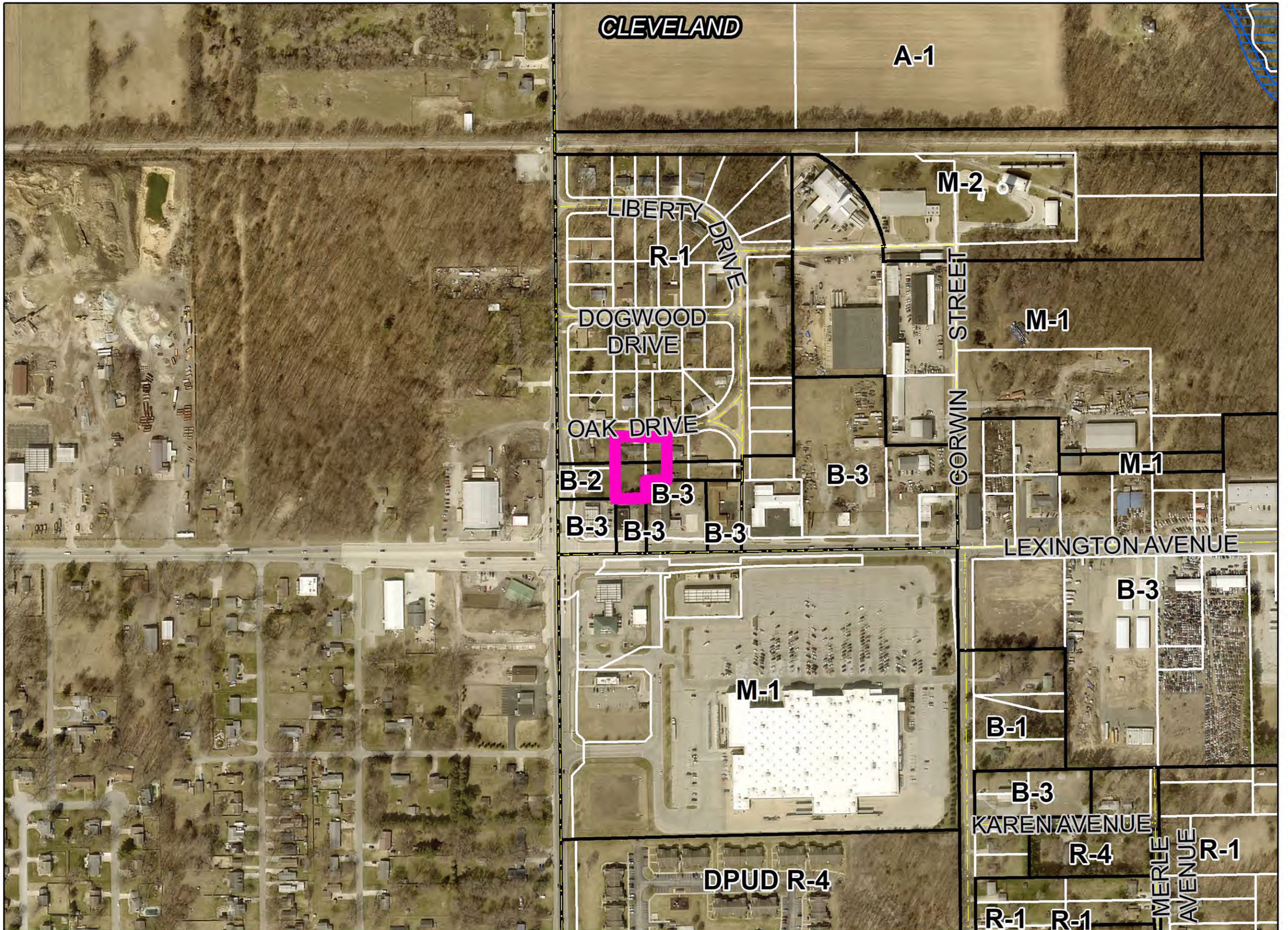


2021 Aerials

1 inch = 200 feet



DV-0295-2024



2021 Aerials

1 inch = 400 feet





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

DV-0295-2024

Developmental Variance - Developmental Variance

Date: 05/03/2024

Meeting Date:

June 19, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0295-2024

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

Contacts: Applicant

C. W. Peterson Iii
30958 Oak Dr.
Osceola, IN 46561

Land Owner

C. W. Peterson Iii
30958 Oak Dr.
Osceola, IN 46561

Site Address: 30958 Oak Drive
OSCEOLA, IN 46561

Parcel Number: 20-05-03-153-004.000-005
20-05-03-153-005.000-005

Township: Cleveland

Location: SOUTH SIDE OF OAK DRIVE, 260 FT EAST OF ASH ROAD.

Subdivision: LIBERTY PARK

Lot # 31 & 32

Lot Area: 0.71 Frontage: 170.00 Depth: 147.00

Zoning: B-2, R-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE RESIDENTIAL BREAK DOWN SHEET.
RZ-0294-2024

Applicant Signature:

Department Signature:

Application

Site address: 30958 Oak Dr. Osceola 46561

Parcel number(s): #31 #32 Liberty Park / 20-05-03-153 005.000-005, 20-05-03-153-004.000-005.

Current property owner

Name: Clarence W. Peterson III

Address: 30958 Oak Dr Osceola 46561

Phone: 574-261-9538 Email: cdubb3rd@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: Clarence W. Peterson III

Staff Use Only

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

Parcel creation date: N/A

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: SEE ATTACHED SHEET.

Location: N S E W corner side end of OAK DRIVE,
260 ft. N S E W of ASH ROAD,
in CLEVELAND. Township

Frontage: 170 FT. Depth: 147 Area: 0.708. acres

Subdivision and lot number, if applicable: LIBERTY PARK, Lot 31 + 32.

Present use: _____

Developmental Variance — Questionnaire

Name: Clarence Peterson III

1) Tell us what you want to do. build a polebarn

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

3) Tell us why the variance won't hurt your neighbors or the community. It will benefit the neighbors by being able to keep my car hobby neatly 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: 40 x 80 x 20' high
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

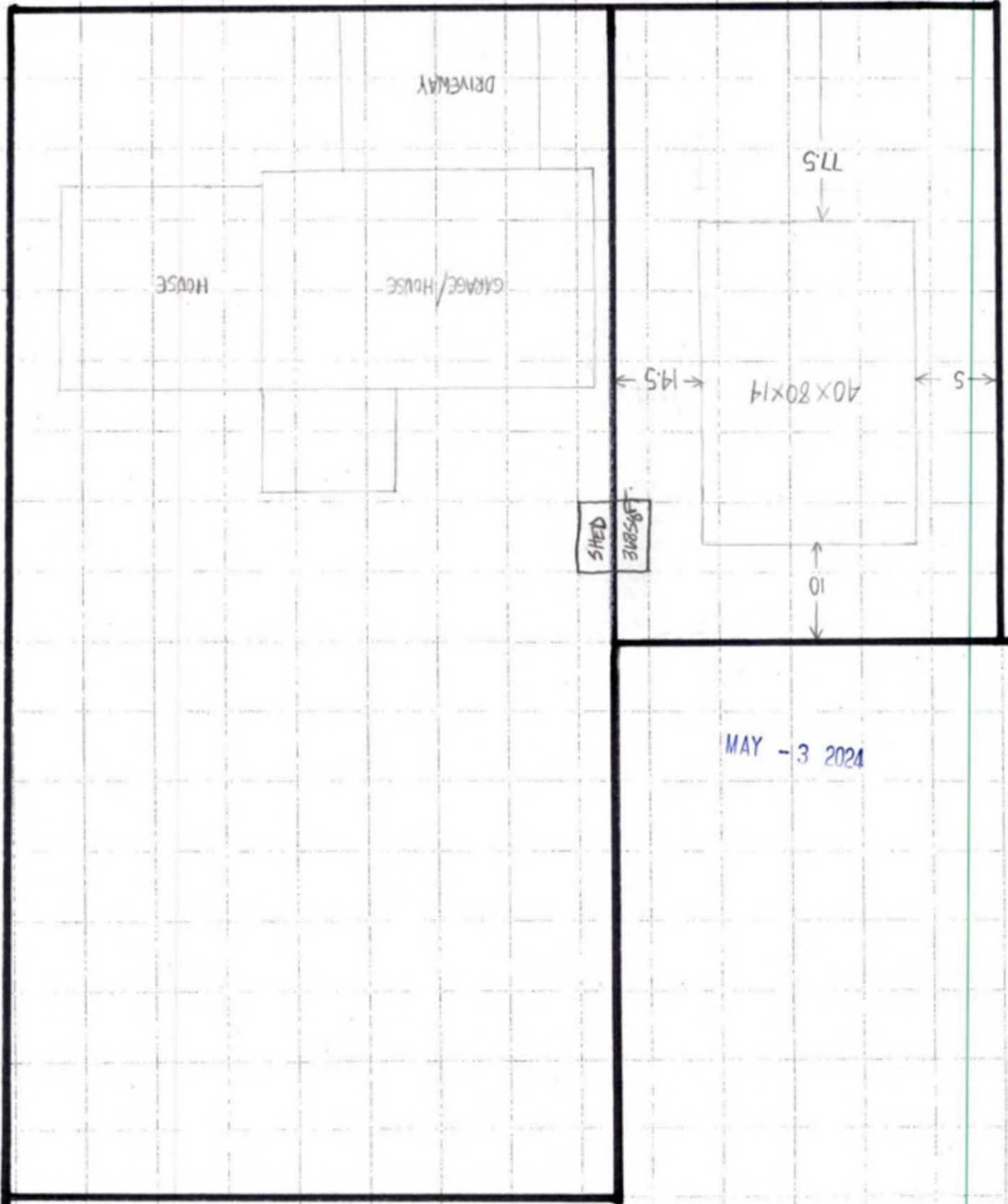
8) Does the application include a variance for parking spaces? Y N
If yes, tell us how many total there will be. _____

9) Tell us anything else you want us to know. N/A.



OAK DR.

--- of road ---



MAY - 3 2024

SETBACKS.
CENTER LINE - 50FT.
SIDE 5 FT FROM PL.
REAR 10FT.

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: June 19, 2024

Transaction Number: DV-0335-2024.

Parcel Number(s): 20-03-07-401-009.000-030.

Existing Zoning: A-1.

Petition: for a 30 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence.

Petitioner: Alexander Manford Alber & Amber Irene Alber, Husband & Wife.

Location: South side of State Line Rd., 800 ft. West of CR 17, in Washington Township.

Site Description:

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

History and General Notes:

- **October 18, 2018** – The minor subdivision known as Wolverine Way was created.
- **November 14, 2018** – This same variance was granted but expired before construction was started.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The proposed driveway has adequate sight distance on State Line Road.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The proposed residence is far from neighboring residences and will not affect their sight distances.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The configuration of the subdivision limits road frontage.

Hearing Officer Staff Report (Continued)

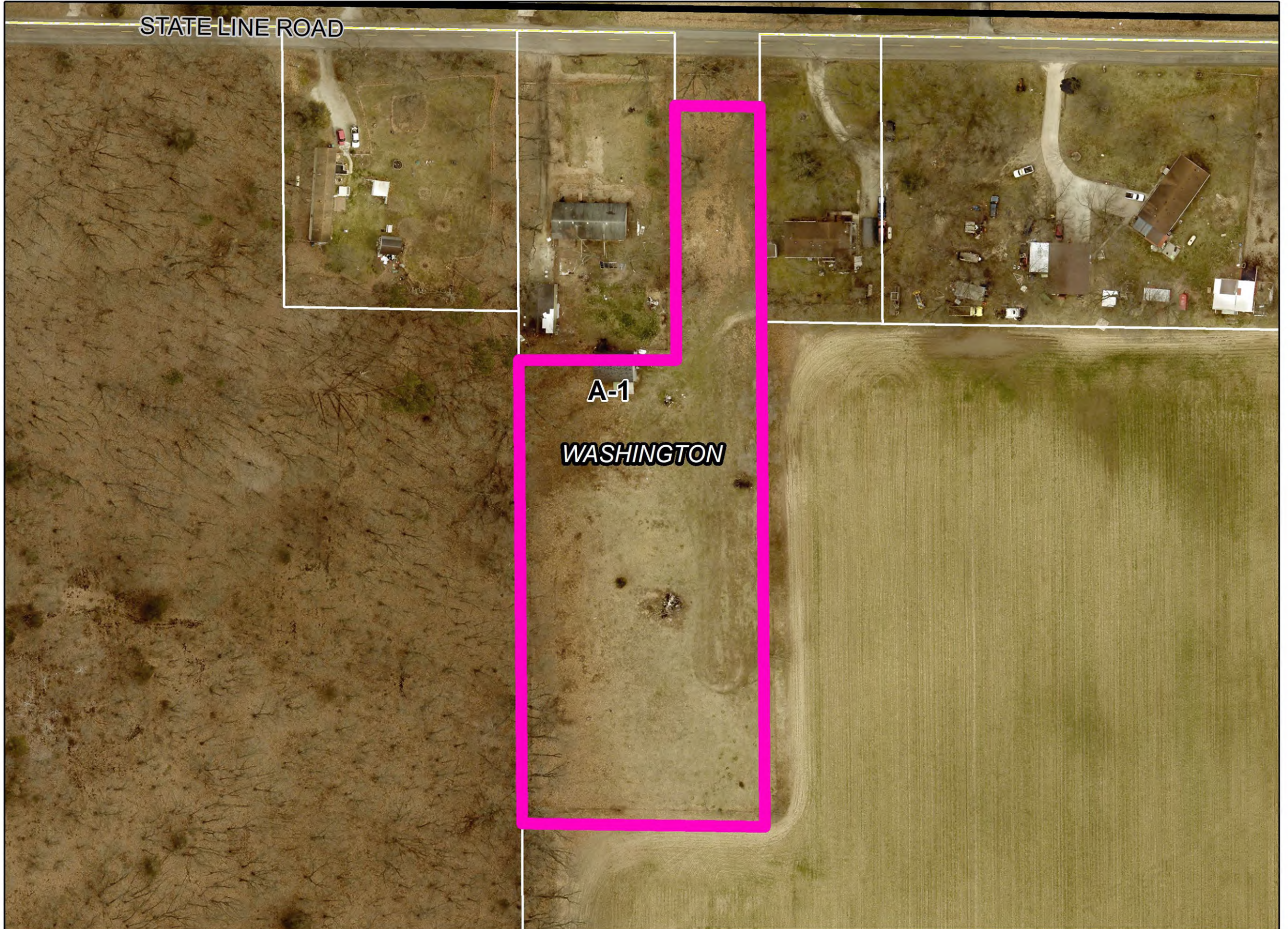
Hearing Date: June 19, 2024

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

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 5/13/2024 and as represented in the Developmental Variance application.

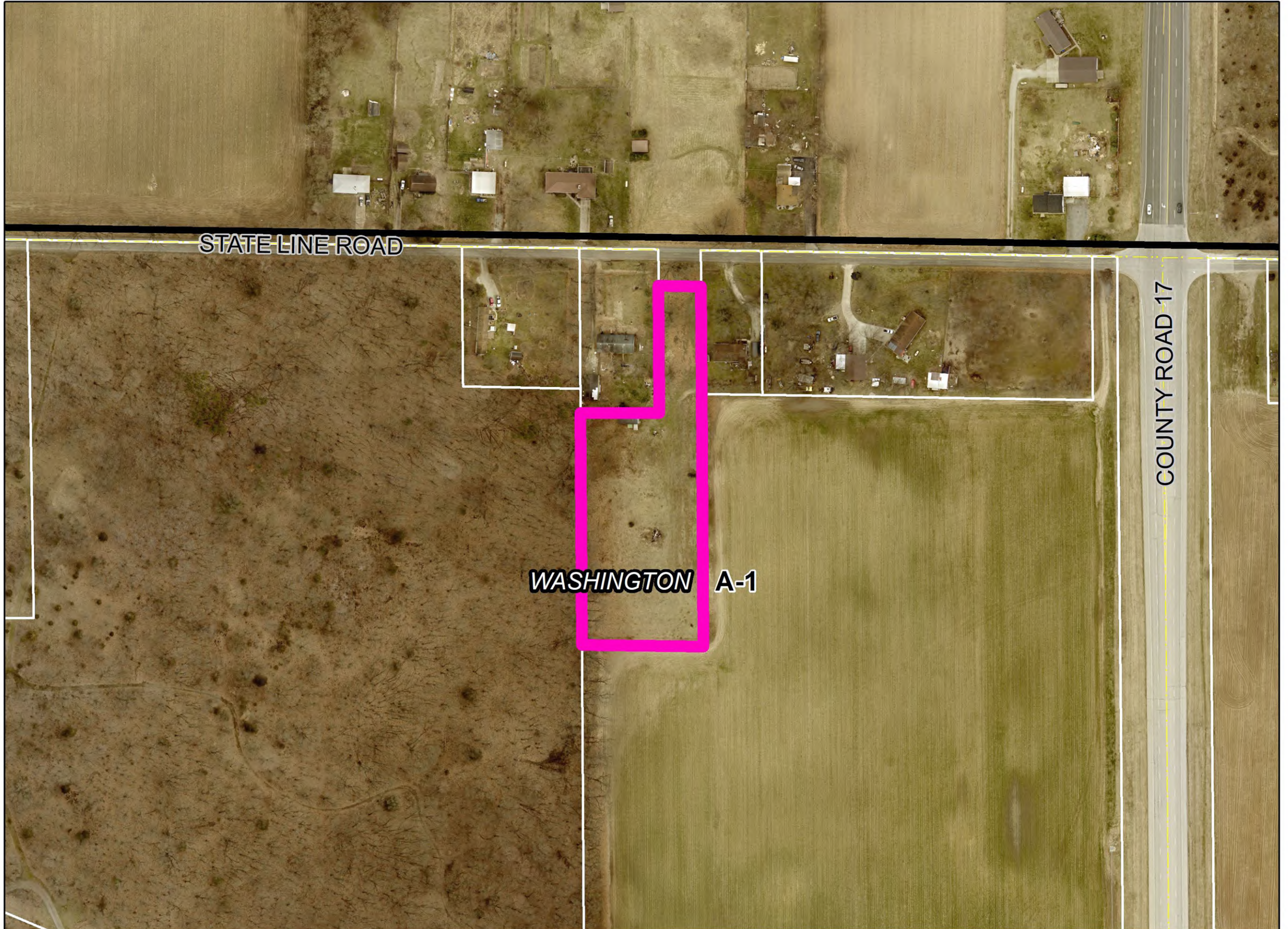
DV-0335-2024

STATE LINE ROAD



A-1

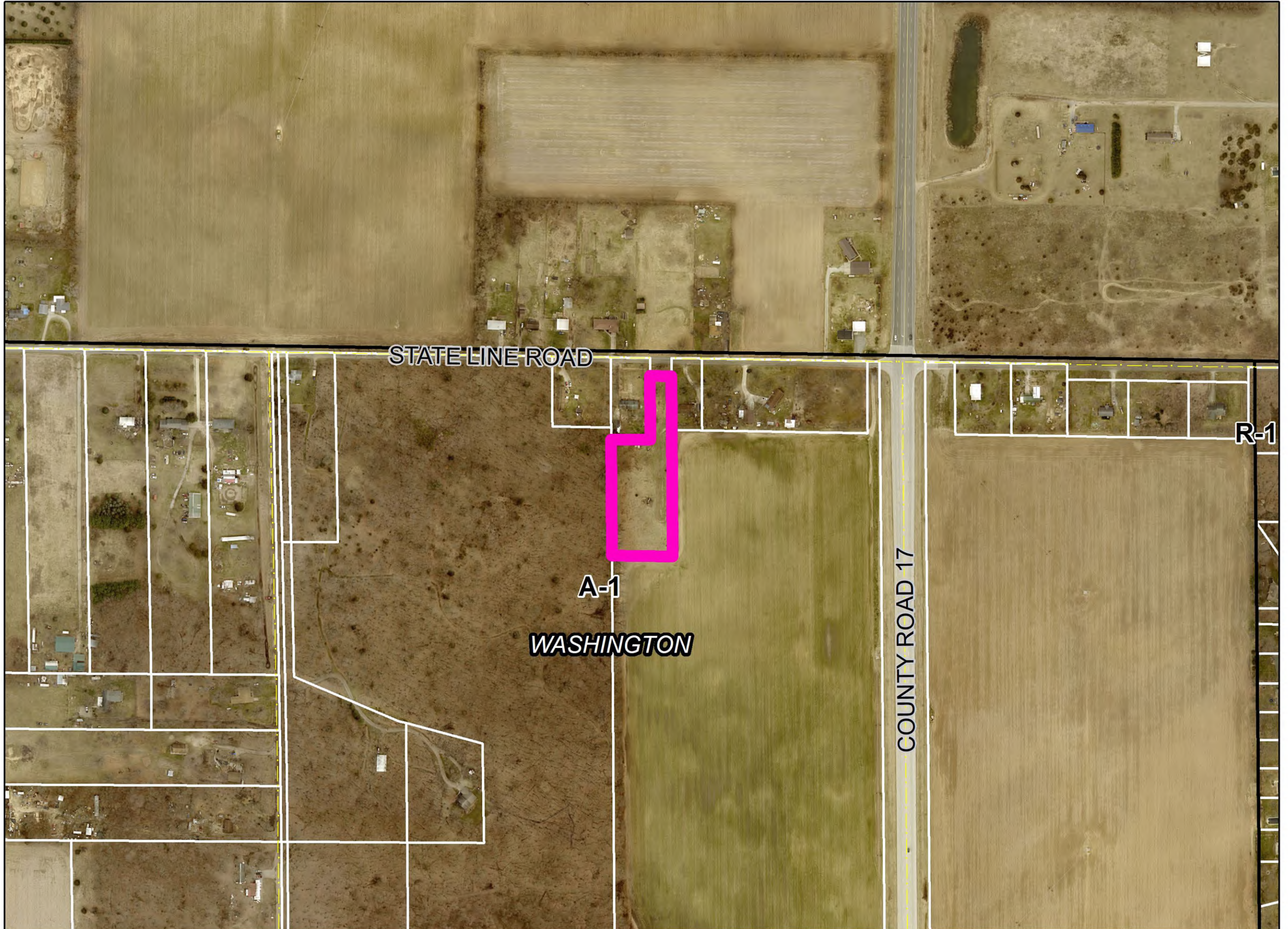
WASHINGTON



STATE LINE ROAD

COUNTY ROAD 17

WASHINGTON 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-0335-2024

Date: 05/13/2024

Meeting Date:

June 19, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0335-2024

Description: for a 30 ft. lot-to-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence.

Contacts: Applicant

Land Owner

Alexander Manford Alber &
Amber Irene Alber, Husband &
Wife

17390 Kirkland Dr.
Bristol, IN 46507

Alexander Manford Alber &
Amber Irene Alber, Husband &
Wife

17390 Kirkland Dr.
Bristol, IN 46507

Site Address: 21462 State Line Road
BRISTOL, IN 46507

Parcel Number: 20-03-07-401-009.000-030

Township: Washington

Location: SOUTH SIDE FO STATE LINE RD., 800 FT. WEST OF CR 17

Subdivision: WOLVERINE WAY

Lot # 1

Lot Area: 2.09 Frontage: 70.00

Depth: 593.00

Zoning: A-1

NPO List:

Present Use of Property: VACANT LAND

Legal Description:

Comments: MI-0662-2018, MI-0754-2018, DV-0661-2018.

FYI-THE LANDOWNER HAS BEEN HAVING ISSUES WITH NEIGHBORS DOGS COMING ON TO PROPERTY. THEY ARE NOT NICE. USE CAUTION WHEN GOING OUT TO TAKE PICTURES. AW

Applicant Signature:

Department Signature:

Application

Site address: 00000 STATELINE Rd.

Parcel number(s): 20-03-07-401-009.000-030

Current property owner

Name: Alexander M. Alber

Address: 17390 Kirkland Dr. Bristol, IN 46507

Phone: 574-218-3212 Email: alexalber31@gmail.com

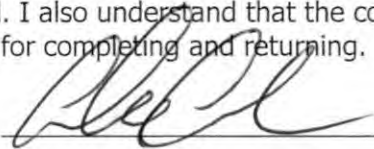
Other party Agent Buyer Land contract purchaser Lessee

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: 

DV-0661-2018

Staff Use Only

MI-0662-2018
MI-0754-2018

Description: for a 7:1 depth-to-width ratio Developmental variance and for a 30 ft. lot-width Developmental variance (Ordinance requires 40ft.) to allow for the construction of a residence.

Parcel creation date: MI-0662-2018
MI-0754-2018

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: SEE ATTACHED SHEET

Location: N (S) E W corner (side) end of STATE LINE Rd.
800 Ft. ft. N S E (W) of CR17.
in WASHINGTON Township

Frontage: 70 Ft. Depth: 593. Ft. Area: 2.09 acres

Subdivision and lot number, if applicable: WOLVERINE WAY LOT 1.

Present use: VACANT LAND.

Developmental Variance — Questionnaire

Name: Alexander + Amber Aber

1) Tell us what you want to do. We would like to build a Barndominium with a well, septic and energy systems in place. Additionally, we intend to use the pre-existing structure to house livestock and surrounding area to create a more self-sustaining homestead within our property lines.

2) Tell us why you can't change what you're doing so you don't need a variance. We do not need a variance as the variance required would impede onto our neighbor property lines.

3) Tell us why the variance won't hurt your neighbors or the community. Our variance won't hurt the community or our neighbors because our build plans are within our property lines as outlined by the Elkhart County Assessor.

4) Does the property need well and septic? Well: [X] Y [] N Septic: [X] Y [] N
Does the property need a new septic system? [X] Y [] N
If a new septic system is needed, did the Health Department say there's enough space for it? [X] 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: 50x60' 22'6"
Tell us what you'll use it for. living quarters and the garage for general maintenance

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 [X] N Double faced? [] Y [] N
Electronic message board? [] Y [] N If no, lighted? [] Y [] N
Freestanding? [] Y [] N Wall mounted? [] Y [] N

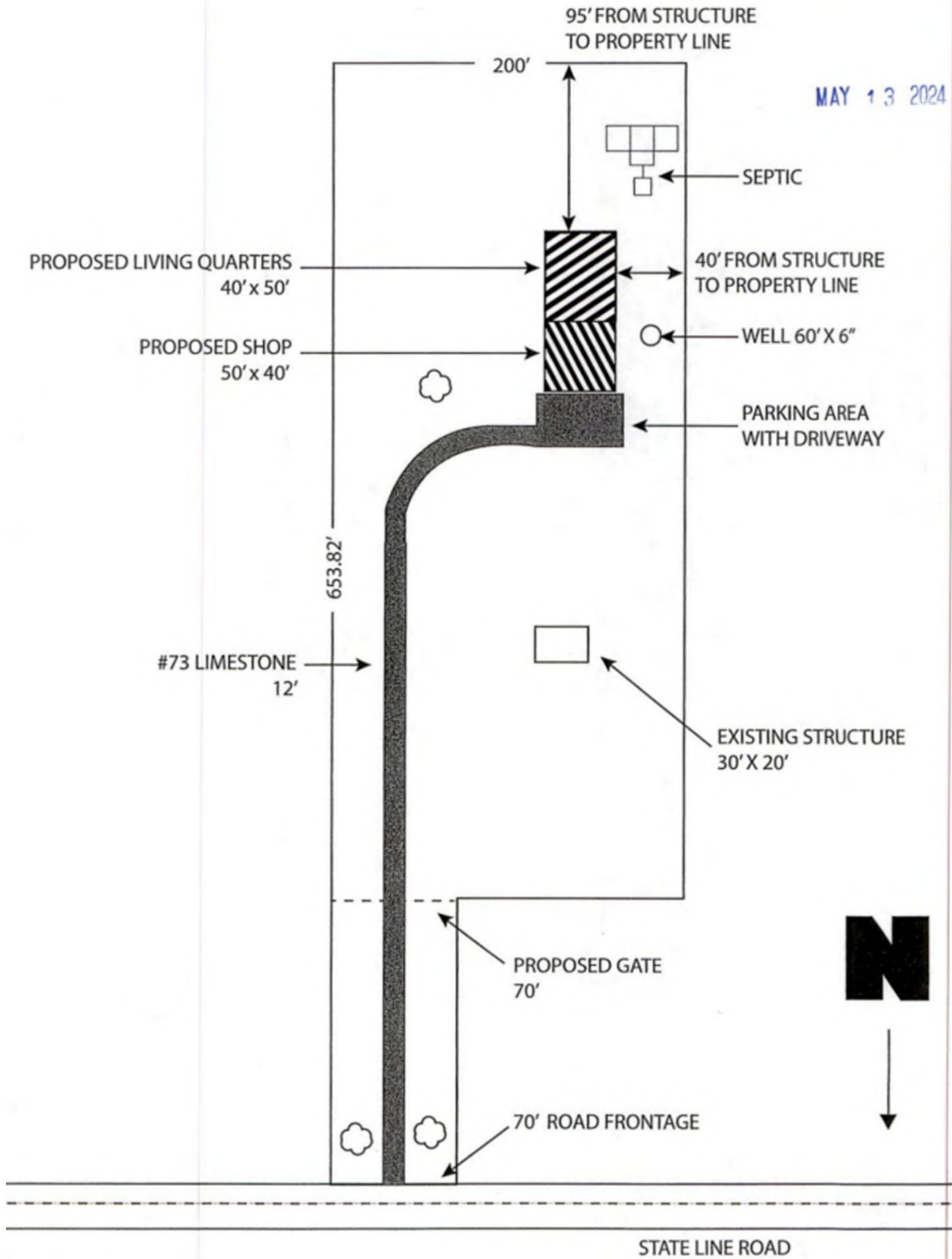
Sign 2 Dimensions (length and width):
Existing? [] Y [X] N Double faced? [] Y [] N
Electronic message board? [] Y [] N If no, lighted? [] Y [] N
Freestanding? [] Y [] N Wall mounted? [] Y [] N

Sign 3 Dimensions (length and width):
Existing? [] Y [X] 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.

MAY 13 2024



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: June 19, 2024

Transaction Number: DV-0336-2024.

Parcel Number(s): Part of 20-07-26-101-003.000-019 & Part of 20-07-27-200-002.000-019.

Existing Zoning: A-1.

Petition: for a 50 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for an existing residence on proposed lot 1.

Petitioner: Shawn R. Schrader & Erin E. Schrader, Co-Trustees of the Shawn R. & Erin E. Schrader Trust.

Location: West side of CR 27, 2,270 ft. North of CR 24, in Jefferson Township.

Site Description:

- Physical Improvement(s) – Residence, 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 will hear a petition to create a minor subdivision to be known as Jefferson Farms.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. This is an existing residence with no complaints.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is an existing drive that has been serving the residence with no complaints.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The configuration of the subdivision limits the road frontage for proposed lot 1.

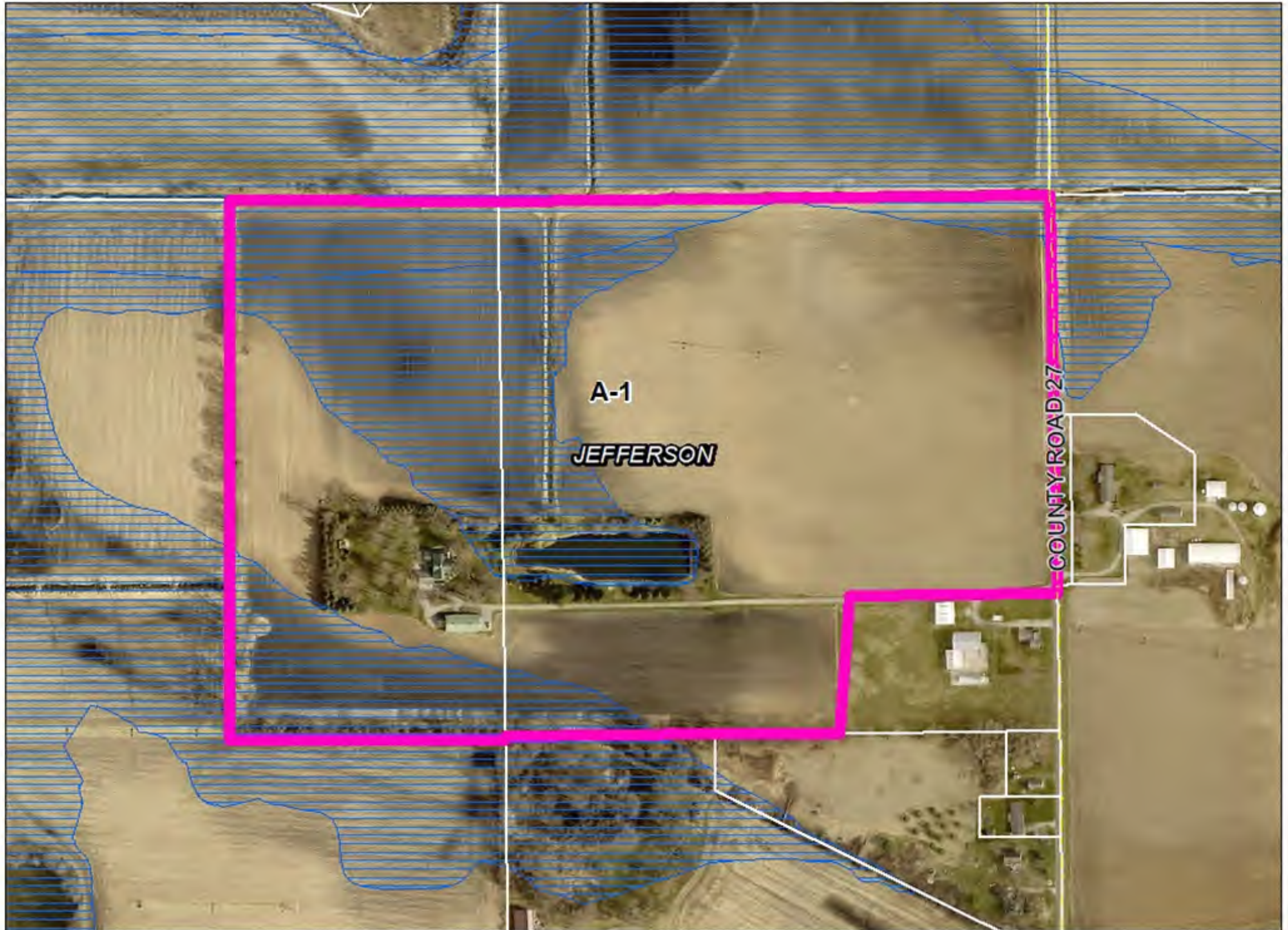
Hearing Officer Staff Report (Continued)

Hearing Date: June 19, 2024

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

1. A variance from the developmental standards of the Zoning Ordinance is void unless a subdivision plat is recorded within 180 calendar days from the date of the grant.
2. A revised site plan must be submitted for staff approval showing all building setbacks on lot 1.
3. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Developmental Variance application.









Subject property



Subject property facing west



Facing North



Facing south



Facing east 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-0336-2024

Date: 05/13/2024

Meeting Date:

June 19, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0336-2024

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

Contacts: Applicant

Abonmarche Consultants
303 River Race Dr. Suite 206
Goshen, IN 46526

Authorized Agent

Abonmarche Consultants
303 River Race Dr. Suite 206
Goshen, IN 46526

Land Owner

Shawn R. Schrader And Erin E.
Schrader, And Their Successors
59097 County Road 27
Goshen, IN 465286566

Site Address: 59097 County Road 27
GOSHEN, IN 46528

Parcel Number: Part of 20-07-26-101-003.000-019
Part of 20-07-27-200-002.000-019

Township: Jefferson

Location: WEST SIDE OF CR 27, 2,270 FT. NORTH OF CR 24

Subdivision: JEFFERSON FARMS

Lot # 1

Lot Area: 7.35 Frontage: 50.00 Depth: 1,507.09

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE PRIMARY #MI-0312-2024 SCHEDULED FOR MEETING ON 6/13/2024
FULL NAME ON DEED READS AS: SHAWN R. SCHRADER AND ERIN E. SCHRADER, AND THEIR SUCCESSORS, AS
CO-TRUSTEES OF THE SHAWN R. & ERIN E. SCHRADER TRUST (DOES NOT FIT IN CONTACT LINE)

Applicant Signature:

Department Signature:

X Application

Site address: 59097 County Road 27 Goshen, In 46528-6566

Parcel number(s): 20-07-27-200-002.000-019 & 20-07-26-101-003.000-019

20 acres 35.881

Current property owner

Name: Schrader Shawn R & Erin E Schrader Co-trustees Shawn R & Erin E Schrader Trust

Address: 59097 County Road 27 Goshen, In 46528-6566

Phone: 574-370-0605 Email: shawn@schradermanagement.com

Other party Agent Buyer Land contract purchaser Lessee

Name: Crystal Welsh

Address: 303 River Race Dr #206, Goshen, IN 46526

Phone: 574-314-1027 Email: cwelsh@abonmarche.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: Crystal Welsh

Staff Use Only

Description: for a 50 ft. lot-width Dev Var (Ord Reg 100 Ft) to allow for an existing residence

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 27
2,270 ft. N S E W of CR 24
in Jefferson Township

Frontage: 50 Depth: 1507.09 Area: 7.35 acres

Subdivision and lot number, if applicable: Jefferson Farms Lot # 1

Present use: Residential

Developmental Variance – Questionnaire

Name: Shawn R & Erin E Schrader -Jefferson Farms Minor

1) Tell us what you want to do. Create 3 lot minor subdivision, existing home lot to have reduced frontage of 50 feet

2) Tell us why you can't change what you're doing so you don't need a variance. the existing home is accessed by an existing driveway so we would like to sell the home with the existing layout the home is located far back from the road. The lot is large enough without the additional frontage (7.35 acres+/-).

3) Tell us why the variance won't hurt your neighbors or the community. This is an existing home that sits far back from the road and the lot is large enough without the additional frontage (7.35 acres+/-).

4) Does the property need well and septic? Well: [] Y [x] N Septic: [] Y [x] N existing well and septic 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 [x] 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 [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):

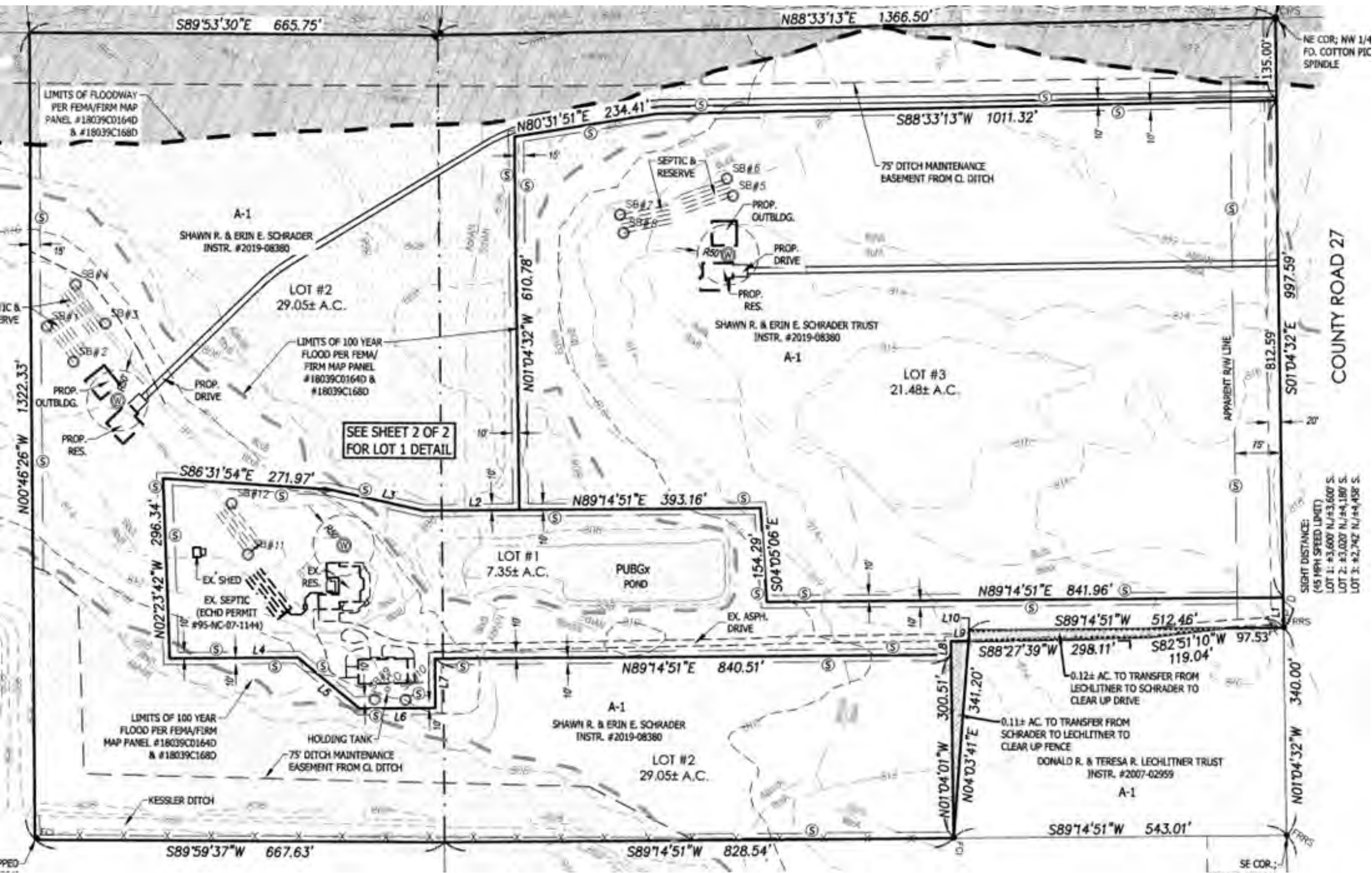
Existing? [] Y [] N Double faced? [] Y [] N Electronic message board? [] Y [] N If no, lighted? [] Y [] N Freestanding? [] Y [] N Wall mounted? [] Y [] N

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.



S89°53'30"E 665.75'

N88°33'13"E 1366.50'

NE COR; NW 1/4
FO. COTTON PIC
SPINDLE

LIMITS OF FLOODWAY
PER FEMA/FIRM MAP
PANEL #18039C0164D
& #18039C168D

A-1
SHAWN R. & ERIN E. SCHRADER
INSTR. #2019-08380

LOT #2
29.05± A.C.

LIMITS OF 100 YEAR
FLOOD PER FEMA/
FIRM MAP PANEL
#18039C0164D &
#18039C168D

SEE SHEET 2 OF 2
FOR LOT 1 DETAIL

N01°04'32"W 610.78'

SEPTIC &
RESERVE
SB#6
SB#5
PROP.
OUTBLDG.
PROP.
DRIVE
PROP.
RES.

SHAWN R. & ERIN E. SCHRADER TRUST
INSTR. #2019-08380

A-1

LOT #3
21.48± A.C.

S88°33'13"W 1011.32'

75' DITCH MAINTENANCE
EASEMENT FROM CL. DITCH

APPARENT R/W LINE

COUNTY ROAD 27

SIGHT DISTANCE:
(45 MPH SPEED LIMIT)
LOT 1: #3,600 N./#3,600 S.
LOT 2: #3,020 N./#4,180 S.
LOT 3: #2,742 N./#4,458 S.

N00°46'26"W 1322.33'

S86°31'54"E 271.97'

N02°23'42"W 296.34'

EX. SHED
EX. SEPTIC
(ECHO PERMIT
#95-NC-07-1144)

LOT #1
7.35± A.C.

PUBGX
POND

S04°05'06"E
154.29'

EX. ASPH.
DRIVE

N89°14'51"E 841.96'

S89°14'51"W 512.46'
S88°27'39"W 298.11'
S82°51'10"W 97.53'
119.04'

0.12± AC. TO TRANSFER FROM
LECHLTNER TO SCHRADER TO
CLEAR UP DRIVE

0.11± AC. TO TRANSFER FROM
SCHRADER TO LECHLTNER TO
CLEAR UP FENCE

DONALD R. & TERESA R. LECHLTNER TRUST
INSTR. #2007-02959

A-1

LIMITS OF 100 YEAR
FLOOD PER FEMA/FIRM
MAP PANEL #18039C0164D
& #18039C168D

HOLDING TANK
75' DITCH MAINTENANCE
EASEMENT FROM CL. DITCH

KESSLER DITCH

A-1
SHAWN R. & ERIN E. SCHRADER
INSTR. #2019-08380

LOT #2
29.05± A.C.

N89°14'51"E 840.51'

N01°04'01"W 300.51'
N04°03'41"E 341.20'

S89°14'51"W 543.01'

S89°59'37"W 667.63'

S89°14'51"W 828.54'

N01°04'32"W 340.00'

SE COR;

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: June 19, 2024

Transaction Number: DV-0318-2024.

Parcel Number(s): 20-03-14-100-011.000-030.

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: Kent A. Bucher & Lana M. Bucher, Husband & Wife.

Location: South side of CR 2, 735 ft. west of CR 25, in Washington Township.

Site Description:

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

History and General Notes:

- **December 8, 2022** – Bristol Deluxe Minor Subdivision was recorded.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The proposed structure meets other development standards and will reduce the need for outdoor storage.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a low-density residential area with large homesites and separation between structures.
3. Strict application of the terms of the Zoning 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 low-density, large-homesite neighborhood.

Hearing Officer Staff Report (Continued)

Hearing Date: June 19, 2024

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

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 5/7/2024 and as represented in the Developmental Variance application.

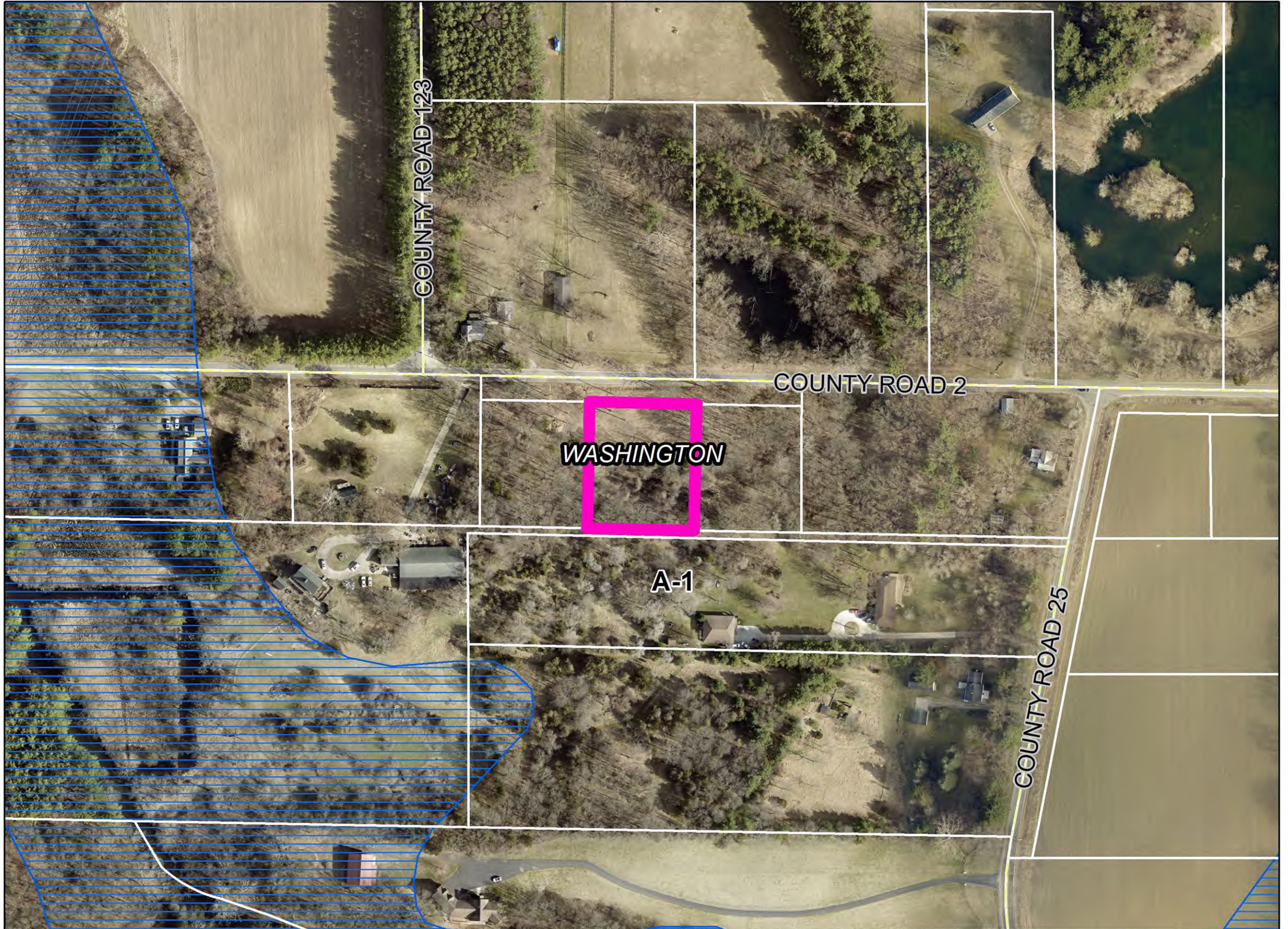
DV-0318-2024



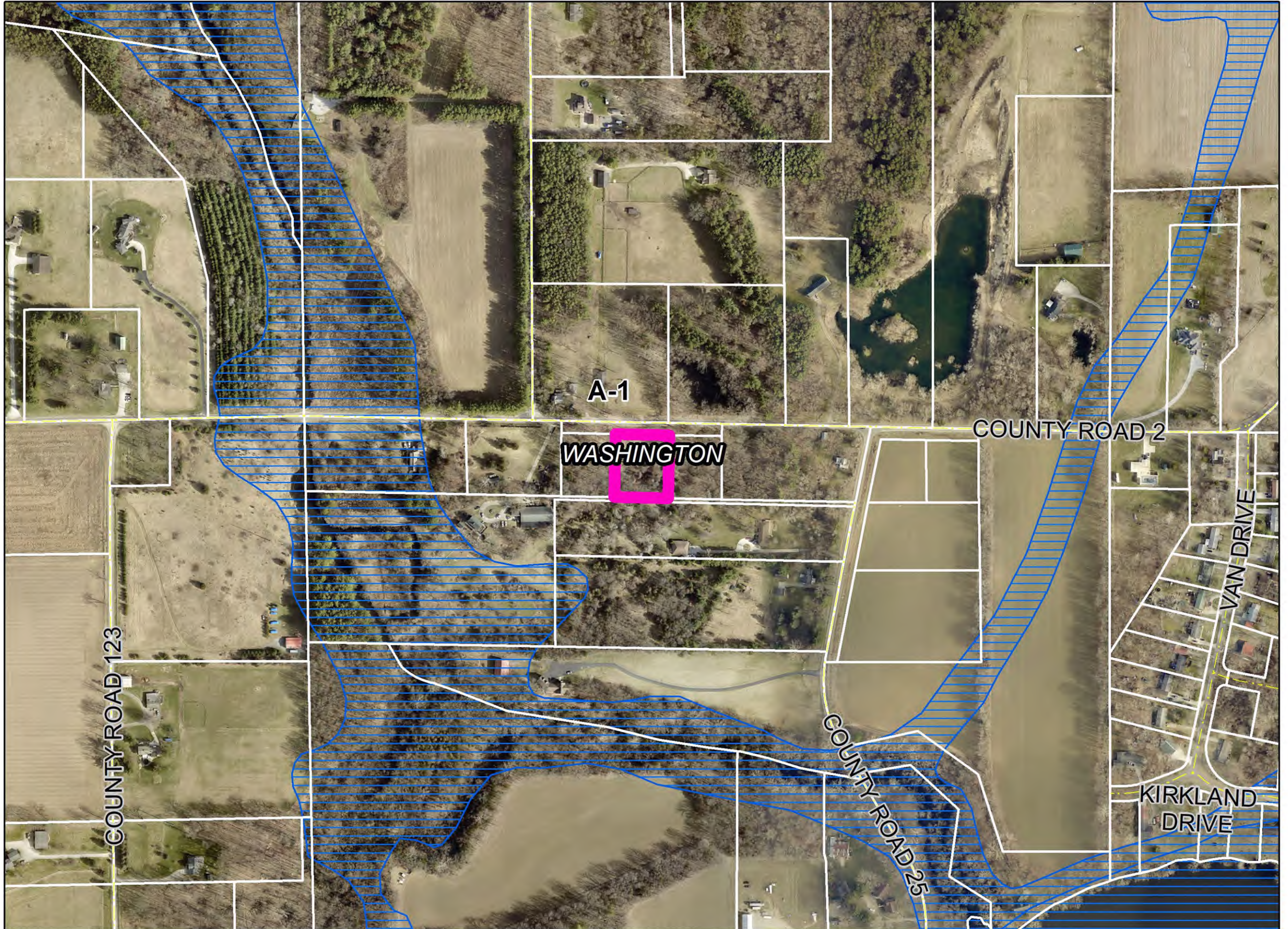
2021 Aerials

1 inch = 60 feet





DV-0318-2024



2021 Aerials

1 inch = 400 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

Developmental Variance - Developmental Variance

DV-0318-2024

Date: 05/07/2024

Meeting Date:

June 19, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0318-2024

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

Contacts: Applicant

Team Construction Co
1849 W. Lincoln Ave
Goshen, IN 46528

Authorized Agent

Team Construction Co
1849 W. Lincoln Ave
Goshen, IN 46528

Land Owner

Kent A. Bucher And Lana M.
Bucher, Husband And Wife
23099 Gardena Pl
Elkhart, IN 46514

Site Address: 17858 County Road 2
BRISTOL, IN 46507

Parcel Number: 20-03-14-100-011.000-030

Township: Washington

Location: SOUTH SIDE OF CR 2, 735 FT. WEST OF CR 25

Subdivision: BRISTOL DELUXE MINOR SUBDIVISION

Lot # 2

Lot Area: 0.87 Frontage: 176.70

Depth: 207.70

Zoning: A-1

NPO List:

Present Use of Property: VACANT/RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 12/8/2022, SEE MINOR PRIMARY #MI-0771-2022 AND SECONDARY, #MI-0849-2022
NEW HOUSE IS IN PROCESS - SEE BR#0555-2024
RESIDENCE = 3,623 SQ FT X 110% = 3,985 SQ FT, MINUS 1,120 (GARAGE) AND PROPOSED BUILDING IS 4,800 (80X60)
FOR AN OVERAGE OF 1,935 SQ FT

Applicant Signature:

Department Signature:

Application

Site address: 17858 CR 2 BRISTOL IN 46507

Parcel number(s): 03-14-100-011 / 20-03-14-100-011,000-030

Current property owner

Name: BUCHER, KENT A & LANA M - H & W

Address: 23099 GARDENA PL, ELKHART IN 46514

Phone: 574-238-7030 Email: KENTABUCHER@HOTMAIL.COM

Other party Agent Buyer Land contract purchaser Lessee

Name: TEAM CONSTRUCTION CO. - TODD MEYER

Address: 1849 W. LINCOLN AVE, GOSHEN 46528

Phone: 574-320-1005 - CELL Email: TODDM@TEAMCONSTRUCTIONINC.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: Todd Meyer

Staff Use Only

Description: _____

Parcel creation date: _____ ← Mi-0771-2022 12/8/22 Records

Subdivision required? Y N If yes, AS Minor Major Mi-0849-2022

Residential accessory breakdown, if applicable: House = 3,623 x 110% = 3985,
minus 1,120 (garage) = 2,865. Proposed (80x60) = 4,800 for
an average of 1,935 sq ft

Location: N (S) E W corner (side) end of CR 2
735 ft. N S E (W) of CR 215
in Washington Township

Frontage: 176.70 Depth: 207.7 Area: .87 acres

Subdivision and lot number, if applicable: Bristol Deluxe Minor Lot 2

Present use: Residential/Vacant

Developmental Variance — Questionnaire

Name: KENT BUCHER

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. _____

SEE
ATTACHED TYPED
DOCUMENT

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'x80' PEAK APPROX 22'
Tell us what you'll use it for. SEE ATTACHED TYPED DOCUMENT

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. _____

Answers to questionnaire on variance application for 17858 CR 2, Bristol IN, Parcel # 03-14-100-011

1- Tell us what you want to do? Build a 60' x 80' outbuilding on our property, with project to start after framing of our new home is complete.

2-Tell us why you can't change what you're doing so you don't need a variance? We have trailers & equipment to store inside to protect my investment. Without the variance, the building will not be large enough to hold what we need it to store.

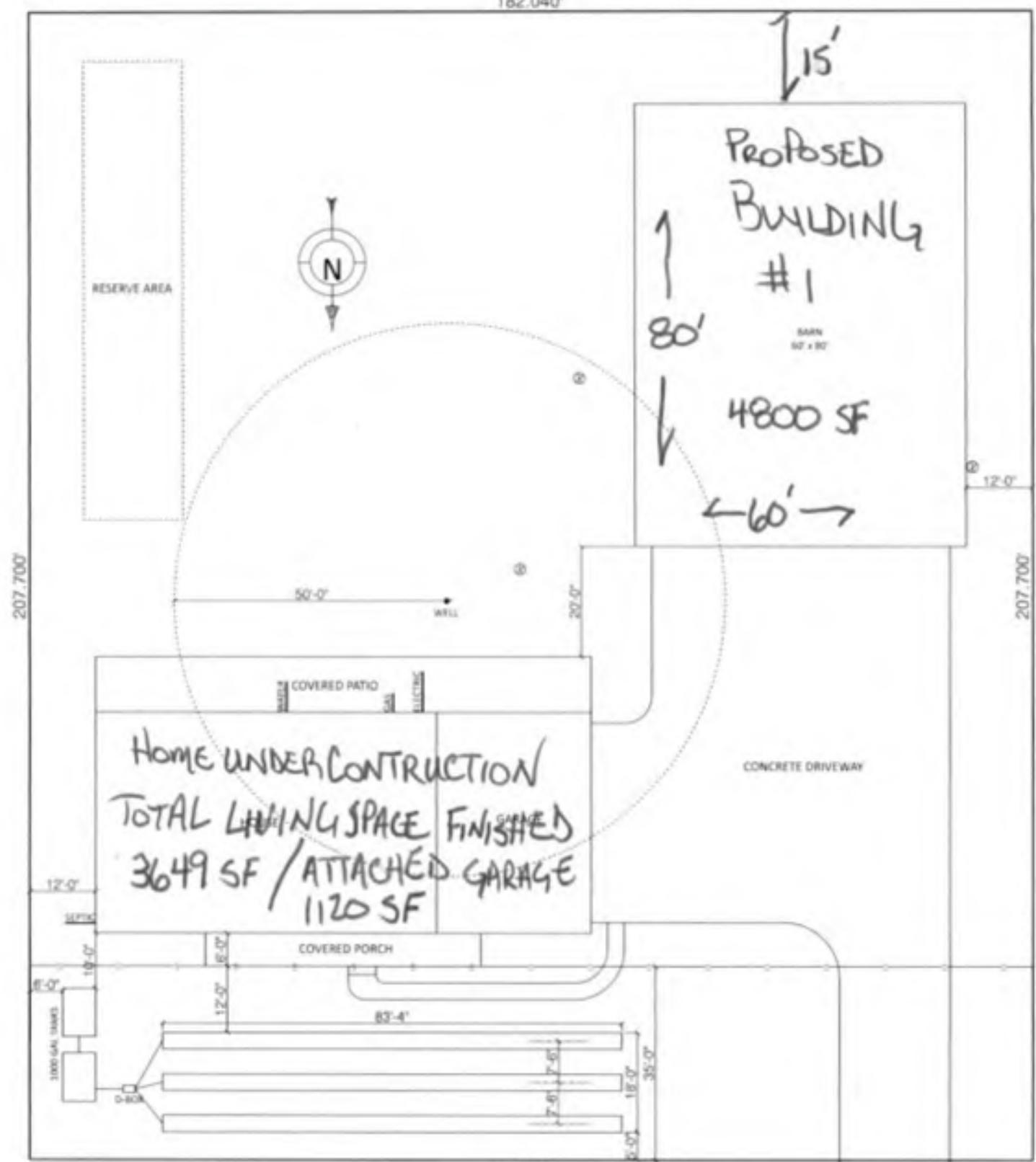
3-Tell us why the variance won't your neighbors or the community? We want to be considerate of our neighbors & store our property out of sight. We also own the lots on each side of this property, both sites are wooded so there will be a sight buffer of trees for the property owners to the east and west of us. Those lots are Lot 1 and 3 of Bristol Deluxe Minor.

5-Building, Tell us what you will use it for?

We own several trailers, 5 off road vehicles & 4 motorcycles. We also have a skid steer & other personal equipment that need to be protected from the elements and not be an eyesore for our neighbors. We have plans to own a couple of classic cars in the future as well additional space If we purchase a motorhome or travel trailer in the future, I want to be able to store it inside.

MAY - 7 2024

182.040'



ABSORPTION FIELD
 3 TRENCHES TOTALING 250' OF
 LENGTH x 3' WIDE = 750 sqft
 MAX TRENCH DEPTH: 36"

COUNTY ROAD 2 C/S

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: June 19, 2024

Transaction Number: DV-0332-2024.

Parcel Number(s): 20-08-36-100-029.000-034 & 20-08-36-400-019.000-034.

Existing Zoning: A-1.

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

Petitioner: Glen R. Lehman & Vera S. Lehman, Husband & Wife.

Location: Northeast end of the easement, east side of CR 43, 1,000 ft. north of CR 28, in Middlebury Township.

Site Description:

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

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

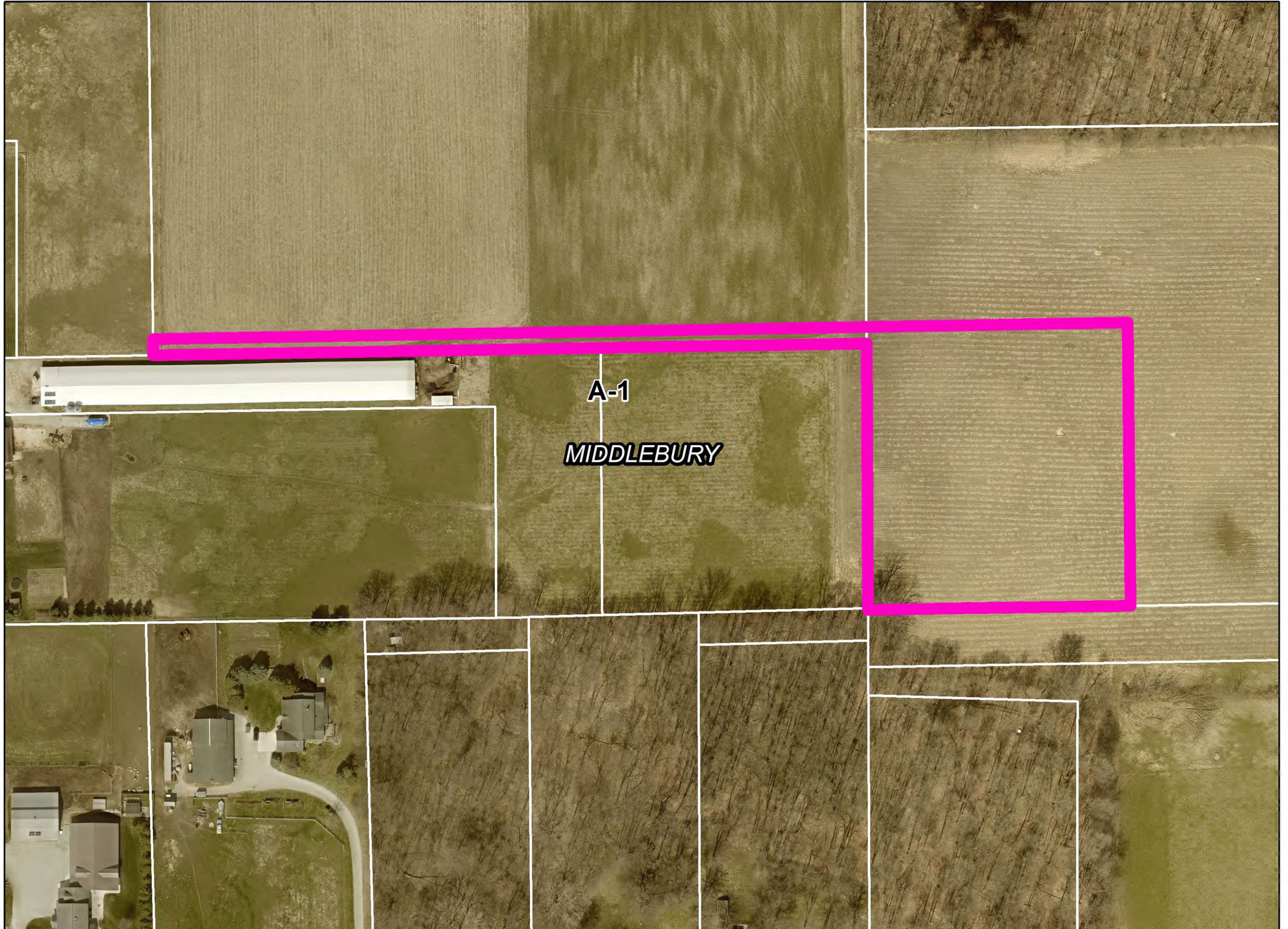
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. If easement access is allowed, no new driveway on CR 43 will be required.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The subdivision will result in only one new residence in a low-density residential and agricultural area.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. Easement access is a safe and efficient way to support the right to subdivide when no road frontage is available.

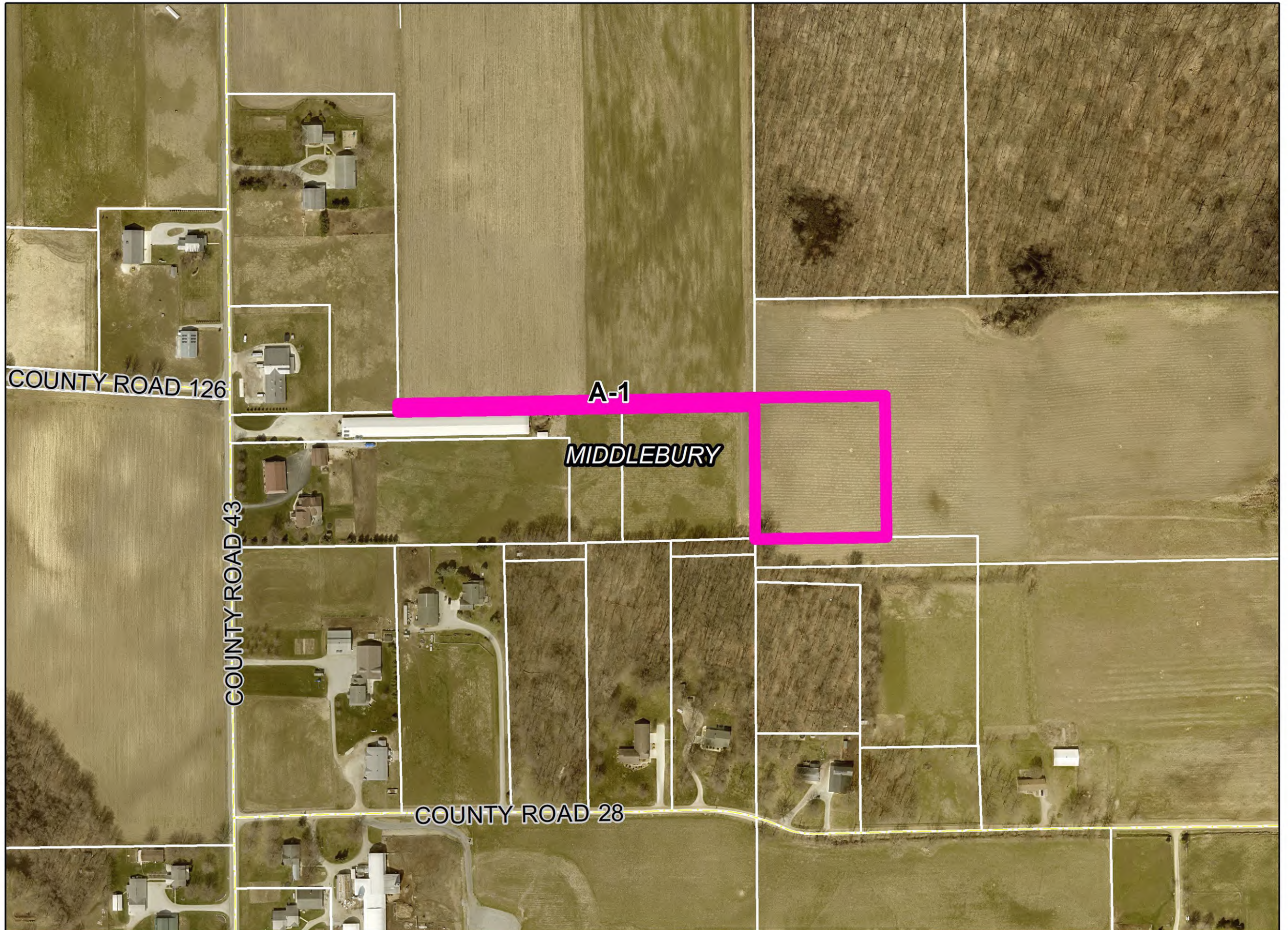
Hearing Officer Staff Report (Continued)

Hearing Date: June 19, 2024

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

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 5/10/2024 and as represented in the Developmental Variance application.
3. A subdivision is required.





COUNTY ROAD 126

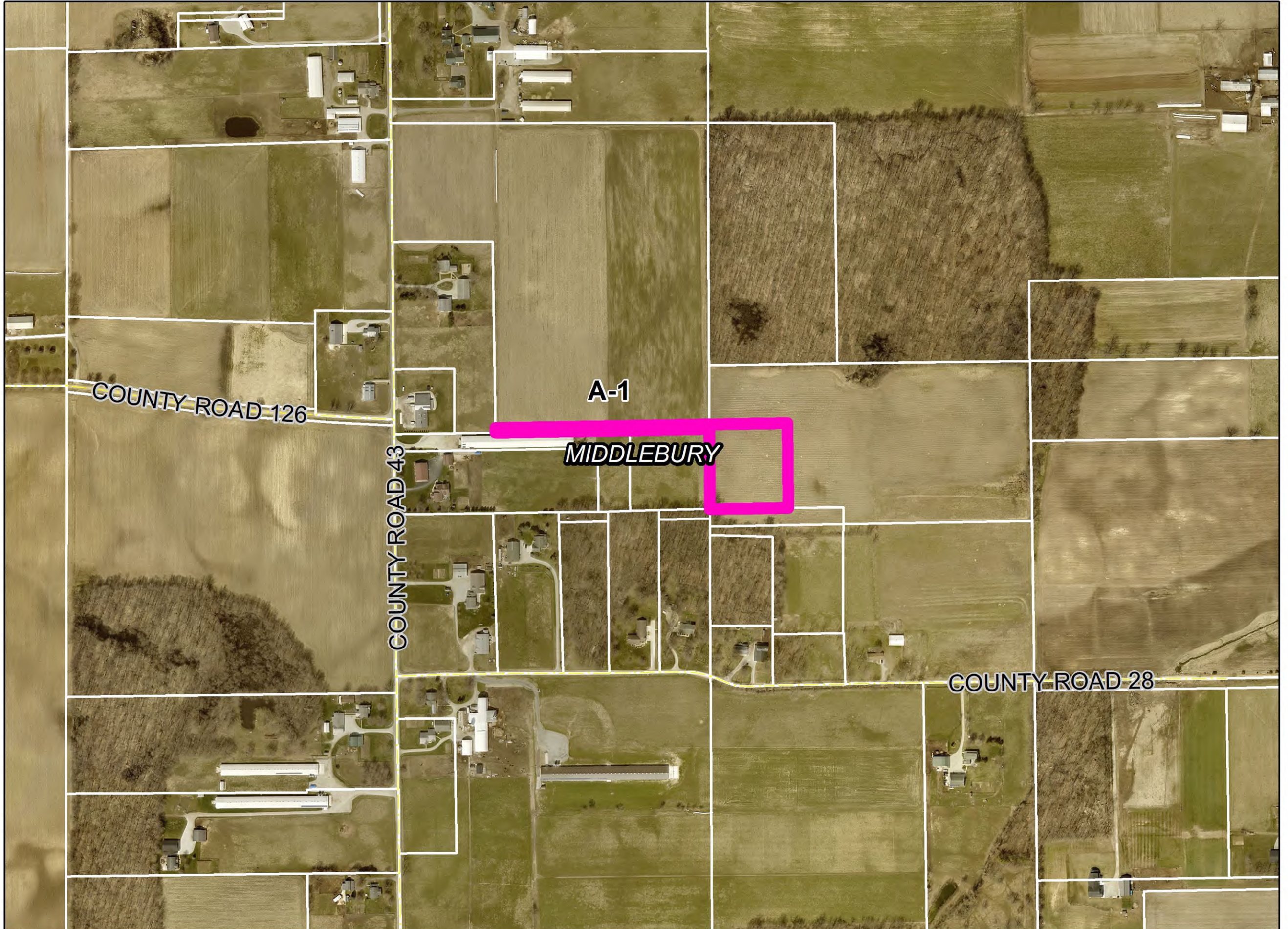
A-1

MIDDLEBURY

COUNTY ROAD 43

COUNTY ROAD 28







Subject property



Facing west



Facing south



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-0332-2024

Developmental Variance - Developmental Variance

Date: 05/10/2024 Meeting Date: June 19, 2024
Board of Zoning Appeals Public Hearing Transaction #: DV-0332-2024

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

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Advanced Land Surveying Of Northern Indiana, Inc. 17120 County Road 46 New Paris, IN 46553	Advanced Land Surveying Of Northern Indiana, Inc. 17120 County Road 46 New Paris, IN 46553	Glen R. Lehman And Vera S. Lehman, Husband And Wife 60600 County Road 43 Middlebury, IN 46540

Site Address: 00000 County Road 43 MIDDLEBURY, IN 46540	Parcel Number: 20-08-36-100-029.000-034 20-08-36-400-019.000-034
--	---

Township: Middlebury
Location: EAST SIDE OF CR 43, NORTHEAST END OF THE EASEMENT, 1,000 FT. NORTH OF CR 28

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

Lot Area: 3.41	Frontage: 0.00	Depth: 1,205.99
----------------	----------------	-----------------

Zoning: A-1	NPO List:
-------------	-----------

Present Use of Property: VACANT

Legal Description:

Comments: PROPERTY OWNER WILL NEED TO FILE FOR ADMINISTRATIVE SUBDIVISION
PROPERTY WAS SPLIT - DATED 4/23/2024

Applicant Signature:	Department Signature:
----------------------	-----------------------

Application

Site address: 60600 COUNTY ROAD 43, MIDDLEBURY, IN 46540

Parcel number(s): PART OF 20-08-36-400-016.000-034

019 * 20-08-36-100-029

Current property owner

Name: TRI-COUNTY LAND TRUSTEE CORPORATION LC/GLEN R. & VERA S. LEHMAN

Address: 60600 COUNTY ROAD 43, MIDDLEBURY, INDIANA 46540

Phone: (574) 214-5271

Email: glehman@granddesignrv.com

Other party

Agent Buyer Land contract purchaser Lessee

Name: Ronnie Justice P.S. / Advanced Land Surveying

Address: 17120 County Road 46

Phone: 574-849-4728

Email: ron@advancedlandsurveying.net

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: 4/23/2024

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N S (E) W corner (side) end of CR 43

730 ft. (N) S E W of CR 28

in Middlebury Township

Frontage: 0 **Depth:** ~~325.7~~ 1205.99 **Area:** ~~30~~ 3.41 acres

Subdivision and lot number, if applicable: —

Present use: Vacant

Developmental Variance — Questionnaire

Name: Tri-County Land Trustee Corp G/O Glen R & Vera S Lehman

1) Tell us what you want to do. BUILD A NEW HOUSE AND BARN ON A 3.00 ACRE PARCEL OF LAND WITH NO ROAD FRONTAGE . NEED A ZERO ROAD FRONTAGE VARIANCE DO AN ADMINISTRATIVE SUBDIVISION

2) Tell us why you can't change what you're doing so you don't need a variance. WE WANT TO STAY ON THE PROPERTY WE ARE AT. CLOSE TO FAMILY

3) Tell us why the variance won't hurt your neighbors or the community. the area is residential and agricultural with farm ground to the north, west and south. this will not interfere with adjoining use

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. Tri-county Land Trustee Corp /

Tell us how many parcels will use the easement. 1

7) Does the application include variances for signs? Y N If yes, fill out below.

Sign 1 Dimensions (length and width): _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width): _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

Sign 3 Dimensions (length and width): _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

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

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

9) Tell us anything else you want us to know. MY SON WILL LIVE ON THE EXISTING HOME IN FRONT IS IN TRI-COUNTY LAND TRUSTEE CORP AND GLEN R. & VERA S. LEHMAN

COUNTY ROAD 43

FOUND MAG
NAIL 3" DOWN

S 89°01'15" W
433.50

N 89°01'15" E 883.42'

N 89°01'15" E

322.57'

50.00'

20'

30'

433.50'
N 89°01'15" E

S 89°01'15" W 883.38'

INGRESS-EGRESS EASEMENT

40'

3.00 Acres

CENTERLINE OF COUNTY ROAD 43



330.06'
N 00°37'48" W

PROPOSED BARN

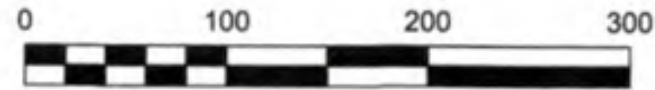
PROPOSED 2-STORY HOUSE

S 00°37'48" E
350.65'

40'

49'

322.57'
S 89°07'33" W



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: June 19, 2024

Transaction Number: DV-0333-2024.

Parcel Number(s): 20-03-36-200-005.000-030.

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: Bert P. Mays & Kimberly R. Mays, Husband & Wife.

Location: South side of CR 108, 2,530 ft. east of CR 31, in Washington Township.

Site Description:

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

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

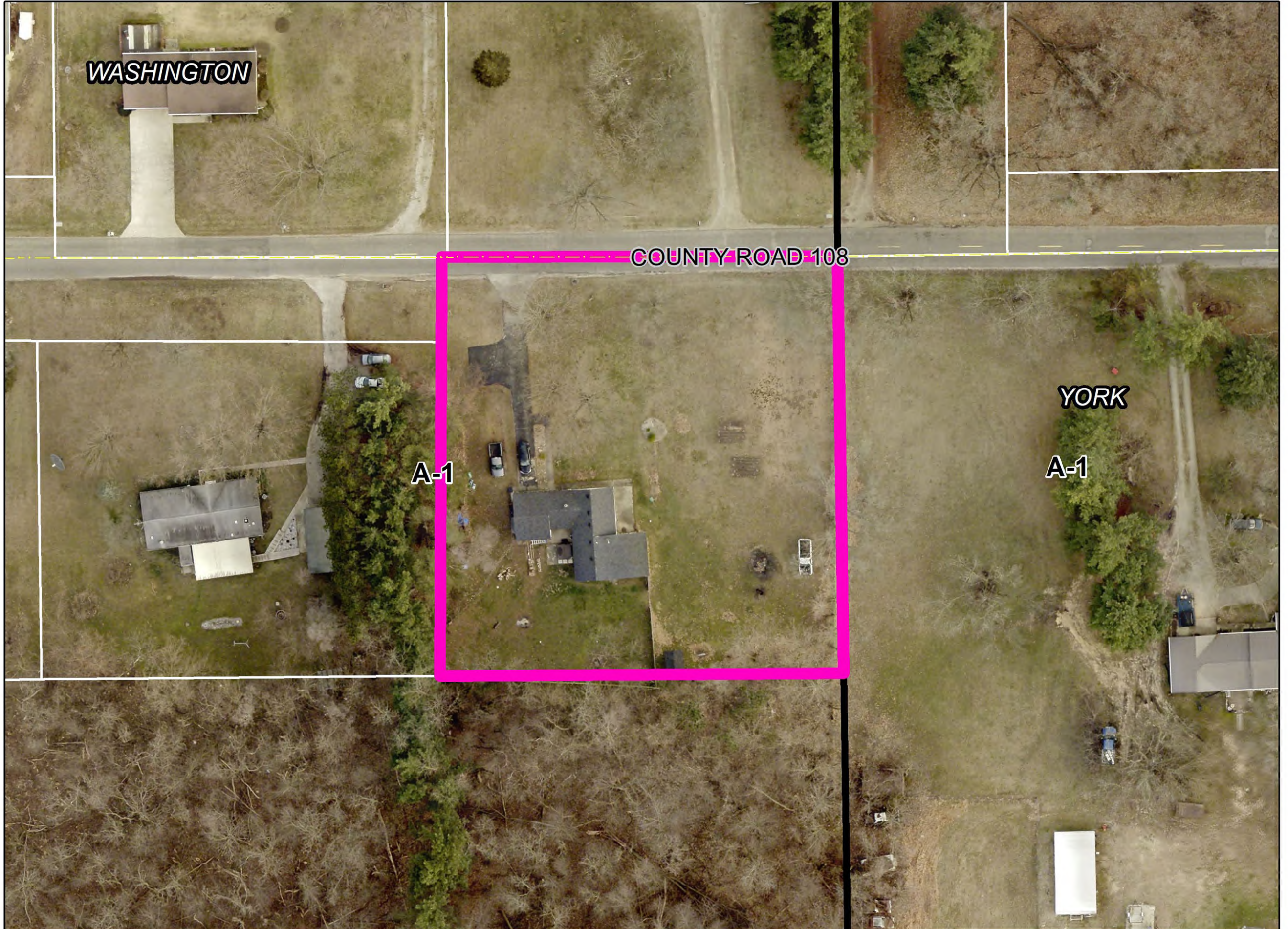
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The proposed structure meets other development standards and will reduce the need for outdoor storage.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a low-density residential area with large homesites and separation between structures.
3. Strict application of the terms of the Zoning 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 low-density, large-homesite neighborhood.

Hearing Officer Staff Report (Continued)

Hearing Date: June 19, 2024

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

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 5/13/2024 and as represented in the Developmental Variance application.



DV-0333-2024

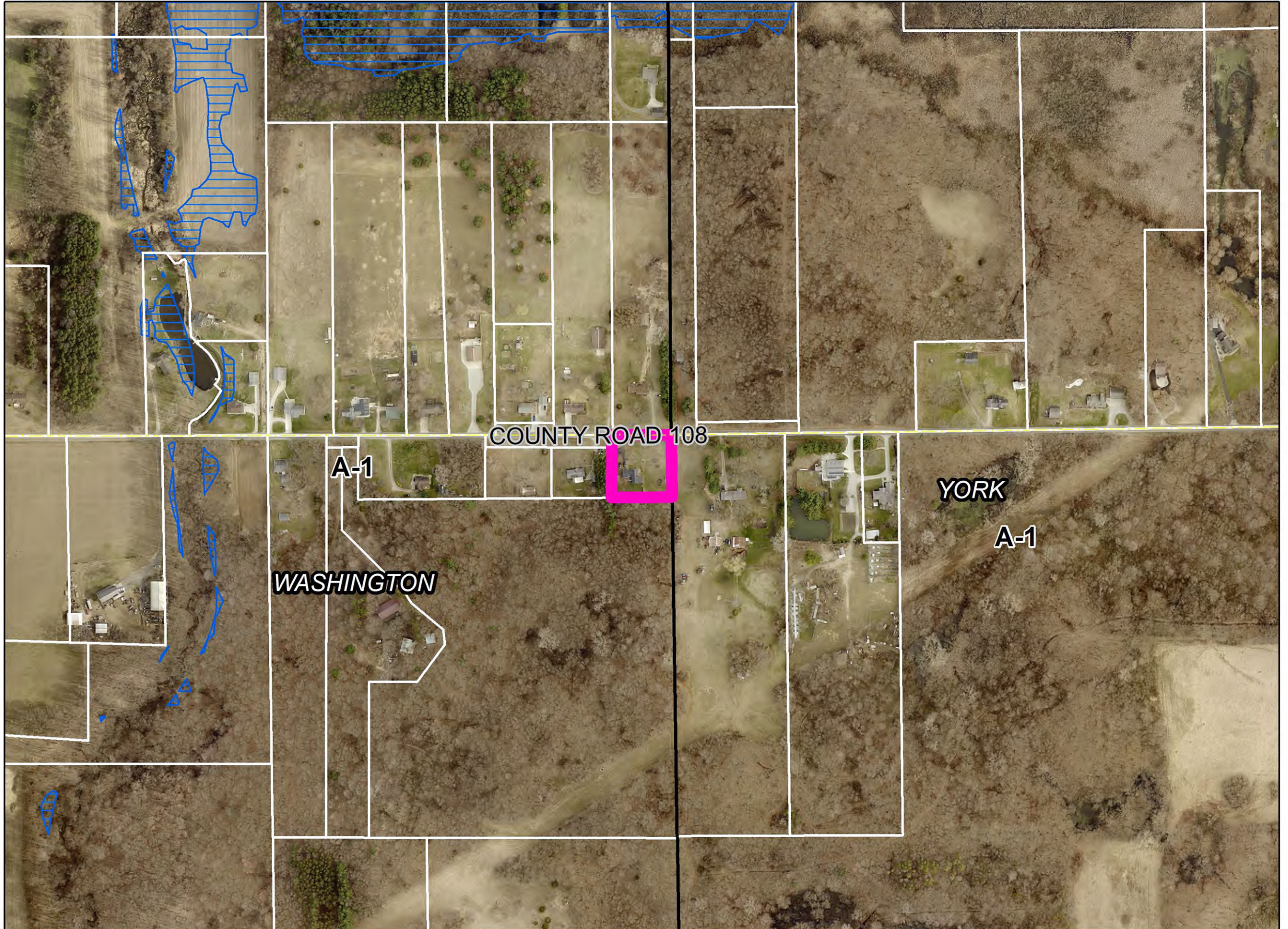


2021 Aerials

1 inch = 200 feet



DV-0333-2024



2021 Aerials

1 inch = 400 feet





Subject property



Facing proposed building area



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-0333-2024

Date: 05/13/2024

Meeting Date:

June 19, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0333-2024

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

Contacts: Applicant

Land Owner

Bert P. Mays & Kimberly R.
Mays, Husband And Wife
15932 County Road 108
Bristol, IN 46507

Bert P. Mays & Kimberly R.
Mays, Husband And Wife
15932 County Road 108
Bristol, IN 46507

Site Address: 15932 County Road 108
BRISTOL, IN 46507

Parcel Number: 20-03-36-200-005.000-030

Township: Washington

Location: SOUTH SIDE OF CR 108, 2,530 FT. EAST OF CR 31

Subdivision:

Lot #

Lot Area: 1.00 Frontage: 208.71

Depth: 208.58

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 3/1/1962
RESIDENCE = 1,120 SQ FT X 110% = 1,232 SQ FT, MINUS 352 (GARAGE), 80 (SHED) AND PROPOSED NEW BUILDING IS 1,800 SQ FT (30X60), WHICH IS AN OVERAGE OF 1,000 SQ FT.
APPLICANT STATED THIS BUILDING WILL NOT INTERFERE WITH SEPTIC SYSTEM

Applicant Signature:

Department Signature:

Application

Site address: 15932 County Road 108 Bristol IN.
Parcel number(s): 20-03-36-200-005 46507

Current property owner

Name: Bert & Kimberly Mays
Address: 15932 County Road 108 Bristol IN 46507
Phone: 574-238-8457 Email: bertpmays@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:

Bert P. Mays
Kimberly Mays

Staff Use Only

Description: for a DV to allow for the total sq footage of accessory structures to exceed that allowed by right

Parcel creation date: 3/1/1962

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: 1,120 sq ft x 110% = 1,232 sq ft, minus 352 (garage) - shed 80, and proposed building of 1,800 sq ft average of 1,000 sq ft

Location: N (S) E W corner (side) end of CR 108, 3,525 ft. N S E (W) of 131, in Washington Township

Frontage: 208.71 Depth: 208.58 Area: 1 acres

Subdivision and lot number, if applicable: —

Present use: Residential

Developmental Variance — Questionnaire

Name: Bert and Kimberly Mays

1) Tell us what you want to do. Build a pole barn

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

3) Tell us why the variance won't hurt your neighbors or the community. Many Barns in my area, allows me to store things inside.

4) Does the property need well and septic? Well: [] Y [x] N Septic: [] Y [x] 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? [] Y [x] N If yes, fill out below.
Building or addition 1 Size and height to the peak: 30x60 FT, 17'6" P-R.
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.

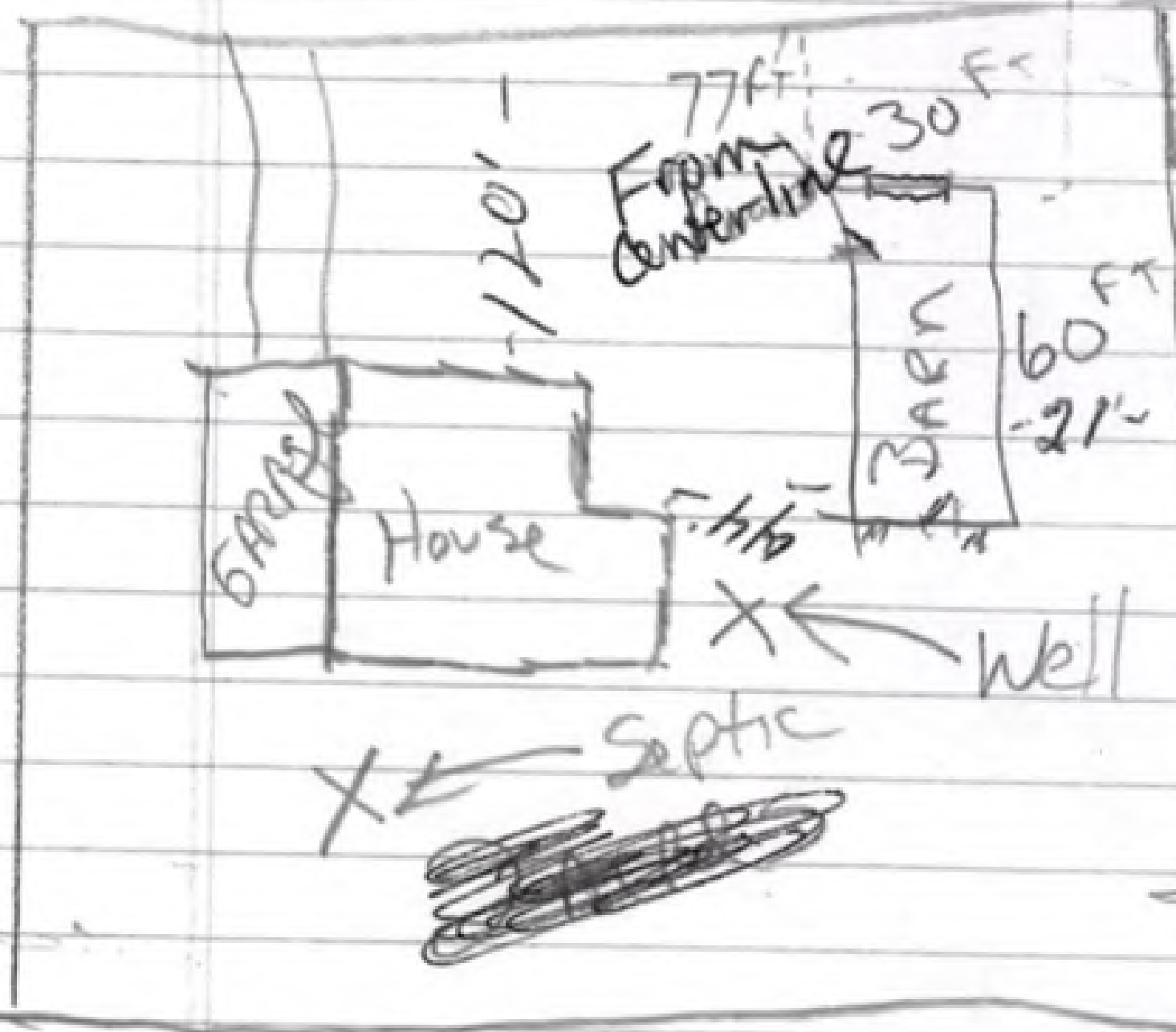
6) Does the application include a variance for a residence on property with no road frontage? [] Y [x] N
If yes, fill out below.
Is the easement existing? [] Y [] N If the easement is existing, is it recorded? [] Y [] N
Tell us who owns (will own) the land under the easement.
Tell us how many parcels 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. This is a Pole Barn for Storage

CR. 108



GARAGE

House

From
Central

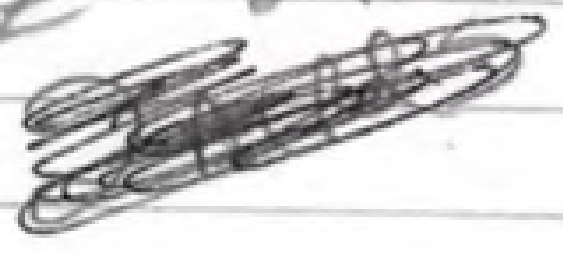
BARN

X

Well

Septic

X



208

Property line

208