

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

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

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

9:00 A.M.

- 1

- E. Petitioner: ***Robb M. Huber & Kristin M. Huber, Husband & Wife*** (Page 5)
 Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
 Location: Southeast corner of Olde Towne Dr. & Monticello Dr., 450 ft. South of CR 18, common address of 58100 Olde Towne Dr. in Jefferson Township, zoned PUD A-1. DV-0234-2024
- F. Petitioner: ***Tyler Paston & Ashlyn Wlodarski*** (Page 6)
 Petition: for a 32 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a residence 43 ft. from the centerline of the right-of-way.
 Location: South side of CR 10, 440 ft. East of CR 17, in Washington Township, zoned R-1. DV-0253-2024
- G. Petitioner: ***Neil Bough & Geri Bough, Husband & Wife*** (Page 7)
 Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
 Location: North side of CR 18, 1,755 ft. East of CR 23, common address of 18939 CR 18 in Jefferson Township, zoned A-1. DV-0238-2024
- H. Petitioner: ***Travis L. Conklin & Jennica R. Conklin, Husband & Wife*** (Page 8)
 Petition: for a 29 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence on proposed lot 1 and for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement on proposed lot 2.
 Location: Northwest end of Red Bud Pl., 195 ft. North of Red Bud Ln., West of CR 100, in Baugo Township, zoned A-1. DV-0251-2024
- 9:30 A.M.**
- I. Petitioner: ***Robert L. Reed & Tane L. Reed, Husband & Wife*** (Page 9)
 Petition: for a 24 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence and attached garage addition 96 ft. from the centerline of the right-of-way.
 Location: West side of SR 15, 3,240 ft. North of CR 24, common address of 58977 SR 15 in Jefferson Township, zoned A-1, B-3. DV-0216-2024
- J. Petitioner: ***Bryan Vanzile*** (Page 10)
 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 SR 19, 3,380 ft. South of State Line Rd., common address of 51173 SR 19 in Osolo Township, zoned R-2. DV-0252-2024
- K. Petitioner: ***Randall C. G. Mitschelen & Bryn E. Mitschelen, Husband & Wife*** (Page 11)
 Petition: for a 7 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an attached garage 3 ft. from the west side property line.
 Location: North side of E. Wabash Ave., 325 ft. East of S. Elkhart St., common address of 106 E. Wabash Ave. in Olive Township, zoned R-1. DV-0235-2024

- L. Petitioner: ***Christopher J. Miller & Vanessa L. Miller, Husband & Wife*** (Page 12)
 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 16, 2,435 ft. West of CR 13, common address of 23918 CR 16 in Concord Township, zoned R-1. DV-0217-2024
- M. Petitioner: ***Brian K. Stutzman & Melody J. Stutzman, Husband & Wife*** (Page 13)
 Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, for a 25 ft. Developmental Variance (Ordinance requires 75ft.) to allow for the construction of an attached garage addition and detached accessory structure 50 ft. from the centerline of the right-of-way.
 Location: North side of CR 20, 1,880 ft. East of SR 13, common address of 12113 CR 20 in Middlebury Township, zoned A-1. DV-0236-2024

MOBILE HOME SPECIALE USE/ DEVELOPMENTAL VARIANCE

- N. Petitioner: ***Adam C. Cobane (Buyer) & Jose M. Gamez & Cathleen J. Gamez, Husband & Wife (Sellers)*** (Page 14)
 Petition: for a Special Use for a manufactured home not on a permanent foundation and for a Developmental Variance to allow for the placement of a manufactured home not on a permanent foundation within 300 ft. of a residence.
 Location: West side of Southwood Dr., 425 ft. South of Plainfield Dr., East of John Weaver Pkwy., common address of 54151 Southwood Dr. in Osolo Township, zoned R-2. SUP-0256-2024

STAFF/BOARD ITEMS *(time of review at the discretion of the Board of Zoning Appeals)*

- *Minor Change – Developmental Variance – Franger Gas CO., Inc. – request is to extend the period within which to obtain an improvement location permit until September 30th, 2025*

The Elkhart County Board of Zoning Appeals Hearing Officer is meeting on Wednesday May 15, 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 May 15, 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: May 15, 2024

Transaction Number: DV-0212-2024.

Parcel Number(s): 20-06-24-352-014.000-009.

Existing Zoning: A-1.

Petition: for a 9 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an accessory structure 66 ft. from the centerline of the right-of-way of CR 115 and for a 5 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 70 ft. from the centerline of the right-of-way of CR 115.

Petitioner: Jeffrey J. Stutzman.

Location: Northwest corner of CR 115 & Canyon River Dr., in Concord Township.

Site Description:

- Physical Improvement(s) – Residence, accessory structures.
- 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. The new building is set on the same foundation of an existing detached garage, which has not affected County Road 115.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The proposed garage is replacing a dilapidated structure and will improve the look 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. The configuration of the lot limits buildable space.

Hearing Officer Staff Report (Continued)

Hearing Date: May 15, 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 04/01/2024 and as represented in the Developmental Variance application.

Developmental Variance - Developmental Variance

Fax - (574) 971-4578

DV-0212-2024

April 01, 2024 2:56 pm

DV-0212-2024

Application

Site address: 58875 CR115 Goshen, IN 46528
Parcel number(s): 20-06-24-352-014.000-009

Current property owner

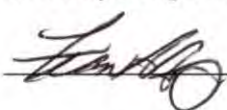
Name: Jeff Stutzman
Address: 58875 CR115 Goshen, IN 46528
Phone: 574-370-5054 Email: Jeff.stutzman@gmail.com

Other party

☐ Agent ☐ Buyer ☐ Land contract purchaser ☐ Lessee

Name: Integrity Remodeling (Frank Alfrey)
Address: 20029 Regina Rd NEW PRIS, IN 46553
Phone: 574-536-2274 Email: integrityremodeling1@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: 

DN for front setback

Staff Use Only

Description: _____

Parcel creation date: 3-1-62

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

Residential accessory breakdown, if applicable: _____

Location: (N) S E (W) corner side end of CR 115,
Canyonriver Drive ft. N S E W of _____,
in _____ Township

Frontage: _____ Depth: _____ Area: _____ acres

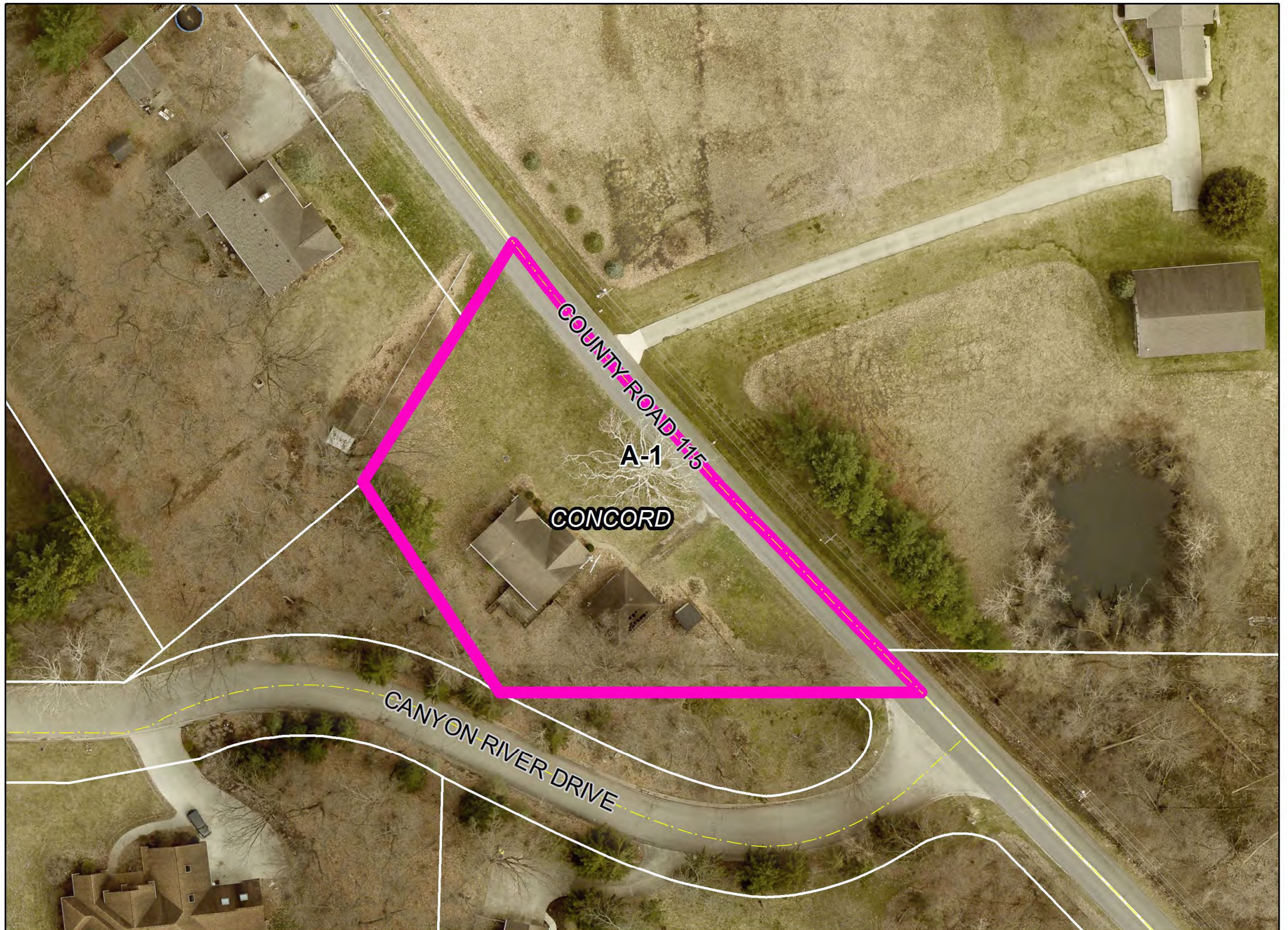
Subdivision and lot number, if applicable: _____

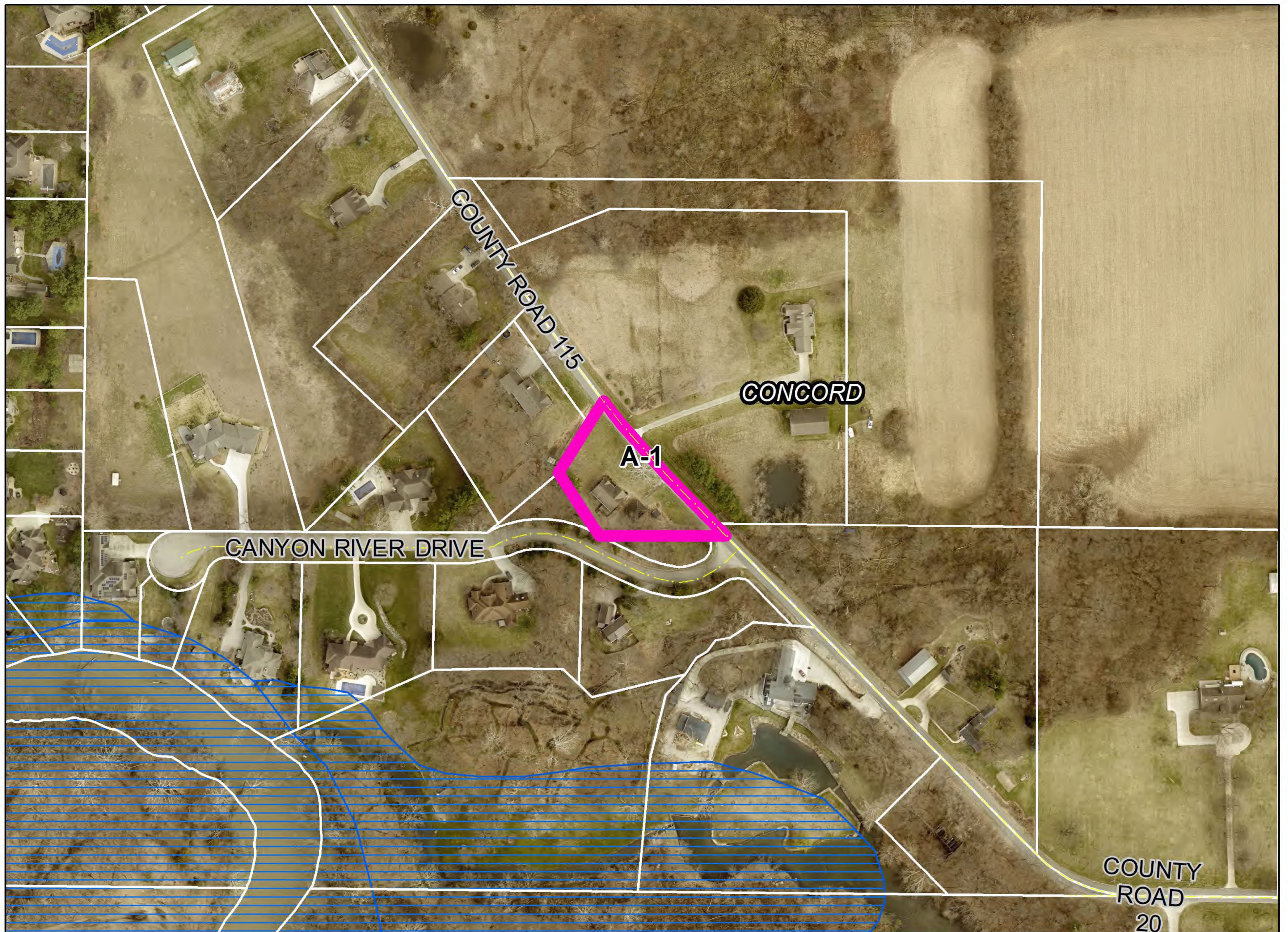
Present use: _____

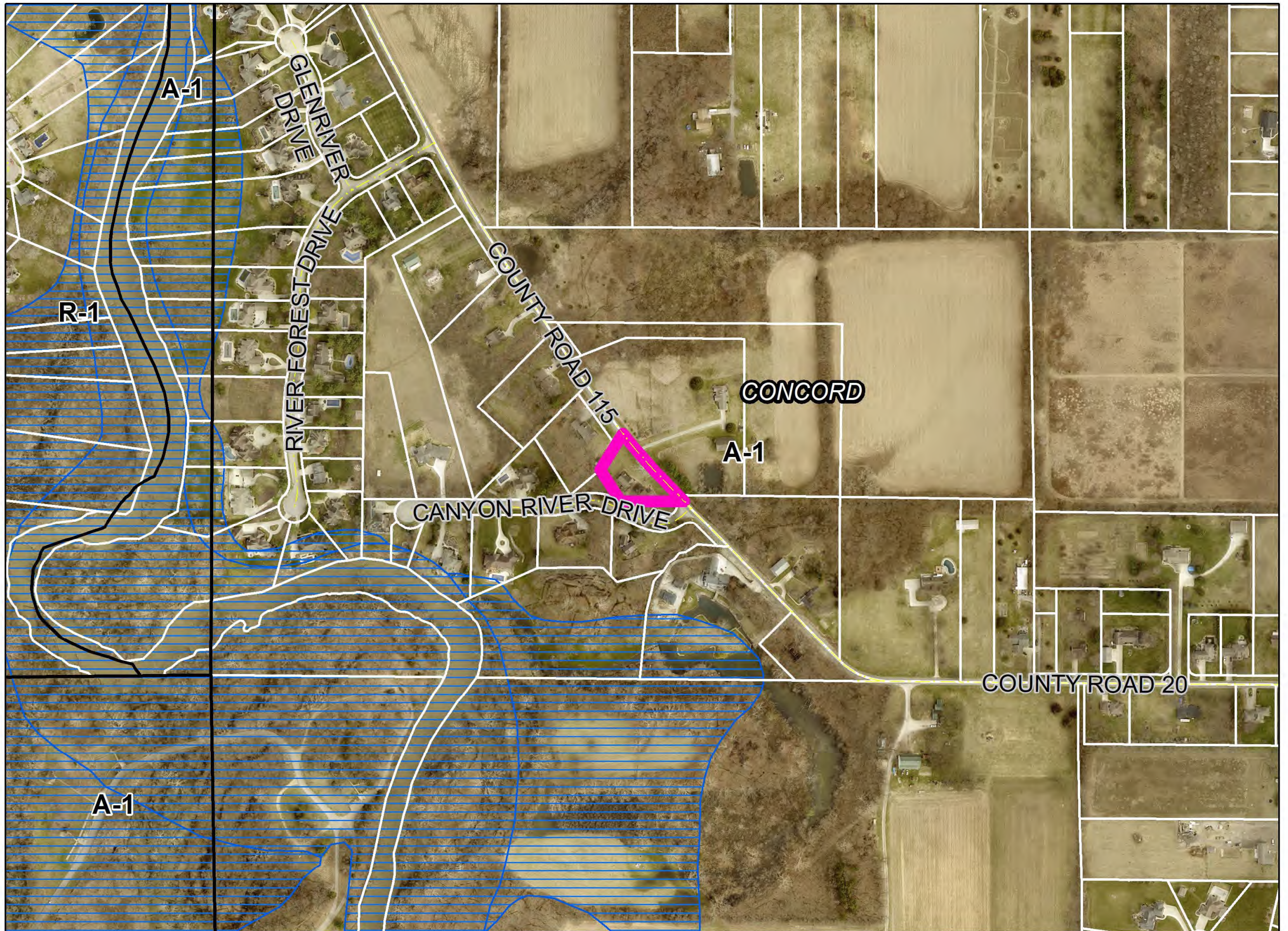
Developmental Variance — Questionnaire

Name: Integrity Remodeling Frank Alfrey

- 1) Tell us what you want to do. Take Down Roof + Wall on existing 24x24 garage leaving existing Foundation. Install New garage floor New Wall + Roof System. Install New Driveway
- 2) Tell us why you can't change what you're doing so you don't need a variance. We are leaving the existing foundation for the garage, No need to replace and to save owner cost.
- 3) Tell us why the variance won't hurt your neighbors or the community. ~~Our~~ We are not changing any of the set backs except the road side will go from 61' to 65' with shorter overhang.
- 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: 24x24x
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. _____









Looking southwest toward property



Looking north



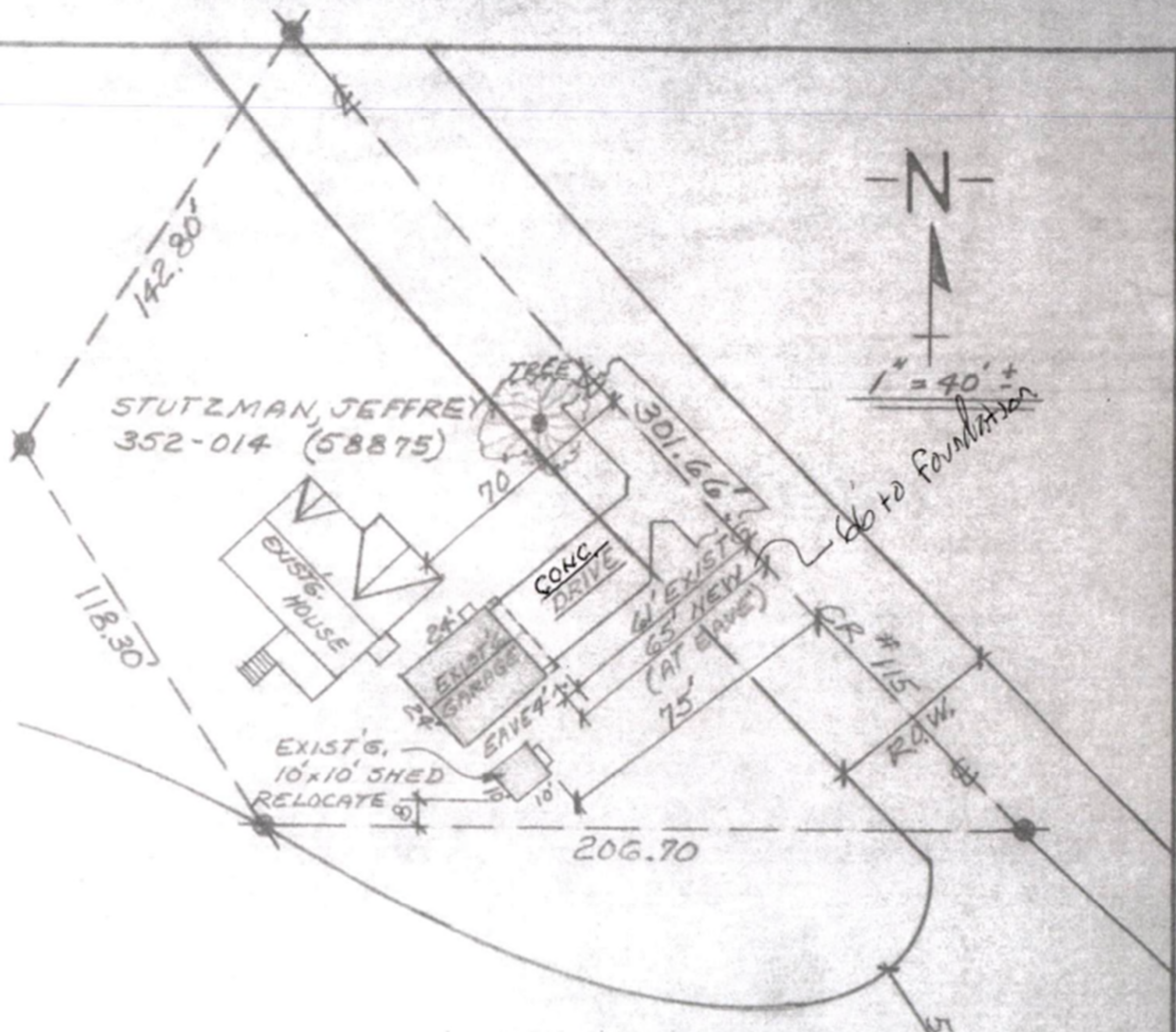
Looking south



Looking east

CONCORD
SEC. 24
A-1

APR - 1 2024



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2024

Transaction Number: DV-0240-2024.

Parcel Number(s): 20-15-01-202-002.000-018.

Existing Zoning: A-1.

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

Petitioner: Michael Wortinger.

Location: North side of CR 42, 800 ft. East of US 33, in Jackson Township.

Site Description:

- Physical Improvement(s) – Residence.
- Proposed Improvement(s) – Pole barn.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, Agricultural.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The building will meet all setbacks including the front setback to County Road 42.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The proposed structure is in the rear of the property and is buffered from the south.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The size of the home limits the amount of accessory storage allowed by right.

Hearing Officer Staff Report (Continued)

Hearing Date: May 15, 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 04/15/2024 and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Developmental Variance - Developmental Variance

**Elkhart County Planning & Development
Public Services Building**

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 04/15/2024 Meeting Date: May 15, 2024
Board of Zoning Appeals Public Hearing Transaction #: DV-0240-2024

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

| Contacts: <u>Applicant</u> | <u>Authorized Agent</u> | <u>Land Owner</u> |
|-------------------------------------------------------------|-------------------------------------------------------------|----------------------------------------------------------|
| Nda Energized Codings 18328 Cr 46 New Paris, IN 46553 | Nda Energized Codings 18328 Cr 46 New Paris, IN 46553 | Michael Wortinger 16266 Cr 42 Goshen, IN 465289339 |

Site Address: 16266 County Road 42
GOSHEN, IN 46528

Parcel Number: 20-15-01-202-002.000-018

Township: Jackson

Location: NORTH SIDE OF CR 42, 800 FT. EAST OF US HWY 33.

Subdivision:

Lot #

Lot Area: 1.00 Frontage: 207.00 Depth: 174.00

Zoning: A-1

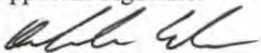
NPO List:

Present Use of Property: RESIDENTIAL

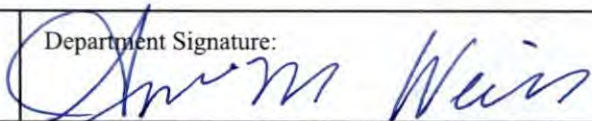
Legal Description:

Comments: RESIDENTIAL DWELLING AREA 1,311 X 110 % = 1,442.1 SQFT MINUS GARAGE 400 SQFT = 1,042.1 OF BUILDABLE STORAGE SPACE MINUS NEW PROPOSED STRUCTURE POLE BARN WITH COVERED PORCH 2,520 SQFT = -1,477.9 SQFT.

Applicant Signature:



Department Signature:



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

Application

Site address: 16266 CR42 Goshen IN 46528

Parcel number(s): _____

Current property owner

Name: Mike Wortinger

Address: 16266 CR42 Goshen IN 46528

Phone: 574-536-4271

Email: _____

Other party

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

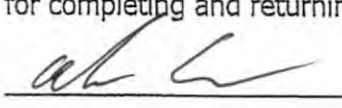
Name: DeWayne Eash (NDA Energized Coatings)

Address: 18238 CR46 New Paris IN 46553

Phone: 574-202-8831

Email: dewayneceash@gmail.com

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

Signature of current property owner or authorized agent: 

Staff Use Only

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

Parcel creation date: 3/1/1963.

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 CR 42,
800 ft. N S (E) W of US HIGHWAY 33.
in JACKSON Township

Frontage: 207 FT. Depth: 174 FT. Area: 1 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL.

Developmental Variance — Questionnaire

Name: _____

1) Tell us what you want to do. Put up a 40x60 Polebarn for storage use

2) Tell us why you can't change what you're doing so you don't need a variance. The building size that we need exceeds the sf amount that we could put up

3) Tell us why the variance won't hurt your neighbors or the community. won't interfere with any of the neighbors view

4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N

Does the property need a new septic system? ☐ Y ☒ N

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

5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.

Building or addition 1 Size and height to the peak: 40x60 with a 6x20 porch 19' to peak

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

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

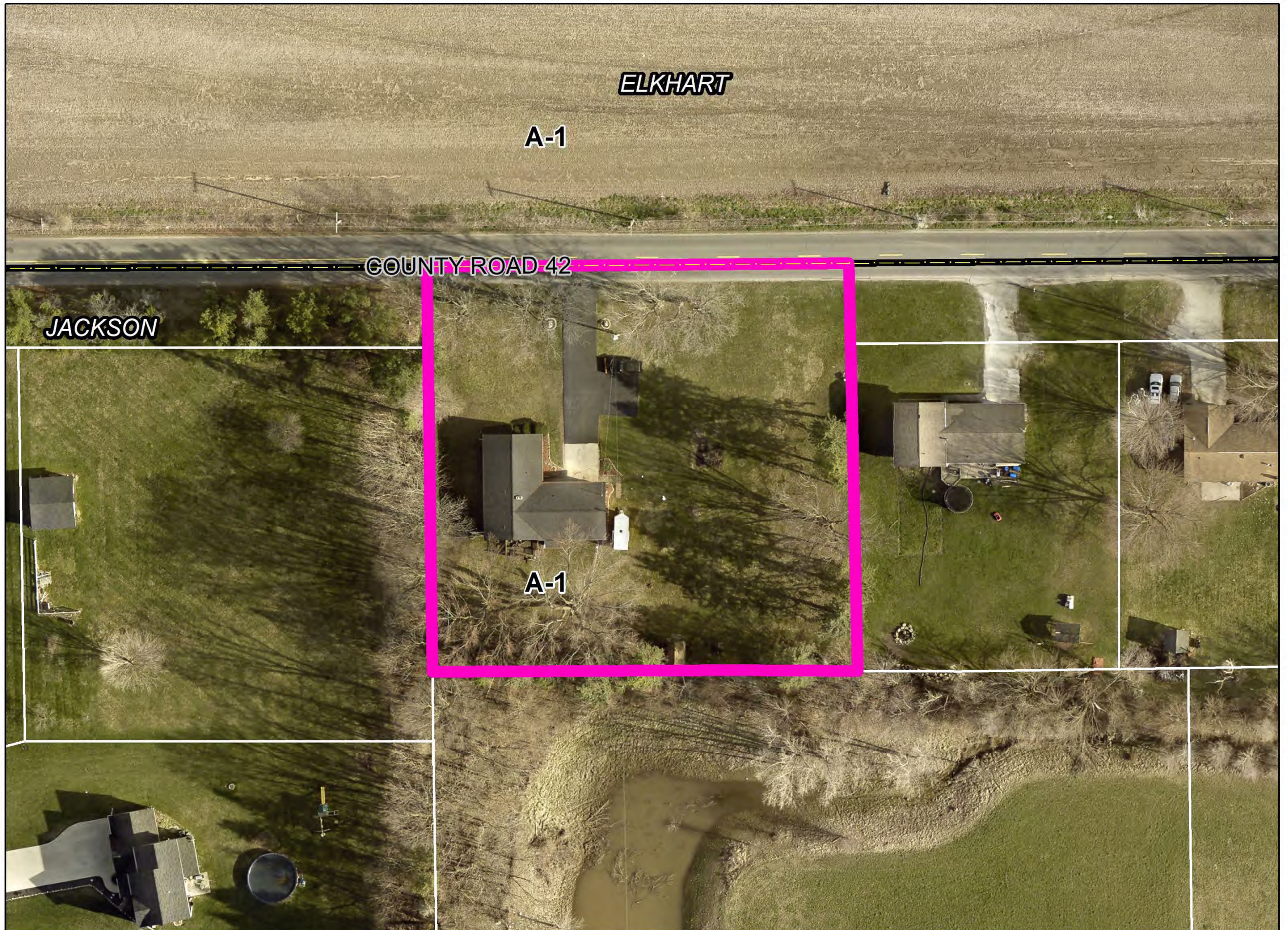
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

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. _____



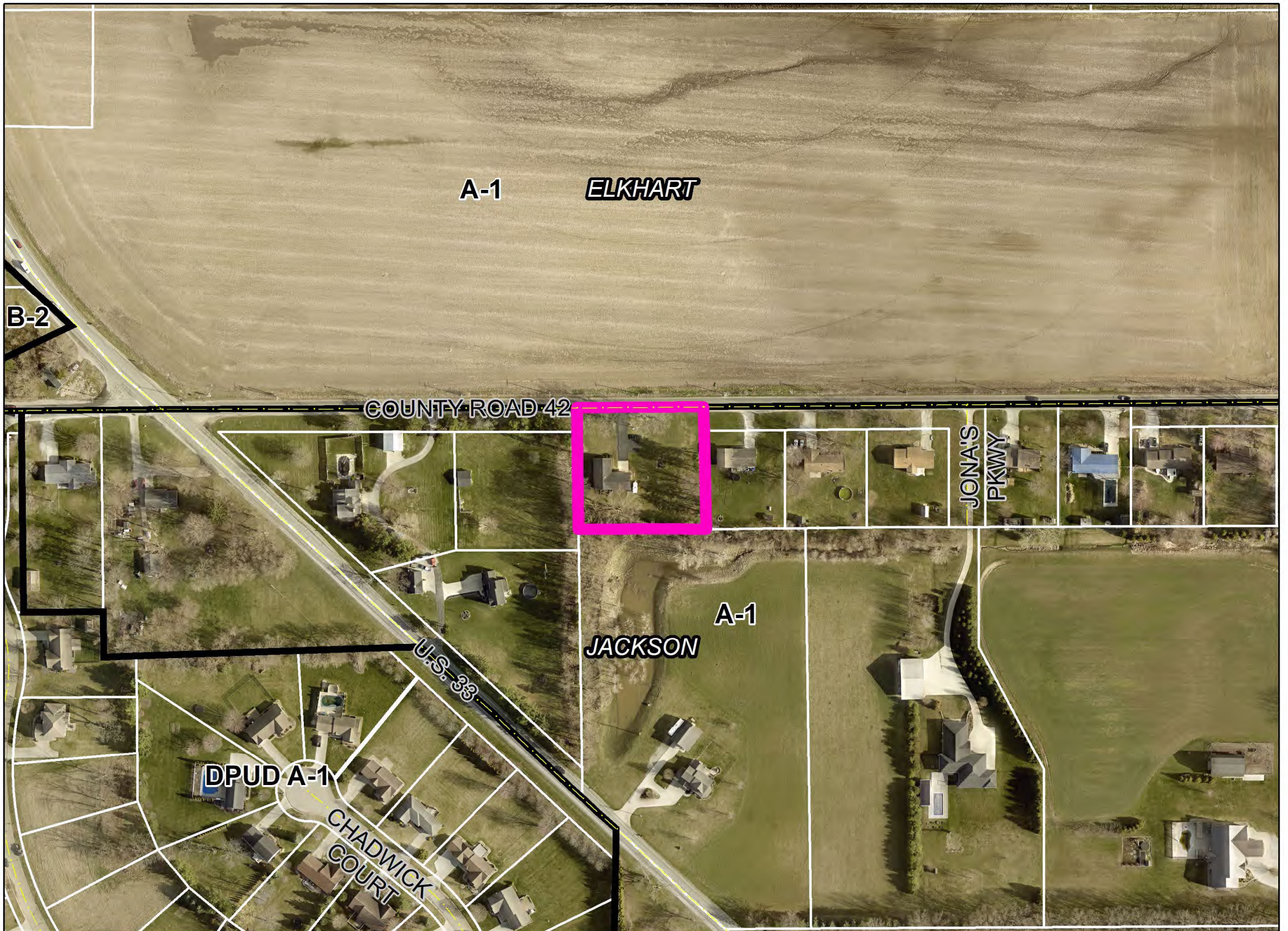
A-1

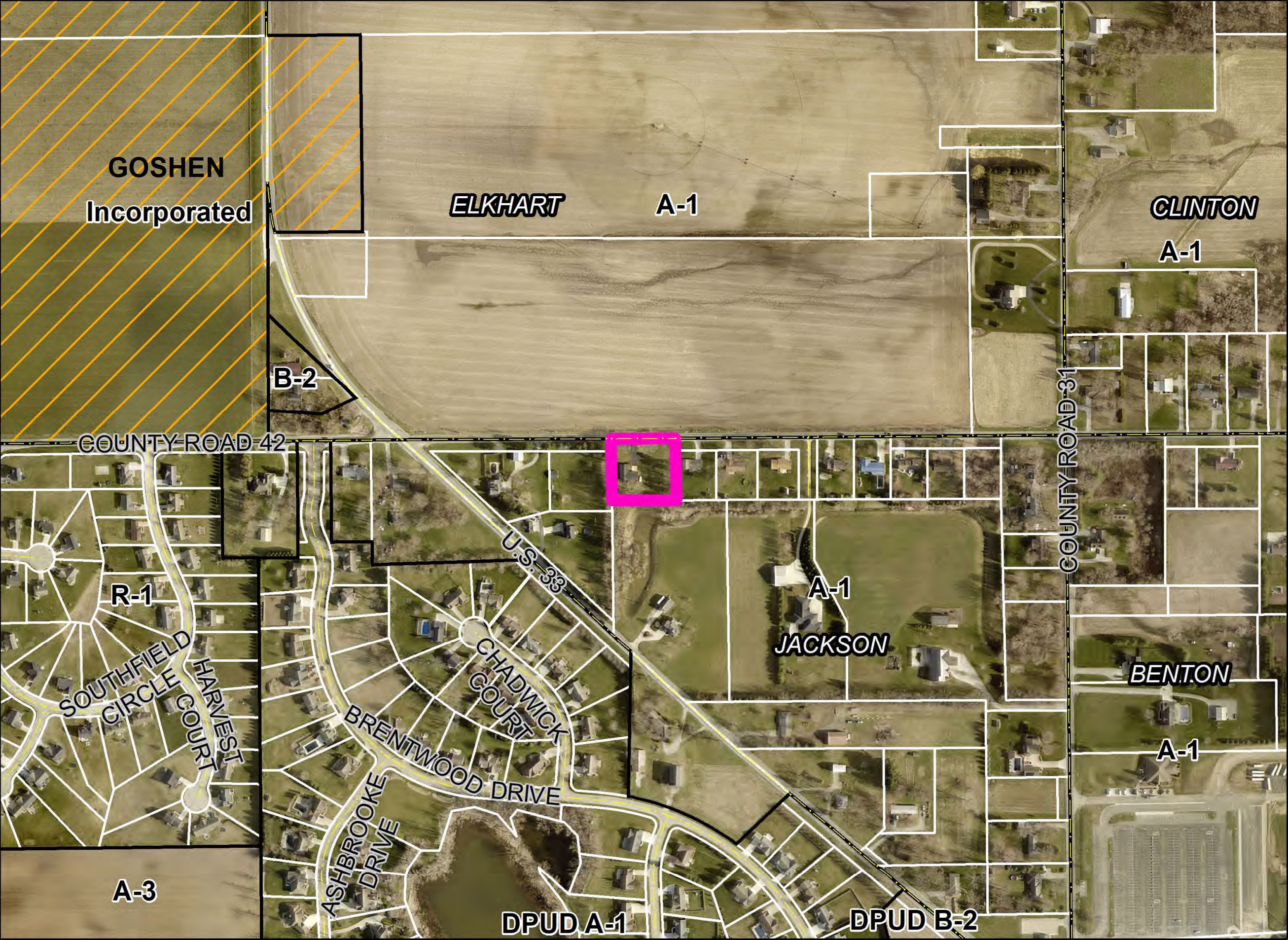
ELKHART

COUNTY ROAD 42

JACKSON

A-1







Looking south toward property



Looking north



Looking east

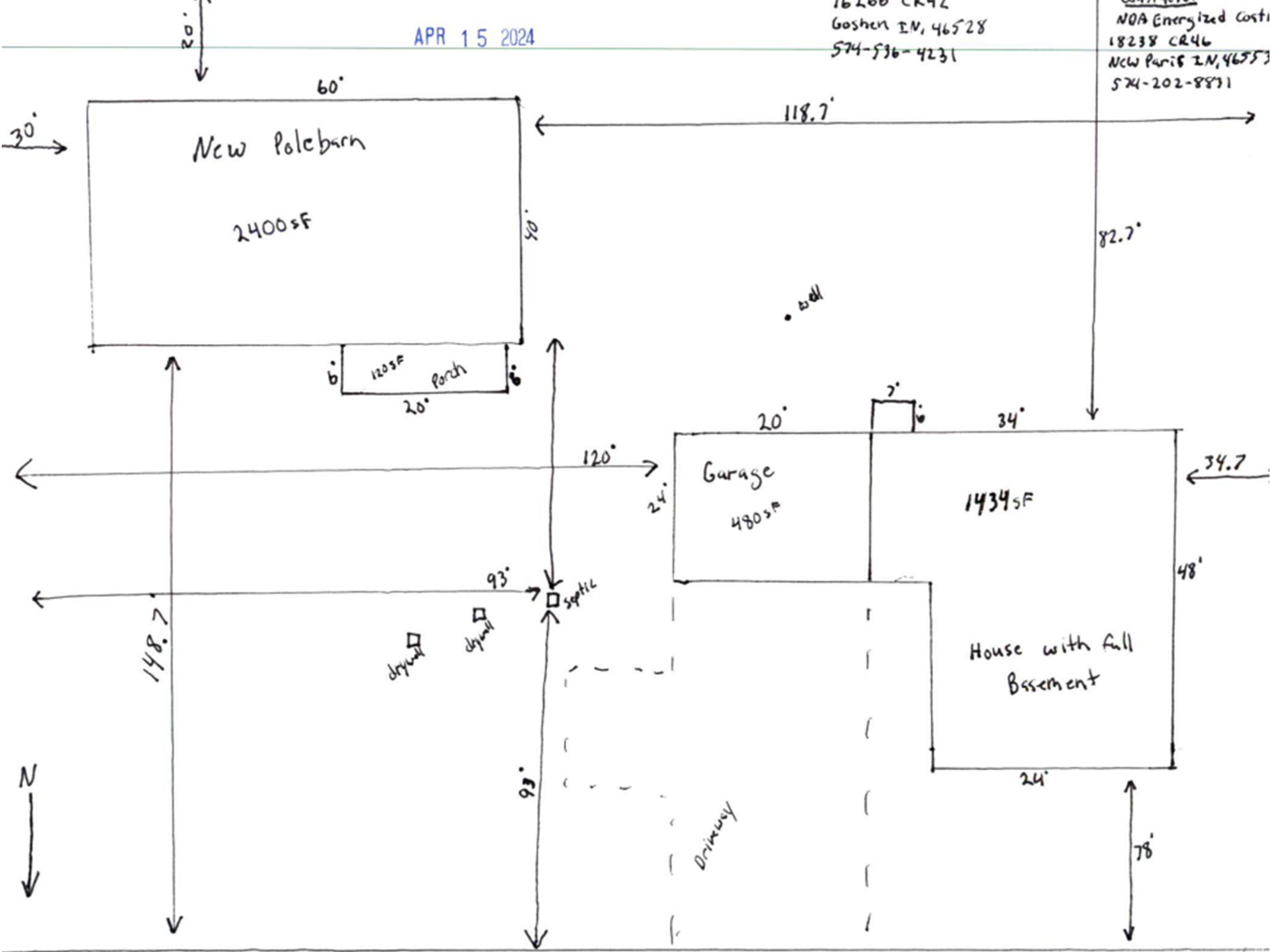


Looking west

APR 15 2024

16260 CR42
Goshen IN, 46528
574-536-4231

NOA Energized Cost
18238 CR46
New Paris IN, 46353
574-202-8831



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2024

Transaction Number: DV-0227-2024.

Parcel Number(s): 20-02-36-377-002.000-009.

Existing Zoning: R-1.

Petition: for a 62 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of a residence 58 ft. from the centerline of the right-of-way.

Petitioner: Sarah Deshone.

Location: South side of SR 120, 1,395 ft. East of CR 15, in Concord Township.

Site Description:

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

History and General Notes:

- The subdivision lots were established in 1927.

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 follow similar setbacks to State Road 120 as neighboring residences, which have had no complaints.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a residential neighborhood, and the construction of the residence will fill in a vacant lot.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The frontage with State Road 120 and the lot size limits the placement of a residence.

Hearing Officer Staff Report (Continued)

Hearing Date: May 15, 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 04/09/2024 and as represented in the Developmental Variance application.

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: 04/09/2024 | Meeting Date: May 15, 2024 | Transaction #: DV-0227-2024 |
| Description: for a 62 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of a residence 58 ft. from the centerline of the right-of-way | | |
| Contacts: <u>Applicant</u> John R Deshone 21173 State Road 120 Elkhart, IN 46516 | <u>Land Owner</u> Sarah Deshone 22784 Sr 120 Elkhart, IN 46516 | |
| Site Address: | Parcel Number: 20-02-36-377-002.000-009 | |
| Township: Concord Location: | | |
| Subdivision: SAINT JOSEPH GARDENS | Lot # 14 | |
| Lot Area: 0.20 | Frontage: 65.00 | Depth: 131.10 |
| Zoning: R-1 | NPO List: | |
| Present Use of Property: VACANT | | |
| Legal Description: | | |
| Comments: | | |

Applicant Signature:



Department Signature:



Application

Site address: 00000 State Road #120, ELKHART, IN 46516
Parcel number(s): PARTIAL # 20-02-36-377-002.000-009 Lot 14

Current property owner

Name: Sarah DeShone
Address: 22784 State Road 120
Phone: (574) 596-8764 Email: sarahdeshone@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: Sarah DeShone

Staff Use Only

Description: for a

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 SR 120,
125 ft. N S (E) W of 3rd Ave,
in Concord Township

Frontage: 65 Depth: 131.1 Area: .195 acres

Subdivision and lot number, if applicable: Saint Joseph Gardens Lot 14

Present use: Vacant

Developmental Variance — Questionnaire

Name: _____

SARAH DeShone

1) Tell us what you want to do. Attain a 62' VARIANCE ~~to the east~~

2) Tell us why you can't change what you're doing so you don't need a variance. Lot size requires a VARIANCE so there is ROOM for a septic system in the back of the house.

3) Tell us why the variance won't hurt your neighbors or the community. The neighbors houses have roughly the same VARIANCE. New house will line up with houses one east and west

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

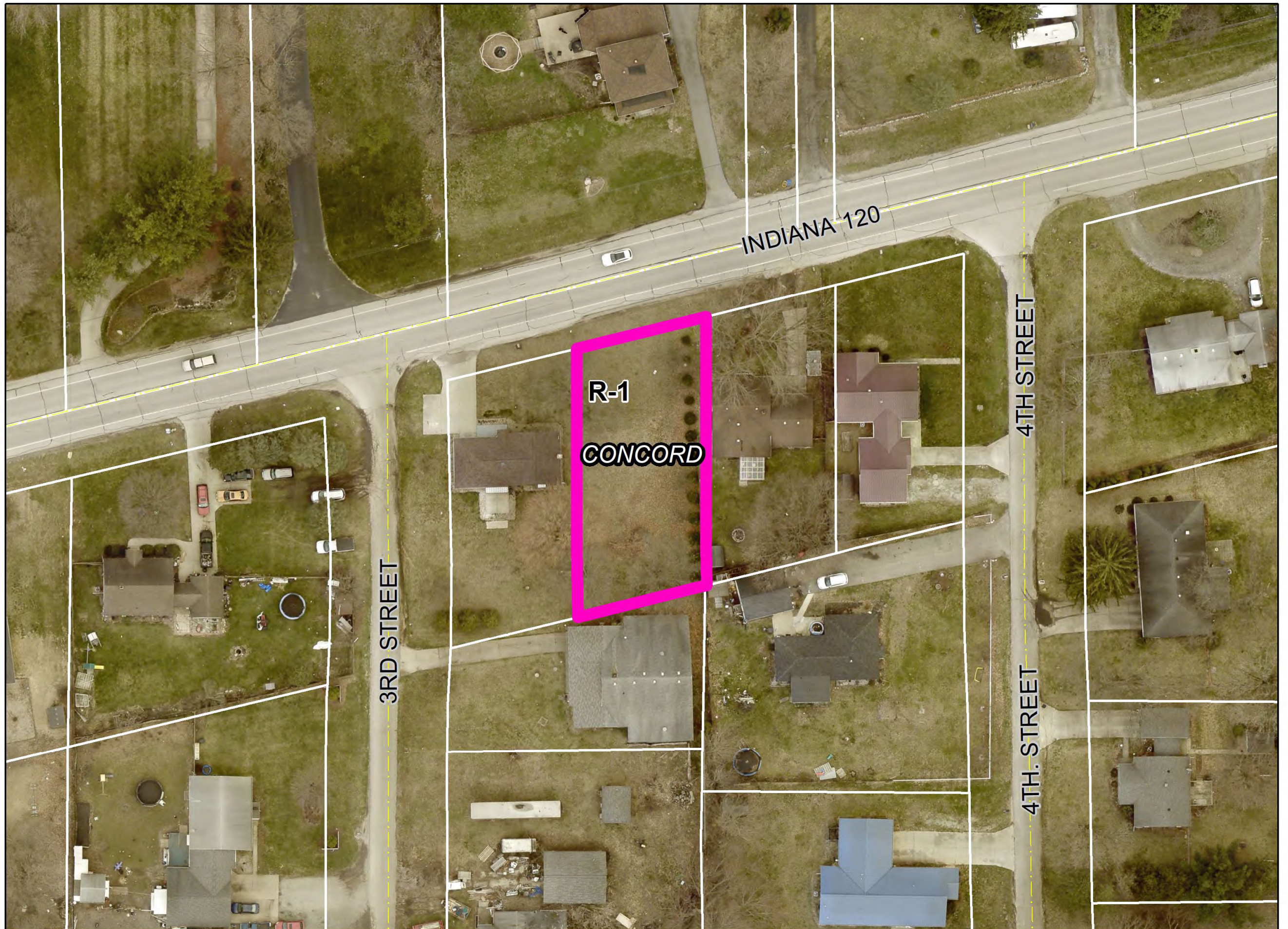
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

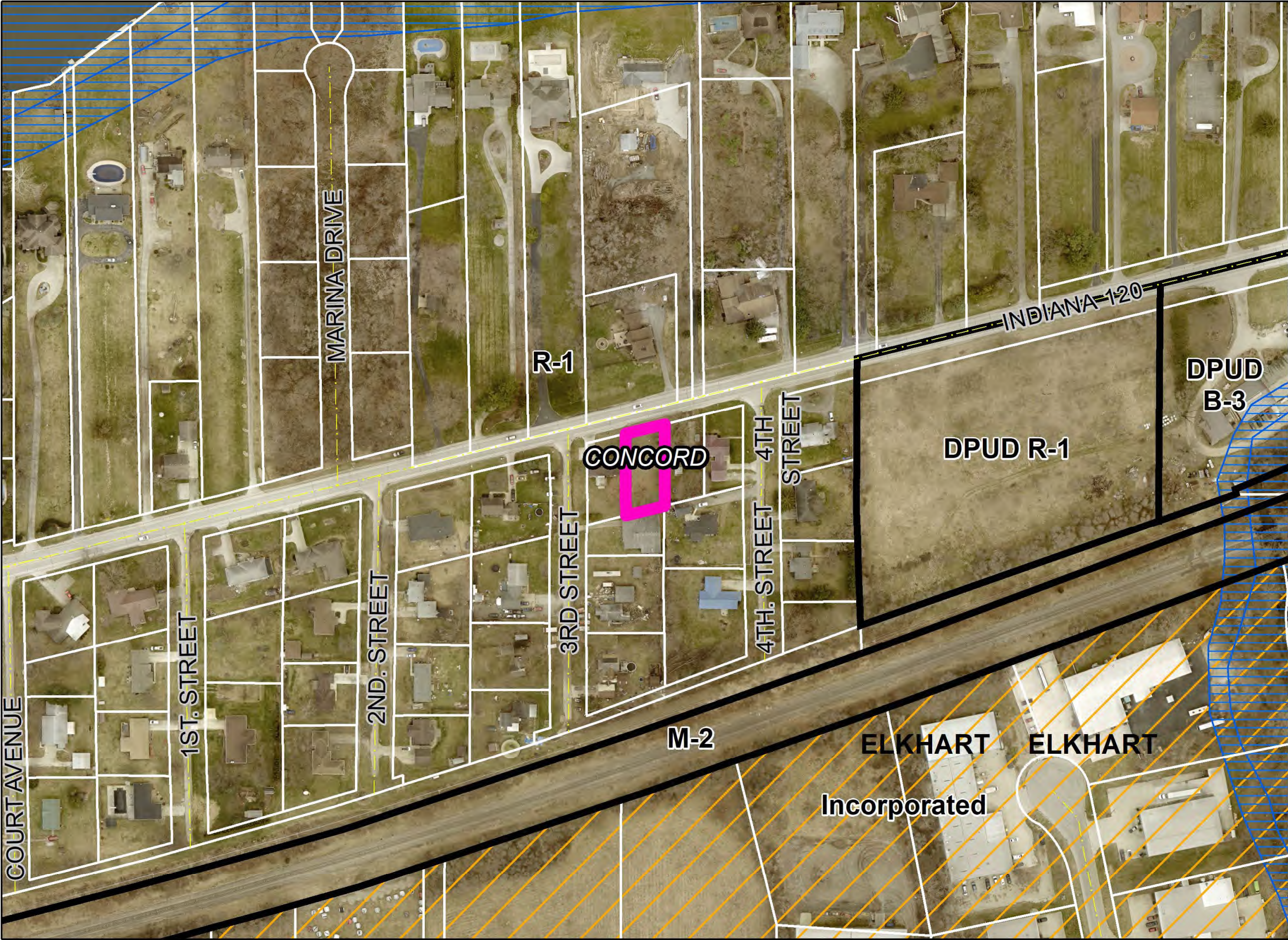
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

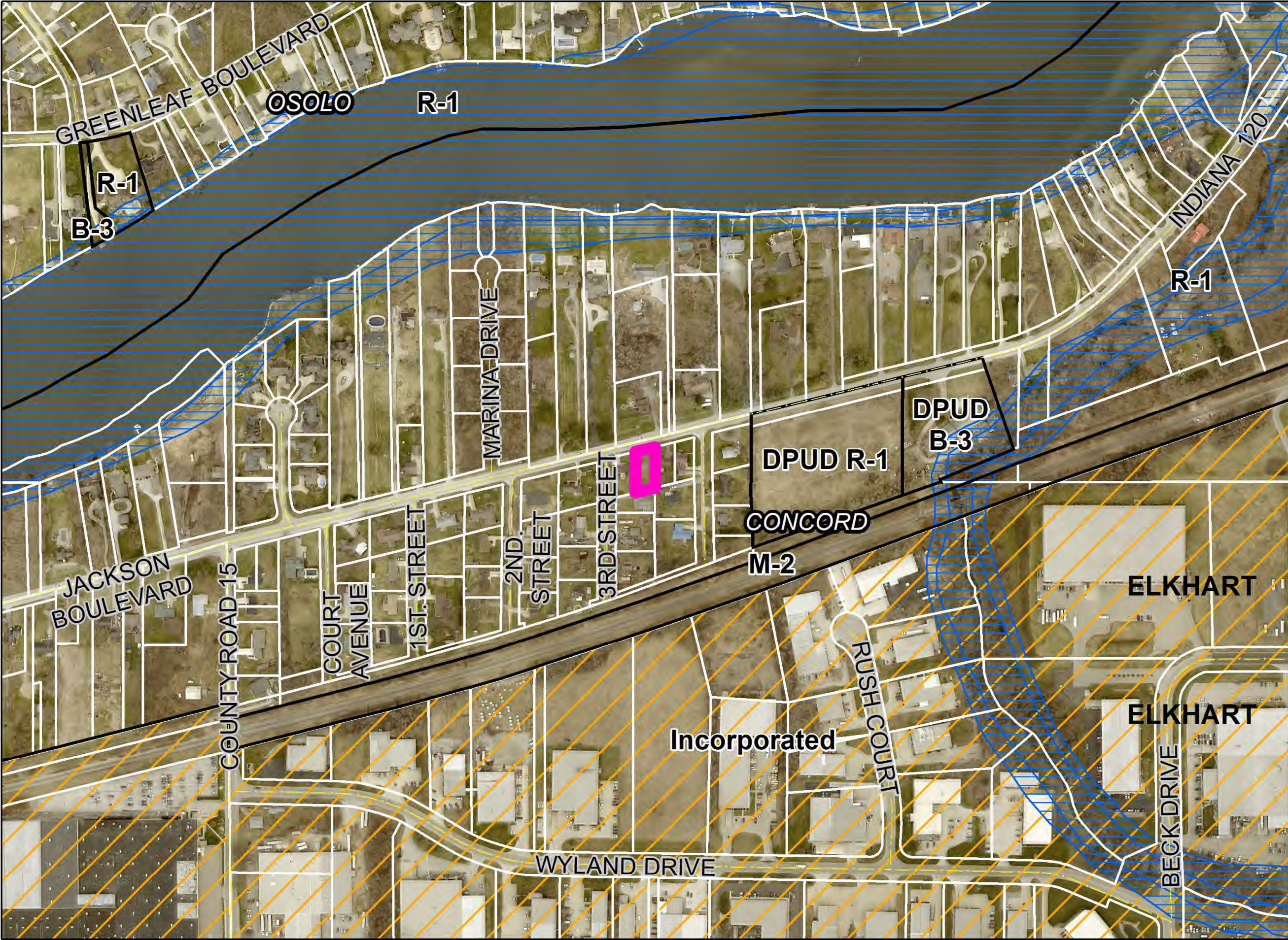
8) Does the application include a variance for parking spaces? ☐ Y ☒ N

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

9) Tell us anything else you want us to know. Note = VARIANCE is consistent with the placement of buildings/houses to the east and west.









Looking south toward property



Looking north



Looking east



Looking west

↑ North

$$1'' = 30'$$

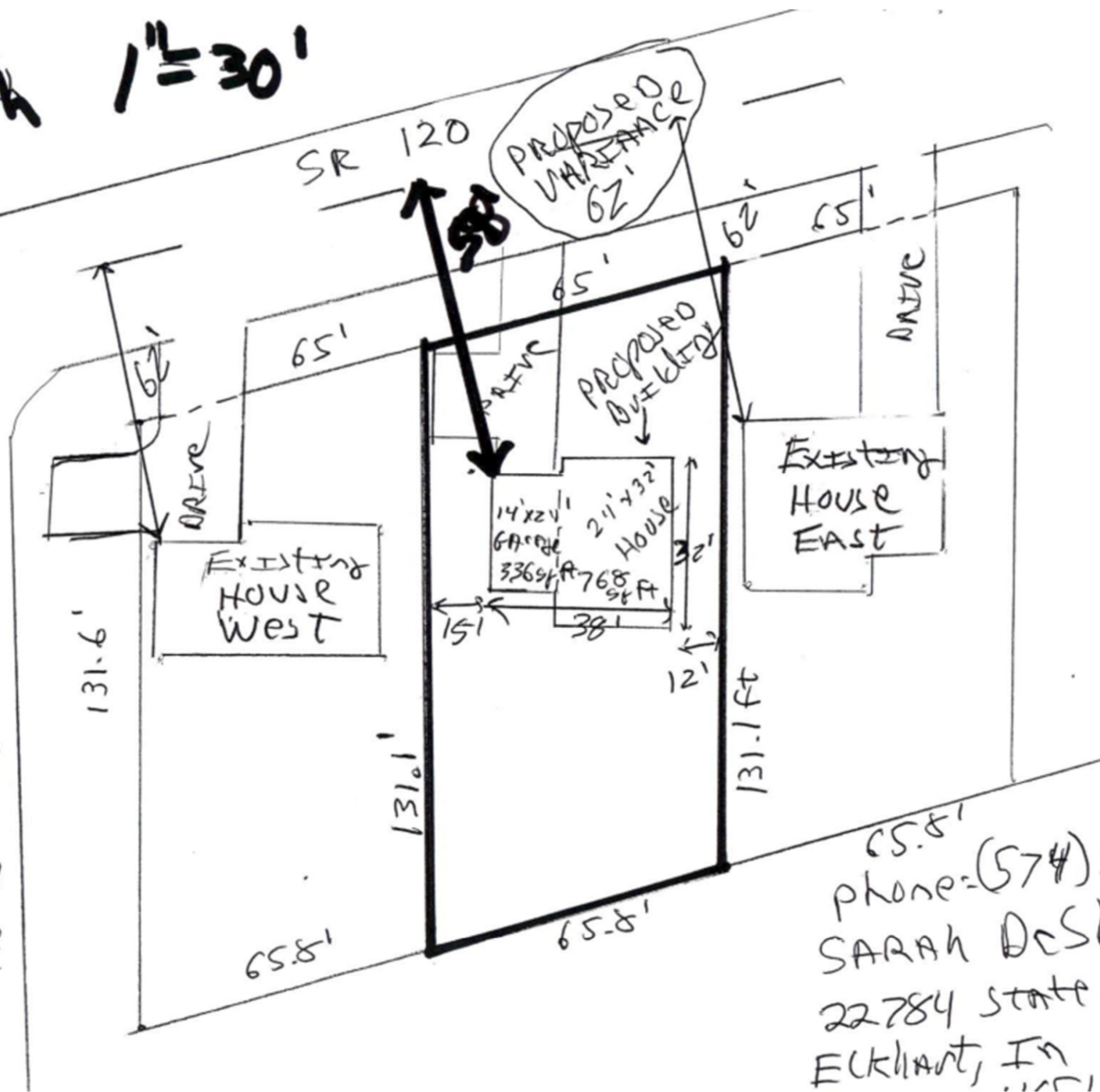
PLICATION

52'

ARIANCE

APR - 9 2024

ROAD - 53-d Ave



CS. &
phone-(574).
SARAH DESI
22784 state
Eckhart, IN

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2024

Transaction Number: DV-0248-2024.

Parcel Number(s): Part of 20-01-35-426-007.000-005.

Existing Zoning: R-1.

Petition: for a 7:1 depth-to-width ratio Developmental Variance and for a 35 ft. lot-width Developmental Variance (Ordinance requires 80 ft.) to allow for the construction of a residence on proposed lot 2.

Petitioner: James A. Pratt & Debra S. Pratt, Husband & Wife.

Location: South side of CR 108, 2,045 ft. West of CR 3, in Cleveland Township.

Site Description:

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

History and General Notes:

- The proposed subdivision is not yet submitted.

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 use the existing drive off of County Road 108 to the accessory structure.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The neighborhood is residential, and the proposed residence will not effect the density 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. The configuration of the property and proposed lots would not allow for buildable lots without variances.

Hearing Officer Staff Report (Continued)

Hearing Date: May 15, 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. The request is approved in accordance with the site plan submitted 04/15/2024 and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Developmental Variance - Developmental Variance

Elkhart County Planning & Development

Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 04/15/2024 Meeting Date: May 15, 2024 Transaction #: DV-0248-2024
Board of Zoning Appeals Public Hearing

Description: for a 35 ft. lot-width Developmental Variance Ordinance requires 80 ft. to allow for the construction of a residence.

| Contacts: <u>Applicant</u> | <u>Authorized Agent</u> | <u>Land Owner</u> | <u>Private Surveyor</u> |
|---------------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------------|---------------------------------------------------------------|
| Land And Boundary Llc 401 S 3Rd Street Goshen, IN 46526 | Land And Boundary Llc 401 S 3Rd Street Goshen, IN 46526 | James A. & Debra S. Pratt 29110 Cr 108 Elkhart, IN 465148969 | Land And Boundary Llc 401 S 3Rd Street Goshen, IN 46526 |

| | |
|----------------------------------------------------------|-------------------------------------------------|
| Site Address: 29110 County Road 108 ELKHART, IN 46514 | Parcel Number: Part of 20-01-35-426-007.000-005 |
|----------------------------------------------------------|-------------------------------------------------|

Township: Cleveland
Location: SOUTH SIDE OF CR 108, 1990 FT. WEST OF CR 3.

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

| | | |
|----------------|-----------------|---------------|
| Lot Area: 2.00 | Frontage: 45.00 | Depth: 534.50 |
|----------------|-----------------|---------------|

| | |
|-------------|-----------|
| Zoning: R-1 | NPO List: |
|-------------|-----------|

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 10/5/1993.
DV 20043109 EXCEED TOTAL SQFT ACCESSORY STORAGE.

Applicant Signature:

Department Signature:

Application

Site address: 29110 County Road 108 Elkhart, Indiana 46514
Parcel number(s): 20-01-35-426-007.000-005

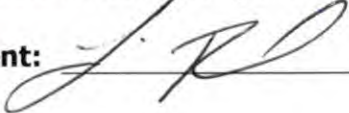
Current property owner

Name: James A. and Debra S. Pratt
Address: 29110 County Road 108 Elkhart, Indiana 46514
Phone: 574-215-5186 Email: dpratt0524@gmail.com

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

Name: Levi Rednour, Land and Boundary, LLC
Address: 401 S 3rd Street Goshen, Indiana 46526
Phone: 574-320-5514 Email: levi@landbro.com

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

Signature of current property owner or authorized agent: 

Staff Use Only

Description: For A 35FT. LOT WIDTH DEVELOPMENTAL VARIANCE
REQUIRES 80 FT. TO ALLOW FOR THE CONSTRUCTION OF
A RESIDENCE.

Parcel creation date: 10/5/1993.

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

Residential accessory breakdown, if applicable:

Location: N S E W corner side end of CR 108
1990 ft. N S E W of CR 3

in CLEVELAND Township

Frontage: .45 FT. Depth: 534.5 Area: 2.00 acres

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

Present use: RESIDENTIAL.

Developmental Variance — Questionnaire

Name: _____

- 1) Tell us what you want to do. This parcel is going to be split into two pieces and go through the minor subdivision process. Proposed Lot 2 will only have 45 feet of frontage and in a R-1 zone the required frontage is 80 feet.
- 2) Tell us why you can't change what you're doing so you don't need a variance. The parcel is a unique shape and if the frontage for proposed Lot 2 were the 80 feet that is required Proposed Lot 1's West line and building line setbacks would be encroaching on the West side of the existing house and septic.
- 3) Tell us why the variance won't hurt your neighbors or the community. This is a R-1 zoned area and a proposed 2 Lot minor is in progress for a new residence. The properties adjoining the West and the East of the subject parcel both are 100' wide. The building portion of the proposed Lot 2 is 200'+/- feet wide.
- 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. The parcel is going to be going through the Minor Subdivision process and proposed Lot 2 will have just 45.00 feet of frontage.









Looking south toward property



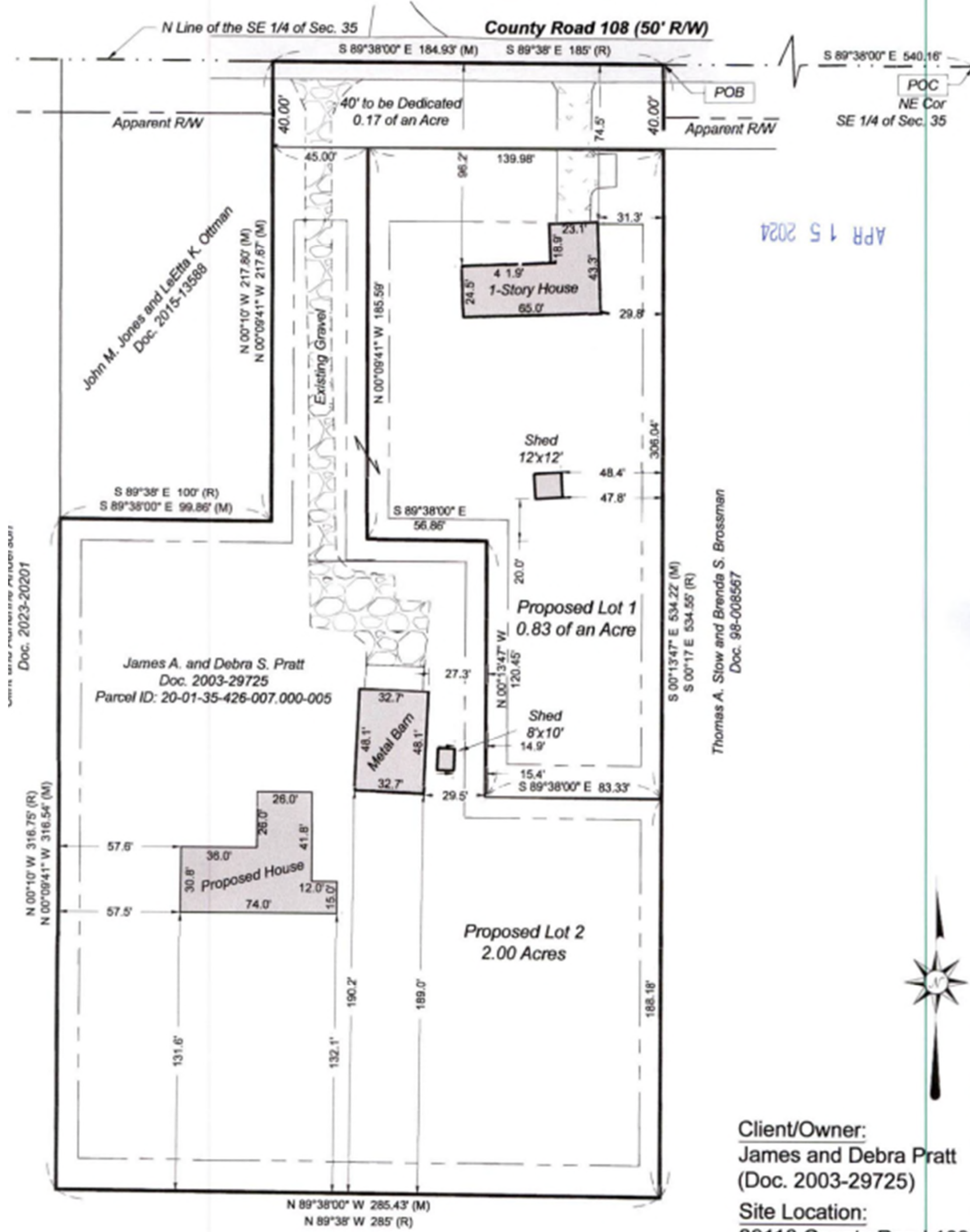
Looking north



Looking east



Looking west



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2024

Transaction Number: DV-0234-2024.

Parcel Number(s): 20-07-22-126-043.000-019.

Existing Zoning: PUD A-1.

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

Petitioner: Robb M. Huber & Kristin M. Huber, Husband & Wife.

Location: Southeast corner of Olde Towne Dr. & Monticello Dr., 450 ft. South of CR 18, in Jefferson Township.

Site Description:

- Physical Improvement(s) – Residence, accessory structures.
- Proposed Improvement(s) – Addition to detached garage.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **Aril 8, 1987**– The Jefferson Colonial Village PUD was created.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The addition is behind the existing residence and will not impact Monticello Drive, or Olde Towne Drive.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The property is 1.13 acres in a residential neighborhood, and the property will remain residential in character.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The amount of outdoor storage needed will be reduced with the extra storage space.

Hearing Officer Staff Report (Continued)

Hearing Date: May 15, 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 04/12/2024 and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

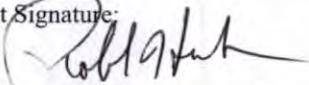

Developmental Variance - Developmental Variance

Elkhart County Planning & Development Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

| | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| Date: 04/12/2024 | Meeting Date: May 15, 2024 Board of Zoning Appeals Public Hearing | Transaction #: DV-0234-2024 |
| Description: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that is allowed by right. | | |
| Contacts: <u>Applicant</u> Robb & Kristin M. Huber 58100 Olde Towne Dr. Goshen, IN 46528 | | <u>Land Owner</u> Robb & Kristin M. Huber 58100 Olde Towne Dr. Goshen, IN 46528 |
| Site Address: 58100 Olde Towne Drive GOSHEN, IN 46528 | | Parcel Number: 20-07-22-126-043.000-019 |
| Township: Jefferson Location: SE CORNER OF OLDE TOWNE RD & MONTICELLO DR., 1,000 FT SW OF ST RD 15. | | |
| Subdivision: | | Lot # |
| Lot Area: 1.13 | Frontage: 117.00 | Depth: 227.00 |
| Zoning: A-1, PUD | NPO List: | |
| Present Use of Property: RESIDENTIAL | | |
| Legal Description: | | |
| Comments: BR-0910-2001-ACCESSORY STRUCTURE. RESIDENTIAL DWELLING SEE ATTACHED SHEET. AW | | |
| Applicant Signature:  | | Department Signature:  |

Application

Site address: 58100 Olde Towne Dr. Goshen, IN 46528

Parcel number(s): 20-07-22-126-043. 000-019.

Current property owner

Name: Robb + Kristin Huber

Address: 58100 Olde Towne Dr. Goshen, IN 46528

Phone: 574-596-2201

Email: robb@djconstruction.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: Robb Huber

Staff Use Only

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

Parcel creation date: 6/15/1999

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 OLDE TOWNE RD + MONTICELLO DR.
1,000 ft. N (S) (E) (W) of ST RD 15
in JEFFERSON Township

Frontage: 117 Ft. Depth: 227 Area: 1.13 acres

Subdivision and lot number, if applicable:

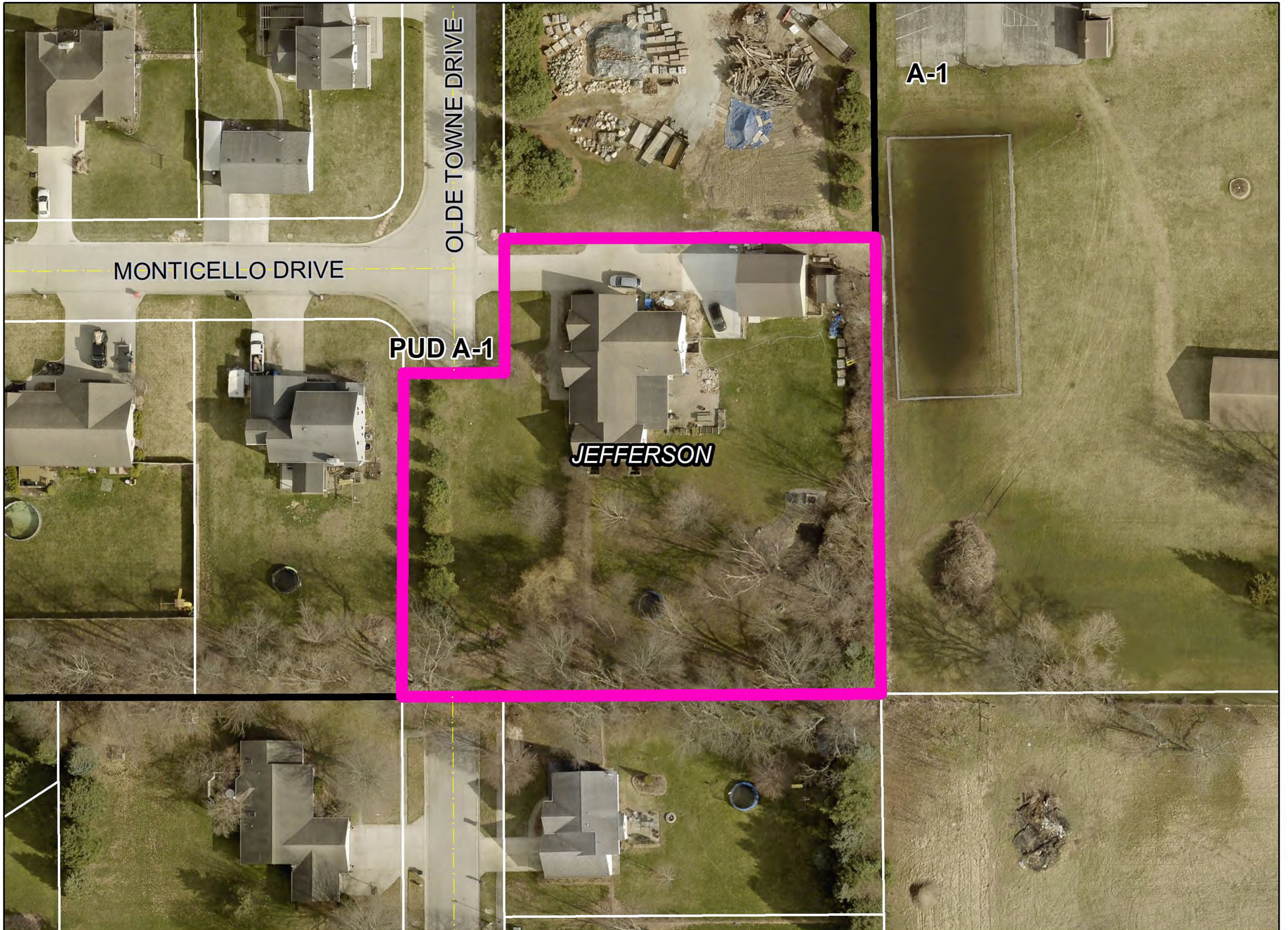
N/A

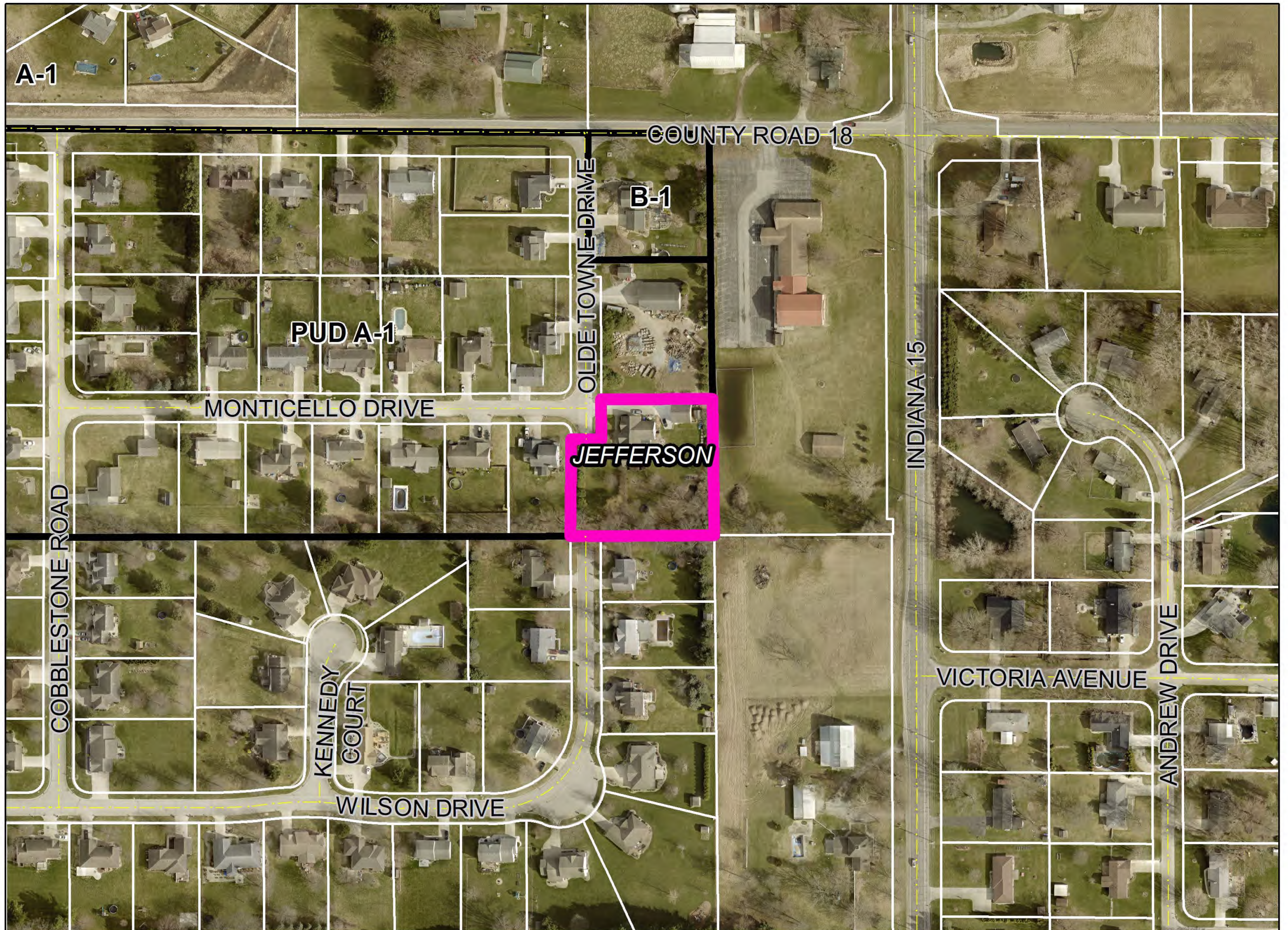
Present use: RESIDENTIAL.

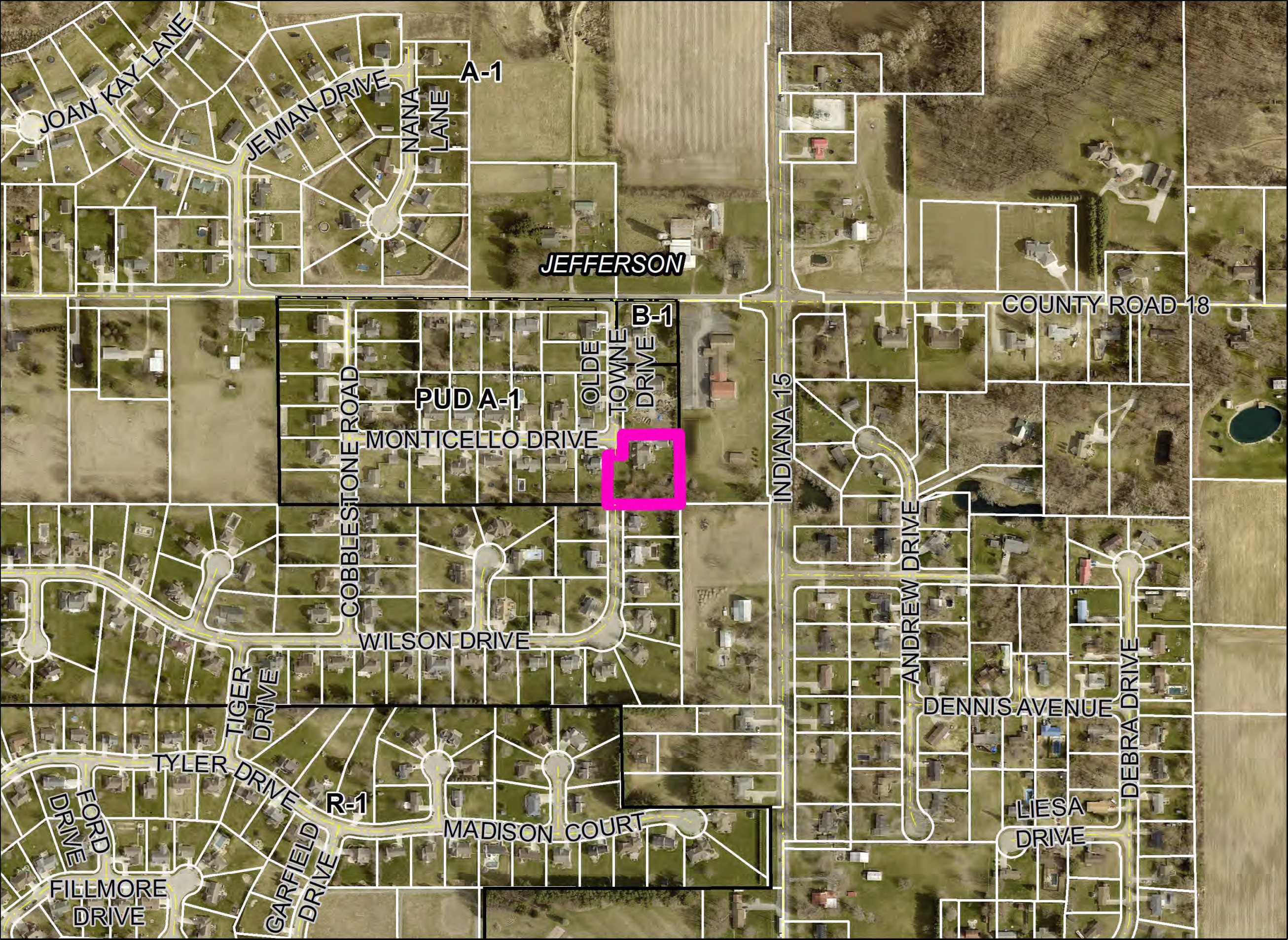
Developmental Variance — Questionnaire

Name: Robb Huber

- 1) Tell us what you want to do. I would like to add onto my current 30'x30' garage, my thought is to add 26' to the east x 30' to match the existing size. The south side I would like to add a 12' x 56' lean-to for more storage + working shop.
- 2) Tell us why you can't change what you're doing so you don't need a variance. The main goal is to get our cars/trucks inside + as I gain tools from parents/in-laws more storage is desired.
- 3) Tell us why the variance won't hurt your neighbors or the community. I believe the addition will allow me to keep most items inside and out of sight of those around me.
- 4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☐ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N
- 5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.
- Building or addition 1** Size and height to the peak: 30' x 26' 19'8"
Tell us what you'll use it for. Working on personal classic cars, metal working + wood working
- Building or addition 2** Size and height to the peak: 12' x 56' Lean-To 11'4"
Tell us what you'll use it for. Wood working shop, metal working shop + storage (lawn mower/gutted).
- 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. _____









Looking east toward property



Looking north



Looking west



Looking south



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2024

Transaction Number: DV-0253-2024.

Parcel Number(s): 20-03-31-102-005.000-030, 20-03-31-102-006.000-030, 20-03-31-102-007.000-030.

Existing Zoning: R-1.

Petition: For a 32 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a residence 43 ft. from the centerline of the right-of-way.

Petitioner: Tyler Paston & Ashlyn Wlodarski.

Location: South side of CR 10, 440 ft. east of CR 17, in Washington Township.

Site Description:

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

History and General Notes:

- **Before 2016** – The Six Span Bridge improvement project was completed, which resulted in a redesign of the CR 10 intersection and left a stub and cul-de-sac in place of the old intersection.
- **December 14, 2016** – The Hearing Officer approved a 35 ft. front setback variance for a similar house project on this site that was never completed.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. This CR 10 stub has no through traffic, and the proposed home will observe a front setback no different from that of the neighboring homes.
2. Approval of the request will not cause substantial adverse effect on neighboring property. Neighboring property to the north is county right-of-way, and the proposed home meets the required side and rear setbacks.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The normal county road setback at north and the river floodplain at south create a narrow building envelope that would be impractical to observe without a variance.

Hearing Officer Staff Report (Continued)

Hearing Date: May 15, 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 4/15/2024 and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Developmental Variance - Developmental Variance

Elkhart County Planning & Development

Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 04/15/2024 Meeting Date: May 15, 2024 Transaction #: DV-0253-2024
Board of Zoning Appeals Public Hearing

Description: for a 32ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a residence 43 ft.
from the centerline of the right-of-way.

Contacts: Applicant Land Owner
Abonmarche Consultants Tyler Paston & Ashlyn
303 River Race Dr. Suite 206 Wlodarski,
Goshen, IN 46526 2321 Council Oak Dr
South Bend, IN 46628

Site Address: 00000 County Road 10
ELKHART, IN 46514

Parcel Number: 20-03-31-102-005.000-030
20-03-31-102-006.000-030
20-03-31-102-007.000-030

Township: Washington

Location: SOUTH SIDE OF CR 10, 420 FT EAST OF CR 17

Subdivision: EAST ST JOE VISTA

Lot # 4-6

Lot Area: 0.61 Frontage: 206.00 Depth: 64.00

Zoning: R-1

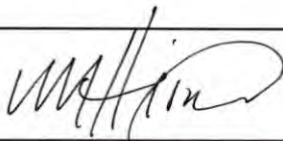
NPO List:

Present Use of Property: VACANT

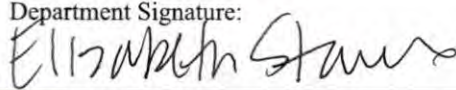
Legal Description:

Comments: PARCEL CREATION DATE 3/1/62
NOTED APPLICATION WAS NOT COMPLETELY FILLED OUT. HEALTH DEPARTMENT GIVING THE OK FOR
ENOUGH SPACE WAS MISSING/BLANK AND PARCEL NUMBER WERE NOT CORRECT ON THE APPLICATION. ES

Applicant Signature:



Department Signature:



Developmental Variance — Questionnaire

Name: Lots 4-6 East St. Joe Vista

- 1) Tell us what you want to do. Build a new single-family home
- 2) Tell us why you can't change what you're doing so you don't need a variance. Due to the narrowness of the lot and the St. Joseph River in the rear yard, the home has to be placed within the front yard setback.
- 3) Tell us why the variance won't hurt your neighbors or the community. The home is on a cul de sac with single-family homes on both sides so this home is consistent with the surrounding development.
- 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. this will be a single-family home final floor plans have not been developed but it will meet county standards.
- Building or addition 2** _____
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. _____

Application

Site address: Lots 4-6 East St. Joe Vista

Parcel number(s): 20-03-31-102-005.000-030, 20-03-31-102-005.000-030 &
20-03-31-102-005.000-030

Current property owner

Name: Tyler Paston & Ashlyn Wlodarski

Address: 2321 Council Oak Dr South Bend, In 46628

Phone: _____

Email: _____

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: _____

Parcel creation date: _____

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

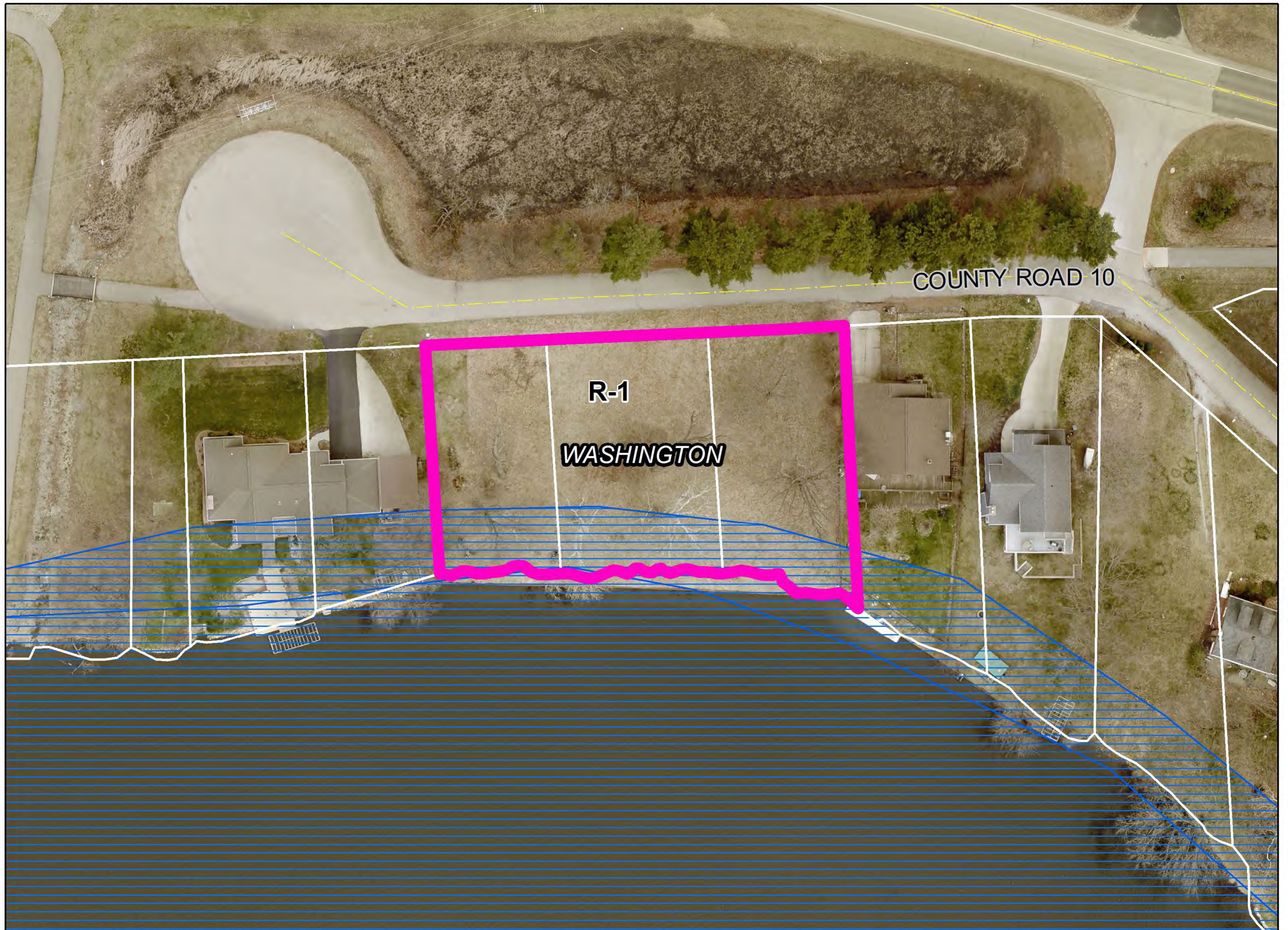
Residential accessory breakdown, if applicable: _____

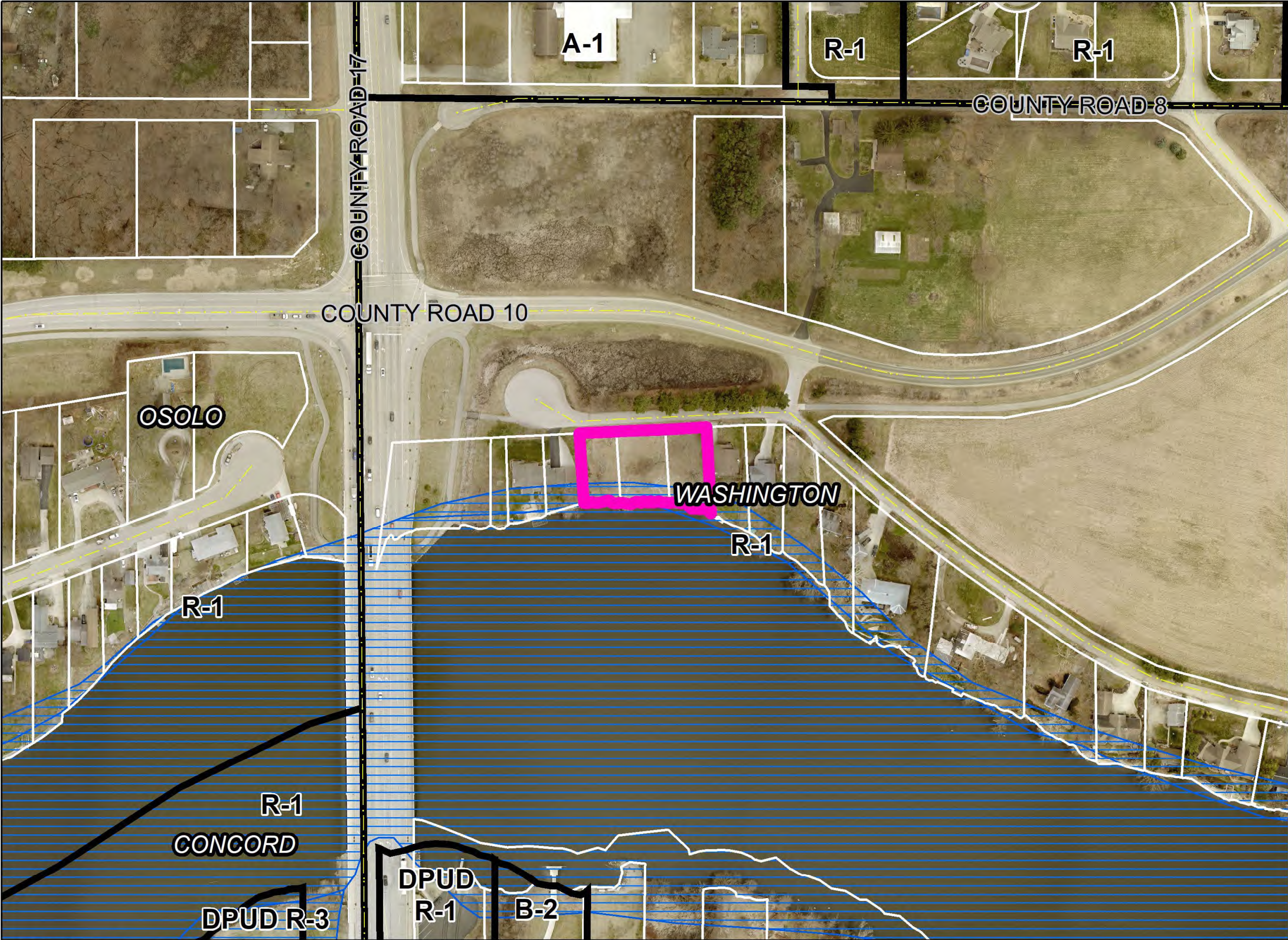
Location: N S E W corner side end of _____ ,
_____ ft. N S E W of _____ ,
in _____ Township

Frontage: _____ Depth: _____ Area: _____ acres

Subdivision and lot number, if applicable: _____

Present use: _____









Subject property



Facing east



Facing west toward cul-de-sac



Facing north

APPROX. LOCATION OF EXISTING PAVEMENT

COUNTY ROAD 10

60.00'

79.92'

66.39'

43.1'

114.12'

10' SIDE YARD SETBACK

75' FRONT YARD SETBACK (PER ZONING R-1 CODE)

119.40'

23.3'

TOP OF BANK

125.76'

10' SIDE YARD SETBACK

131.26'

10.9'

59.90'

79.93'

65.79'

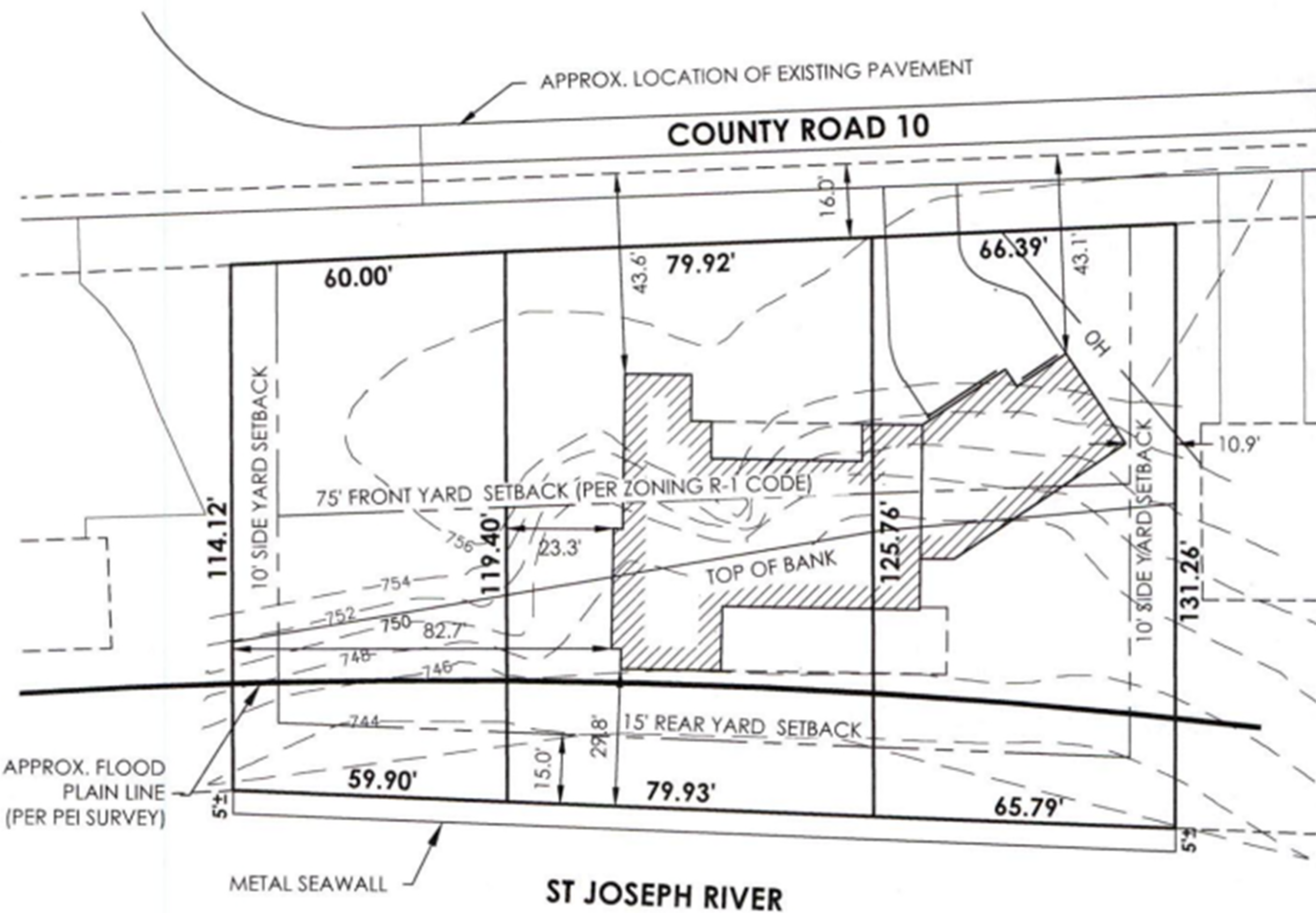
5'±

5'±

METAL SEAWALL

ST JOSEPH RIVER

APPROX. FLOOD
PLAIN LINE
(PER PEI SURVEY)



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2024

Transaction Number: DV-0238-2024.

Parcel Number(s): 20-07-15-351-004.000-019.

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: Neil Bough & Geri Bough, Husband & Wife.

Location: North side of CR 18, 1,755 ft. east of CR 23, in Jefferson 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:

- **July 18, 2002** – The BZA approved a Special Use for a beauty shop for a previous homeowner with a 2-year renewal.
- **July 15, 2004** – The BZA approved a renewal for the previous homeowner.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The site plan demonstrates isolation from septic components, the rear utility easement, and the road.
2. Approval of the request will not cause substantial adverse effect on neighboring property. Neighboring properties contain accessory structures of nearly identical sizes, and no setback variances are proposed.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The variance is the minimum necessary to allow the petitioner increased enjoyment of the property.

Hearing Officer Staff Report (Continued)

Hearing Date: May 15, 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 4/12/2024 and as represented in the Developmental Variance application.

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: 04/12/2024 | Meeting Date: May 15, 2024 Board of Zoning Appeals Public Hearing | Transaction #: DV-0238-2024 |
|------------------|----------------------------------------------------------------------|-----------------------------|

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

| | |
|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Contacts: <u>Applicant</u> Neil Bough & Geri Bough 18939 County Road 18 Goshen, IN 46528 | <u>Land Owner</u> Neil Bough & Geri Bough 18939 County Road 18 Goshen, IN 46528 |
|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|

| | |
|--------------------------------------------------------|-----------------------------------------|
| Site Address: 18939 County Road 18 GOSHEN, IN 46528 | Parcel Number: 20-07-15-351-004.000-019 |
|--------------------------------------------------------|-----------------------------------------|

| |
|---------------------------------------------------------|
| Township: Jefferson |
| Location: NORTH SIDE OF CR 18, 1,755 FEET EAST OF CR 23 |

| | |
|------------------------|---------|
| Subdivision: MRW MINOR | Lot # 1 |
|------------------------|---------|


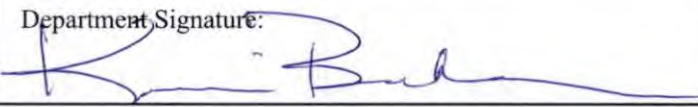
| | | |
|----------------|------------------|---------------|
| Lot Area: 0.75 | Frontage: 130.00 | Depth: 250.00 |
|----------------|------------------|---------------|

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

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: RESIDENCE = 1,529 SQ FT X 110% = 1,681 SQ FT, MINUS 528 (GARAGE), 168 (SHED) AND PROPOSED BUILDING AT 30 X 40 = 1,200 SQ FT, WHICH IS 215 SQ FT OVERAGE
PREVIOUS PROPERTY OWNER (SHEETS) HAD SPECIAL USE #20022606 FOR BEAUTY SHOP APPROVED 7/18/2002, AND #20042583 APPROVED 7/15/04 AND RENEWED 11/20/09

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

Application

Site address: 18939 CR 18

Parcel number(s): 20-07-15-351-004.000-019

Current property owner

Name: Neil Bough

Address: ~~36~~ 18939 CR 18

Phone: 574-361-3957

Email: graphicsboo@gmail.com

Other party

☐ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: none

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: Neil Bough

Staff Use Only

Description: _____

Parcel creation date: _____

Subdivision required?

☐ Y

☒ N

If yes,

☐ AS

☐ Minor

☐ Major

Residential accessory breakdown, if applicable:

Residence = 1,529 x 110% =
1,681 - 528 (garage) and 168 (shed) with new
proposed building 1,200 (30x40) = 215 sq ft overage

Location: (N) S E W corner (side) end of CR 18

1,755 ft. (N) S E W of CR 23

in Jefferson Township

Frontage: 130

Depth: 250

Area: .746 acres

Subdivision and lot number, if applicable:

MRW Minor Lot 1

Present use:

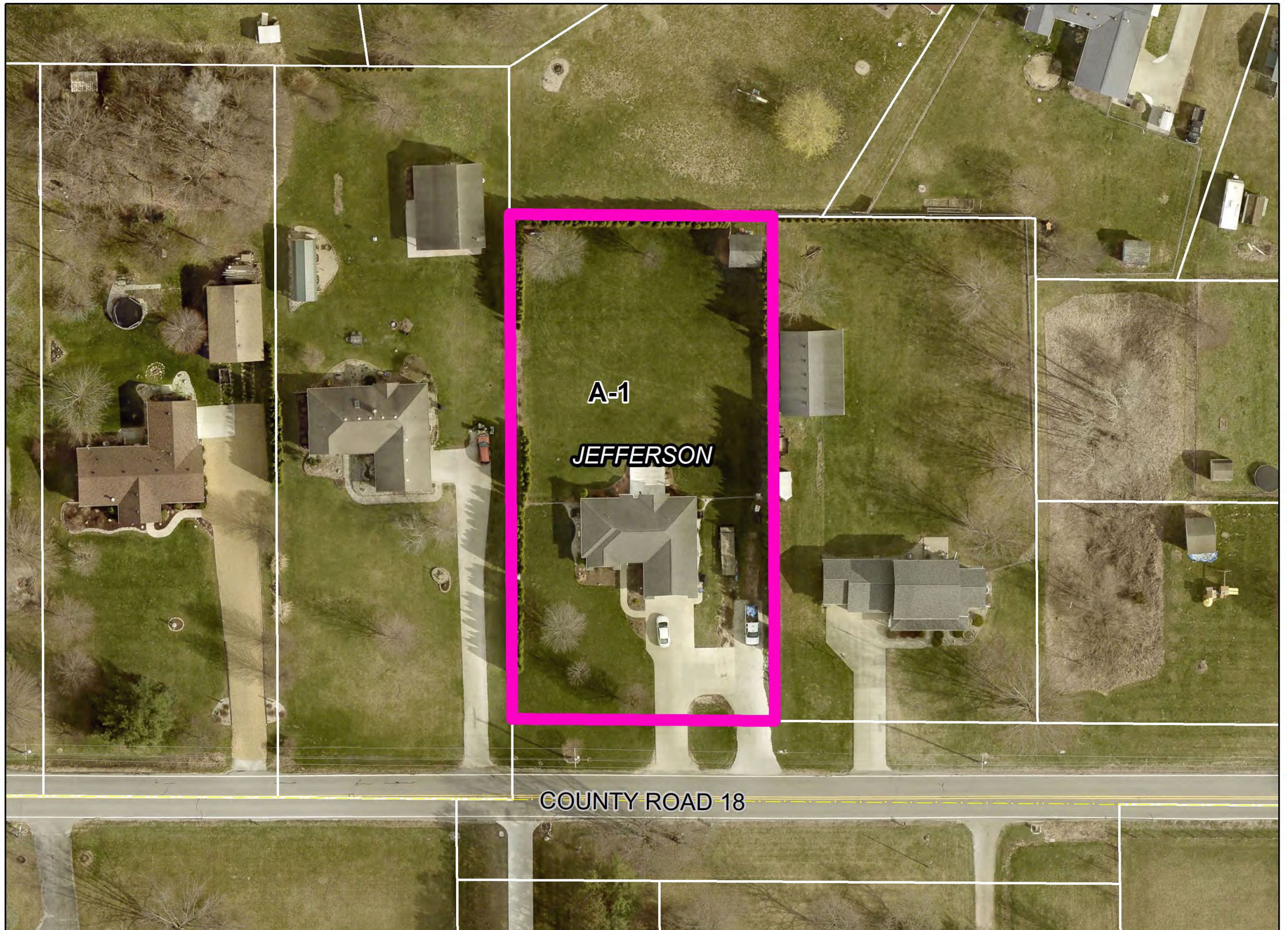
Residential

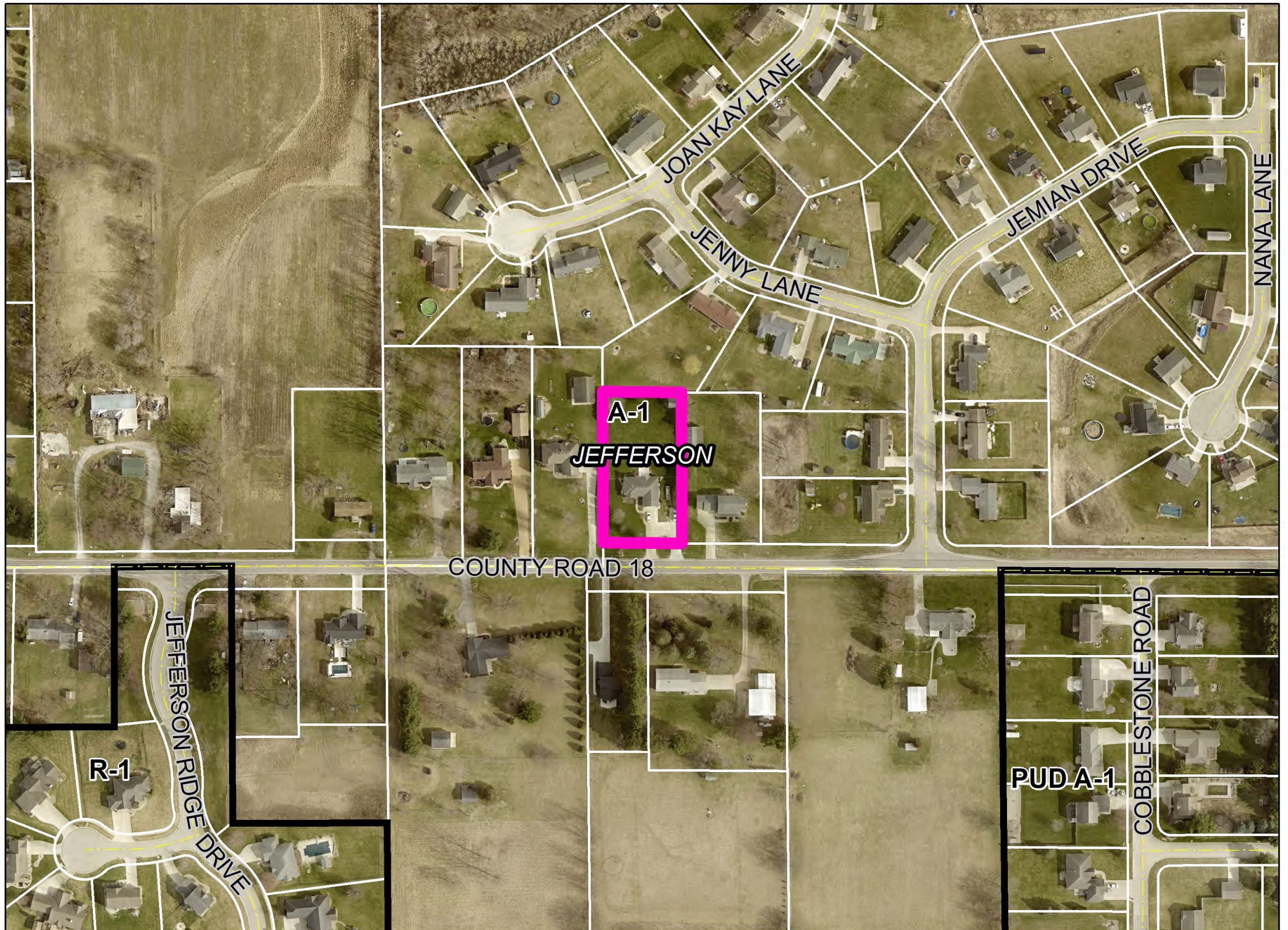
Developmental Variance — Questionnaire

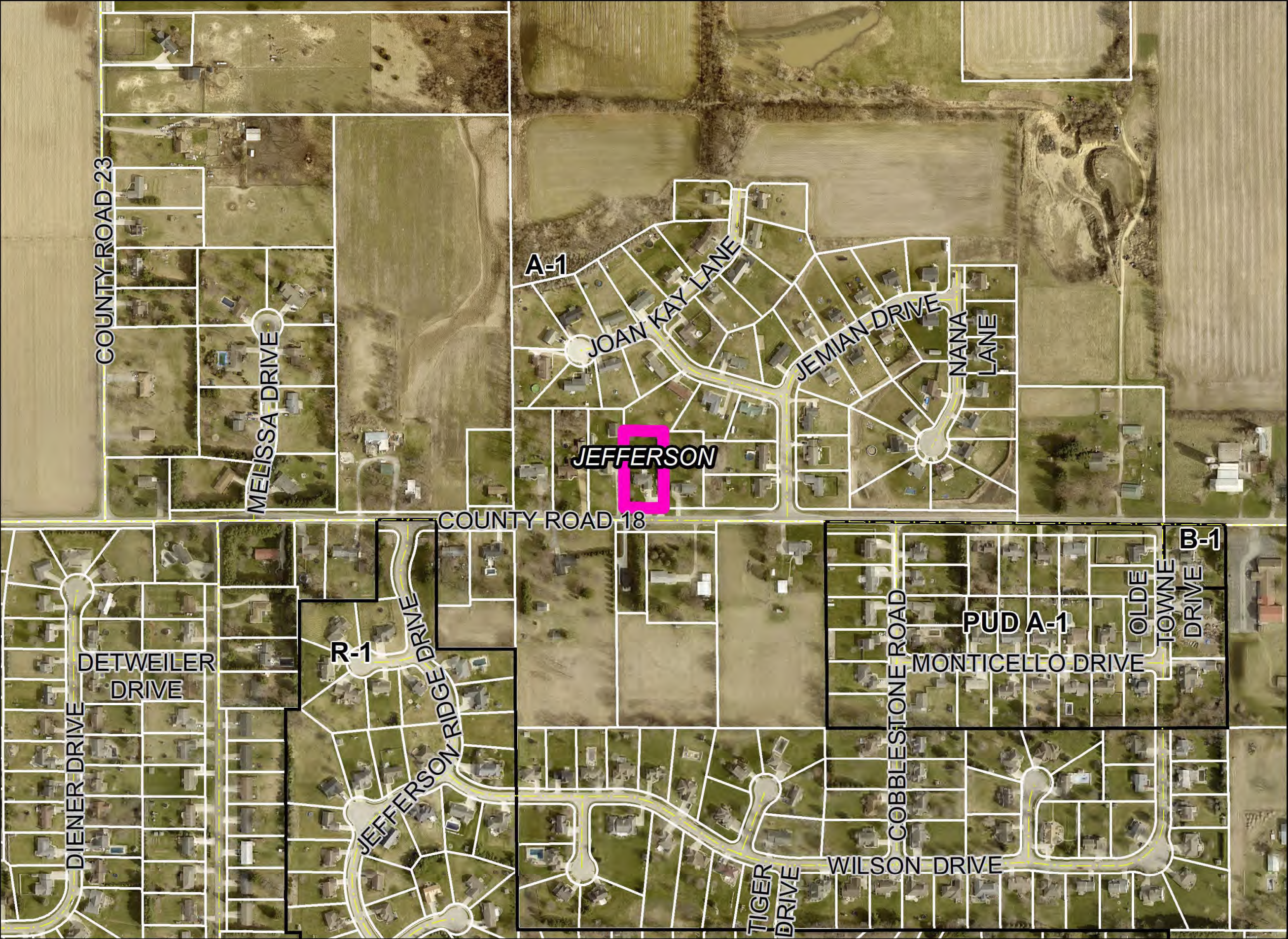
Name: Neil Bough

- 1) Tell us what you want to do. Build a poll barn type shop building of 30' x 40' (1200 sq. ft.)
- 2) Tell us why you can't change what you're doing so you don't need a variance. I have been told the county will only allow a building of 985 sq ft. If I am going to go to the expense of building a shop I want it big enough to suit my needs.
- 3) Tell us why the variance won't hurt your neighbors or the community. The neighbors on both sides have similar structures, as do many others along CR 10
- 4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N
- 5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.
Building or addition 1 Size and height to the peak: 30' x 40' (15.9' @ Peak)
 Tell us what you'll use it for. Home workshop
Building or addition 2 Size and height to the peak: _____
 Tell us what you'll use it for. _____
Building or addition 3 Size and height to the peak: _____
 Tell us what you'll use it for. _____
- 6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☒ N
If yes, fill out below.
 Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N
 Tell us who owns (will own) the land under the easement. _____
 Tell us how many parcels will use the easement. _____
- 7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.
Sign 1 Dimensions (length and width): _____
 Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
 Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
 Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
Sign 2 Dimensions (length and width): _____
 Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
 Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
 Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
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. _____

DV-0238-2024







2021 Aerials

1 inch = 400 feet





Subject property



Facing east



Facing west



Facing south