

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2024

Transaction Number: DV-0251-2024.

Parcel Number(s): 20-05-15-153-009.000-001.

Existing Zoning: A-1.

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.

Petitioner: Travis L. Conklin & Jennica R. Conklin, Husband & Wife.

Location: Northwest end of Red Bud Pl., 195 ft. north of Red Bud Ln., west of CR 100, in Baugo Township.

Site Description:

- Physical Improvement(s) – Driveway.
- Proposed Improvement(s) – Residences.
- Existing Land Use – Vacant.
- Surrounding Land Use – Residential.

History and General Notes:

- **May 9, 2024** – The Plat Committee considered a 2-lot minor subdivision to be known as Treehouse Acres.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. A lot arrangement that preserves public health and welfare by avoiding the floodplain and wetland can only be achieved through this set of variances.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The development will use a single existing driveway, and there will be little difference in density or neighborhood character.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. This set of variances, where one lot keeps the available road frontage, is the only practical way to accomplish the proposed development, whose scope is limited by the abundant floodplain and wetland.

Hearing Officer Staff Report (Continued)

Hearing Date: May 15, 2024

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

1. Variances from the developmental standards of the Zoning Ordinance are 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 4/15/2024 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: 04/15/2024

Meeting Date:

May 15, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0251-2024

Description: for a 29 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence with 71 ft. road frontage on Lot 1, and for a Developmental Variance to allow for the construction of a residence on property with no road frontage (Lot 2) served by an access easement

Contacts: Applicant

Advanced Land Surveying Of
Northern Indiana, Inc.
17120 County Road 46
New Paris, IN 46553

Land Owner

Travis L. Conklin & Jennica R.
Conklin, Husband & Wife
207 Island View Dr.
Goshen, IN 46526

Private Surveyor

Advanced Land Surveying Of
Northern Indiana, Inc.
17120 County Road 46
New Paris, IN 46553

Site Address: 00000 Red Bud Place
ELKHART, IN 46517

Parcel Number: 20-05-15-153-009.000-001

Township: Baugo

Location: NORTHWEST END OF RED BUD PLACE, 195 FT. NORTH OF RED BUD LANE, WEST OF CR 100, SOUTH OF CR 20

Subdivision: TREEHOUSE ACRES

Lot #

Lot Area: 8.93 Frontage: 71.00 Depth: 585.00

Zoning: A-1

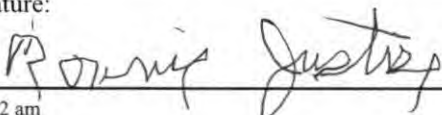
NPO List:

Present Use of Property: VACANT

Legal Description:

Comments: PARCEL IN PROCESS OF BEING SPLIT.
SEE MINOR PRIMARY #MI-0209-2024 FOR 2 LOTS, SCHEDULED FOR 5/9/2024

Applicant Signature:



Department Signature:



April 15, 2024 11:52 am

DV-0251-2024

Application

Site address: RED BUD PLACE, ELKHART, INDIANA 46517

Parcel number(s): 20-05-15-153-009.000-001

Current property owner

Name: TRAVIS L. and JENNECA R. CONKLIN

Address: 207 ISLAND VIEW DRIVE, GOSHEN, INDIANA 46526

Phone: (574) 364-0053 Email: travisconklin1@gmail.com

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

Name: RONNIE JUSTICE PS / ADVANCED LAND SURVEYING OF NO. IN. INC.

Address: 17120 COUNTY ROAD 46, NEW PARIS, IN 46553

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: Ronnie Justice

Staff Use Only

Description:

Parcel creation date:

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

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

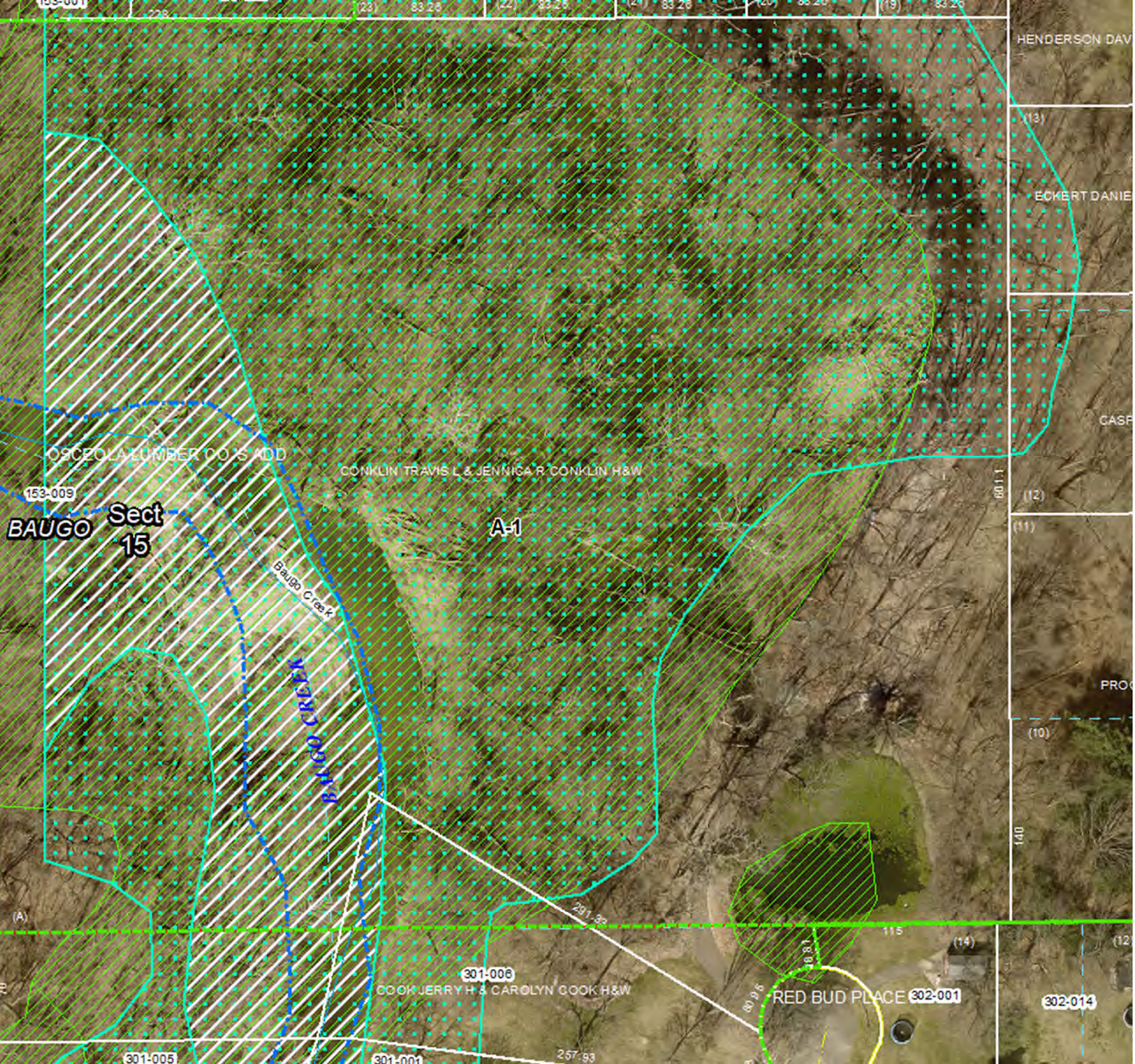
Subdivision and lot number, if applicable:

Present use: Vacant

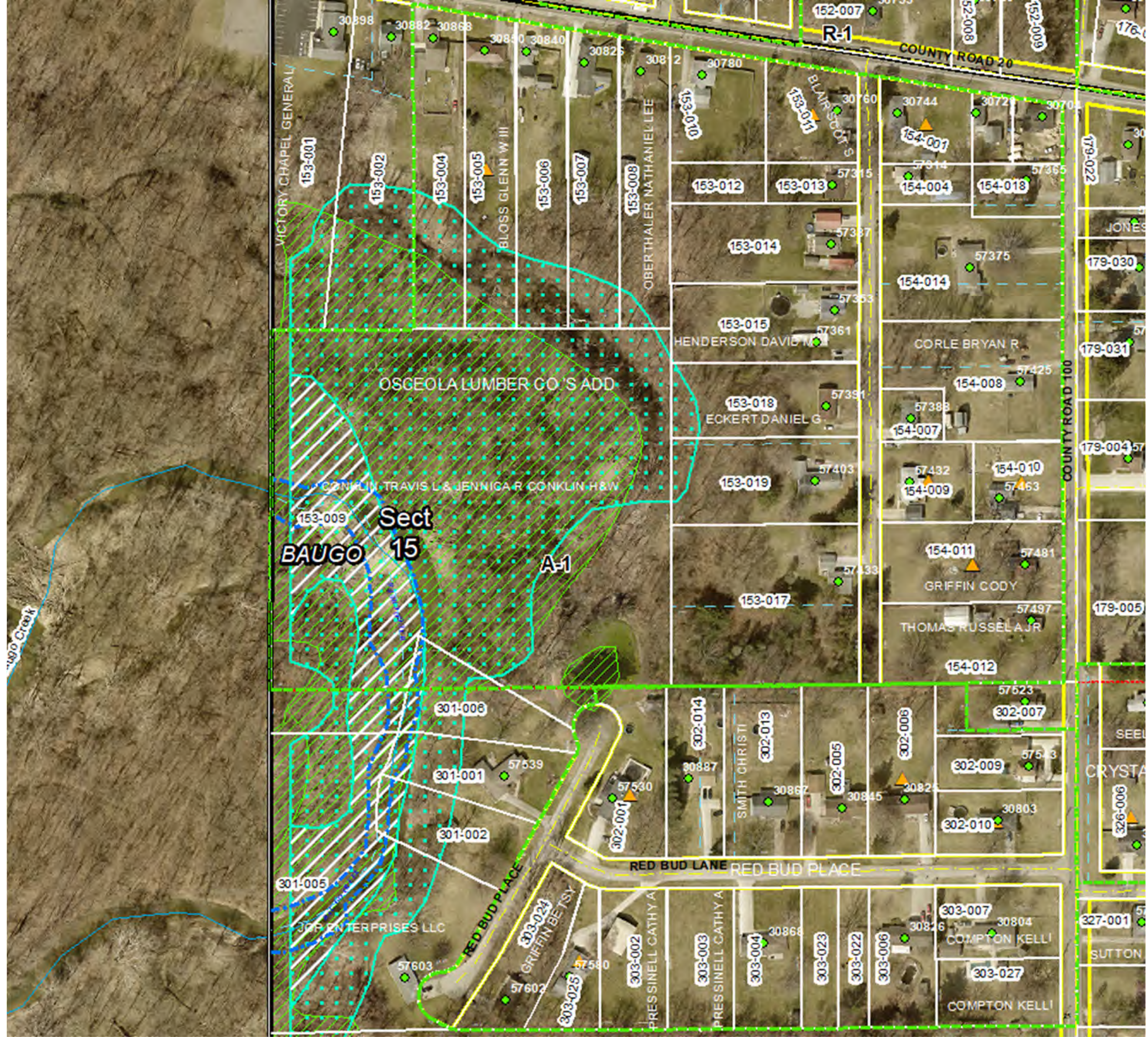
Developmental Variance — Questionnaire

Name: TRAVIS CONKLIN

- 1) Tell us what you want to do. A 2 LOT MINOR SUBDIVISION. LOT 1 HAS 71.32 FEET OF ROAD FRONTAGE WHERE 100' IS REQUIRED. LOT 2 WILL HAVE AN INGRESS-EGRESS EASEMENT ACROSS LOT 1 FOR ACCESS
- 2) Tell us why you can't change what you're doing so you don't need a variance. THIS IS THE ONLY ACCESS TO THIS PROPERTY
- 3) Tell us why the variance won't hurt your neighbors or the community. THIS IS A RESIDENTIAL NEIGHBORHOOD WITH SUBDIVISIONS TO THE SOUTH, EAST AND NORTH A WOODS TO THE 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: 24' X 24' X 36'
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. LOT 1
Tell us how many parcels will use the easement. 2
- 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 variance is for a 2 lot minor subdivision for 2 residential homes









Subject property



Subject property, looking over pond



Facing south



Facing east from driveway

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2024

Transaction Number: DV-0216-2024.

Parcel Number(s): 20-07-27-103-015.000-019, 20-07-22-354-013.000-019.

Existing Zoning: A-1, B-3.

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.

Petitioner: Robert L. Reed & Tane L. Reed, Husband & Wife.

Location: West side of SR 15, 3,240 ft. north of CR 24, in Jefferson Township.

Site Description:

- Physical Improvement(s) – Residence with attached garage.
- Proposed Improvement(s) – Replacement attached garage.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, church.

History and General Notes:

- **1959** – The A-1 / B-3 zone boundary that bisects the property was established.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The existing house has observed a 92 ft. setback since 1965 with no impact on public safety, and the new encroachment is only 4 additional ft.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The subject property is bordered by open church property at the north, and safe sight distance to SR 15 from the residential driveways at the south will not be affected.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. All homes along the west side of SR 15 north and south of Jefferson Ln. observe a front setback substantially similar to the 96 ft. in this request.

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 4/4/2024 and as represented in the Developmental Variance application.
3. A rezoning is required.

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: 04/04/2024

Meeting Date:

May 15, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0216-2024

Description: for a 24 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 96 ft. from the centerline of the right-of-way

Contacts: Applicant

Shorty'S Construction
9520 W. 500 S.
Millersburg, IN 46543

Applicant

Robert L. Reed & Tane L.
Reed, Husband & Wife
58977 Sr 15
Goshen, IN 46528

Authorized Agent

Shorty'S Construction
9520 W. 500 S.
Millersburg, IN 46543

Land Owner

Robert L. Reed & Tane L.
Reed, Husband & Wife
58977 Sr 15
Goshen, IN 46528

Site Address: 58977 Sr 15
GOSHEN, IN 46528

Parcel Number: 20-07-27-103-015.000-019

Township: Jefferson

Location: WEST SIDE OF SR 15, 3,240 FT. NORTH OF CR 24

Subdivision:

Lot #

Lot Area: 0.65 Frontage: 131.91

Depth: 230.00

Zoning: A-1, B-3

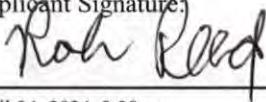
NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 3/1/1964 NO SUBDIVISION REQUIRED
RESIDENCE IS 1,104 SQ. FT. WITH 110% IS 1,214 SQ. FT. MINUS THE PROPOSED NEW GARAGE ADDITION OF 952 SQ. FT. LEAVES A TOTAL OF 262 SQ. FT. OF BUILDABLE ACCESSORY STORAGE SPACE

Applicant Signature:



Department Signature:



April 04, 2024 9:39 am

DV-0216-2024

Application

Site address: 58977 ST Rd. 15

Parcel number(s): 20-07-27-103-015.000-019 20-07-22-354-013.000-019

Current property owner

Name: Robert L + Tane L Reed

Address: 58977 ST Rd. 15 Goshen, In. 46528

Phone: 574-370-0623 Email: _____

Other party

☒ Agent ☐ Buyer ☐ Land contract purchaser ☐ Lessee

Name: Earl Yoder Shorty's Const.

Address: 9520 W. 5005. Millersburg In. 46543

Phone: 260-336-5592 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: Earl Yoder

Staff Use Only

Description: for a 24 ft. Developmental Variance Ordinance requires 120 ft.) to allow for an existing residence 96 ft. from the center line of the right-of-way

Parcel creation date: 3-1-1964

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

Residential accessory breakdown, if applicable: Residence is 1,104 sq. ft. w/110% is 1,214 sq. ft. minus proposed garage addition of 952 sq. ft. leaves 262 sq. ft. of buildable space

Location: N S E W corner side end of SR 15,
3,240 ft. N S E W of CR 24,
in Jefferson Township

Frontage: 131.914 Depth: 230 Area: 0.512 acres

Subdivision and lot number, if applicable: _____

Present use: Residential

A-1

Developmental Variance — Questionnaire

Name: _____

1) Tell us what you want to do. Tear off old Garage and build a bigger garage 4' closer to road

2) Tell us why you can't change what you're doing so you don't need a variance. can't change the distants where house sets from highway

3) Tell us why the variance won't hurt your neighbors or the community. it will enhance the looks of the property

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

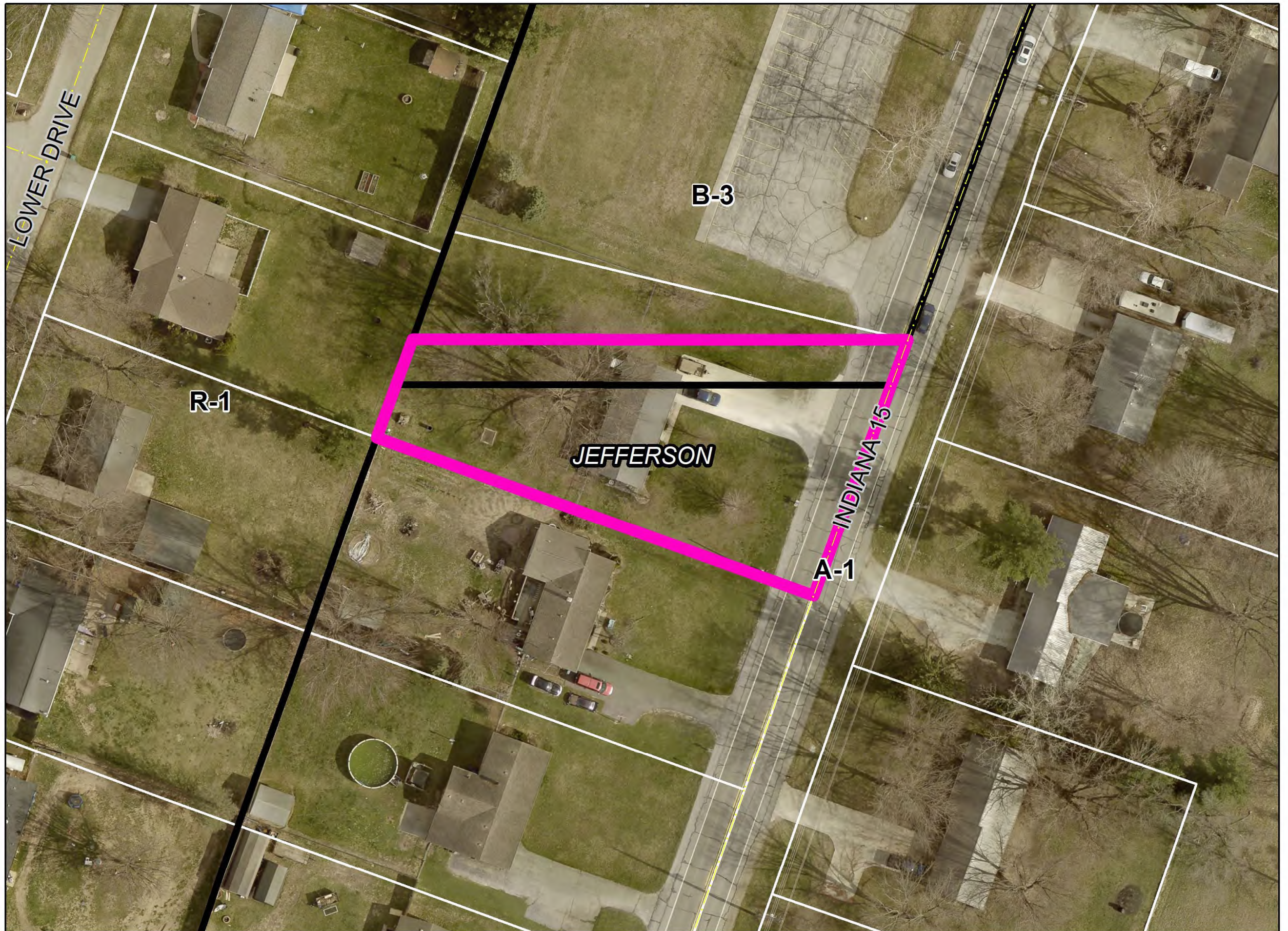
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

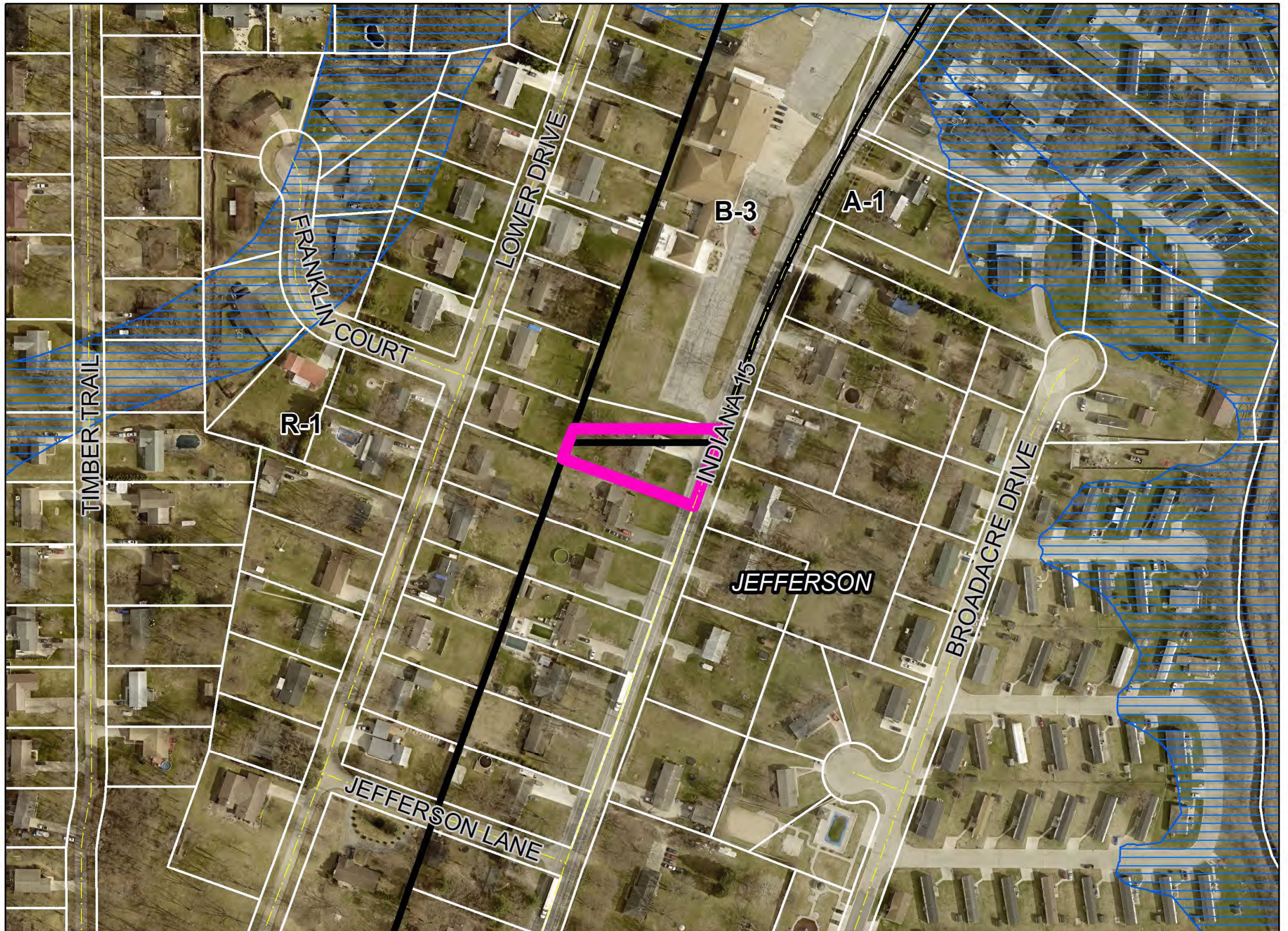
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

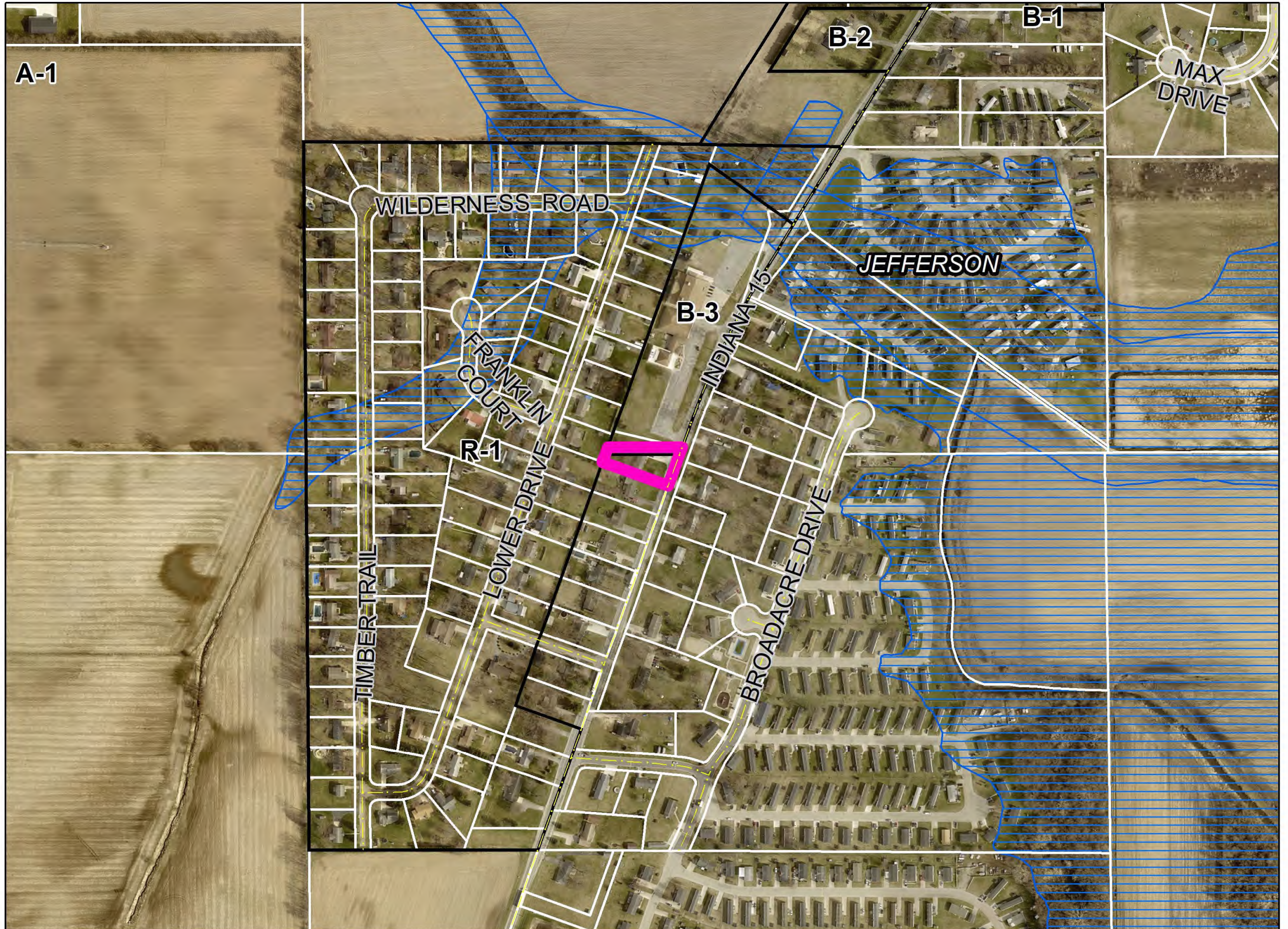
8) Does the application include a variance for parking spaces? ☐ Y ☒ N

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

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









Subject property



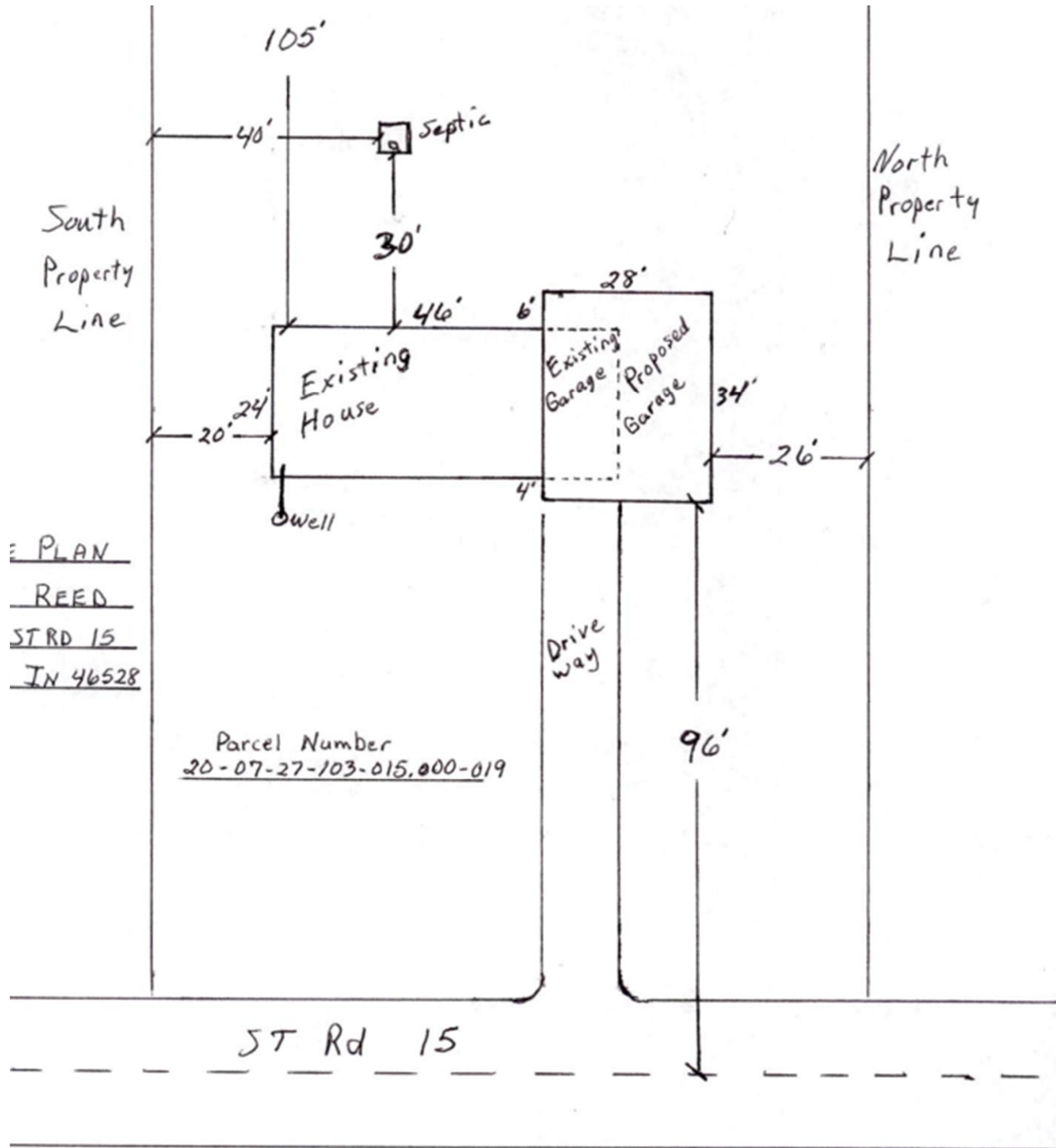
Facing south



Facing north



Facing east



PLAN
REED
STRD 15
IN 46528

Parcel Number
20-07-27-103-015.000-019

ST Rd 15

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2024

Transaction Number: DV-0252-2024.

Parcel Number(s): 20-02-17-201-005.000-026.

Existing Zoning: R-2.

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

Petitioner: Bryan Vanzile.

Location: West side of SR 19, 3,380 ft. south of State Line Rd., in Osolo Township.

Site Description:

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

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 building observes all other development standards.
2. Approval of the request will not cause substantial adverse effect on neighboring property. All neighboring property is commercial, a state road, or vacant and undevelopable.
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 building matches the type of development that would be expected in a mixed-use area on a state road.

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-0252-2024
Board of Zoning Appeals Public Hearing

Description: for a 17 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of an accessory structure 103 ft. from the centerline of the right-of-way and 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>Land Owner</u>
Bryan Vanzile	Bryan Vanzile
51173 Sr 19	51173 Sr 19
Elkhart, IN 46514	Elkhart, IN 46514

Site Address: 51173 State Road 19
ELKHART, IN 46514

Parcel Number: 20-02-17-201-005.000-026

Township: Osolo
Location: WEST SIDE OF SR 19, 3,380 FT. SOUTH OF STATE LINE RD.

Subdivision: MARVIN MANOR SUBDIVISION

Lot # 1

Lot Area: 0.99 Frontage: 140.12 Depth: 306.98

Zoning: R-2

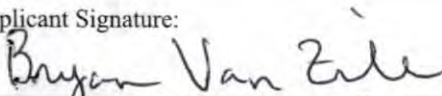
NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: RESIDENCE IS 1,852 SQ. FT. WITH 110% IS 2,037 SQ. FT. MINUS AN ATTACHED GARAGE OF 576 SQ. FT. AND A DETACHED GARAGE OF 472 SQ. FT. LEAVES 989 SQ. FT. MINUS THE PROPOSED NEW BUILDING OF 2,240 SQ. FT. IS OVER THE ALLOWED BY RIGHT SQUARE FOOTAGE BY 1,251 SQ. FT.

Applicant Signature:



Department Signature:



April 15, 2024 11:58 am

Application

Site address: 51173 STATE ROAD 19 ELKHART, INDIANA 46514
Parcel number(s): 02-17-201-005-026

Current property owner

Name: BRYAN VAN ZILE
Address: 51173 STATE ROAD 19 ELKHART, INDIANA 46514
Phone: (765) 491-5090 Email: vanzilebryan@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: Bryan Van Zile

Staff Use Only

Description: _____

Parcel creation date: N/A

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

Residential accessory breakdown, if applicable: Residence is 1,852 sq. ft. w/ 108 is 2,037 sq. ft. minus attached garage (576) & detached garage (472) leaves 989 sq. ft. new proposed accessory building is 2,240 sq. ft. which is 1,251 sq. ft. over

Location: N S E W corner side end of SR 19,
3,380 ft. N S E W of State Line Road,
in _____ Township

Frontage: 140.118 Depth: 306.98 Area: 0.986 acres

Subdivision and lot number, if applicable: Marvin Manor Sub, Lot 1

Present use: Residential

Developmental Variance — Questionnaire

Name: BRYAN VAN ZILE

1) Tell us what you want to do. HAVE A 40X56X12 POST FRAME BUILDING INSTALLED ON MY PROPERTY FOR VEHICLE STORAGE.

2) Tell us why you can't change what you're doing so you don't need a variance. I REALLY DON'T HAVE ANY CLOSE RESIDENTIAL NEIGHBORS AROUND MY PROPERTY THAT THIS WOULD IMPACT.

3) Tell us why the variance won't hurt your neighbors or the community. DUE TO THE DISTANCE FROM MY PROPERTY TO THE OTHER RESIDENTIAL PROPERTIES.

4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☒ Y ☐ N ^{avg}

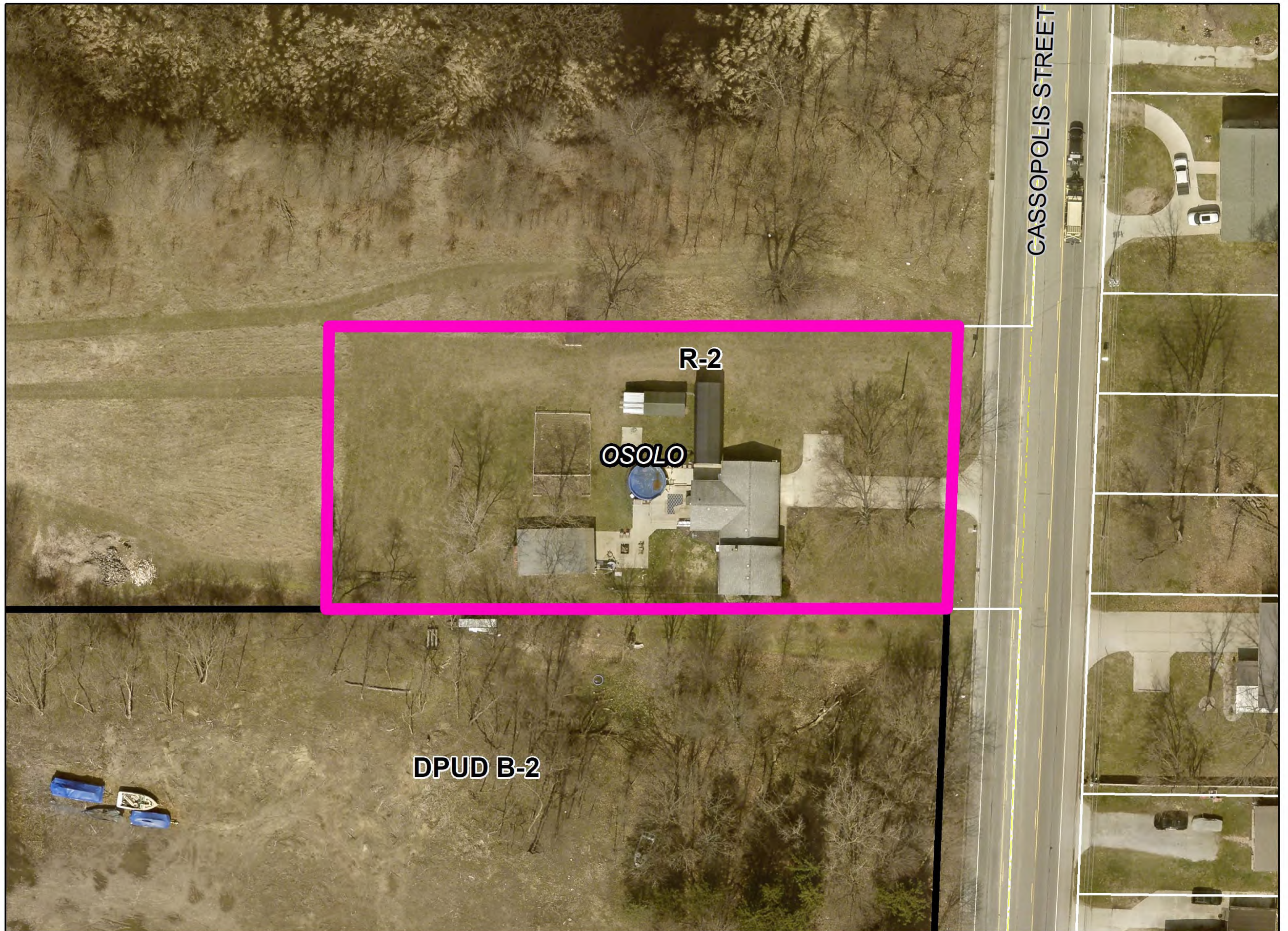
5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.
Building or addition 1 Size and height to the peak: VEHICLE STORAGE
Tell us what you'll use it for. AND A WOODWORKING SHOP.
Building or addition 2 Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Size and height to the peak: _____
Tell us what you'll use it for. _____

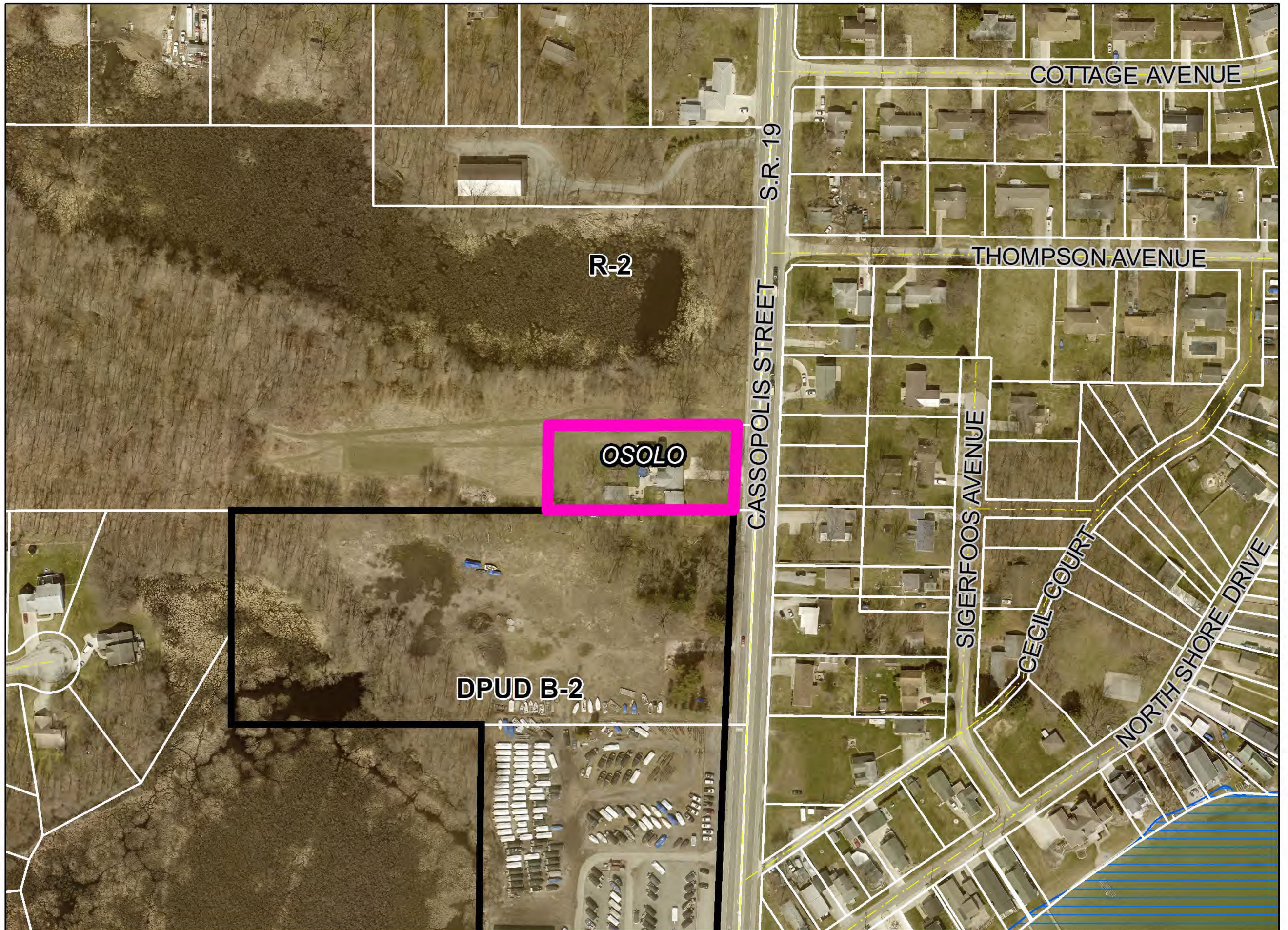
6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☒ N
If yes, fill out below.
Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N
Tell us who owns (will own) the land under the easement. _____
Tell us how many parcels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

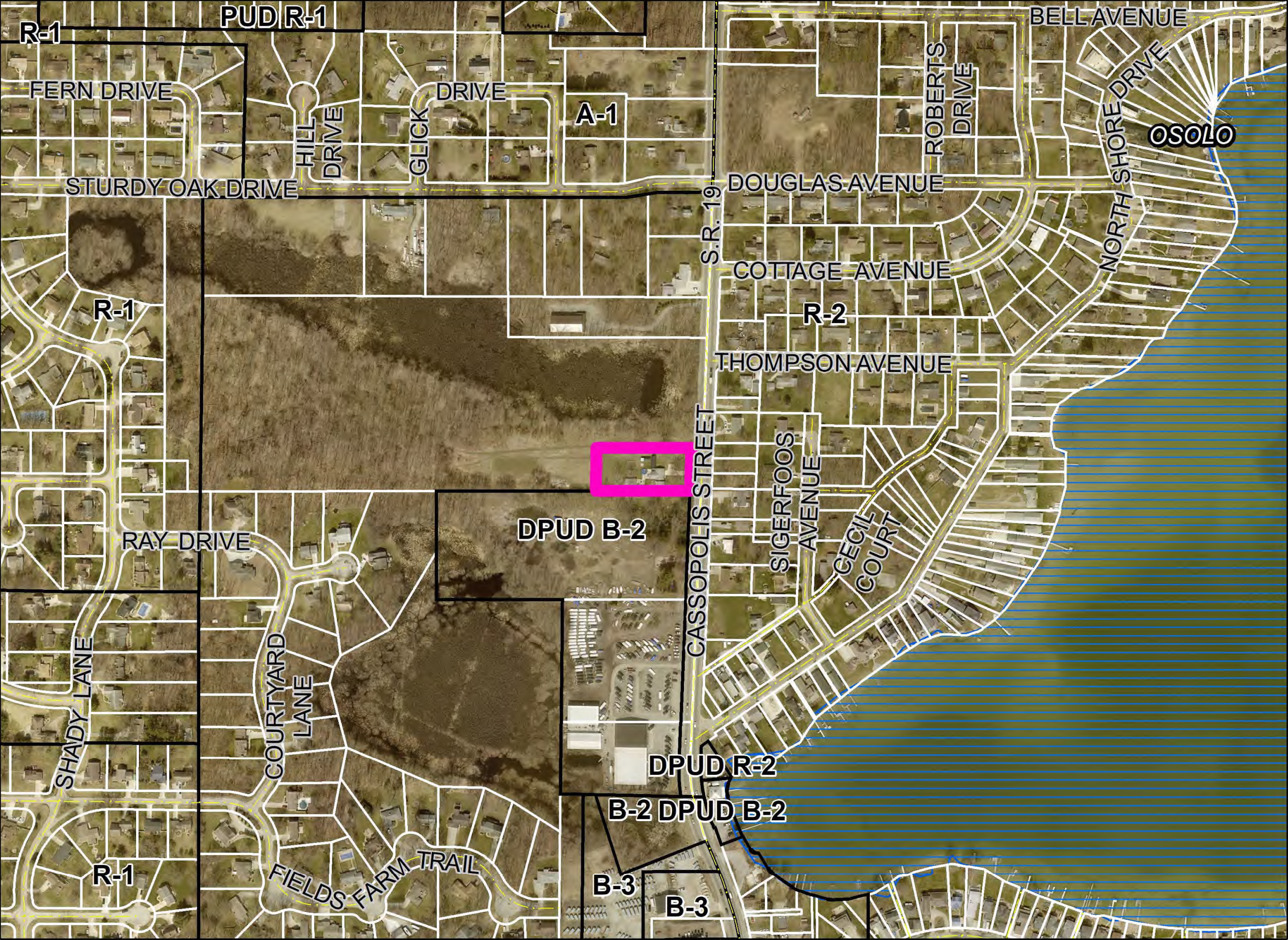
7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.
Sign 1 Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
Sign 2 Dimensions (length and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

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

9) Tell us anything else you want us to know. BUILDING WILL ALLOW ME TO STORE ALL MY VEHICLES INSIDE AND INCREASE THE VALUE OF MY PROPERTY.









Subject property



Facing south



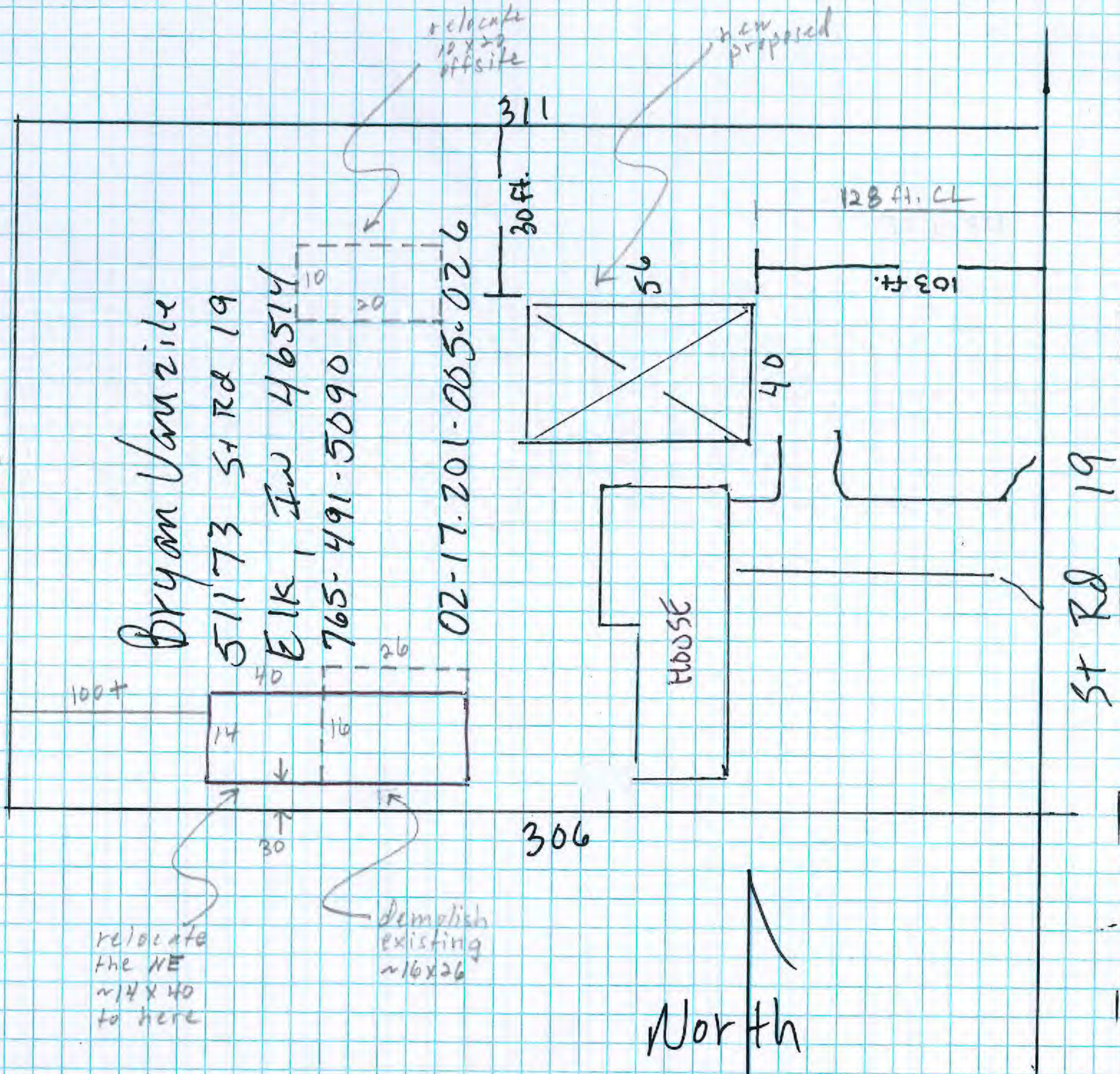
Facing north



Facing east

APR 15 2024

140



North

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2024

Transaction Number: DV-0235-2024.

Parcel Number(s): 20-09-36-104-015.000-025.

Existing Zoning: R-1.

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.

Petitioner: Randall C. G. Mitschelen & Bryn E. Mitschelen, Husband & Wife.

Location: North side of E. Wabash Ave., 325 ft. East of S. Elkhart St., in Olive Township.

Site Description:

- Physical Improvement(s) – Single family residence.
- Proposed Improvement(s) – Addition (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 proposed attached garage is located towards the rear of the residence and will have minimal effect on the neighboring property.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.39-acre property in a dense residential area in the Town of Wakarusa, 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. Due to placement of the residence on the existing lot, the variance is necessary to construct the proposed attached garage.

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-0235-2024

Description: for a 2 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for the construction of an attached garage :
ft. from the west property line.

Contacts: Applicant Land Owner
Precision Renovations Randall C.G. & Bryn E.
P.O. Box 71 Mitschelen, Husband & Wife
Nappanee, IN 46550 106 E Wabash
Wakarusa, IN 46573

Site Address: 106 East Wabash Avenue
WAKARUSA, IN 46573

Parcel Number: 20-09-36-104-015.000-025

Township: Olive

Location: NORTH SIDE OF WABASH AVE, 325 FT EAST OF SOUTH ELKHART ST

Subdivision: SEN & WHISLERS

Lot # 13

Lot Area: 0.39 Frontage: 85.87 Depth: 198.00

Zoning: R-1

NPO List:

Present Use of Property: RESIDENTIAL DWELLING

Legal Description:

Comments: PARCEL CREATION DATE 3-1-62

Applicant Signature:

Department Signature:

April 12, 2024 12:28 pm

Application

Site address: 106 E WABASH AVE WAKARUSA IN

Parcel number(s): 20-09-36-104-015-000-025

Current property owner

Name: RANDALL C G MITSCHELEN & Bryn E. Mitschelen

Address: 106 E Wabash Ave, Wakarusa IN

Phone: 574-221-1188

Email: thebeef9310@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: Randall C.G. Mitschelen

Staff Use Only

Description: for a 2 ft. Developmental Variance
(Ordinance requires 5 ft.) to allow for the construction
of an attached garage 3 ft. from the west side
property line

Parcel creation date: 3-1-62

Subdivision required?

☐ Y

☒ N

If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: Residence is 2,846 w/110% 2,910
minus detached garage of 640 is 2270 minus proposed
new attached garage of 896 leaves a total of 1,374 sq. ft.

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

Frontage: 85.87 Depth: 198 Area: 0.394 acres

Subdivision and lot number, if applicable: Sen & Whislers, Lot 13

Present use: Residential

Developmental Variance — Questionnaire

Name: Randall Mitschelen

1) Tell us what you want to do. Attached garage w/ 18 foot door

2) Tell us why you can't change what you're doing so you don't need a variance. We need to fit an 18 foot garage door to accommodate our Nissan Passenger Van & car

3) Tell us why the variance won't hurt your neighbors or the community. We have discussed w/ neighbor about wanting to add a garage and he was ok with it.

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: 32' ~~LENGTH~~ x 32x29x26' TAL

Tell us what you'll use it for. GARAGE AND LOFT

Building or addition 2

Size and height to the peak: N/A

Tell us what you'll use it for. _____

Building or addition 3

Size and height to the peak: N/A

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

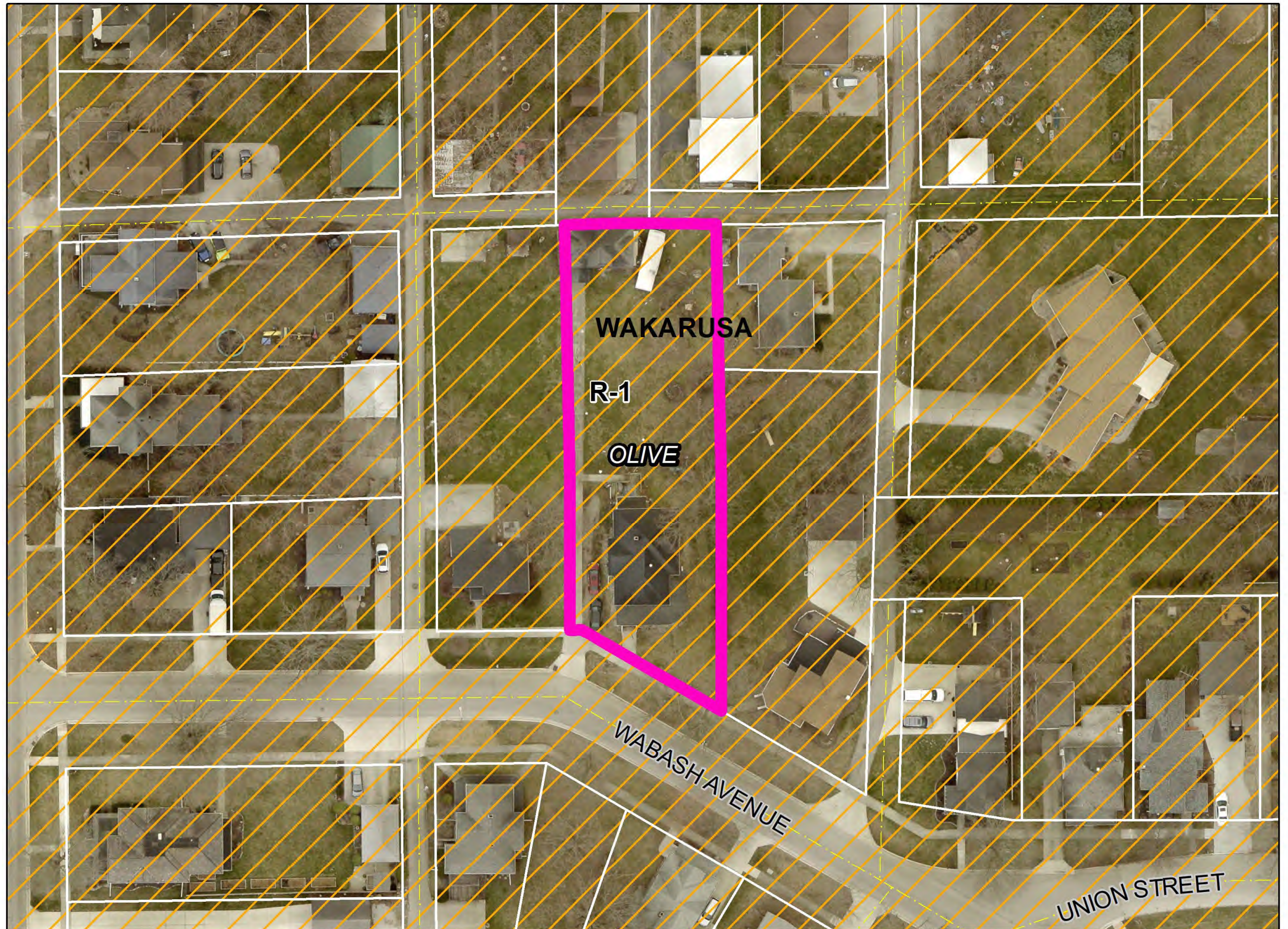
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

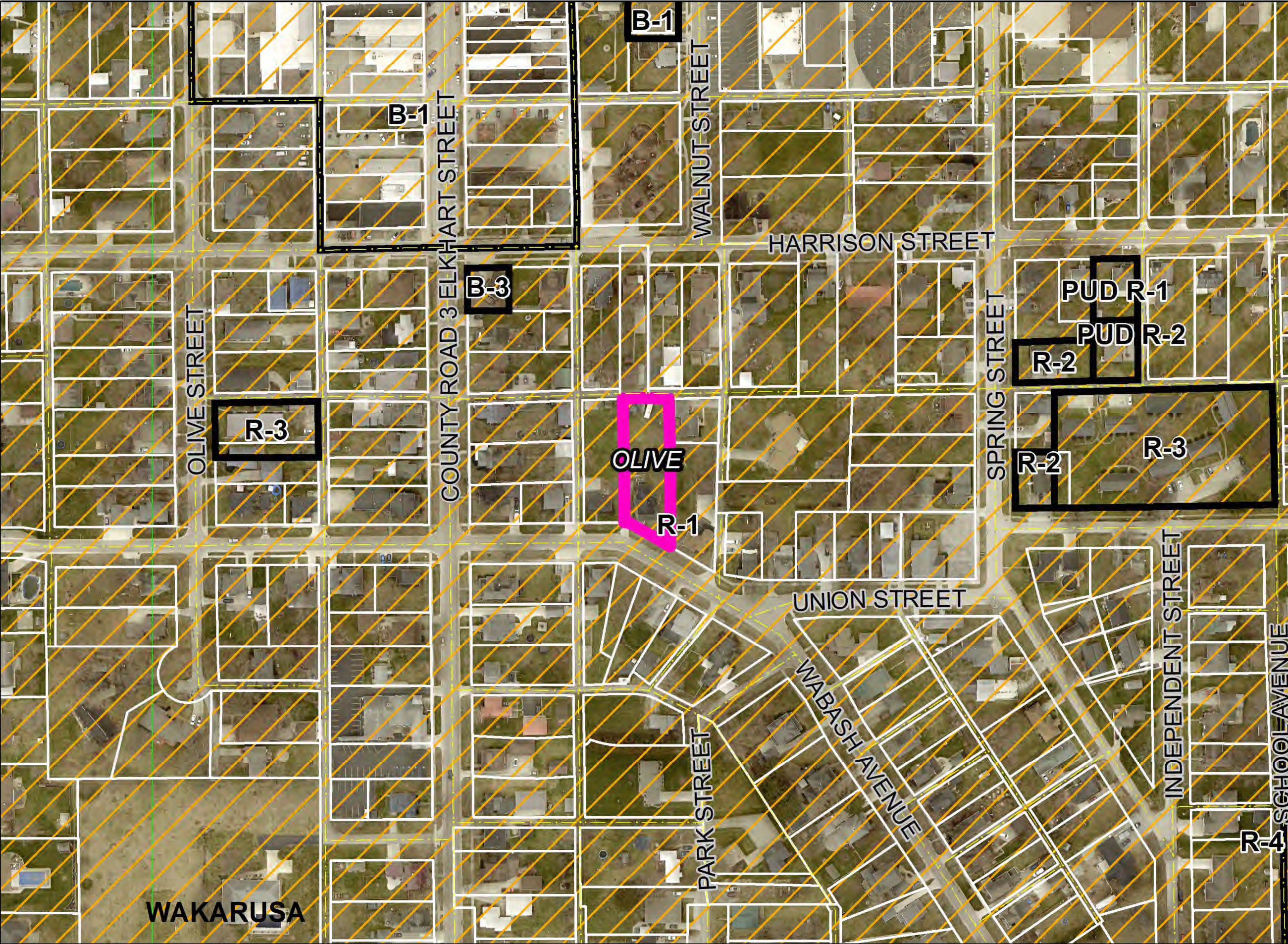
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

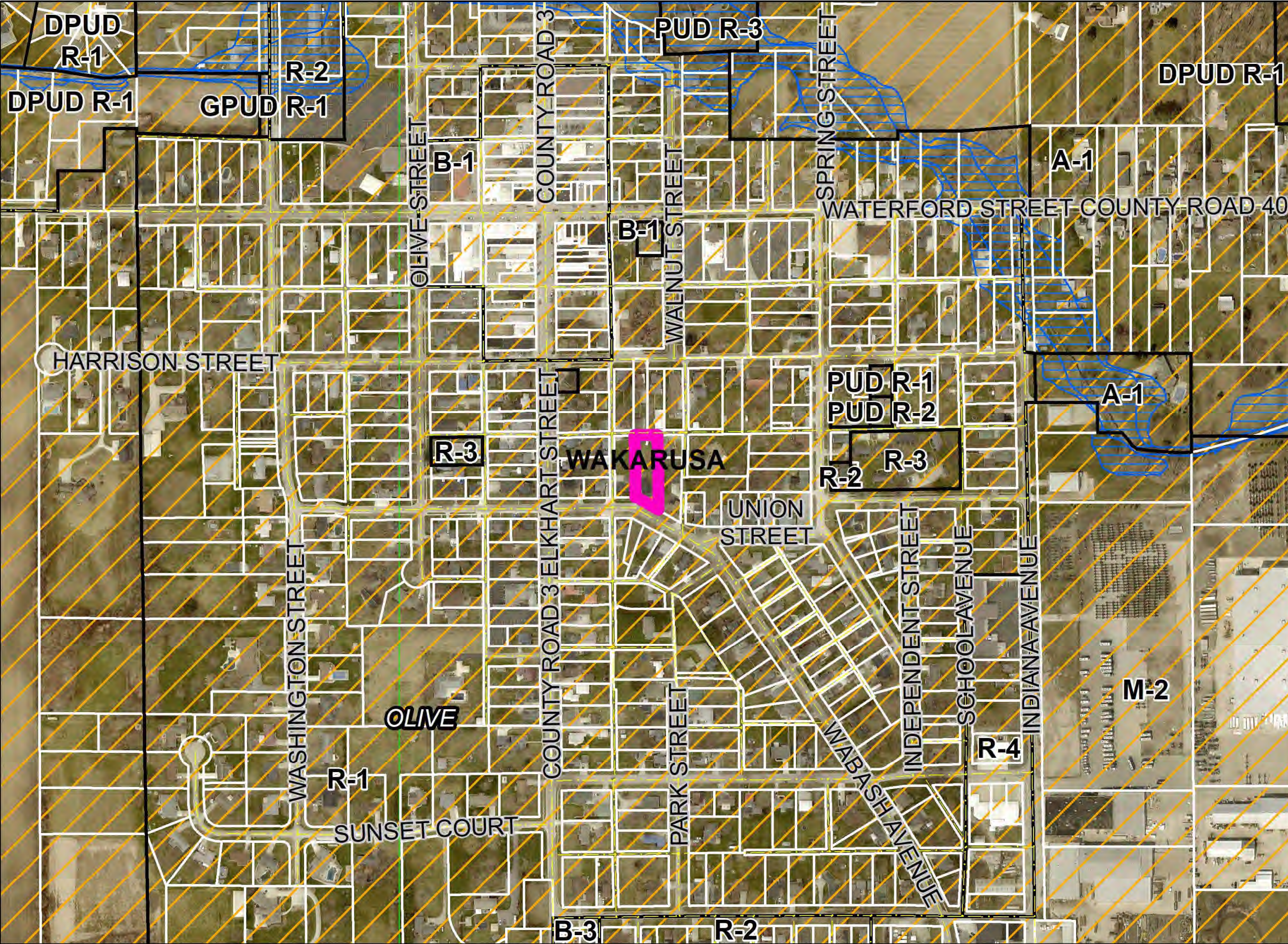
8) Does the application include a variance for parking spaces? ☐ Y ☒ N

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

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









Looking north toward subject



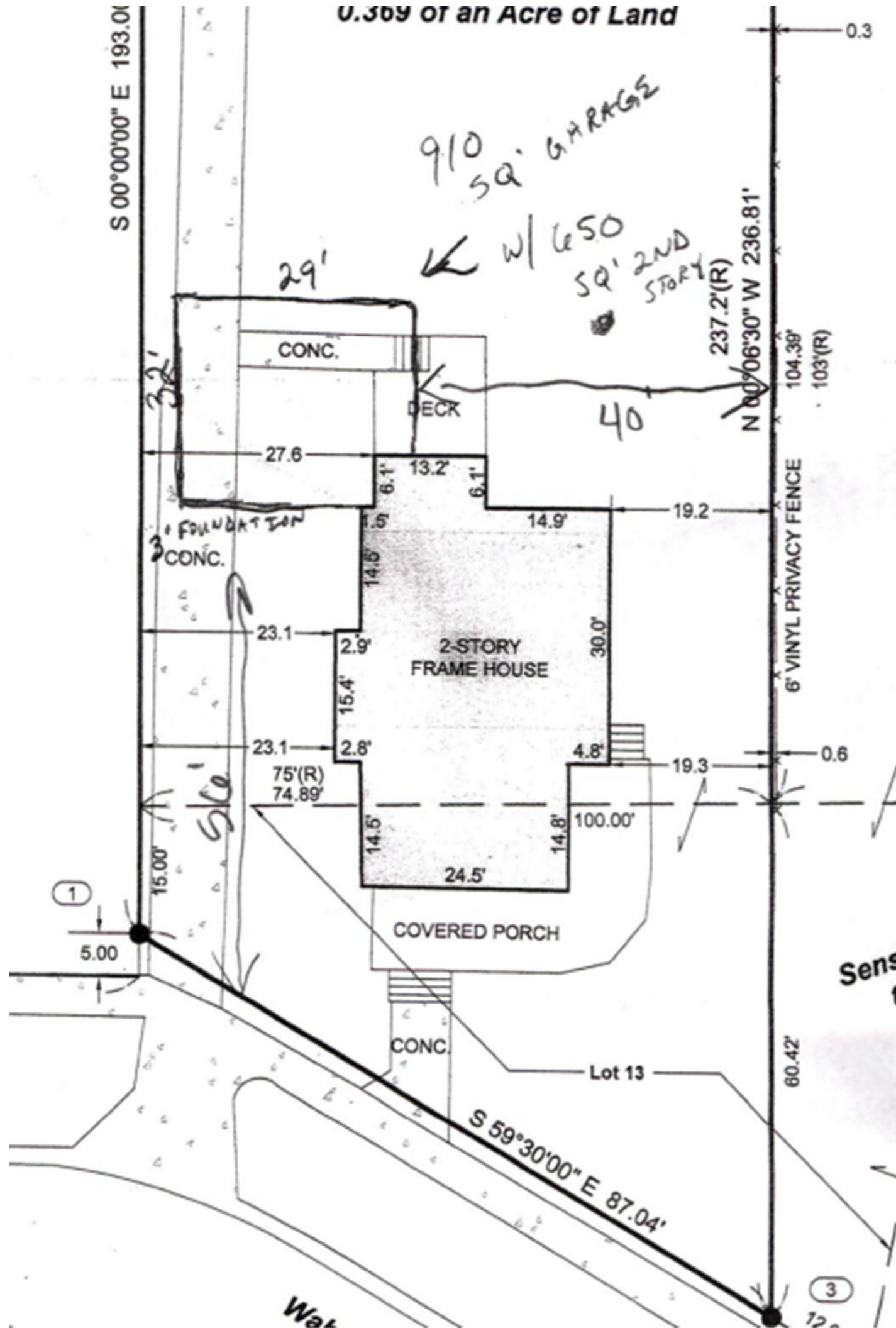
Looking south



Looking east



Looking west



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2024

Transaction Number: DV-0217-2024.

Parcel Number(s): 20-06-11-351-003.000-009.

Existing Zoning: R-1.

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

Petitioner: Christopher J. Miller & Vanessa L. Miller, Husband & Wife.

Location: South side of CR 16, 2,435 ft. West of CR 13, in Concord Township.

Site Description:

- Physical Improvement(s) – Single-family residence & accessory structures.
- Proposed Improvement(s) – Accessory structure.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- The proposed 22 ft height of new accessory structure requires a 7 ft setback (1 ft for every 2 ft over 18 ft) from property line.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 675.6 sq. ft., or 38% percent, over what is allowed by right and is due to the 720 sq. ft. of proposed 2nd floor personal storage area over the 1,200 sq. ft. of proposed accessory structure.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 1-acre parcel in a moderately dense residential area, 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 variance will reduce the need for outdoor storage.

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. A revised site plan must be submitted for staff approval showing the 7 ft. side setback.

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: 04/04/2024 Meeting Date: May 15, 2024
Board of Zoning Appeals Public Hearing Transaction #: DV-0217-2024

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

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>General Contractor</u>	<u>Land Owner</u>
Ibm Construction 66886 County Road 3 Wakarusa, IN 46573	Ibm Construction 66886 County Road 3 Wakarusa, IN 46573	Ibm Construction 66886 County Road 3 Wakarusa, IN 46573	Christopher J. Miller & Vanessa L. Miller, Husband & Wife 26880 Silverwater Lane Elkhart, IN 46514

Site Address: 23918 County Road 16 ELKHART, IN 46516	Parcel Number: 20-06-11-351-003.000-009
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Township: Concord
Location: SOUTH SIDE OF CR 16, 2,435 FT. WEST OF CR 13

Subdivision:	Lot #
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Lot Area: 1.00	Frontage: 117.00	Depth: 401.00
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Zoning: R-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: BR-0570-2017-COMplete
PARCEL CREATION DATE 3/1/1962.
RESIDENTIAL DWELLING AREA 1,604 SQFT X 110% = 1,764.4 SQFT MINUS GARAGE 520 SQFT = 1,244.4 SQFT OF
BUILDABLE STORAGE SPACE MINUS NEW PROPOSED STRUCTURE AND SQFT PERSONAL STORAGE 40 X 30=1,200
SQFT 1ST FLOOR, 720 SQFT 2ND FLOOR = -675.6 SQFT OF LEFT OVER BUILDABLE AREA

Applicant Signature:	Department Signature:
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Application

Site address: 23918 County Rd 16 Elkhart IN 46516

Parcel number(s): 20-06-11-351-003.000-009

Current property owner

Name: Christopher J. and Vanessa L. Miller

Address: 23918 County Rd 16 Elkhart IN 46516

Phone: 574-361-8179

Email: chrisma@anmsystems.com

Other party

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: IBM Construction Ben Hershberger

Address: 66886 County Rd 3 Wakarusa IN 46573

Phone: 574-354-0425

Email: benh@ibm-construction.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: Ben Hershberger

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: 3/1/1962

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 16.

2,435 ft. N S E (W) of CR 13.

in CONCORD Township

Frontage: 117 Depth: 401 Area: 1 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL

Developmental Variance — Questionnaire

Name: Christopher J. Miller

1) Tell us what you want to do. Build a 30'x40' Accessory building w/ 2nd story.

2) Tell us why you can't change what you're doing so you don't need a variance. The size of property doesn't allow us to build a second floor in the building for personal storage.

3) Tell us why the variance won't hurt your neighbors or the community. It's inside the 30'x40' building so they won't even see it.

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'w x 40' peak 22' w/ 2nd story
Tell us what you'll use it for. Personal use 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

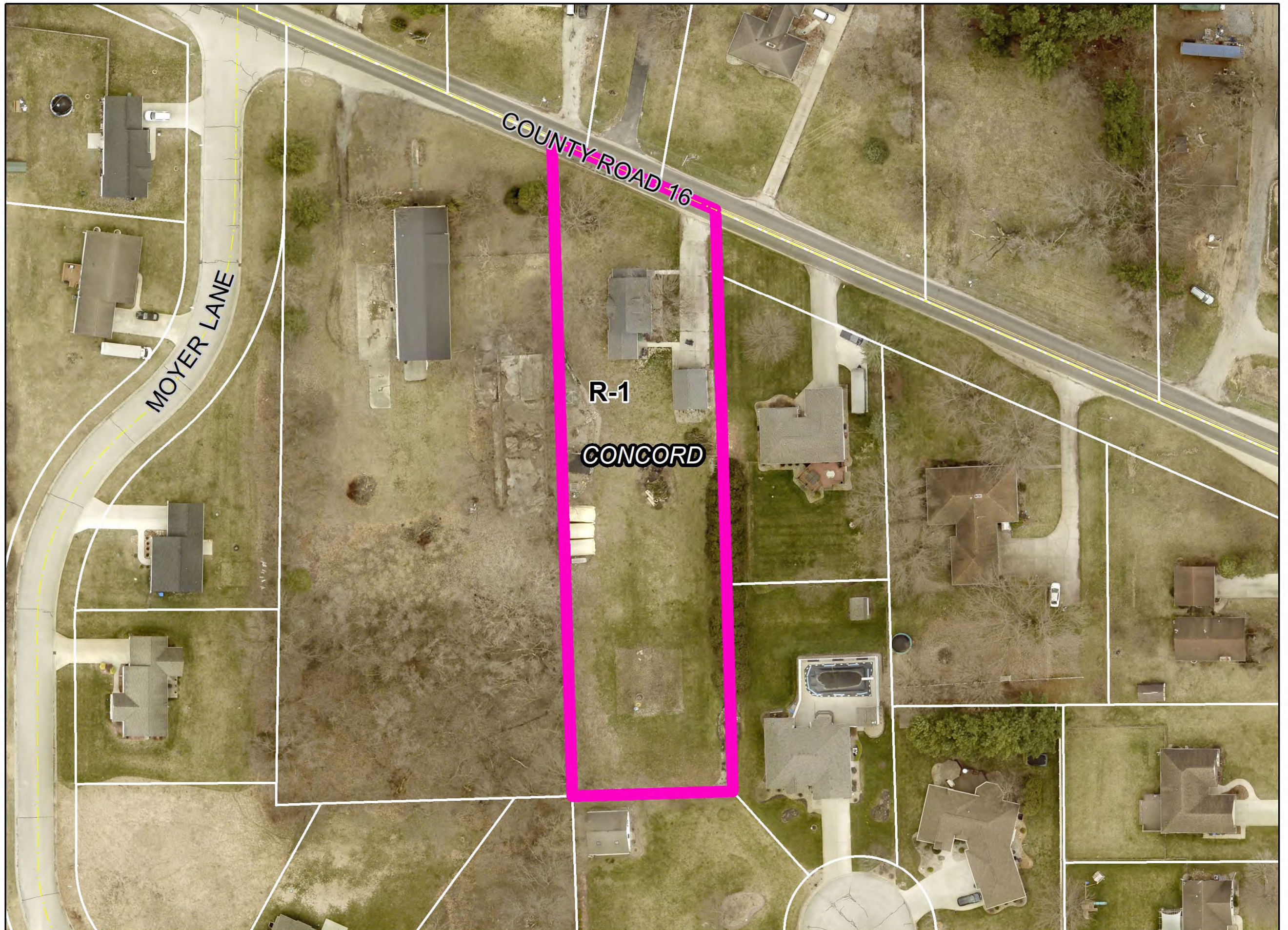
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

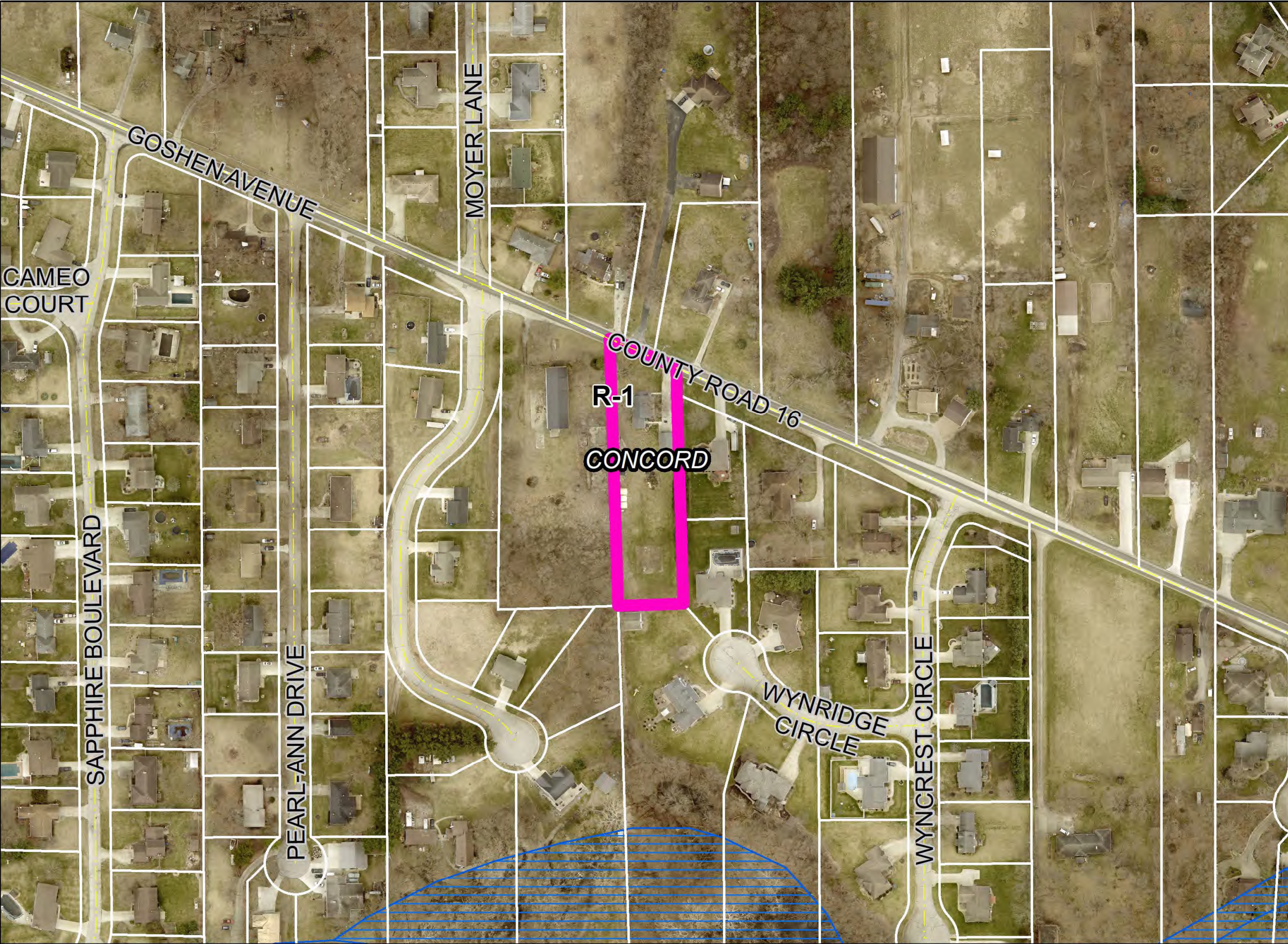
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

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. _____

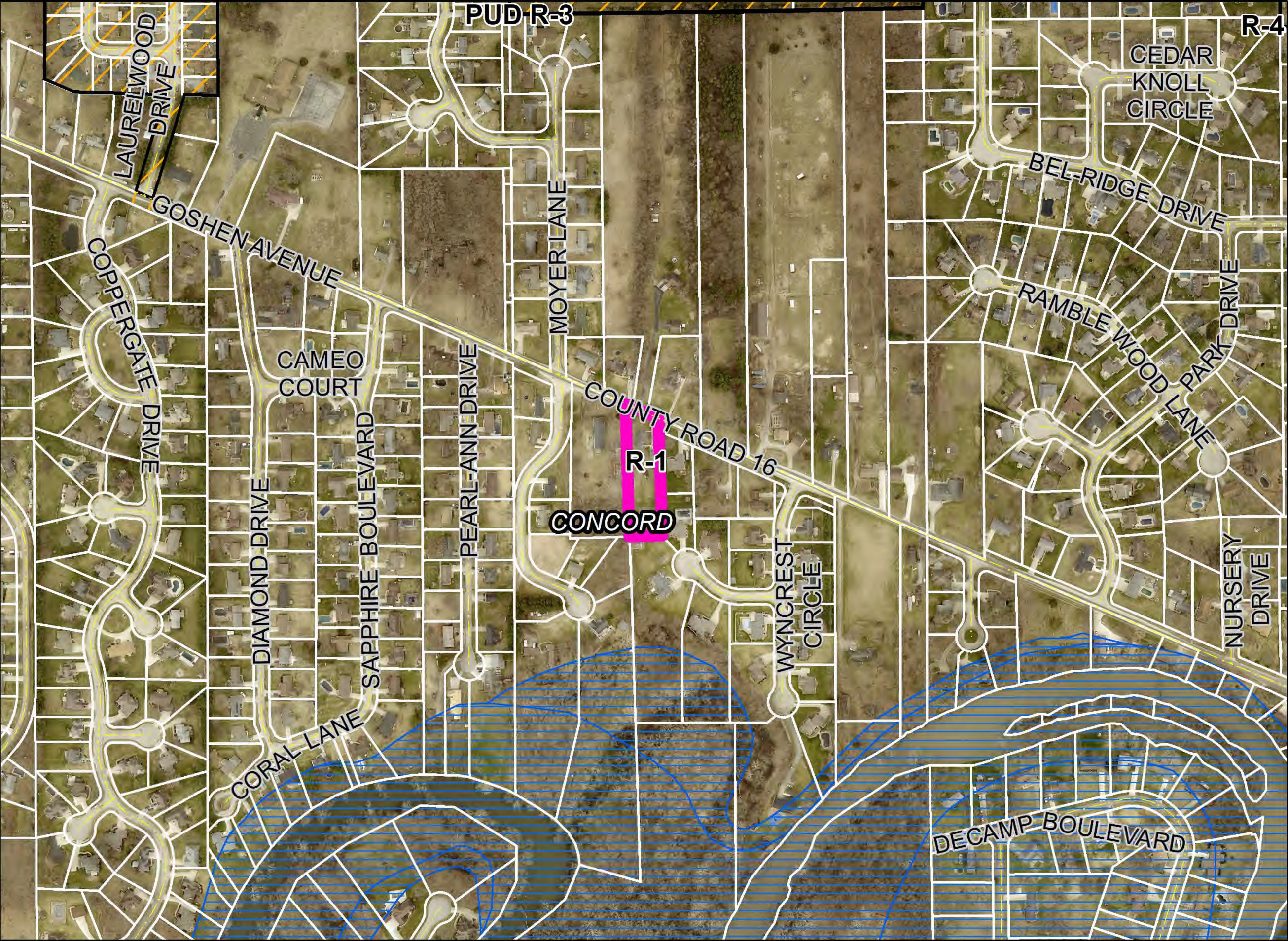




2021 Aerials

1 inch = 200 feet







Looking south towards subject property



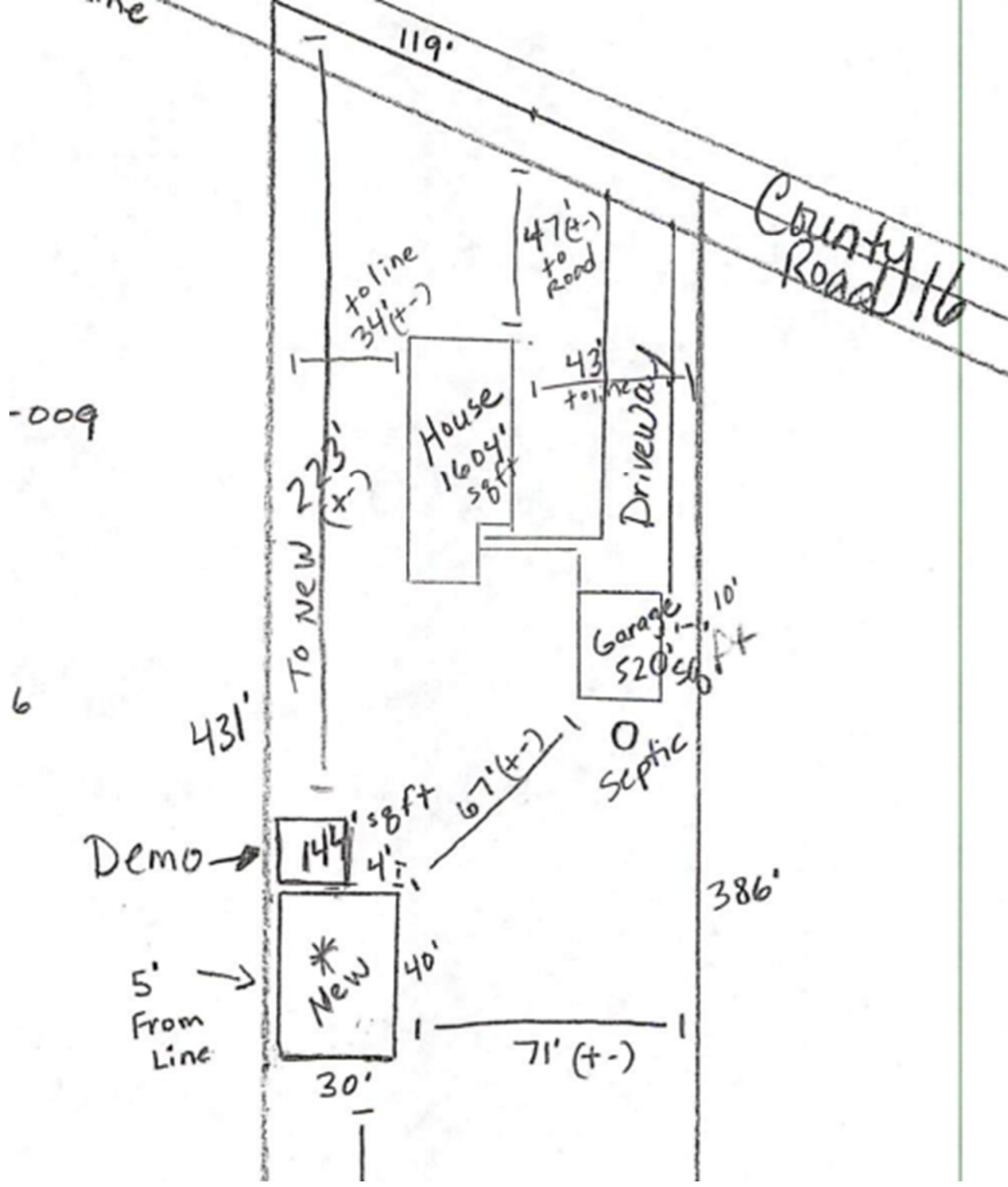
Looking north



Looking east



Looking west



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2024

Transaction Number: DV-0236-2024.

Parcel Number(s): 20-08-22-476-007.000-034.

Existing Zoning: A-1.

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

Petitioner: Brian K. Stutzman & Melody J. Stutzman, Husband & Wife.

Location: North side of CR 20, 1,880 ft. East of SR 13, in Middlebury Township.

Site Description:

- Physical Improvement(s) – Single-family residence & accessory structures.
- Proposed Improvement(s) – Attached garage addition & detached accessory structure.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 3,446 sq. ft., or 536% percent, over what is allowed by right and is due to the small living area (584 sq. ft.) of the existing residence and a proposed 990 sq. ft. of basement personal storage under the proposed 2,178 sq. ft. detached accessory structure.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.37 acre parcel in a low density residential area, 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 variance for addition personal storage will reduce the need for outdoor storage. The variance for the front setbacks for the existing residence is due to the layout of the existing residence. The variance for the front setback for the proposed accessory structure is due to the location of septic field on 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-0236-2024

Description: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a for a 25 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the existing residence and addition of an attached garage 50 ft. from the centerline of the right-of-way, and for a 25 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a detached accessory structure 50 ft. from the centerline of the right-of-way

Contacts: Applicant

Land Owner

Brian K. Stutzman & Melody

Brian K. Stutzman & Melody

J. Stuzman H&W

J. Stuzman H&W

203 Highland Park Dr.

203 Highland Park Dr.

Middlebury, IN 46540

Middlebury, IN 46540

Site Address: 12113 County Road 20
MIDDLEBURY, IN 46540

Parcel Number: 20-08-22-476-007.000-034

Township: Middlebury

Location: NORTH SIDE OF CR 20, 1,800 FEET EAST OF SR 13

Subdivision:

Lot #

Lot Area: 0.37 Frontage: 140.00

Depth: 115.50

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 3/1/1962

RESIDENCE = 584 SQ FT X 110% = 642 SQ FT, MINUS 80 (SHED) AND PROPOSED ATTACHED GARAGE IS 840 SQ FT, PROPOSED DETACHED ACCESSORY BUILDING FOR PERSONAL STORAGE IS 2,178 (33 X 68), PLUS ADDITIONAL STORAGE UNDERGROUND 990 SQ FT (30 X 33) = 3,446 SQ FT OVERAGE

Applicant Signature:

Department Signature:

April 12, 2024 2:37 pm

DV-0236-2024

Application

Site address: 12113 CR 20 Middlebury IN 46540
Parcel number(s): 20-08-22-476-007.000-034

Current property owner

Name: Brian and Melody Stutzman
Address: 203 Highland Park Dr Middlebury IN 46540
Phone: 574-333-9971 Email: bstutz27@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: Brian Stutzman

Staff Use Only

Description: Dr. accessory
in setbacks (2)

Parcel creation date: 3/1/1962

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

Residential accessory breakdown, if applicable: 584 x 110% = 642, - 80 (shed)
Proposed Attached garage (840) and Proposed detached
bldg (2,178) = 2,456 sq ft over

Location: (N) S E W corner (side) end of CR 20
1,800 ft. (N) S E W of SR 13
in Middlebury Township

Frontage: 140 Depth: 115.5 Area: .37 acres

Subdivision and lot number, if applicable: _____

Present use: residential

Developmental Variance — Questionnaire

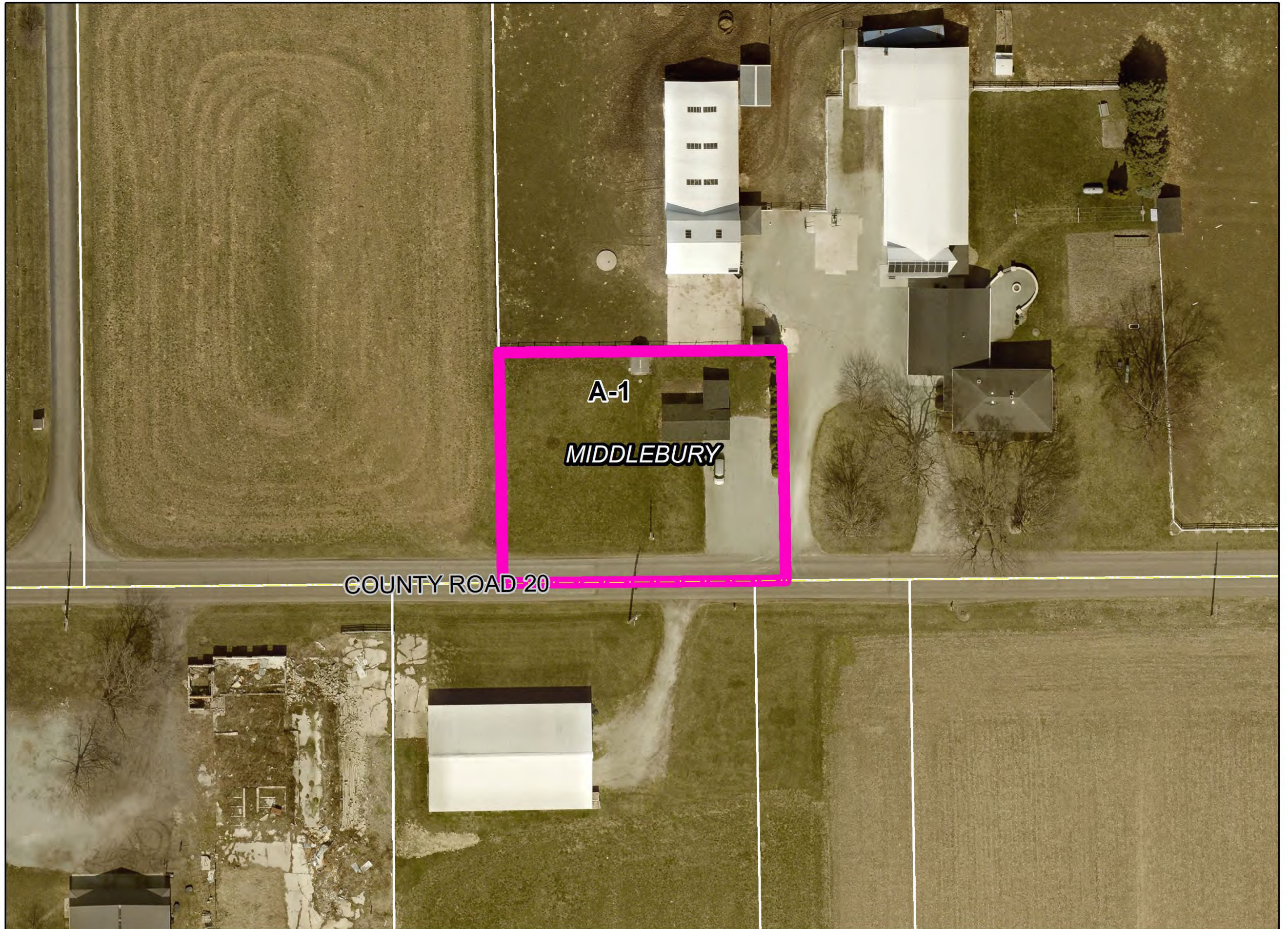
Name: Brian Stutzman

- 1) Tell us what you want to do. Build an attached garage onto existing structure, build a detached storage structure for personal use.
- 2) Tell us why you can't change what you're doing so you don't need a variance. I received inaccurate setback requirement before purchasing the property (see attached information). I recently was informed of the correct setback of 75ft. At this distance the property deminsion are not adequate for my original plan for purchasing the property.
- 3) Tell us why the variance won't hurt your neighbors or the community. A 50ft setback for additions will not be unique to the community. There are multiple immediate neighbors with homes, barns and even a large commercial building that have less than a 75ft setback. The addition of a storage structure will not be awkward because all neighbors have multiple barns.
- 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: <u>27'-10" x 30' Peak Height 14'-8"</u>
Tell us what you'll use it for. <u>Storage: vehicle, need storage (house does not have much storage)</u>	
Building or addition 2	Size and height to the peak: <u>33' x 66' Peak Height 22'-10"</u>
Tell us what you'll use it for. <u>Storage: boat, trailer, RV, other smaller items</u>	
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?	<input type="checkbox"/> Y <input type="checkbox"/> N Double faced? <input type="checkbox"/> Y <input type="checkbox"/> N
Electronic message board?	<input type="checkbox"/> Y <input type="checkbox"/> N If no, lighted? <input type="checkbox"/> Y <input type="checkbox"/> N
Freestanding?	<input type="checkbox"/> Y <input type="checkbox"/> N Wall mounted? <input type="checkbox"/> Y <input type="checkbox"/> N
Sign 2	Dimensions (length and width): _____
Existing?	<input type="checkbox"/> Y <input type="checkbox"/> N Double faced? <input type="checkbox"/> Y <input type="checkbox"/> N
Electronic message board?	<input type="checkbox"/> Y <input type="checkbox"/> N If no, lighted? <input type="checkbox"/> Y <input type="checkbox"/> N
Freestanding?	<input type="checkbox"/> Y <input type="checkbox"/> N Wall mounted? <input type="checkbox"/> Y <input type="checkbox"/> N
Sign 3	Dimensions (length and width): _____
Existing?	<input type="checkbox"/> Y <input type="checkbox"/> N Double faced? <input type="checkbox"/> Y <input type="checkbox"/> N
Electronic message board?	<input type="checkbox"/> Y <input type="checkbox"/> N If no, lighted? <input type="checkbox"/> Y <input type="checkbox"/> N
Freestanding?	<input type="checkbox"/> Y <input type="checkbox"/> N Wall mounted? <input type="checkbox"/> Y <input type="checkbox"/> 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 attached information on the next page.

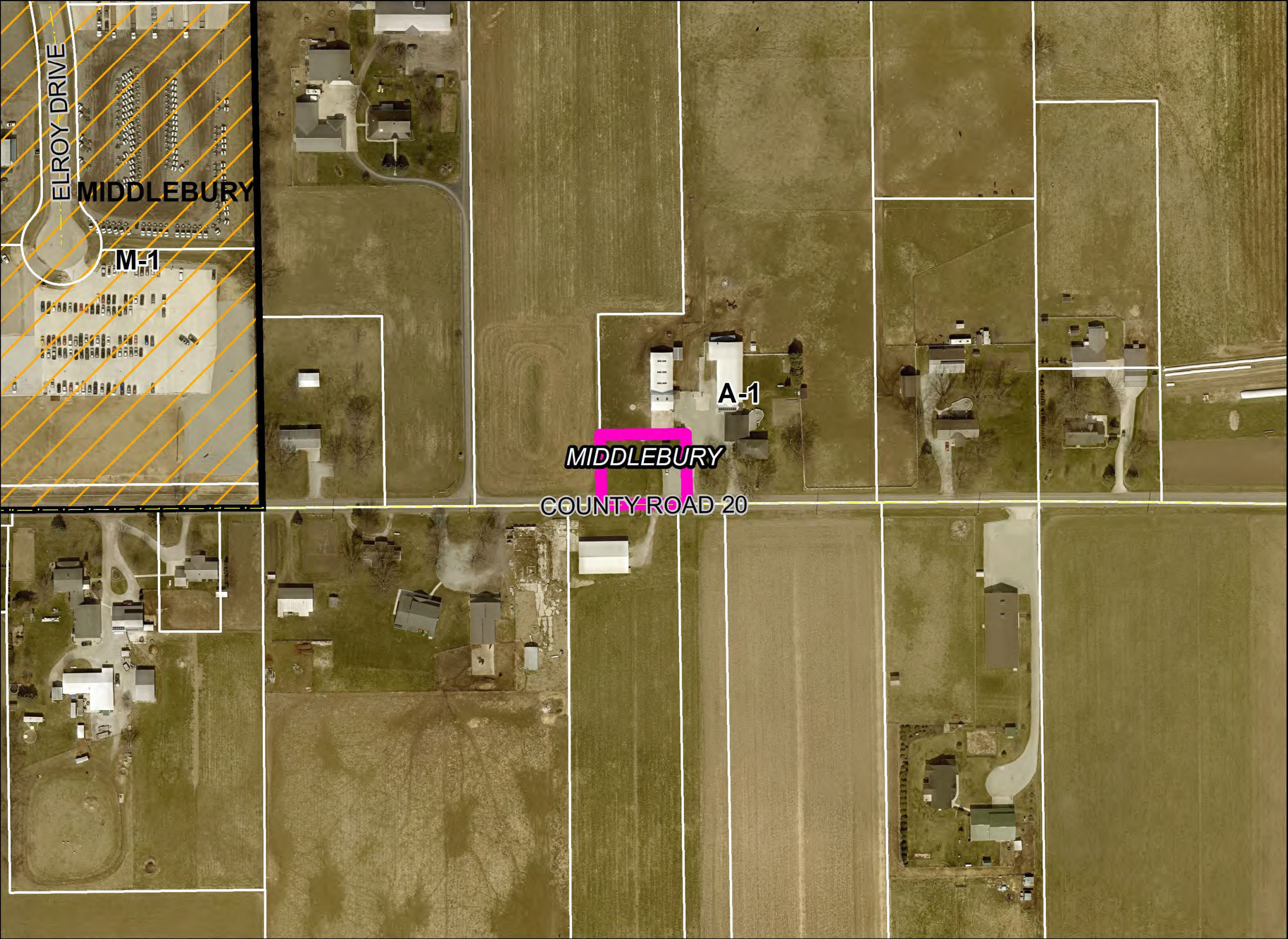
DV-0236-2024

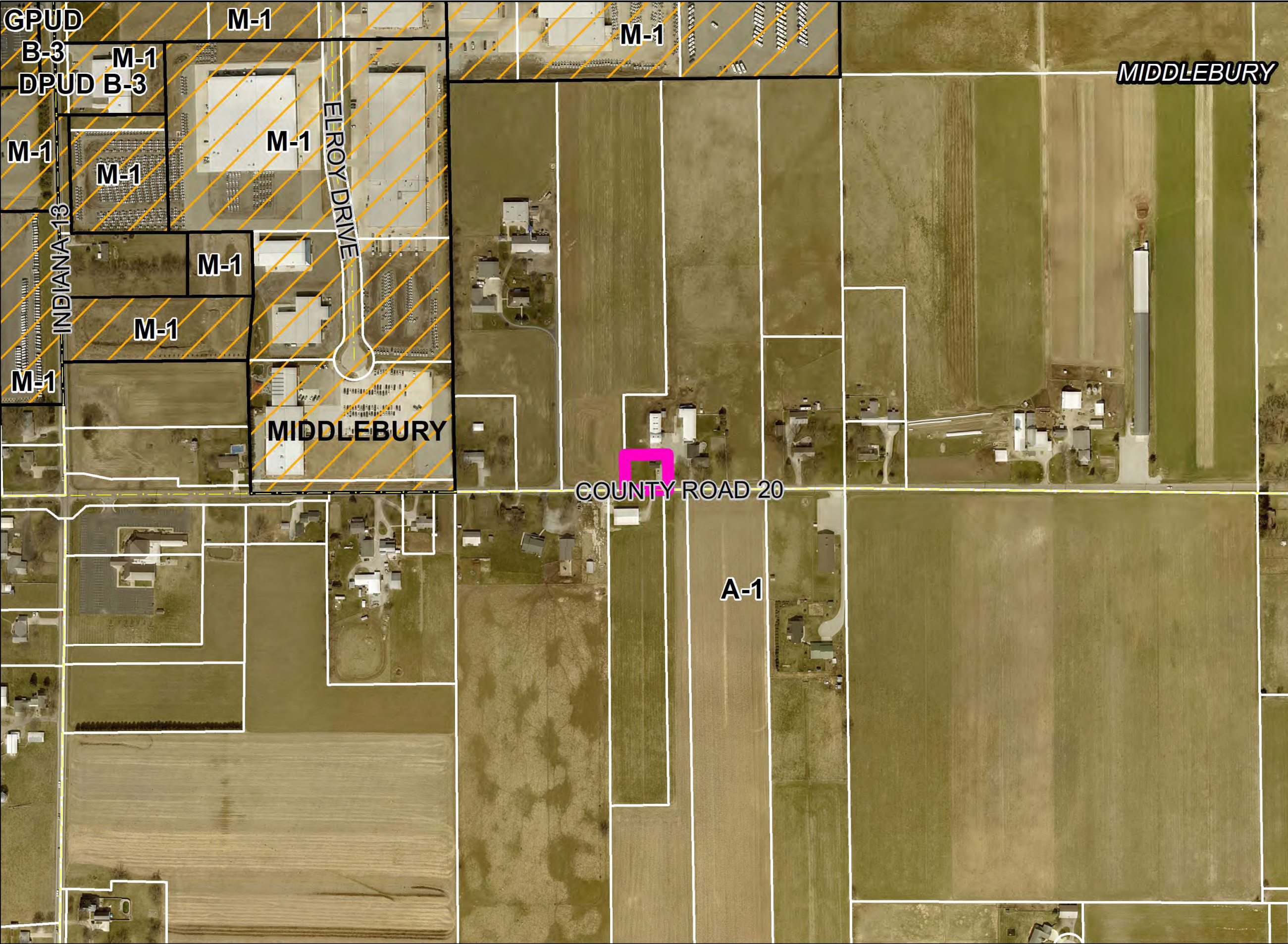


2021 Aerials

1 inch = 60 feet









Looking north towards subject property



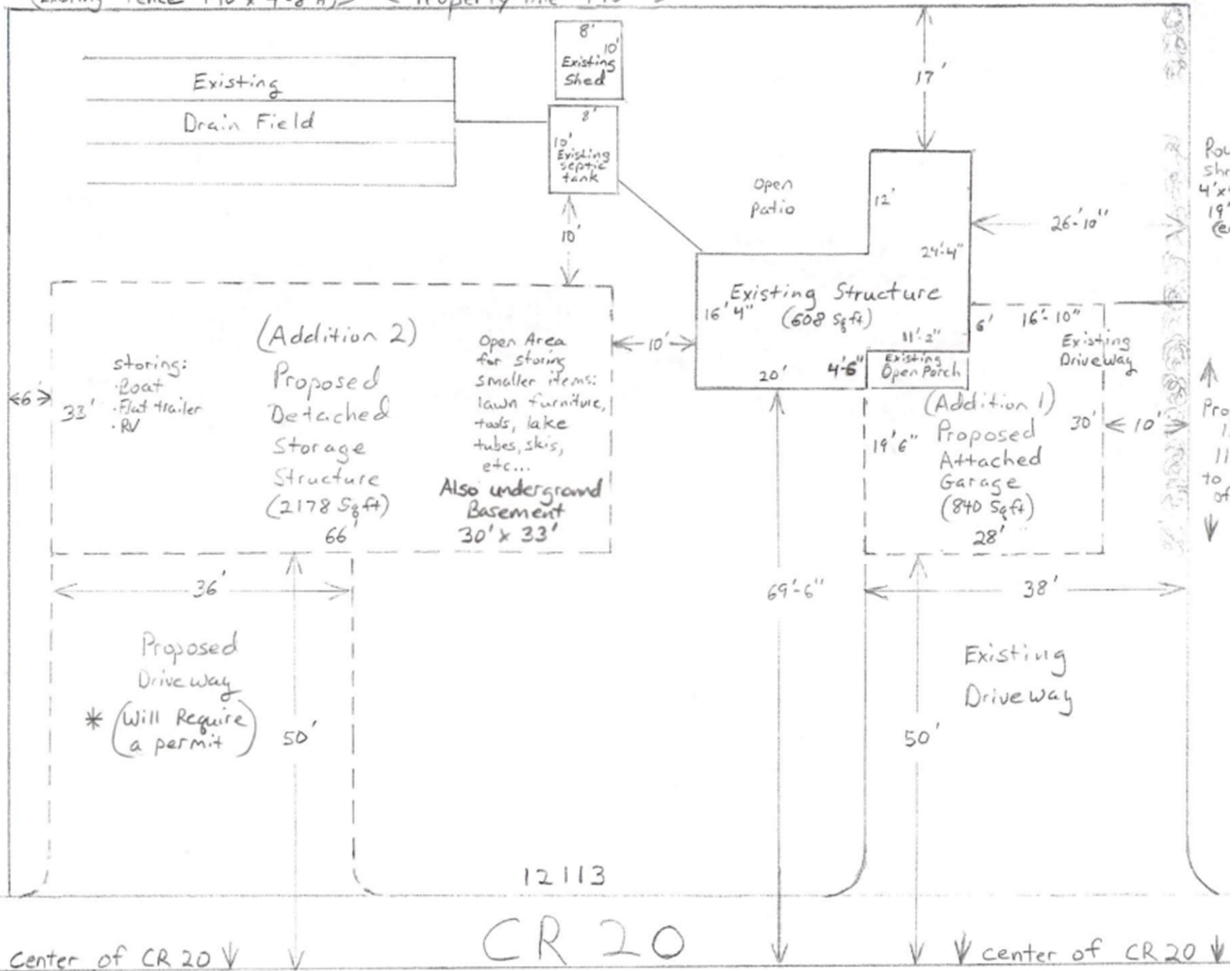
Looking south



Looking east



Looking west

D
N

↓ Center of CR 20 ↓

CR 20

↓ center of CR20 ↓

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 15, 2024

Transaction Number: SUP-0256-2024.

Parcel Number(s): 20-02-31-127-017.000-026.

Existing Zoning: R-2.

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.

Petitioner: Adam C. Cobane (Buyer) & Jose M. Gamez & Cathleen J. Gamez, Husband & Wife (Sellers).

Location: West side of Southwood Dr., 425 ft. South of Plainfield Dr., East of John Weaver Pkwy., in Osolo Township.

Site Description:

- Physical Improvement(s) – None
- Proposed Improvement(s) – Manufactured home.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- **March 15, 2022** – a complaint for a fire damaged unsafe structures (CODE-0038-2024) & (CODE-0039-2024). The property has been cleared of fire damaged debris and both cases are closed.

Staff Analysis:

for a Special Use for a manufactured home not on a permanent foundation, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. Manufactured homes not on permanent foundation are allowed by Special Use in the R-2 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 0.24-acre lot in a dense residential area, and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing an affordable housing option as well as redeveloping a blighted property.

Hearing Officer Staff Report (Continued)

Hearing Date: May 15, 2024

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

1. The request is approved subject to Staff renewal every three (3) years and with a one (1) year review to verify compliance with the following:
 - a. The manufactured home shall be adequately stabilized and skirted and have tie-downs installed.
 - b. The water supply and sewage disposal system shall be installed in accordance with County Health Department specifications.
 - c. Adequate provisions for storage shall be provided at all times to eliminate exterior storage of personal property, tools, and vehicles, except licensed motor vehicles.
 - d. At all times, the premises shall be kept free of abandoned junk vehicles and parts thereof as described by Indiana State Law.
2. The request is approved in accordance with the site plan submitted 4/15/2024 and as represented in the Special Use application.

for a Developmental Variance to allow for the placement of a manufactured home not on a permanent foundation within 300 ft. of a residence, staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The new manufactured home will be in an existing residential area.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The shape and size of the new manufactured home is comparable with the other residences in the neighborhood.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. Without the benefit of the variance, the manufactured home could not be placed on the property.

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

Special Use - Mobile Home

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 #: SUP-0256-2024
Board of Zoning Appeals Public Hearing

Description: for a Special Use for a modular home

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Modway Homes	Modway Homes	Jose M. Gamez & Cathleen J.
2049 East Market	2049 East Market	Gamez
Nappanee, IN 46550	Nappanee, IN 46550	54151 Southwood
		Elkhart, IN 46514

Site Address: 54151 Southwood Drive
ELKHART, IN 46514

Parcel Number: 20-02-31-127-017.000-026

Township: Osolo

Location: WEST SIDE OF SOUTHWOOD DR., 425 FT. SOUTH OF PLAINFIELD DR., EAST OF JOHN WEAVER PARKWAY

Subdivision: ZOOKS BLOCK C REPLAT OF NORTH MANOR 2ND Lot # 39

Lot Area: 0.24 Frontage: 72.50 Depth: 140.00

Zoning: R-2

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE REFERRED OUT CODE CASE: CODE-0266-2016:TIRES, TRASH, JUNK, RACOONS LIVING IN UNFINISHED GARAGE/BARN, VEHICLES NOT RUNNING OR MOVED LS
SEE REFERRRED OUT CODE CASE: CODE-0145-2020:UNSAFE STRUCTURE - HOUSE & GARAGE WERE BOTH DESTROYED BY FIRE IN APRIL & NOTHING HAS BEEN DONE. TALL GRASS, TRASH, AND INOPERABLE VEHICLES ALSO
SEE CODE CASE: CODE-0038-2022:FIRE DAMAGE
SEE CODE CASE: CODE-0039-2022: FIRE DAMAGE

Applicant Signature:

Department Signature:

Application

Site address: 54151 Southwood Drive, Elkhart, IN 46514
Parcel number(s): 20-02-31-127-017.000-026

Current property owner

Name: Cathleen J Gamez
Address: 25126 California Ct., Elkhart, IN 46514
Phone: 574-747-7331 Email: catalinajo@comcast.net

Other party

☐ Agent ☒ Buyer ☐ Land contract purchaser ☐ Lessee

Name: Modway Homes / Kenny Holmes
Address: 2049 E Market St, Nappanee, IN 46550
Phone: 574-612-2526 Email: kenny@modwayhomes.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] / Modway Homes

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 Southwood Dr.
425 ft. NS E W of Plainfield Dr.
in Oso 10 Township

Frontage: 72.5 Depth: 140 Area: 0.235 acres

Subdivision and lot number, if applicable: Zodas Black Creek plat of North Manor 2nd
Lot 39

Present use: Residential

Special Use for a Mobile Home — Questionnaire

Name: _____

- 1) Is there an existing main residence already on the property? ☐ Y ☒ N

If yes, tell us who will live in the existing main residence. _____

- 2) Tell us who will live in the mobile home. A new homeowner

- 3) Is the mobile home needed because of a hardship like poor health, age, or an emergency? ☐ Y ☒ N

If yes, tell us about it. _____

- 4) Tell us why the mobile home won't hurt your neighbors or the community. It will be a new affordable residential home which the value will match or exceed neighborhood value

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

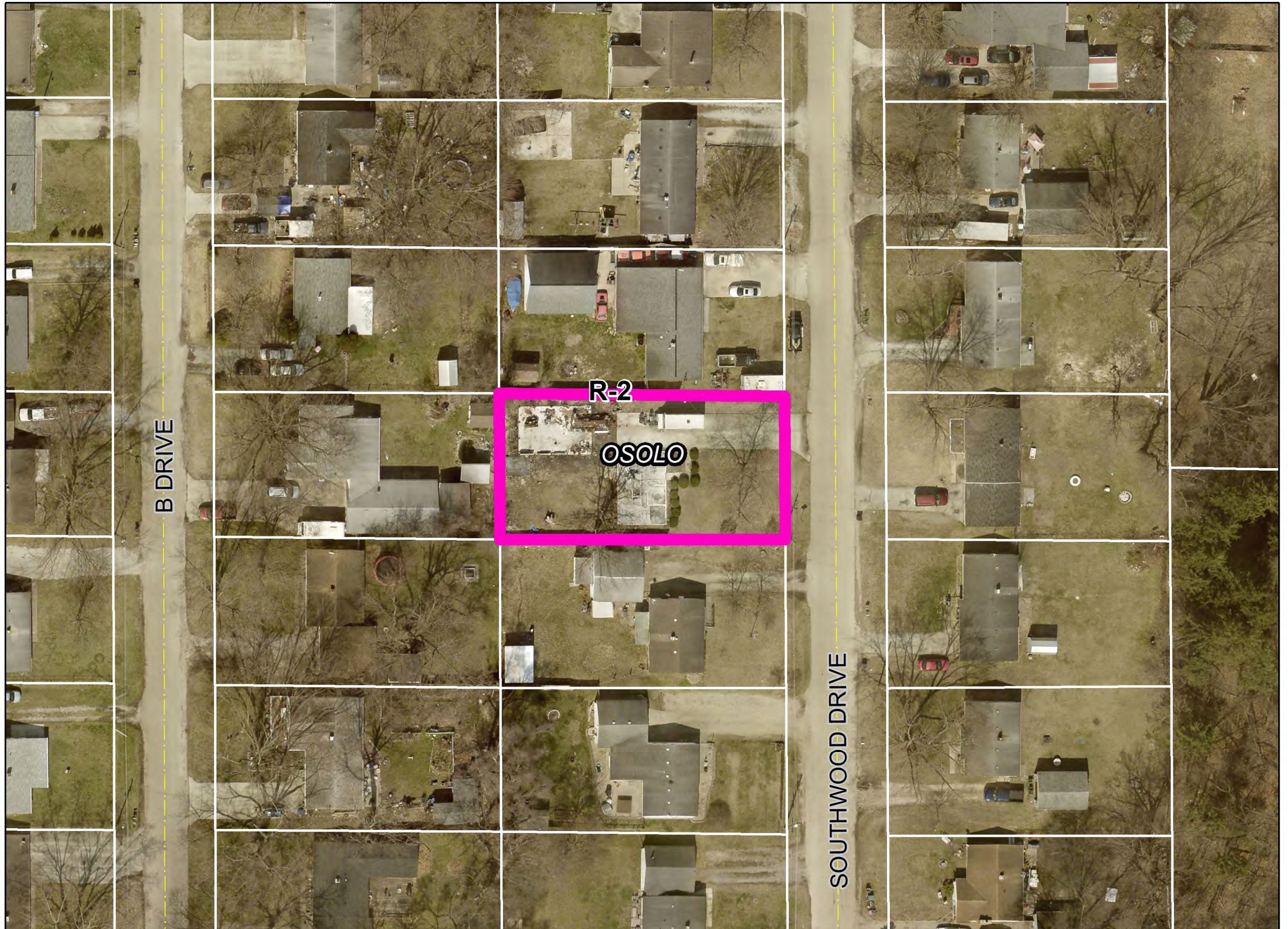
Does the mobile home need a new septic system? ☐ Y ☒ N **Hope not**

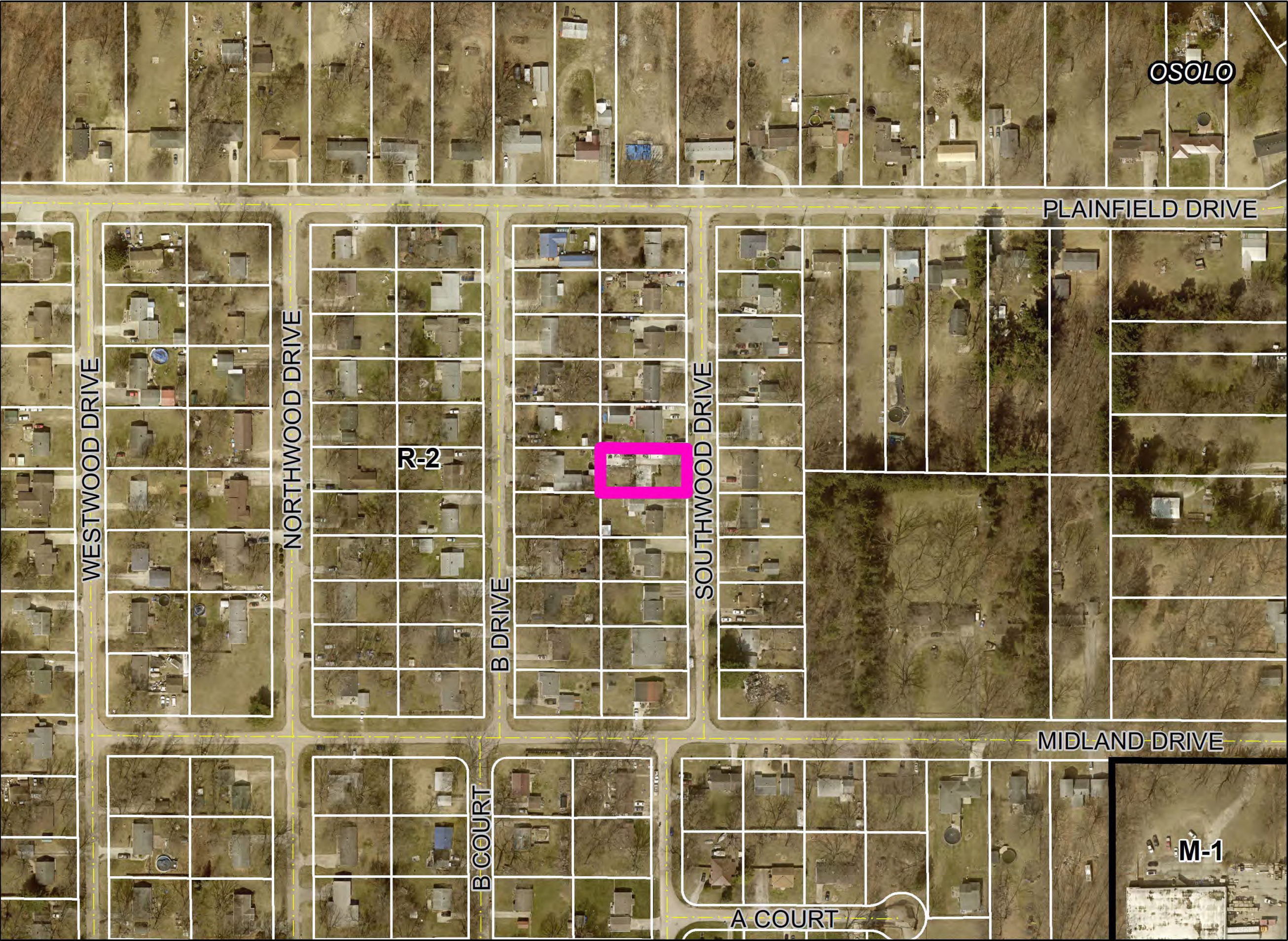
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N

- 6) Tell us the size of the mobile home. 1080 sq ft

- 7) Tell us the year of the mobile home. 2024

- 8) Tell us anything else you want us to know. The demand for new affordable homes has never been greater. This home will be less than \$200,000 finished.

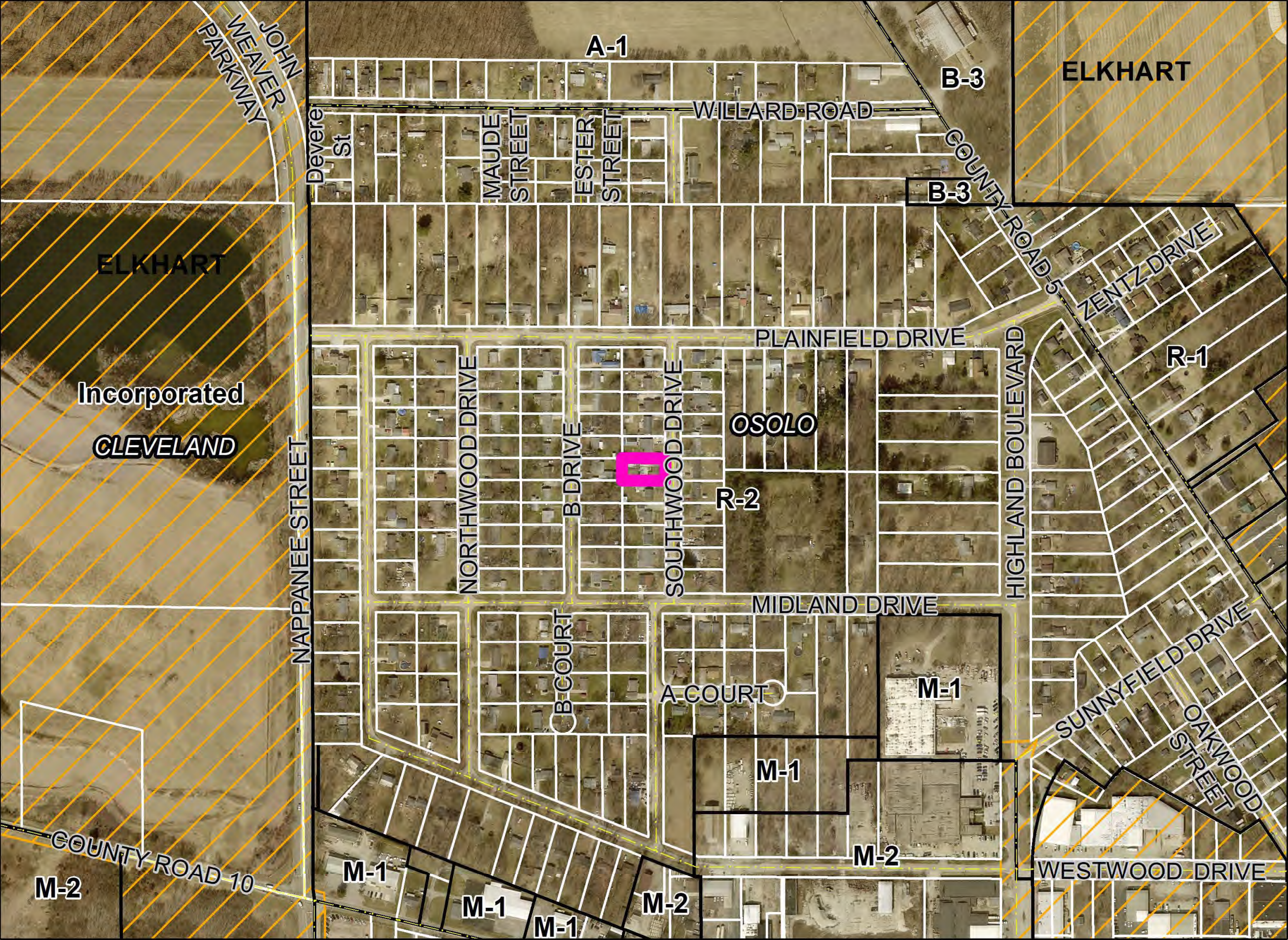




2021 Aerials

1 inch = 200 feet







Looking west towards subject property



Looking east



Looking north



Looking south

CUSTC

APR 15

DRIVE
16' x 11'



70' 7"

EXISTING
STRUCTURE
TO BE
REMOVED

EXISTING PAD

EXISTING DRIVEWAY

SOUTHWOOD DR



DATE: May 1st, 2024

TO: Hearing Officer

FROM: H. Jason Auvil, Zoning Administrator

SUBJECT: Second extension request of the period within which to obtain an improvement location permit

Matt Westfall is requesting a second extension of the period within which to obtain an improvement location permit until September 30th, 2025.

The request was for a 38 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing commercial building 37 ft. from the centerline of the right of way of CR 31 and for a 15 ft. developmental variance (Ordinance requires 25 ft.) to allow for the construction of an accessory structure 10 ft. from the west side property line on the real estate approved April 19th, 2023.

The subject property is on the northwest corner of CR 38 and CR 31, common address of 16009 CR 38, Goshen, IN zoned M-2.

The first extension request was to allow the period within which to obtain an improvement location permit until September 30th, 2024, and was granted on May 17th, 2023.

Attached is the second extension request received on May 1st, 2024.

Staff recommends approval of this extension request.

This staff item will be on the **May 15th, 2024**, Hearing Officer agenda.