

AGENDA
ELKHART COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER

November 20, 2024
9:00 A.M.

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

Call to Order

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

DEVELOPMENTAL VARIANCES

9:00 A.M.

- A. Petitioner: ***Loren Stutzman & Joann Stutzman, Husband & Wife*** **(Page 1)**
 Petition: for a 43 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for
 the construction of a residence 32 ft. from the centerline of the right-of-way
 CR 28 and for a 17 ft. Developmental Variance (Ordinance requires 75 ft.) to
 allow for the construction of a residence 58 ft. from the centerline of the right-
 of-way CR 35.
 Location: Southeast corner of CR 28 & CR 35, common address of 13988 CR 28 in
 Middlebury Township, zoned A-1. DV-0769-2024
- B. Petitioner: ***Dennis B. Horvath & Brenda J. Horvath, Husband & Wife*** **(Page 2)**
 Petition: for a 6 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the
 construction of an attached accessory structure 4 ft. from the South side
 property line.
 Location: East side of Stella Dr., 180 ft. North of CR 22, common address of 58786
 Stella Dr. in Baugo Township, zoned A-1. DV-0688-2024
- C. Petitioner: ***Timothy Eash & Malinda L. Eash, Husband & Wife*** **(Page 3)**
 Petition: for a 18 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for
 the construction of a deck and an existing residence 57 ft. from the centerline
 of the right-of-way.
 Location: West side of CR 133, 2,005 ft. South of State Line Rd., common address of
 51077 CR 133 in York Township, zoned A-1. DV-0756-2024

D. Petitioner: ***Glen J. Riegsecker, as Trustee of the*** (Page 4)
 Glen J. Riegsecker Revocable Trust
 Petition: for a Developmental Variance to allow for the construction of a residence on
 property with no road frontage served by an access easement and for a
 Developmental Variance to allow for the total square footage of accessory
 structures to exceed that allowed by right.
 Location: East side of CR 33, 1,475 ft. North of CR 26, common address of 59730 CR
 33 in Middlebury Township, zoned A-1. DV-0765-2024

The Elkhart County Board of Zoning Appeals Hearing Officer is meeting on Wednesday November 20, 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 November 20, 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: November 20, 2024

Transaction Number: DV-0769-2024.

Parcel Number(s): 20-08-33-300-001.000-034.

Existing Zoning: A-1.

Petition: for a 43 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a residence 32 ft. from the centerline of the right-of-way of CR 28 and for a 17 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a residence 58 ft. from the centerline of the right-of-way of CR 35.

Petitioner: Loren Stutzman & Joann Stutzman, Husband & Wife.

Location: Southeast corner of CR 28 & CR 35, in Middlebury Township.

Site Description:

- Physical Improvement(s) – Residence, agricultural barns.
- Proposed Improvement(s) – Possibly a new Residence.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential and Agricultural.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

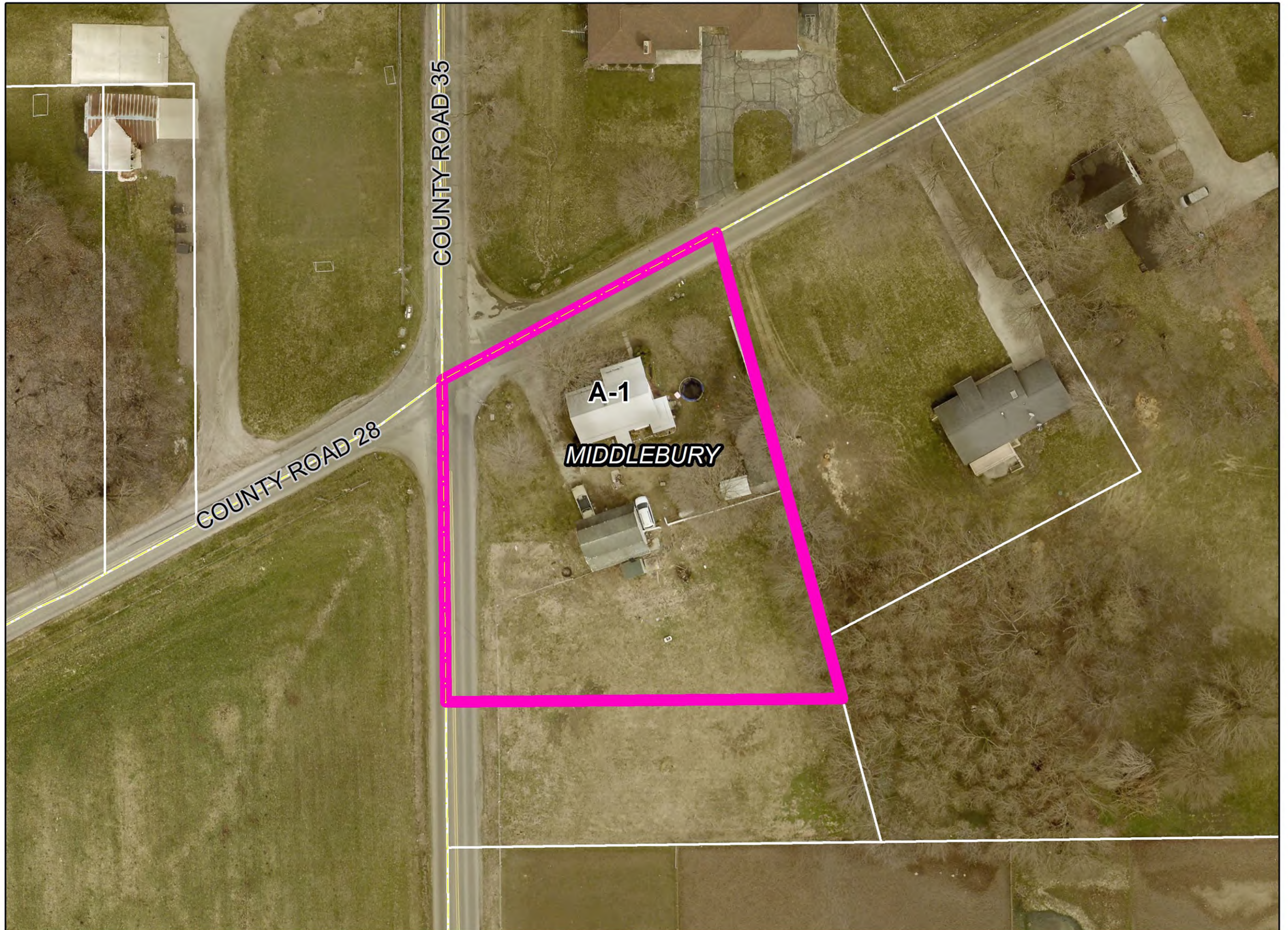
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The residence has been in this location since 1930 and is not causing sight distance issues, as there have been no complaints.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.75-acre parcel in a low-density residential and agricultural area. Granting approval of the request will not change the character of the neighborhood.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The residence is existing, and without the approval of this request the residence would not be allowed to be in this location.

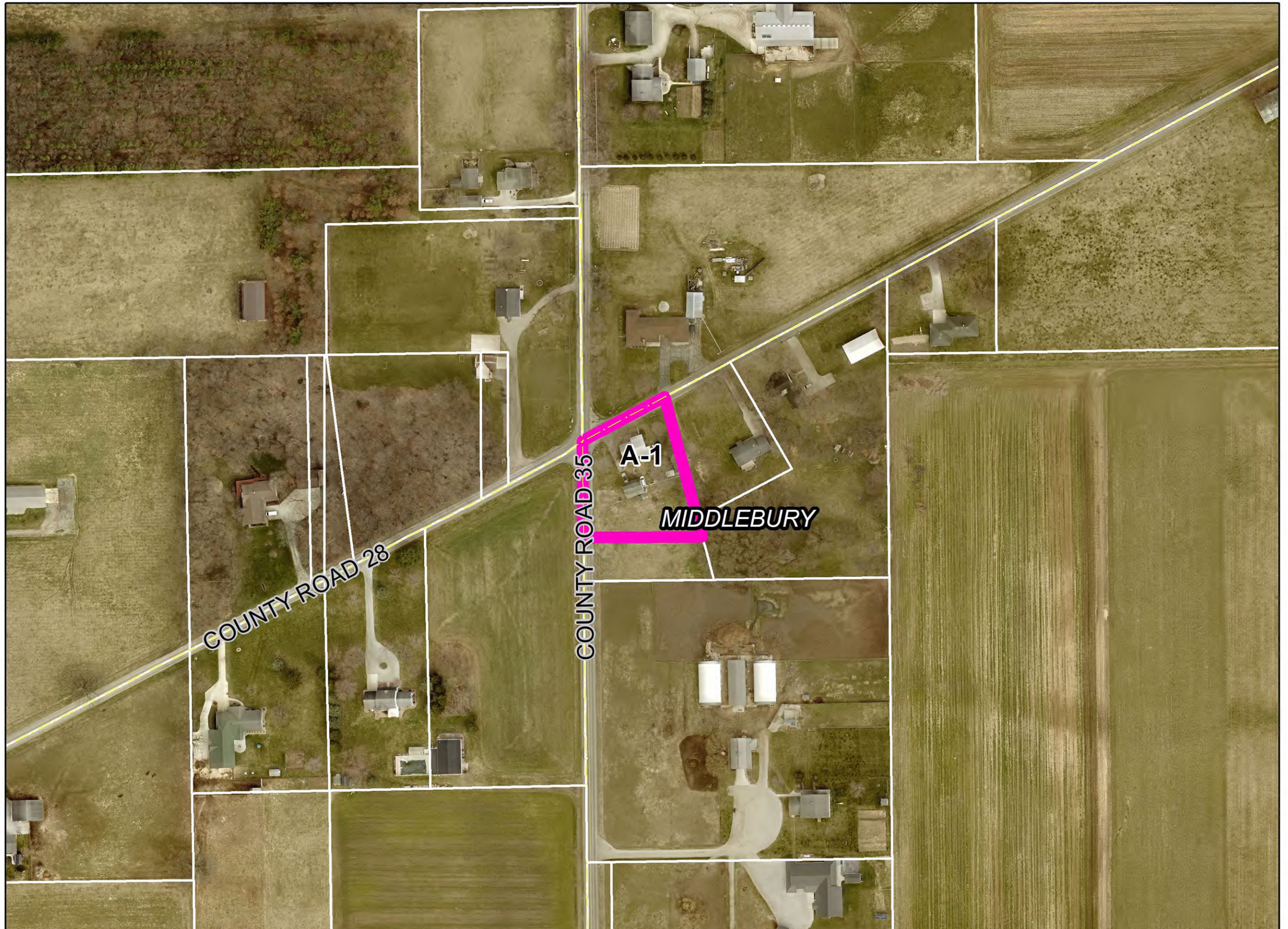
Hearing Officer Staff Report (Continued)

Hearing Date: November 20, 2024

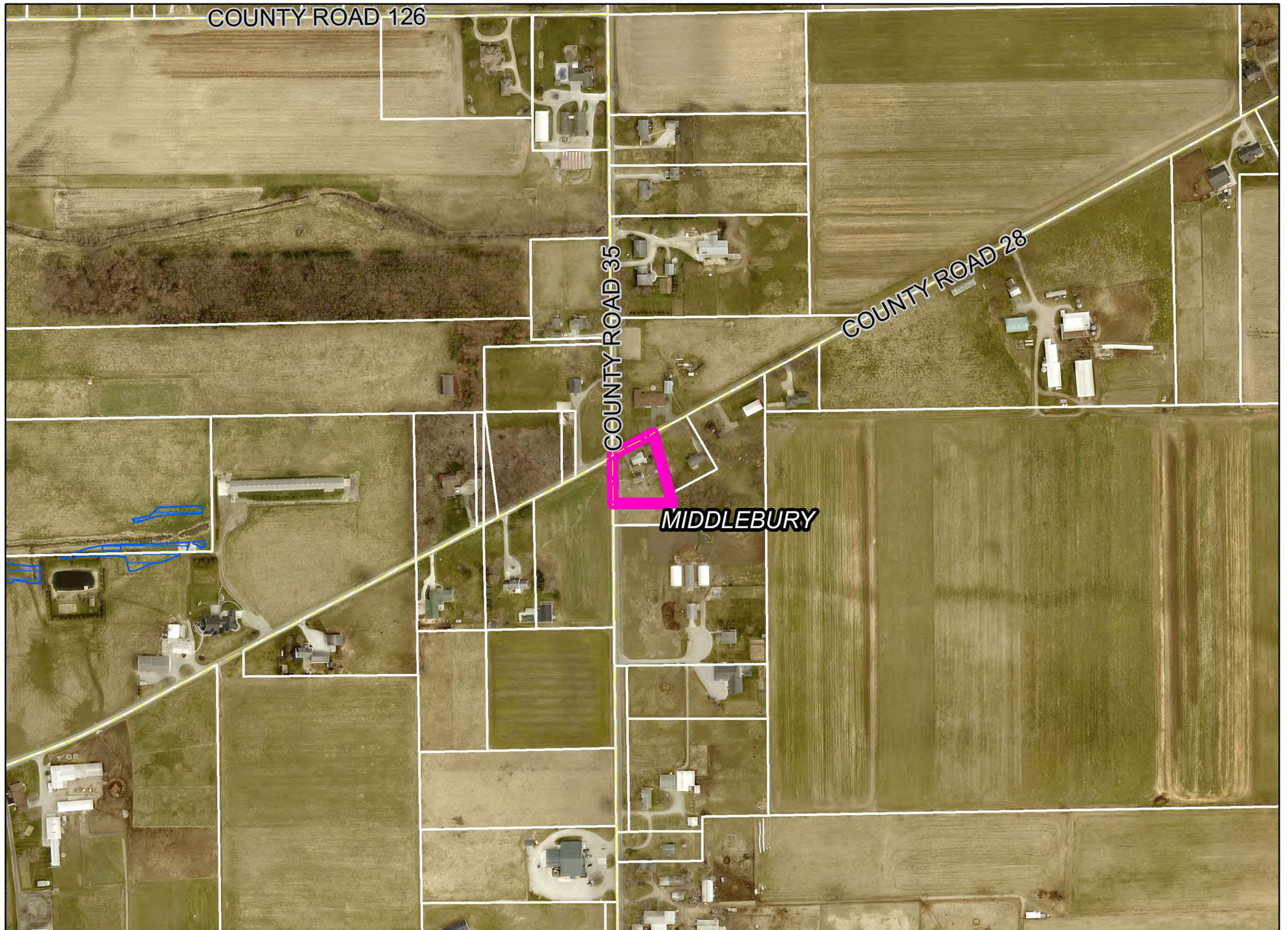
Staff recommends **APPROVAL** with the following condition(s) imposed:

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 10/14/2024) and as represented in the Developmental Variance application.





DV-0769-2024





Subject property, facing South



Subject property facing East



Facing east from intersection



Facing West towards intersection



Facing Northeast

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: 10/14/2024 Meeting Date: November 20, 2024 Transaction #: DV-0769-2024
Board of Zoning Appeals Public Hearing

Description: for a 43 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 32 ft. from the centerline of the right-of-way (of County Road 28) and 52 ft from the centerline of right of way (of County Road 35)

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Loren Stutzman & Joann Stutzman Husband And Wife 57404 County Road 28 Middlebury, IN 46540	Loren Stutzman & Joann Stutzman Husband And Wife 57404 County Road 28 Middlebury, IN 46540

Site Address: 13988 County Road 28 Middlebury, IN 46540	Parcel Number: 20-08-33-300-001.000-034
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Township: Middlebury
Location: SOUTHEAST CORNER OF CR 28 AND CR 35

Subdivision:	Lot #
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Lot Area: 0.75	Frontage: 128.00	Depth: 141.00
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL DWELLING

Legal Description:

Comments: Parcel Creation 11-21-1996
PROPERTY OWNER INTENDS TO DEMO THE EXISTING EXIST HOUSE, PROPOSED SITE PLAN IS INCLUDED WITH THE VARIANCE SUBMISSION

Applicant Signature:	Department Signature:
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Application

Site address: 13988 C.R. 28 MIDDLEBURY IN. 46540

Parcel number(s): 80-08-33-300-001/002, 000-034

Current property owner

Name: LOREN AND JOANN STUTZMAN

Address: 57404 C.R. 35 MIDDLEBURY IN. 46540

Phone: 574-361-9672

Email: CONCRETE BORDERS 62@GMAIL.COM

Other party

☐ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: _____

Address: _____

Phone: _____

Email: _____

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

Signature of current property owner or authorized agent: 

Staff Use Only

Description: _____

Parcel creation date: 11/21/1996

Subdivision required?

☐ Y

☒ N

If yes,

☐ AS

☐ Minor

☐ Major

Residential accessory breakdown, if applicable: _____

Location: N (S) E W (corner) side end of CR 28 at
_____ ft. N S E W of CR 35

in _____ Township

Frontage: 128 ft Depth: 141 ft Area: 0.75 acres

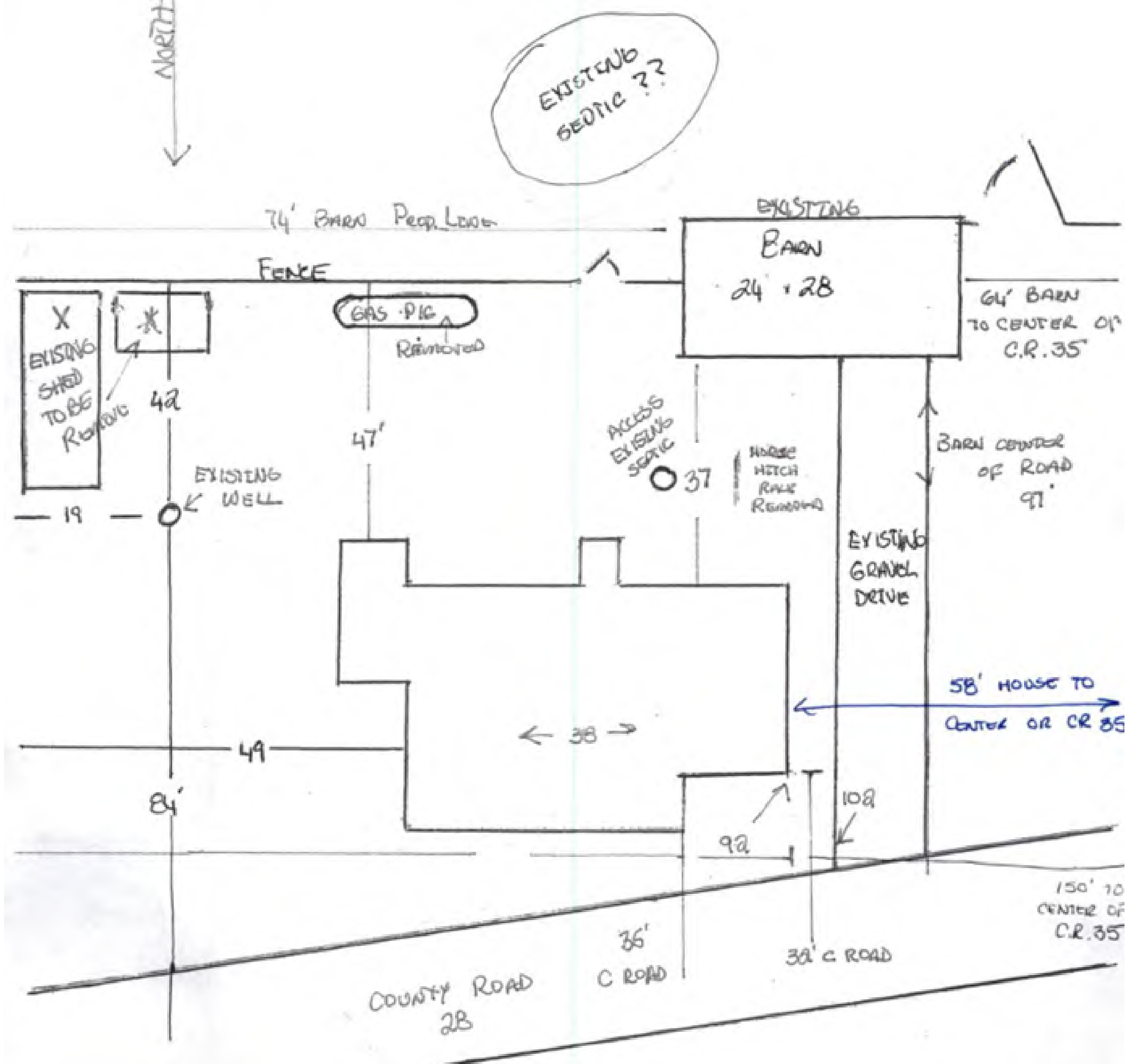
Subdivision and lot number, if applicable: _____

Present use: Residential

Developmental Variance — Questionnaire

Name: LOREN STUTZMAN

- 1) Tell us what you want to do. REMOVE HOUSE AND EXISTING SHEDS
AND REBUILD (NEW HOME) FURTHER AWAY FROM THE ROAD
EXISTING HOME WAS BUILT BEFORE 1950 AS AN AMISH HOME (NO ELECTRIC)
- 2) Tell us why you can't change what you're doing so you don't need a variance. THERE IS NOT ENOUGH ROOM (CURRENTLY) TO BUILD AND BE 75' OFF
ROAD
- 3) Tell us why the variance won't hurt your neighbors or the community. JUST THE OPPOSITE IT
WILL MAKE THE INTERSECTION MORE VISIBLE FROM ALL
DIRECTIONS
- 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: APPROX 30x60 RANCH
Tell us what you'll use it for. SINGLE STORY 20' TO PEAK — SELL
- Building or addition 2** Size and height to the peak: _____
Tell us what you'll use it for. _____
- Building or addition 3** Size and height to the peak: _____
Tell us what you'll use it for. _____
- 6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☒ N
If yes, fill out below.
Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N
Tell us who owns (will own) the land under the easement. _____
Tell us how many parcels will use the easement. _____
- 7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.
- Sign 1** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- Sign 2** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- Sign 3** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- 8) Does the application include a variance for parking spaces? ☐ Y ☒ N
If yes, tell us how many total there will be. _____
- 9) Tell us anything else you want us to know. _____



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: November 20, 2024

Transaction Number: DV-0688-2024.

Parcel Number(s): 20-05-23-327-023.000-001.

Existing Zoning: A-1.

Petition: For a 6 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an attached accessory structure 4 ft. from the south side property line.

Petitioner: Dennis B. Horvath & Brenda J. Horvath, Husband & Wife.

Location: East side of Stella Dr., 180 ft. north of CR 22, in Baugo Township.

Site Description:

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

History and General Notes:

- **March 18, 1987** – The Warren Cook Estates Section V plat was recorded showing restrictive covenants including 15 ft. required side setbacks and a limit of 2 cars for private garages. While Elkhart County will not enforce these, the applicant assumes the risk of private action.

Staff Analysis:

Staff finds that:

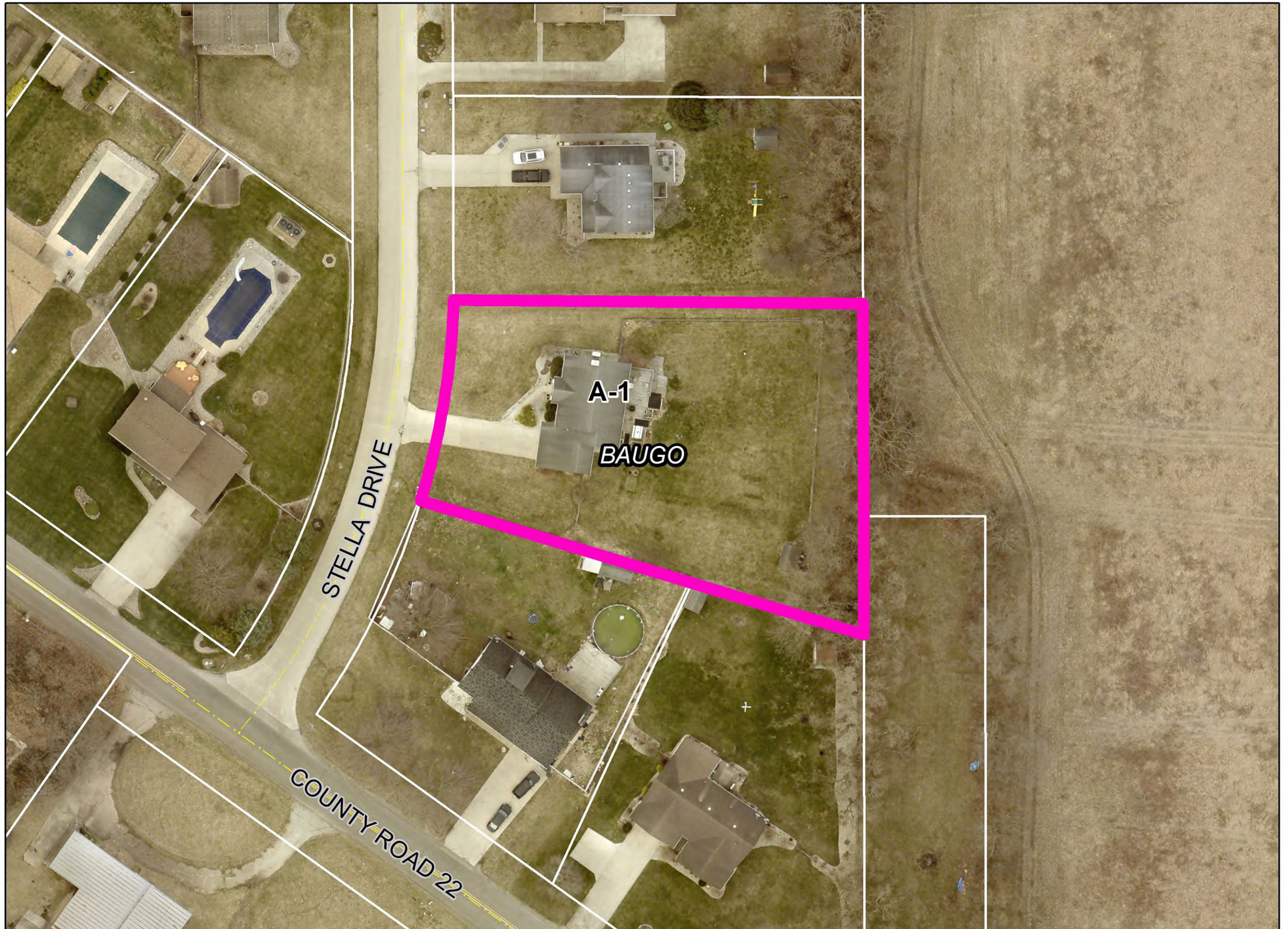
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The addition observes the required front setback, and there are garages of similar scale throughout the neighborhood.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.56-acre lot in a medium-density residential and agricultural area, and the proposed setback allows adequate maintenance area.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Total proposed storage area is well within the limit for the property, and an addition to the attached garage would be difficult without a variance due to the position of the house.

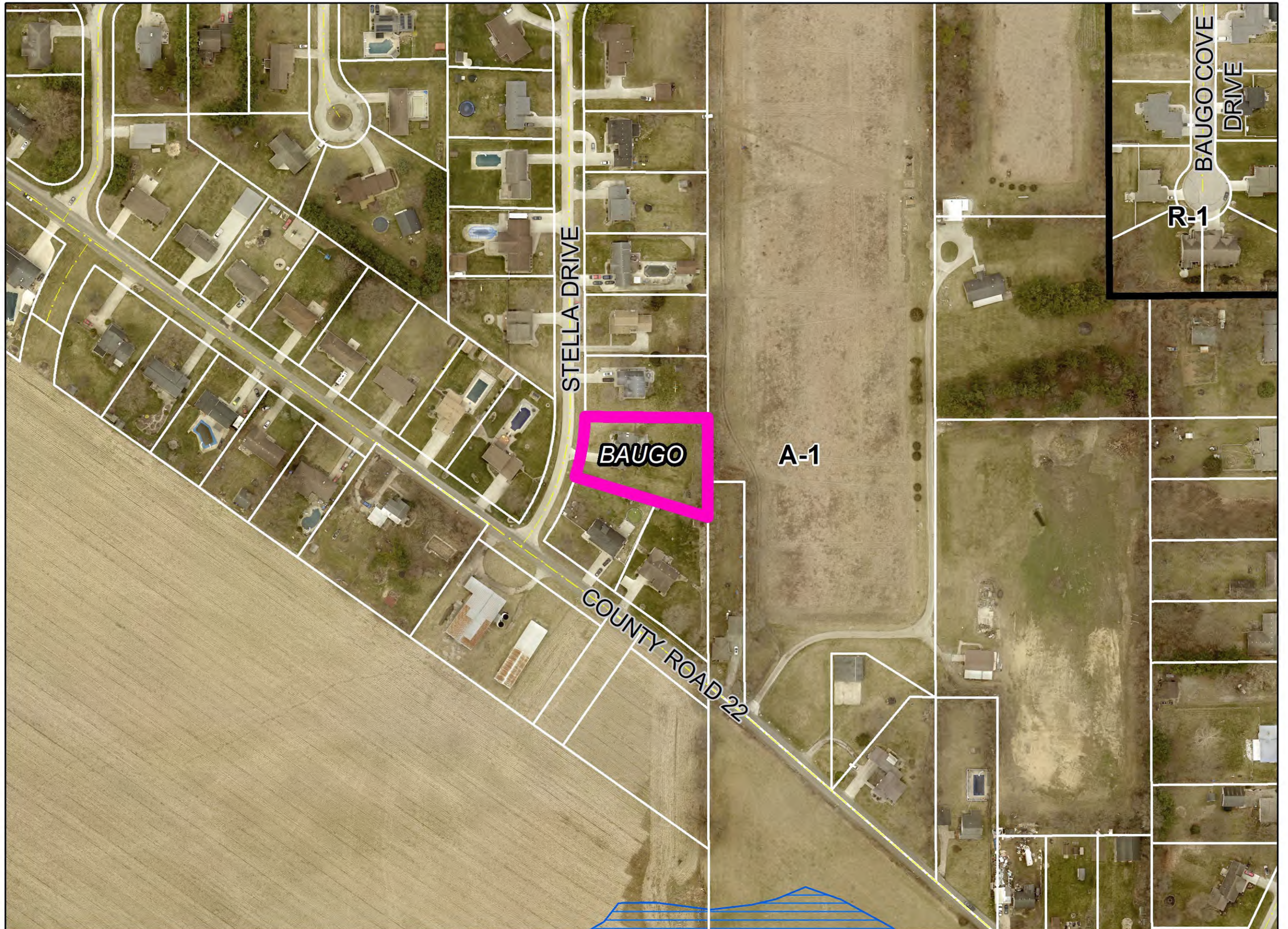
Hearing Officer Staff Report (Continued)

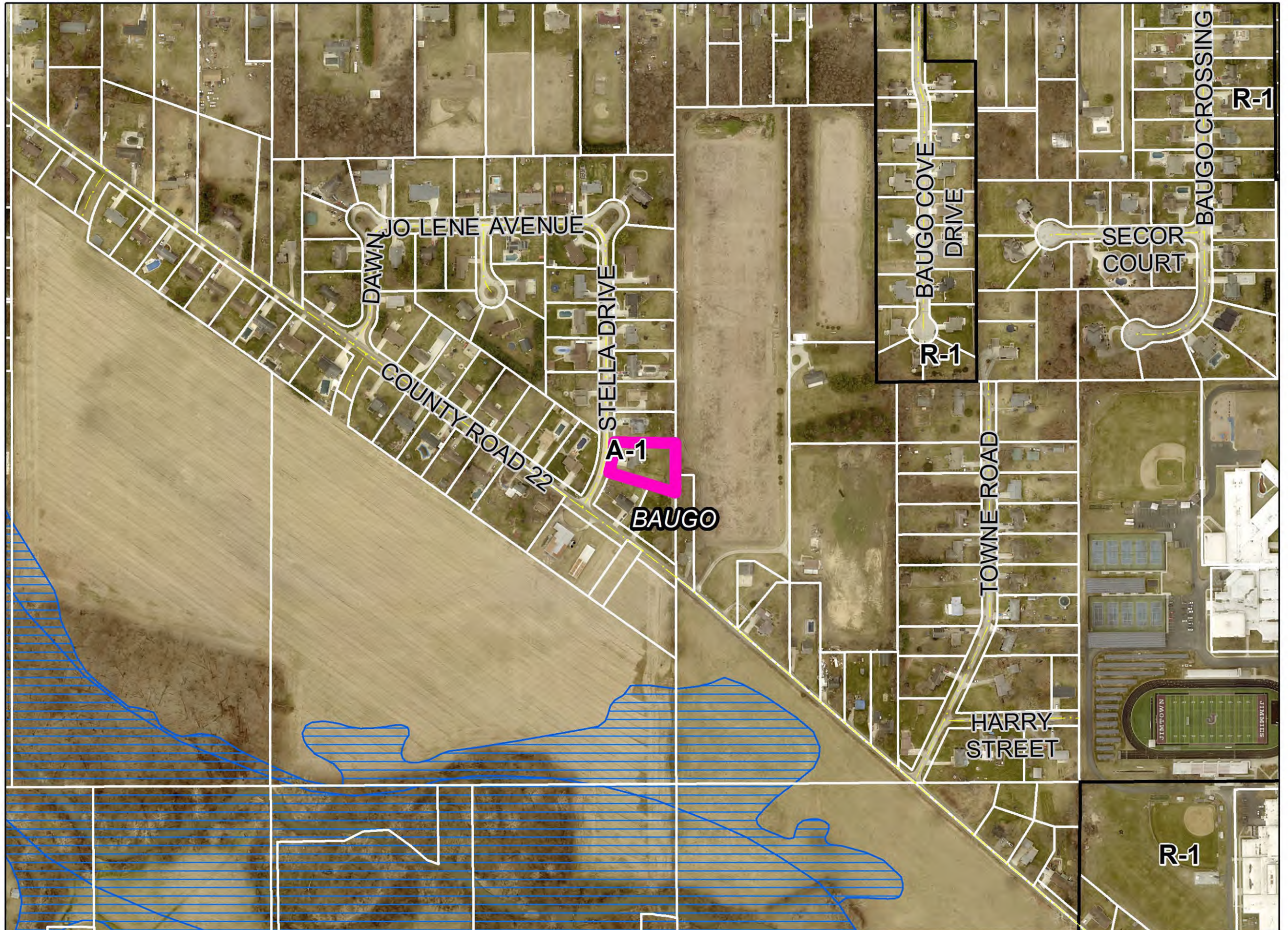
Hearing Date: November 20, 2024

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

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 10/4/2024 and as represented in the Developmental Variance application.









Subject property



Facing north



Facing south



Facing west

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: 10/04/2024 Meeting Date: November 20, 2024 Transaction #: DV-0688-2024
Board of Zoning Appeals Public Hearing

Description: for a 6ft. Developmental Variance Ordinance requires 10 ft. to allow for the construction of an attached accessory structure 4 ft. from the south side property line.

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>	<u>Private Surveyor</u>
Wightman 1402 E. Mishawaka Ave. South Bend, IN 46615	Wightman 1402 E. Mishawaka Ave. South Bend, IN 46615	Dennis B. Horvath And Brenda J. Horvath, Husband And Wife 58786 Stella Dr. Elkhart, IN 46517	Wightman 1402 E. Mishawaka Ave. South Bend, IN 46615

Site Address: 58786 Stella Drive Elkhart, IN 46517	Parcel Number: 20-05-23-327-023.000-001
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Township: Baugo
Location: East Side Of Stella Drive, 180 ft Northeast Of County Road 22

Subdivision: WARREN COOK ESTATES SEC V	Lot # 50
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Lot Area: 0.56	Frontage: 100.00	Depth: 202.00
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: RESIDENTIAL DWELLING AREA: 2,668 SQFT X 110 % = 2,934.8 MINUS GARAGE 483 SQFT, UTILITY SHED 96 SQFT = 2,355.8 SQFT MINUS 30 X 24 = 720 SQFT = 1,635.8 SQFT

Applicant Signature:	Department Signature:
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Application

Site address: 58786 Stella Drive, Elkhart, IN 46517

Parcel number(s): 20-05-23-327-023.000-001

Current property owner

Name: Dennis B. and Brenda J. Horvath

Address: 58786 Stella Drive, Elkhart, IN 46517

Phone: 574-370-0376

Email: dbhorvath@comcast.net

Other party

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: Wightman c/o Terry Lang

Address: 1402 Mishawaka Avenue, South Bend, IN 46615

Phone: 574-233-1841

Email: TLang@GoWightman.com

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

Signature of current property owner or authorized agent:

Terry Lang

Staff Use Only

Description: For a 6 ft. Developmental Variance Ordinance requires 10 ft to allow for the Construction of an attached accessory structure 4 ft from the South side property line.

Parcel creation date:

N/A.

Subdivision required?

☐ Y

☒ N

If yes,

☐ AS

☐ Minor

☐ Major

Residential accessory breakdown, if applicable:

SEE ATTACHED SHEET.

Location:

N S E W

corner side end

of

STELLA DR.

190

ft.

N S E W

of

CR 22

in

BANGOR

Township

Frontage:

100 FT

Depth:

202 FT.

Area:

0.56

acres

Subdivision and lot number, if applicable:

WARREN COOK ESTATES SEC V LOT 50.

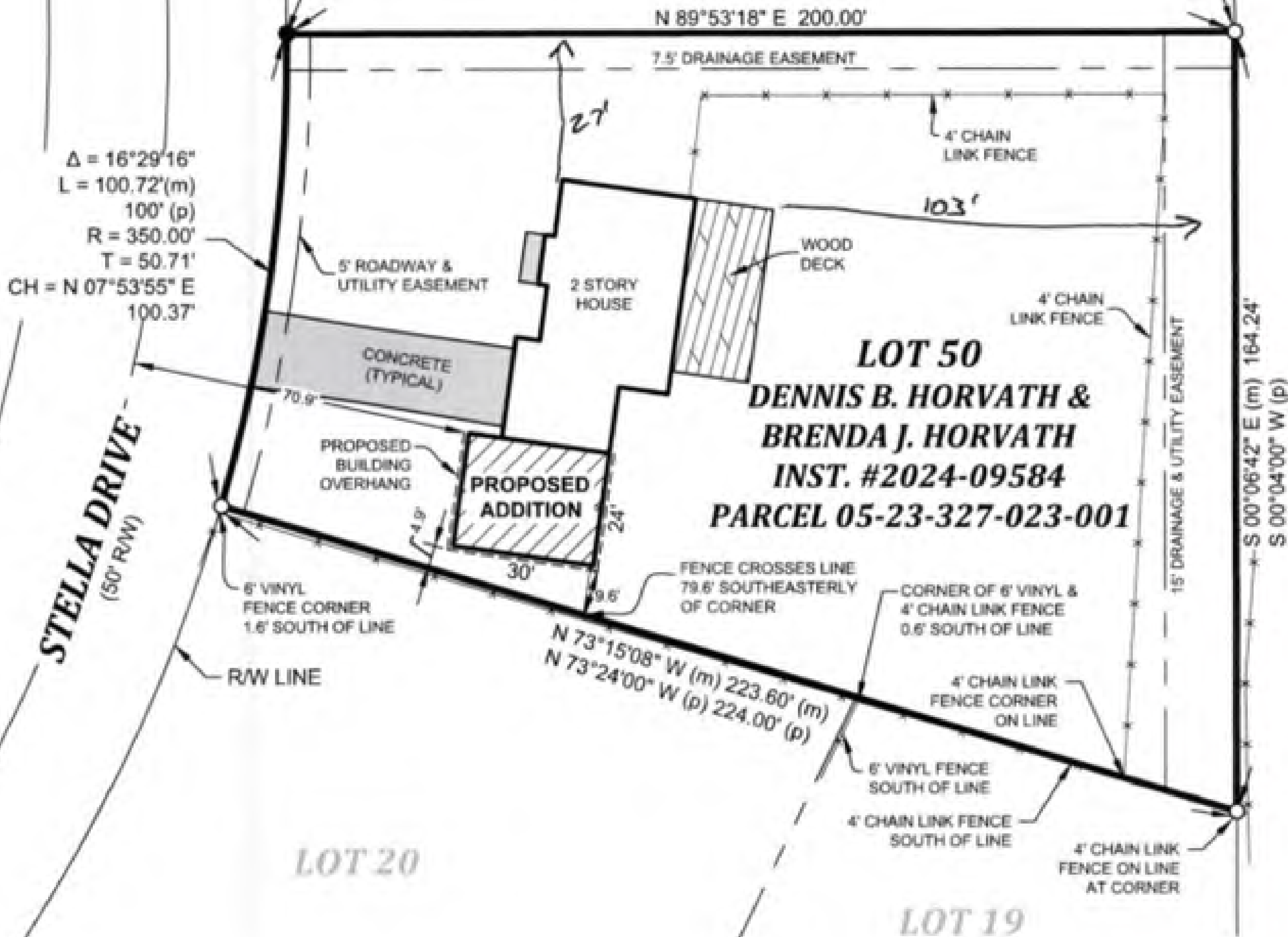
Present use:

RESIDENCE.

Developmental Variance — Questionnaire

Name: Dennis B. and Brenda J. Horvath

- 1) Tell us what you want to do. Request a varaince from the required 10' side setback to 4.9' in order to construct a garage addition.
- 2) Tell us why you can't change what you're doing so you don't need a variance. We wish to modify and existing house which was constructed on a lot that the minimum 100' lot width that provides minimal width.
- 3) Tell us why the variance won't hurt your neighbors or the community. The neighboring house is well over 55' away with a privacy fence encompassing their lot.
- 4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N
- 5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.
Building or addition 1 Size and height to the peak: 30'x24', height:20'+/- (not to exceed 30')
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 garage addition shall match the existing garage roof line.



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: November 20, 2024

Transaction Number: DV-0756-2024.

Parcel Number(s): 20-04-17-200-024.000-032.

Existing Zoning: A-1.

Petition: For a 18 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a deck and an existing residence 57 ft. from the centerline of the right-of-way.

Petitioner: Timothy Eash & Malinda L. Eash, Husband & Wife.

Location: West side of CR 133, 2,005 ft. south of State Line Rd., in York Township.

Site Description:

- Physical Improvement(s) – Residence, barns.
- Proposed Improvement(s) – Garage and deck additions.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. An additional 9 ft. for a small, open deck in a low-traffic area does not threaten public health or safety.
2. Approval of the request will not cause substantial adverse effect on neighboring property. A residential front deck on this 11-acre parcel in a low-density residential and agricultural area will have no effect on sight distance for either neighbor.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Strict application would prohibit a low-impact, low-footprint accessory improvement for a home that has been in this position for over 100 years.

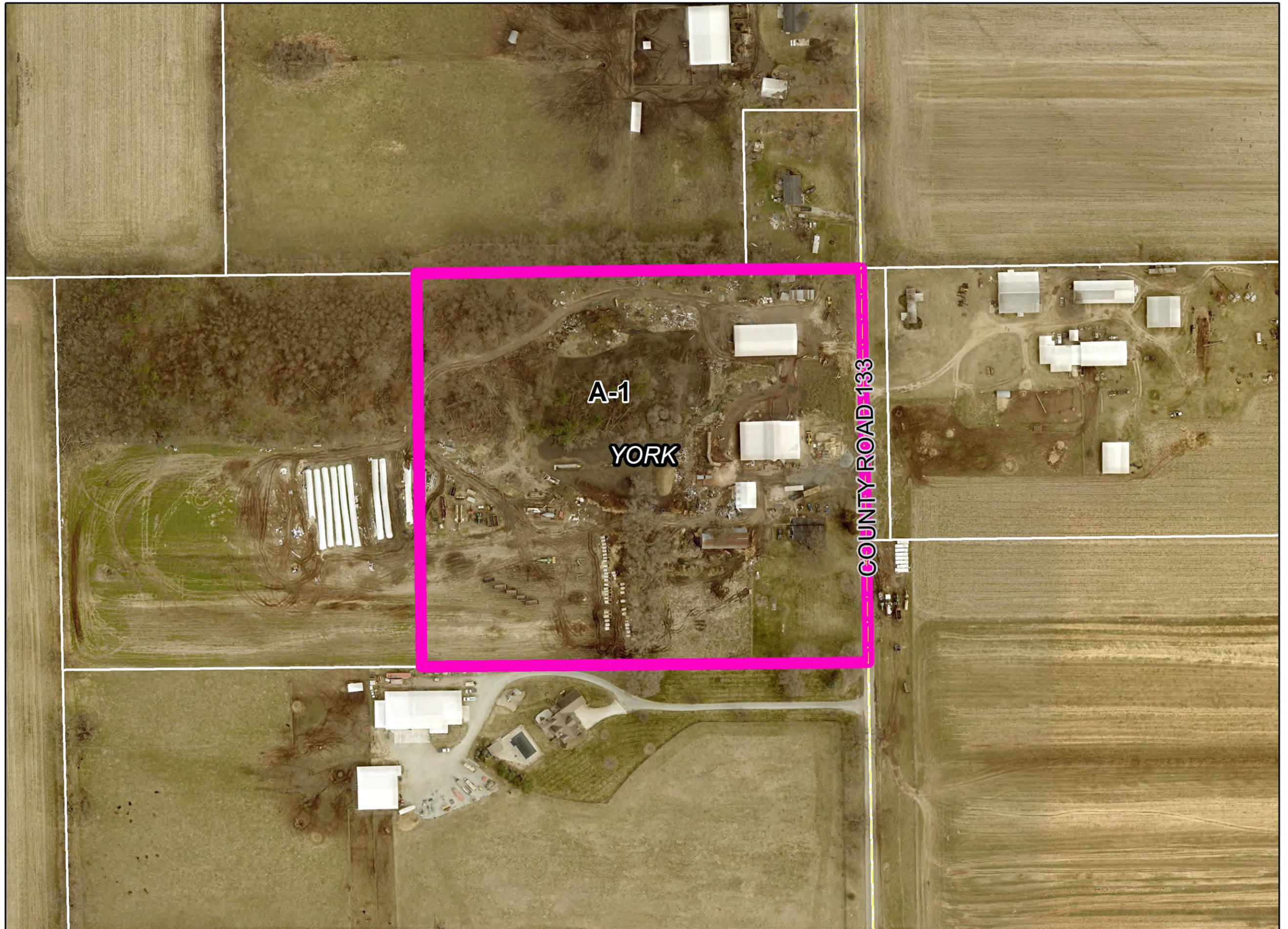
Hearing Officer Staff Report (Continued)

Hearing Date: November 20, 2024

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

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 10/14/2024 and as represented in the Developmental Variance application.









Subject property



Facing north



Subject property



Facing south

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: 10/14/2024 Meeting Date: November 20, 2024 Transaction #: DV-0756-2024
Board of Zoning Appeals Public Hearing

Description: for a 17 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a deck 58 ft. from the centerline of the right-of-way and for a 9 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 66 ft. from the centerline of the right-of-way

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>General Contractor</u>	<u>Land Owner</u>
New Horizon Builders, Inc. 12634 Cr 4 Middlebury, IN 46540	New Horizon Builders, Inc. 12634 Cr 4 Middlebury, IN 46540	New Horizon Builders, Inc. 12634 Cr 4 Middlebury, IN 46540	Timothy Eash And Malinda L. Eash, Husband And Wife 51077 County Road 133 Bristol, IN 46507

Site Address: 51077 County Road 133
Bristol, IN 46507

Parcel Number: 20-04-17-200-024.000-032

Township: York
Location: WEST SIDE OF CR 133, 2,005 FT. SOUTH OF STATE LINE ROAD

Subdivision: Lot #

Lot Area: 11.01 Frontage: 650.00 Depth: 737.00

Zoning: A-1 NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 7/22/2003
RESIDENCE = 2864 X 200% = 5728 SF MINUS FRAME CORN CRIB (PERSONAL STORAGE) OF 600 SF = 5128 SF MINUS
724 SF (NEW GARAGE) = 4404 AVAILABLE FOR PERSONAL STORAGE 10-14-2024 JB

Applicant Signature:

Department Signature:

Application

Site address: 51077 CR 133

Parcel number(s): 20-04-17-200-024.000-032.

Current property owner

Name: Timothy + Malinda Eash

Address: 51077 County Road 133 Bristol IN 46507

Phone: 574-202-0542

Email: tim@firstmennonite.net

Other party

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: David Borntrager - New Horizon Builders

Address: 58142 CR 115 Goshen IN 46528

Phone: 574-202-0680

Email: david@newhorizonbuildersmichiana.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:

David Borntrager

*HOUSE TOO CLOSE LEFT TO CL

Staff Use Only

Description:

Parcel creation date:

7/22/2003

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 133

2,005

ft.

N S

E

W

of

STATE LINE RD.

in

YORK

Township

Frontage:

650 FT

Depth:

737

Area:

11.01

acres

Subdivision and lot number, if applicable:

N/A

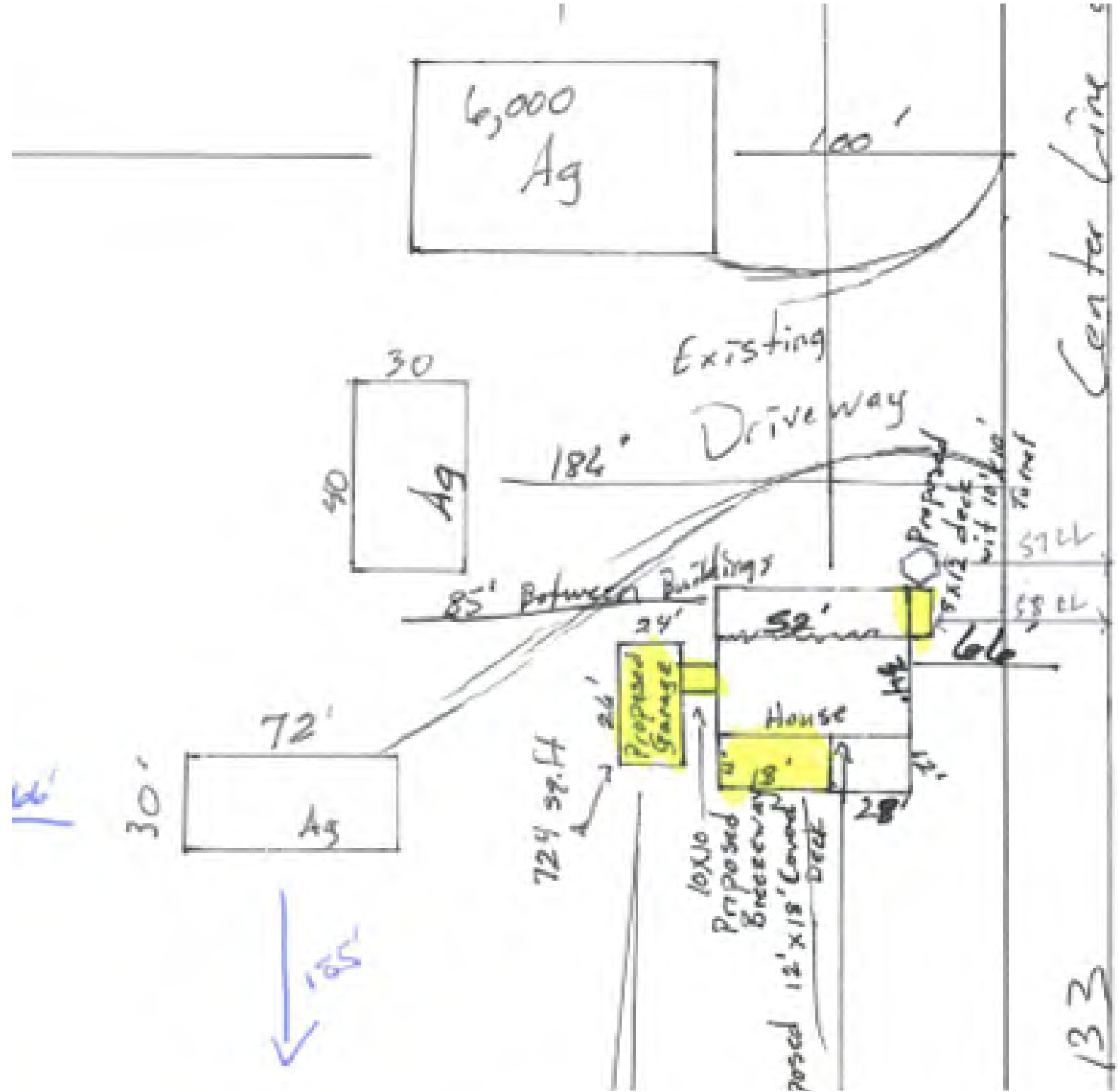
Present use:

RESIDENCE.

Developmental Variance — Questionnaire

Name: Timothy

- 1) Tell us what you want to do. Build a Garage to the west end of the House with a breeze way for sheltered access from the House. Add a deck to the front that will protrude an additional 8' closer to the Road.
- 2) Tell us why you can't change what you're doing so you don't need a variance. We can not be protected from the elements while going to and from the garage without attaching it to the house.
- 3) Tell us why the variance won't hurt your neighbors or the community. It does not pose any threat to anyone's health, it does not block any person's view of the sunset.
- 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' W X 26' L. 16' Peak
Tell us what you'll use it for. This Building will be used for a garage.
- Building or addition 2** Size and height to the peak: 8' X 12' 16'
Tell us what you'll use it for. Attached deck w/ Turret. Roof on Turret Only.
- Building or addition 3** Size and height to the peak: _____
Tell us what you'll use it for. _____
- 6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☒ N
If yes, fill out below.
Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N
Tell us who owns (will own) the land under the easement. _____
Tell us how many parcels will use the easement. _____
- 7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.
- Sign 1** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- Sign 2** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- Sign 3** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- 8) Does the application include a variance for parking spaces? ☐ Y ☒ N
If yes, tell us how many total there will be. _____
- 9) Tell us anything else you want us to know. _____



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: November 20, 2024

Transaction Number: DV-0765-2024.

Parcel Number(s): 20-08-301-005.000-034, 20-08-29-301-006.000-034.

Existing Zoning: A-1.

Petition: For a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Petitioner: Glen J. Riegsecker, as Trustee of the Glen J. Riegsecker Revocable Trust.

Location: East side of CR 33, 1,475 ft. north of CR 26, in Middlebury Township.

Site Description:

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

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. Allowing easement access preserves public safety by avoiding a dense cluster of driveways on the east side of CR 33, and the storage request is 1,814 sq. ft., or 61 percent, over what is allowed by right.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 2-acre lot in a low-density residential and agricultural area, and a shared driveway for the proposed residence and an existing residence to the east will affect only the subject property.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Requiring direct access would reduce the lot's buildable area.

Hearing Officer Staff Report (Continued)

Hearing Date: November 20, 2024

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

1. Variances from the developmental standards of the Development 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 10/14/2024 and as represented in the Developmental Variance application.









Subject property



Facing west down private access



Facing north from subject property



Facing west at CR 33



Facing south



Facing north

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: 10/14/2024 Meeting Date: November 20, 2024 Transaction #: DV-0765-2024
Board of Zoning Appeals Public Hearing

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

Contacts: <u>Applicant</u>	<u>Land Owner</u>	<u>Private Surveyor</u>
Advanced Land Surveying Of Northern Indiana, Inc. 17120 County Road 46 New Paris, IN 46553	Glen J. Riegsecker, Trustee Of Glen J. Riegsecker Rev Tr 59530 County Road 33 Middlebury, IN 46540	Advanced Land Surveying Of Northern Indiana, Inc. 17120 County Road 46 New Paris, IN 46553

Site Address: 59730 County Road 33 Middlebury, IN 46540	Parcel Number: 20-08-29-301-005.000-034 20-08-29-301-006.000-034
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Township: Middlebury
Location: East Side Of County Road 33, 1,475 Feet North Of County Road 26

Subdivision:	Lot #
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Lot Area: 5.05	Frontage: 303.91	Depth: 735.30
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 12/7/1994
PROPOSED HOUSE (2,500 SQ FT) WITH ATTACHED GARAGE (1,584 SQ FT) AND ALSO A BARN (80X40 = 3,200 SQ FT).
THESE WOULD BE WITHIN LIMITS, NO DV REQUIRED - KB 10/14/2024
SEE PREVIOUS SPECIAL USE #20044067 FOR HOME WORKSHOP/BUSINESS (TAXIDERMY - DANNY L. YODER) AND
FOR A DV FOR OVER SQUARE FOOTAGE - APPROVED 11/18/2004

Applicant Signature:

Department Signature:

Application

Site address: 59730 COUNTY ROAD 33, MIDDLEBURY, IN 46540

Parcel number(s): 20-08-29-301-005.000-034 & 20-08-29-301-006.000-034

4.22 acres

Current property owner

Name: GLEN J. RIEGSECKER

Address: 59730 COUNTY ROAD 33, MIDDLEBURY, IN 46540

Phone: (574) 536-3868

Email: _____

Other party



Agent



Buyer



Land contract purchaser



Lessee

Name: RONNIE JUSTICE, PS / ADVANCED LAND SURVEYING

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: _____

Ø road frontage

Parcel creation date: _____

12/7/1994

Subdivision required? ☐ Y ☒ N

If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: _____

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

CR 33

1,475

ft.

(N) S E W of _____

CR 26

in Middlebury Township

Frontage: 303.91

Depth: 735.30

Area: 5.05

acres

Subdivision and lot number, if applicable: _____

Residential Vacant

Present use: _____



Developmental Variance — Questionnaire

Name: GLEN J. RIEGSECKER

- 1) Tell us what you want to do. BUILD A HOUSE AND BARN WHICH HAS NO ROAD FRONTAGE BUT WILL BE ACCESSED BY AN EASEMENT WHICH EXISTS WITH A DRIVE WHICH IS OWNED BY MY SON CURT RIEGSECKER
- 2) Tell us why you can't change what you're doing so you don't need a variance. i AM BUILDING THIS HOUSE TO BE CLOSE TO FAMIY
- 3) Tell us why the variance won't hurt your neighbors or the community. IT IS JUST FOR A HOUSE IN A RESIDENTIAL AREA
- 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: 2700 SQ. FT. - 1 STORY HOUSE
Tell us what you'll use it for. _____
- Building or addition 2** Size and height to the peak: 3200 SQ. FT. BARN
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. CURT RIEGSECKER (SON)
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. _____

