

AGENDA

ELKHART COUNTY BOARD OF ZONING APPEALS HEARING OFFICER

OCTOBER 16, 2024
9:00 A.M.

DEPARTMENT OF PUBLIC SERVICES
MEETING ROOM A & B
4230 ELKHART ROAD, 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: **David M. Miller** (Page 1)
Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, for a 21 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an attached garage 54 ft. from the centerline of the right-of-way, and for a 1 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing accessory structure 4 ft. from the South side property line.
Location: West side of CR 127, 2,015 ft. South of CR 44, common address of 68109 CR 127 in Jackson Township, zoned A-1. DV-0647-2024
- B. Petitioner: **Monte W. Holdeman & Tanya K. Holdeman, Husband & Wife** (Page 2)
Petition: for a 7 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the placement of a detached accessory structure 43 ft. from the centerline of the right-of-way of Harrison St., and for a 10 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the placement of a detached accessory structure 0 ft. from the rear property line.
Location: Southwest corner of S. Elkhart St. (CR 3) & W. Harrison St., common address of 201 S. Elkhart St. in Olive Township, zoned R-1. DV-0649-2024
- C. Petitioner: **Stacey L. Mikel & Jennifer A. Mikel, Husband & Wife** (Page 3)
Petition: for a 39 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence and the construction of a covered porch 36 ft. from the centerline of the right-of-way.
Location: Southwest corner of CR 19 & CR 40, common address of 66023 CR 19 in Elkhart Township, zoned A-1. DV-0651-2024

- D. Petitioner: ***Larry J. White & Michelle L. White, Husband & Wife*** (Page 4)
 Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
 Location: North end of the easement, North of W. Berry St., 340 ft. West of S. Grand St., common address of 412 W. Berry St. in Middlebury Township, zoned A-1. DV-0657-2024
- E. Petitioner: ***Robert T. McCartney & Heather A. McCartney, Husband & Wife*** (Page 5)
 Petition: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement.
 Location: West side of CR 13, 1,420 ft. South of SR 120, in York Township, zoned A-1. DV-0661-2024
- F. Petitioner : ***Lyle D. Bontrager & Dianne J. Bontrager, Husband & Wife*** (Page 6)
 Petition: for a 39 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a proposed residence on lot 1 and for a Developmental Variance to allow for an existing residence on property with no road frontage served by an access easement on proposed lot 2.
 Location: South side of CR 42, 2,400 ft. Northwest of CR 142, common address of 18400 CR 42 in Elkhart Township, zoned A-1. DV-0660-2024
- G. Petitioner: ***James L. Freeze & Billie Jo Freeze, Husband & Wife*** (Page 7)
 Petition: for a Special Use for a mobile home.
 Location: East side of CR 131, 1,245 ft. North of SR 120, common address of 52760 CR 131 in York Township, zoned A-1. SUP-0653-2024

The Elkhart County Board of Zoning Appeals Hearing Officer is meeting on Wednesday October 16, 2024, at **9:00 am** in Rooms A & B of the Public Services Building, 4230 Elkhart Road, 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 October 16, 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: October 16, 2024

Transaction Number: DV-0647-2024.

Parcel Number(s): 20-15-11-200-001.000-018.

Existing Zoning: A-1.

Petition: For a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, for a 21 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an attached garage 54 ft. from the centerline of the right-of-way, and for a 1 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing accessory structure 4 ft. from the south side property line.

Petitioner: David M. Miller.

Location: West side of CR 127, 2,015 ft. south of CR 44, in Jackson Township.

Site Description:

- Physical Improvement(s) – Residence, accessory structures.
- Proposed Improvement(s) – Attached garage, partial remodel.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

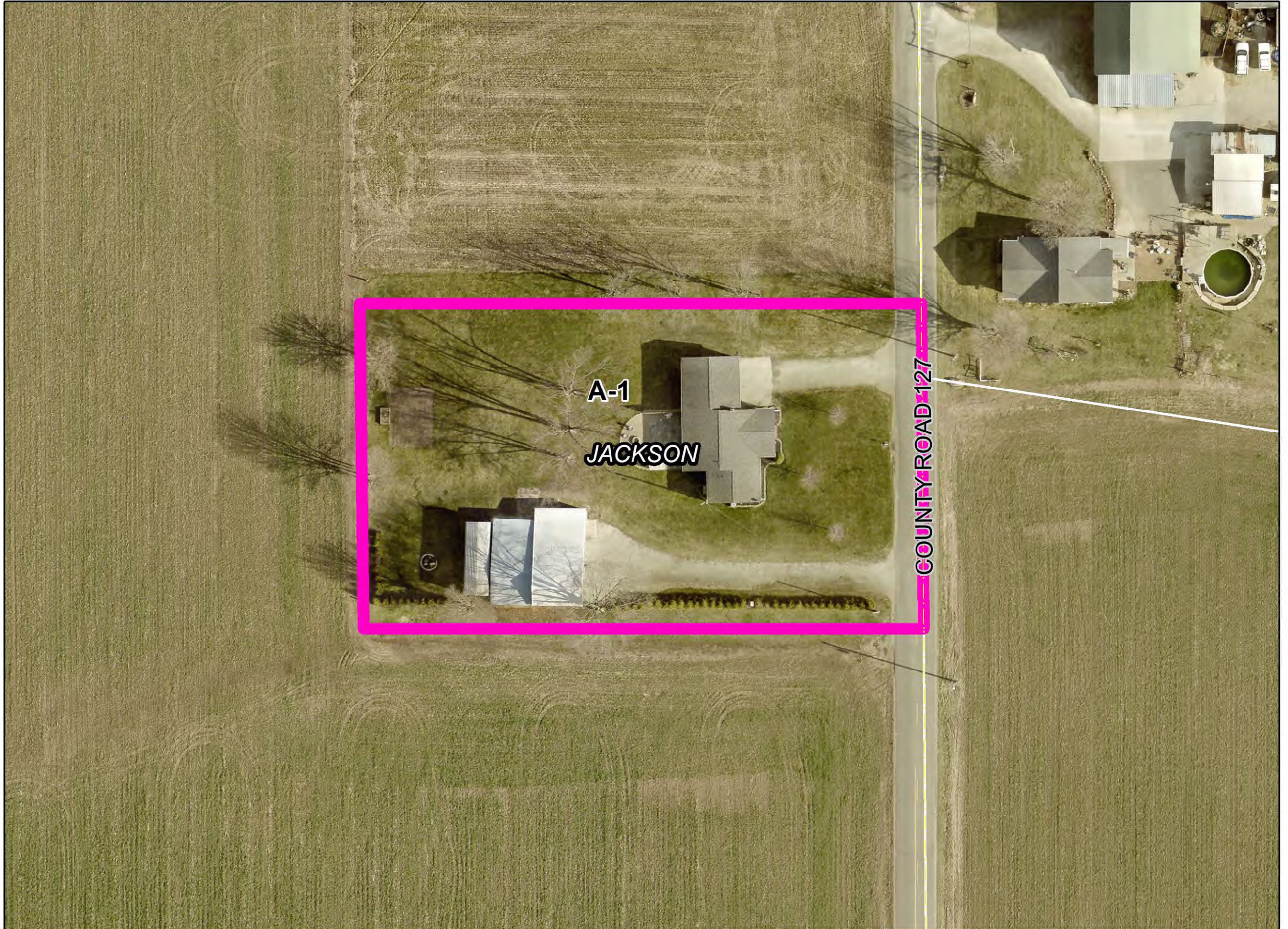
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The accessory structures request is 1,776 sq. ft., or 78 percent, over what is allowed by right, and the setback variances are minimal enough to preserve public health and welfare.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 1-acre parcel in a low-density area with other existing nonconformities and few neighbors for the variances to have an effect on.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The size of the property and layout of existing structures leave few options for the placement of a home expansion.

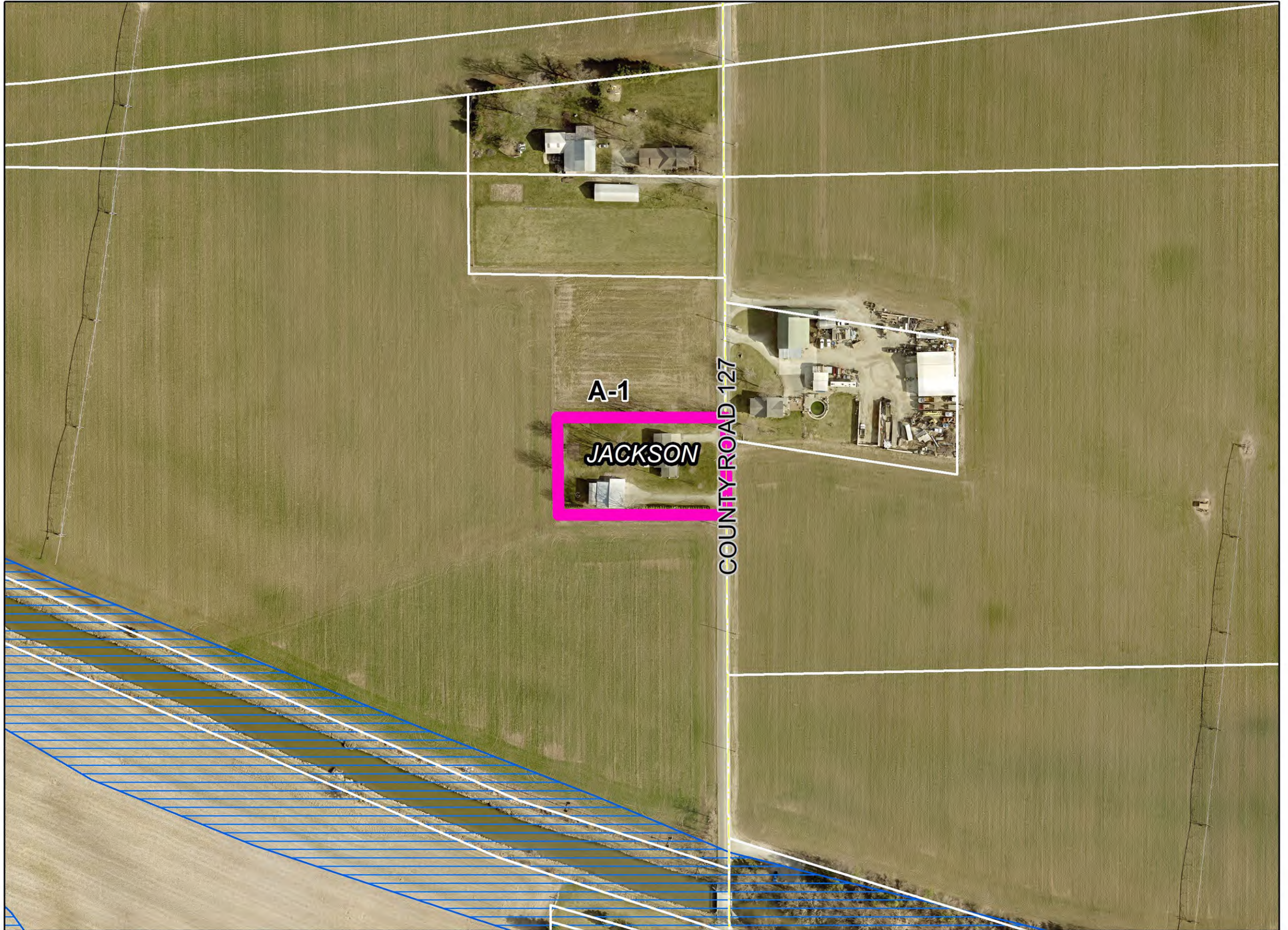
Hearing Officer Staff Report (Continued)

Hearing Date: October 16, 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. A revised site plan must be submitted for staff approval showing the front setback of the proposed attached garage and the correct front setback of the existing residence.
3. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Developmental Variance application.









Subject property



Existing accessory structure



Facing south



Facing north



Facing east

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Developmental Variance - Developmental Variance

DV-0647-2024

Date: 09/10/2024

Meeting Date:

October 16, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0647-2024

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

Contacts: Applicant

David M. Miller

68109 County Road 127

Goshen, IN 465269494

Land Owner

David M. Miller

68109 County Road 127

Goshen, IN 465269494

Site Address: 68109 County Road 127
46526, IN Goshen

Parcel Number:

20-15-11-200-001.000-018

Township: Jackson

Location: WEST SIDE OF CR 127, 2,015 FT. SOUTH OF CR 44

Subdivision:

Lot #

Lot Area:

1.00

Frontage:

161.20

Depth:

276.90

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 3/1/1962

RESIDENCE = 1,392 SQ FT X 110% = 1,531 SQ FT, MINUS 676 SQ FT (GARAGE), 1,150 SQ FT (TYPE 3 BARN), AND 800 SQ FT (TYPE 3 BARN) IS NEGATIVE 1,095 SQ FT. PROPOSED NEW BUILDING AT 28 X 60 (1,680 SQ FT) IS A TOTAL NEGATIVE OF 2,775 SQ FT OF PERSONAL STORAGE - KB 9/10/2024

Applicant Signature:

Department Signature:

Application

Site address: 68109 CR 127 Goshen, IN. 46526

Parcel number(s): 20-15-11-200-001

Current property owner

Name: David Miller

Address: 68109 CR 127 Goshen, IN. 46526

Phone: 574-221-9716 Email: dumiller382@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: David M. Miller

Staff Use Only

Description: DV

Parcel creation date: 3/1/1962

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: See attached

Location: N S E W corner side end of CR 127,
2,015 ft. N S E W of CR 44,
in Jackson Township

Frontage: 161.2 Depth: 276.9 Area: 1 acres

Subdivision and lot number, if applicable: _____

Present use: Residence

Developmental Variance — Questionnaire

Name: David Miller

1) Tell us what you want to do. Adding a 28x60 garage. Remodel existing 25x25 garage to living space.

2) Tell us why you can't change what you're doing so you don't need a variance. We need more space but are maxed out on the square footage on the acreage we have.

3) Tell us why the variance won't hurt your neighbors or the community. The new addition will not block or hinder the neighbors view. It is far enough off the property line.

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: 28'x60' addition, 15'
Tell us what you'll use it for. to the peak

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

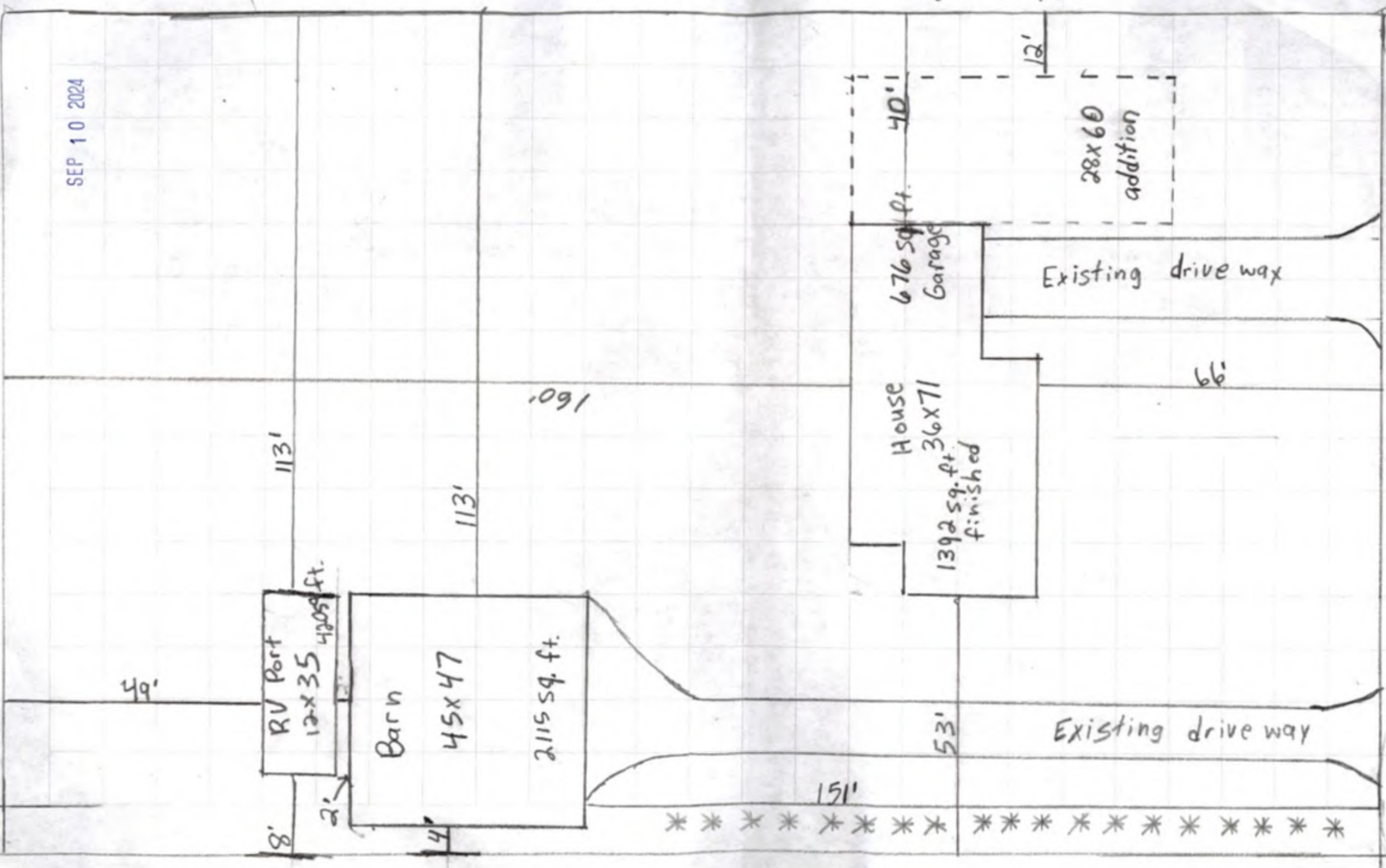
8) Does the application include a variance for parking spaces? Y N
If yes, tell us how many total there will be. _____

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

North →

1/2" = 10'

SEP 10 2024



County Road 127

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 16, 2024

Transaction Number: DV-0649-2024.

Parcel Number(s): 20-09-35-231-011.000-025.

Existing Zoning: R-1.

Petition: For a 7 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the placement of a detached accessory structure 43 ft. from the centerline of the right-of-way of Harrison St. and for a 10 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the placement of a detached accessory structure 0 ft. from the rear property line.

Petitioner: Monte W. Holdeman & Tanya K. Holdeman, Husband & Wife.

Location: Southwest corner of S. Elkhart St. (CR 3) & W. Harrison St., in Olive Township.

Site Description:

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

History and General Notes:

- The findings that follow are based on a staff-recommended 5 ft. rear setback for the detached accessory structure, instead of the requested 0 ft. rear setback.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The proposed encroachment in the Harrison St. setback is equal to that of the residence.
2. Approval of the request will not cause substantial adverse effect on neighboring property. A staff-recommended 5 ft. rear setback will protect the sole affected neighbor of this 0.16-acre portion of a town lot.
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 not account for the high density of the town neighborhood the property is in, and the variances produce an appropriate balance of neighbor protection and maximum enjoyment of a very small homesite.

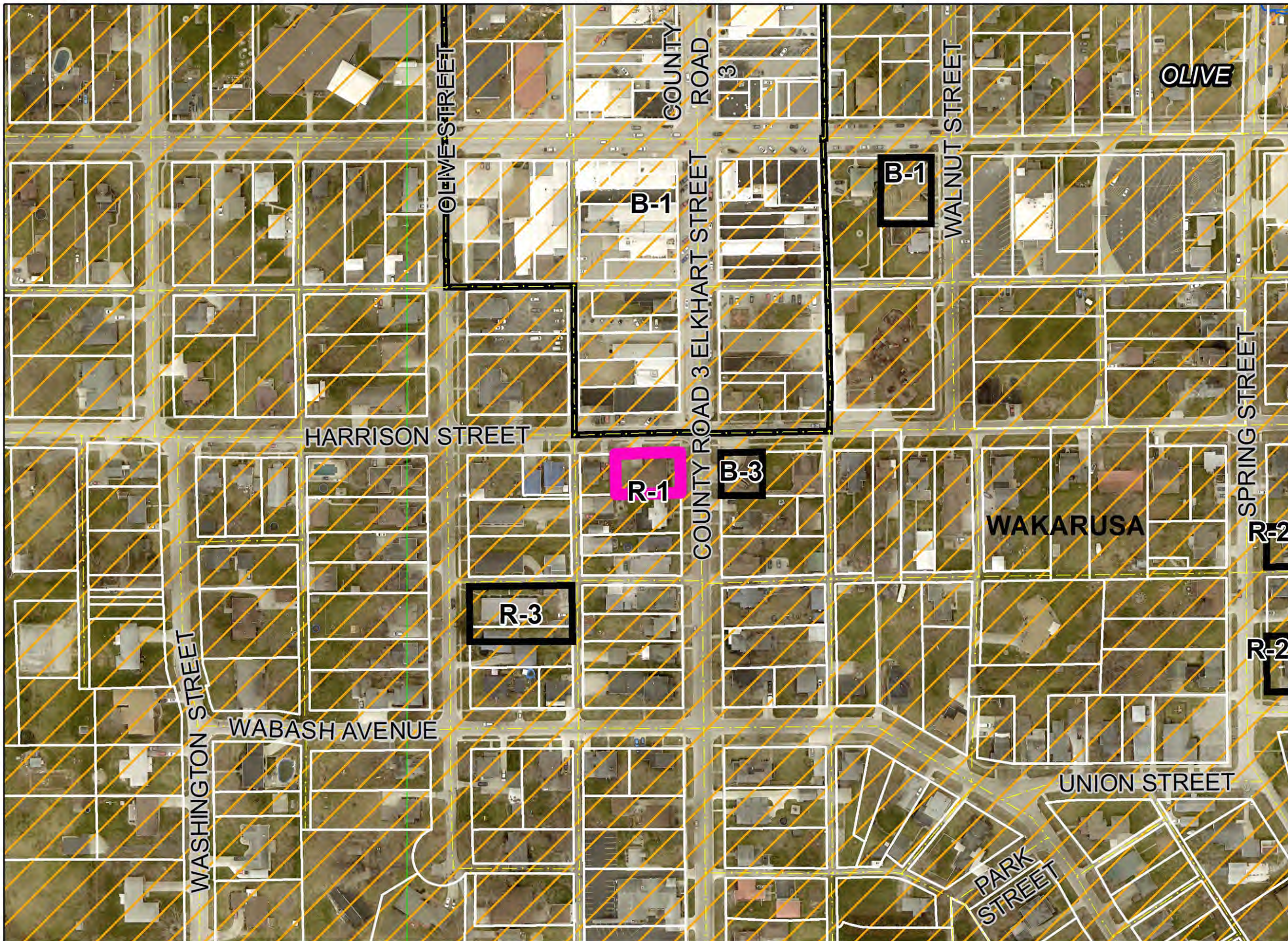
Hearing Officer Staff Report (Continued)

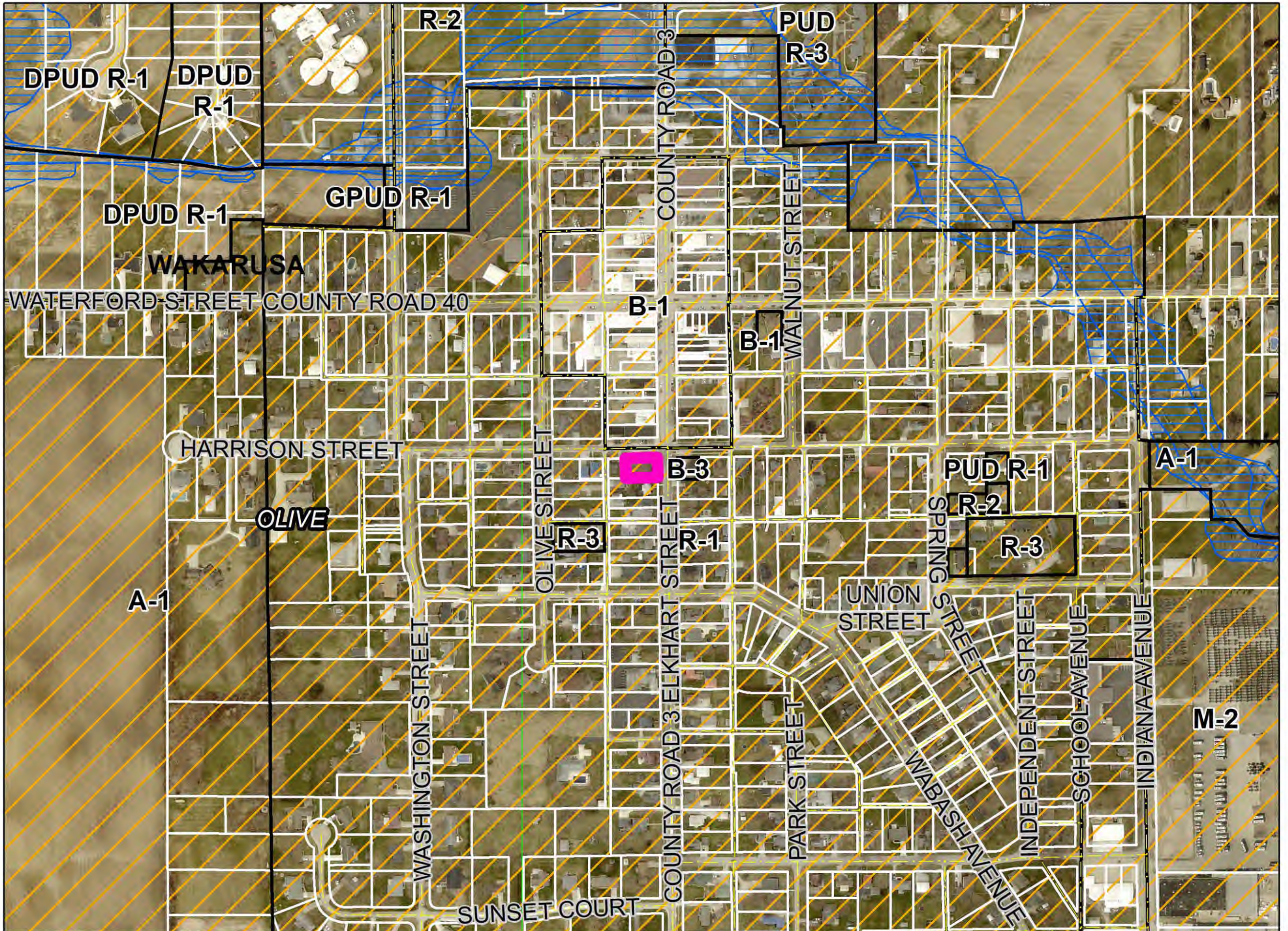
Hearing Date: October 16, 2024

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. A revised site plan must be submitted for staff approval showing a 5 ft. rear setback for the proposed detached accessory structure.
3. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Developmental Variance application.









Subject property



Area for new shed



Facing west



Facing east



Facing north

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Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

DV-0649-2024

Developmental Variance - Developmental Variance

Date: 09/10/2024

Meeting Date:

October 16, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0649-2024

Description: for an 18 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the placement of an accessory structure 57 ft. from the centerline of CR 3/S. Elkhart St. and for a 7 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the placement of an accessory structure 43 ft. from the centerline of the right-of-way of Harrison St.

Contacts: Applicant

Land Owner

Monte W Holdeman And

Monte W Holdeman And

Tanya K Holdeman, Husband
And Wife

Tanya K Holdeman, Husband
And Wife

201 S Elkhart St

201 S Elkhart St

Wakarusa, IN 46573

Wakarusa, IN 46573

Site Address: 201 South Elkhart Street
46573, IN Wakarusa

Parcel Number:

20-09-35-231-011.000-025

Township: Olive

Location: WEST SIDE OF S ELKHART ST, AT SOUTHWEST CORNER OF W HARRISON ST

Subdivision: PLETCHERS 1ST ADD TO TOWN OF WAKARUSA E

Lot # 1

Lot Area: 0.16 Frontage: 66.00

Depth: 107.00

Zoning: R-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: RESIDENCE = 1,457 X 110% = 1,602 SQ FT, MINUS 624 (GARAGE) AND PROPOSED BUILDING (14X24) = 336 SQ FT, WHICH LEAVES 642 SQ FT AVAILABLE FOR PERSONAL STORAGE.

Applicant Signature:

Department Signature:

Application

Site address: 201 S. ELKHART ST. Wakarusa IN. 46573

Parcel number(s): 20-09-35-231-011.000-025

Current property owner

Name: MONTE W. Holdeman + Tanya K. Holdeman

Address: 201 S. ELKHART ST. Wakarusa IN. 46573

Phone: 574-536-3738 or 574-538-8504 Email: _____

Other party

Agent Buyer Land contract purchaser Lessee

Name: _____

Address: _____

Phone: _____ Email: _____

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

Signature of current property owner or authorized agent: Monte W. Holdeman
Tanya K. Holdeman

Staff Use Only

Description: _____

Parcel creation date: _____

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: Res = 1,457 x 110% = 1,602, minus
624 (garage) - 336 leaves 642 sq ft available for
personal storage 14x24

Location: N S E (W) corner (side) end of S Elkhart St,
_____ ft. N S E W of _____,
in Oliver Township

Frontage: 66 Depth: 107 Area: 0.162 acres

Subdivision and lot number, if applicable: Pletchers First Add to the Town of

Present use: Residence Wakarusa E 107 ft Lot 1

Developmental Variance — Questionnaire

Name: Monre Holdeman and Tanya Holdeman

1) Tell us what you want to do. Provide Needed Storage in a place that will still allow use of backyard + Patio area. Also Allow two dogs some space

2) Tell us why you can't change what you're doing so you don't need a variance. The position will allow some privacy to neighbor + leave some room in backyard. There also is a Electric Pole on Southwest corner of Property

3) Tell us why the variance won't hurt your neighbors or the community. Talked To owner he was fine with plan

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. _____

(...
TOWN)

HARRISON STREET

66

HAR

43 ft from C/L

43 ft from C/L

0 ft from property line

14 X 24
New Shed

35

FLETCHER'S
1ST ADD

107

9 ft from property line

30 ft

16 ft

OLIVE

57 ft from C/L

201 S
ELKHART

26 ft

47 ft

COUNTY ROAD B
ELKHART STREET

EL

24 ft from
property line

24 ft

Existing House
and Garage

66

24 ft from
property line

26 ft

HOLDEMAN MONTE
W & TANYA K
HOLDEMAN H&W

30 ft

9 ft from property line

BORDNER BRUCE
R & DARLA R
205 S ELKHART

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 16, 2024

Transaction Number: DV-0651-2024.

Parcel Number(s): 20-11-31-226-009.000-014.

Existing Zoning: A-1.

Petition: For a 39 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence and the construction of a covered porch 36 ft. from the centerline of the right-of-way of CR 19.

Petitioner: Stacey L. Mikel & Jennifer A. Mikel, Husband & Wife.

Location: Southwest corner of CR 19 & CR 40, in Elkhart Township.

Site Description:

- Physical Improvement(s) – Residence, detached garage.
- Proposed Improvement(s) – Front and rear covered porches.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. An existing open porch will be replaced by a covered porch of similar depth with no effect on public health or safety.
2. Approval of the request will not cause substantial adverse effect on neighboring property. A replacement front porch on this 1-acre parcel in a low-density residential and agricultural area will have no effect on sight distance for the south neighbor, and there is no neighbor to the north.
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 since 1930.

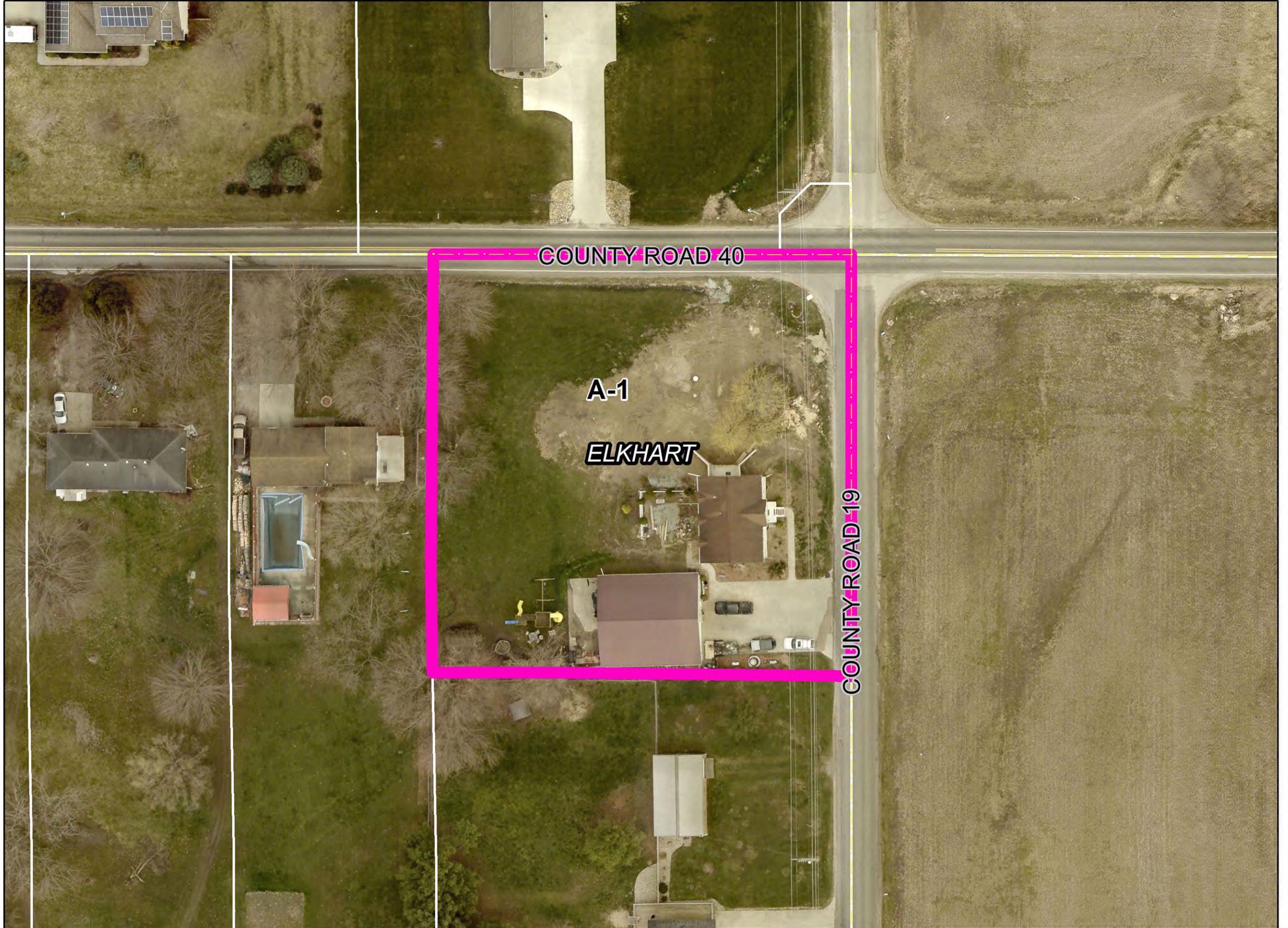
Hearing Officer Staff Report (Continued)

Hearing Date: October 16, 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 9/12/2024 and as represented in the Developmental Variance application.

DV-0651-2024

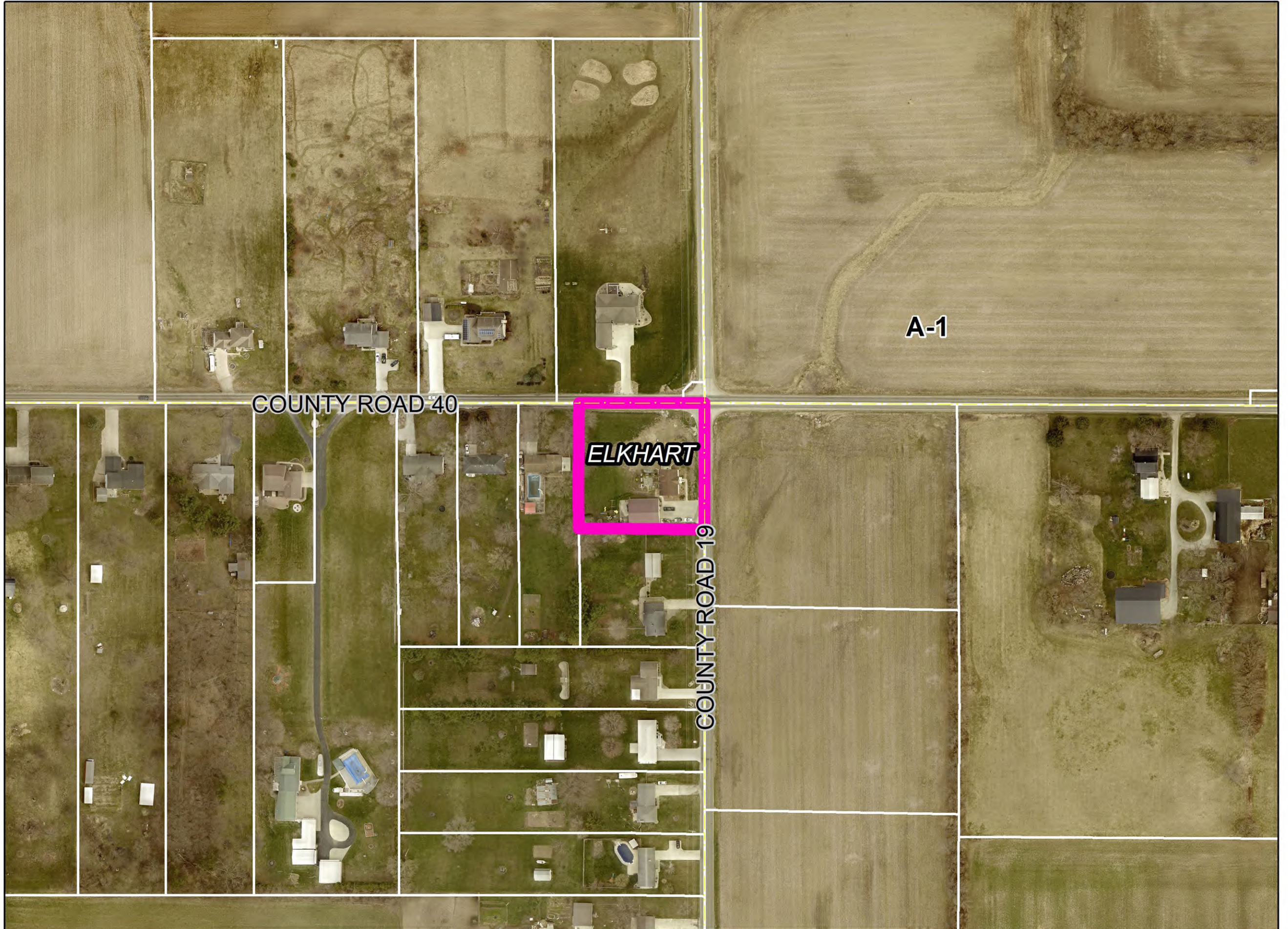


COUNTY ROAD 40

A-1

ELKHART

COUNTY ROAD 19







Subject property



Facing south



Facing north



Facing east

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Developmental Variance - Developmental Variance

DV-0651-2024

Date: 09/12/2024

Meeting Date: October 16, 2024
Board of Zoning Appeals Public Hearing

Transaction #: DV-0651-2024

Description: for a 39 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a porch 36 ft. from the centerline of the right-of-way

Contacts: Applicant

Land Owner

Stacey L Mikel And Jennifer A. Mikel, Husband And Wife
66023 County Road 19
Goshen, IN 46526

Stacey L Mikel And Jennifer A. Mikel, Husband And Wife
66023 County Road 19
Goshen, IN 46526

Site Address: 66023 County Road 19
Goshen, IN 46526

Parcel Number: 20-11-31-226-009.000-014

Township: Elkhart

Location: WEST SIDE OF CR 19, 130 FT. SOUTH OF CR 40

Subdivision:

Lot #

Lot Area: 0.99 Frontage: 361.00 Depth: 182.00

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 3/1/1962
IN PROCESS OF GETTING INSPECTIONS FOR PERMIT #BR-2381-2021
SEE PERMIT #BR-1697-2024 FOR REPLACEMENT OF FRONT PORCH - OK'D BY JASON TO START PROJECT PRIOR TO HEARING OFFICER MEETING, SINCE THERE WAS AN EXISTING PORCH - KB 9/12/2024

Applicant Signature:

Department Signature:

Application

Site address: 66023 CR 19

Parcel number(s): 20-11-31-226-009. 000-014

Current property owner

Name: STACEY L + JENNIFER A. MIKEL

Address: 66023 CR 19

Phone: 574-535-3446. Email: SMikel0622@aol.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: Stacey Mikel

Staff Use Only

Description: _____

36 ft to CL of CR 19

Parcel creation date: 3/1/1962

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: N/A

Location: N S E W corner side end of CR 19

130 ft. N S E W of CR 40

in ELKHART Township

Frontage: 361 Ft. Depth: 182 Area: .99 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL.

Developmental Variance — Questionnaire

Name: Stacey & Jennifer Mikel

1) Tell us what you want to do. Add a covered porch to the front of the house.

2) Tell us why you can't change what you're doing so you don't need a variance. The house is too close to the road to add a porch without a variance

3) Tell us why the variance won't hurt your neighbors or the community. Adding a covered porch won't affect our neighbors

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.

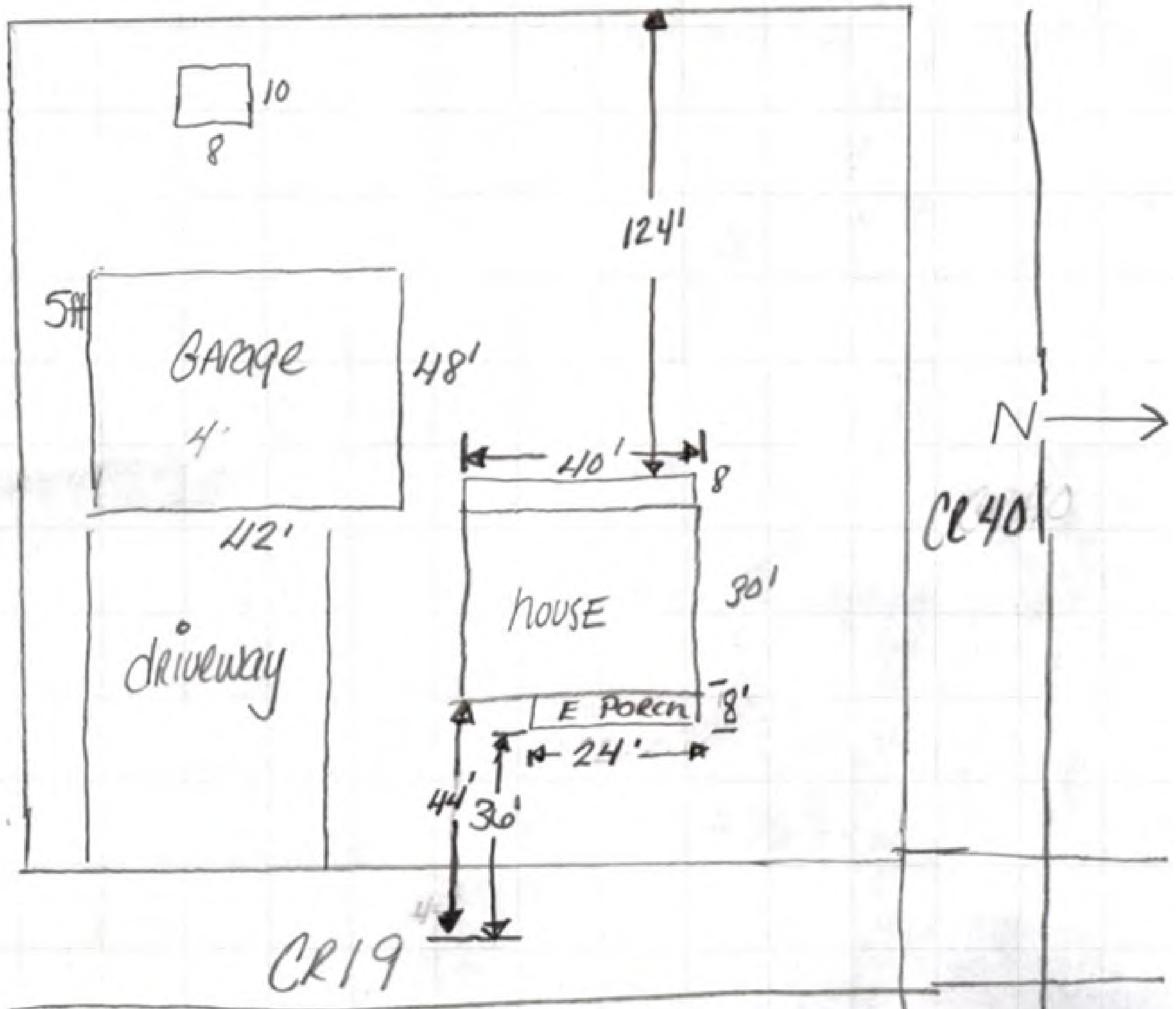
Sign 1 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N

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. _____



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 16, 2024

Transaction Number: DV-0657-2024.

Parcel Number(s): 20-08-10-303-023.000-035, 20-08-10-303-024.000-035, 20-08-10-303-045.000-035.

Existing Zoning: A-1.

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

Petitioner: Larry J. White & Michelle L. White, Husband & Wife.

Location: North end of the easement, North of W. Berry St., 340 ft. West of S. Grand St., in Middlebury Township.

Site Description:

- Physical Improvement(s) – Residence and detached accessory structures.
- Proposed Improvement(s) – Detached accessory structure.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

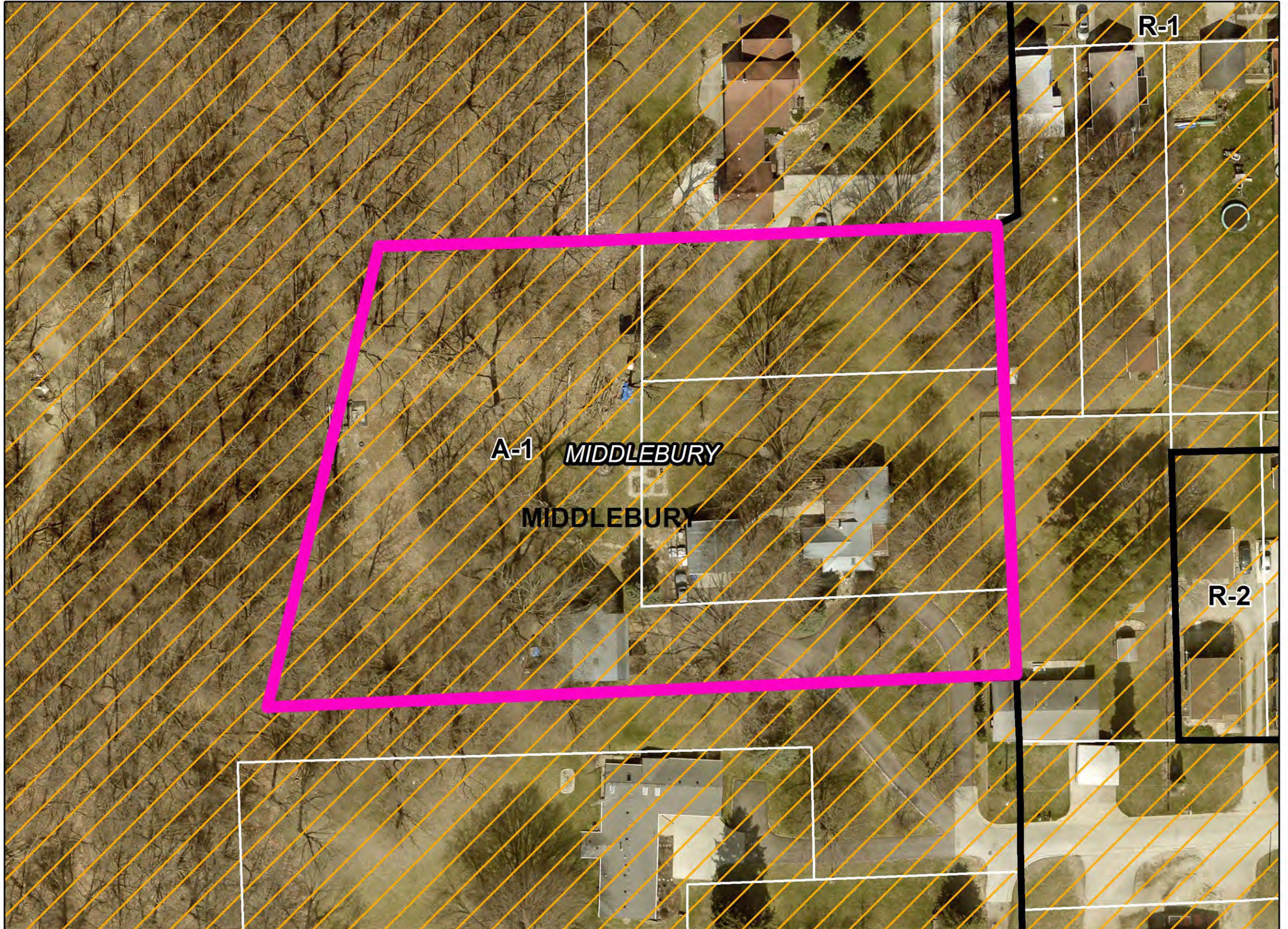
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 909 sq. ft., or 59 percent, over what is allowed by right and all other development standards are met.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 1.66-acre parcel in a moderately dense residential neighborhood where the building will have little effect on neighbors.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The excess is minimal, and the scale of the building is what would be expected in a residential area.

Hearing Officer Staff Report (Continued)

Hearing Date: October 16, 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 (dated 9/16/2024) and as represented in the Developmental Variance application.

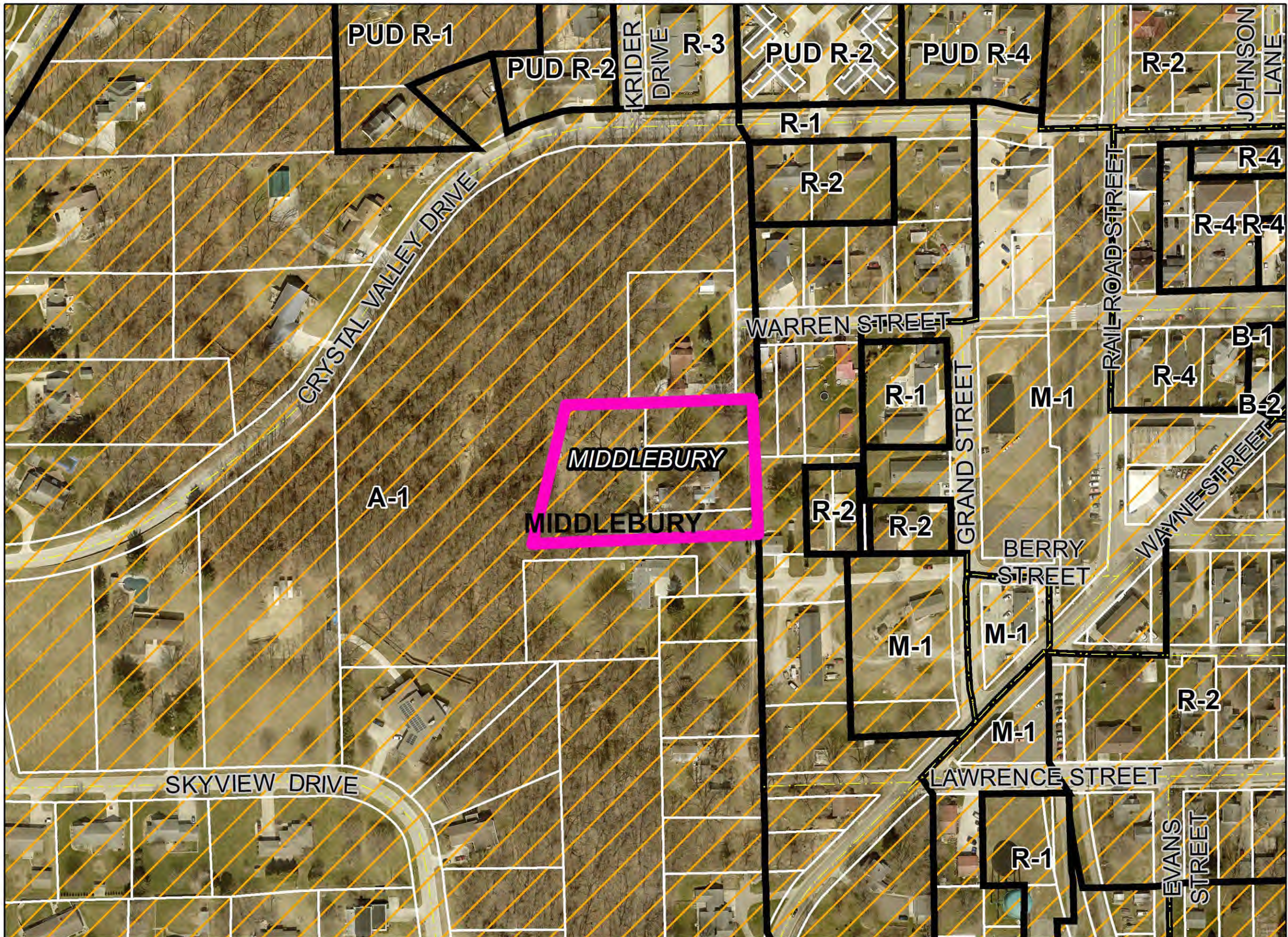


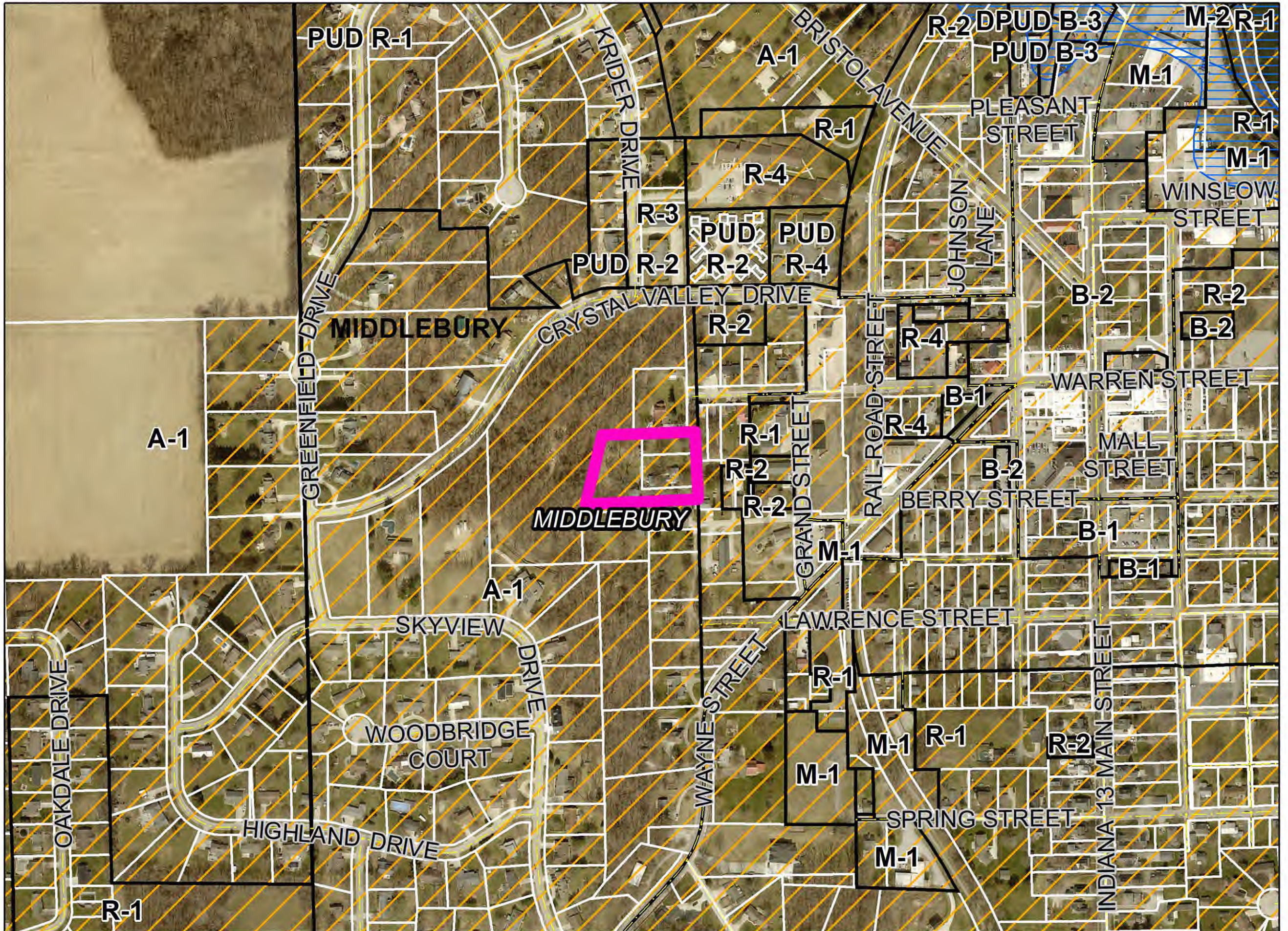
A-1 MIDDLEBURY
MIDDLEBURY

R-1

R-2









Subject property looking Northwest



Facing Southeast



Facing East



Facing West

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Developmental Variance - Developmental Variance

DV-0657-2024

Date: 09/16/2024

Meeting Date:

October 16, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0657-2024

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

Contacts: Applicant

Land Owner

Larry J. White And Michelle L.
White, Husband And Wife
412 W Berry St
Middlebury, IN 46540

Larry J. White And Michelle L.
White, Husband And Wife
412 W Berry St
Middlebury, IN 46540

Site Address: 412 West Berry Street
Middlebury, IN 46540

Parcel Number: 20-08-10-303-023.000-035
20-08-10-303-024.000-035
20-08-10-303-045.000-035

Township: Middlebury

Location: NORTH SIDE OF W BERRY ST, 240 FT. NORTH OF WAYNE ST

Subdivision:

Lot #

Lot Area: 1.66 Frontage: 0.00 Depth: 176.00

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 3/1/1970
RESIDENCE = 1,400 SQ FT X 110% = 1,540 SQ FT, MINUS 576 (GARAGE), 960 (BARN), 88 (LEAN-TO) AND NEW
PROPOSED BUILDING IS 825 SQ FT (25 X 33), WHICH IS 909 SQ FT OVER

Applicant Signature:

Department Signature:

Application

Site address: 412 W. Berry St. Middlebury IN 46540

Parcel number(s): 08-10-303-024-035, 20-08-10-303-023-035

Current property owner

3/1/62 .43

20-08-10-303-045-035
.953

.28

Name: Larry Jon White

Address: 412 W. Berry St. Middlebury IN 46540

Phone: 574-903-4131

Email: LJW198@aol.com

Other party

- Agent
- Buyer
- Land contract purchaser
- Lessee

Name: _____

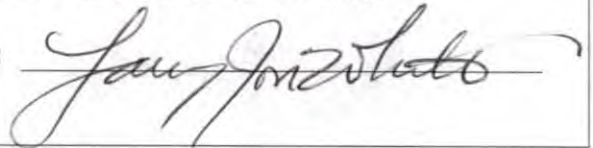
Address: _____

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: DV for Storage

~~road frontage~~ (easement noted on deed)

Parcel creation date: 3/1/70

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: See attached

Location: (N) S E (W) corner side (end) of W Berry St,
240 ft. (N) S E W of Wayne St,
in Middlebury Township

Frontage: _____ Depth: _____ Area: 1.663 acres

Subdivision and lot number, if applicable: -

Present use: Residential

Developmental Variance — Questionnaire

Name: Larry Jon White

1) Tell us what you want to do. Erect a storage shed to house pontoon

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

3) Tell us why the variance won't hurt your neighbors or the community. I asked their opinion. Favorable response. I will look better than storing items & pontoon outside

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: 25x33' (13.5 to Peak)
Tell us what you'll use it for. Store pontoon
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. _____

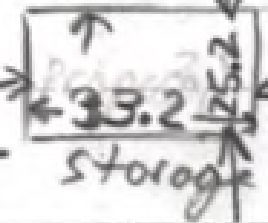
9) Tell us anything else you want us to know. My intentions are to have a neat uncluttered property by storing boat and yard items inside storage.



← 172' North property Line →

5' set back

5' set BK



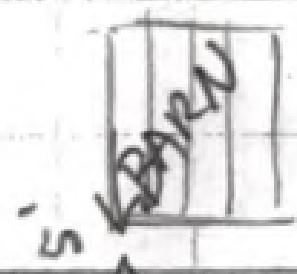
133.8' set BACK

39.8'

parcel 08-10-303-023-035

70.5

70



5'

W. Berry St.

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 16, 2024

Transaction Number: DV-0661-2024.

Parcel Number(s): 20-04-26-201-022.000-032.

Existing Zoning: A-1.

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

Petitioner: Robert T. McCartney & Heather A. McCartney, Husband & Wife.

Location: West of the easement, West side of SR 13, 1,420 ft. South of SR 120, in York Township.

Site Description:

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

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. If easement access is allowed, no new driveway would be created on State Road 13, as they will share the access.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 2.5-acre parcel in a moderately dense mixed-use area, and the property will remain residential in character.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the use of the variance the property would remain vacant, and the residence could not be built.

Hearing Officer Staff Report (Continued)

Hearing Date: October 16, 2024

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

1. A variance from the developmental standards of the Development Ordinance is void unless a subdivision plat is recorded within 180 calendar days from the date of the grant.
2. The request is approved in accordance with the site plan submitted (dated 9/16/2024) and as represented in the Developmental Variance application.

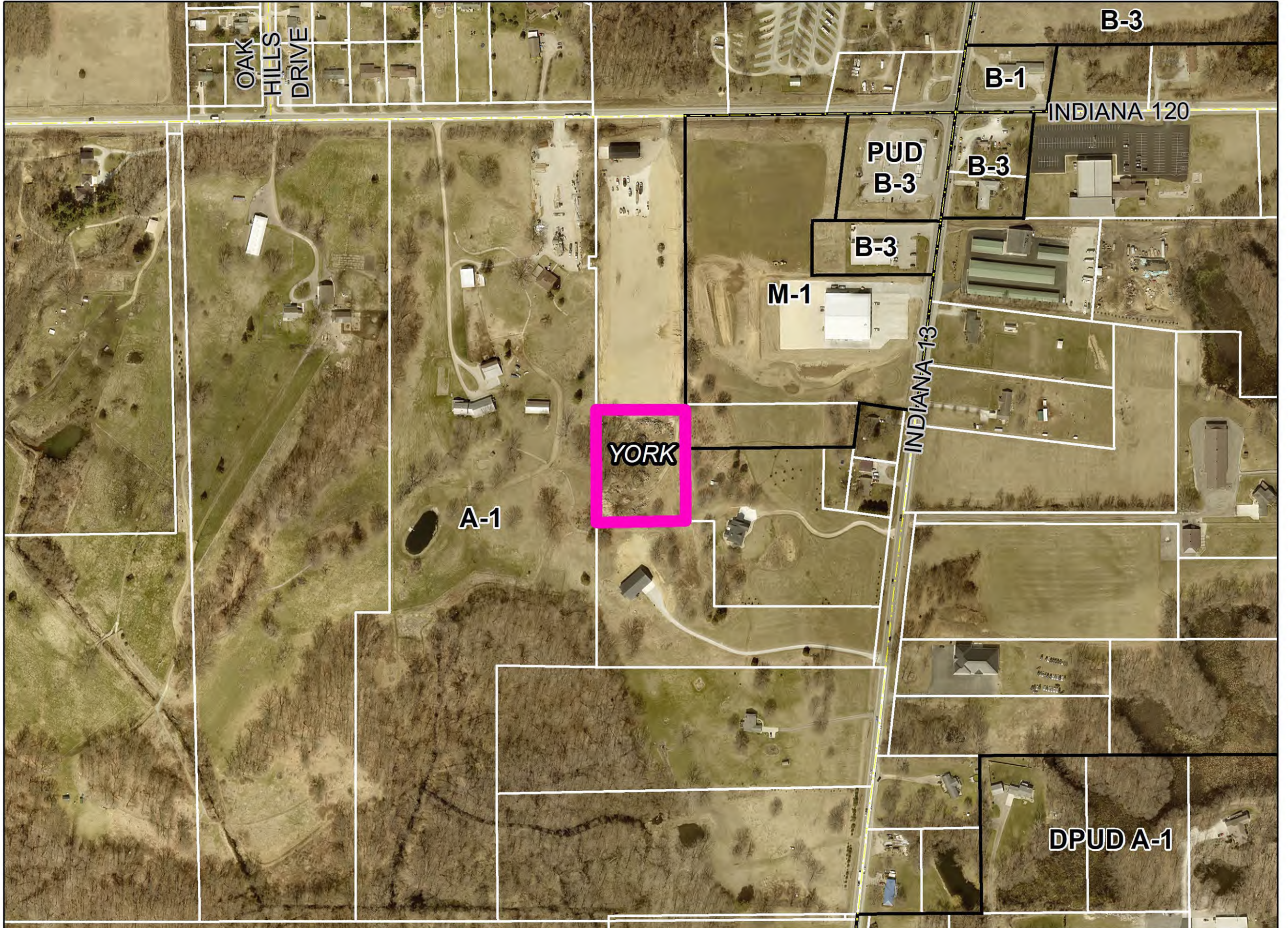


YORK

M-1

A-1







Subject property (behind the tree line)



Facing West towards subject property from roadway



Facing North



Facing South



Facing East

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Developmental Variance - Developmental Variance

DV-0661-2024

Date: 09/16/2024

Meeting Date:

October 16, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0661-2024

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

Contacts: Applicant

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

Authorized Agent

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

Land Owner

Robert T. McCartney &
Heather A. McCartney H&W
Po Box 1421
Middlebury, IN 46540

Private Surveyor

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

Site Address: 00000 Sr 13
MIDDLEBURY, IN 46540

Parcel Number: 20-04-26-201-022.000-032

Township: York

Location: WEST SIDE O CR 13, 1,420 FT. SOUTH OF SR 120

Subdivision:

Lot #

Lot Area: 2.50 Frontage: 0.00 Depth: 295.00

Zoning: A-1

NPO List:

Present Use of Property: VACANT LAND

Legal Description:

Comments: PARCEL CREATION DATE 11/2/2023.
RONNIE TO FILE A ONE LOT MINOR SUBDIVISION. AW

Applicant Signature:

Department Signature:

Application

Site address: 53265 STATE ROAD 13, MIDDLEBURY, IN 46540

Parcel number(s): 20-04-26-201-022.000-032 & 20-04-26-201-018.000-032

Current property owner

Name: ROBERT & HEATHER McCARTNEY

Address: 53265 STATE ROAD 13, MIDDLEBURY, IN 46540

Phone: (606) 335-7126

Email: robmccartney@me.com

Other party

Agent Buyer Land contract purchaser Lessee

Name: Ronnie Justice P.S. / 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: for a Developmental Variance to allow for the CONSTRUCTION of a residence on property with no road frontage served by an access easement.

Parcel creation date: 11/2/2023.

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N S E (W) corner (side) end of CR 13,
1,420 ft. N (S) E W of SR 120.
in York Township

Frontage: 0 Depth: 295 Area: 2.5 acres

Subdivision and lot number, if applicable: _____

Present use: VACANT LAND

Developmental Variance — Questionnaire

Name: ROBERT MCCARTNEY

1) Tell us what you want to do. BUILD A GUEST HOUSE ON A 2.5 ACRE OF LAND ATTACHED TO THE WEST OF OUR PROPERTY.

2) Tell us why you can't change what you're doing so you don't need a variance. WANT TO PUT A SEPARATE DRIVEWAY BACK TO THIS HOUSE

3) Tell us why the variance won't hurt your neighbors or the community. IT IS IN AN AREA THAT CANNOT BE READILY SEEN FROM THE OTHER PROPERTIES.

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

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

Building or addition 1 Size and height to the peak: _____
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. ROBERT & HEATHER MCCARTNEY

Tell us how many parcels will use the easement. 1

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

Sign 1 Dimensions (length and width): _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width): _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

Sign 3 Dimensions (length and width): _____

Existing? Y N Double faced? Y N

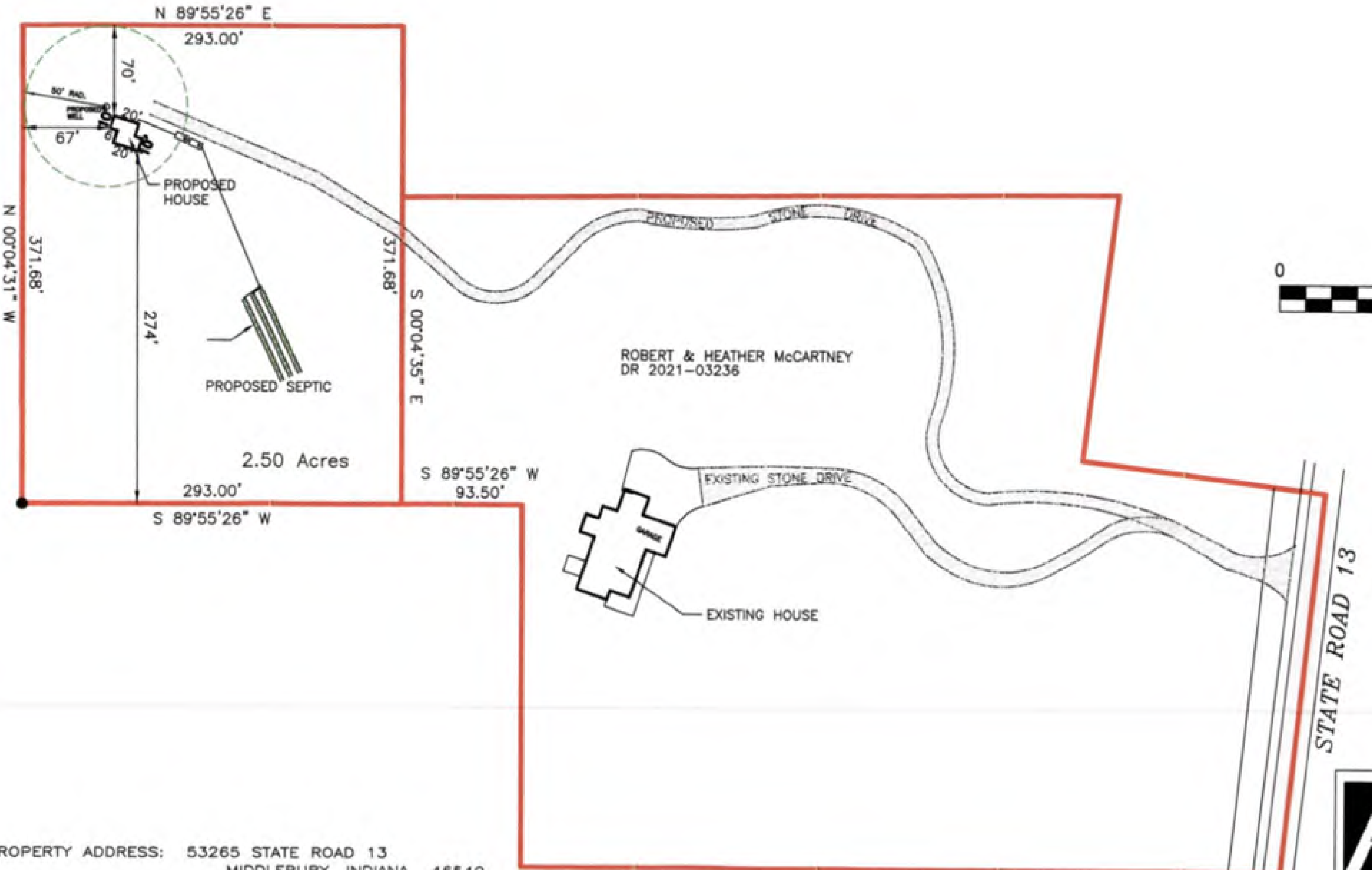
Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

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

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

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



N 89°55'26" E

293.00'

70'

67'

PROPOSED HOUSE

PROPOSED SEPTIC

2.50 Acres

N 00°04'31" W
371.68'

274'

371.68'

S 00°04'35" E

ROBERT & HEATHER McCARTNEY
DR 2021-03236

S 89°55'26" W
93.50'

S 89°55'26" W

293.00'

PROPOSED STONE DRIVE

EXISTING STONE DRIVE

EXISTING HOUSE

STATE ROAD 13

PROPERTY ADDRESS: 53265 STATE ROAD 13
MIDDLEBURY, INDIANA 46540
OWNER: ROBERT & HEATHER MCCARTNEY

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 16, 2024

Transaction Number: DV-0660-2024.

Parcel Number(s): 20-11-34-351-012.000-014.

Existing Zoning: A-1.

Petition: for a 39 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a proposed residence on lot 1 and for a Developmental Variance to allow for an existing residence on property with no road frontage served by an access easement on proposed lot 2.

Petitioner: Lyle D. Bontrager & Dianne J. Bontrager, Husband & Wife.

Location: South side of CR 42, 2,400 ft. Northwest of CR 142, in Elkhart Township.

Site Description:

- Physical Improvement(s) – Residence, Accessory Structures (proposed lot-1).
- Proposed Improvement(s) – Residence (proposed lot-2).
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, Agricultural.

History and General Notes:

- **October 10, 2024** – The Plan Commission will hear a petition for a 2-lot minor subdivision to be known as **Lyle & Dianne Bontrager Subdivision** (MI-0629-2024).
- **February 17, 1999** – The Hearing Officer approved depth and width variances for the parent 26-acre parcel.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. If easement access is allowed, no new driveway would be created on CR 42, as they will share the existing access.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The proposed lots are both 13.04 acres in a moderately dense residential neighborhood and will remain residential in character. The shared driveway for the two residences will affect only the subject properties.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the use of the variance the residence, on proposed lot-2, could not be built.

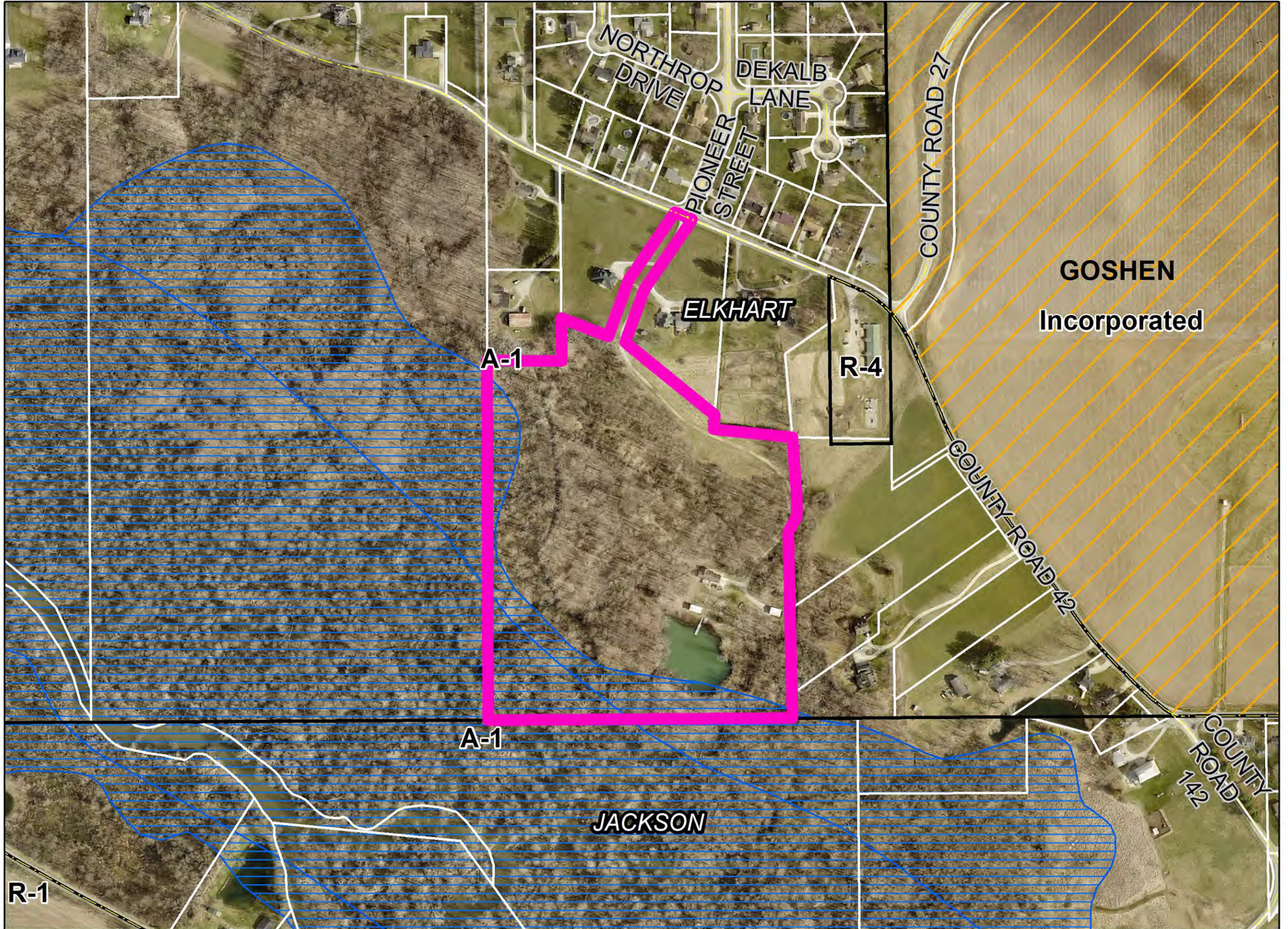
Hearing Officer Staff Report (Continued)

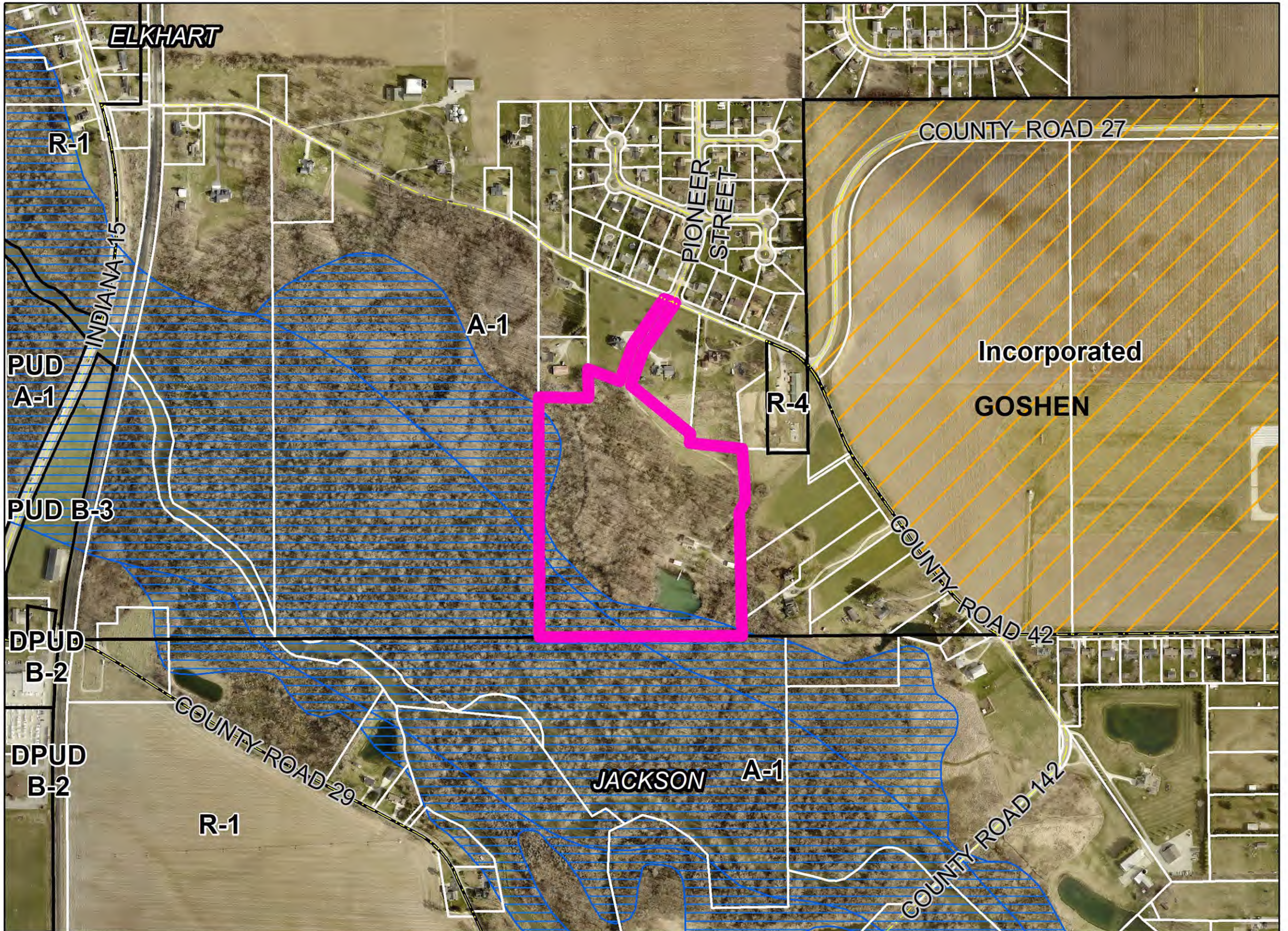
Hearing Date: October 16, 2024

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 (dated 9/16/2024) and as represented in the Developmental Variance application.









Looking Southwest towards proposed lot-2



Looking Southeast towards proposed lot-1



Facing North



Facing East



Facing West

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Developmental Variance - Developmental Variance

DV-0660-2024

Date: 09/16/2024

Meeting Date:

October 16, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0660-2024

Description: for a 39 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence on Lot 2, and for a Developmental Variance to allow for an existing residence on property with no road frontage served by an access easement on Lot 1.

Contacts: Applicant

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

Land Owner

Lyle D Bontrager & Dianne J
Bontrager
18400 County Road 42
Goshen, IN 46526

Private Surveyor

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

Site Address: 18400 County Road 42
Goshen, IN 46526

Parcel Number: 20-11-34-451-012.000-014

Township: Elkhart

Location: South Side Of Cr 42, West Of Cr 27

Subdivision: LYLE & DIANNE BONTRAGER SUBDIVISION

Lot #

Lot Area: 26.52 Frontage: 39.00 Depth: 1,189.00

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE PRIMARY MI-0629-2024 SCHEDULED FOR 10/10/2024
EXISTING RESIDENCE ON PROPOSED LOT 1 TO HAVE 0 LOT FRONTAGE, PROPOSED RESIDENCE ON LOT 2 TO
HAVE 39 FT OF ROAD FRONTAGE.

Applicant Signature:

Department Signature:

Application

Site address: 18400 COUNTY ROAD 42, GOSHEN, IN 46526

Parcel number(s): 20-11-34-451-012.000-014

Current property owner

Name: LYLE D. and DIANNE J. BONTRAGER

Address: 18400 COUNTY ROAD 42, GOSHEN, IN 46526

Phone: (260) 350-8883

Email: ld12bontrager@gmail.com

Other party

Agent Buyer Land contract purchaser Lessee

Name: RONNIE L. JUSTICE, PS

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: See Minor #

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N S E W corner side end of CR 42
_____ ft. N S E W of _____
in Elkhart Township

Frontage: 39 **Depth:** _____ **Area:** _____ acres

Subdivision and lot number, if applicable: in process

Present use: _____

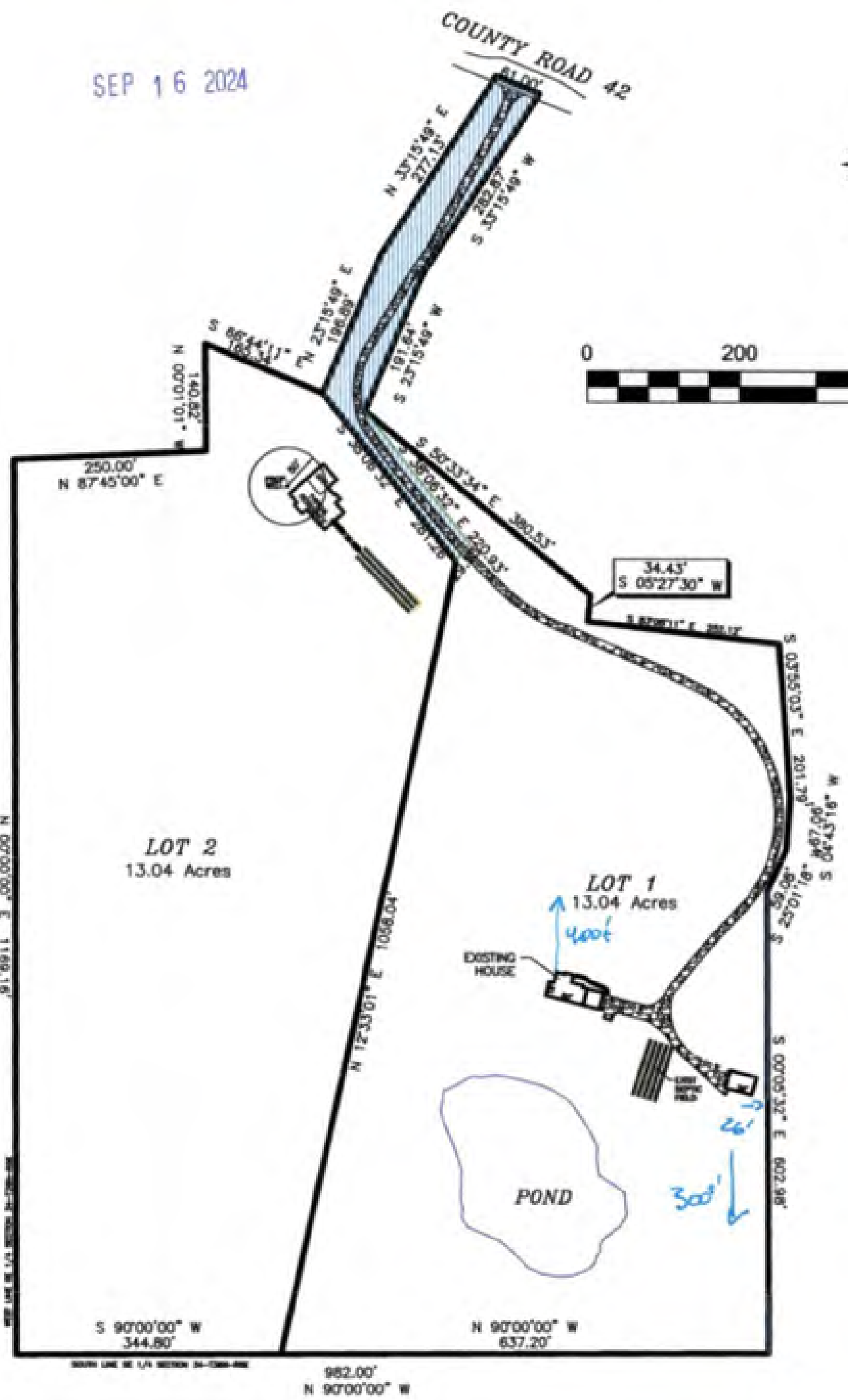
Developmental Variance — Questionnaire

Name: LYLE D. &DIANNE J. BONTRAGER

- 1) Tell us what you want to do. SUBDIVIDE OUR 26.08 ACRES INTO 2 13. 04 ACRE LOTS
NEED A 39 FOOT ROAD FRONTAGE VARIANCEFOR LOT 2 AND A ZERO LOT FRONTAGE FOR LOT 1
- 2) Tell us why you can't change what you're doing so you don't need a variance. ONLY HAVE 61 FOOT OF ROA
- 3) Tell us why the variance won't hurt your neighbors or the community. HOUSES WILL BE MORE THAN 500
FOOT OFF ROAD NO CLOSE NEIGHBORS
- 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. LOT 1
Tell us how many parcels will use the easement. 2, 1 ADDITIONAL
- 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. _____

SEP 16 2024

COUNTY ROAD 42



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 16, 2024

Transaction Number: SUP-0653-2024.

Parcel Number(s): 20-04-19-427-001.000-032.

Existing Zoning: A-1.

Petition: for a Special Use for a mobile home.

Petitioner: James L. Freeze & Billie Jo Freeze, Husband & Wife.

Location: East side of CR 131, 1,245 ft. North of SR 120, in York Township.

Site Description:

- Physical Improvement(s) – Old mobile home and accessory structures.
- Proposed Improvement(s) – New mobile home.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential and agricultural.

History and General Notes:

- The existing older mobile home will be replaced by a new 2024 mobile home.

Staff Analysis:

Staff finds that:

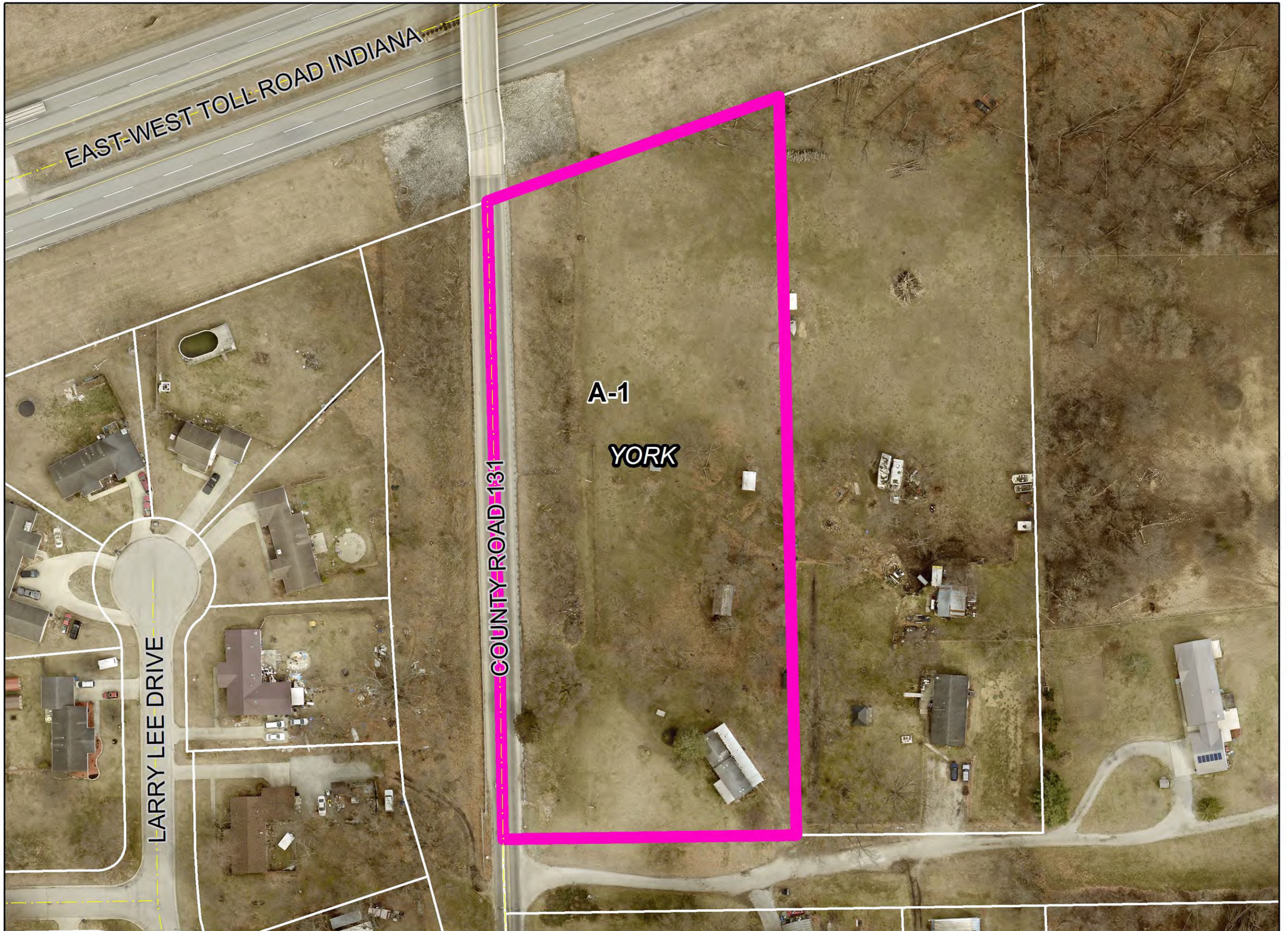
1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A mobile home is allowed in the A-1 zone with a special use.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 3-acre parcel in a low to moderately dense residential and agricultural 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 living option.

Hearing Officer Staff Report (Continued)

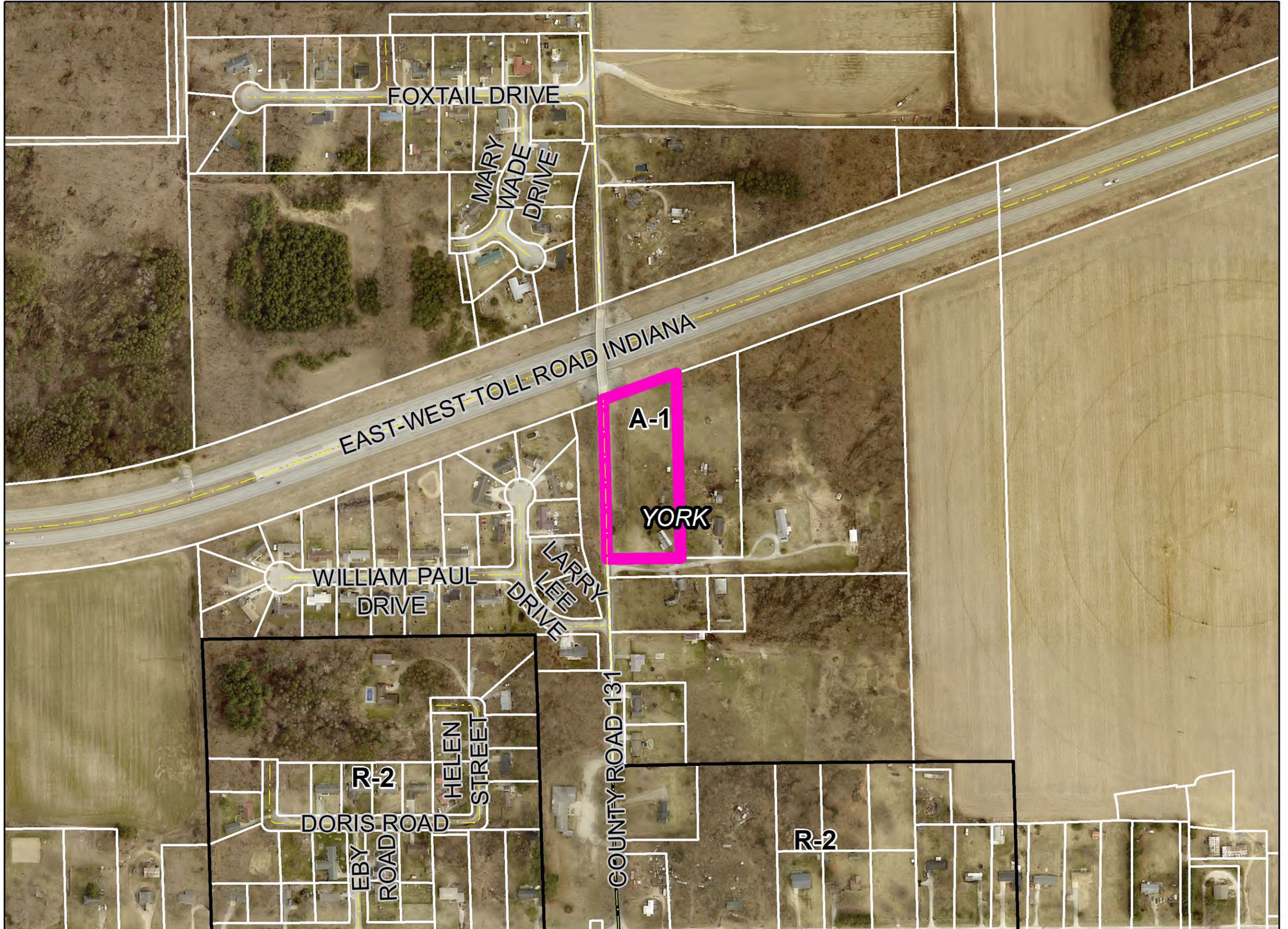
Hearing Date: October 16, 2024

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

1. The request is approved subject to Staff renewal every three (3) years and with a one (1) year review to verify compliance with the following:
 - a. The mobile home shall be adequately stabilized and skirted and have tie-downs installed.
 - b. The water supply and sewage disposal system shall be installed in accordance with County Health Department specifications.
 - c. Adequate provisions for storage shall be provided at all times to eliminate exterior storage of personal property, tools, and vehicles, except licensed motor vehicles.
 - d. At all times, the premises shall be kept free of abandoned junk vehicles and parts thereof as described by Indiana State Law.
2. The request is approved in accordance with the site plan submitted (dated 9/12/2024) and as represented in the Developmental Variance application.









Facing east toward subject property



Facing west



Facing north



Facing south

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use - Mobile Home

SUP-0653-2024

Date: 09/12/2024

Meeting Date:

October 16, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0653-2024

Description: for a Special Use for a mobile home

Contacts: Applicant

James L & Billie Jo Freeze

Po Box 372

Bristol, IN 46507

Land Owner

James L & Billie Jo Freeze

Po Box 372

Bristol, IN 46507

Site Address: 52760 County Road 131-2
Bristol, IN 46507

Parcel Number:

20-04-19-427-001.000-032

Township: York

Location: EAST SIDE OF CR 131, 1245 NORTH OF SR 120

Subdivision:

Lot #

Lot Area: 3.00 Frontage: 535.00

Depth: 217.00

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION 10/11/1974

DWELLING 798 x 200% = 1596 SF MINUS SHED (336 SF) MINUS SHED (140 SF) = 1120 SF MINUS NEW MH 798 SF = 322

SF LEFT OVER BUILDABLE STORAGE

Applicant Signature:

Department Signature:

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

Application

Site address: 52760-2 CR 131 Bristol IN 46507

Parcel number(s): 20-04-19-427-001.000.032

Current property owner

Name: Billie Jo Freeze

Address: 52760-2 CR 131 Bristol IN 46507

Phone: 574-849-2592

Email: sherrykrask@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: Billie Jo Freeze

Staff Use Only

Description: _____

Parcel creation date: 10/11/1974

A-1 zone

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N S (E) W corner (side) end of CR 131
1245 ft. (N) (S) E W of SR 120
in _____ Township

Frontage: 535 Depth: 217 Area: 3 acres

Subdivision and lot number, if applicable: N/A

Present use: Residential

Special Use for a Mobile Home — Questionnaire

Name: Billie Jo Freeze

- 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. Billie Jo Freeze lives in the existing residence currently. It will be removed.
- 2) Tell us who will live in the mobile home. Billie Jo Freeze
- 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. The current residence is a mobile home about 50 years old. The condition of the current mobile home is very poor, and it will be removed before the new mobile home is placed in the same space.
- 4) Tell us why the mobile home won't hurt your neighbors or the community. The new mobile home is a 2024 home. It will be placed where the current home is, not taking up more space. It will be a much nicer home.
- 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 see attached paperwork
If yes, did the Health Department say there's enough space for it? Y N
- 6) Tell us the size of the mobile home. 64 x 14
- 7) Tell us the year of the mobile home. 2024
- 8) Tell us anything else you want us to know. I am working with Champion Homes and with Ron Frost on this project.

80/90 Toll Road

