

AGENDA

ELKHART COUNTY BOARD OF ZONING APPEALS

SEPTEMBER 19, 2024
9:00 A.M.

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

Call to Order

Roll Call

Approval of Minutes of the last regular meeting of the Elkhart County Board of Zoning Appeals held on the 15th day of August 2024.

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

SPECIAL USES

9:00 A.M. (WARNER)

- A. Petitioner: ***Nathan D. Petersheim & Susan M. Petersheim, Huband Wife, (Page 9)***
(Land Contract Holder) & Hidden Creek School
(Land Contract Purchaser)
Petition: for a Special Use for a school.
Location: Southeast corner of CR 143 & CR 48, in Benton Township, zoned A-1.
SUP-0556-2024
- B. Petitioner: ***Alexander Manford Alber & Amber Irene Alber, (Page 10)***
Husband & Wife
Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.
Location: South side of State Line Rd., 800 ft. West of CR 17, common address of 21462 State Line Rd. in Washington Township, zoned A-1. SUP-0570-2024
- C. Petitioner: ***Bonnie J. Whitaker (Page 11)***
Petition: for a Special Use for an agricultural use for the keeping of Animals on a tract of land containing less than 3 acres.
Location: South side of CR 34, 1,265 ft. East of CR 43, common address of 10504 CR 34 in Clinton Township, zoned A-1. SUP-0572-2024

SPECIAL USES/DEVELOPMENTAL VARIANCES

D. Petitioner: ***Kelvin Amaya Alvarado*** (Page 12)
Petition: for a Special Use for a home workshop/business for a barber shop.
Location: West side of CR 7, 750 ft. South of West Mishawaka Rd., common address of 58071 CR 7 in Concord Township, zoned R-1. SUP-0560-2024

9:30 A.M. (HESSER)

E. Petitioner: ***Mark L. Raber & Sharon R. Raber, Husband & Wife*** (Page 13)
Petition: for a Special Use for a home workshop/business for a trailer building business, for a 20 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 100 ft. from the centerline of the right-of-way, for a 17 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing accessory structure 103 ft. from the centerline of the right-of-way, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
Location: South side of SR 4, 120 ft. West of CR 133, common address of 14504 SR 4 in Clinton Township, zoned A-1. SUP-0562-2024

F. Petitioner: ***The Schwartz Family Revocable Living Trust*** (Page 14)
Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, for a 49 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 26 ft. from the centerline of the right-of-way, for a 12 ft. Developmental Variance (Ordinance requires 75 ft.) to allow an existing accessory structure 63 ft. from the centerline of the right-of-way, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
Location: West side of CR 31, 685 ft. South of CR 34, common address of 63115 CR 31 in Clinton Township, zoned A-1. SUP-0573-2024

USE VARIANCE

G. Petitioner: ***Aaron J. Scholl & Jessica L. Scholl*** (Page 15)
Petition: for a Use Variance to allow for an existing accessory structure without a residence.
Location: West side of CR 133, 955 ft. South of CR 28, common address of 60943 CR 133 in Middlebury Township, zoned A-1. UV-0541-2024

DEVELOPMENTAL VARIANCES

H. Petitioner: ***Kevin Sarber*** (Page 16)
Petition: for a 25 ft. Developmental Variance (Ordinance requires 55 ft.) to allow for the construction of an accessory building 30 ft. from the centerline of the right-of-way of 27th St., and for a 62 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of an accessory building 58 ft. from the centerline of the right-of-way of Old US 33.
Location: Northeast corner of 27th St. & Old US 33, in Baugo Township, zoned B-3. DV-0547-2024

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

ADJOURNMENT

The Elkhart County Board of Zoning Appeals is meeting on Thursday, September 19, 2024, at **9:00 a.m.** 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 a.m.** on September 19, 2024. If you have further questions regarding how to remotely attend the public meeting please call (574) 971-4678.
<https://elkhartcountyin.webex.com/elkhartcountyin/j.php?MTID=mbb02709b73824cc9d67f2b786f288815>

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 15th DAY OF AUGUST 2024 AT 9:00 A.M.
MEETING ROOMS 104, 106, & 108 – ADMINISTRATION BUILDING
117 N. 2nd STREET, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Board of Zoning Appeals was called to order by the Chairperson, Randy Hesser. Staff members present were: Mae Kratzer, Plan Director; Jason Auvil, Zoning Administrator; Danielle Richards, Planner; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Deb Cramer, Ron Norman, Roger Miller, Randy Hesser,

Absent: Steve Warner, David Miller, John Gardner

2. A motion was made and seconded (*Norman/Cramer*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 18th day of July 2024 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Miller/Hesser*) that the Board accepts the Zoning Ordinance and Staff Report materials as evidence into the record and the motion was carried with a unanimous roll call vote.

4. The application of *Edwin & Miriam Miller Trust* for a Special Use for two (2) retail greenhouses on property located on the West side of CR 43, 3,075 ft. North of CR 14, common address of 55199 CR 43 in Middlebury Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0481-2024*.

There were 14 neighboring property owners notified of this request.

Edwin Miller Jr., 55237 CR 43, Middlebury was present for this request. Mr. Edwin Miller stated he wishes to move 2 greenhouses to 55199 CR 43. Ms. Cramer asked if there would be semi-trucks coming to the property for deliveries. Mr. Edwin Miller stated that there would be one or two deliveries a year. Mr. Hesser asked if there was a way the semi-trucks could turn around without having to back out onto CR 43. Mr. Edwin Miller stated that the semi-trucks would be able to turn around on the property.

Edwin Miller Sr., 55199 CR 43, Middlebury was present for this request. He stated that the greenhouses would be moved to 55199 CR 43 and wanted to be sure this was possible via this Special Use request before they moved them. He continued to say that his son (Edwin Miller, Jr.) will live at 55199 CR 43 and have the retail business here.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Deb Cramer, **Seconded by** Ron Norman that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these,

further moved that this request for a Special Use for two (2) retail greenhouses be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 7/09/2024) and as represented in the Special Use application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Deb Cramer, Ron Norman, Roger Miller, Randy Hesser

5. The application of *Enrique Rodriguez* for a Special Use for a home workshop/business for an auto detailing and tinting business on property located on the North side of Forsythia Dr., 690 ft. East of Sommerset Place Blvd., West of Old CR 17, common address of 22281 Forsythia Dr. in Concord Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0494-2024*.

There were 17 neighboring property owners notified of this request

Anthony Rodriguez, 22281 Forsythia Dr., Goshen and his business partner Moses Rizzo, 22432 Stillwater, Elkhart were present for this request. Mr. Rodriguez explained that the needs of the business have changed. He then continued to say that he would no longer be detailing cars, only tinting. He stressed that he and his business partner are now employed full-time, and the hours of business would be Monday through Friday, 3 to 8 p.m. and Saturdays from 7 a.m. to 4 p.m. He continued to say that they would only work on one car at a time, and it would be done in the garage. Mr. Hesser asked about the noise level involved in the tinting business and Mr. Rodriguez responded that there really is no noise involved in the process of tinting. He stated that there could possibly be some noise from vehicles that have modifications to them. Mr. Hesser asked how many cars they could do tinting on between 3-8 p.m. Mr. Rodriguez responded that 4 cars could be done.

Mr. Auvil stated he had several emails in remonstrance to read to the Board. Glen & Angela Stutsman, 22351 Forsythia Dr. Goshen were concerned that there should be no business in the neighborhood.

Mr. Auvil presented an email from Lyle Jackson 22310 Forsythia Dr., Goshen. He stated that they were concerned about increased traffic, noise, and strange people in the neighborhood and also did not want a business in the subdivision.

Jason Warren, 22311 Forsythia Dr., Goshen was present in remonstrance. He presented several exhibits to the Board. (*Attached to file as Remonstrator Exhibit #1*) A signed petition from 51 neighbors, restrictions and covenants of the neighborhood that shows that no parking is allowed in the streets, and pictures showing 5 vehicles in the cul-de-sac. He stressed that he is concerned about the increased traffic and about transactions that are taking place in the street. He continued to say he is concerned about property values possibly going down.

Corey Stewart, 22480 Blossom Ct, Goshen was present in remonstrance. Mr. Stewart stated he has owned a detailing business for 18 years in Elkhart County. He explained there is an inconsistency of the number of cars that would be coming and going at the tinting business of Mr. Rodriguez. He stressed there would be lots of picking up and dropping off cars during their

business hours. Mr. Hesser reminded Mr. Stewart that Mr. Roriguez stated that there would only be one tinting job done a day with the hours that they would be open during the week. Mr. Stewart stated his concern is the parking in the cul-de-sac and signs to advertise the business. Mr. Hesser explained that the covenants do not allow signs in the subdivision. Mr. Stewart reiterated that the noise level might be an issue with the modified cars that come through the neighborhood.

Terrie Forrest, 22364 Sommerset Pl, Goshen was present in remonstrance. Ms. Forrest stated her number one concern is the resale value of the properties in the neighborhood. She stressed she has been a realtor for over 30 years, and she considers herself knowledgeable in property values. She stated she has a concern about the young children in the neighborhood, as there are no sidewalks, and she stated that the children tend to play and ride their bikes in the streets.

Brent Robertson, 22369 Forsythia Dr., Goshen was present in remonstrance. Mr. Robertson stated his main concern is the traffic, as he lives on the bend of Forsythia Dr., on the way to Mr. Rodriguez's house. He continued to say that the garbage trucks and school buses use the cul-de-sac as a turn around.

Carla Warren, 22311 Forsythia Dr., Goshen, was present in remonstrance. Ms. Warren stated that it is an issue with cars parking in the cul-de-sac. She lives right next door to Mr. Rodriguez. Ms. Warren stressed her concern about the evening hours of Mr. Rodriguez business, because of the children playing in the cul-de-sac and neighborhood.

Mr. Rodriguez came back up to the podium to address the concerns of the remonstrators. He stated that he does park in the cul-de-sac at times, and that other neighbors park in the cul-de-sac. Mr. Rodriguez stressed that the pictures that were part of the evidence against him were taken on Mother's Day, and that it was all the family parked in the driveway and cul-de-sac. He stated that he always parks his car in the cul-de-sac and none of the neighbors has ever said anything to him directly. Mr. Rodriguez also stated that they would only need it until the end of September as he and his business partner are planning to move their business to another location. Mr. Miller asked if he is committed to ending the business at the home location by the end of September and Mr. Rodriguez responded yes, that is the plan. Mr. Miller asked Staff how they should proceed with this request. Mr. Auvil responded that the Board should deny the request, and then give the petitioners to the end of September to close out the business.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Deny, Moved by Deb Cramer, **Seconded by** Roger Miller based upon the following Findings and Conclusions of the Board:

1. The Special Use will not be consistent with the spirit, purpose, and intent of the Zoning Ordinance.

Included as part of the motion, Staff to delay enforcement through the last day of September 2024.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Deb Cramer, Ron Norman, Roger Miller, Randy Hesser

6. The application of *Loren Stutzman & Joann Stutzman, Husband & Wife* for a Special Use for a home workshop/business for a concrete border business, for a Developmental Variance

to allow for the total square footage of accessory structures to exceed that allowed by right, and for a Developmental Variance to allow for 7 outside employees (ordinance allows 4 employees) on property located on the East side of CR 35, 2,160 ft. South of US Highway 20, common address of 57404 CR 35 in Middlebury Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0446-2024*.

There were 22 neighboring property owners notified of this request.

Loren Stutzman, 57404 CR 35, Middlebury was present for this request. Mr. Stutzman stated that they built the 2,800 square foot building in 2016 and have been operating the business there since then. Mr. Hesser asked if the smaller building on the site plan is used for storage for the business. Mr. Stutzman said yes. Mr. Hesser asked if the product is made on site. Mr. Stutzman responded no. He stated that the product is loaded on site, then brought to the customer's property, and then work is done. Ms. Cramer asked what type of vehicles deliver the product for his business. Mr. Stutzman responded that a dump truck delivers material once a week. Mr. Hesser asked if there are employees that park on site. Mr. Stutzman responded that in the summer they have up to 7 employees, because they hire seasonal help. He continued to say that in September they go back to four employees. Ms. Cramer asked if any changes were taking place, or if the request was just to have the proper variances to operate the business. Mr. Stutzman responded that was correct. Mr. Hesser asked if there needed to be a concern about storage of materials outside. Mr. Auvil stated no, because the materials are natural.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Deb Cramer, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a concrete border business with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 6/27/2024) and as represented in the Special Use application.

Further, the motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a Developmental Variance to allow for 7 outside employees (Ordinance allows 4 employees) on the Real Estate be approved with the following conditions 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 6/27/2024) and as represented in the Developmental Variance application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Deb Cramer, Ron Norman, Roger Miller, Randy Hesser

7. The application of *Jose Olais & Lourdes Agustin Flores* for a Special Use for a home workshop/business for a roofing business and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the West side of Conn Ave., 385 ft. North of Bristol St. (CR10), common address of 54431 Conn Ave. in Osolo Township, zoned R-2, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0450-2024*.

There were 28 neighboring property owners notified of this request.

Jose Olais, 54431 Conn Ave., Elkhart was present for this request. Mr. Olais stated that he wants to build a pole barn to store his equipment for his business. Ms. Cramer clarified that Mr. Olais would just be storing his equipment for work in the pole barn.

Russell Tesser, 54397 Conn Ave., Elkhart was present in support of the petition. Mr. Tesser stated that Mr. Olais is a great neighbor and keeps up his property. He stressed he has done a lot to improve his property, and he supports him 100%.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Action: Approve, **Moved by** Deb Cramer, **Seconded by** Ron Norman that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a roofing business be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 6/28/2024) and as represented in the Special Use application.

Further, the motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on the Real Estate be approved with the following conditions 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 6/28/2024) and as represented in the Developmental Variance application.

Motion: Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Deb Cramer, Ron Norman, Roger Miller, Randy Hesser

8. The application of *David D. Sommers & Anna M. Sommers, Husband & Wife* for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the South side of CR 8, 1,300 ft. West of CR 27, common address of 17240 CR 8 in Washington Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0488-2024*.

There were 10 neighboring property owners notified of this request.

David Sommers, 17240 CR 8, Bristol was present for this request. Mr. Sommers stated that he wants to build a pole barn for storage and shelter for his horse and build a fence around the rest of his property. He went on to say that he currently has a chicken coop. Mr. Hesser asked if he currently has chickens. Mr. Sommers responded that he has 14 chickens at this time. He stated that he was told at the time of application that he did not need to include a request for additional animals or fowl. He continued that he would also like to have a cow or a goat. Mr. Hesser explained that it may require Mr. Sommers to come back and get an amendment to the Special Use. Mr. Auvil explained that the Board should keep in mind that the subject parcel is 2.99 acres. He stressed that the parcel barely misses the threshold. He continued so say that staff is ok with the 14 chickens and one goat or one cow in the future.

Angela Blasko, 53845 CR 27, Bristol, was present in support of the petitioner. Ms. Blasko stated that she has never had any issues with Mr. Sommers, and that he has done a lot to clean up the property.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Ron Norman, **Seconded by** Deb Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 7/15/2024) and as represented in the Special Use application.
2. The request is limited to a maximum of one (1) adult horse, fourteen (14) chickens, and no roosters, at any one time.
3. The request is also approved for a maximum of one (1) additional adult goat or one (1) additional adult cow, at any one time in the future.

Further, the motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on the Real Estate, be approved with the following conditions 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 issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 7/15/2024) and as represented in the Developmental Variance application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Deb Cramer, Ron Norman, Roger Miller, Randy Hesser

9. The application of *Verle J. Yoder & Malinda Yoder, Husband & Wife (Sellers) & Joas J. Miller & Freda Miller, Husband & Wife (Buyers)* for a Special Use for a home workshop/business for a retail store and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the Southeast corner of CR 43 & CR 10, common address of 54524 CR 43 in York Township, zoned A-1, came on to be heard. Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0489-2024*.

There were 13 neighboring property owners notified of this request.

Jeremiah Hochstetler, Freedom Builders, 54824 CR 33, Middlebury was present representing the petitioners. Mr. Hochstetler stated by that Mr. Joas Miller wants to finish the attic space for storage, and that it would not change the footprint of the building. He continued to say the attic space would have a finished area of 1,500 square feet. Mr. Auvil explained that since the footprint is not changing, then the staff does not have a problem with the change.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Ron Norman, **Seconded by** Deb Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a retail store be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 7/15/2024) and as represented in the Special Use application.
2. Any expansions will require a DPUD.

Further, the motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be approved with the following conditions 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 7/15/2024) and as represented in the Developmental Variance application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Deb Cramer, Ron Norman, Roger Miller, Randy Hesser

10. The application of **Roberto Barrera Zuniga & Isabel P. Arizpe Martinez, Husband & Wife** for a requested rescission of an agricultural use for the keeping of animals on a tract of land containing less than 3 acres for failure to comply with the condition(s) and/or commitments imposed by the Board of Zoning Appeals on property located on the East side of CR 27, 550 ft. South of CR 40, common address of 66102 CR 27 in Elkhart Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0473-2023*.

There were 22 neighboring property owners notified of this request.

Kierstin Dominguez, Elkhart County Planning and Development, Code Enforcement Officer was present for this rescission request. Mrs. Dominguez stated that Mr. Zuniga had a Special Use approved in September of 2023 for 12 chickens and no roosters. She went on to say that she has received complaints about Mr. Zuniga having roosters, and that she has sent violation letters, and has had no contact with Mr. Zuniga. She stressed that Mr. Zuniga had not followed through with any of the requirements that were part of the approval of the Special Use approval. She further stressed stated that the staff is asking for the Special Use to be rescinded.

The petitioners were not present for this rescission request.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Ron Norman, **Seconded by** Deb Cramer that the Board approve the request for rescission.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Deb Cramer, Ron Norman, Roger Miller, Randy Hesser

11. The application of **Matthew Nelson & Loren M. Nelson, Husband & Wife** for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 7 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for the construction of an accessory structure 32 ft. in height on property located on the Southeast corner of North Shore Dr. & Deer Run Trail, 1160 ft. South of Fawn, common address of 25290 North Shore Dr. in Osolo Township, zoned R-2, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DV-0397-2024*.

There were 5 neighboring property owners notified of this request.

Jeremiah Hochstetler, Freedom Builders, 54824 CR 33, Middlebury was present representing the petitioners. Mr. Hochstetler stated that Mr. Nelson wants to construct a building for storage and recreational use.

Matthew Nelson 25290 North Shore Dr., Elkhart was present for this request. Mr. Nelson stated that he wants the building for storing boats and jet skis and would also like to have part of the building used as a gymnasium for his children.

Charlotte Matthews, 25329 North Shore Dr, Elkhart was present in remonstrance. Ms. Matthews stated that she was speaking on behalf of the Hatches, who live at 50904 Deer Run Trail, Elkhart. It was noted that the Hatches live directly north of Mr. Nelson's property. Ms. Matthews brought photos on a tablet for the Board to view, showing that the Hatches would lose their view of the lake by the proposed building. She stressed that the proposed building would be better suited for a country location, and not this residential neighborhood. She went on to say that the proposed building could be located elsewhere on Mr. Nelson's property. She stressed that she hoped that Mr. Nelson did not intend to remove any more of the tree line along the Hatches property line.

Mr. Nelson came back on to respond. He stated that he does not intend to remove any more trees at this time, but if he did it would be his prerogative to do so. He stressed that regardless of the current tree line, in the winter there would be no leaves, no matter the number of trees present.

Mr. Auvil asked the Board to hold off on a decision as the Staff was confirming something of importance related to the petition.

The public hearing was closed at this time.

Mr. Hesser stated his concern about the location and size of the proposed building. Mr. Auvil stated that if the basement were finished and included in the total finished square footage, that the only Developmental Variance that would be required would be for the height of the proposed building. Mr. Hesser asked why they were locating the proposed building behind their home instead of in front of their home. He stated that he imagined that they did not want the proposed building to block their view of the lake.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, Moved by Ron Norman, Seconded by Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 7 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for the construction of an accessory structure 32 ft. in height on the Real Estate be approved with the following conditions 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 6/11/2024) and as represented in the Developmental Variance application.

The following commitment was imposed:

1. The proposed accessory structure cannot be used as an accessory dwelling unit.

Vote: Motion passed (**summary:** Yes = 3, No = 1, Abstain = 0).

Yes: Deb Cramer, Ron Norman, Roger Miller

No: Randy Hesser.

12. The meeting was adjourned at 10:54 a.m.

Respectfully submitted,

Jean Boyer, Recording Secretary

Randy Hesser, Chairman

Ron Norman, Secretary

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: September 19, 2024

Transaction Number: SUP-0556-2024.

Parcel Number(s): 20-16-24-200-007.000-003.

Existing Zoning: A-1.

Petition: for a Special Use for a school.

Petitioner: Nathan D. Petersheim & Susan M. Petersheim, Huband & Wife (Land Contract Holder) & Hidden Creek School (Land Contract Purchaser).

Location: Southeast corner of CR 143 & CR 48, in Benton Township.

Site Description:

- Physical Improvement(s) – None.
- Proposed Improvement(s) – School and Barn.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A special use permit for a school is allowed in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 4.27-acre parcel in a low-density residential and agricultural area, and the parcel will be used for a school.
3. The Special Use will substantially serve the public convenience and welfare by providing an additional local school option.

BZA Staff Report (Continued)

Hearing Date: September 19, 2024

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

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A new recorded deed in the new owner's name is required.

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

1. The request is approved in accordance with the site plan submitted 8/6/2024 and as represented in the Special Use application.

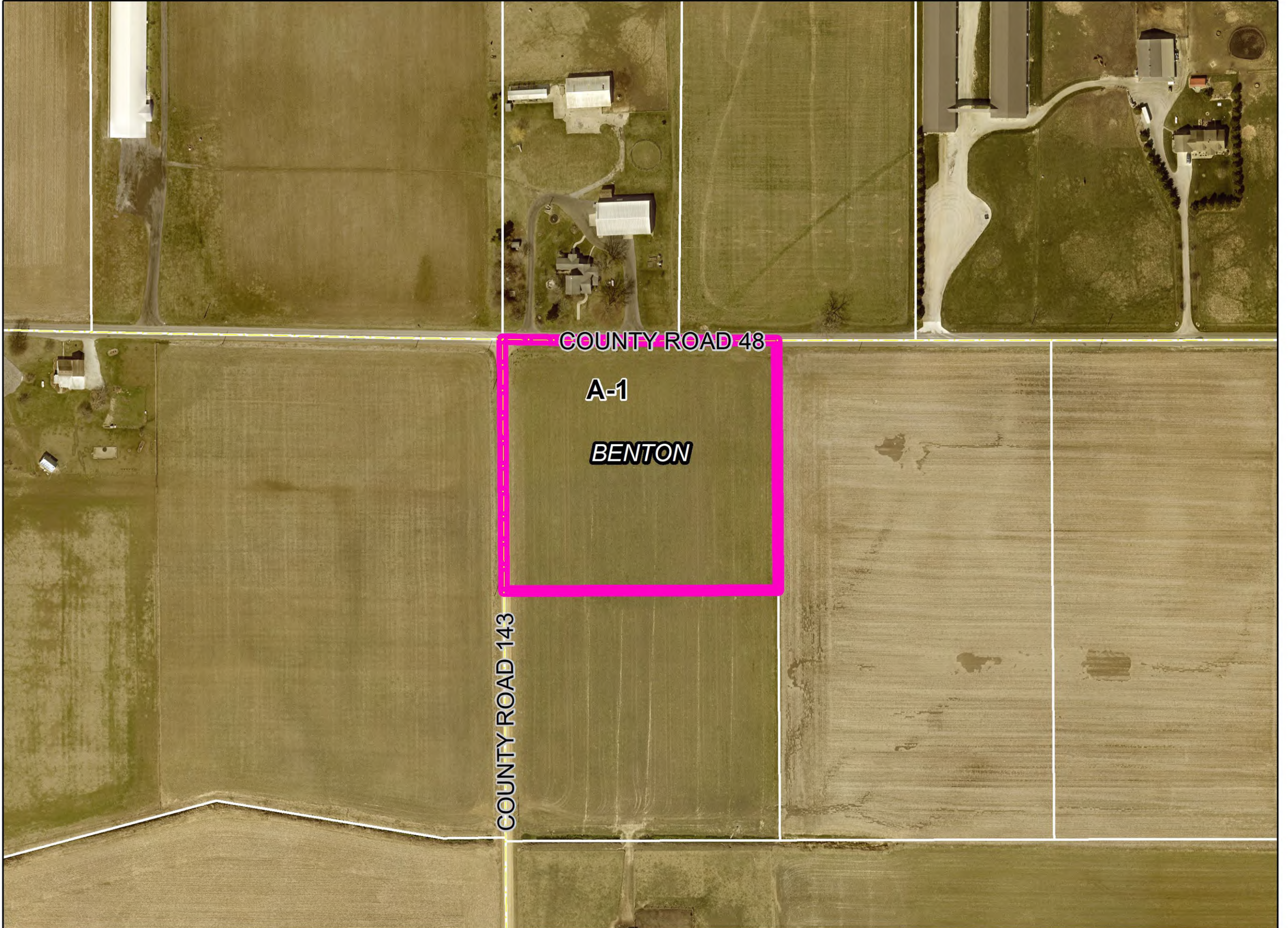


COUNTY ROAD 48

COUNTY ROAD 143

A-1

BENTON





COUNTY ROAD 48

BENTON

A-1

COUNTY ROAD 143



Looking south towards subject property



Looking north



Looking east



Looking 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

Special Use - Non Mobile Home

SUP-0556-2024

Date: 08/06/2024

Meeting Date:

September 19, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0556-2024

Description: for a Special Use for a school

Contacts: Applicant

Hidden Creek School (Land
Contract Buyer)
00000 County Road 143
Ligonier, IN 46567

Land Owner

Nathan D. Petersheim And
Susan M. Petersheim, Husband
& Wife (Land Contract Holder)
70216 County Road 143
Ligonier, IN 46767

Site Address: 00000 County Road 143
LIGONIER, IN 46567

Parcel Number:

20-16-24-200-007.000-003

Township: Benton

Location: SOUTHEAST CORNER OF CR 143 AND CR 48

Subdivision:

Lot #

Lot Area:

4.27

Frontage:

827.10

Depth:

452.13

Zoning: A-1

NPO List:

Present Use of Property: VACANT

Legal Description:

Comments: PARCEL CREATED 12/13/2004 (BUILDABLE)
WILL NEED A COPY OF THE RECORDED LAND CONTRACT ONCE FINALIZED

Applicant Signature:

Department Signature:

Application

Site address: County Rd 48

Parcel number(s): 16-24-200-007-003

Current property owner

Name: Nathan D. and Susan M. Petershiem

Address: 70216 CR 143 Ligonier, IN 46767

Phone: 260-894-3080 Email: _____

Other party

Agent Buyer Land contract purchaser Lessee

Name: Hidden Creek School

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: _____

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

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

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

Subdivision and lot number, if applicable: _____

Present use: _____

Special Use — Questionnaire

Name: Hidden Creek School

1) Tell us what you want to do. Build Amish Parochial School
Grades 1-8

2) Tell us why this activity won't hurt your neighbors or the community. We will use this
parcel and Building to educate our communities
children

3) Is there a subdivision covenant that says you can't do this activity? Y N
If yes, does the subdivision have an active homeowners' association? Y N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
Tell us what will create those things. _____

Tell us how you'll reduce the impact of those things on neighbors. _____

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. _____

6) 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

7) Will the activity use buildings or additions? Y N If yes, fill out below.
Building or addition 1 Existing? Y N Size and height to the peak: 36' x 84' approximately ^{14"}
Tell us what you'll use it for. _____
Building or addition 2 Existing? Y N Size and height to the peak: 24' x 36' approximately ^{12'}
Tell us what you'll use it for. _____
Building or addition 3 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____

8) Does this application include animals? Y N
If yes, tell us what kind and how many of each. _____

Next page ➡

Special Use — Questionnaire

9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? Y N If yes, fill out below.

How many employees do you have now? Full time: 0 Part time: 0

How many employees do you want? Full time: 2 Part time: 0

How many of the employees won't live onsite? _____

What will be the days and hours of operation on this property? Mon - Fri 8:00 A.M. to 3:00 P.M.

How many parking spaces do you have now? 0

How many parking spaces do you want? 10 Buggies

Will there be outside storage or display areas on this property? Y N

If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

Approximately how many customers (clients, guests, students, members) will be on this property per day?

42 to 45 students

Will there be pickups or deliveries on this property? Y N If yes, fill out below.

Tell us how often. _____

Tell us the kind of vehicles used. _____

Does the application include signs? Y N If yes, fill out below.

Sign 1 Dimensions (length and width). + 18 x 24

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

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

To whom it may concern,

8-3-2024

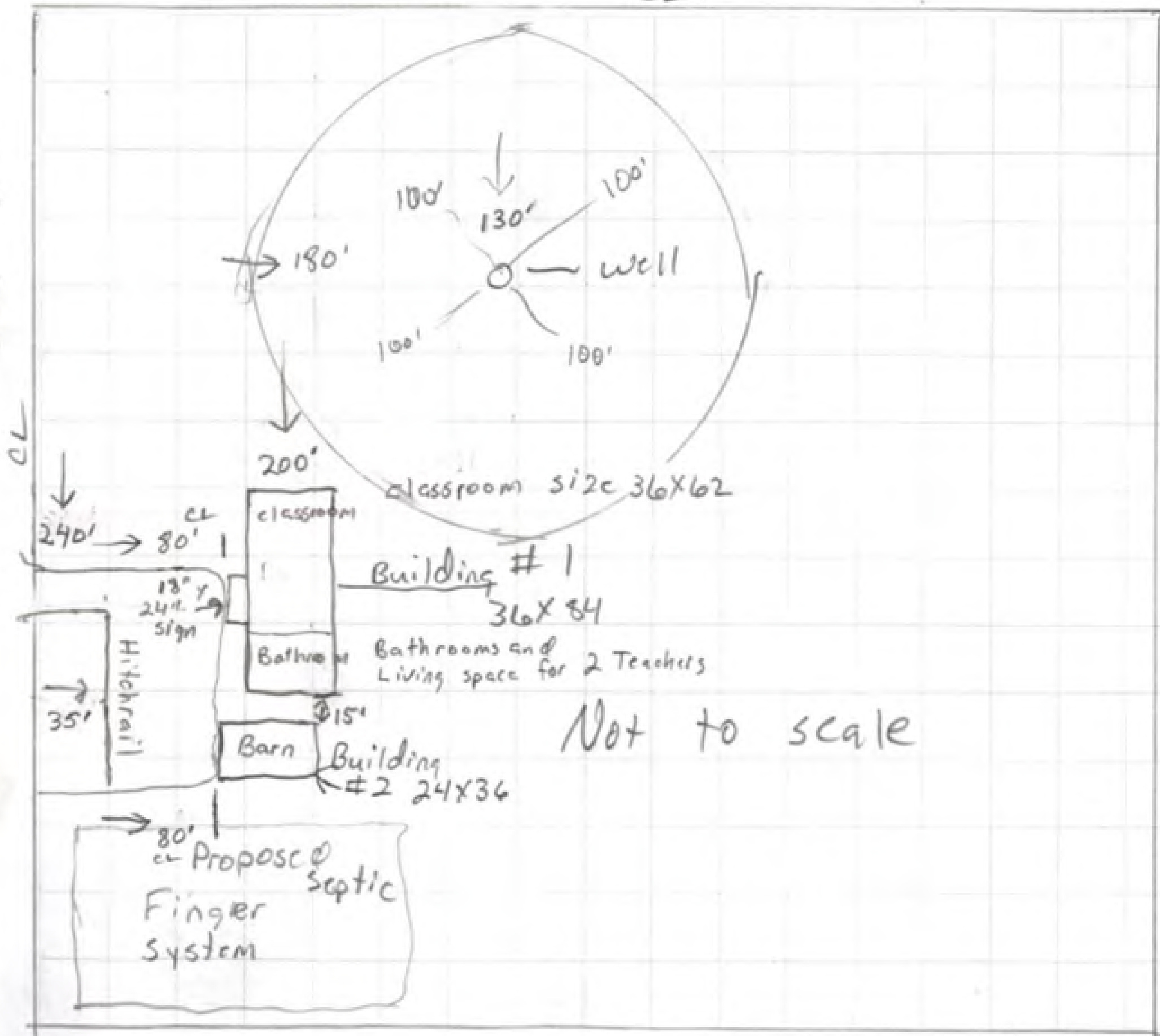
We (Nathan Devon + Susan M. Petersheim)
give our consent to file for a special use
permit for Hidden Creek School on parcel #
16-24-200-007-003 before it is deeded into
Hidden Creek School's name.

Nathan Devon Petersheim
Susan M. Petersheim

CR 48

CL

W.I. - TRN



Not to scale

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: September 19, 2024

Transaction Number: SUP-0570-2024.

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

Existing Zoning: A-1.

Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.

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

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

Site Description:

- Physical Improvement(s) – Residence & accessory structure.
- Proposed Improvement(s) – Goat pasture.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **June 19, 2024** – The Hearing Officer approved a 30 ft. lot width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence (DV-0335-2024).

Staff Analysis:

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres is allowed in the A-1 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 2.09-acre parcel in a low-density residential and agricultural area, and the parcel will remain residential and agricultural in character.
3. The Special Use will substantially serve the public convenience and welfare by providing a hobby opportunity.

BZA Staff Report (Continued)

Hearing Date: September 19, 2024

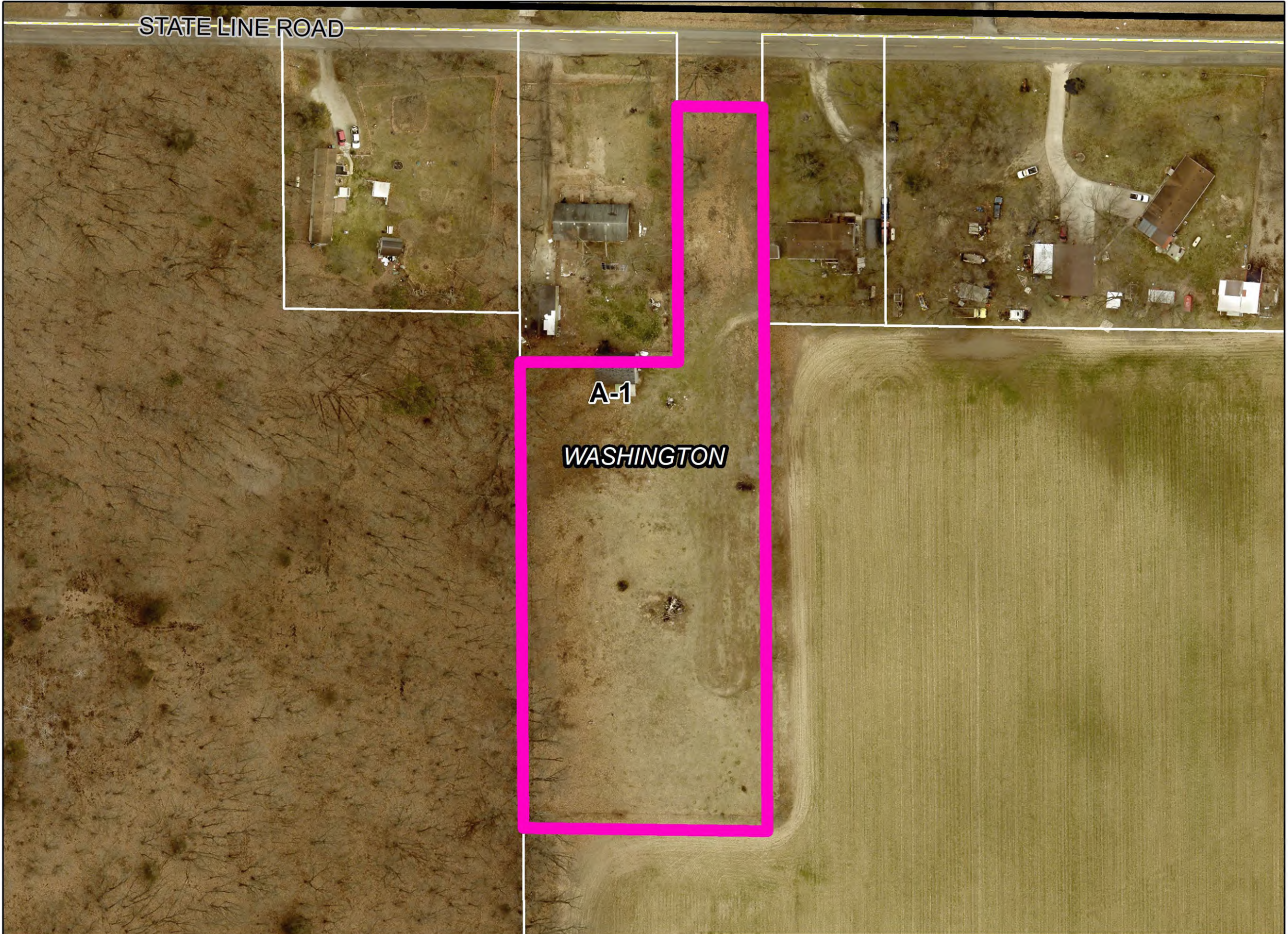
Staff recommends **APPROVAL** with the following condition(s) imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

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

1. The request is approved in accordance with the site plan submitted 8/12/2024 and as represented in the Special Use application.
2. The request is limited to a maximum of three (3) adult goats at any one time.

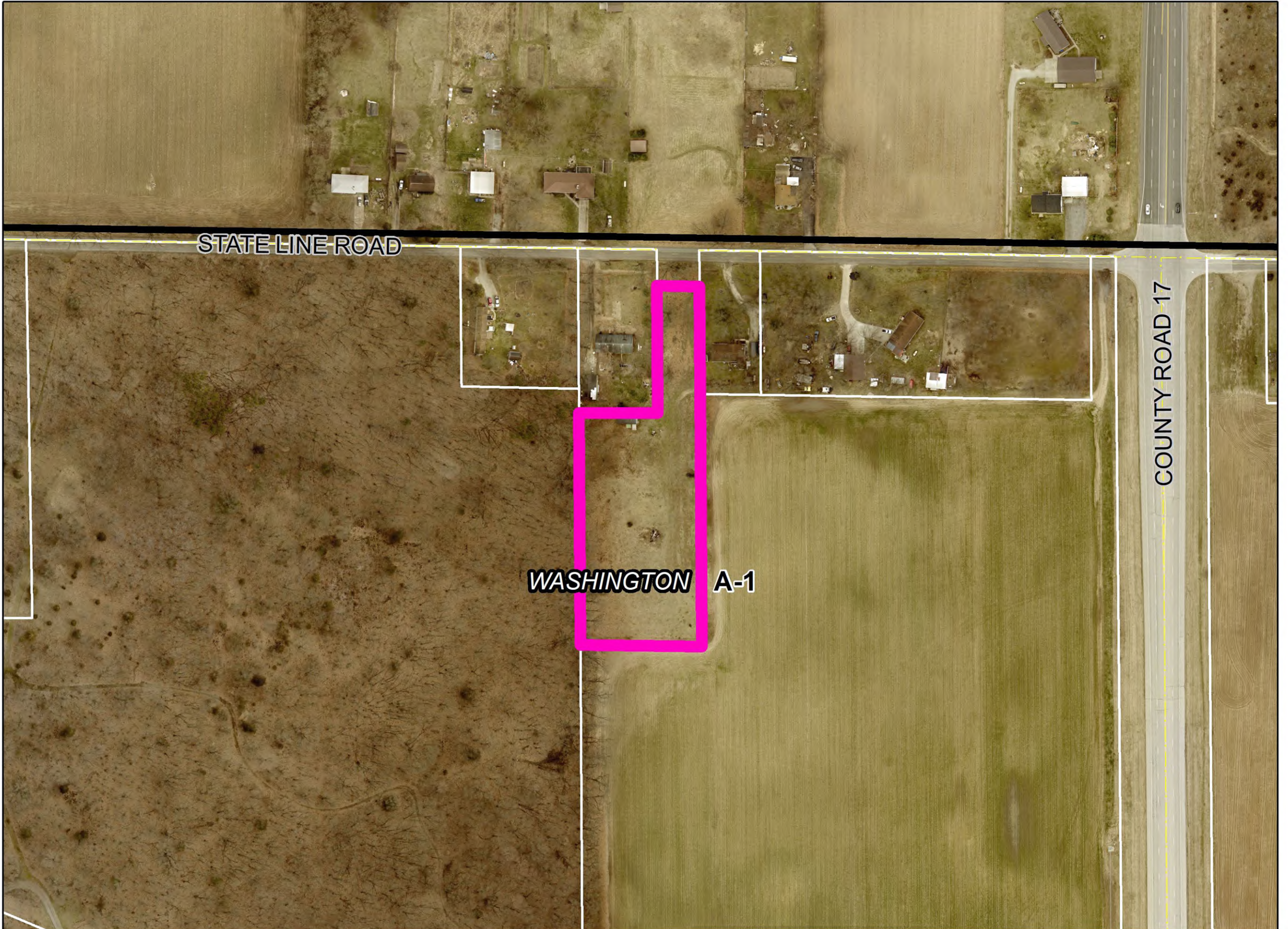
STATE LINE ROAD

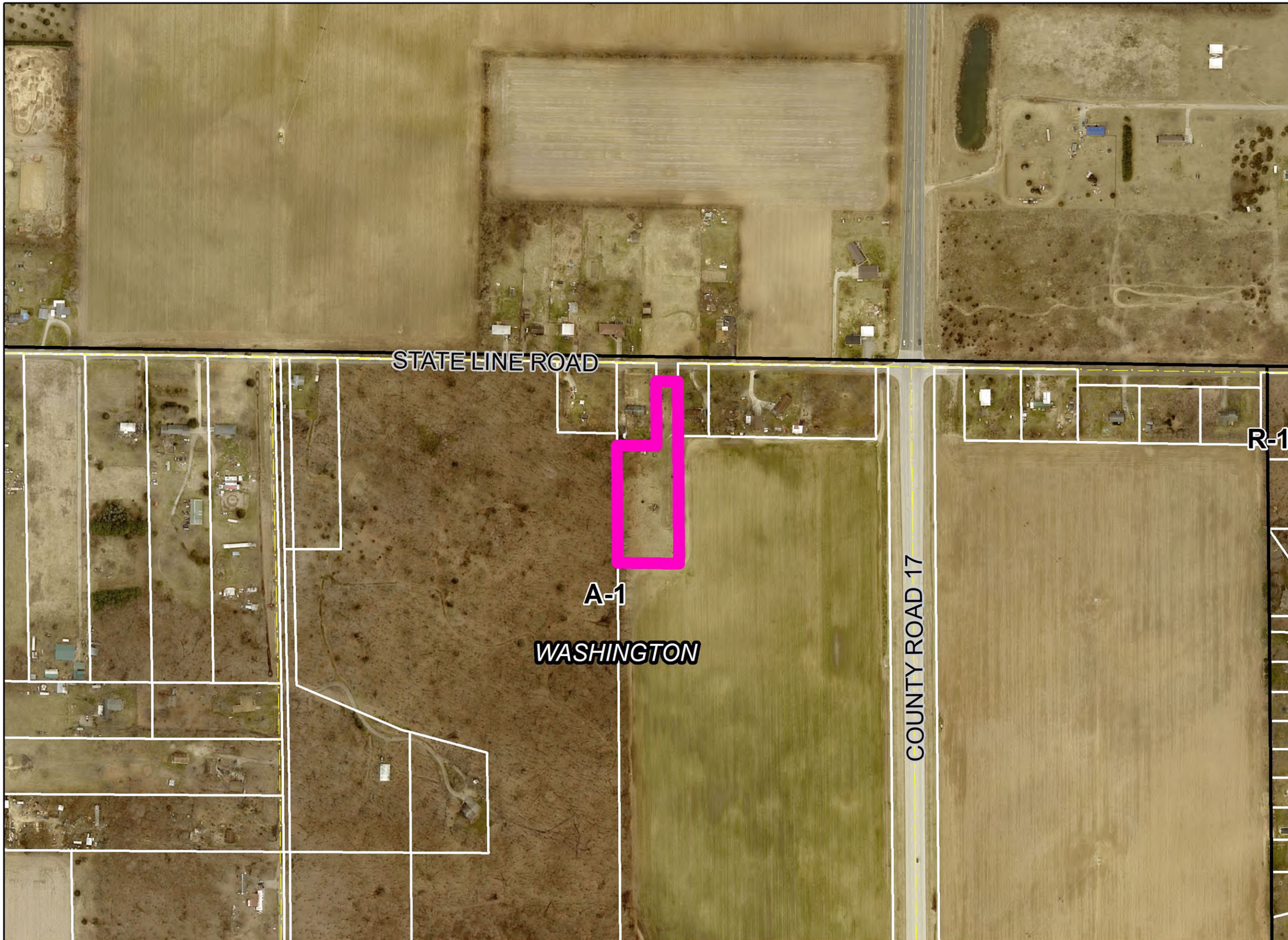


A-1

WASHINGTON









Looking south towards subject property



Looking north



Looking east



Looking 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

Special Use - Non Mobile Home

SUP-0570-2024

Date: 08/12/2024 Meeting Date: September 19, 2024
Board of Zoning Appeals Public Hearing Transaction #: SUP-0570-2024

Description: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres

<u>Applicant</u>	<u>Land Owner</u>
Alexander Manford Alber & Amber Irene Alber, Husband & Wife 17390 Kirkland Dr. Bristol, IN 46507	Alexander Manford Alber & Amber Irene Alber, Husband & Wife 17390 Kirkland Dr. Bristol, IN 46507

Site Address: 21462 State Line Rd Bristol, IN 46507	Parcel Number: 20-03-07-401-009.000-030
--	---

Township: Washington
Location: SOUTH SIDE OF STATE LINE ROAD, 800 FT. WEST OF CR 17

Subdivision: WOLVERINE WAY	Lot # 1
----------------------------	---------

Lot Area: 2.09	Frontage: 70.00	Depth: 653.82
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL DWELLING

Legal Description:

Comments: BR-1443-2024 NEW HOME
DV-0335-2024 LOT WIDTH
MI-0662-2018, MI-0754-2018, DV-0661-2018.

Applicant Signature:

Department Signature:

Application

Site address: 21402 State Line Rd

Parcel number(s): 20-03-07-401-009. 000-030

Current property owner

Name: Alexander + Amber Alber

Address: 17390 Kirkland Dr. Bristol, IN 46507

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

Other party Agent Buyer Land contract purchaser Lessee

Name: _____

Address: _____

Phone: _____ Email: _____

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

Signature of current property owner or authorized agent:

[Handwritten signatures of Alexander and Amber Alber]

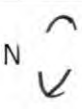
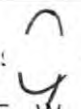

Staff Use Only

Description: _____

Parcel creation date: _____

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

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

Frontage: 70 Depth: 120 Area: 2.09 acres

Subdivision and lot number, if applicable: Wolverine Way lot 1

Present use: _____

BR - 1443 - 2024 new home
DV - 0335 - 2024 - lot width

Special Use — Questionnaire

Name: Alexander + Amber Alber

1) Tell us what you want to do. We want to create a maintainable homestead including livestock. Our plan is to have three (3) goats only as pets. One female Nigerian Dwarf, one male Nigerian Dwarf, and one male Pygmy Billy goats. Both male goats are neutered.

2) Tell us why this activity won't hurt your neighbors or the community. This activity won't hurt our neighbors for the following: our property line is completely fenced off, additionally the goats will have a secondary solar-powered electrical fence for pasture and play. Lastly, our neighbors to the East have livestock and are enthusiastic about the goats for us.

3) Is there a subdivision covenant that says you can't do this activity? Y N
If yes, does the subdivision have an active homeowners' association? Y N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
Tell us what will create those things. Goats are known to communicate when under duress or hungry, but tend to be quiet and docile while grazing and playing.
Tell us how you'll reduce the impact of those things on neighbors. We will reduce the impact of the noise by locking the goats in the barn in the evenings.

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. The goats will have a four foot high, solar-powered electrical fencing. There is currently 90 sq. ft. of dedicated outside grazing with this fencing. Once our driveway is poured, we will expand the outside pasture along the back side of our driveway with the same fencing.

6) 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

7) Will the activity use buildings or additions? Y N If yes, fill out below.
Building or addition 1 Existing? Y N Size and height to the peak: 14 ft.
Tell us what you'll use it for. This will be the interior housing structure for the goats at night + implement weather.
Building or addition 2 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____

8) Does this application include animals? Y N
If yes, tell us what kind and how many of each. Three goats. One female, Nigerian Dwarf, one male Nigerian Dwarf and one Pygmy Billy mix. Both males are fixed.

Next page ➡

Special Use — Questionnaire

9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? Y N If yes, fill out below.

How many employees do you have now? Full time: _____ Part time: _____

How many employees do you want? Full time: _____ Part time: _____

How many of the employees won't live onsite? _____

What will be the days and hours of operation on this property? _____

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

Will there be outside storage or display areas on this property? Y N

If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

Approximately how many customers (clients, guests, students, members) will be on this property per day? _____

Will there be pickups or deliveries on this property? Y N If yes, fill out below.

Tell us how often. Monthly

Tell us the kind of vehicles used. Sprinter vans + delivery trucks.

Does the application include 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

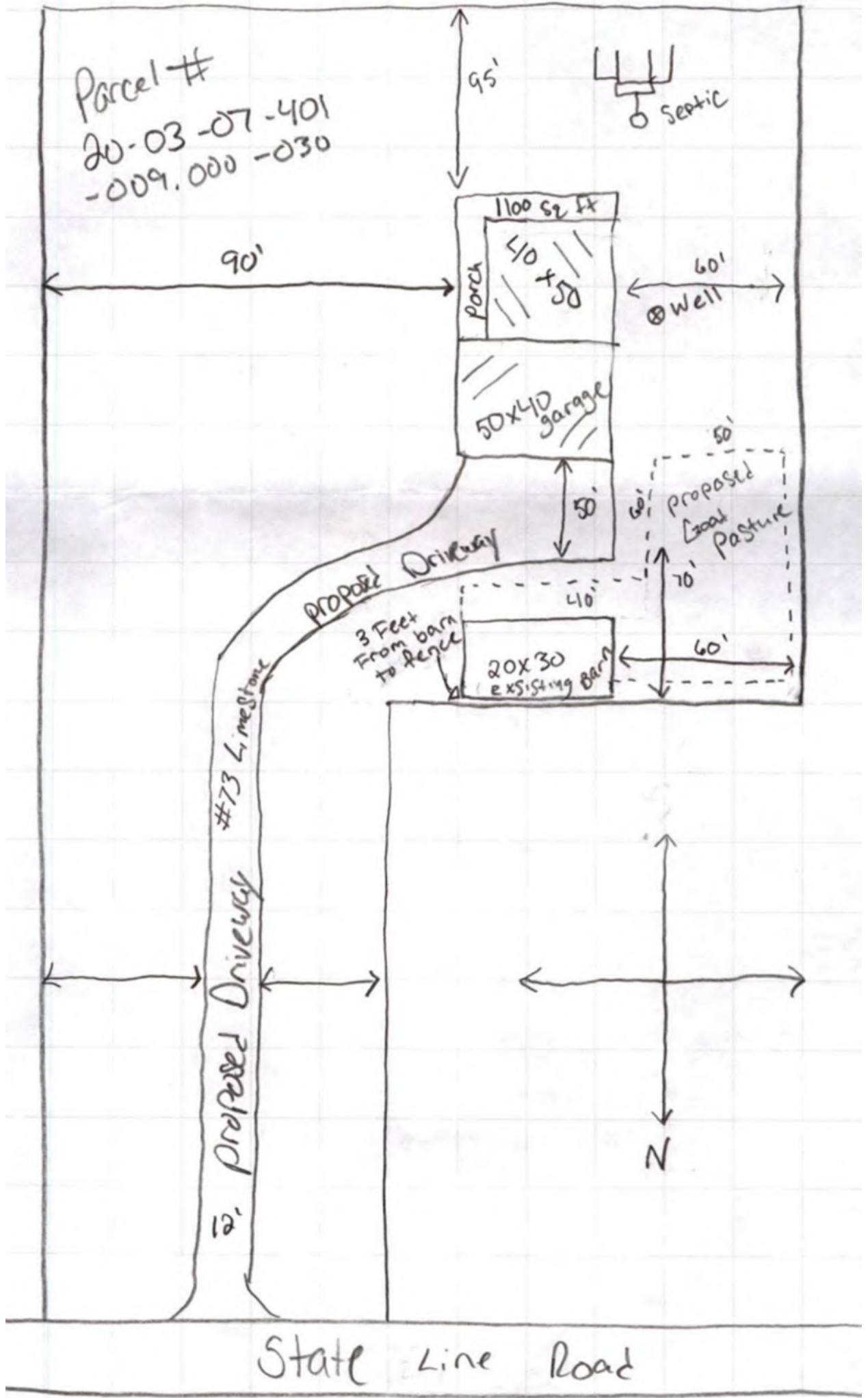
Sign 3 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

10) Tell us anything else you want us to know. The goats are Bonnie, Clyde + Billy. They are therapeutic and will provide responsibility for our young daughter. They will reduce our weekly food waste and we will use their waste as part of our compost as we plan to have a small garden to be more self-sustainable.



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: September 19, 2024

Transaction Number: SUP-0572-2024.

Parcel Number(s): 20-12-12-300-011.000-007 & 20-12-13-100-008.000-007.

Existing Zoning: A-1.

Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.

Petitioner: Bonnie J. Whitaker.

Location: South side of CR 34, 1,265 ft. East of CR 43, in Clinton Township.

Site Description:

- Physical Improvement(s) – Residence & accessory structure.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **September 18, 2019** – The Hearing Officer approved a 7:1 depth-to-width-ratio Developmental Variance and a 50 ft. lot-width Developmental Variance to allow for the construction of an addition to an existing residence (DV-0527-2019).
- The property is non-conforming and requires a subdivision.

Staff Analysis:

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres is allowed in the A-1 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 1.50-acre property in a moderately dense residential area, and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing a hobby opportunity.

BZA Staff Report (Continued)

Hearing Date: September 19, 2024

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

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A revised site plan must be submitted for staff approval showing distances from all structures to property lines.

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

1. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Special Use application.
2. The request is limited to a maximum of two (2) adult horses at any one time.

SUP-0572-2024



2021 Aerials

1 inch = 80 feet



DPUD A-1







Looking south toward subject property



Looking north



Looking east



Looking 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

Special Use - Non Mobile Home

SUP-0572-2024

Date: 08/12/2024 Meeting Date: September 19, 2024
Board of Zoning Appeals Public Hearing Transaction #: SUP-0572-2024

Description: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Bonnie J. Whitaker	Bonnie J. Whitaker
10504 Cr 34	10504 Cr 34
Goshen, IN 46526	Goshen, IN 46526

Site Address: 10504 Cr 34 Goshen, IN 46528	Parcel Number: 20-12-12-300-011.000-007 20-12-13-100-008.000-007
---	---

Township: Clinton
Location: SOUTH SIDE OF CR 34, 1,265 FT. EAST OF CR 43

Subdivision: WHITAKER FISH LAKE ADDITION Lot # 1

Lot Area: 1.38 Frontage: 62.91 Depth: 203.51

Zoning: A-1 NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: MI-0465-2019
ME-R-0672-2019
DV-0527-2019
PARCEL CREATION DATE 2-27-2019 AND SECONDARY NEEDS TO BE FILED TO MAKE IT BUILDABLE JB

Applicant Signature:

Department Signature:

Application

Site address: 10504 CR 34 Goshen, IN 46528

Parcel number(s): 20-12-13-100-008.000-007, 20-12-12-300-011.000-007

Current property owner

Name: Bonnie Whitaker

Address: 10504 CR 34 Goshen, IN 46528

Phone: 574-215-1885

Email: bkauffman110@gmail

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:

Bonnie Whitaker

Staff Use Only

Description: _____

Parcel creation date: 2/27/19

Subdivision required? Y N If yes, AS Minor Major *Secondary needs to be filed.*

Residential accessory breakdown, if applicable: _____

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

Frontage: _____ Depth: _____ Area: _____ acres

Subdivision and lot number, if applicable: _____

Present use: _____

*Mi - 0465 - 2019
DN - 0517 - 2019*

ME-R - 0072 - 2019

Special Use — Questionnaire

Name: Bonnie Whitaker

1) Tell us what you want to do. BRING HORSES TO PROPERTY

2) Tell us why this activity won't hurt your neighbors or the community. Most people in the community have horses and farms of some nature.

3) Is there a subdivision covenant that says you can't do this activity? Y N
If yes, does the subdivision have an active homeowners' association? Y N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
Tell us what will create those things. 2 horses

Tell us how you'll reduce the impact of those things on neighbors. fences

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. Fences

6) 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

7) Will the activity use buildings or additions? Y N If yes, fill out below.

Building or addition 1 Existing? Y N Size and height to the peak: 30x50 20' peak
Tell us what you'll use it for. Animal barn

Building or addition 2 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____

Building or addition 3 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____

8) Does this application include animals? Y N
If yes, tell us what kind and how many of each. horses-2

Special Use — Questionnaire

9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? Y N If yes, fill out below.

How many employees do you have now? Full time: _____ Part time: _____

How many employees do you want? Full time: _____ Part time: _____

How many of the employees won't live onsite? _____

What will be the days and hours of operation on this property? _____

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

Will there be outside storage or display areas on this property? Y N

If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

Approximately how many customers (clients, guests, students, members) will be on this property per day? _____

Will there be pickups or deliveries on this property? Y N If yes, fill out below.

Tell us how often. _____

Tell us the kind of vehicles used. _____

Does the application include 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

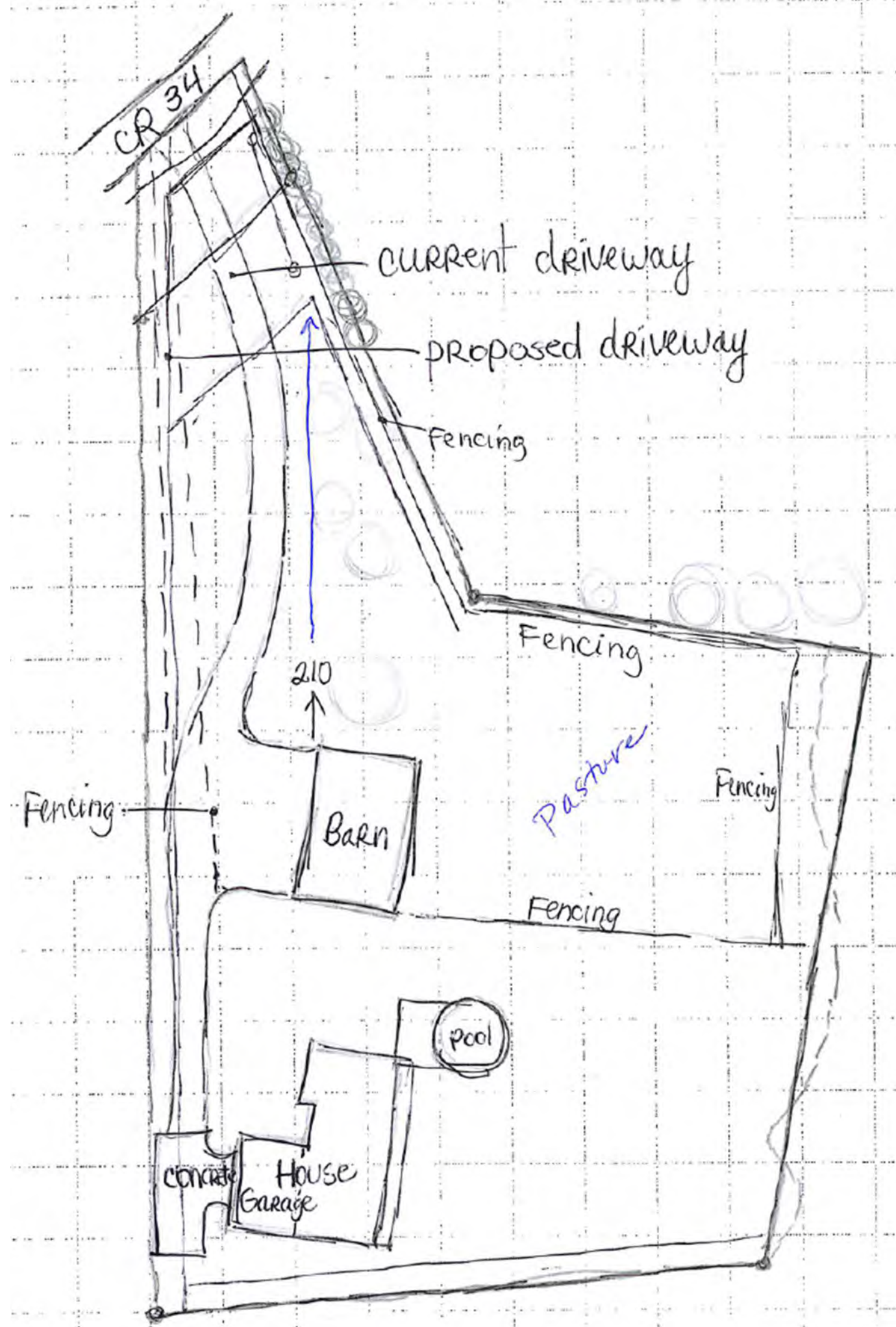
Sign 3 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

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



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: September 19, 2024

Transaction Number: SUP-0560-2024.

Parcel Number(s): 20-06-19-226-016.000-009.

Existing Zoning: R-1.

Petition: for a Special Use for a home workshop/business for a barber shop.

Petitioner: Kelvin Amaya Alvarado.

Location: West side of CR 7, 750 ft. South of West Mishawaka Rd., in Concord Township.

Site Description:

- Physical Improvement(s) – Residence & accessory structure.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- None.

Staff Analysis:

for a Special Use for a home workshop/business for a barber shop, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a home workshop/business is allowed in the R-1 zoning district.
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 moderately dense mixed-use area, and the parcel will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing local barber services.

BZA Staff Report (Continued)

Hearing Date: September 19, 2024

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

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

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

1. The request is approved in accordance with the site plan submitted 8/8/2024 and as represented in the Special Use application.

R-2

B-3

DPUD B-3

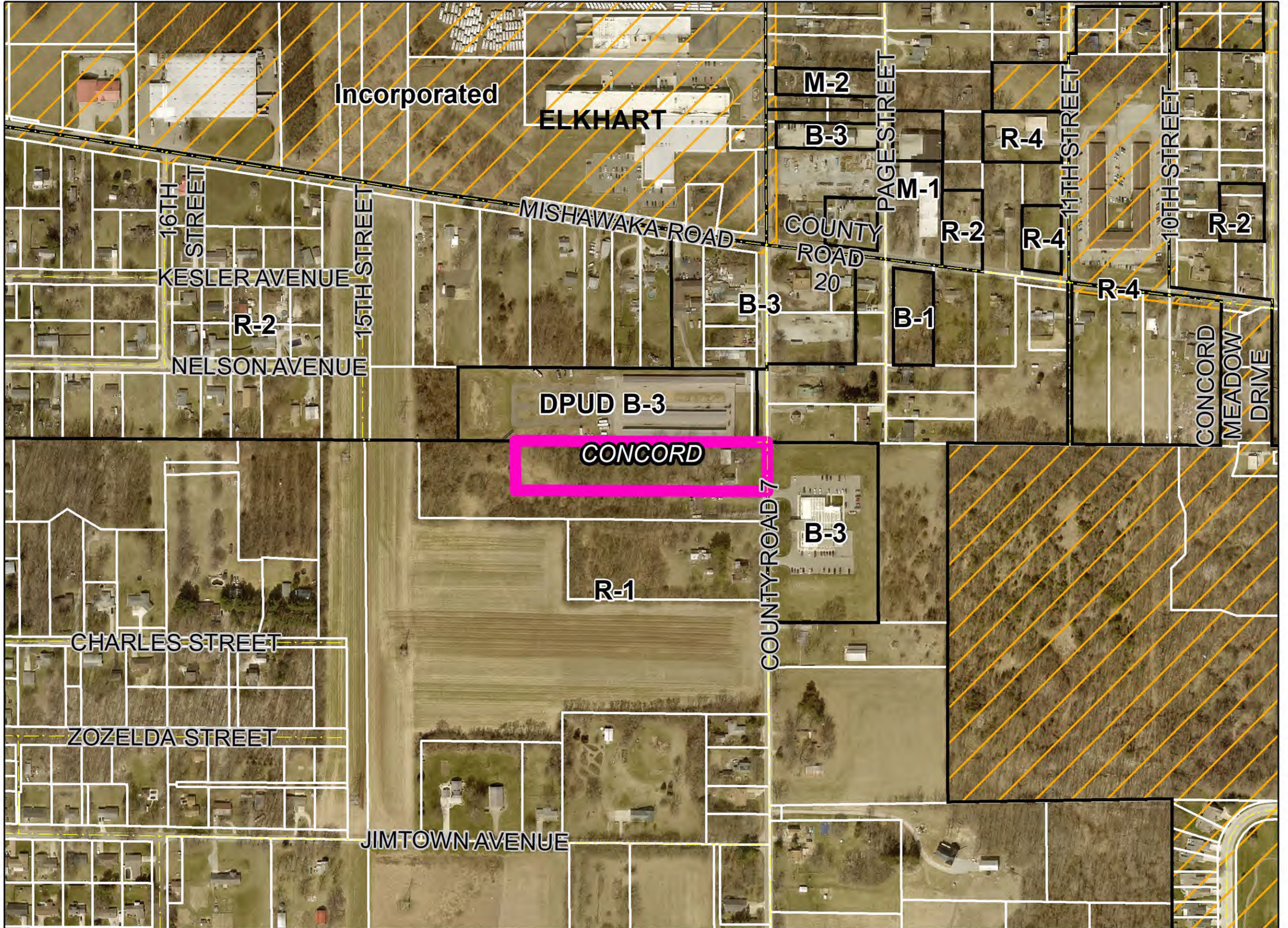
CONCORD

R-1

B-3

COUNTY ROAD 7







Looking west toward subject property



Looking east



Looking north



Looking south

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use - Non Mobile Home

SUP-0560-2024

Date: 08/08/2024

Meeting Date:

September 19, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0560-2024

Description: for a Special Use for a homework shop/business for a barber shop.

Contacts: Applicant

Kelvin Amaya Alvarado
58071 Cr 7
Elkhart, IN 46517

Land Owner

Kelvin Amaya Alvarado
58071 Cr 7
Elkhart, IN 46517

Site Address: 58071 Cr 7
Elkhart, IN 46517

Parcel Number: 20-06-19-226-016.000-009

Township: Concord

Location: WEST SIDE OF CR 7, 750 FT SOUTH OF W. MISHAWAKA RD.

Subdivision:

Lot #

Lot Area: 3.00 Frontage: 137.00 Depth: 810.00

Zoning: R-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 5/28/1999. NO SUBDIVISION IS NEEDED. AW

Applicant Signature:

Department Signature:

Application

Site address: 58071 CR 7, ELKHART, IN 46517

Parcel number(s): 20-06-19-226-014.000-009

Current property owner

Name: Kelvin Amaya Alvarado

Address: 58071 County Road 7

Phone: 574-343-0240

Email: JESSY14HDZ@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: Kelvin Amaya

Staff Use Only

Description: for a Special Use for a homework shop/business for a barber shop. + for a 5 FT DEVELOPMENTAL VARIANCE (ORDINANCE REQUIRES 5 FT) TO ALLOW FOR AN EXISTING DETACHED GARAGE 0 FT FROM PROPERTY LINE.

Parcel creation date: 5/28/1999 - AW + KB.

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 7
750 ft. N (S) E W of W. MISHAWAKA Rd.
in CONCORD Township

Frontage: 137 Ft. Depth: 810 Ft. Area: 3.0 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL

Special Use — Questionnaire

Name: _____

1) Tell us what you want to do. A small barbershop in the garage.

2) Tell us why this activity won't hurt your neighbors or the community. The neighbors are not close by the hours will not be that late

3) Is there a subdivision covenant that says you can't do this activity? Y N
If yes, does the subdivision have an active homeowners' association? Y N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
Tell us what will create those things. _____

Tell us how you'll reduce the impact of those things on neighbors. _____

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. _____

6) 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

7) Will the activity use buildings or additions? Y N If yes, fill out below. GARAGE BARBER SHOP.
Building or addition 1 Existing? Y N Size and height to the peak: 32x46, 32x26.
Tell us what you'll use it for. GARAGE.

Building or addition 2 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____

Building or addition 3 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____

8) Does this application include animals? Y N
If yes, tell us what kind and how many of each. _____

Special Use — Questionnaire

9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? Y N If yes, fill out below.

How many employees do you have now? Full time: _____ Part time: _____

How many employees do you want? Full time: 4 Part time: _____

How many of the employees won't live onsite? 4

What will be the days and hours of operation on this property? Tuesday - Thursday 10am - 6pm Friday - Sunday 9am - 8pm

How many parking spaces do you have now? 7

How many parking spaces do you want? 5

Will there be outside storage or display areas on this property? Y N

If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. hair products and drinks

Approximately how many customers (clients, guests, students, members) will be on this property per day?

20/day

Will there be pickups or deliveries on this property? Y N If yes, fill out below.

Tell us how often. _____

Tell us the kind of vehicles used. _____

Does the application include signs? Y N If yes, fill out below.

Sign 1 Dimensions (length and width). 2 x 3 feet

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

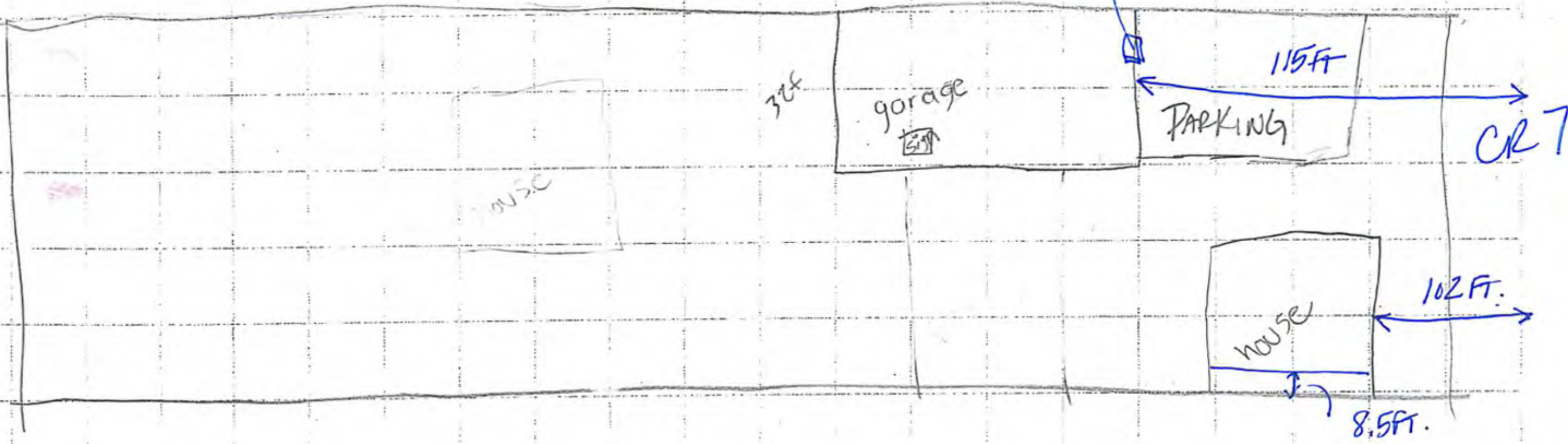
Sign 3 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

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



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: September 19, 2024

Transaction Number: SUP-0562-2024.

Parcel Number(s): 20-12-05-376-004.000-007.

Existing Zoning: A-1.

Petition: for a Special Use for a home workshop/business for a trailer building business, for a 20 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 100 ft. from the centerline of the right-of-way, for a 17 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing detached accessory structure 103 ft. from the centerline of the right-of-way, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Petitioner: Mark L. Raber & Sharon R. Raber, Husband & Wife.

Location: South side of SR 4, 120 ft. West of CR 133, in Clinton Township.

Site Description:

- Physical Improvement(s) – Residence & accessory structure.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- None.

Staff Analysis:

for a Special Use for a home workshop/business for a trailer building business, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a home workshop/business is allowed in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 1-acre parcel in a moderately dense residential area, and the parcel will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing a local trailer fabricator.

BZA Staff Report (Continued)

Hearing Date: September 19, 2024

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

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

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

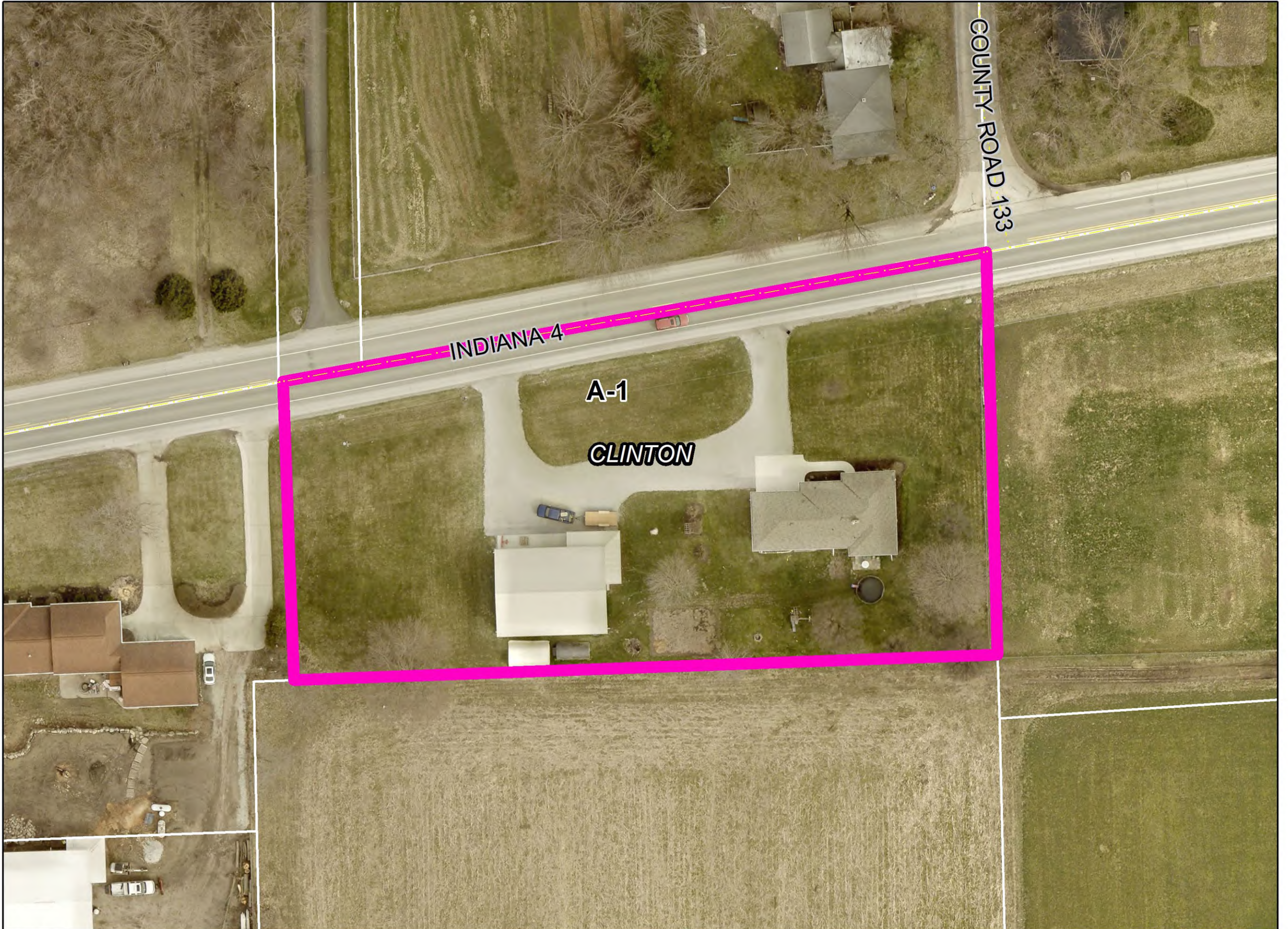
1. The request is approved in accordance with the site plan submitted 8/9/2024 and as represented in the Special Use application.

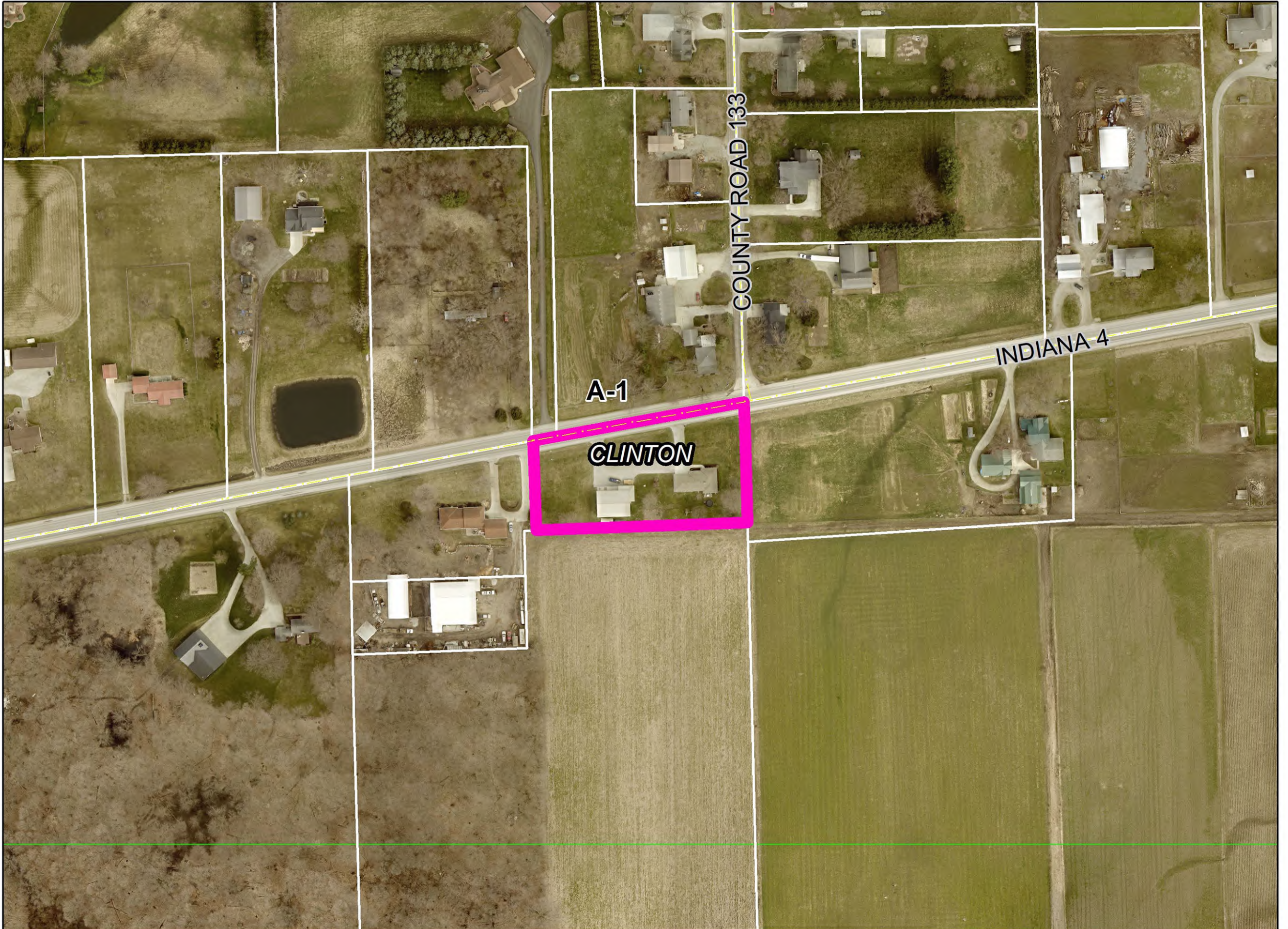
for a 20 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 100 ft. from the centerline of the right-of-way, for a 17 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing detached accessory structure 103 ft. from the centerline of the right-of-way, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. These are existing buildings that do not hinder sight distance, and the request is 1,213 sq. ft., or 84 percent, over what is allowed by right.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 1-acre parcel in a moderately dense residential area, and the parcel 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 benefit of the variances, these structures would be non-conforming.

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 8/9/2024 and as represented in the Developmental Variance application.









Looking south toward subject property



Looking north



Looking 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

SUP-0562-2024

Special Use - Non Mobile Home

Date: 08/09/2024 Meeting Date: September 19, 2024 Transaction #: SUP-0562-2024
Board of Zoning Appeals Public Hearing

Description: for a Special Use for a home workshop/business for a trailer building business, for a 20 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 100 ft. from the centerline of the right-of-way, for a 17 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing accessory structure 103 ft. from the centerline of the right-of-way, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Mark L. Raber And Sharon R. Raber, Husband And Wife 14504 State Road 4 Goshen, IN 46528	Mark L. Raber And Sharon R. Raber, Husband And Wife 14504 State Road 4 Goshen, IN 46528

Site Address: 14504 Sr 4 Goshen, IN 46528	Parcel Number: 20-12-05-376-004.000-007
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Township: Clinton
Location: SOUTH SIDE OF SR 4, 120 FT WEST OF CR 133

Subdivision:	Lot #
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Lot Area: 1.00 Frontage: 352.90 Depth: 147.22

Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 03-01-1962
RESIDENCE EQUALS 1312 SF X 110%= 1443 SF MINUS 576 (GARAGE), AND 2080 (WORKSHOP) LEAVES NEGATIVE 1213 SF
REFERENCE PERMIT BR-1415-2020 WHERE HOMEOWNER STATED BASEMENT WAS FINISHED AT 1115 SF, WHICH WOULD GIVE HIM 13 SF AVAILABLE FOR PERSONAL STORAGE

Applicant Signature:	Department Signature:
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Application

Site address: 14504 SR 4 GOSHEN, IN 46528

Parcel number(s): 20-12-05-376 004.006-007

Current property owner

Name: MARK L. RABER

Address: 14504 SR 4 GOSHEN, IN 46528

Phone: 574-538-1029 Email: raber.mark@yahoo.com

Other party

- Agent
- Buyer
- Land contract purchaser
- Lessee

Name: _____

Address: _____

Phone: _____ Email: _____

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

Signature of current property owner or authorized agent: Mark L. Raber

Staff Use Only

Description: _____

Parcel creation date: 3-1-1962

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: 1312 SF x 110% = 1443 =
576 - 2080 = -1213

Location: N (S) E W corner (side) end of State Road 4,
120 ft. N S E (W) of County Road 133,
in Clinton Township

Frontage: 352.9 Depth: 147.22 Area: 1 acres

Subdivision and lot number, if applicable: _____

Present use: Residential

Special Use — Questionnaire

Name: Mark L. Rader

1) Tell us what you want to do. I would like to build 1-6 specialty trailers a month in the shop building on my property. I plan to sell through dealers, and not from this location.

2) Tell us why this activity won't hurt your neighbors or the community. I maintain and will continue to keep a neat and orderly property. There will be minimal to no change in traffic on a daily basis.

3) Is there a subdivision covenant that says you can't do this activity? Y N
If yes, does the subdivision have an active homeowners' association? Y N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
Tell us what will create those things. there would be minimal noise from the saws, grinders and general manufacturing with steel
Tell us how you'll reduce the impact of those things on neighbors. Cease operations after daytime hours, and be a conscientious and courteous neighbor

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. _____

6) 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

7) Will the activity use buildings or additions? Y N If yes, fill out below.
Building or addition 1 Existing? Y N Size and height to the peak: 40'x52'x17'T
Tell us what you'll use it for. to house materials and equipment for building trailers
Building or addition 2 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____

8) Does this application include animals? Y N
If yes, tell us what kind and how many of each. _____

Next page ➡



Special Use — Questionnaire

9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? Y N If yes, fill out below.

How many employees do you have now? Full time: 0 Part time: 0

How many employees do you want? Full time: 0 Part time: 0

How many of the employees won't live onsite? _____

What will be the days and hours of operation on this property? Monday-Friday 1pm-7pm

How many parking spaces do you have now? 2

How many parking spaces do you want? 2

Will there be outside storage or display areas on this property? Y N

If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

Approximately how many customers (clients, guests, students, members) will be on this property per day?

0-5

Will there be pickups or deliveries on this property? Y N If yes, fill out below.

Tell us how often. 1-3 times per week

Tell us the kind of vehicles used. Straight truck

Does the application include 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

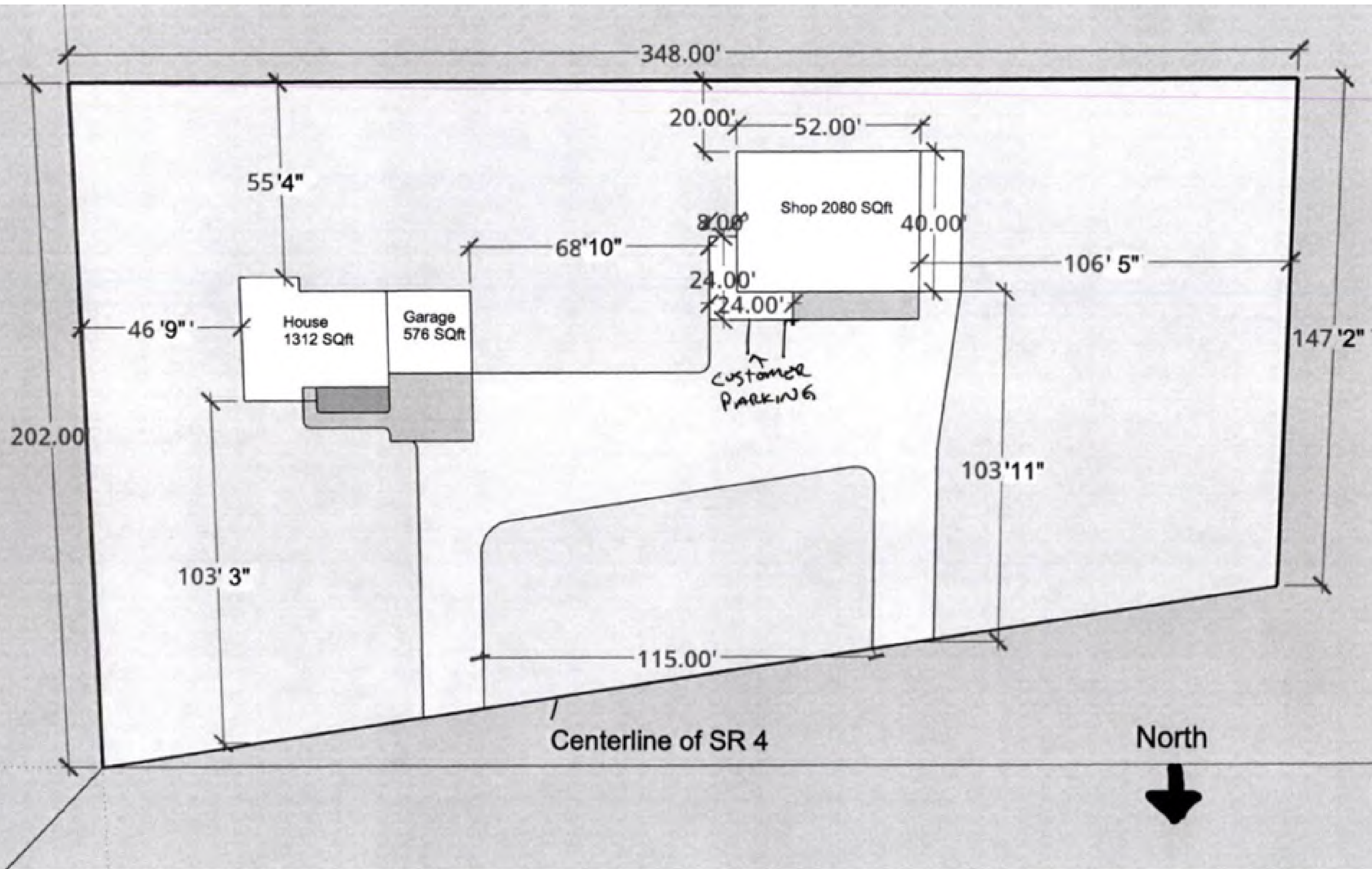
Sign 3 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

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



Centerline of SR 4

North



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: September 19, 2024

Transaction Number: SUP-0573-2024.

Parcel Number(s): 20-12-18-101-007.000-007.

Existing Zoning: A-1.

Petition: For a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, for a 49 ft. Developmental Variance (Ordinance requires 75 ft.) to allow an existing residence 26 ft. from the centerline of the right-of-way, for a 12 ft. Developmental Variance (Ordinance requires 75 ft.) to allow an existing accessory structure 63 ft. from the centerline of the right-of-way, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Petitioner: The Schwartz Family Revocable Living Trust.

Location: West side of CR 31, 685 ft. south of CR 34, in Clinton Township.

Site Description:

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

History and General Notes:

- **September 18, 1980** – The BZA approved a Special Use for a home workshop/business for an upholstery shop.
- **August 17, 1989** – The BZA approved a Special Use for a home workshop/business for gas refrigerator repair and an appeal to allow accessory square footage to exceed primary square footage.

Staff Analysis:

For a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for the keeping of animals is allowed in the A-1 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. A Special Use for horses on this 2-acre parcel will not harm the residential and agricultural character of the area.
3. The Special Use will substantially serve the public convenience and welfare by providing for a transportation option.

BZA Staff Report (Continued)

Hearing Date: September 19, 2024

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

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. Building permits must be obtained for the 12×12 storage shed and the rear of the center storage building.

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

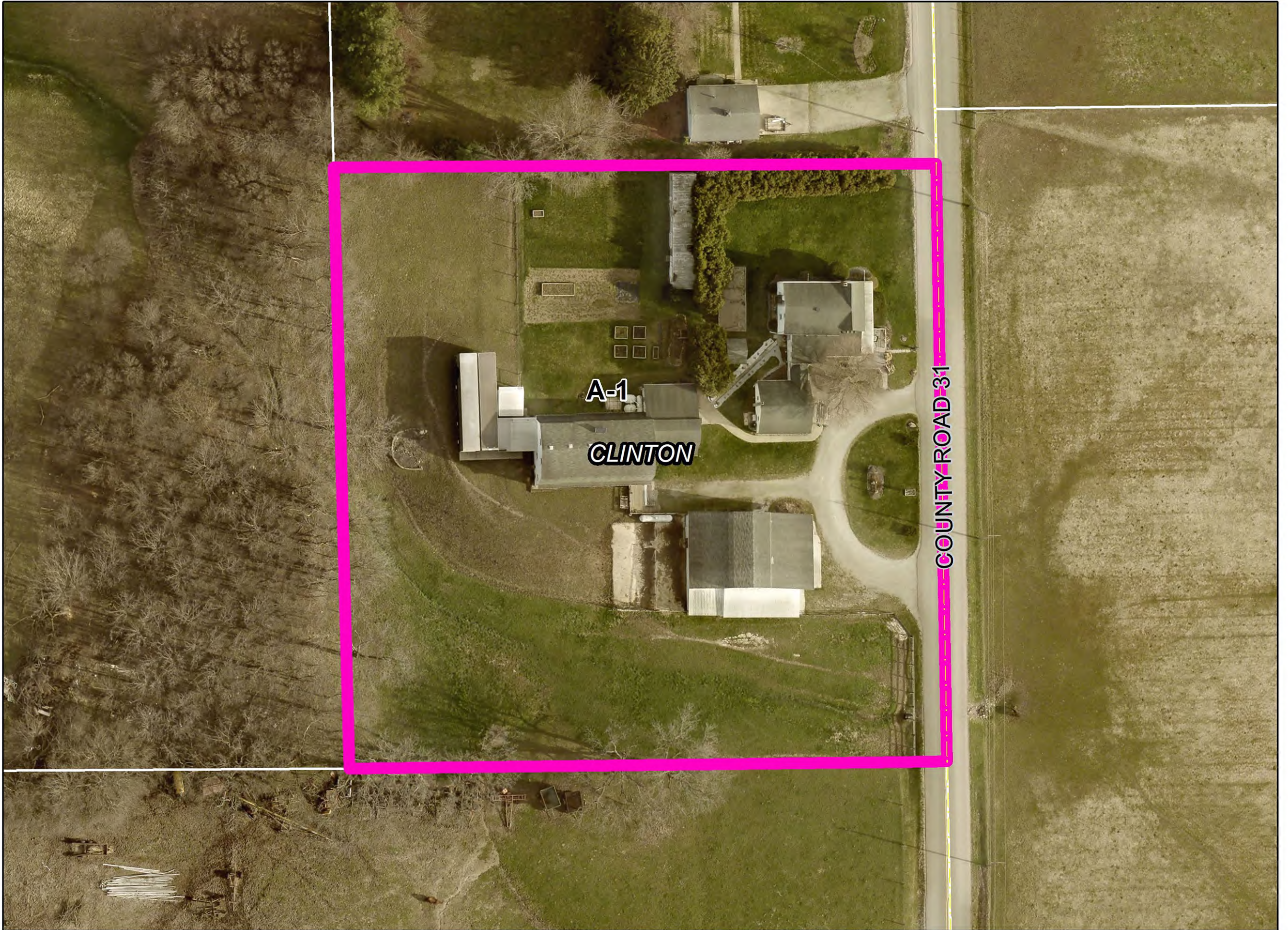
1. The request is approved in accordance with the site plan submitted 8/27/2024 and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of two (2) adult horses at any one time.

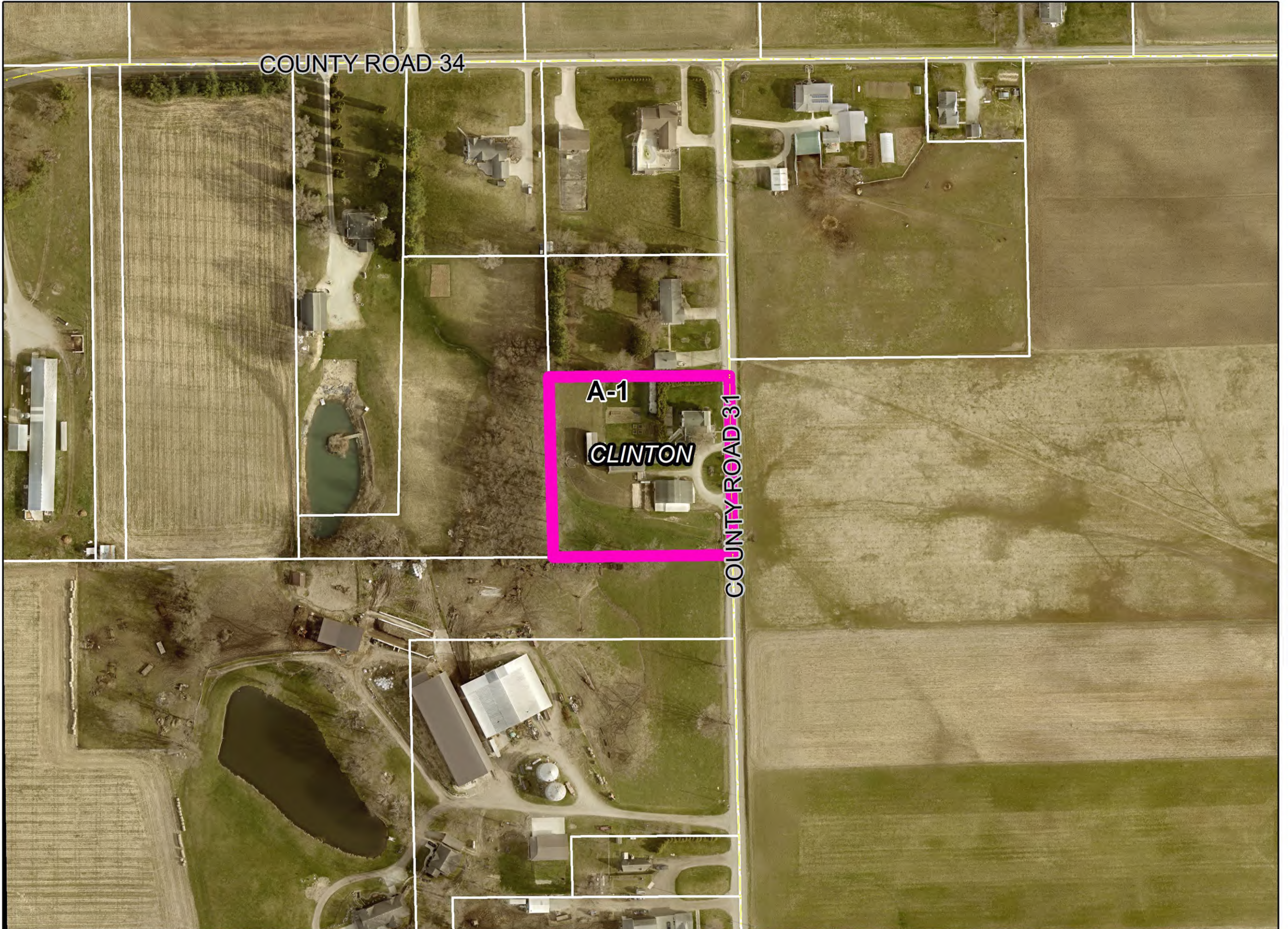
For a 49 ft. Developmental Variance (Ordinance requires 75 ft.) to allow an existing residence 26 ft. from the centerline of the right-of-way, for a 12 ft. Developmental Variance (Ordinance requires 75 ft.) to allow an existing accessory structure 63 ft. from the centerline of the right-of-way, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The residence and south building have stood at these setbacks for many years with no impact on public safety, and the overall layout of structures has changed minimally since 1989. The accessory request is 1,891 sq. ft., or 67 percent, over what is allowed by right.
2. Approval of the request will not cause substantial adverse effect on neighboring property. All structures on this 2-acre parcel are existing, and the property is complaint-free.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The scale of development on the property is what would be expected in any low-density residential and agricultural area.

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 8/27/2024 and as represented in the Developmental Variance application.



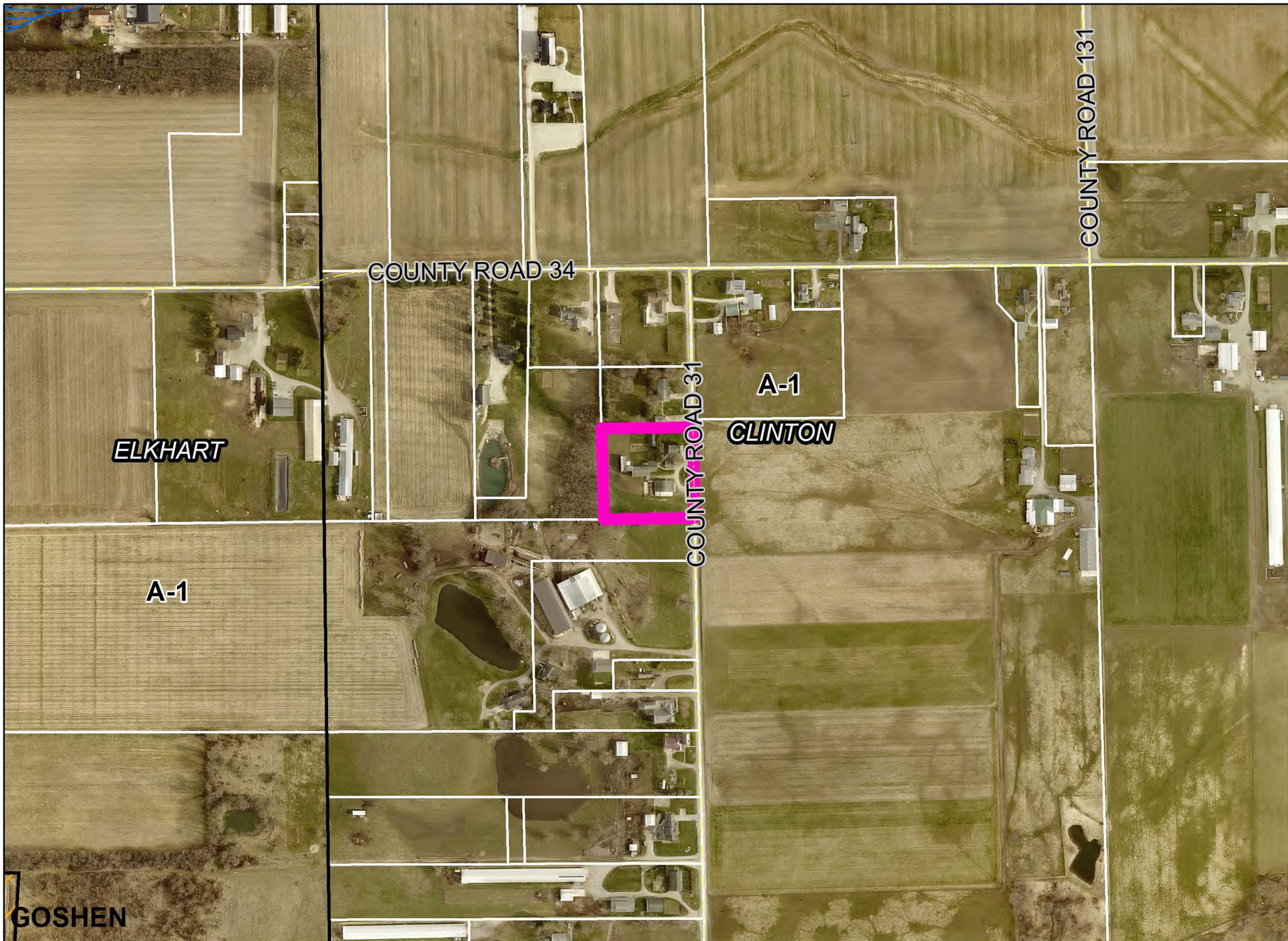


COUNTY ROAD 34

A-1

CLINTON

COUNTY ROAD 31





Subject property (south building in foreground)



Subject property (residence & garage in foreground)



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

SUP-0573-2024

Special Use - Non Mobile Home

Date: 08/12/2024 Meeting Date: September 19, 2024 Transaction #: SUP-0573-2024
Board of Zoning Appeals Public Hearing

Description: for a 49 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 26 ft. from the centerline of the right-of-way, for a 12 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing accessory structure 63 ft. from the centerline of the right-of-way, for a Special Use for an agricultural use for keeping of animals on a tract of land containing less than 3 acres, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

<u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Freedom Builders 54824 Cr 33 Middlebury, IN 46540	Freedom Builders 54824 Cr 33 Middlebury, IN 46540	The Schwartz Family Revocable Living Trust Schwartz (Of April 10, 2006) 63115 County Road 31 Goshen, IN 46528

Site Address: 63115 Cr 31 Goshen, IN 46528	Parcel Number: 20-12-18-101-007.000-007
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Township: Clinton
Location: West Side Of Cr 31, 685 ft. South Of Cr 34

Subdivision:	Lot #
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Lot Area: 2.02	Frontage: 297.20	Depth: 297.80
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 3/1/1962
SEE PREVIOUS SPECIAL USE #89-106-SU FOR HOME WORKSHOP/BUSINESS FOR GAS REFRIGERATOR REPAIR, APPROVED 8/17/1989 AND SPECIAL USE FOR UPHOLSTERY SHOP APPROVED 9/18/1980
RESIDENCE = 2,580 SQ FT X 110% = 2,838 SQ FT, MINUS 4,729 SQ FT FOR EXISTING ACCESSORY BUILDING, WHICH IS A NEGATIVE OF 1,891 SQ FT AVAILABLE FOR PERSONAL STORAGE

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

Application

Site address: 63115 COUNTY RD 31 GOSHEN, IN 46528

Parcel number(s): 20-12-18-101-007.000-007

Current property owner

Name: SCHWARTZ FAMILY REVOCABLE LIVING TRUST(HOMER J & ETTA FERN SCHWARTZ)

Address: 63115 COUNTY RD 31 GOSHEN, IN 46528

Phone: 574-642-4404

Email: N/A

Other party

Agent Buyer Land contract purchaser Lessee

Name: Freedom Builders

Address: 54824 CR 33 Middlebury IN 46540

Phone: 574-202-6505

Email: pd.freedombuilders@gmail.com

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

Signature of current property owner or authorized agent: _____

Staff Use Only

Description: FOR A SPECIAL USE FOR A HOME WORKSHOP/BUSINESS FOR THE SALE OF GAS HEATING STOVES, FOR A SPECIAL USE FOR AN AGRICULTURAL USE FOR KEEPING OF ANIMALS ON A TRACT OF LAND CONTAINING LESS THAN 3 ACRES. FOR A DEVELOPMENTAL VARIANCE TO ALLOW FOR THE TOTAL SQUARE FOOTAGE OF ACCESSORY STRUCTURES TO EXCEED THAT ALLOWED BY RIGHT.

Parcel creation date: 3/11/1962

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: SEE SEPERATE SHEET.

Location: N S E W corner side end of CR 31
680 ft. N S E W of CR 34

in CLINTON Township

Frontage: 297 Depth: 297 Area: 2 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL / HOMEWORK SHOP.

Special Use — Questionnaire

Name: SCHWARTZ FAMILY REVOCABLE LIVING TRUST(HOMER J & ETTA FERN SCHWARTZ)

1) Tell us what you want to do. Amendment to an existing special use for a home workshop business in an A-1 zone to allow for sale of gas heating stoves and a special use to allow for horses on less than 3 acres.

2) Tell us why this activity won't hurt your neighbors or the community. This business operates in existing buildings, there will be no increase in traffic, and the business fills a need in the local community.

3) Is there a subdivision covenant that says you can't do this activity? Y N
If yes, does the subdivision have an active homeowners' association? Y N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
Tell us what will create those things. _____

Tell us how you'll reduce the impact of those things on neighbors. _____

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. _____

6) 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

7) Will the activity use buildings or additions? Y N If yes, fill out below.

Building or addition 1 Existing? Y N Size and height to the peak: 2960 SF / 25' to peak
Tell us what you'll use it for. Storage and assembly for the home workshop business.

Building or addition 2 Existing? Y N Size and height to the peak: 1193 SF / 25' to peak
Tell us what you'll use it for. Personal storage

Building or addition 3 Existing? Y N Size and height to the peak: 1600 SF / 25' to peak
Tell us what you'll use it for. Barn for horses

8) Does this application include animals? Y N
If yes, tell us what kind and how many of each. One horse now would like to have up to two horses

Next page ➡

Special Use — Questionnaire

9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? Y N If yes, fill out below.
How many employees do you have now? Full time: 0 Part time: 0
How many employees do you want? Full time: 0 Part time: 0
How many of the employees won't live onsite? 0
What will be the days and hours of operation on this property? Monday-Saturday, 8-5 (Open when Home)

How many parking spaces do you have now? 4
How many parking spaces do you want? 4
Will there be outside storage or display areas on this property? Y N
If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? Y N
If yes, tell us what will be sold. Gas heating stoves & parts

Approximately how many customers (clients, guests, students, members) will be on this property per day?
less than 1 per day

Will there be pickups or deliveries on this property? Y N If yes, fill out below.
Tell us how often. less than 1 per week
Tell us the kind of vehicles used. UPS or pickup truck and trailer

Does the application include signs? Y N If yes, fill out below.

Sign 1 Dimensions (length and width). 40" wide x 50" tall
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

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

Application

Site address: 63115 COUNTY RD 31 GOSHEN, IN 46528

Parcel number(s): 20-12-18-101-007.000-007

Current property owner

Name: SCHWARTZ FAMILY REVOCABLE LIVING TRUST(HOMER J & ETTA FERN SCHWARTZ)

Address: 63115 COUNTY RD 31 GOSHEN, IN 46528

Phone: 574-642-4404 Email: N/A

Other party Agent Buyer Land contract purchaser Lessee

Name: Freedom Builders

Address: 54824 CR 33 Middlebury IN 46540

Phone: 574-202-6505 Email: pd.freedombuilders@gmail.com

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

Signature of current property owner or authorized agent: _____

Staff Use Only

Description: _____

Parcel creation date: _____

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

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

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

Subdivision and lot number, if applicable: _____

Present use: _____

Developmental Variance — Questionnaire

Name: SCHWARTZ FAMILY REVOCABLE LIVING TRUST(HOMER J & ETTA FERN SCHWARTZ)

1) Tell us what you want to do. Developmental variance to allow for the square footage of accessory space to exceed the allowed square footage by 1891 sq ft.

2) Tell us why you can't change what you're doing so you don't need a variance. The buildings are all existing.

3) Tell us why the variance won't hurt your neighbors or the community. The buildings have been there for over 30 years without any known complaints.

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

5) Does the application include variances to allow for buildings or additions? [] Y [] 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 [X] N
If yes, tell us how many total there will be.

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

Danny Dean

From: Jeremiah Hochstetler <jh.freedombuilders@gmail.com>
Sent: Tuesday, August 27, 2024 1:02 PM
To: Danny Dean
Subject: SUP-0573-2024
Attachments: Homer Schwartz Site Plan.pdf

Caution! This message was sent from outside your organization.

Danny,

I have attached a new site plan showing the sizes and uses of all buildings.

We are also asking to remove the special use for the home workshop from this variance request. They will no longer have their business on this property. We want to keep the request for the horses, as well as the variance for storage over-allowed.

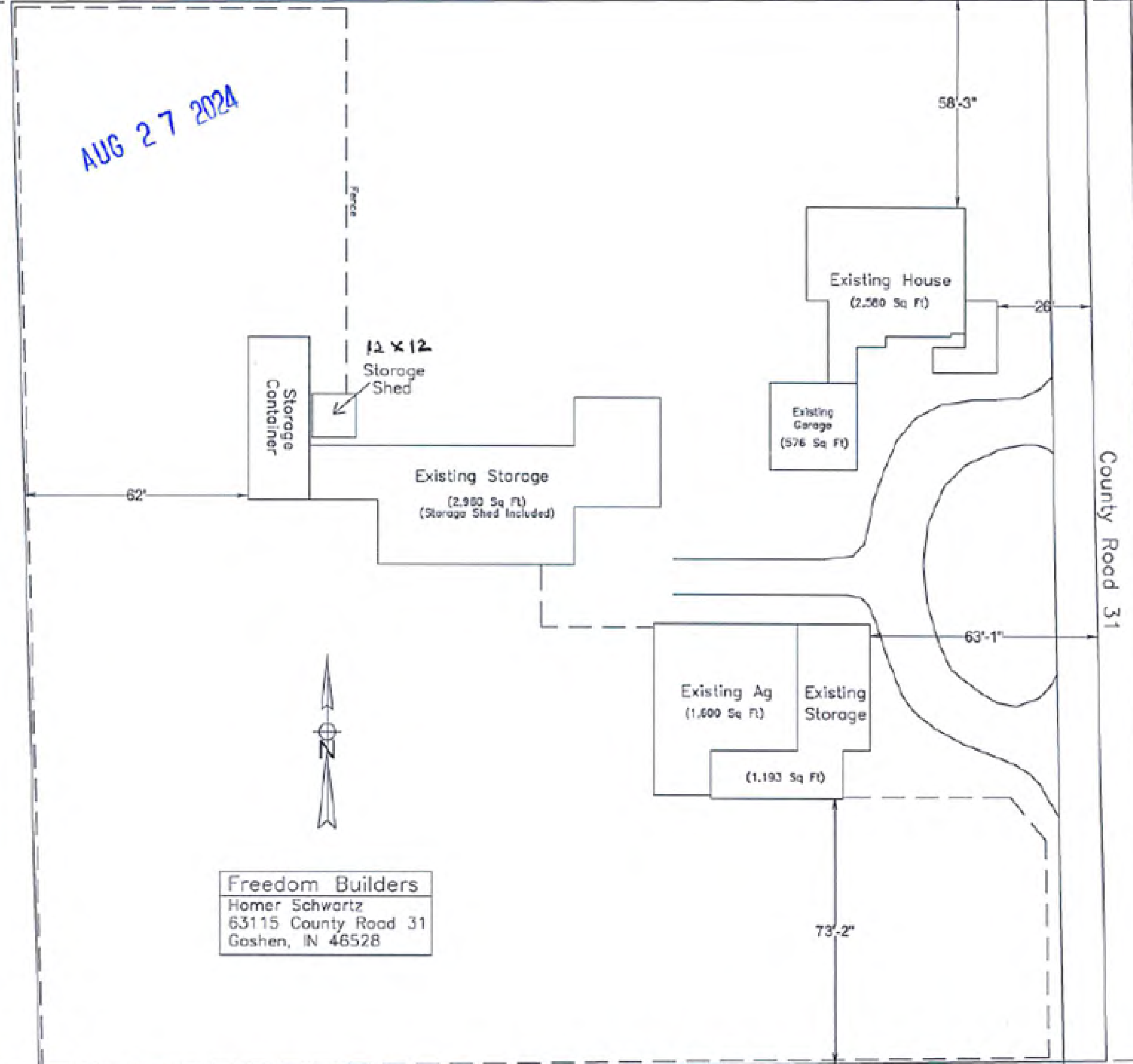
Hopefully, this all makes sense. If you have any questions please let me know.

Thanks!

Jeremiah Hochstetler
(574) 350-0078
jh.freedombuilders@gmail.com



AUG 27 2024



Freedom Builders
Homer Schwartz
63115 County Road 31
Goshen, IN 46528

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: September 19, 2024

Transaction Number: UV-0541-2024.

Parcel Number(s): 20-08-32-300-009.000-034.

Existing Zoning: A-1.

Petition: For a Use Variance to allow for an existing accessory structure without a residence.

Petitioner: Aaron J. Scholl & Jessica L. Scholl.

Location: West side of CR 133, 955 ft. south of CR 28, in Middlebury Township.

Site Description:

- Physical Improvement(s) – Barn.
- Proposed Improvement(s) – Conversion of barn to accessory structure.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

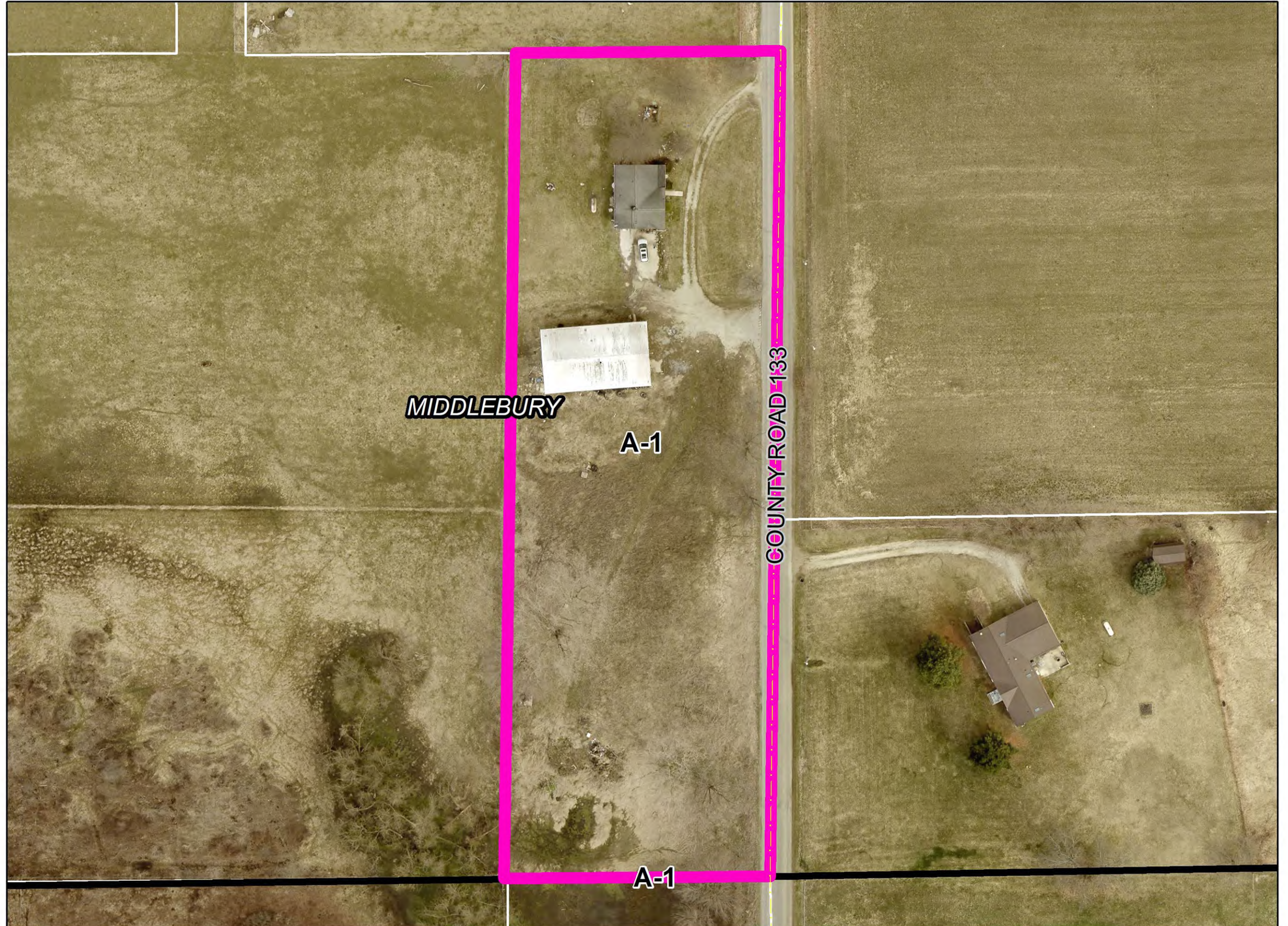
- **October 19, 2000** – The BZA approved a Special Use for an agricultural use for the keeping of 2 cows.
- **August 2, 2024** – The residence was confirmed demolished.

Staff Analysis:

Staff finds that:

1. The request will be injurious to the public health, safety, morals, and general welfare of the community. The agricultural zone is not an appropriate zone for a standalone storage structure.
2. The use and value of the area adjacent to the subject property will be affected in a substantially adverse manner. Granting the request on this 2.23-acre parcel could enable future sale of the property and unpermitted repurposing of the structure for business use.
3. A need for the Use Variance does not arise from a condition that is peculiar to the property involved. The structure has no history of use as a standalone accessory structure.
4. Strict enforcement of the terms of the Development Ordinance would not constitute an unnecessary hardship if applied to the subject property. The Use Variance can be avoided through combining the petitioners' homesite and the subject property on one deed.
5. The Use Variance does interfere substantially with the Elkhart County Comprehensive Plan, which emphasizes support of residential communities and their protection from conflicting land uses.

Staff recommends **DENIAL**.

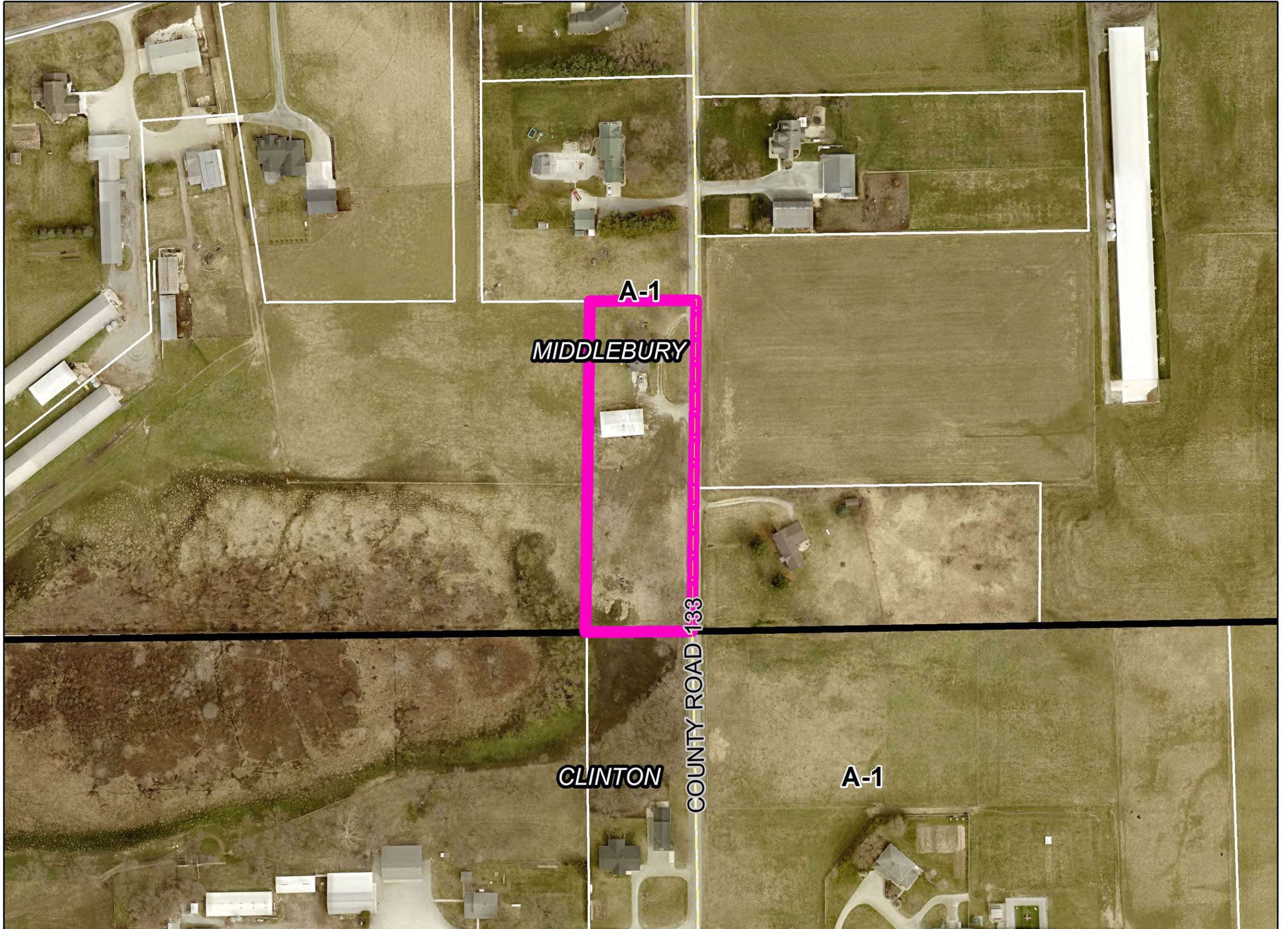


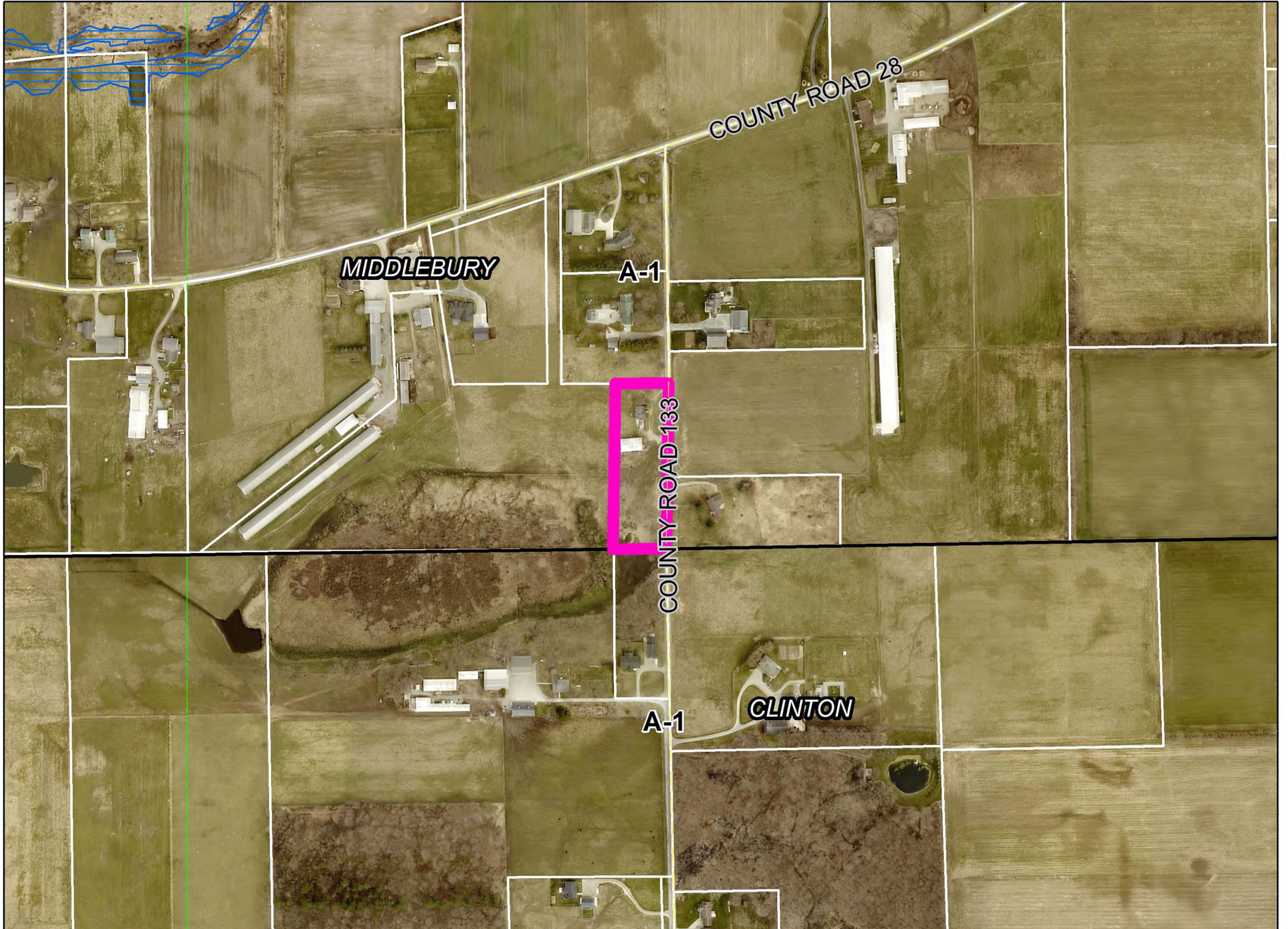
MIDDLEBURY

A-1

COUNTY ROAD 133

A-1







Subject property



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

Use Variance - Use Variance

UV-0541-2024

Date: 08/01/2024

Meeting Date:

September 19, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

UV-0541-2024

Description: for a Use Variance to allow for an existing accessory structure without a residence

Contacts: Applicant

Aaron Scholl And Jessica L.

Scholl

60867 Cr 133

Goshen, IN 46526

Land Owner

Aaron Scholl And Jessica L.

Scholl

60867 Cr 133

Goshen, IN 46526

Site Address: 60943 Cr 133
GOSHEN, IN 46528

Parcel Number: 20-08-32-300-009.000-034

Township: Middlebury

Location: WEST SIDE OF CR 133, 955 FEET SOUTH OF CR 28

Subdivision:

Lot #

Lot Area: 2.23 Frontage: 546.57

Depth: 175.80

Zoning: A-1

NPO List:

Present Use of Property:

Legal Description:

Comments: SEE #BR-1516-2024 FOR DEMO OF RESIDENCE.

PARCEL CREATED 3/1/1969

Applicant Signature:

Department Signature:

Application

Site address: 60943 County Road 133, Goshen, IN 46528

Parcel number(s): 20-08-32-300-009

Current property owner

Name: Aaran and Jessica Scholl

Address: 60867 County Road 133, Goshen, IN 46528

Phone: 574-206-3186 Email: Aaranandjess7@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: _____

JSS
Jessica L. Scholl

Staff Use Only

Description: _____

Parcel creation date: 3/1/1969

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N S E (W) corner (side) end of CR 133,
955 ft. N (S) E W of CR 28,

in Middlebury Township

Frontage: 546.57 **Depth:** 175.8 **Area:** 2.233 acres

Subdivision and lot number, if applicable: —

Present use: _____

Use Variance — Questionnaire

Name: Aaron and Jessica Scholl

1) Tell us what you want to do. Renovate the existing barn to allow for a large gathering place, indoor basketball, and some storage.

2) Tell us why your case is different from other cases in the county so that a variance should be allowed. I can't deed my properties together (I am willing)

3) Tell us why the variance won't hurt your neighbors or the community. The newly renovated barn will improve the aesthetics and value of the neighborhood.

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
Tell us what will create those things. _____

Tell us how you'll reduce the impact of those things on neighbors. _____

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. _____

6) 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

7) Does what you want to do include buildings or additions? Y N If yes, fill out below.

Building or addition 1 Existing? Y N Size and height to the peak: _____

Tell us what you'll use it for. Storage, Basketball, gathering space

Building or addition 2 Existing? Y N Size and height to the peak: _____

Tell us what you'll use it for. _____

Building or addition 3 Existing? Y N Size and height to the peak: _____

Tell us what you'll use it for. _____

8) Is there a subdivision covenant that says you can't do this activity? Y N
If yes, does the subdivision have an active homeowners' association? Y N

9) Does this application include an accessory structure without a residence at this time? Y N
If yes, are there plans for a residence on this property? Y N If yes, fill out below.

Tell us when it will be built. _____

Tell us the approximate size. _____

10) Does this application include animals? Y N

If yes, tell us what kind and the maximum number of each. _____

Use Variance — Questionnaire

11) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? Y N If yes, fill out below.

How many employees do you have now? Full time: _____ Part time: _____

How many employees do you want? Full time: _____ Part time: _____

How many of the employees won't live onsite? _____

What will be the days and hours of operation on this property? _____

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

Will there be outside storage or display areas on this property? Y N

If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

Approximately how many customers (clients, guests, students, members) will be on this property per day? _____

Will there be pickups or deliveries on this property? Y N If yes, fill out below.

Tell us how often. _____

Tell us the kind of vehicles used. _____

Does the application include 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

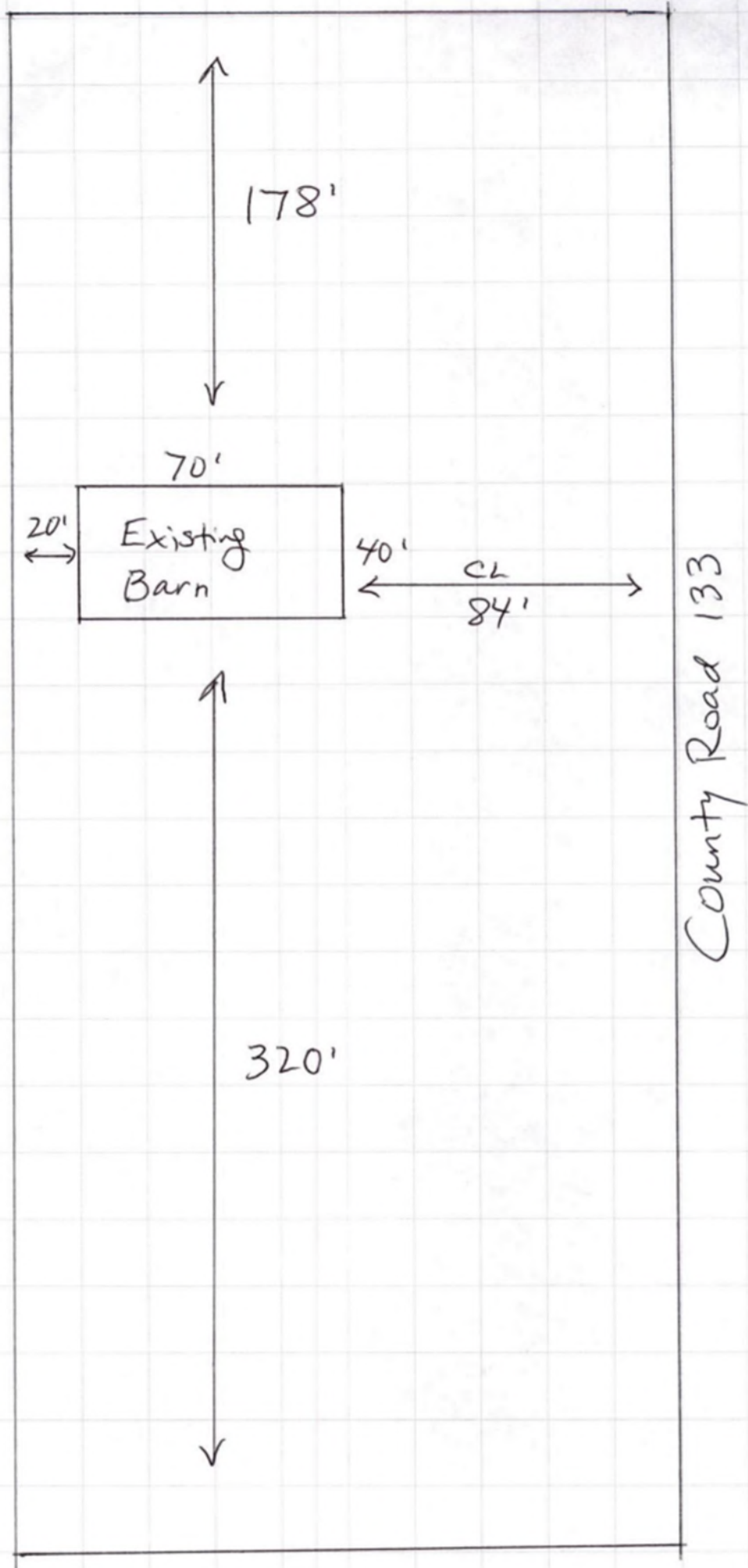
Sign 3 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

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



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: September 19, 2024

Transaction Number: DV-0547-2024.

Parcel Number(s): 20-05-12-477-007.000-001.

Existing Zoning: B-3.

Petition: for a 25 ft. Developmental Variance (Ordinance requires 55 ft.) to allow for the construction of accessory building 30 ft. from the centerline of the right-of-way of 27th St., and for a 62 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of accessory building 58 ft. from the centerline of the right-of-way of Old US 33.

Petitioner: Kevin Sarber.

Location: Northeast corner of 27th St. & Old US 33, in Baugo Township.

Site Description:

- Physical Improvement(s) – Vacant.
- Proposed Improvement(s) – Accessory Structure.
- Existing Land Use – Vacant.
- Surrounding Land Use – Residential and Commercial.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. Approval of the request will be injurious to public health, safety, morals, or general welfare. Setbacks are established to preserve public safety. This is a high traffic intersection, and sight distances will be hindered.
2. Approval of the request will cause substantial adverse effect on neighboring property. The parcel is 0.108 acres in size, and its triangular shape severely limits the buildable area of the parcel. The buildable area of the parcel is 410 sq. ft., which is 9% of the total area. The proposed parking area is not a true representation of what can fit within the allowed parking setback.
3. Strict application of the terms of the Development Ordinance would not result in an unnecessary hardship in the use of the property. The petitioner can find a use that is compatible with the small parcel.

Staff recommends **DENIAL**.

LA RUE STREET (OLD LINCOLN HIGHWAY)

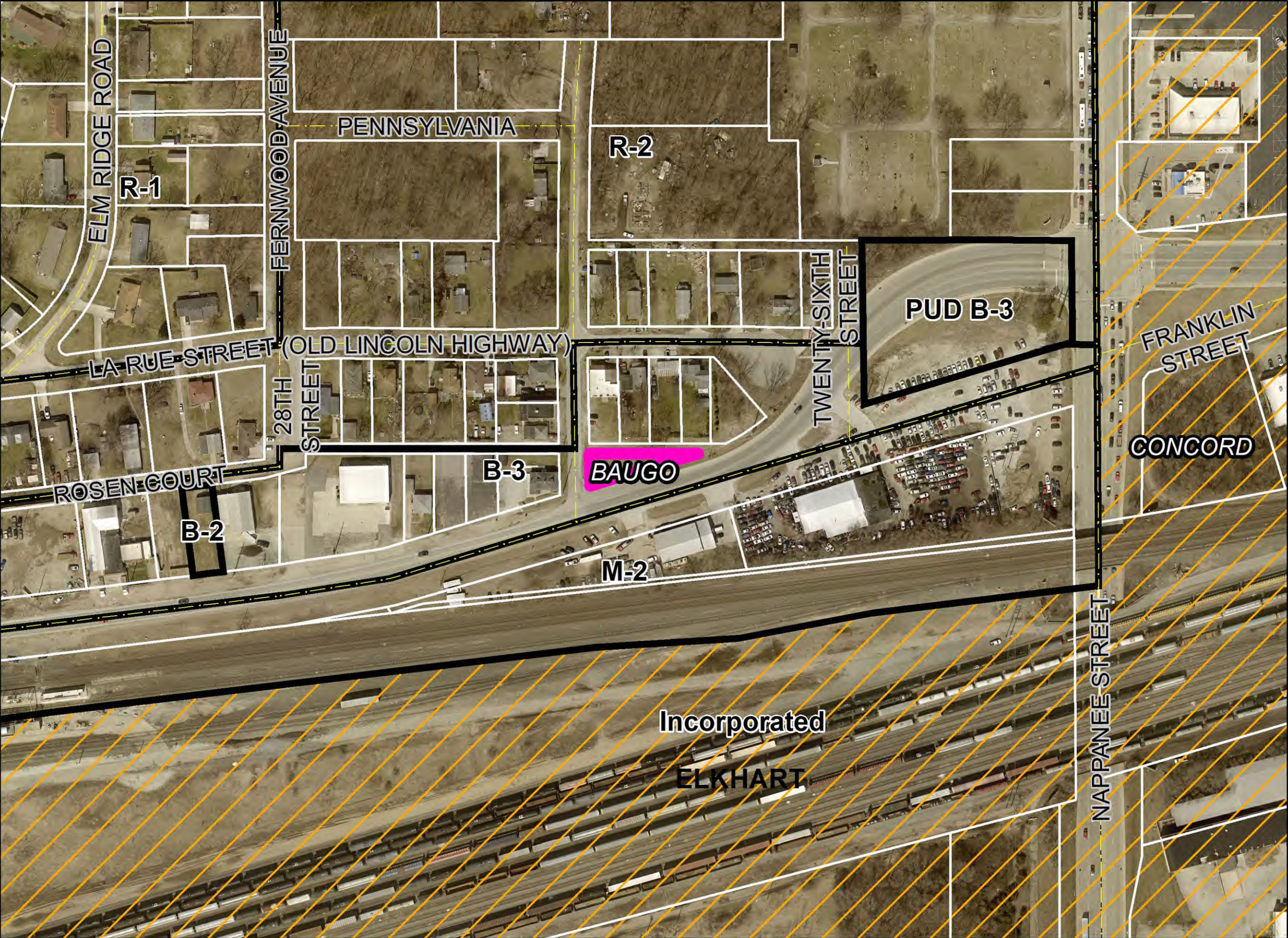
R-2

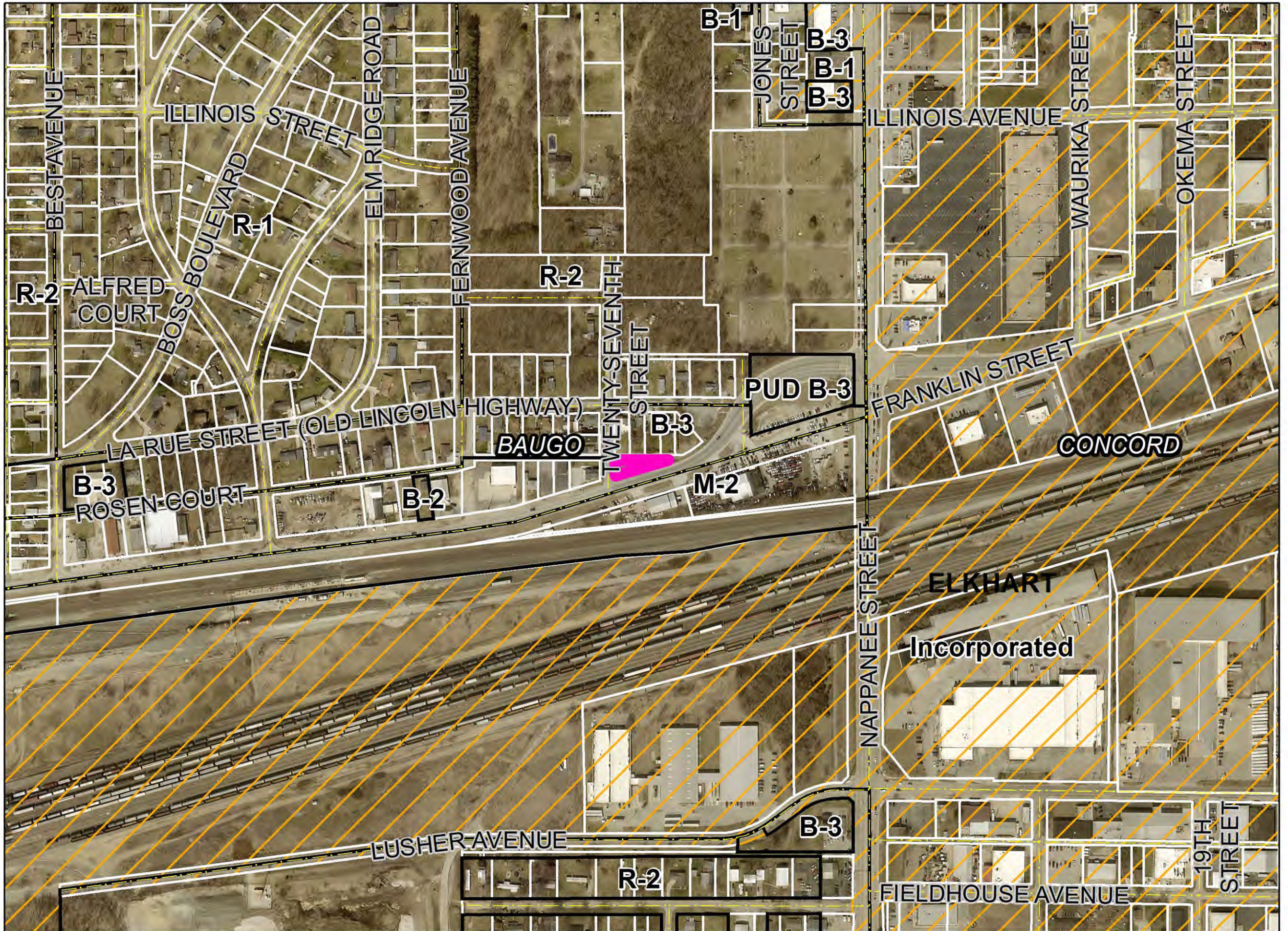
B-3

BAUGO

TWENTY-SEVENTH STREET

M-2







Subject property facing north



Subject property location proposed building



Facing west



Facing east from intersection



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

Developmental Variance - Developmental Variance

DV-0547-2024

Date: 08/02/2024

Meeting Date:

September 19, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0547-2024

Description: for a 25 ft. Developmental Variance (Ordinance requires 55ft.) to allow for the construction of an accessory building 30 ft. from the centerline of the right-of-way 27th Street and for 62 ft. Developmental Variance (Ordinance requires 120ft.) to allow for the construction of an accessory building 58 ft. from the centerline of the right-of-way of Old US 33.

Contacts: Applicant

Kevin Sarber

912 Ren Street

Elkhart, IN 46516

Land Owner

Kevin Sarber

912 Ren Street

Elkhart, IN 46516

Site Address: 00000 Old Us 33
ELKHART, IN 46516

Parcel Number: 20-05-12-477-007.000-001

Township: Baugo

Location: NORTHEAST CORNER OF 27TH ST AND OLD US 33

Subdivision: WIRLEY'S 1ST ADDITION

Lot # 45

Lot Area: 0.11 Frontage: 237.00

Depth: 176.00

Zoning: B-3

NPO List:

Present Use of Property: VACANT

Legal Description:

Comments: DANNY AND DANIELLE REVIEWED THIS PETITION. DANNY INFORMED CUSTOMER THAT STAFF WILL BE RECOMMENDING DENIAL. MAE STATED SIGNAGE WILL NOT BE ALLOWED ON THE ROOF. NO VARIANCE NEEDED FOR THE SIGN PER DANNY OR DANIELLE

Applicant Signature:

Department Signature:

Application

Site address: Old US 33 + 27th St

Parcel number(s): 20-05-12-477-007

Current property owner

Name: Kevin Sarker

Address: 912 Ren St. Elkhart, IN 46516

Phone: 574-522-7446

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: [Signature]

Staff Use Only

Description: _____

Parcel creation date: _____

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: (N) S (E) W (corner) side end of OLD US 33 + 27th St.,
2500 ft. N S E (W) of Nappanee St.,
in Bawgo Township

Frontage: 237 Depth: 176 Area: .108 acres

Subdivision and lot number, if applicable: WIRLEY'S 1st Addition, LOT 45

Present use: Vacant Land

b-h

Developmental Variance — Questionnaire

Name: _____

1) Tell us what you want to do. car lot

2) Tell us why you can't change what you're doing so you don't need a variance. no room

3) Tell us why the variance won't hurt your neighbors or the community. nothing will be in their way

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. 12 x 10 13' to top 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): 4' x 8' no variances needed for this sign
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N ROOF MOUNTED.

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. _____

From
20-30

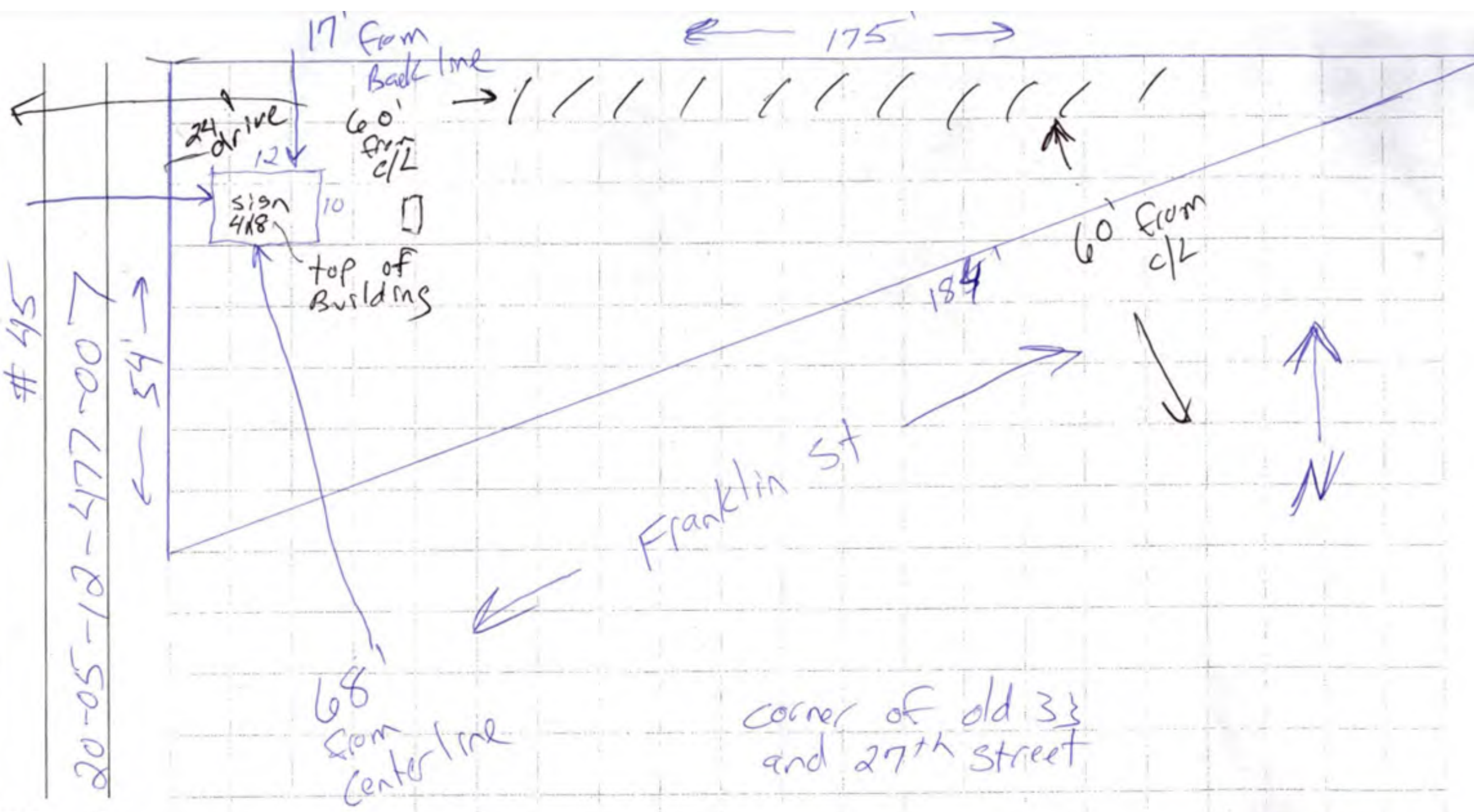
Kevin Sarber

old us 33 + 27th

495

20-05-12-477-007

Name:
Address:
Phone and
Number:



AUG - 2 2024