

# AGENDA

## ELKHART COUNTY BOARD OF ZONING APPEALS HEARING OFFICER

SEPTEMBER 18, 2024  
9:00 A.M.

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

Call to Order

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

### **DEVELOPMENTAL VARIANCES**

**9:00 A.M.**

- A. Petitioner: ***Vernon J. Bontrager & Marietta Bontrager, Husband & Wife*** (Page 1)  
Petition: for a Developmental Variance to allow for the total square footage of an existing accessory structures to exceed that allowed by right.  
Location: East side of CR 43, 1,525 ft. North of CR 10, common address of 54244 CR 43 in York Township, zoned A-1. DV-0470-2024
- B. Petitioner: ***Menno Bradley Stauffer & Tonya Stauffer, Husband & Wife*** (Page 2)  
Petition: for a 21 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 54 ft. from the centerline of the right-of way, and for a 1 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for the construction of a detached accessory structure 26 ft. in height.  
Location: West side of CR 21, 3,440 ft. North of CR 50, common address of 69849 CR 21 in Jackson Township, zoned A-1. DV- 0507-2024
- C. Petitioner: ***Montana Street Holdings, LLC*** (Page 3)  
Petition: for a Developmental Variance to allow for the construction of a residence on property (proposed lot 2) with no road frontage served by an access easement.  
Location: North side of CR 20, 425 ft. East of CR 100, common address of 30627 CR 20 in Baugo Township, zoned R-1. DV-0546-2024
- D. Petitioner: ***Sheldon M. Nolt & Virginia Z. Nolt, Husband & Wife*** (Page 4)  
Petition: for a 23 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 52 ft. from the centerline of the right-of-way.  
Location: South side of CR 36, 1,260 ft. West of SR 19, common address of 28270 CR 36 in Olive Township, zoned A-1. DV-0520-2024

- E. Petitioner: ***James Leroy Wise & Dawn R. Wise, Husband & Wife*** (Page 5)  
 Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.  
 Location: Southwest corner of CR 17 & US 6, common address of 72507 CR 17 in Jackson Township, zoned A-1 & M-1. DV-0537-2024
- F. Petitioner: ***Rolando Lopez-Perez*** (Page 6)  
 Petition: for a 20 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing outdoor covered patio 30 ft. from the centerline of the right-of-way of Conn Ave. and for a 67 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 53 ft. from the centerline of the right-of-way of E. Bristol St. (CR 6).  
 Location: Northeast corner of E. Bristol St. (CR 6) & Conn Ave., common address of 1100 E. Bristol St. in Osolo Township, zoned R-2. DV-0576-2024
- G. Petitioner: ***Tek-Pro Commercial Roofing LLC*** (Page 7)  
 Petition: for a 42 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of an attached garage 78 ft. from the centerline of the right-of-way and for a 45 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 75 ft. from the centerline of the right-of-way.  
 Location: West side of SR19, 2,465 ft. North of CR 46, common address of 68547 SR 19 in Locke Township, zoned A-1. DV-0568-2024

**MOBILE HOME SPECIAL USE**

- H. Petitioner : ***Alicia Kay Brenneman*** (Page 8)  
 Petition: for a Special Use for an existing mobile home.  
 Location: West side of CR 22, 3,200 ft. Southeast of CR 3, common address of 59419 CR 22 in Baugo Township, zoned A-1. SUP-0497-2024

The Elkhart County Board of Zoning Appeals Hearing Officer is meeting on Wednesday September 18, 2024, at **9:00 am** in Rooms 104, 106, & 108 of the Administration Building, Goshen, Indiana. Pursuant to advice of the Indiana Public Access Counselor, general public comment will not be permitted at this public meeting on non-public hearing matters. To the extent you wish to make comment remotely during any public hearings scheduled during this public meeting, please call (574) 971-4678 to learn how to remotely submit your public comment for the public hearing. The public is encouraged to attend the meeting remotely by going to [www.elkhartcountyplanninganddevelopment.com](http://www.elkhartcountyplanninganddevelopment.com) at **9:00 am** on September 18, 2024. If you have further questions regarding how to remotely attend the public meeting please call (574) 971-4678.  
<https://elkhartcountyin.webex.com/elkhartcountyin/j.php?MTID=m3bf346cd5ef63d4860143a6c2f702dd0>

# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** September 18, 2024

***Transaction Number:*** DV-0470-2024.

***Parcel Number(s):*** 20-04-36-201-001.000-032.

***Existing Zoning:*** A-1.

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

***Petitioner:*** Vernon J. Bontrager & Marietta Bontrager, Husband & Wife.

***Location:*** East side of CR 43, 1,525 ft. north of CR 10, in York Township.

## ***Site Description:***

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

## ***History and General Notes:***

- **November 21, 1996** – The Hearing Officer approved a front setback variance to allow an addition to the residence.
- **August 17, 2000** – The BZA approved an appeal to allow accessory square footage to exceed primary square footage. The subject of the appeal was the far northwest building.
- **October 17, 2002** – The BZA approved a home workshop/business to allow a store (sales of foods and crafts).
- **May 17, 2023** – The Hearing Officer approved a front setback variance to allow an accessory structure 67 ft. from the centerline. The subject of the variance was the building immediately southeast of the residence. The accessory limit was based on an ADU that has not yet been built.

## ***Staff Analysis:***

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 246 sq. ft., or 4 percent, over what is allowed by right and poses no risk to public health or welfare.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 3.44-acre parcel in a low-density area where the building will have little effect on neighbors, and the size of the building has already been clearly shown on an existing variance site plan.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The excess is minimal, and the scale of the building is what would be expected in an agricultural and residential area.

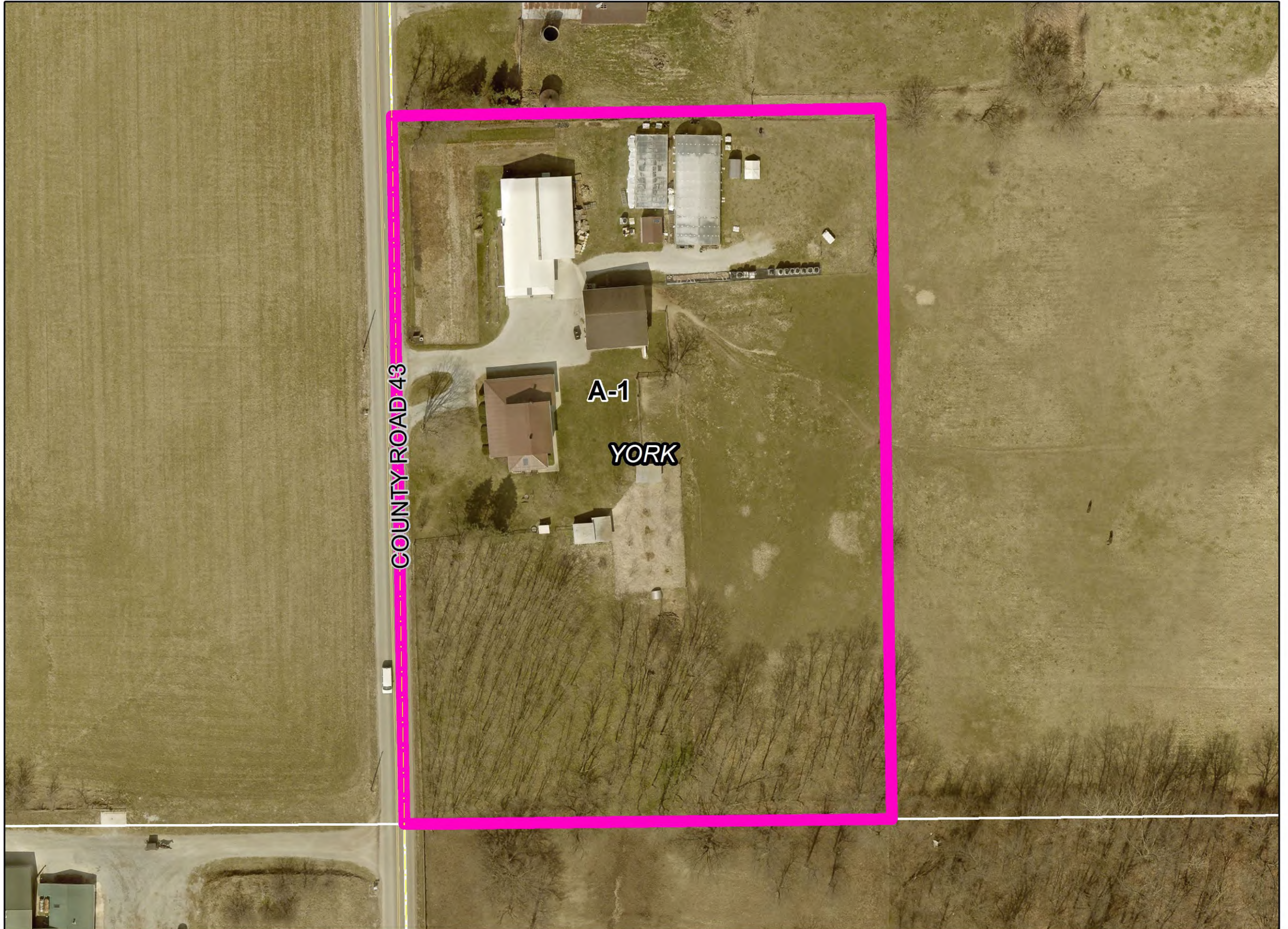
# *Hearing Officer Staff Report (Continued)*

*Hearing Date:* September 18, 2024

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

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. A revised site plan must be submitted for staff approval showing all sheds, all greenhouses, any other structures, and their setbacks from property lines, and the new house must be relabeled as a future new house.
3. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Developmental Variance application.

DV-0470-2024

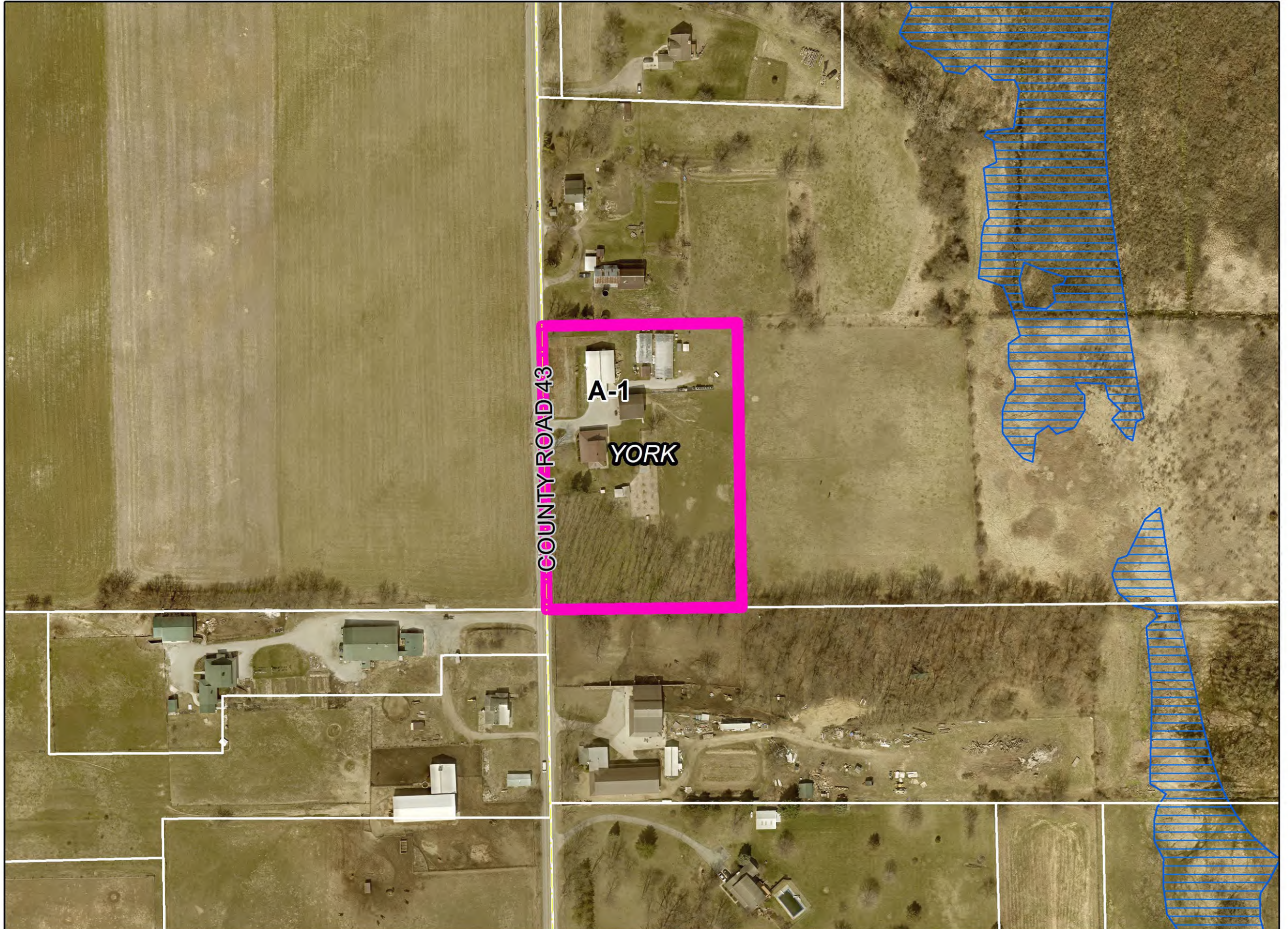


COUNTY ROAD 43

A-1

YORK

DV-0470-2024



COUNTY ROAD 43

A-1

YORK

2021 Aerials

1 inch = 200 feet







**Subject property, new building in foreground**





**Subject property, new building in background**



Facing north



Facing south



Facing west

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

DV-0470-2024

Developmental Variance - Developmental Variance

Date: 07/05/2024 Meeting Date: September 18, 2024  
Board of Zoning Appeals Public Hearing Transaction #: DV-0470-2024

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

<u>Applicant</u>	<u>Land Owner</u>
Vernon J. Bontrager And Marietta Bontrager, Husband & Wife 54244 Cr 43 Middlebury, IN 46540	Vernon J. Bontrager And Marietta Bontrager, Husband & Wife 54244 Cr 43 Middlebury, IN 46540

Site Address: 54244 Cr 43  
MIDDLEBURY, IN 46540

Parcel Number: 20-04-36-201-001.000-032

Township: York  
Location: EAST SIDE OF CR 43, 1,565 FEET NORTH OF CR 10

Subdivision: Lot #

Lot Area: 3.44 Frontage: 459.00 Depth: 326.00

Zoning: A-1 NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 8/6/1970  
RESIDENCE = 2,801 SQ FT X 200% = 5,602 SQ FT, MINUS 3,840 (SHOP) AND 3,200 (SHOP)  
NOTES FROM DV:0240-2023: BOTH RESIDENCES ARE 7602 MINUS 4028 EQUALS 3574. MINUS 3200 EQUALS 374 ....  
NOTE - STAFF REPORT DID NOT REQUIRE ACCESSORY DWELLING TO BE COMPLETED BEFORE ACCESSORY BUILDING - BUT PROBABLY SHOULD HAVE (DD)  
ACCESSORY BUILDING PERMIT #BR-1059-2023 HAS BEEN COMPLETED. ACCESSORY DWELLING IS ON PERMIT #BR-0065-2023 - HOMEOWNER DOES NOT HAVE A DATE FOR THIS TO BE STARTED, BUT FEELS IT WOULD BE APPROXIMATELY 3 YEARS FROM NOW  
APPLICANT REQUESTED THE SEPTEMBER 18TH DATE, RATHER THAN AUGUST 14TH, 2024

Applicant Signature:

Department Signature:

**Application**

Site address: 54244 CR 43 Middlebury IN 46540

Parcel number(s): 20-04-36-201-001, 000-032 / <sup>County</sup> 04-36-201-001-032

**Current property owner**

Name: Vernon J. Bontrager

Address: 54244 CR 43 Middlebury IN 46540

Phone: 574-825-9565x6 Email: 0

**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:** Vernon J. Bontrager

**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: Vernon J Bontrager

1) Tell us what you want to do. Get a Developmental Variance for existing building.

2) Tell us why you can't change what you're doing so you don't need a variance. Don't need house right away.

3) Tell us why the variance won't hurt your neighbors or the community. The building is there & everything is okay.

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: 40' x 80' 18'9" peak  
Tell us what you'll use it for. Storage building is built.

**Building or addition 2** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

**Building or addition 3** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

6) Does the application include a variance for a residence on property with no road frontage?  Y  N  
If yes, fill out below.

Is the easement existing?  Y  N If the easement is existing, is it recorded?  Y  N

Tell us who owns (will own) the land under the easement. \_\_\_\_\_

Tell us how many parcels will use the easement. \_\_\_\_\_

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

**Sign 1** Dimensions (length and width): \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 2** Dimensions (length and width): \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width): \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

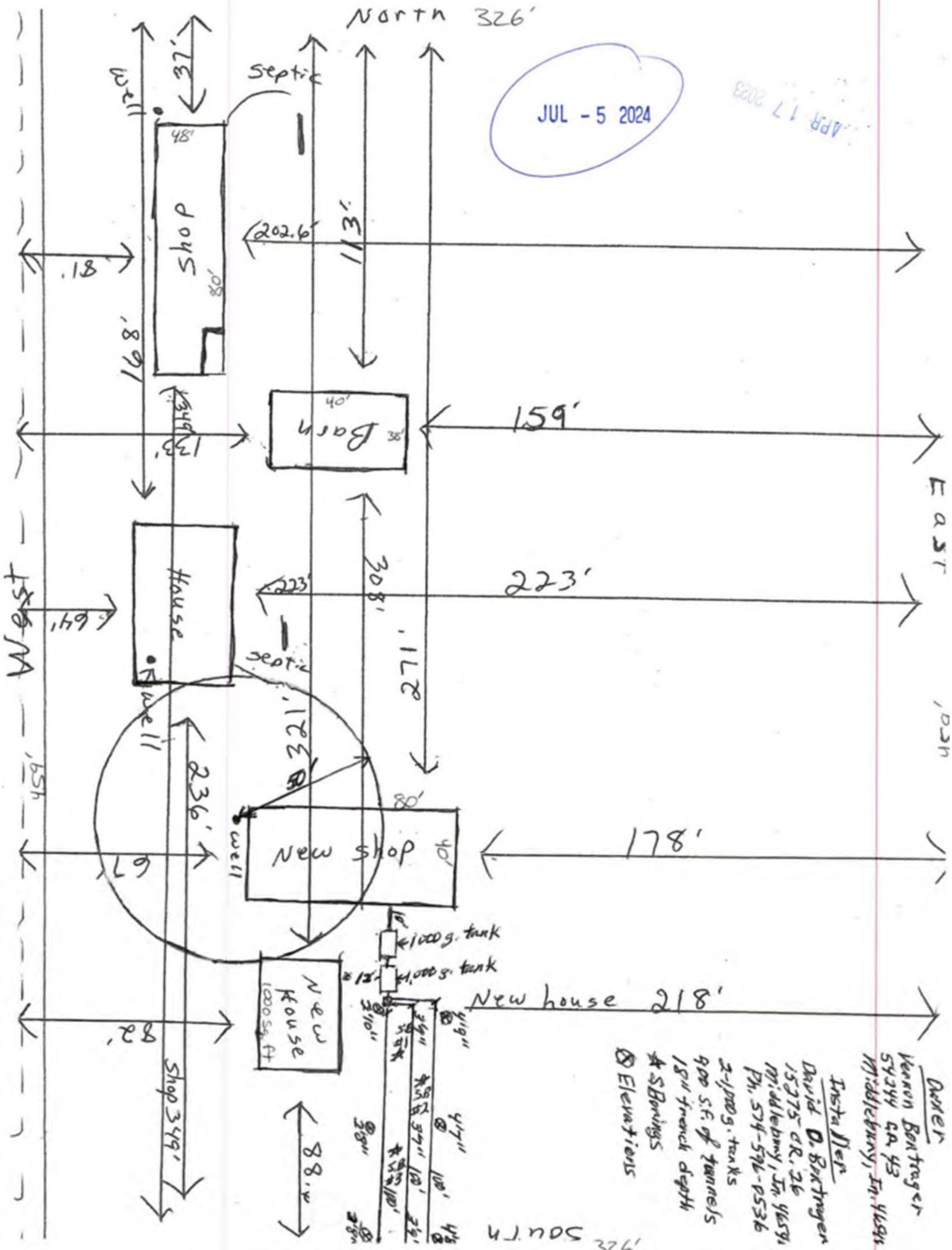
8) Does the application include a variance for parking spaces?  Y  N

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

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

JUL - 5 2024

APR 17 2023



**OWNER**  
 Vernon Bortroyer  
 54244 CA #3  
 Middlebury, In. 46541

**Installer**  
 David O. Bortroyer  
 15375 CR. 26  
 Middlebury, In. 46591  
 Ph. 574-596-0536

2-1000g. tanks  
 900 sq. ft. tunnels  
 18" trench depth  
 \*SBorings  
 ⊗ Elevations

1722 SOUTH



# *Hearing Officer Staff Report*

*Prepared by the Department of Planning and Development*

**Hearing Date:** September 18, 2024

**Transaction Number:** DV-0507-2024.

**Parcel Number(s):** 20-15-17-400-059.000-018.

**Existing Zoning:** A-1.

**Petition:** For a 21 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 54 ft. from the centerline of the right-of way and for a 1 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for the construction of a detached accessory structure 26 ft. in height.

**Petitioner:** Menno Bradley Stauffer & Tonya Stauffer, Husband & Wife.

**Location:** West side of CR 21, 3,440 ft. north of CR 50, in Jackson Township.

**Site Description:**

- Physical Improvement(s) – Residence, sheds, 4,800 sq. ft. accessory structure to be removed.
- Proposed Improvement(s) – Replacement accessory structure.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, agricultural.

**History and General Notes:**

- None.

**Staff Analysis:**

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The residence has stood at this setback for many years with no impact on public safety, and the proposed structure meets all other development standards.
2. Approval of the request will not cause substantial adverse effect on neighboring property. There are no homes neighboring this 3-acre parcel for the building to have an adverse effect on.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The excess is minimal, and the scale of the building is what would be expected in a low-density residential and agricultural area.

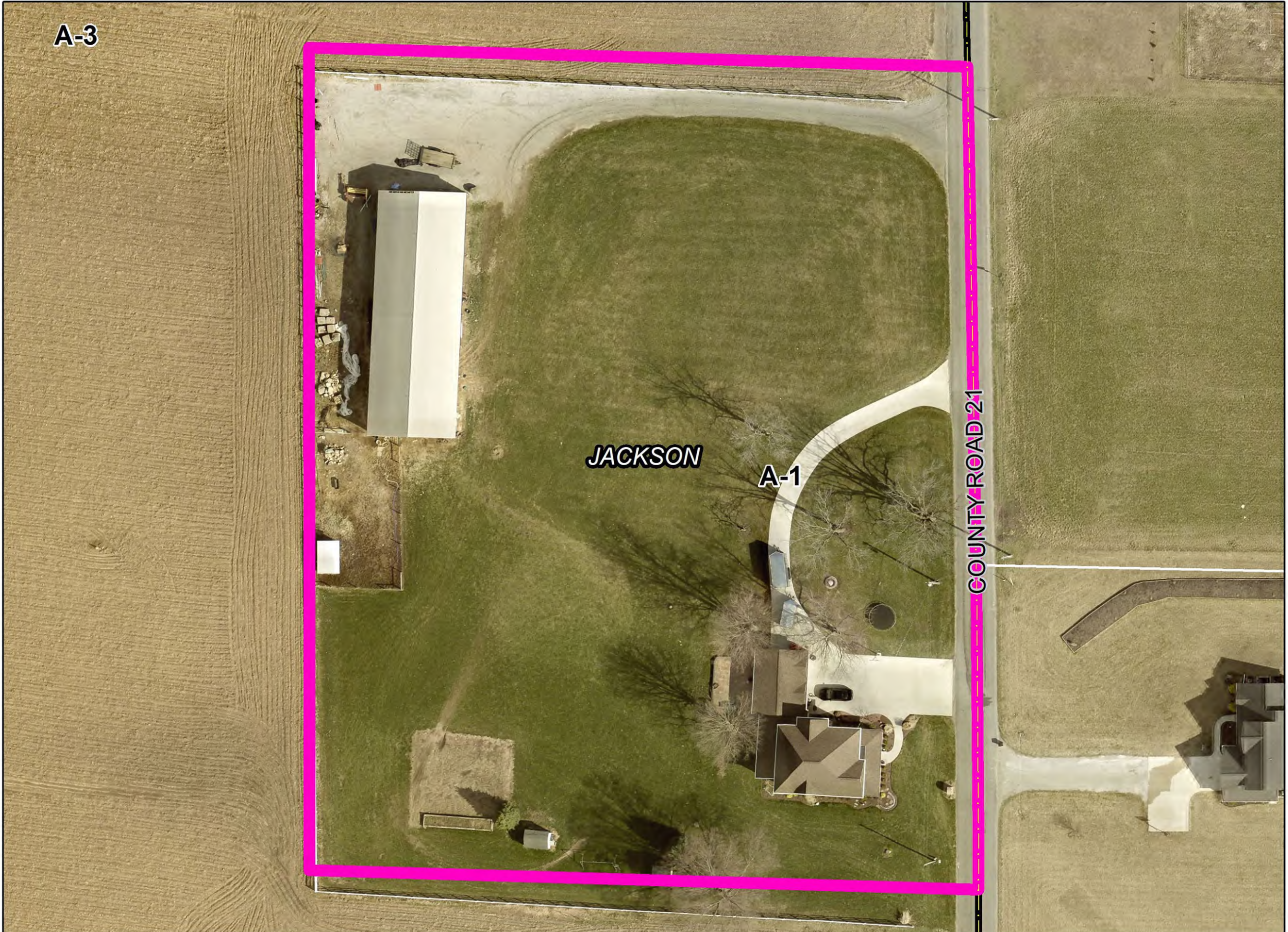
# *Hearing Officer Staff Report (Continued)*

*Hearing Date:* September 18, 2024

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

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. A revised site plan must be submitted for staff approval showing all sheds, their setbacks from property lines, and the residence's setbacks from property lines.
3. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Developmental Variance application.

A-3



JACKSON

A-1

COUNTY ROAD 21





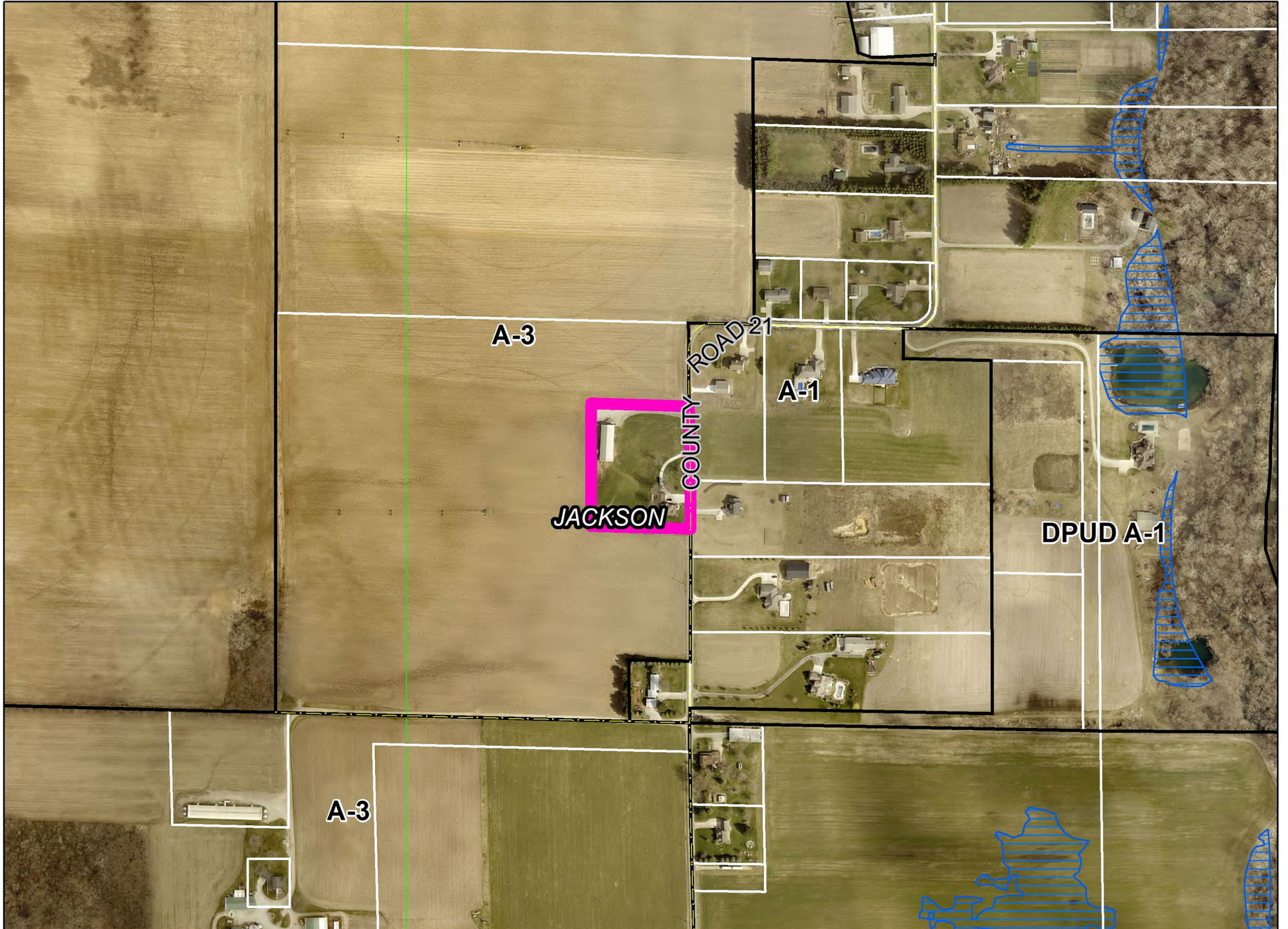
A-3

A-1  
JACKSON

COUNTY ROAD 21

DPUD A-1







**Subject property (residence)**



**Subject property (building site)**



**Subject property (facing NW toward building site)**





Facing north



Facing south



Facing east

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Developmental Variance - Developmental Variance

DV-0507-2024

Date: 07/18/2024

Meeting Date:

September 18, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0507-2024

Description: for a 21 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 54 ft. from the centerline of the right-of-way and for a 1 ft Developmental Variance (Ordinance allows 25 ft) to allow for the construction of a detached accessory structure 26 ft in height.

Contacts: Applicant

Land Owner

Menno Bradley Stauffer &

Menno Bradley Stauffer &

Tonya Stauffer H&W Stauffer,  
Husband & Wife

Tonya Stauffer H&W Stauffer,  
Husband & Wife

69849 County Road 21

69849 County Road 21

New Paris, IN 465539207

New Paris, IN 465539207

Site Address:

69849 Cr 21

NEW PARIS, IN 46553

Parcel Number:

20-15-17-400-059.000-018

Township: Jackson

Location: WEST SIDE OF CR 21, 3,440 FT. NORTH OF CR 50

Subdivision:

Lot #

Lot Area:

3.00

Frontage:

405.00

Depth:

325.00

Zoning: A-1

NPO List:

Present Use of Property:

RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE: 5/24/2001

RESIDENTIAL DWELLING AREA 3,937 SQFT X 200% = 7,874 SQFT MINUS GARAGE 720 SQFT, SHED 80 SQFT, 120 SQFT=6,954 SQFT OF BUILDABLE STORAGE SPACE MINUS 60 X 100 6,000 SQFT = 954 SQFT OF LEFT-OVER BUILDABLE AREA.

Applicant Signature:

Department Signature:

Application

Site address: 69849 CR 21 New Paris In 46553

Parcel number(s): \_\_\_\_\_

Current property owner

Name: Menno Bradley Starffer

Address: 69849 CR 21 New Paris In 46553

Phone: 574-354-0580 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: Menno B. Starffer

216.

Staff Use Only

Description: SEE ATTACHED STREET.

Parcel creation date: ~~Parcel Creation DA~~ 5/24/2001

Subdivision required?  Y  N If yes,  AS  Minor  Major

Residential accessory breakdown, if applicable: SEE ATTACHED PAPERWORK.

Location: N S E (W) corner (side) end of CR 21.  
3,440 ft. (N) S E W of CR 50.  
in JACKSON Township

Frontage: 405 Depth: 325 Area: 3 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL.

Developmental Variance — Questionnaire

Name: Memo Brad Staffer

1) Tell us what you want to do. Build A New Storage bldg. / Shop

2) Tell us why you can't change what you're doing so you don't need a variance. \_\_\_\_\_

3) Tell us why the variance won't hurt your neighbors or the community. I'm Surrounded by Farm Ground

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: 60x100  
Tell us what you'll use it for. Storage, HEIGHT TO PEAK 26'

**Building or addition 2** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

**Building or addition 3** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

6) Does the application include a variance for a residence on property with no road frontage?  Y  N  
If yes, fill out below.

Is the easement existing?  Y  N If the easement is existing, is it recorded?  Y  N  
Tell us who owns (will own) the land under the easement. \_\_\_\_\_  
Tell us how many parcels will use the easement. \_\_\_\_\_

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

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

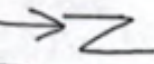
**Sign 2** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N

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

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

Fence



JUL 18 2024

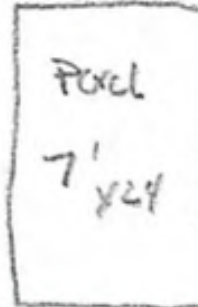


House



New Bldg.

60 x 100



Pool  
7' x 24'

Drive

Drive

Drive

125ft.

OR 21

Fence

Fence

15'

15'

15'

15'

# *Hearing Officer Staff Report*

*Prepared by the Department of Planning and Development*

**Hearing Date:** September 18, 2024

**Transaction Number:** DV-0546-2024.

**Parcel Number(s):** Part of 20-05-15-176-015.000-001.

**Existing Zoning:** R-1.

**Petition:** For a Developmental Variance to allow for the construction of a residence on property (proposed lot 2) with no road frontage served by an access easement.

**Petitioner:** Montana Street Holdings, LLC.

**Location:** North side of CR 20, 425 ft. east of CR 100, in Baugo Township.

## **Site Description:**

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

## **History and General Notes:**

- **June 19, 1997** – The BZA approved a depth variance and an appeal to allow an existing residence on property not subdivided in accordance with the subdivision ordinance.
- **September 12, 2024** – The Plat Committee considered Montana Street Holdings Minor Subdivision.

## **Staff Analysis:**

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. If easement access is allowed, no new driveway on CR 20 will be required.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The lot served by the easement is 0.57 acres, and a shared driveway for two residences will affect only the subject property.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Easement access conserves buildable area in this small-scale subdivision.



# *Hearing Officer Staff Report (Continued)*

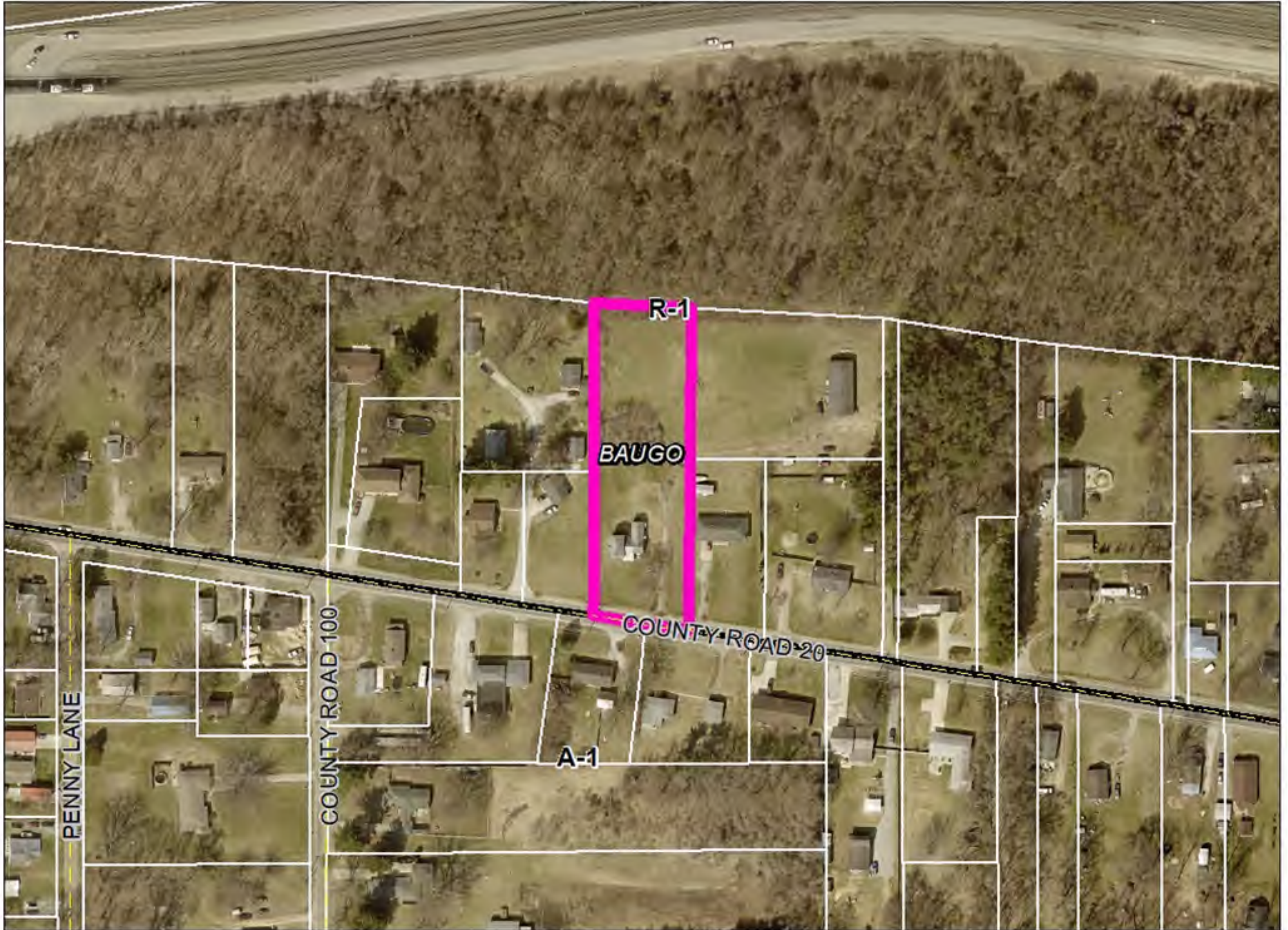
*Hearing Date:* September 18, 2024

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

1. A variance from the developmental standards of the Development Ordinance is void unless a subdivision plat is recorded within 180 calendar days from the date of the grant.
2. The request is approved in accordance with the site plan submitted 8/2/2024 and as represented in the Developmental Variance application.









**Subject property**



Facing west



Facing east



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-0546-2024

Date: 08/02/2024

Meeting Date:

September 18, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0546-2024

Description: for a Developmental Variance to allow for the construction of a residence on property (proposed Lot 2) with no road frontage served by an access easement

Contacts: Applicant

Wightman

1402 E. Mishawaka Ave.

South Bend, IN 46615

Land Owner

Montana Street Holdings, Llc

544 Montana St

Pasadena, CA 91103

Private Surveyor

Wightman

1402 E. Mishawaka Ave.

South Bend, IN 46615

Site Address:

30627 Cr 20

ELKHART, IN 46517

Parcel Number:

Part of 20-05-15-176-015.000-001

Township: Baugo

Location: NORTH SIDE OF CR 20, 425 FT EAST OF CR 100

Subdivision: MONTANA STREET HOLDINGS MINOR SUBDIVISI

Lot # 2

Lot Area:

0.57

Frontage:

0.00

Depth:

192.56

Zoning: R-1

NPO List:

Present Use of Property:

VACANT/RESIDENTIAL

Legal Description:

Comments: SEE MI-0504-2024 FOR LOT 2 MINOR. GOING TO 9/12/2024 PLAN COMMISSION

Applicant Signature:

Department Signature:

**Application**

Site address: 30627 W. County Road 20, Elkhart, Indiana 46517

Parcel number(s): 20-05-15-176-015.000-001

**Current property owner**

Name: Montana Street Holdings, LLC

Address: 544 W. Montana Street, Pasadena, CA 91103

Phone: 847-650-8237

Email: alexathenson@gmail.com

**Other party**

Agent     Buyer     Land contract purchaser     Lessee

Name: Wightman c/o Terrance D. Lang, PS

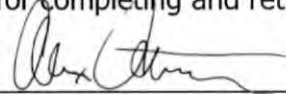
Address: 1402 Mishawaka Avenue, South Bend, Indiana 46615

Phone: 574-233-1841

Email: TLang@GoWightman.com

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

**Signature of current property owner or authorized agent:**



Alex Athenson, Member  
Montana Street Holdings, LLC

**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 CR 20,  
\_\_\_\_\_ ft. N S E W of \_\_\_\_\_,  
in Baugo Township

**Frontage:** \_\_\_\_\_    **Depth:** \_\_\_\_\_    **Area:** \_\_\_\_\_ acres

**Subdivision and lot number, if applicable:** \_\_\_\_\_

**Present use:** \_\_\_\_\_

Developmental Variance — Questionnaire

Name: Montana Street Holdings, LLC

1) Tell us what you want to do. We desire to divide this 1.7 acre parcel into two single family lots. Lot 1 shall have frontage on CR 20. Lot 2 shall have no frontage and supplied with an ingress-egress easement, across Lot 1, to access CR 20.

2) Tell us why you can't change what you're doing so you don't need a variance. This lot is extremely deep we wish to get a second buildable lot on location. While there is ample of square footage for a second lot, the narrowness of the lot does not provide enough frontage

3) Tell us why the variance won't hurt your neighbors or the community. This lot set up occur in several places along CR 20. There is not much impact to the north as that is railroad right of way and heavily wooded.

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

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

**Building or addition 1** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

**Building or addition 2** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

**Building or addition 3** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

6) Does the application include a variance for a residence on property with no road frontage?  Y  N

If yes, fill out below. \_\_\_\_\_ esmt. proposed in minor plat submittal  
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. current owner  
Tell us how many parcels will use the easement. one

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

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

**Sign 2** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N

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

9) Tell us anything else you want us to know. Primary Minor Subdivision is set for hearing on Sept. 12. Lot 1 has new septic being installed. Lot 2 has soil boring on record with the Health Department.



# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** September 18, 2024

***Transaction Number:*** DV-0520-2024.

***Parcel Number(s):*** 20-09-24-200-012.000-024.

***Existing Zoning:*** A-1.

***Petition:*** for a 23 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 52 ft. from the centerline of the right-of-way.

***Petitioner:*** Sheldon M. Nolt & Virginia Z. Nolt, Husband & Wife.

***Location:*** South side of CR 36, 1,260 ft. West of SR 19, in Olive Township.

***Site Description:***

- Physical Improvement(s) – Residence, agricultural barns.
- Proposed Improvement(s) – Attached living space.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential and Agricultural.

***History and General Notes:***

- None.

***Staff Analysis:***

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The residence is existing and is not causing sight distance issues, as there have been no complaints.
2. Approval of the request will not cause substantial adverse effect on neighboring property. Granting the request will not affect the character of the neighborhood as this is an existing residence, and the proposed improvement is on the back side of the residence.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the approval of the variance the residence would not be allowed in its current location.

# *Hearing Officer Staff Report (Continued)*

*Hearing Date:* September 18, 2024

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

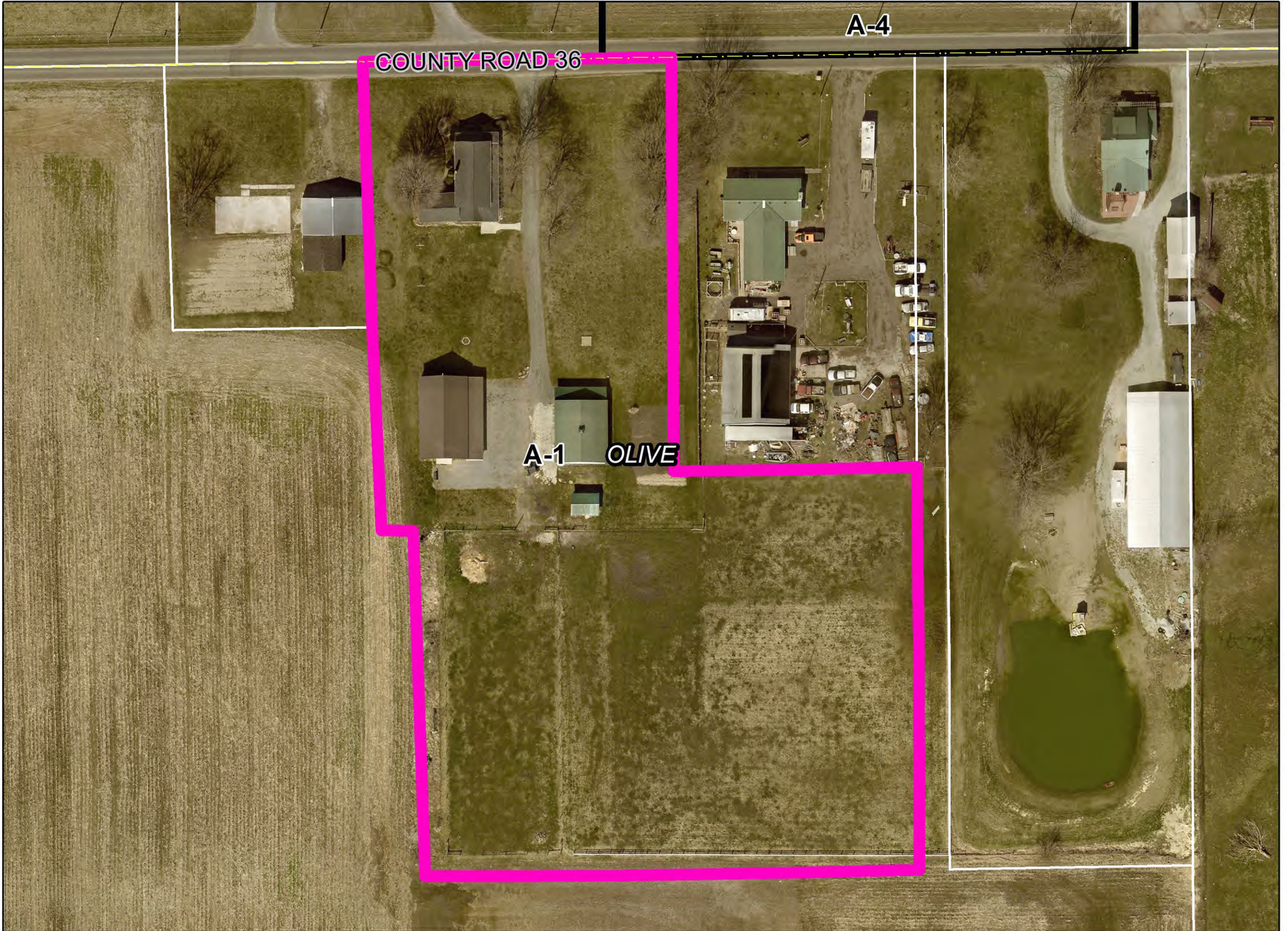
1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 7/25/2024) and as represented in the Developmental Variance application.

DV-0520-2024

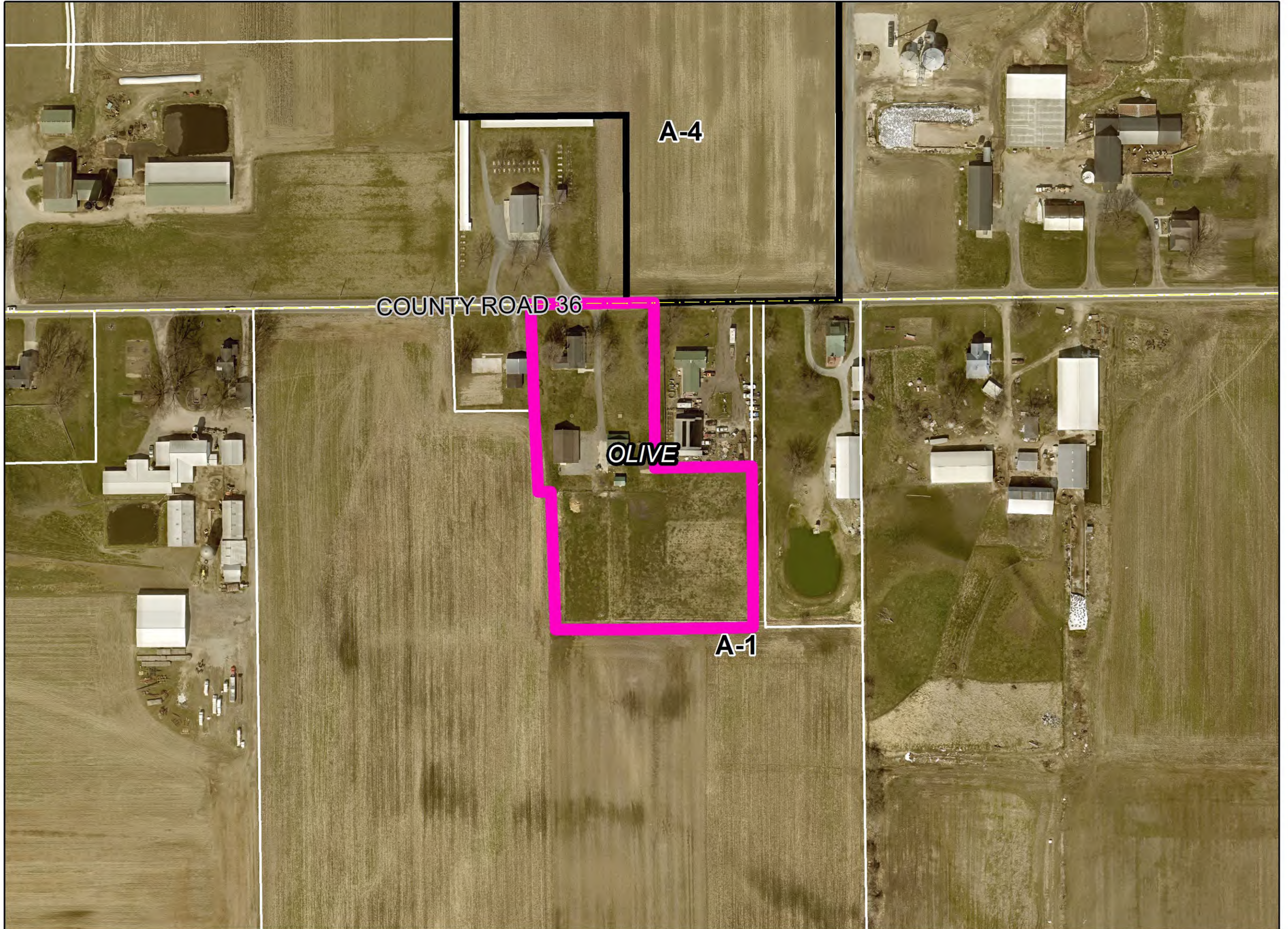
A-4

COUNTY ROAD 36

A-1 OLIVE



DV-0520-2024

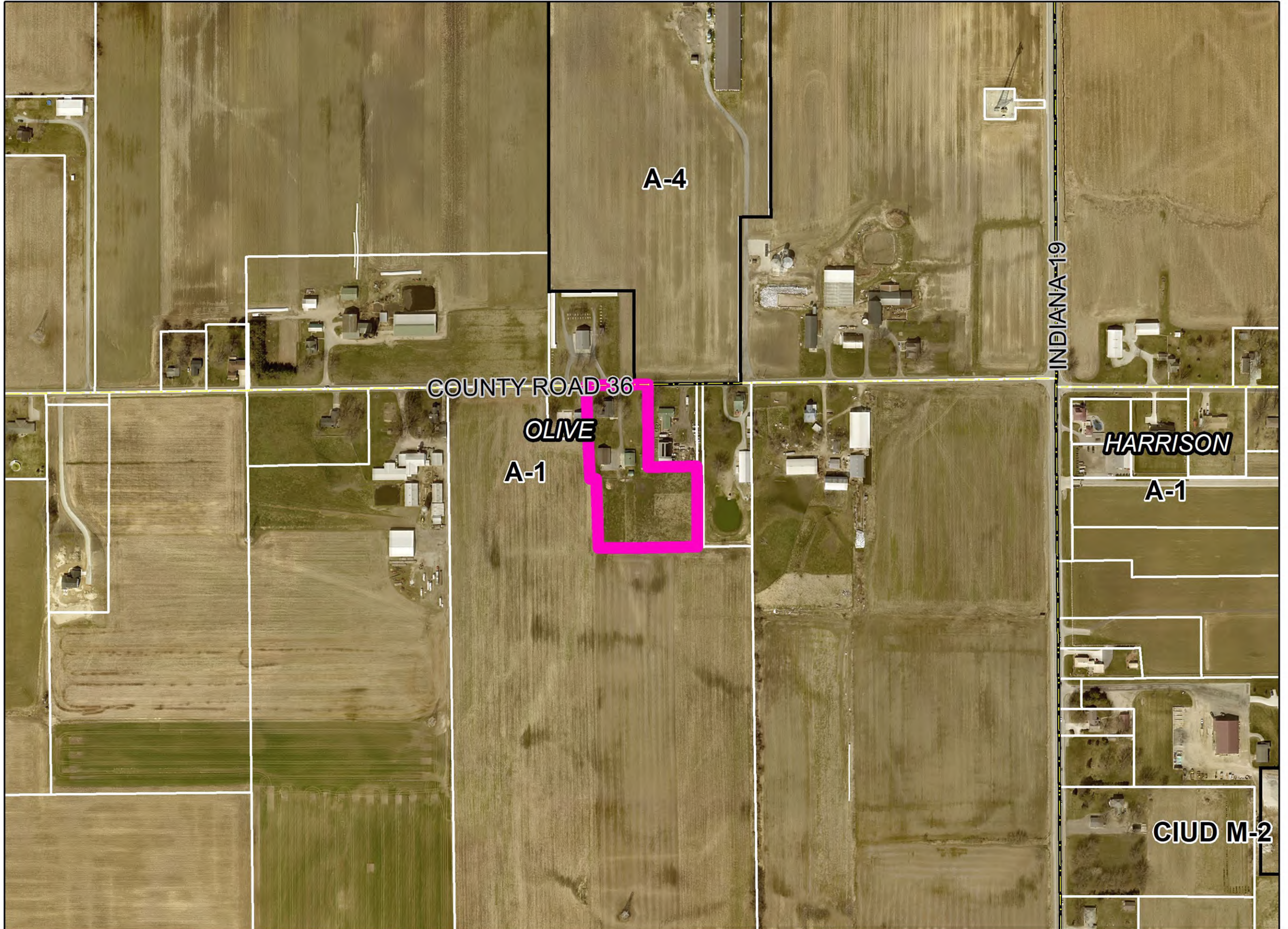


2021 Aerials

1 inch = 200 feet









**Subject property**



Facing west



Facing east



Facing north

# 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-0520-2024

Date: 07/25/2024

Meeting Date:

September 18, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0520-2024

Description: for a 23 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 52 ft. from the centerline of the right-of-way.

Contacts: Applicant

Kauffman Construction  
5593 Fir Road  
Bremen, IN 46506

Authorized Agent

Kauffman Construction  
5593 Fir Road  
Bremen, IN 46506

General Contractor

Kauffman Construction  
5593 Fir Road  
Bremen, IN 46506

Land Owner

Sheldon M. Nolt & Virginia Z.  
Nolt, Husband & Wife  
28270 County Road 36  
Elkhart, IN 46517

Site Address:

28270 Cr 36  
ELKHART, IN 46517

Parcel Number:

20-09-24-200-012.000-024

Township: Olive

Location: SOUTH SIDE OF CR 36, 1,260 FT. WEST OF SR 19

Subdivision:

Lot #

Lot Area:

3.19

Frontage:

203.00

Depth:

518.00

Zoning: A-1

NPO List:

Present Use of Property:

RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 10/31/1994  
SEE ELEC-R-0551-2017, BA-0361-2019, BR-2551-2018

Applicant Signature:

Department Signature:

Application

Site address: 28270 CR 36, Elkhart IN, 46517

Parcel number(s): \_\_\_\_\_

Current property owner

Name: Elvin Nolt

Address: 28270 CR 36, Elkhart IN, 46517

Phone: 574-862-1419 Email: \_\_\_\_\_

Other party  Agent  Buyer  Land contract purchaser  Lessee

Name: Kauffman Construction

Address: 5593 fir Rd, Bremen IN, 46506

Phone: 574-354-7395 Email: Nate@kauffmanconstructionllc.com

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

Signature of current property owner or authorized agent: [Signature]

Staff Use Only

Description: for a 23ft. Developmental Variance (ordinance requires 75ft) to allow for an existing residence 23 52 ft. from center line of the right-of-way (of CR36)

Parcel creation date: 10/31/1994

Subdivision required?  Y  N If yes,  AS  Minor  Major

Residential accessory breakdown, if applicable: NOT NEEDED.

Location: N (S) E W corner (side) end of CR 36  
1,440 ft. N S E (W) of SR 19.  
in OLIVE Township

Frontage: 203ft. Depth: 518ft. Area: 3.185 acres

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

Present use: RESIDENTIAL.

Developmental Variance — Questionnaire

Name: Elvin Nolt

1) Tell us what you want to do. Tear down an addition + build a new addition on the south side of the existing house.

2) Tell us why you can't change what you're doing so you don't need a variance. The existing house has been in it's current location since 1928. We are adding an addition on the rear of the house.

3) Tell us why the variance won't hurt your neighbors or the community. the house has been there for a long time.

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: 18' x 20' , 25' 11"  
Tell us what you'll use it for. Master Bedroom

**Building or addition 2** Size and height to the peak: 26' x 28' , 26' 5"  
Tell us what you'll use it for. living room / dining Room

**Building or addition 3** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

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

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

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

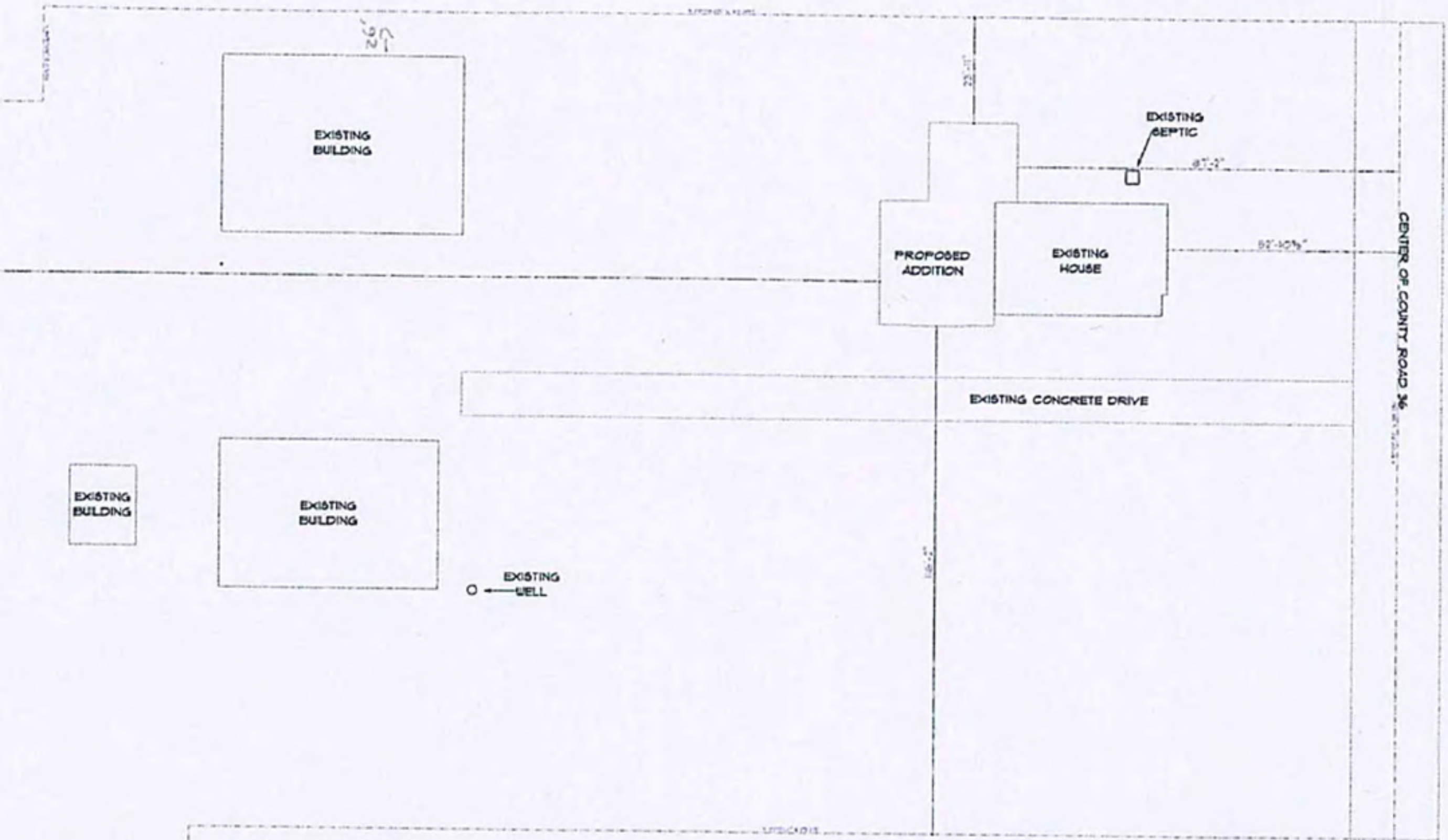
**Sign 2** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N

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

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





# *Hearing Officer Staff Report*

*Prepared by the Department of Planning and Development*

**Hearing Date:** September 18, 2024

**Transaction Number:** DV-0537-2024.

**Parcel Number(s):** 20-14-36-200-009.000-028.

**Existing Zoning:** A-1 & PUD M-1.

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

**Petitioner:** James Leroy Wise & Dawn R. Wise, Husband & Wife.

**Location:** Southwest corner of CR 17 & US 6, in Jackson Township.

**Site Description:**

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

**History and General Notes:**

- **September 12, 2024** – The Plan Commission will hear a petition for a rezoning from PUD M-1 to A-1 (RZ-0536-2024).

**Staff Analysis:**

Staff finds that:

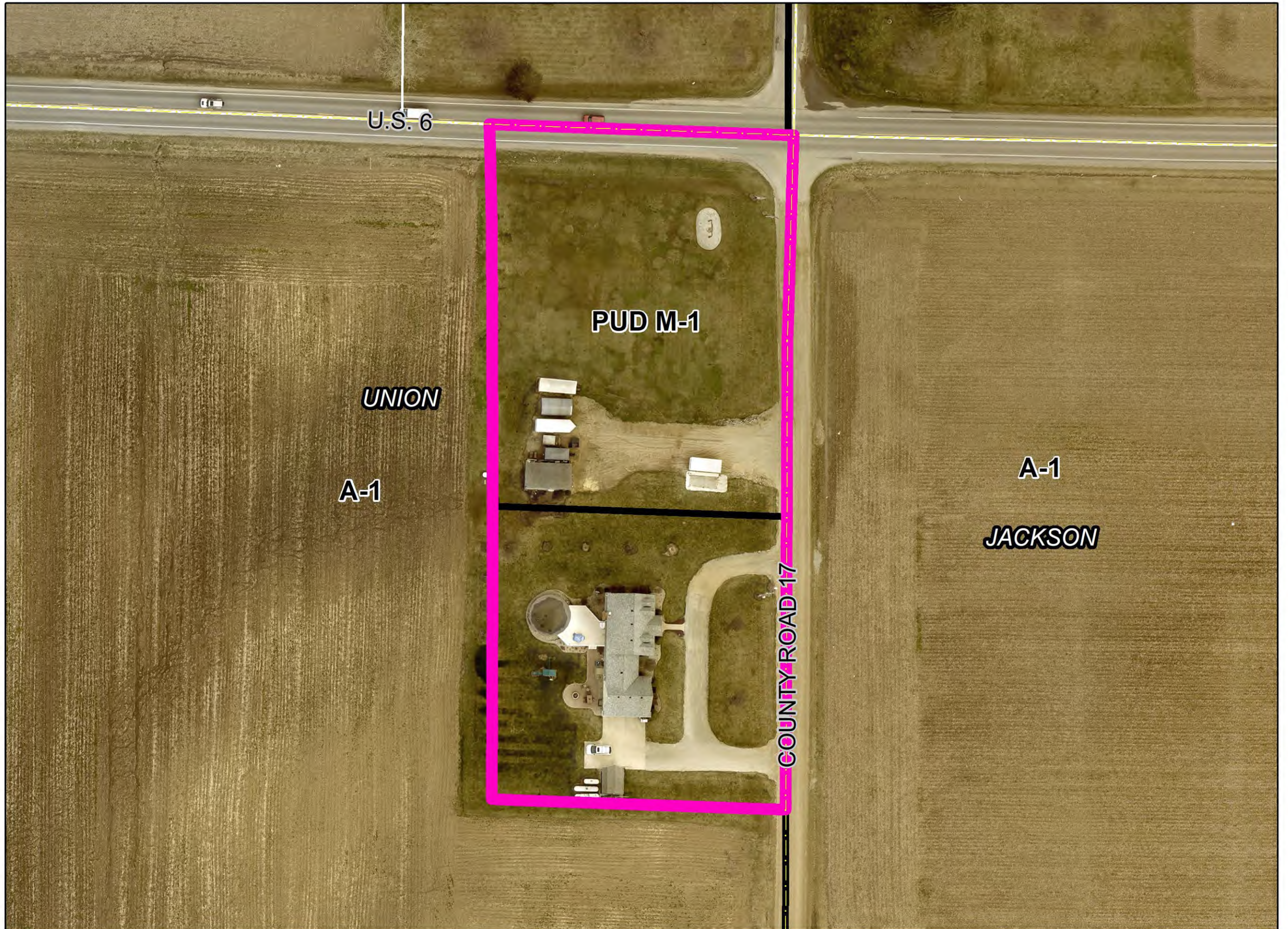
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 4,856 sq. ft. or 58 percent, over what is allowed by right, all other development standards are met, and there is no risk to public health or safety.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The property is in a low-density residential and agricultural area and 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. The proposed accessory structure will eliminate the need for the old farm equipment to be stored outside.

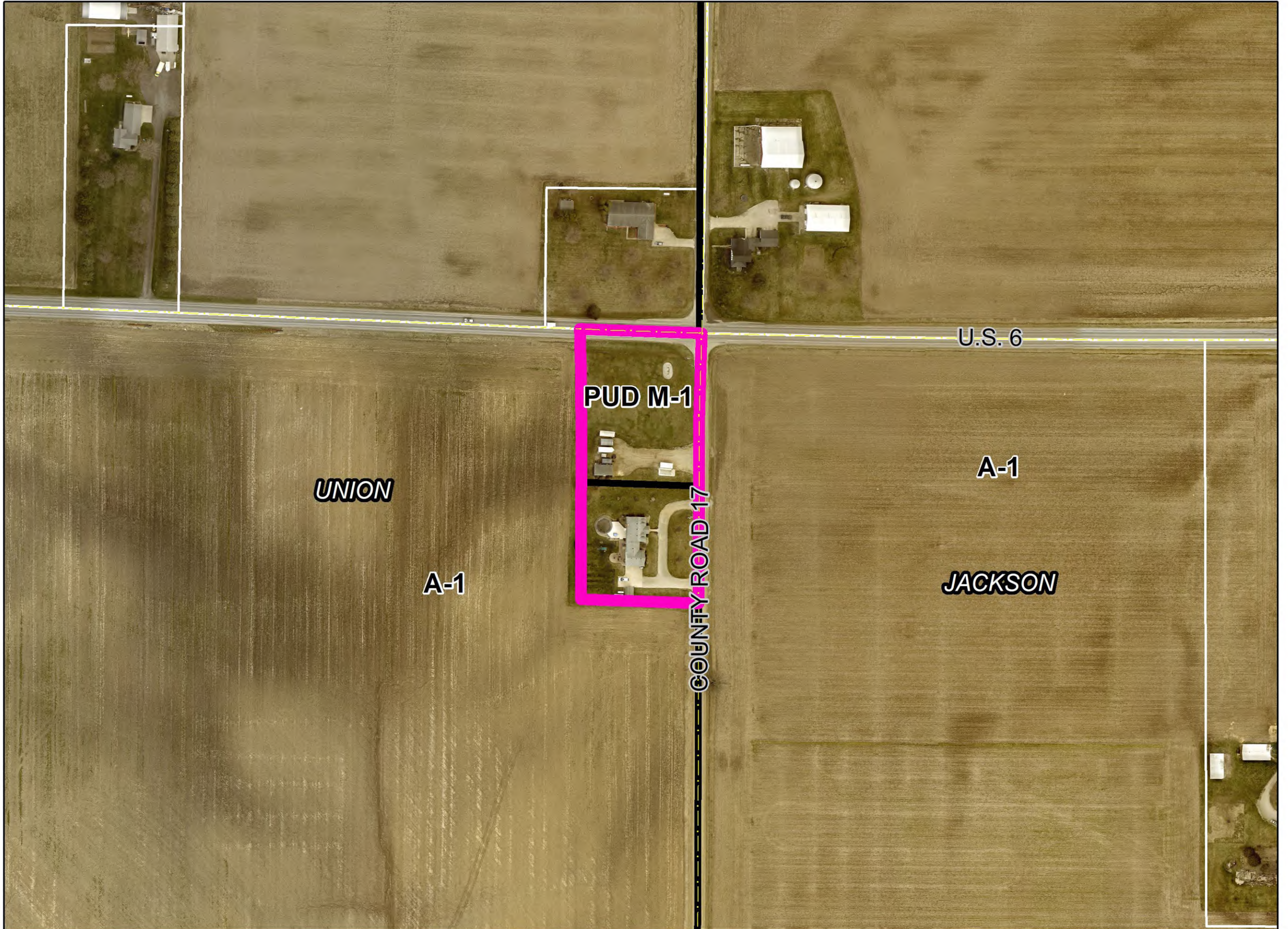
# *Hearing Officer Staff Report (Continued)*

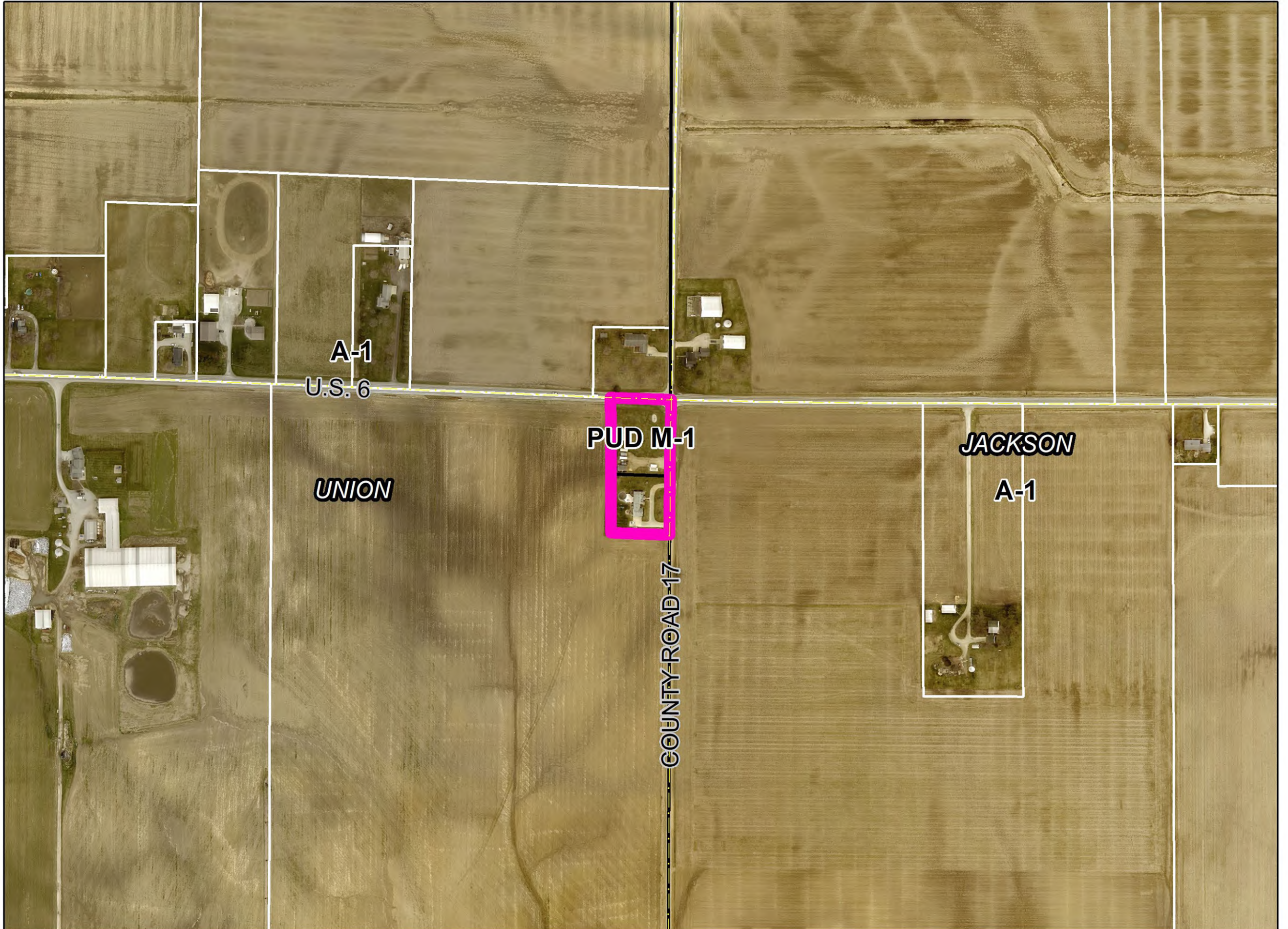
*Hearing Date:* September 18, 2024

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

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 8/16/2024) and as represented in the Developmental Variance application.









**Subject property**



Subject property proposed building location





Facing north



**Facing south**



Facing east

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Developmental Variance - Developmental Variance

DV-0537-2024

Date: 07/30/2024

Meeting Date:

September 18, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0537-2024

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

Contacts: Applicant

Land Owner

James Leroy Wise & Dawn R  
Wise, Husband & Wife  
72057 County Road 17  
New Paris, IN 46553

James Leroy Wise & Dawn R  
Wise, Husband & Wife  
72057 County Road 17  
New Paris, IN 46553

Site Address: 72057 Cr 17  
NEW PARIS, IN 46553

Parcel Number: 20-14-36-200-009.000-028

Township: Jackson

Location: SOUTHWEST CORNER OF CR 17 AND US 6

Subdivision:

Lot #

Lot Area: 2.00 Frontage: 415.00 Depth: 174.00

Zoning: A-1, M-1

NPO List:

Present Use of Property: RESIDENTIAL DWELLING

Legal Description:

Comments: SEE RZ-0536-2024 PUD M-1 TO A-1  
RES DWELLING 2568 TIMES 110%=2824 SQ FT  
MINUS GARAGE 672  
MINUS 2 SHED 480 AND 192  
TOTAL IS 1344 MINUS 28424 LEAVES 1480 USABLE PERSONAL STORAGE. PROPOSED STRUCTURE 6336 SQ FT OVER BY 4856 SQ FT .

Applicant Signature:

Department Signature:

**Application**

Site address: 72057 CR 17 New Paris In 46553

Parcel number(s): \_\_\_\_\_

**Current property owner**

Name: ~~770~~ Jim & Dawn Wise

Address: 72057 CR 17 New Paris In 46553

Phone: 574-536-1545 Email: jwwood@maple.net.net

**Other party**

Agent     Buyer     Land contract purchaser     Lessee

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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

**Signature of current property owner or authorized agent:** \_\_\_\_\_

**Staff Use Only**

**Description:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Parcel creation date:** \_\_\_\_\_

**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: \_\_\_\_\_

1) Tell us what you want to do. Store Farm equipment From My Dad Dairy

2) Tell us why you can't change what you're doing so you don't need a variance. Not enough Room.

3) Tell us why the variance won't hurt your neighbors or the community. I am in the corner of the Farm I was raised on.

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: 72' x 80' x 21' High

Tell us what you'll use it for. Store Farm Equipment

**Building or addition 2** Size and height to the peak: \_\_\_\_\_

Tell us what you'll use it for. \_\_\_\_\_

**Building or addition 3** Size and height to the peak: \_\_\_\_\_

Tell us what you'll use it for. \_\_\_\_\_

6) Does the application include a variance for a residence on property with no road frontage?  Y  N

If yes, fill out below.

Is the easement existing?  Y  N If the easement is existing, is it recorded?  Y  N

Tell us who owns (will own) the land under the easement. \_\_\_\_\_

Tell us how many parcels will use the easement. \_\_\_\_\_

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

**Sign 1** Dimensions (length and width): \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 2** Dimensions (length and width): \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width): \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

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

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

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

.03125 / FT

7-24-24

Jim Wise 72097 CR17 New Paris IN 46553

574-536-4545 cell JWWood@madsonet.net

435'6"

203 FT

72

131'

West Property Line

Window 30x30

Window 30x30

-72-

Trailer Storage

Ag Pole Barn Storage 28809F

Door 8'x8'

Total 63369F



Pool



Portable Storage Barn

Cement

Jim Wise House

Grass

34565F

Window 30x30

Window 30x30

Window 30x30

South Property Line

Grass

1/4 Driveway

24

1

156'

38'6"

30

Well

Grass

Tile Flow

ceiling

Existing Driveway

Gravel Driveway

New Driveway Gravel

95'

Grass

Side of Road

CA17 Center Line

Gravel Road

State Right of Way

Grass

US 6 Center Line

200'

14' Right

60'9"

14'

95'9"

14'

65'

95'

14'

60'9"

14'

65'

95'

14'

60'9"

14'

65'

225'

38'9"

191'6"

40

65'

# *Hearing Officer Staff Report*

*Prepared by the Department of Planning and Development*

**Hearing Date:** September 18, 2024

**Transaction Number:** DV-0576-2024.

**Parcel Number(s):** 20-02-33-152-011.000-026.

**Existing Zoning:** R-2.

**Petition:** for a 20 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing outdoor covered patio 30 ft. from the centerline of the right-of-way of Conn Ave., and for a 67 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 53 ft. from the centerline of the right-of-way of E. Bristol St.

**Petitioner:** Rolando Lopez-Perez.

**Location:** Northeast corner of E. Bristol St. & Conn Ave., in Osolo Township.

**Site Description:**

- Physical Improvement(s) – Residence, attached covered patio.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

**History and General Notes:**

- **August 3, 2022** – A hold was placed on the parcel due to building without a permit.

**Staff Analysis:**

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The existing residence does not hinder sight distances from the intersection. The attached covered patio is not encroaching the right-of-way.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The residence has been existing in this location since 1995 and the attached covered patio has been in place for 2 years, both without complaints.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. This is a very dense area with multiple residences encroaching the setback off E. Bristol St. and without the variance the residence would have to be moved.

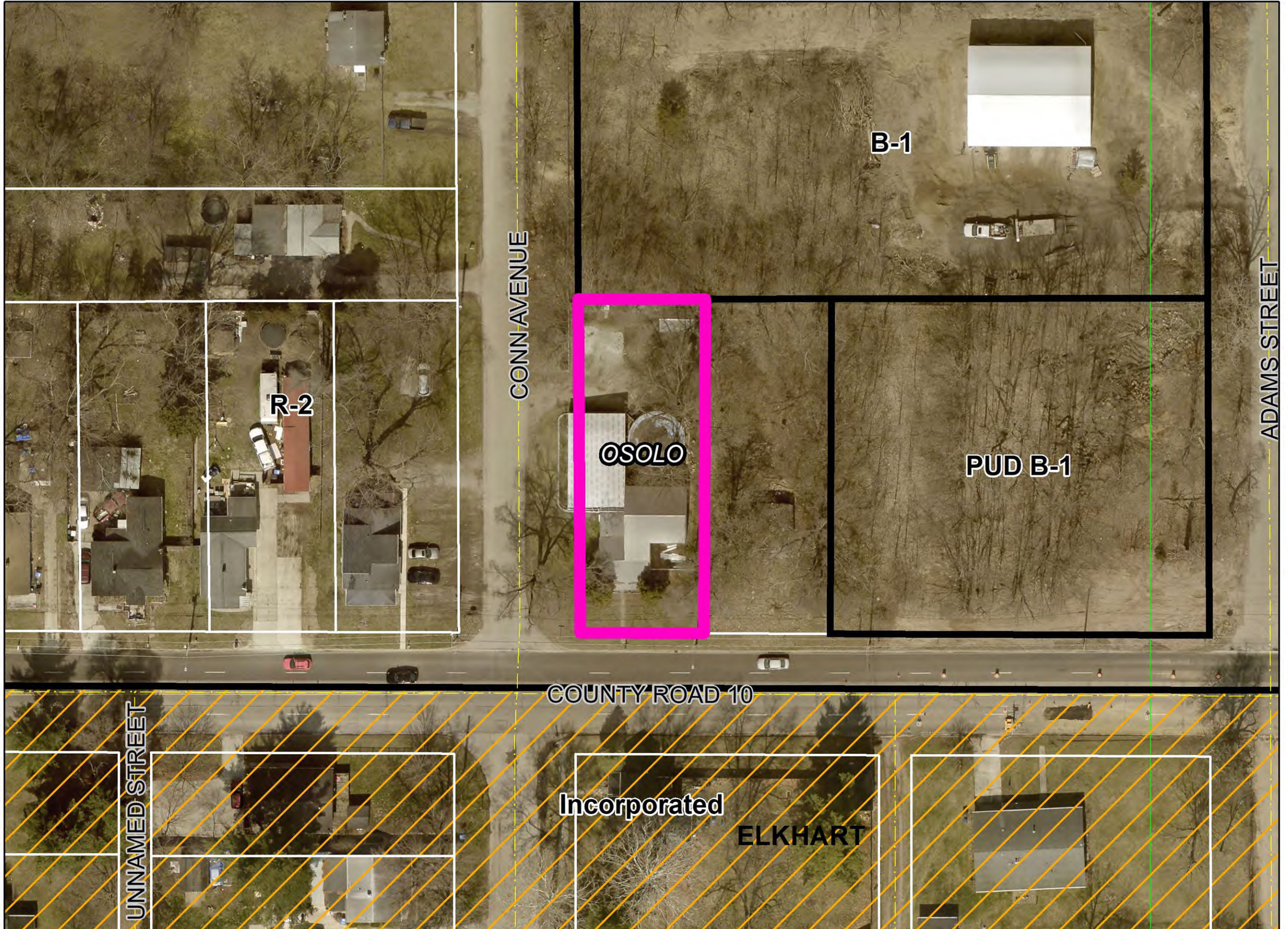


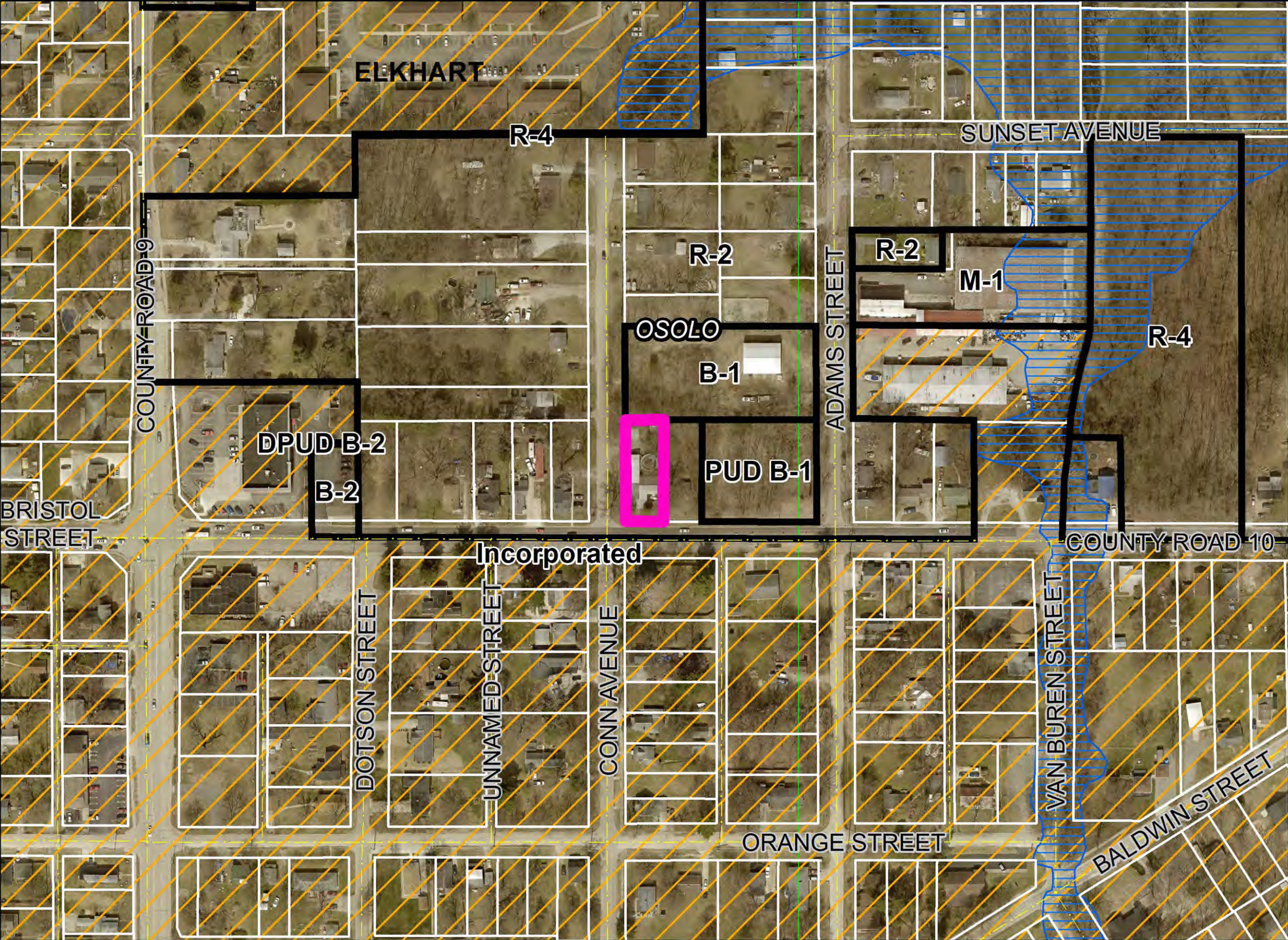
# *Hearing Officer Staff Report (Continued)*

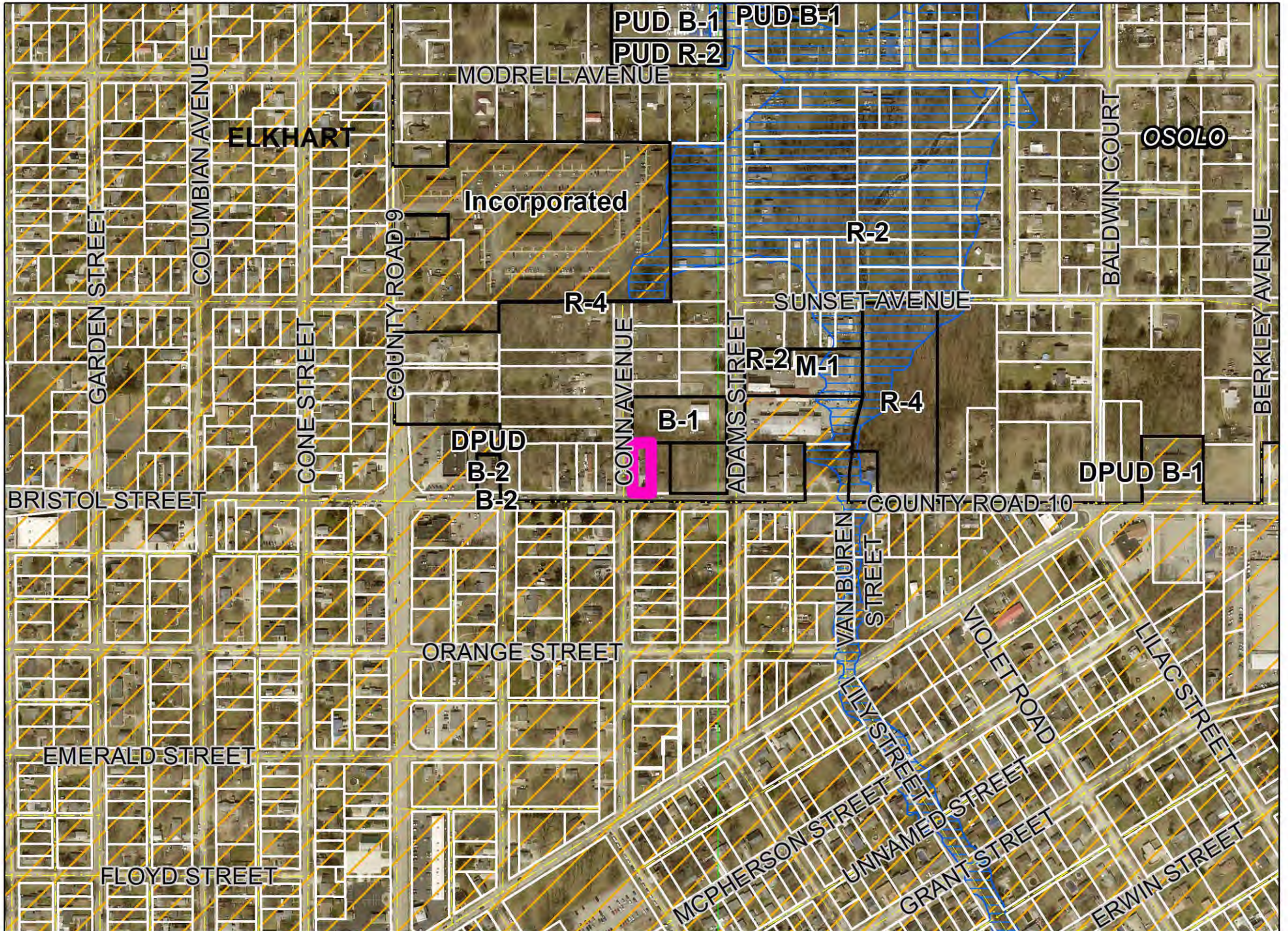
*Hearing Date:* September 18, 2024

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

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 8/12/2024) and as represented in the Developmental Variance application.









Looking east towards subject property



Looking at Subject property from intersection



Facing South



Facing north





Facing west

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Developmental Variance - Developmental Variance

DV-0576-2024

Date: 08/12/2024

Meeting Date:

September 18, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0576-2024

Description: for a 20 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing outdoor covered patio 30 ft. from the centerline of the right-of-way of Conn Ave and for a 67 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 53 ft. from the centerline of the right-of-way of E. Bristol St.

Contacts: Applicant

Rolando Lopez-Perez  
1100 E Bristol Street  
Elkhart, IN 46514

Land Owner

Rolando Lopez-Perez  
1100 E Bristol Street  
Elkhart, IN 46514

Site Address: 1100 East Bristol St  
Elkhart, IN 46514

Parcel Number: 20-02-33-152-011.000-026

Township: Osolo

Location: NORTHEAST CORNER OF E BRISTOL ST AND CONN AVE

Subdivision: ROSE LAWN

Lot # 7

Lot Area: 0.24 Frontage: 228.00

Depth: 165.00

Zoning: R-2

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL WAS PLACED ON HOLD FOR BUILDING WITHOUT A PERMIT, NO CODE CASE ENTERED. PROPERTY OWNER WILL COMPLETE DV PROCESS AND THEN COME IN FOR BUILDING PERMIT - KB

Applicant Signature:

Department Signature:

Application

Site address: 1100 E Bristol St

Parcel number(s): 20-02-33-152-011

Current property owner

Name: Rolando Lopez

Address: ~~1100~~ 1100 E Bristol St

Phone: 574-524-5079 Email: Lowpezz29@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: Rolando Lopez

Staff Use Only

Description: DV for Conn 30'

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 E Bristol St & Conn Ave,  
1,160 ft. (N) (S) (E) (W) of Johnson St  
in Osolo Township

Frontage: 63 Depth: 165 Area: .239 acres

Subdivision and lot number, if applicable: Rose Lawn Lot 7

Present use: Residential

Developmental Variance — Questionnaire

Name: Rolando Lopez

1) Tell us what you want to do. Build outdoor patio including Concrete Floor

2) Tell us why you can't change what you're doing so you don't need a variance. Built structure will provide a safer environment for children and dogs. Structure elevates property value and structure does not affect or disturb any one or anything.

3) Tell us why the variance won't hurt your neighbors or the community. Its in my property and doesnt interfere with anyone or anything.

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: Huge Gazebo  
Tell us what you'll use it for. Block sun for outdoor use 48' x 28'

**Building or addition 2** Size and height to the peak: Highest point on slope = 13'  
Tell us what you'll use it for. lowest point 8'

**Building or addition 3** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

6) Does the application include a variance for a residence on property with no road frontage?  Y  N  
If yes, fill out below.

Is the easement existing?  Y  N If the easement is existing, is it recorded?  Y  N  
Tell us who owns (will own) the land under the easement. \_\_\_\_\_  
Tell us how many parcels will use the easement. \_\_\_\_\_

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

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

**Sign 2** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N

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

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

N ↓

Bristol St

House.

W.S.

Yard

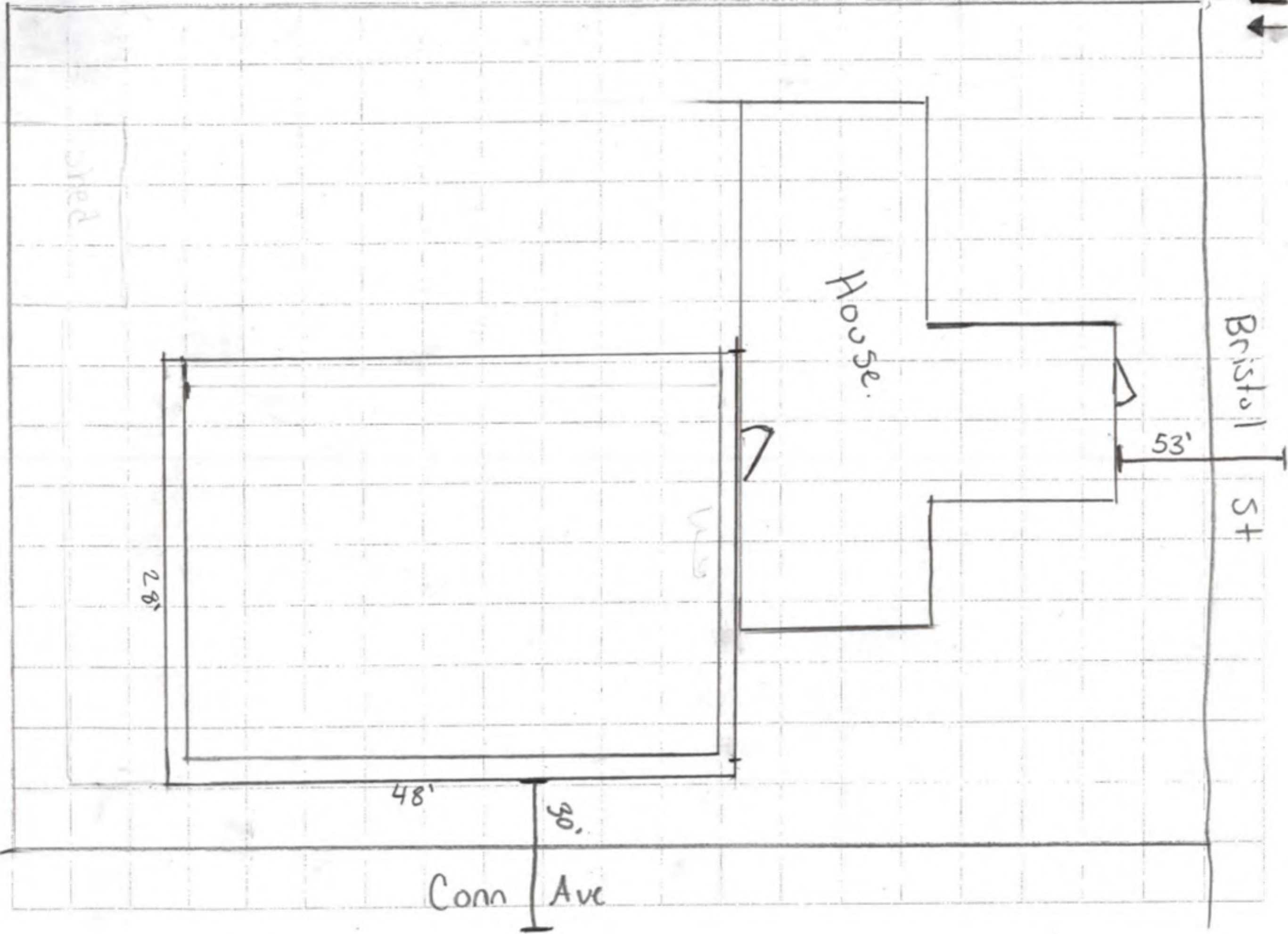
53'

48'

30'

Conn Ave

28'



# *Hearing Officer Staff Report*

*Prepared by the Department of Planning and Development*

**Hearing Date:** September 18, 2024

**Transaction Number:** DV-0568-2024.

**Parcel Number(s):** 20-13-12-426-002.000-020.

**Existing Zoning:** A-1.

**Petition:** for a 42 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of an attached garage 78 ft. from the centerline of the right-of-way and for a 45 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 75 ft. from the centerline of the right-of-way.

**Petitioner:** Tek-Pro Commercial Roofing LLC.

**Location:** West side of SR19, 2,465 ft. North of CR 46, in Locke Township.

## **Site Description:**

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

## **History and General Notes:**

- **June 15, 2017** – A Special Use for an Agri-Business was approved (SUP-0355-2017).
- The existing Special Use for an agribusiness may need to be rescinded, and a new Special Use may be needed.

## **Staff Analysis:**

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The existing residence has not caused sight distance issues, and the new attached accessory structure will be setback further than the existing residence.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The parcel is 3.01 acres and is in a low-density residential and agricultural area and 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. The proposed accessory structure will eliminate the need for outdoor storage and the existing residence would not be in this location without approval of this variance.

# *Hearing Officer Staff Report (Continued)*

*Hearing Date:* September 18, 2024

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

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 8/12/2024) and as represented in the Developmental Variance application.



**LOCKE**

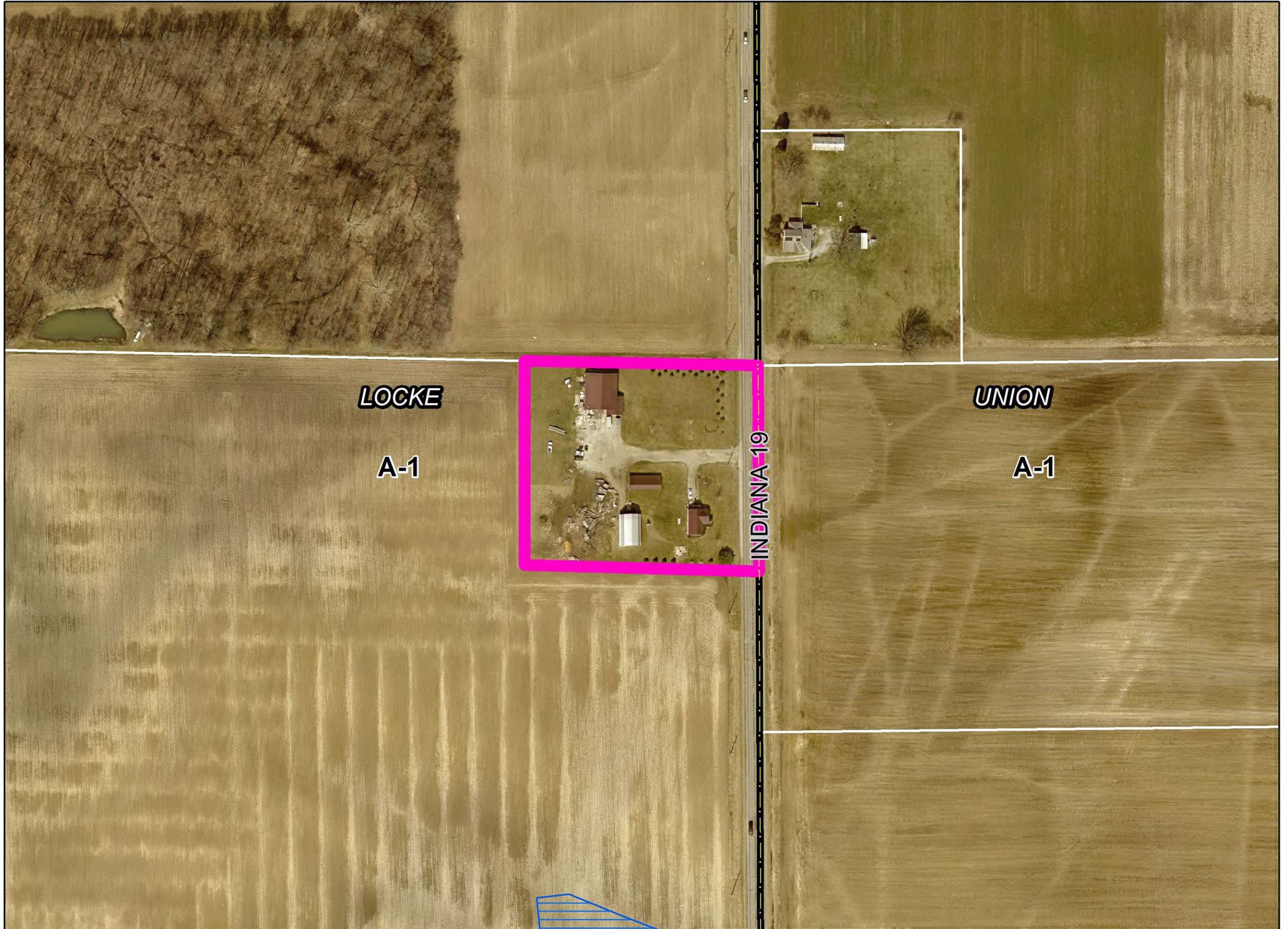
**A-1**

**INDIANA 19**

**UNION**

**A-1**









Subject property facing west



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

Developmental Variance - Developmental Variance

DV-0568-2024

Date: 08/12/2024

Meeting Date:

September 18, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0568-2024

Description: for a 42 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of an attached garage 78 ft. from the centerline of the right-of-way and for a 45 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 75 ft. from the centerline of the right-of-way

Contacts: Applicant

Nda Energized Codings  
18328 Cr 46  
New Paris, IN 46553

Authorized Agent

Nda Energized Codings  
18328 Cr 46  
New Paris, IN 46553

Land Owner

Tek-Pro Commercial Roofing  
Llc  
68905 State Road 19  
Nappanee, IN 46550

Site Address: 68547 Sr 19  
Nappanee, IN 46550

Parcel Number: 20-13-12-426-002.000-020

Township: Locke

Location: WEST SIDE OF SR 19, 2,465 FT. NORTH OF CR 46

Subdivision:

Lot #

Lot Area: 3.01 Frontage: 340.00 Depth: 386.00

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 11/23/2015 - APPLICANT WAS TOLD A MINOR SUBDIVISION WOULD BE NEEDED. SEE PREVIOUS SPECIAL USE #0355-2017 WHICH WAS APPROVED FOR AGRI-BUSINESS ON 6/15/2017 APPLICANT STATED A BUSINESS WILL NOT BE RUN FROM THE PROPERTY AT THIS TIME - KB 8/12/2024 RESIDENCE = 2,498 SQ FT X 200% = 4,996 SQ FT, MINUS PROPOSED GARAGE AT 728 SQ FT, WHICH LEAVES 4,268 SQ FT AVAILABLE FOR PERSONAL STORAGE. OTHER EXISTING BUILDINGS ARE FOR AG USE PER DANNY/ELIZABETH - KB 8/12/2024

Applicant Signature:

Department Signature:



Application

Site address: 68547 SR19 Wakarusa IN 46573

Parcel number(s): 20-13-12-426-002

Current property owner

Name: Tek-Pro Commercial Roofing LLC (Francisco Lopez)

Address: \_\_\_\_\_

Phone: 574-202-9868 Email: \_\_\_\_\_

Other party


Agent  Buyer  Land contract purchaser  Lessee

Name: DeWayne Eash (NDA Energized Costings)

Address: 18238 CR46 New Paris IN, 46553

Phone: 574-202-8831 Email: dewayneash@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: 11-23-2015

Subdivision required?  Y  N If yes,  AS  Minor  Major

Residential accessory breakdown, if applicable: Residence = 2498, x 200 = 4996,  
minus new/proposed garage = 728, leaves 4,268 sq ft avail

Location: N S E (W) corner (side) end of SR 19,  
2,465 ft. (N) S E W of CR 46,  
in Locke Township

Frontage: 340 Depth: 386 Area: 3.01 acres

Subdivision and lot number, if applicable: \_\_\_\_\_

Present use: \_\_\_\_\_

Developmental Variance — Questionnaire

Name: Tec-Pro

1) Tell us what you want to do. Put up a breezeway and a garage

2) Tell us why you can't change what you're doing so you don't need a variance. too close to the Road.

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

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

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

**Building or addition 1** Size and height to the peak: 26x28 14' to peak  
Tell us what you'll use it for. Garage

**Building or addition 2** Size and height to the peak: 9'10" x 10' 12' to peak  
Tell us what you'll use it for. Breezeway from house to garage

**Building or addition 3** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

6) Does the application include a variance for a residence on property with no road frontage?  Y  N  
If yes, fill out below.

Is the easement existing?  Y  N If the easement is existing, is it recorded?  Y  N

Tell us who owns (will own) the land under the easement. \_\_\_\_\_

Tell us how many parcels will use the easement. \_\_\_\_\_

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

**Sign 1** Dimensions (length and width): \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 2** Dimensions (length and width): \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width): \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

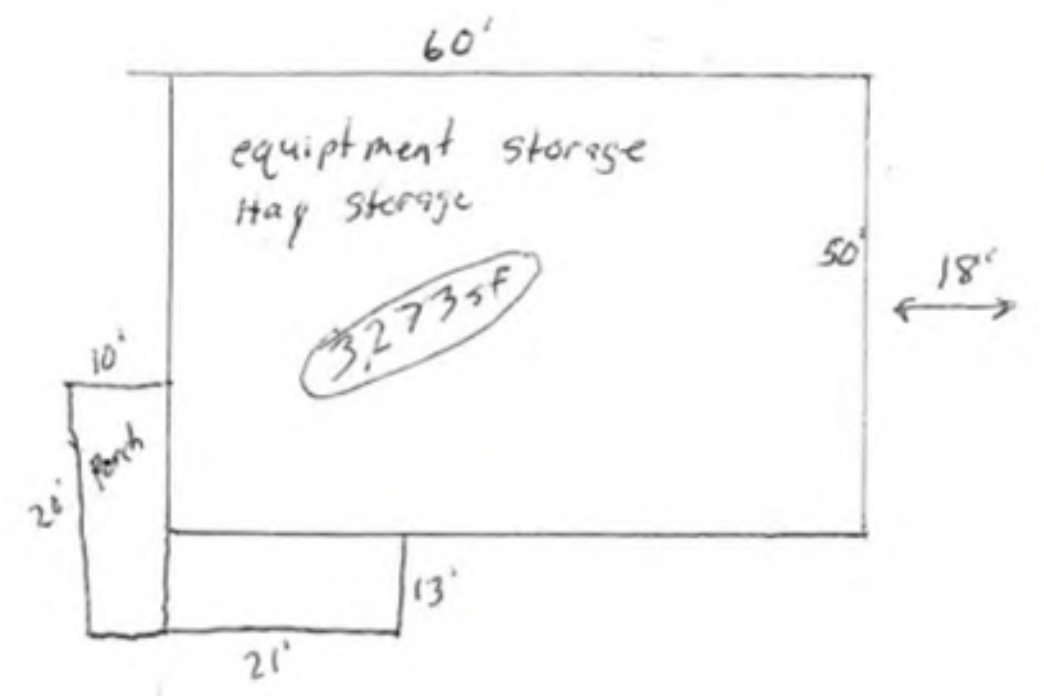
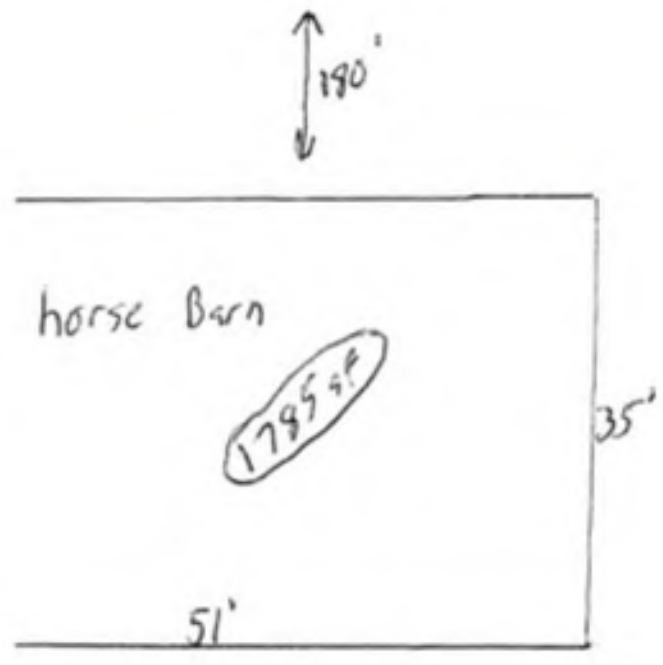
Electronic message board?  Y  N If no, lighted?  Y  N

Freestanding?  Y  N Wall mounted?  Y  N

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

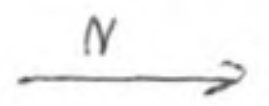
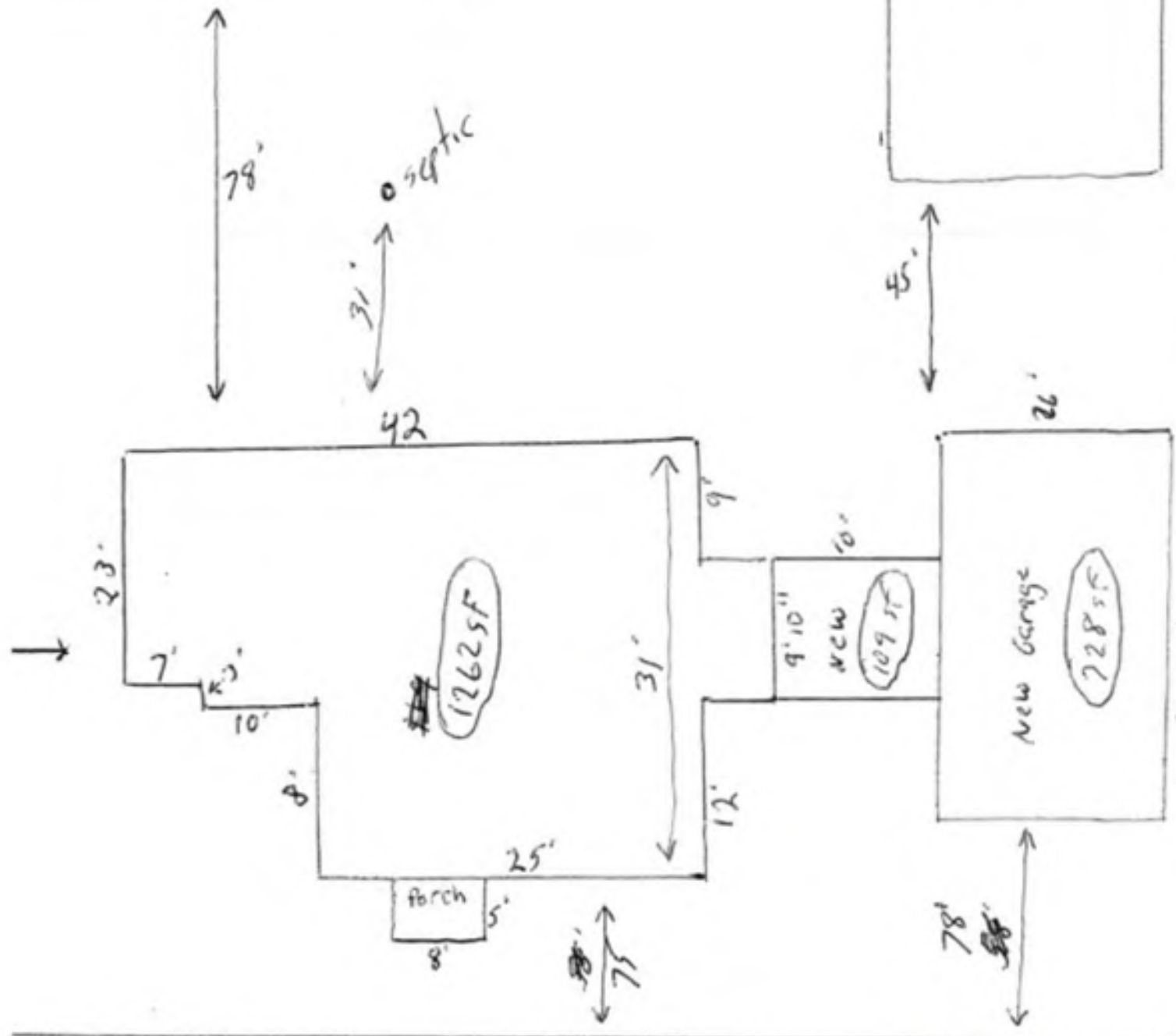
9) Tell us anything else you want us to know. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AUG 12 2024



Contractor  
 NDA Energized Costmgs  
 574-202-8831

Tekero Commercial Roofing LLC  
 68547 SR19  
 Wiskarsa IN 46573



SR19

# *Hearing Officer Staff Report*

*Prepared by the Department of Planning and Development*

**Hearing Date:** September 18, 2024

**Transaction Number:** SUP-0497-2024.

**Parcel Number(s):** 20-05-25-300-012.000-001.

**Existing Zoning:** A-1.

**Petition:** for a Special Use for an existing mobile home.

**Petitioner:** Alicia Kay Brenneman.

**Location:** West side of CR 22, 3,200 ft. Southeast of CR 3, in Baugo Township.

## **Site Description:**

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

## **History and General Notes:**

- **April 19, 1984** – A Special Use for a mobile home to be occupied by the petitioner was approved (84-32-SU).
- **July 20, 1989** – A Special Use for an existing mobile home to be occupied by the petitioner's granddaughter was granted (89-84-SU).
- **November 19, 1992** – A Special Use for an existing mobile home to be used for rental purposes was granted (92-170-U). (With a condition of: As long as Roberta Irene Cook owned the residence.)

## **Staff Analysis:**

Staff finds that:

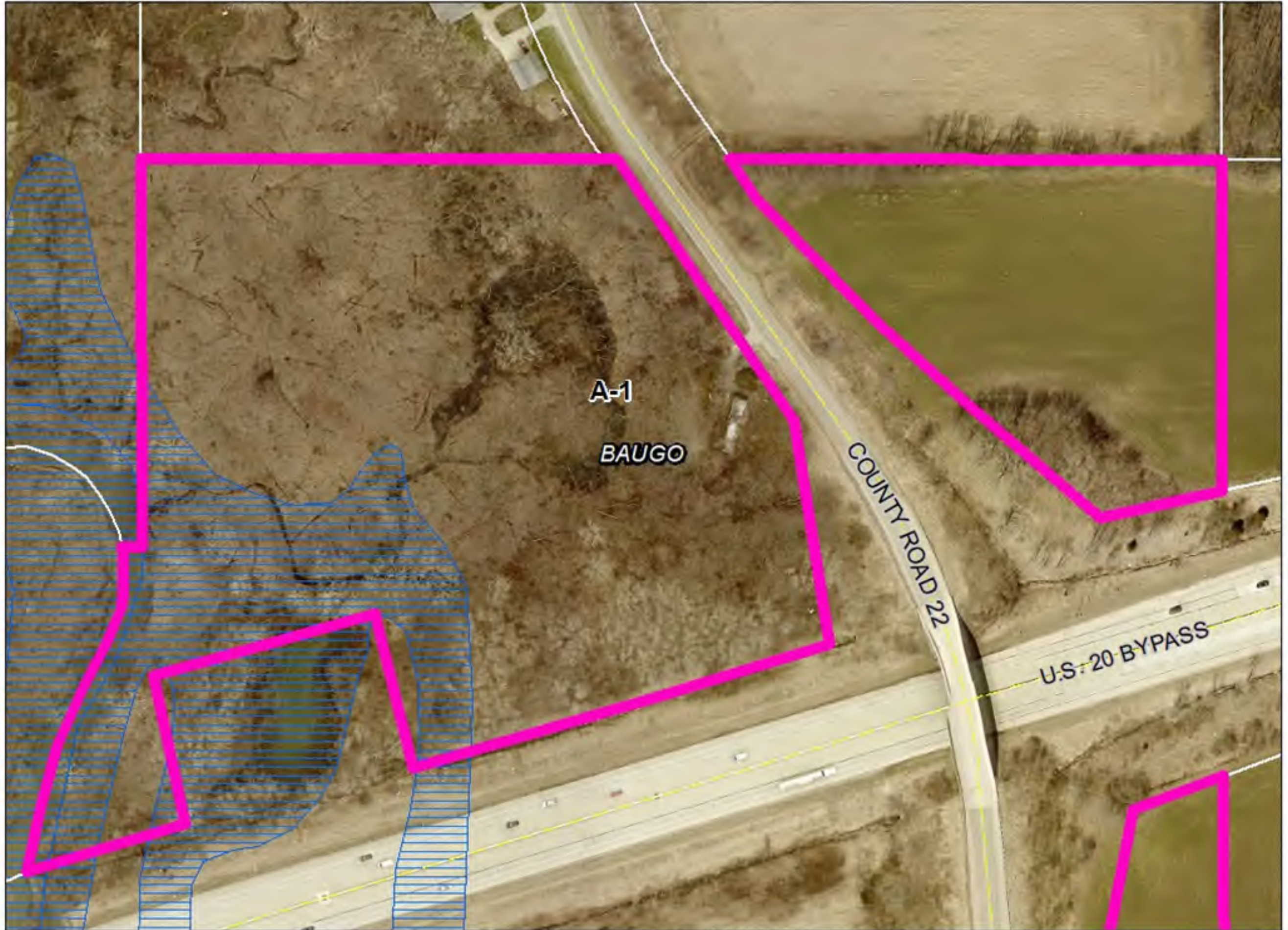
1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A mobile home is allowed in the A-1 zone with a special use.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a large parcel in a low-density area and the property will remain residential in character. The mobile home is existing without complaints.
3. The Special Use will substantially serve the public convenience and welfare by providing an affordable living option.

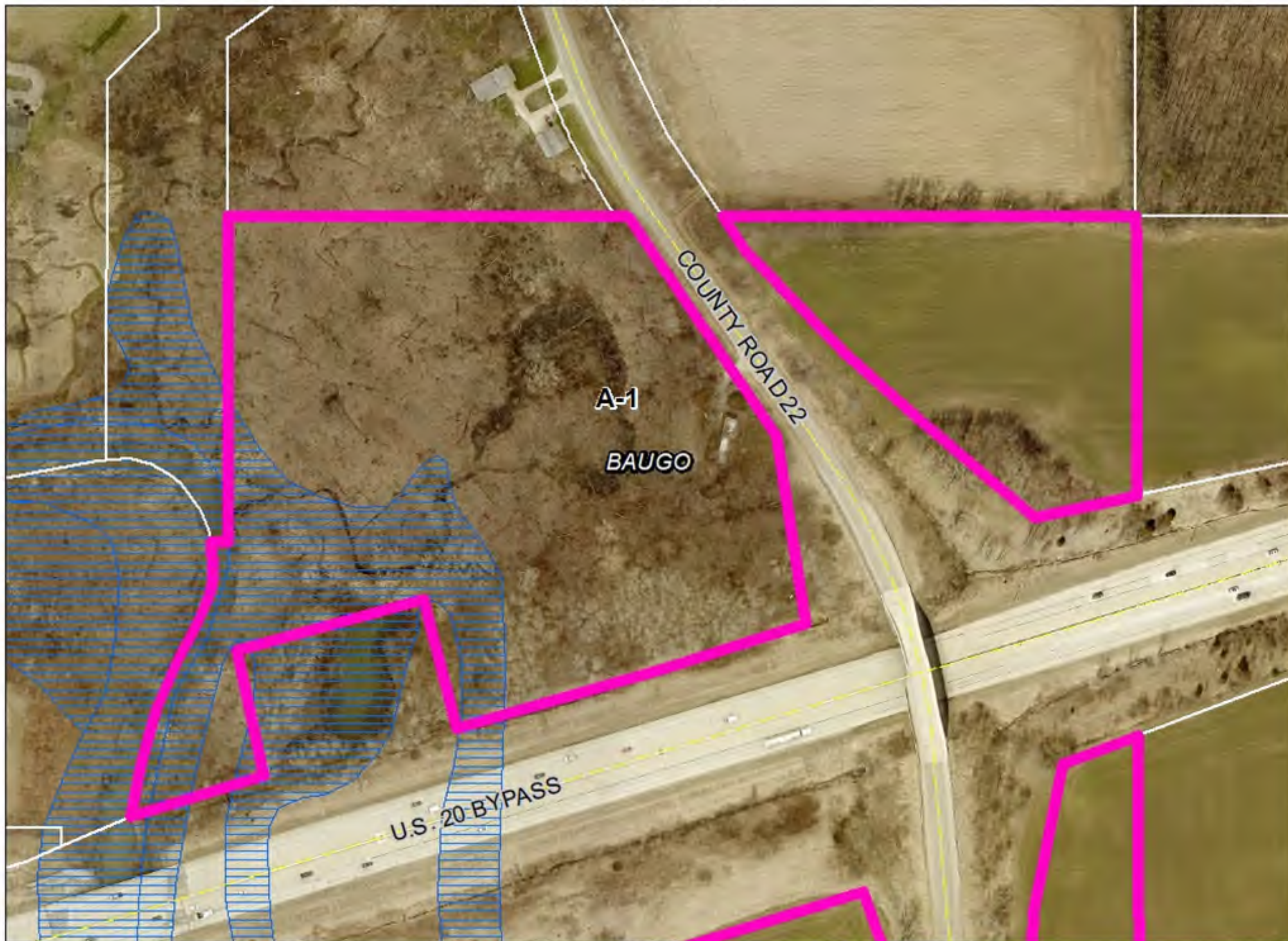
# *Hearing Officer Staff Report (Continued)*

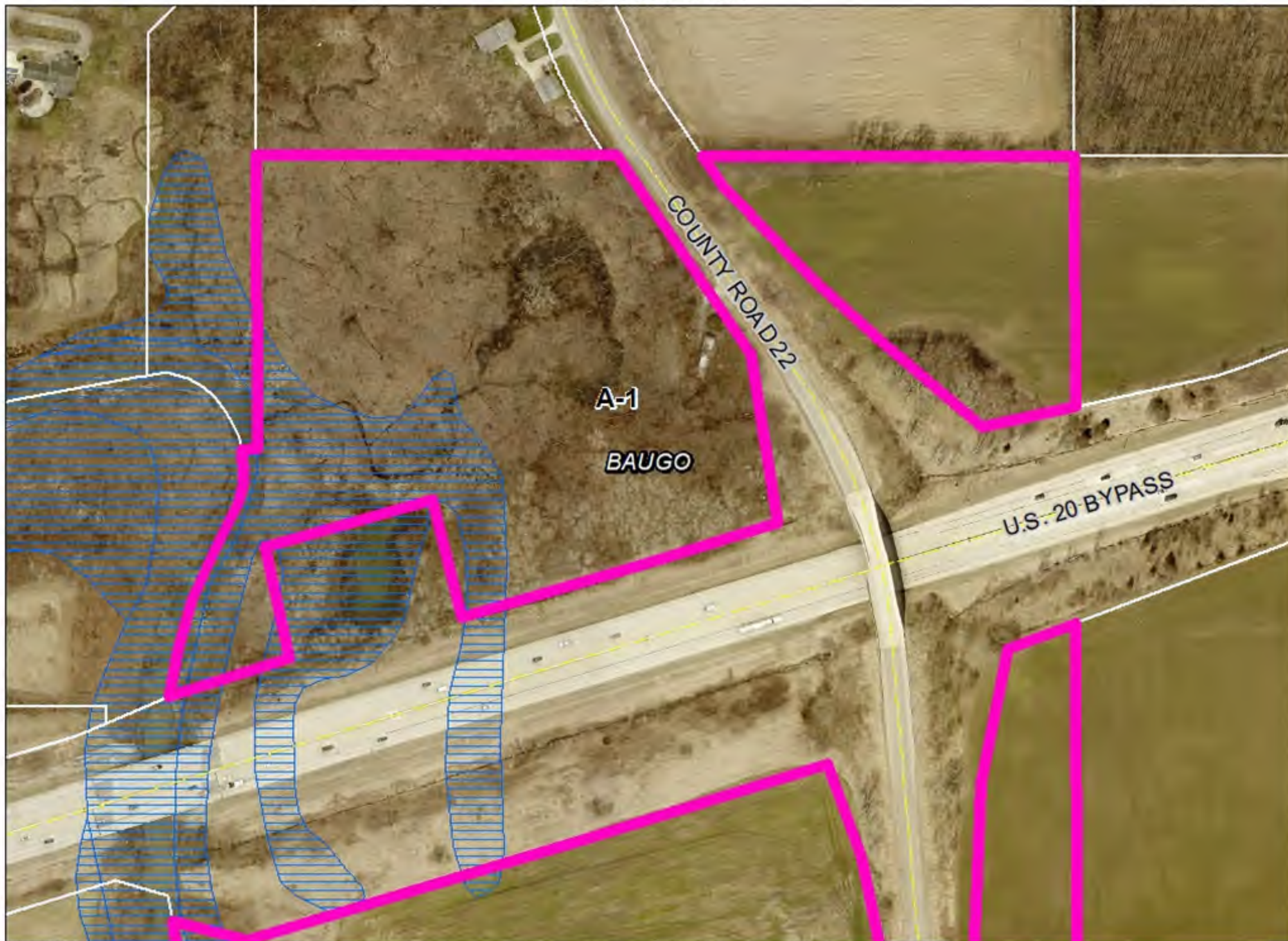
*Hearing Date:* September 18, 2024

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

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











**Subject property**



Subject property from road



Looking north



Facing south



Facing east



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

SUP-0497-2024

Special Use - Mobile Home

Date: 07/16/2024

Meeting Date:

September 18, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0497-2024

Description: for a Special Use for an existing mobile home

Contacts: Applicant

Alicia Kay Brenneman, And  
Her Successors, As Trustee  
60094 County Road 7  
Elkhart, IN 46517

Authorized Agent

Helen E Kallimani  
28872 Cr 22  
Elkhart, IN 46517

Land Owner

Alicia Kay Brenneman, And  
Her Successors, As Trustee  
60094 County Road 7  
Elkhart, IN 46517

Site Address:

59419 Cr 22  
ELKHART, IN 46517

Parcel Number:

20-05-25-300-012.000-001

Township: Baugo

Location: WEST SIDE OF CR 22, 3,200 SOUTHEAST OF CR 3

Subdivision:

Lot #

Lot Area:

46.58

Frontage:

1,684.89

Depth:

587.55

Zoning: A-1

NPO List:

Present Use of Property:

RESIDENTIAL

Legal Description:

Comments:

PARCEL CREATION DATE - 9/26/1996  
PREVIOUS SPECIAL USES #84-32-SU FOR ROBERTA IRENE COOK APPROVED 8/19/1984 FOR AN INDEFINITE PERIOD OF TIME, #89-84-SU FOR ROBERTA IRENE COOK, APPROVED 7/20/1989 FOR GRANDDAUGHTER TO LIVE IN, AND #92-170-U FOR ROBERTA IRENE COOK APPROVED 11/19/1992 APPROVED FOR RENTAL PROPERTY OK TO PROCEED PER KARLA (SEE CODE#0483-2024)

Applicant Signature:

Department Signature:

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

Application

Site address: 59419 COUNTY RD 22

Parcel number(s): 05-25-300-012-001

Current property owner

Name: Alicia K. Brenneman

Address: 60094 CR 7 Elkhart Ind. 46517

Phone: 574-596-9875

Email: alibren.46@gmail.com

Other party

Agent  Buyer  Land contract purchaser  Lessee

Name: JEFFRY O BLANKENSHIP

Address: 26010 CHAIN-O-LAKES DR. SOUTH BEND IN. 46628

Phone: 574-440-9506

Email: 26CARPSTER@GMAIL

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:

Alicia K. Brenneman

Staff Use Only

Description: Sp Wx# 92-170-u Roberta Irene Cook 4/19/92 (rental)  
#89-84-SU Roberta Irene Cook 7/20/89 (for granddaughter)

Parcel creation date: 9/26/1996

Subdivision required?  Y  N If yes,  AS  Minor  Major

Residential accessory breakdown, if applicable: \_\_\_\_\_

Location: N S E (W) corner (side) end of CR 22

2430 ft. (N S E W) of CR 26

in Daugo Township

Frontage: 228.74 Depth: 587.55 Area: 46578 acres

Subdivision and lot number, if applicable: \_\_\_\_\_

Present use: \_\_\_\_\_



Special Use for a Mobile Home — Questionnaire

Name: Alicia K. Brenneman

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

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

- 2) Tell us who will live in the mobile home. JEFFRY O BLANKENSHIP

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

If yes, tell us about it. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4) Tell us why the mobile home won't hurt your neighbors or the community. The mobile home has

been in this location for many yrs. When the prior resident passed away the property was unoccupied (Floyd Lee Cook 12/11/52 - 12/29/21). In 2023, Jeff started cleaning up the lot - removing rubbish, cutting back vegetation, emptying the mobile home of Mr. Cook's things.

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

Does the mobile home need a new septic system?  Y  N

If yes, did the Health Department say there's enough space for it?  Y  N

- 6) Tell us the size of the mobile home. 13 x 66

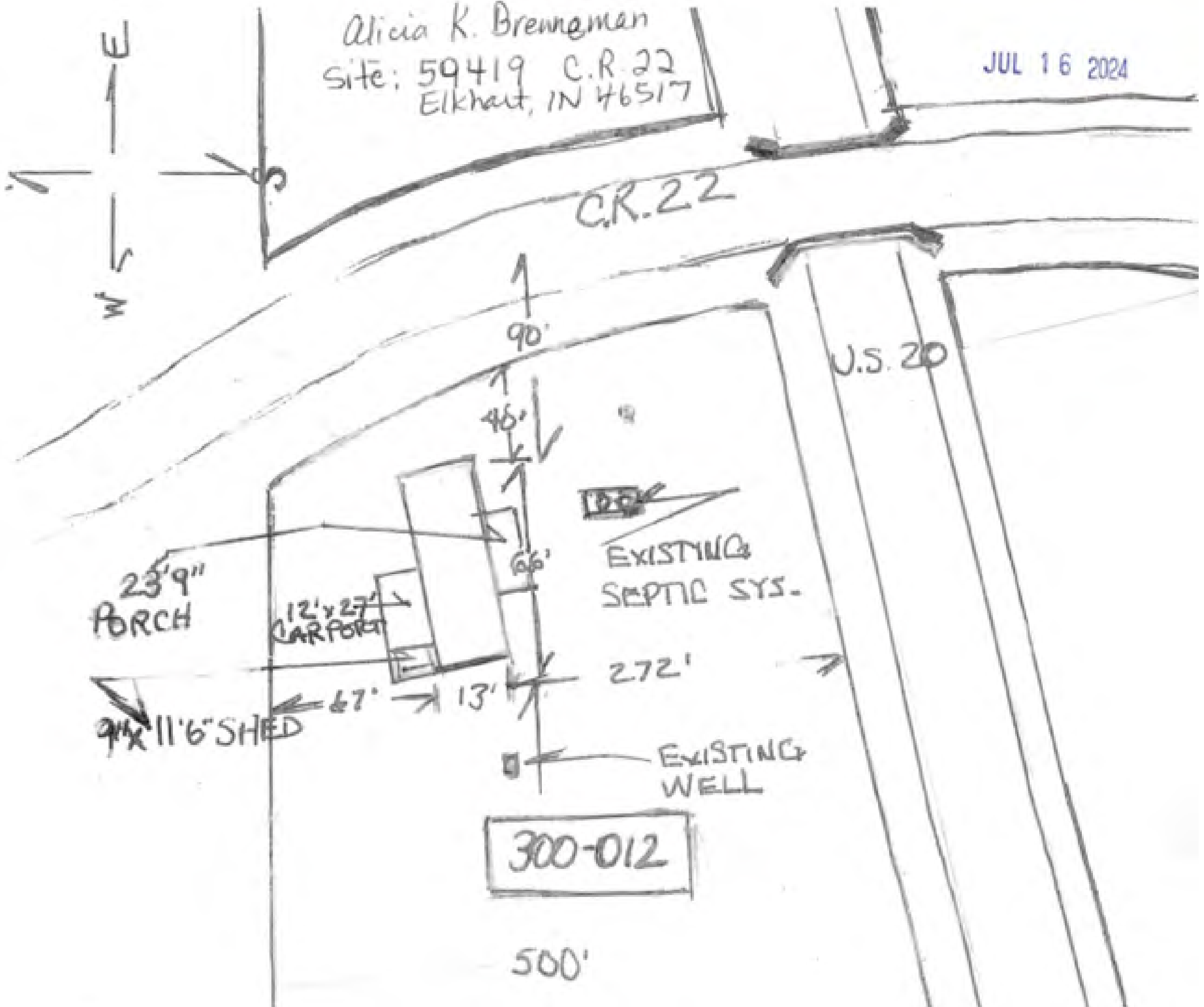
- 7) Tell us the year of the mobile home. 1980 PARKWOOD

- 8) Tell us anything else you want us to know. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) Jeff has added driveway markers, a sturdy + eye-catching con't mailbox and also a lighted flagpole to fly the America flag.

Alicia K. Brenngeman  
Site: 59419 C.R. 22  
Elkhart, IN 46517

JUL 16 2024



C.R. 22

U.S. 20

23'9" PORCH

12' x 27' CARPORT

9' x 11'6" SHED

EXISTING SEPTIC SYS.

EXISTING WELL

300-012

500'