

AGENDA

ELKHART COUNTY BOARD OF ZONING APPEALS HEARING OFFICER

FEBRUARY 19, 2025
9:00 A.M.

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

Call to Order

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

DEVELOPMENTAL VARIANCES

9:00 A.M.

- A. Petitioner: ***Jesse L. Chupp & Charlene J. Chupp, Husband & Wife*** (Page 1)
Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 13 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing barn 62 ft. from the centerline of the right-of-way.
Location: West side of CR 31, 775 ft. South of CR 129, common address of 55225 CR 31 in Jefferson Township, zoned A-1. DV-0899-2024
- B. Petitioner: ***Lamar Schlabach & Nancy Schlabach, Husband & Wife*** (Page 2)
Petition: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement on proposed parcels 1 & 3.
Location: Southeast end of the easement, 650 ft. South of CR 22, 1,920 ft. Northeast of CR 35, in Middlebury Township, zoned A-1. DV-0016-2025
- C. Petitioner: ***Steve L. Miller*** (Page 3)
Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
Location: East side of CR 9, 1,315 ft. South of CR 28, common address of 61256 CR 9 in Harrison Township, zoned A-1. DV-0020-2025

- D. Petitioner: ***Habitat for Humanity of Elkhart County Inc.*** (Page 4)
 Petition: for a 1,803 sq. ft. lot-area Developmental Variance (Ordinance requires 15,000 sq. ft.) to allow for the construction of a residence on proposed lot 1, for a 1,809 sq. ft. lot-area Developmental Variance (Ordinance requires 15,000 sq. ft.) to allow for the construction of a residence on proposed lot 2, for a 1,811 sq. ft. lot-area Developmental Variance (Ordinance requires 15,000 sq. ft.) to allow for the construction of a residence on proposed lot 3, for a 14 ft. lot-width Developmental Variance (Ordinance requires 80 ft.) to allow for the construction of a residence on proposed lot 1, and for a 15 ft. lot-width Developmental Variance (Ordinance requires 80 ft.) to allow for the construction of a residence on proposed lots 2 and 3.
 Location: West side of Hastings St., 470 ft. North of E. Bristol St., in Osolo Township, zoned R-2. DV-0025-2025
- E. Petitioner: ***Ashley Peg Charles & David A. Charles, Wife & Husband (Buyers) & Mark A. Kelich & Larry D. Elsworth (Sellers)*** (Page 5)
 Petition: for a 79 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence.
 Location: South side of Mary Wade Dr., 625 ft. South of Foxtail Dr., West of CR 131, in York Township, zoned A-1. DV-0026-2025
- F. Petitioner: ***Christofer M. Webster & Gina M. Webster, Husband & Wife*** (Page 6)
 Petition: for a 13 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an addition to a residence 62 ft. from the centerline of the right-of-way.
 Location: North side of CR 10, 1,855 ft. Southeast of Ash Rd., common address of 30685 CR 10 in Cleveland Township, zoned A-1. DV-0907-2024
- G. Petitioner: ***Weldon C. Yoder & Elnora Yoder, Husband & Wife*** (Page 7)
 Petition: for a 70 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence on proposed lot 1.
 Location: South side of CR 56, 2,250 ft. East of CR 100, in Locke Township, zoned A-1. DV-0913-2024

The Elkhart County Board of Zoning Appeals Hearing Officer is meeting on Wednesday February 19, 2025, at **9:00 am** in Rooms 104, 106, & 108 of the Administration Building, Goshen, Indiana. Pursuant to advice of the Indiana Public Access Counselor, general public comment will not be permitted at this public meeting on non-public hearing matters. To the extent you wish to make comment remotely during any public hearings scheduled during this public meeting, please call (574) 971-4678 to learn how to remotely submit your public comment for the public hearing. The public is encouraged to attend the meeting remotely by going to www.elkhartcountyplanninganddevelopment.com at **9:00 am** on February 19, 2025. 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: February 19, 2025

Transaction Number: DV-0899-2024.

Parcel Number(s): 20-07-01-200-005.000-019, 20-07-01-200-018.000-019, 20-07-01-200-019.000-019, & 20-07-01-200-020.000-019.

Existing Zoning: A-1.

Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 13 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing barn 62 ft. from the centerline of the right-of-way.

Petitioner: Jesse L. Chupp & Charlene J. Chupp, Husband & Wife.

Location: West side of CR 31, 775 ft. South of CR 129, in Jefferson Township.

Site Description:

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

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. Approval of the requests will not be injurious to public health, safety, morals, or general welfare. The request is 672 sq. ft., or 13 percent, over what is allowed by right, and all other development standards will be met. The existing barn has been in its location since 1930, without complaints of interference with sight issues for neighboring property owners.
2. Approval of the requests will not cause substantial adverse effect on neighboring property. This is a 15-acre parcel with adequate room to keep the structure set back behind the line of sight of the adjacent residence. It is not uncommon in this area to have this size accessory structure.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the use of the variances the existing barn would have to be torn down and there wouldn't be adequate indoor storage space.

Hearing Officer Staff Report (Continued)

Hearing Date: February 19, 2025

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 12/20/2024) and as represented in the Developmental Variance application.

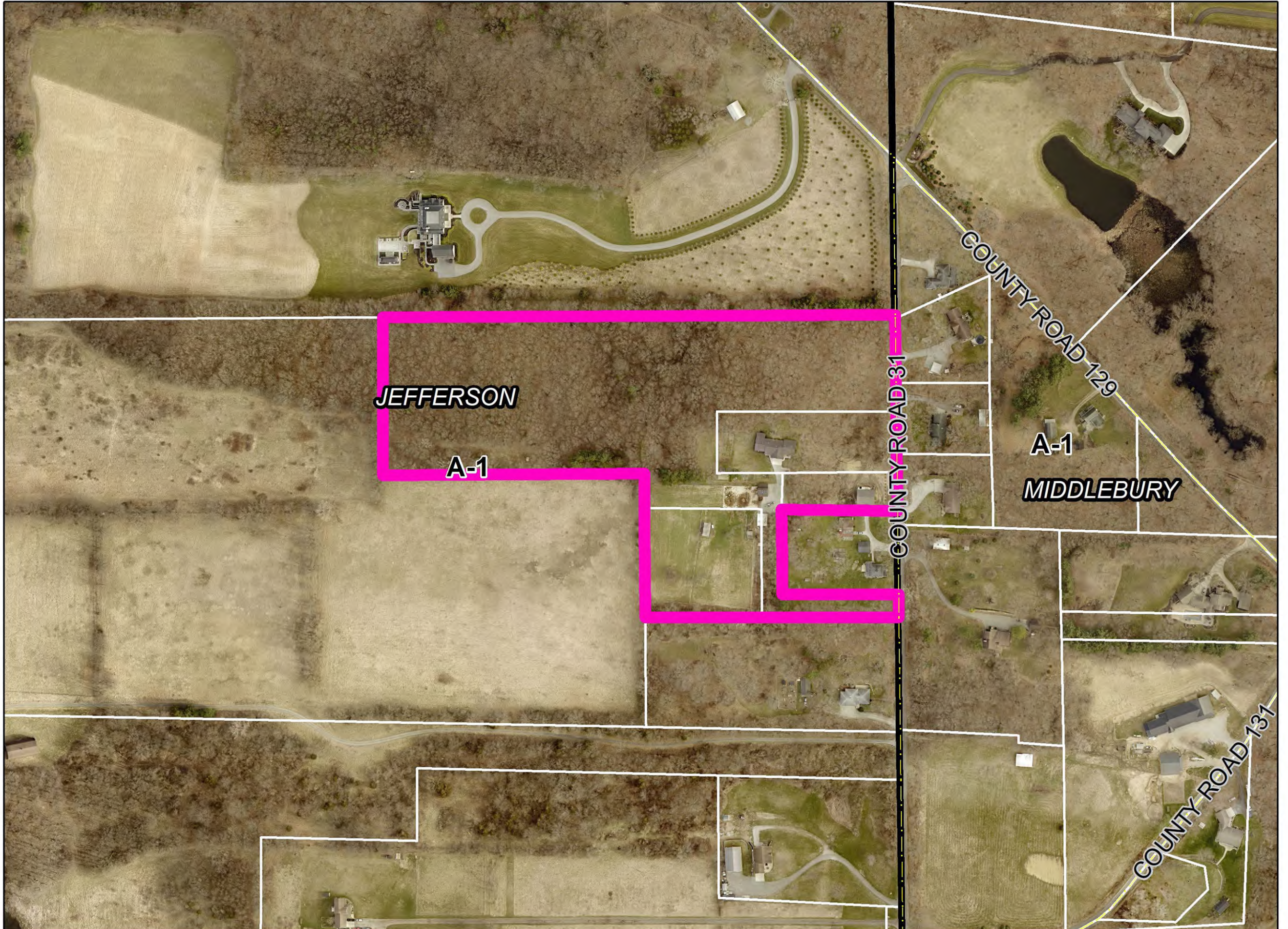
A-1

JEFFERSON

A-1

COUNTY ROAD 31





A-1 WASHINGTON

A-1 YORK

A-1 JEFFERSON

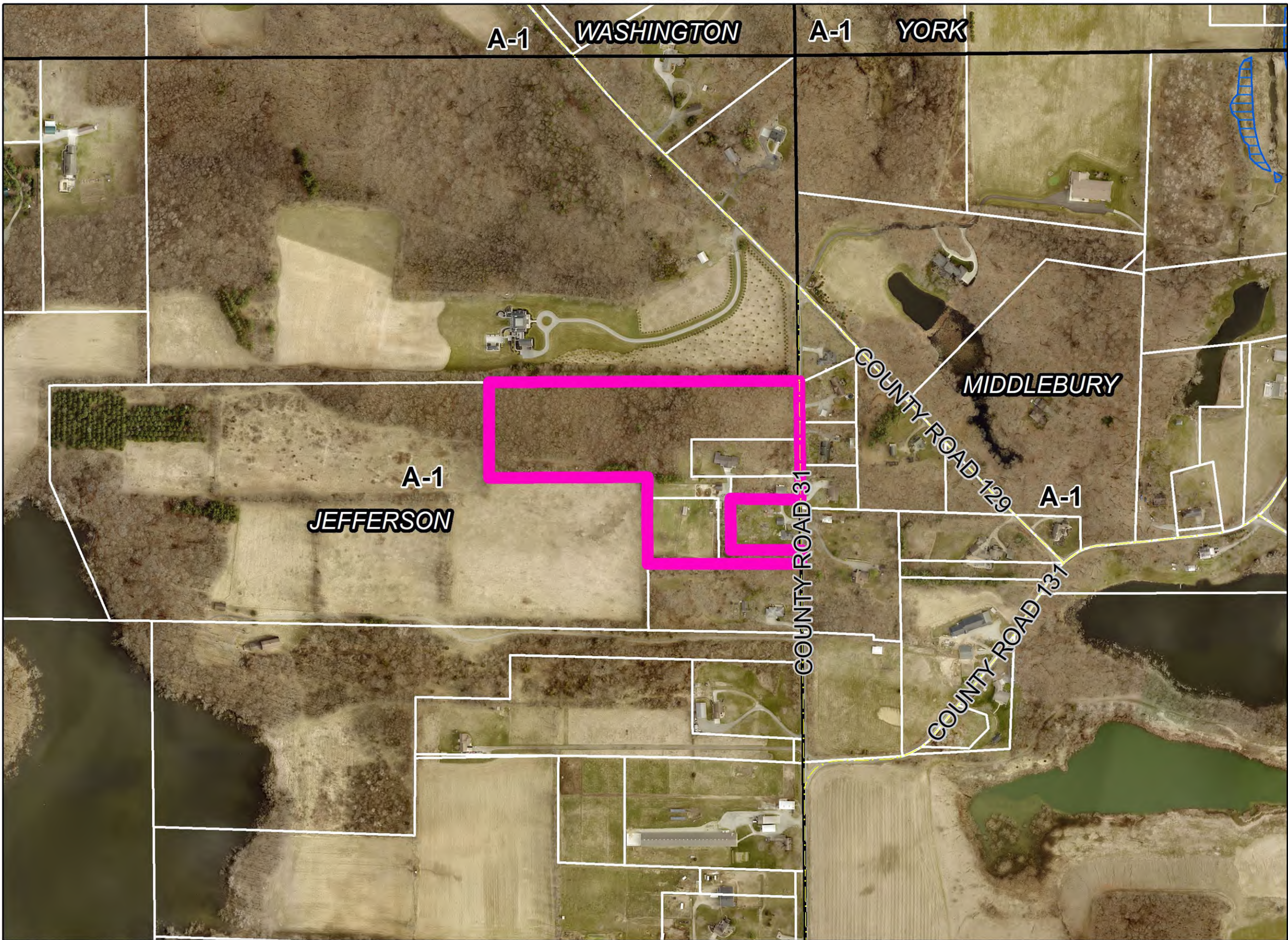
MIDDLEBURY

A-1

COUNTY ROAD 31

COUNTY ROAD 129

COUNTY ROAD 137





Subject property, facing North



Subject property location of proposed structure



Subject property, from road facing West



Facing South



Facing North



Facing East

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Developmental Variance - Developmental Variance

DV-0899-2024

Date: 12/20/2024

Meeting Date:

February 19, 2025

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0899-2024

Description: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 13 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing barn 62 ft. from the centerline of the right-of-way

Contacts: Applicant

Freedom Builders

54824 Cr 33

Middlebury, IN 46540

Authorized Agent

Freedom Builders

54824 Cr 33

Middlebury, IN 46540

Land Owner

Jesse & Charlene Chupp

55225 Cr 31

Bristol, IN 465079569

Site Address: 55225 County Road 31
Bristol, IN 46507

Parcel Number: 20-07-01-200-005.000-019
20-07-01-200-018.000-019
20-07-01-200-019.000-019
20-07-01-200-020.000-019

Township: Jefferson

Location:

Subdivision:

Lot #

Lot Area: 15.41 Frontage: 475.00 Depth: 1,250.00

Zoning:

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 8/8/1983
DWELLING 2520 SF X 200% = 5040 MINUS ATT. GARAGE 728 SF MINUS DET GRG 560 SF MINUS SHED 120 SF = 3632
MINUS NEW DETACHED GARAGE 4304 SF = NEGATIVE 672 SF

Applicant Signature:

Department Signature:

Application

Site address: 55225 County Road 31 Bristol, IN 46507

Parcel number(s): 20-07-01-200-019.000-019; 20-07-01-200-018.000-019; 20-07-01-200-020.000-019;
& 20-07-01-200-005.000-019

Current property owner

Name: Jesse & Charlene Chupp

Address: 55225 County Road 31 Bristol, IN 46507

Phone: 574-825-3501

Email:

Other party

Agent Buyer Land contract purchaser Lessee

Name: Freedom Builders

Address: 54824 County Road 33 Middlebury, IN 46540

Phone: 574-350-0078

Email: jh.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: Jeremiah Hochstetler

Staff Use Only

Description: FOR A DEVELOPMENTAL VARIANCE TO ALLOW FOR THE TOTAL SQUARE FOOTAGE OF ACCESSORY STRUCTURES TO EXCEED THAT ALLOWED BY RIGHT

Parcel creation date: 8/8/1983

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: SEE ATTACHED SHEET.

Location: N S E W corner side end of CR 31.
715 ft. N S E W of CR 29

in Township

Frontage: 475 Depth: 1250 Area: 15.412 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL

Developmental Variance — Questionnaire

Name: _____

1) Tell us what you want to do. DV to allow for the total square footage of accessory structures to exceed the total square footage allowed by right.

2) Tell us why you can't change what you're doing so you don't need a variance. They will be losing desired storage space

3) Tell us why the variance won't hurt your neighbors or the community. This will be a low impact residential storage building. This size and type of structure is not uncommon in the A-1 zoning district.

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: 4,304 Sq Ft Total; (528 sf Basement, 2816 sf 1st flr, 960 sf 2nd flr) 22' to the peak

Tell us what you'll use it for. Personal Storage

Building or addition 2 Size and height to the peak: _____

Tell us what you'll use it for. _____

Building or addition 3 Size and height to the peak: _____

Tell us what you'll use it for. _____

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

If yes, fill out below.

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

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

Tell us how many parcels will use the easement. _____

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

Sign 1 Dimensions (length and width): _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width): _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

Sign 3 Dimensions (length and width): _____

Existing? Y N Double faced? Y N

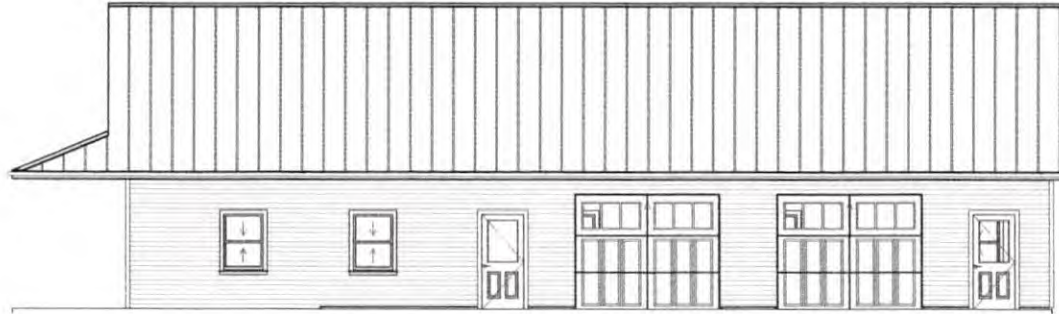
Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

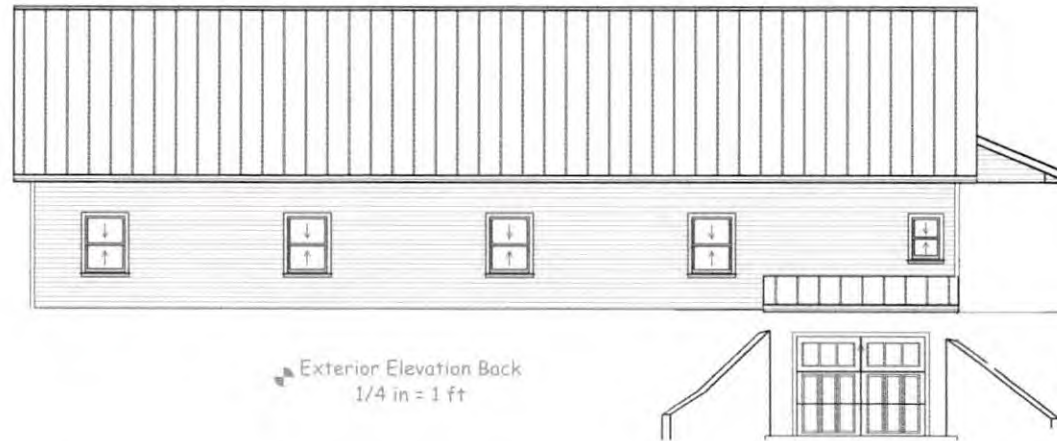
8) Does the application include a variance for parking spaces? Y N

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

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



Exterior Elevation Front
1/4 in = 1 ft



Exterior Elevation Back
1/4 in = 1 ft

Exterior	Foundation	Interior	Roof	Notes
Siding Type & (color) Main-Match existing Wainscot-x Porch-x Corner trim-TBD Other-	Notes Style:Slab on Grade Other:Partial Basement -Reverse Brick Ledge -9' concrete forms -	Ceiling Heights Basement: 1st floor: 2nd floor: Attic: Other:	Roof Type & (color) Material:Standing Seam(Match) Pitch:5/12 Eave OH:24" Gable OH:16" Other:	Notes: -Siding & roof colors TBD by owner.(match existing) - -

Layout Page Table	
Label	Title
KY-2	ExteriorElevations
KY-3	ExteriorElevations
KY-4	Foundation Plan
KY-5	1st Floor Plan
KY-6	2nd Floor Plan
KY-7	Roof Layout
KY-8	Cross Sections Info
KY-9	S.H.C. Features

DRAWINGS PROVIDED BY: Star Home Center 12737 CR 30 Middlebury IN 46507 574-312-2880

CUSTOMER: Freedom Builders

DESIGNER: Jesse Chupp 56225 CR 31 Bishop, IN 46507 574-825-3501

ARCHITECT: Kyle Mueller STAR ARCHITECTURE 12737 CR 30 Middlebury IN 46507

DATE: 10/8/2024

SCALE: N/A

SHEET: K-1

PROJECT: Exterior Elevations

PROVIDED BY: ProVia THE PROFESSIONAL WAY



Exterior Elevation Right
1/4 in = 1 ft



Exterior Elevation Left
1/4 in = 1 ft

These plans were prepared with standard construction methods and materials. It is the responsibility of the contractor to verify all dimensions, materials, and methods of construction are in compliance with applicable codes and regulations.

Kyle Gaylor
KYLE GAYLOR
STAR
12737 CR 30
MIDDLEBURY, IN 46507
574-825-3501

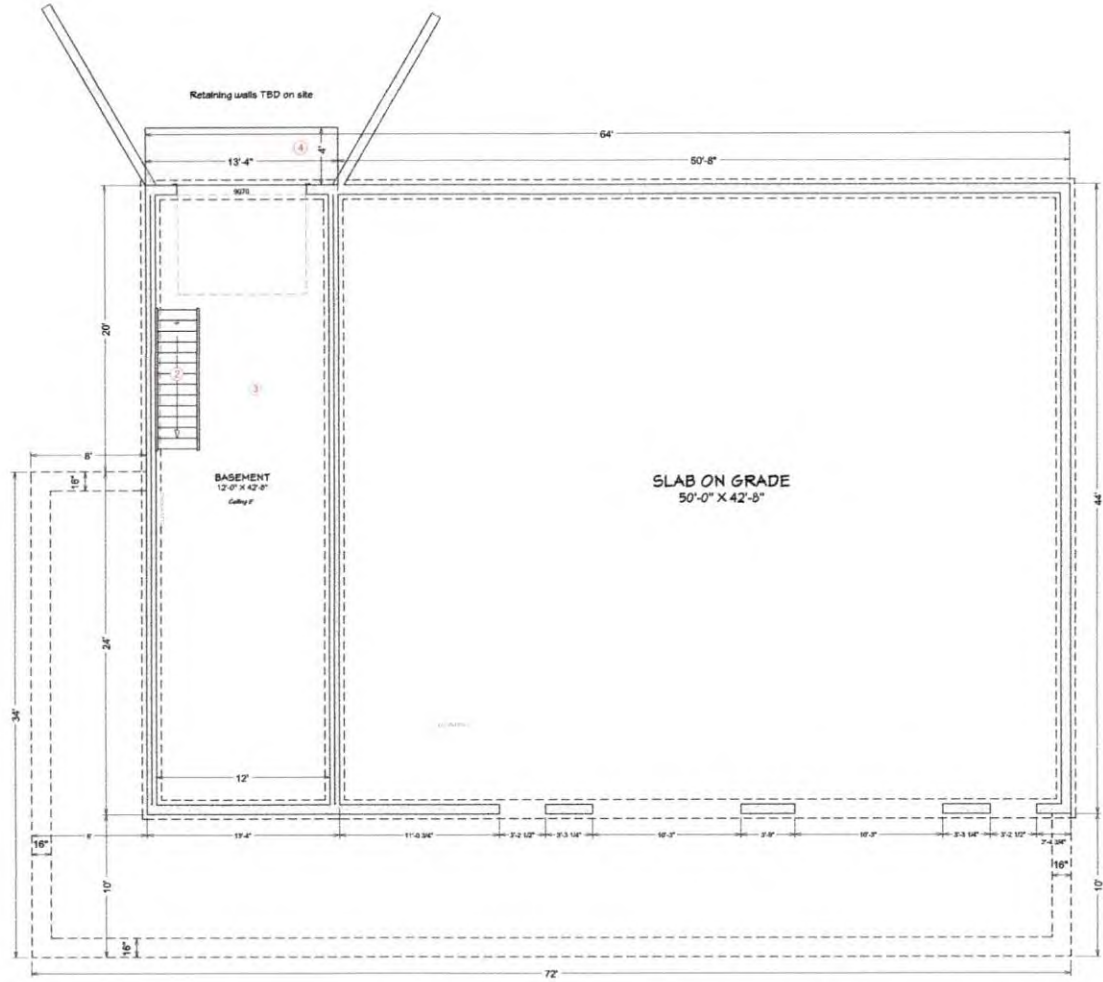
Sheet Title:
Exterior Elevations

Customer:
Jesse Chupp
55225 CR 31
Bristol, IN 46507
574-825-3501

Builder:
Freedom Builders

DRAWINGS PROVIDED BY:
Star Home Center
12737 CR 30
Middlebury IN
574-312-2880

10/8/2024
SCALE:
N/A
SHEET:
K-2



Foundation
1/4 in = 1 ft

These plans were prepared with standard construction practices in mind. The contractor is responsible for verifying all dimensions and conditions on site before construction. The contractor is responsible for obtaining all necessary permits, approvals, and clearances.

Kyle G. Goff
Project Manager
STAR Home Center
12737 CR 30
Middlebury, IN 46507
574-825-3501

Customer:
Jesse Chupp
55225 CR 31
Bristol, IN 48507
574-825-3501

Builder:
Freedom Builders

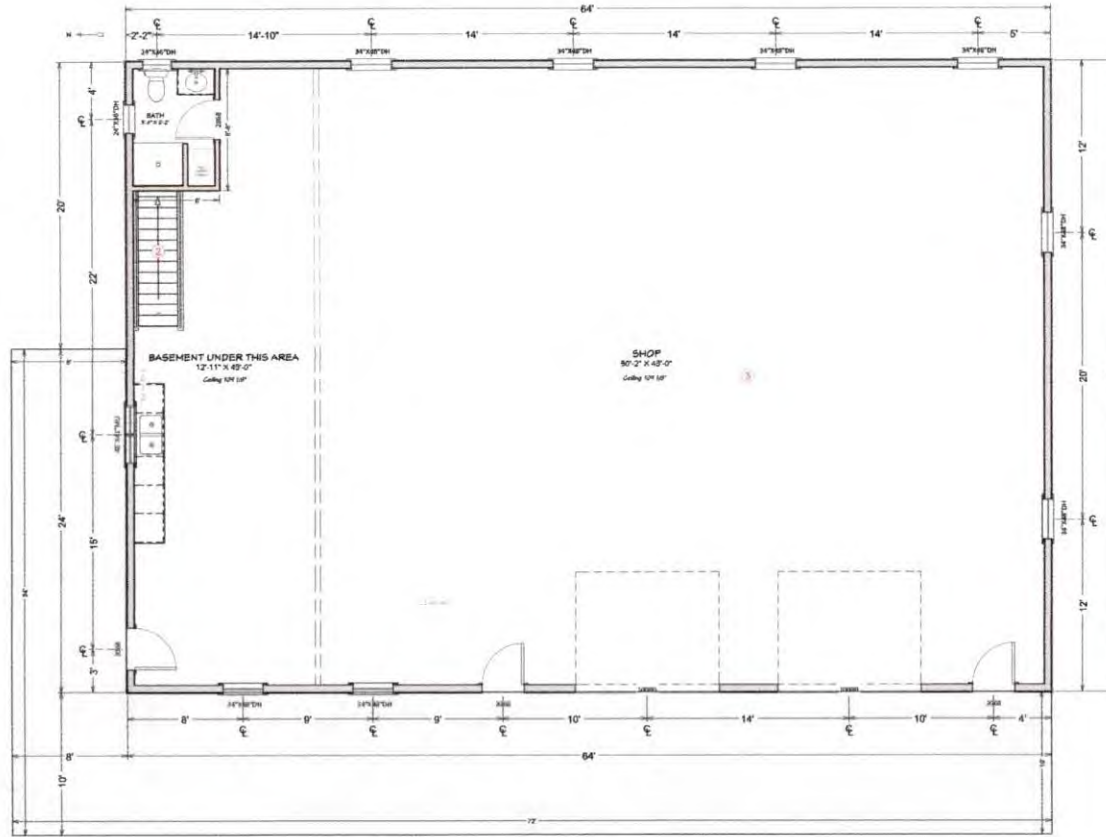
DRAWINGS PROVIDED BY:
Star Home Center
12737 CR 30
Middlebury, IN
574-312-2880

10/8/2024

SCALE:

SHEET:

K-3



1st Floor
1/4 in = 1 ft

AREA SQ FT SCHEDULE	
ROOM NAME	AREA, INTERIOR
SHOP	2155
BASEMENT UNDER THIS AREA	473
PATIO	703
ATTIC	1113
ATTIC	609
BATH	45
BASEMENT	512
ROOM IN ATTIC	940
TOTALS:	6550

NOTE SCHEDULE	
①	ATTIC ACCESS & LOCATION TBD (SHOWN ARE DALAM PULL-DOWN STAIRS)
②	BASEMENT STAIRS WIDTH: 36" TREAD DEPTH: 9" TREADS: 13 RISER HEIGHT: 7 1/2"
③	FLOOR DRAIN (LOCATION TO BE CONFIRMED)
④	CONCRETE PAD

WALL SCHEDULE	
2D SYMBOL	WALL TYPE
	-EXT. 2X6 MATCH EXISTING SIDING
	8" CONCRETE STEM WALL
	-INT. 2X4
	REVERSE BRICK LEDGE

These areas were prepared with standard construction practices in mind. Due to variations in soils, local and regional building codes, and other site-specific conditions, the contractor is responsible for verifying the appropriateness of the details in relation to the local building codes and ensuring that it is compliant to become code compliant. All dimensions are in feet and inches.

Star Home Center
12737 CR 30
Middlebury, IN 46507
574-312-2880

1st Floor Plan

Jesse Chupp
55225 CR 31
Bristol, IN 46507
574-825-3501

Freedom Builders

Star Home Center
12737 CR 30
Middlebury, IN
574-312-2880

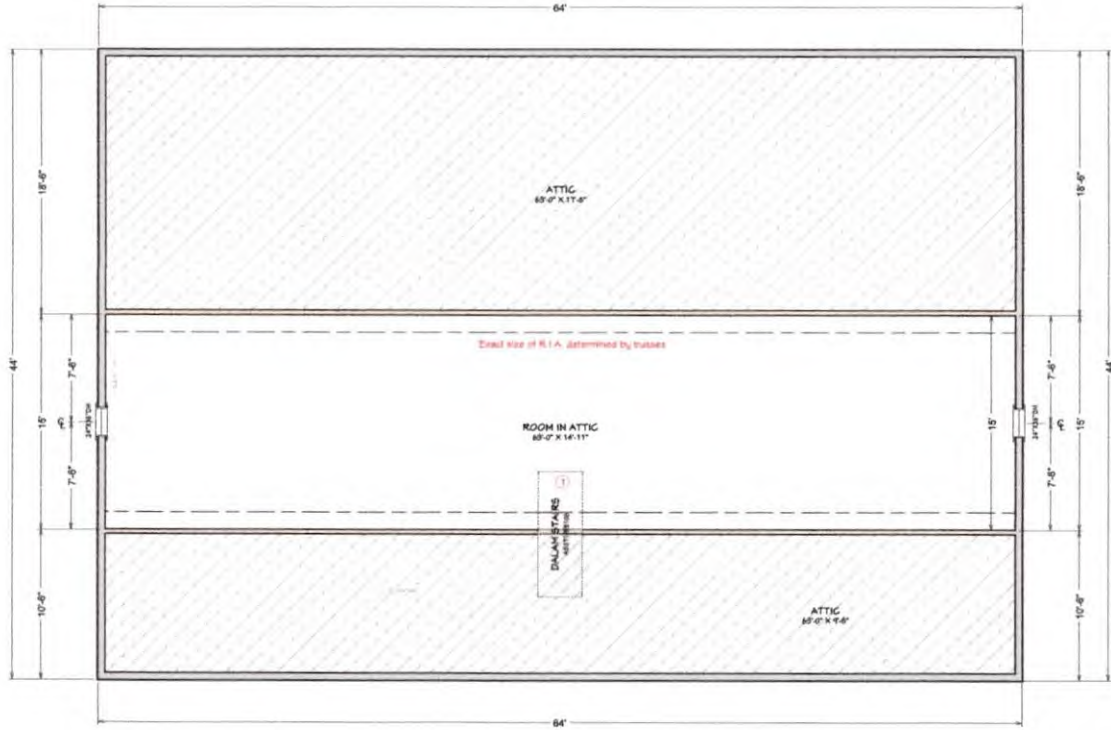
10/8/2024

SCALE:

N/A

SHEET:

K-4



2nd Floor
1/4 in = 1 ft

AREA SQ FT SCHEDULE	
ROOM NAME	AREA, INTERIOR
SHOP	2155
BASEMENT UNDER THIS AREA	473
PATIO	703
ATTIC	1113
ATTIC	609
BATH	45
BASEMENT	512
ROOM IN ATTIC	940
TOTALS:	6550

NOTE SCHEDULE	
1	ATTIC ACCESS & LOCATION TBD (SHOWN ARE DALAM PULL-DOWN STAIRS)
2	BASEMENT STAIRS WIDTH: 36" TREAD DEPTH: 9" TREADS: 13 RISER HEIGHT: 7 1/2"
3	FLOOR DRAIN (LOCATION TB CONFIRMED)
4	CONCRETE PAD

WALL SCHEDULE	
2D SYMBOL	WALL TYPE
	-EXT. 2X6 MATCH EXISTING SIDING
	8" CONCRETE STEM WALL
	-INT. 2X4
	REVERSE BRICK LEDGE

These plans were prepared by ProVia, Inc. and its subsidiaries, including Silvercraft, Trusscore, and Schlage. They are intended to provide a general overview of the proposed construction. They are not intended to be used as a contract document. All dimensions and materials are subject to change without notice. ProVia, Inc. and its subsidiaries are not responsible for any errors or omissions in these plans. It is the responsibility of the client to verify all information and ensure that it is correct before construction begins. ProVia, Inc. and its subsidiaries are not responsible for any damages, claims, or lawsuits arising from the use of these plans.

Customer: **Kyle Gofner**
Project: **STAR Home Center**
Address: **12737 CR 30**
City: **Middlebury, IN**
Zip: **46507**
Phone: **574-525-3501**

Customer: **Jesse Chupp**
Address: **45225 CR 31**
City: **Bethel, IN**
Zip: **46507**
Phone: **574-525-3501**

Customer: **Freedom Builders**

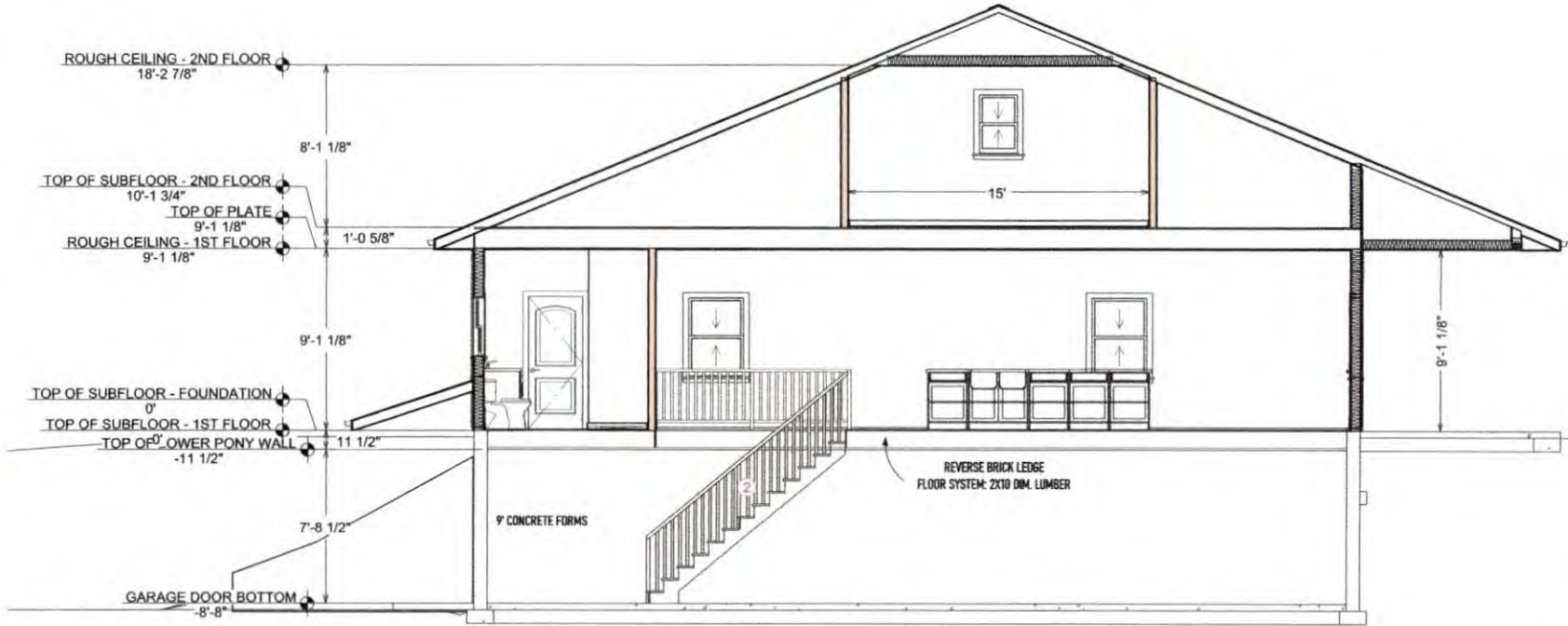
Customer: **Star Home Center**
Address: **12737 CR 30**
City: **Middlebury, IN**
Zip: **46507**
Phone: **574-312-2880**

DATE: **10/8/2024**

SCALE: **N/A**

SHEET: **7**

SHEET: **5**



Elevation 2
3/8 in = 1 ft

AREA SQ FT SCHEDULE	
ROOM NAME	AREA INTERIOR
SHOP	2155
BASEMENT UNDER THIS AREA	473
PATIO	703
ATTIC	1113
ATTIC	609
BATH	45
BASEMENT	512
ROOM IN ATTIC	940
TOTALS	6550

NOTE SCHEDULE	
1	ATTIC ACCESS & LOCATION TBD (SHOWN ARE DALAM PULL-DOWN STAIRS)
2	BASEMENT STAIRS WIDTH: 36" TREAD DEPTH: 9" TREADS: 13 RISER HEIGHT: 7 1/2"
3	FLOOR DRAIN (LOCATION TB CONFIRMED)
4	CONCRETE PAD

WALL SCHEDULE	
2D SYMBOL	WALL TYPE
	-EXT. 2X6 MATCH EXISTING SIDING
	8" CONCRETE STEM WALL
	-INT. 2X4
	REVERSE BRICK LEDGE

Please refer to all drawings with specific quantities, materials, and notes. It is the responsibility of the contractor to verify all information and ensure that it is correct to become a condition of acceptance, and complete.

Star Home Center
12737 CR 30
Middlebury IN
574-825-2880

Customer:
Jesse Chupp
55225 CR 31
Ellettsville, IN 46037
574-825-3501

Builder:
Freedom Builders

Star Home Center
12737 CR 30
Middlebury IN
574-825-2880

DATE: 10/8/2024

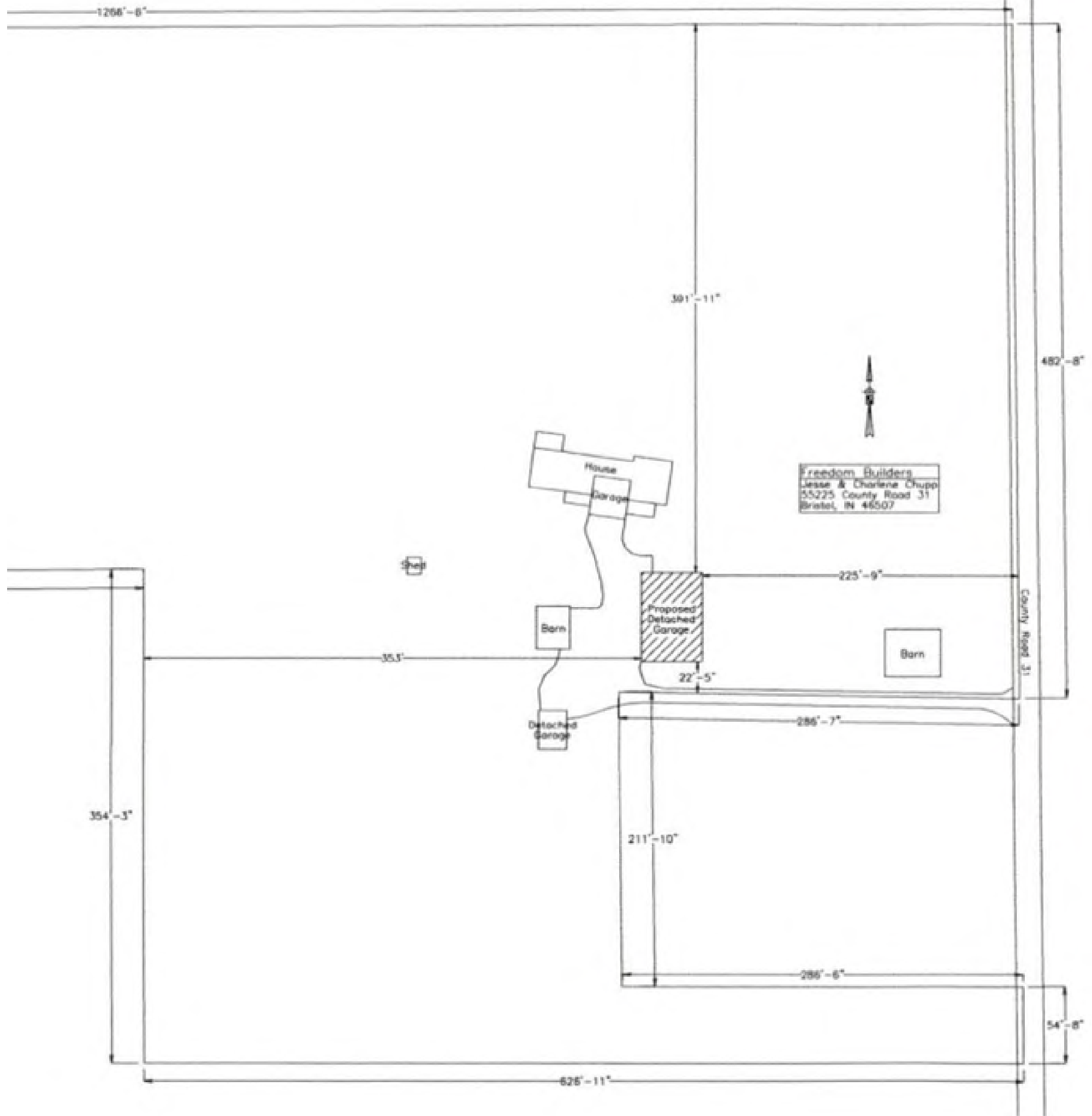
SCALE: N/A

SHEET: K-7

10/8/2024

N/A

K-7

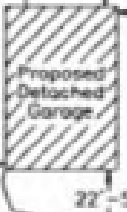


1206'-0"

301'-11"

482'-8"

Freedom Builders
Jesse & Charlene Chupp
55225 County Road 31
Bristol, IN 46507



35.5'

225'-9"

County Road 31

22'-5"

286'-7"

354'-5"

211'-10"

286'-6"

54'-6"

626'-11"

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: February 19, 2025

Transaction Number: DV-0016-2025.

Parcel Number(s): Part of 20-08-21-100-017.000-034.

Existing Zoning: A-1.

Petition: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement on proposed parcels 1 & 3.

Petitioner: Lamar Schlabach & Nancy Schlabach, Husband & Wife.

Location: Southeast end of the easement, 650 ft. South of CR 22, 1,920 ft. Northeast of CR 35, in Middlebury Township.

Site Description:

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

History and General Notes:

- A subdivision will be needed prior to permits being issued.

Staff Analysis:

Staff finds that:

1. Approval of the requests will not be injurious to public health, safety, morals, or general welfare. The use of the existing driveway will keep the sight distances the same for the current adjacent driveways, and won't cause safety issues.
2. Approval of the requests will not cause substantial adverse effect on neighboring property. Lot 1 is 3 acres and lot 3 is 1.79 acres, they are in a medium-density residential and agricultural area, and the properties will remain residential and agricultural 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 variance, residences would not be permitted, and the properties will remain nonconforming.

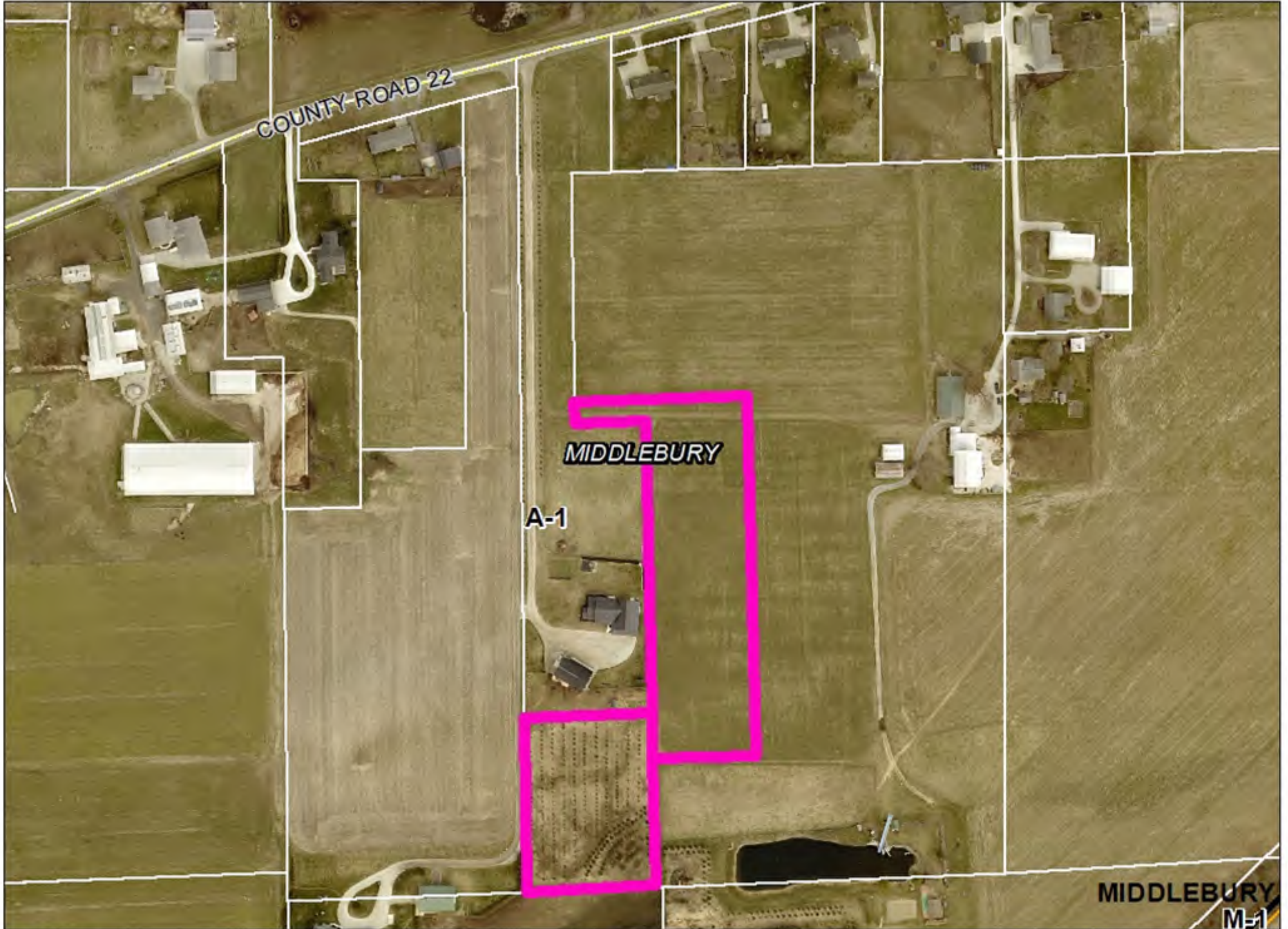
Hearing Officer Staff Report (Continued)

Hearing Date: February 19, 2025

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 subdivision is required.
3. The request is approved in accordance with the site plan submitted (dated 1/8/2025) and as represented in the Developmental Variance application.

DV-0016-2025



2021 Aerials

1 inch = 225 feet



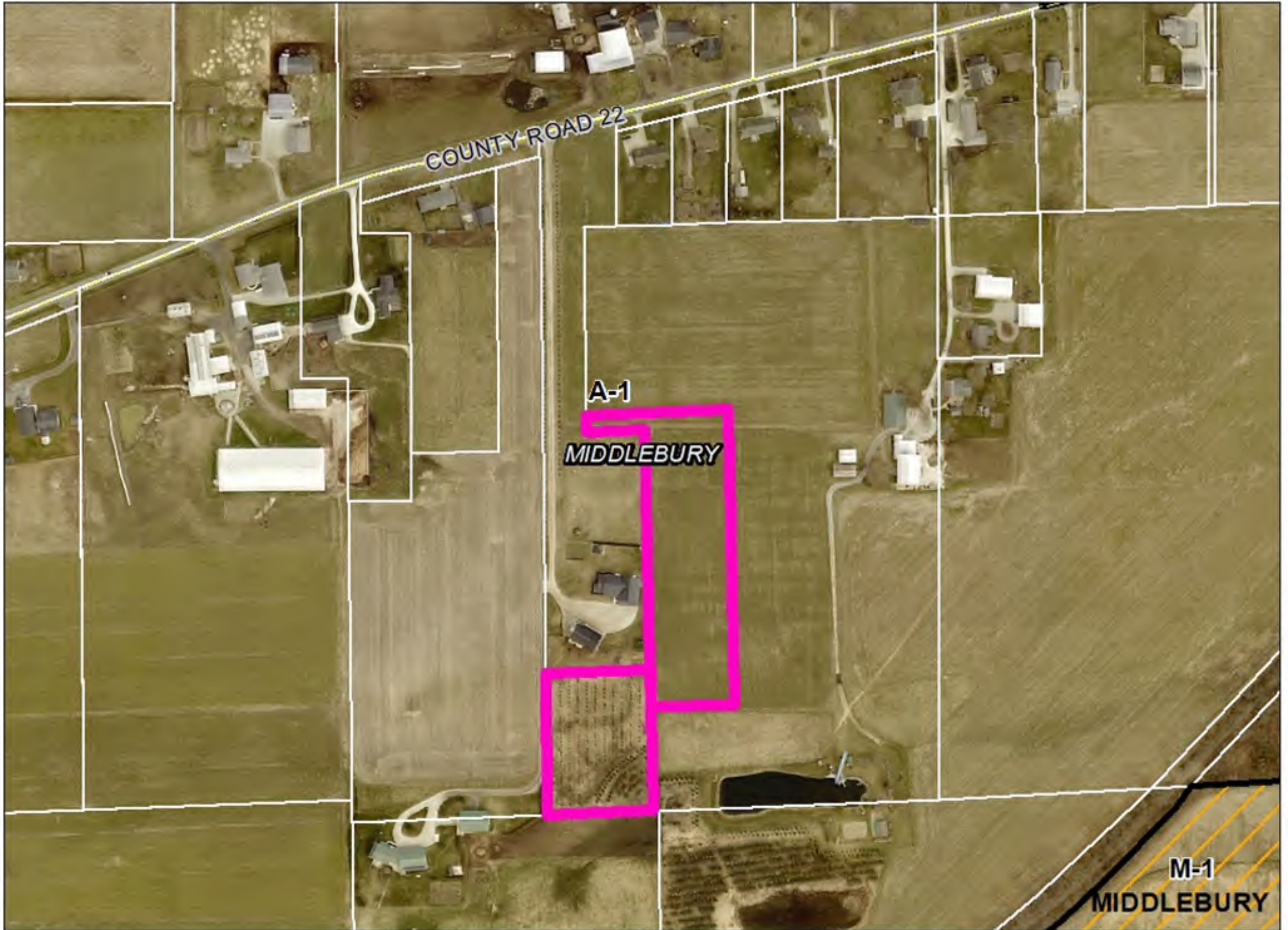
DV-0016-2025

COUNTY ROAD 22

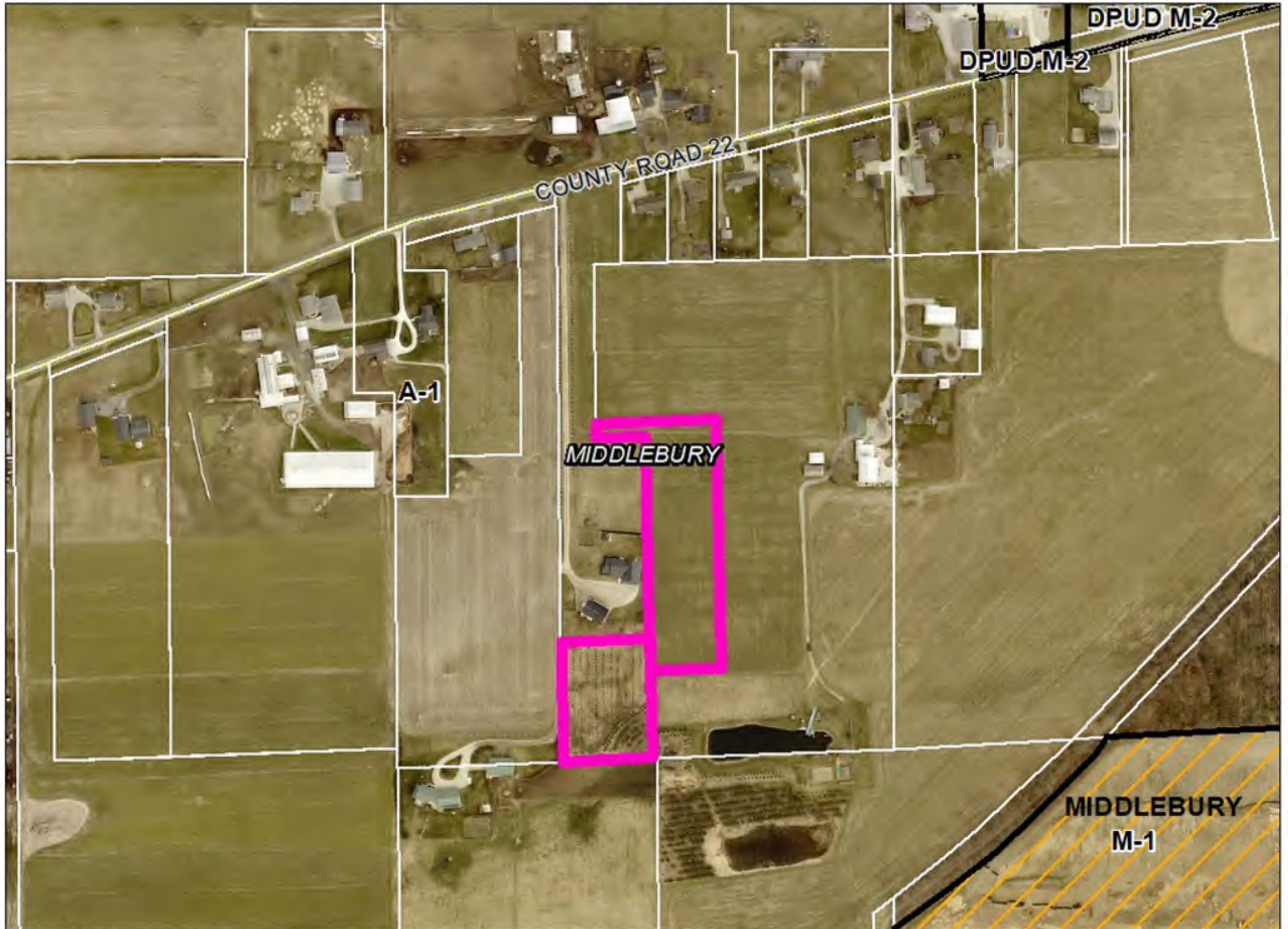
A-1

MIDDLEBURY

M-1
MIDDLEBURY



DV-0016-2025



2021 Aerials

1 inch = 325 feet





Subject property, facing South



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-0016-2025

Date: 01/08/2025

Meeting Date:

February 19, 2025

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0016-2025

Description: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement on lots 1 & 3

Contacts: Applicant

Freedom Builders

54824 Cr 33

Middlebury, IN 46540

Authorized Agent

Freedom Builders

54824 Cr 33

Middlebury, IN 46540

Land Owner

Lamar Schlabach And Nancy

Schlabach, Husband And Wife

13574 Cr 22

Middlebury, IN 46540

Site Address: 00000 County Road 22
MIDDLEBURY, IN 46540

Parcel Number: Part of 20-08-21-100-017.000-034

Township: Middlebury

Location: SOUTH SIDE OF CR 22, 1,920 FT NORTHEAST OF CR 35

Subdivision:

Lot #

Lot Area: 3.01 Frontage: 0.00 Depth: 637.52

Zoning: A-1

NPO List:

Present Use of Property: VACANT LAND

Legal Description:

Comments: PARCEL CREATED 12/20/2024
PROPERTY OWNER TO FILE AN ADMIN SUB

Applicant Signature:

Department Signature:

Application

Site address: County Road 22 Middlebury, IN 46540

Parcel number(s): 20-08-21-100-034.000-034

Current property owner

Name: Lamar & Nancy Schlabach

Address: 13574 County Road 22 Middlebury, IN 46540

Phone: _____ Email: _____

Other party

Agent Buyer Land contract purchaser Lessee

Name: Jeremiah Hochstetler (Freedom Builders)

Address: 54824 County Road 33 Middlebury, IN 46540

Phone: 574-350-0078 Email: jh.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: Jeremiah Hochstetler

Staff Use Only

Description: _____

Parcel creation date: 12-20-2024

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 22,
1,920 ft. N S E W of CR 35,
in Middlebury Township

Frontage: 0 **Depth:** 637.52 **Area:** 3.01 acres

Subdivision and lot number, if applicable: _____

Present use: Vacant

Developmental Variance – Questionnaire

Name: Lamar + Nancy Schlabach

1) Tell us what you want to do. DV to allow for the construction of a residence on property with no road frontage served by an access easement

2) Tell us why you can't change what you're doing so you don't need a variance. Due to the configuration of the surrounding parcels, this property has no available road frontage

3) Tell us why the variance won't hurt your neighbors or the community. The proposed residential development will not greatly increase traffic or impede views in the neighborhood.

4) Does the property need well and septic? Well: [X] Y [] N Septic: [X] Y [] N
Does the property need a new septic system? [X] 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? [X] Y [] N
If yes, fill out below.
Is the easement existing? [X] Y [] N If the easement is existing, is it recorded? [X] Y [] N
Tell us who owns (will own) the land under the easement. Lyndon & Vonda Schlabach
Tell us how many parcels will use the easement. 2

7) Does the application include variances for signs? [] Y [X] 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.

JAN - 8 202

COUNTY ROAD 22
S 75°42'08" W
221.28'

LYNDON J. & VONDA
R. SCHLABACH
DR 2021-01100

SOUTH LINE SW 1/4 SECTION 161-37-7 S 88°27'07"
NORTH LINE NW 1/4 SECTION 21-37-7

N 00°25'22" W 641.54'
INGRESS-EGRESS EASEMENT

LINE	BEARING	DISTANCE
L1	S 89°34'38" W	70.10'
L2	N 76°00'32" E	50.86'
L3	N 00°26'18" W	30.01'

S 00°25'22" E 818.78'
S 00°26'18" E 436.89'

LAMAR & NANCY SCHLABACH
DR 2002-15631

POINT OF BEGINNING
PARCEL 1 & INGRESS-
EGRESS EASEMENT

N 88°28'01" E 321.11'

L1

131.90'

100.02'
S 89°34'38" W

S 88°28'01" W

LYNDON J. & VONDA R.
SCHLABACH
DR 2021-01100

LAMAR
DR 21

PARCEL 1
3.01 Acres

POINT OF BEGINNING
PARCEL 3

243.07'
N 88°02'32" E

S 01°33'06" E 546.87'
N 01°33'06" W 637.52'

S 01°33'06" E
872.59'

PARCEL 3

LAMAR & NANCY SCHLABACH
DR 2002-15631

189.87'
N 89°58'48" W

N 00°25'22" W 311.00'

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: February 19, 2025

Transaction Number: DV-0020-2025.

Parcel Number(s): 20-10-04-100-011.000-016.

Existing Zoning: A-1.

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

Petitioner: Steve L. Miller.

Location: East side of CR 9, 1,315 ft. South of CR 28, in Harrison Township.

Site Description:

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

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

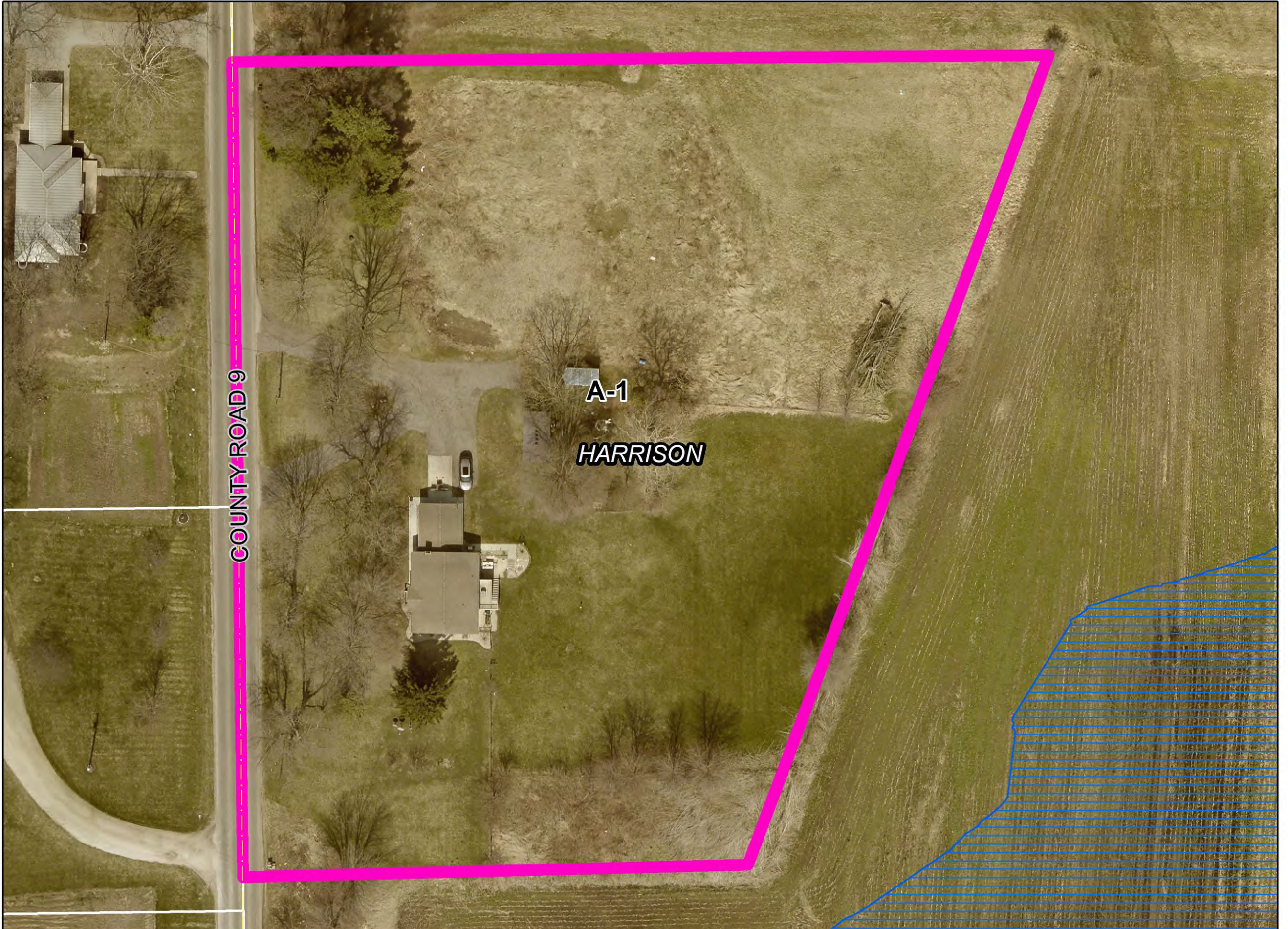
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 2,544 sq. ft., or 84 percent, over what is allowed by right and all other development standards are being met. A building of this size is not out of character for this area and will not cause any adverse effects for neighboring properties.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The parcel is 3 acres in a low-density residential and agricultural area, and the property will remain residential in character.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. With the benefit of the variance, the property would be nonconforming and the proposed structure reduces the need for outdoor storage.

Hearing Officer Staff Report (Continued)

Hearing Date: February 19, 2025

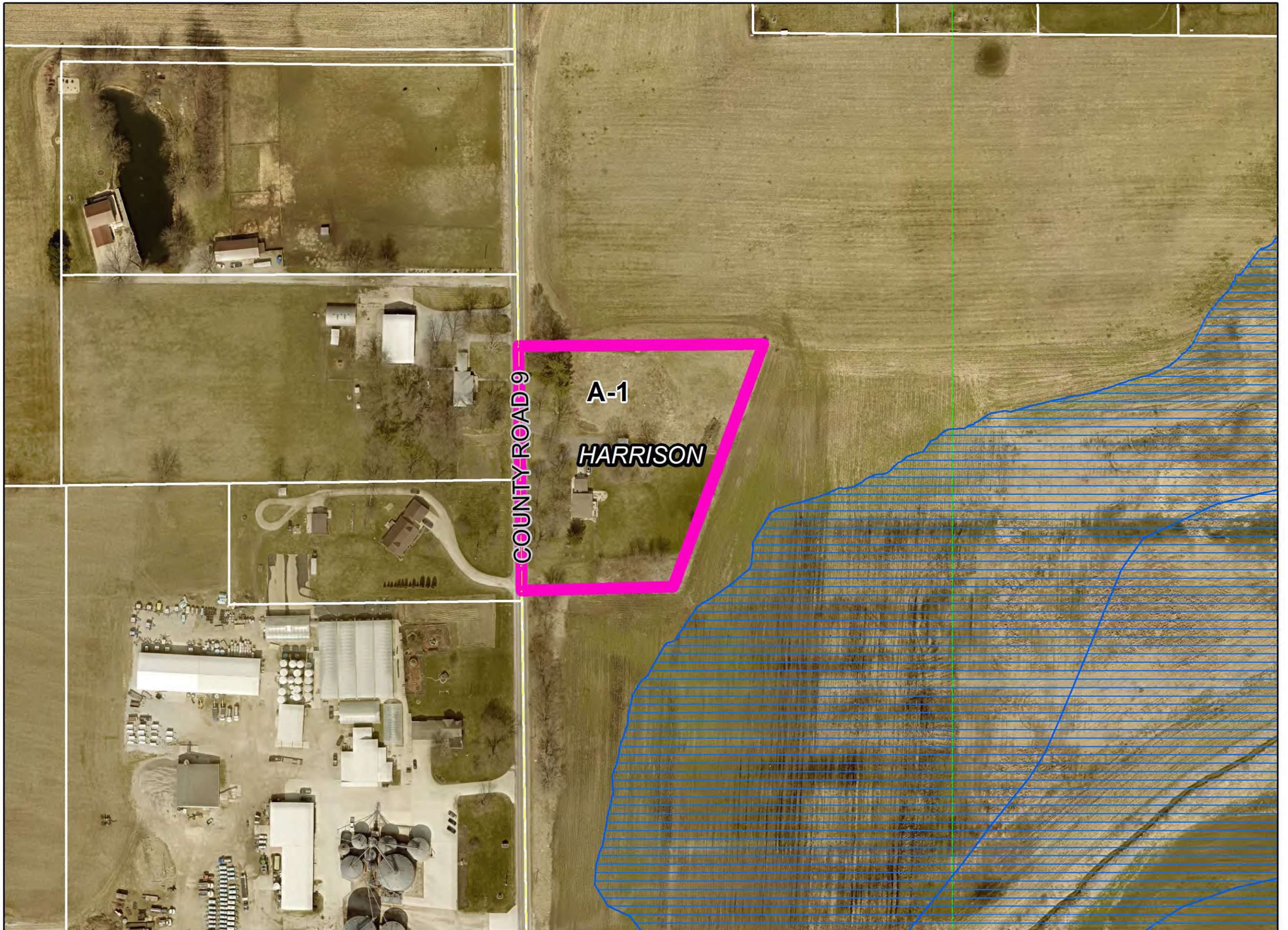
Staff recommends **APPROVAL** with the following condition(s) imposed:

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 1/9/2025) and as represented in the Developmental Variance application.



COUNTY ROAD 9

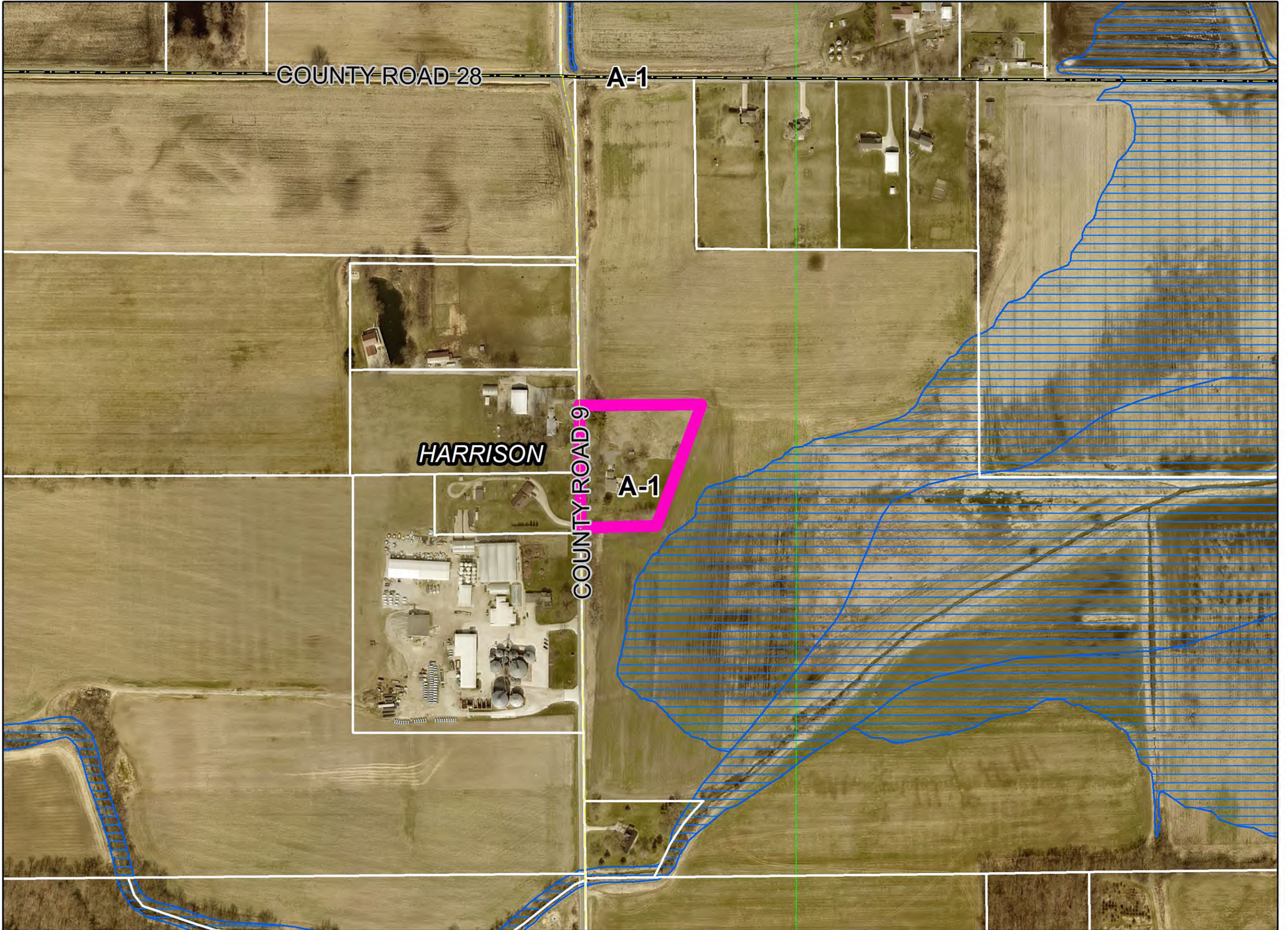
A-1
HARRISON



COUNTY ROAD 9

A-1
HARRISON







Subject property, facing East



Subject property, location of new structure



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-0020-2025

Date: 01/09/2025

Meeting Date:

February 19, 2025

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0020-2025

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

Contacts: Applicant

Steve L Miller

61256 County Road 9

Elkhart, IN 46517

Land Owner

Steve L Miller

61256 County Road 9

Elkhart, IN 46517

Site Address: 61256 County Road 9
Elkhart, IN 46517

Parcel Number:

20-10-04-100-011.000-016

Township: Harrison

Location: EAST SIDE OF CR 9, 1315 FT. SOUTH OF CR 28

Subdivision:

Lot #

Lot Area: 3.01 Frontage: 405.00

Depth: 246.20

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL DWELLING

Legal Description:

Comments: CREATION DATE 9-26-2005

SUBDIVISION NOT NEEDED, PARCEL IS 3 ACRES AND HAS AN EXISTING RESIDENCE

RESIDENCE = 2128 SF X 200% = 4256 SF MINUS 384 GARAGE, 288 SHED EQUALS 3584 SF MINUS 4000 SF BARN = 416 SF OVER ALLOWANCE.

Applicant Signature:

Department Signature:

Application

Site address: 61256 CR. 9 ELKHART, IN 46517

Parcel number(s): 20-10-04-100-011.000-016

Current property owner

Name: Steve L. Miller

Address: 61256 CR. 9 ELKHART, IN 46517

Phone: 574-849-0693 Email: steves3sons3@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: Steve L. Miller

Staff Use Only

Description: _____

Parcel creation date: 9-26-2005

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: Residence = 2,128 SF x 200% = 4,256 SF minus 384 SF (Garage) and 288 SF shed = 3584 SF minus proposed 4,000 SF building = 416 SF over allowance

Location: N S (E) W corner (side) end of CR 9,
1315 ft. N S (E) W of CR 28,
in Harrison Township

Frontage: 405 Depth: 246.20 Area: 3.01 acres

Subdivision and lot number, if applicable: _____

Present use: Residential

Developmental Variance — Questionnaire

Name: Steve L. Miller

1) Tell us what you want to do. Put up A 50'x80' Pole barn with 12' porch

2) Tell us why you can't change what you're doing so you don't need a variance. Because im over whats Allowed and dont want to Ad on Later.

3) Tell us why the variance won't hurt your neighbors or the community. Nothing Impeded with them At All And everyone WAS buildings out here. HAVE TALKED with Neighbors AND NO ONE WAS AGAINST it.

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

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

Building or addition 1 Size and height to the peak: 50'x80' 24' to Peak
Tell us what you'll use it for. PERSONAL USE AND STORAGE

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

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

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

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

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

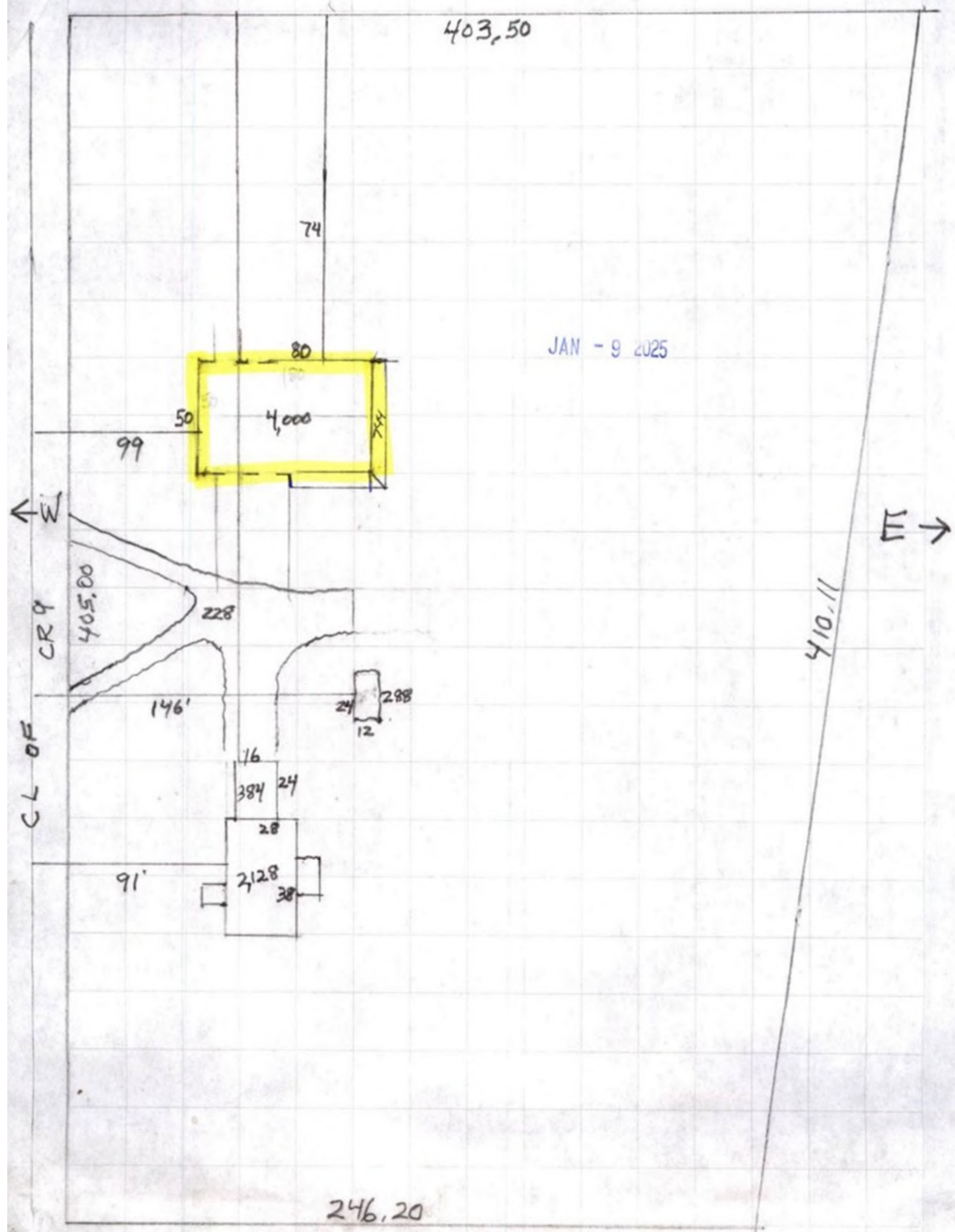
Sign 1 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N

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

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

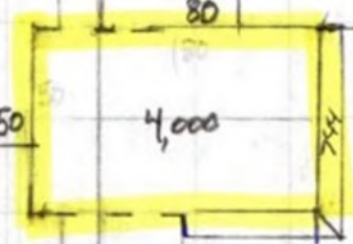
8) Does the application include a variance for parking spaces? Y N
If yes, tell us how many total there will be. _____

9) Tell us anything else you want us to know. I think it improves the Look of OUR property too, CAN store STUFF INSIDE NOT outside.



403,50

JAN - 9 2025



← W

E →

CR 9

CL OF

405.00

228

146'

24

288

12

16

384

24

28

91'

2,128

38

410.11

246,20

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: February 19, 2025

Transaction Number: DV-0025-2025.

Parcel Number(s): 20-02-33-283-009.000-026 & 20-02-33-283-010.000-026.

Existing Zoning: R-2.

Petition: For a 1,803 sq. ft. lot-area Developmental Variance (Ordinance requires 15,000 sq. ft.) to allow for the construction of a residence on proposed lot 1, for a 1,809 sq. ft. lot-area Developmental Variance (Ordinance requires 15,000 sq. ft.) to allow for the construction of a residence on proposed lot 2, for a 1,811 sq. ft. lot-area Developmental Variance (Ordinance requires 15,000 sq. ft.) to allow for the construction of a residence on proposed lot 3, for a 14 ft. lot-width Developmental Variance (Ordinance requires 80 ft.) to allow for the construction of a residence on proposed lot 1, and for a 15 ft. lot-width Developmental Variance (Ordinance requires 80 ft.) to allow for the construction of a residence on proposed lots 2 and 3.

Petitioner: Habitat for Humanity of Elkhart County Inc.

Location: West side of Hastings St., 470 ft. north of E. Bristol St., in Osolo Township.

Site Description:

- Physical Improvement(s) – None.
- Proposed Improvement(s) – Residences.
- Existing Land Use – Vacant residential.
- Surrounding Land Use – Residential, commercial, City of Elkhart.

History and General Notes:

- **March 13, 2025** – The Plat Committee will consider a 3-lot minor subdivision to be known as Habitat Hastings Street Minor.

Staff Analysis:

Staff finds that:

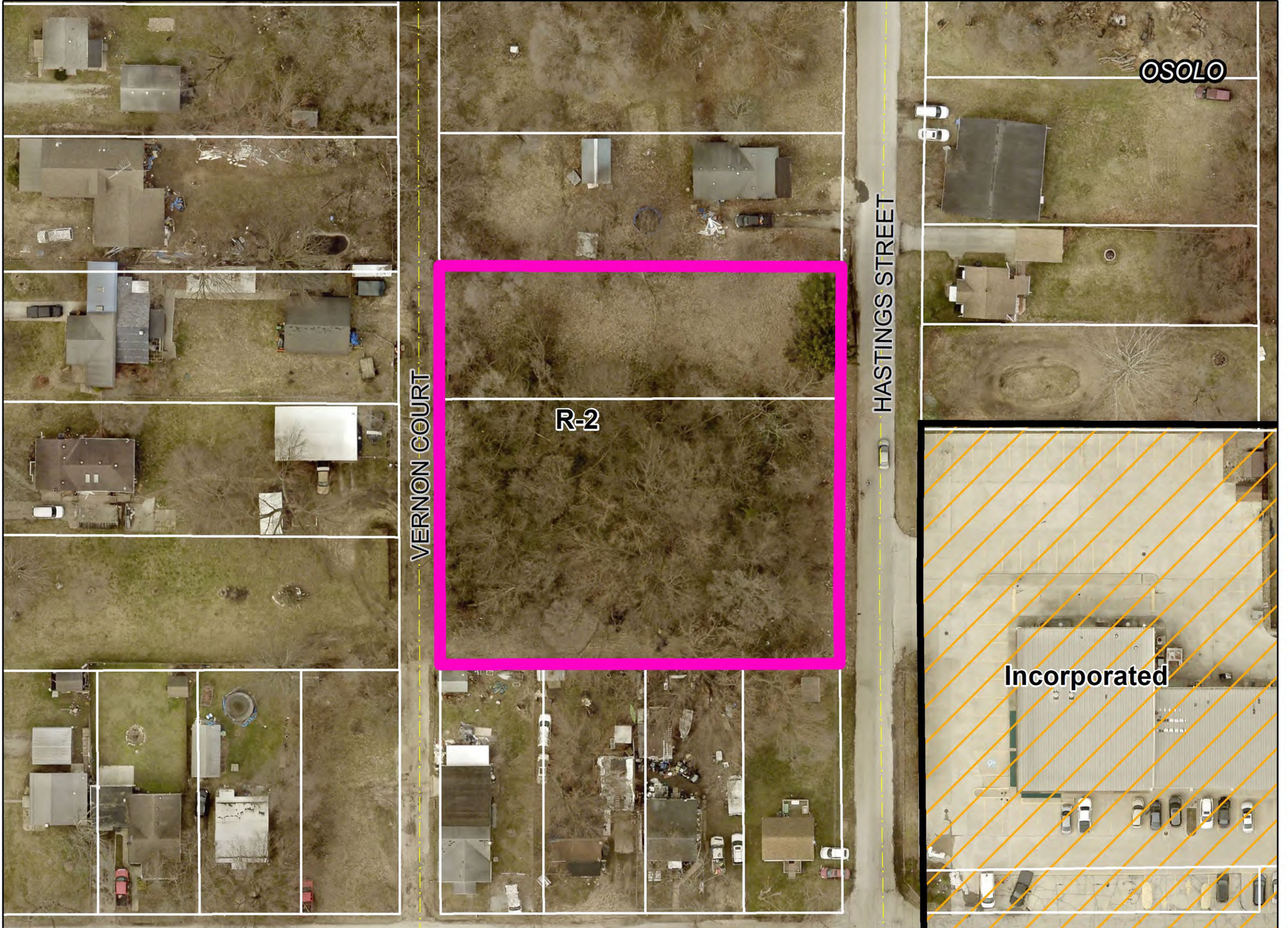
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The variances will promote public welfare and neighborhood character through owner-occupied infill development.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The property, 0.9 acres in a dense residential and commercial area, is already eligible for two homes, and the variances and subdivision will result in only one additional homesite.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Strict application would deny 3 lots with dimensions nearly identical to those of most neighboring lots.

Hearing Officer Staff Report (Continued)

Hearing Date: February 19, 2025

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

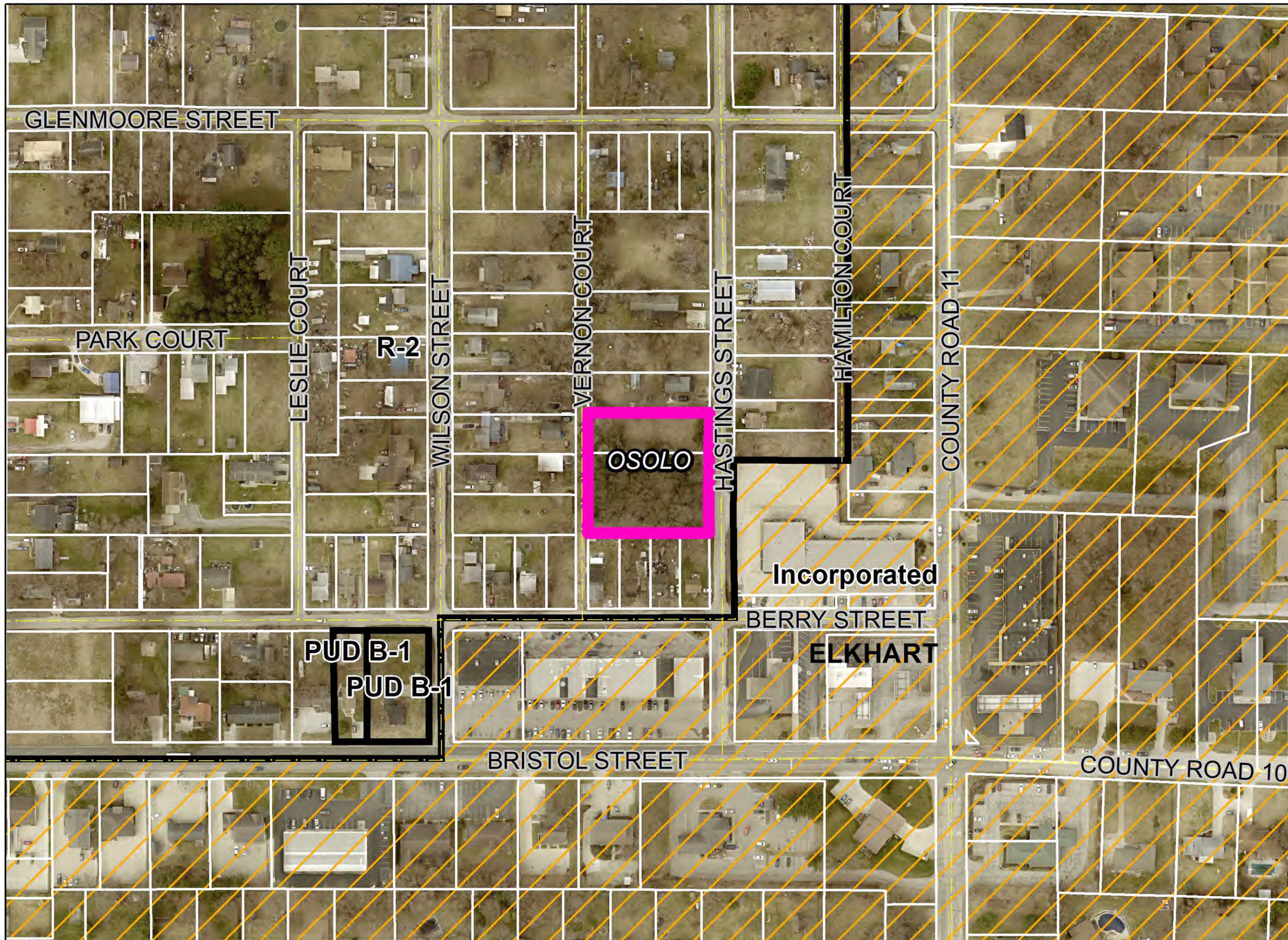
1. Variances from the developmental standards of the Development Ordinance are void unless a subdivision plat is recorded within 180 calendar days from the date of the grant.
2. The request is approved in accordance with the site plan submitted 1/13/2025 and as represented in the Developmental Variance application.

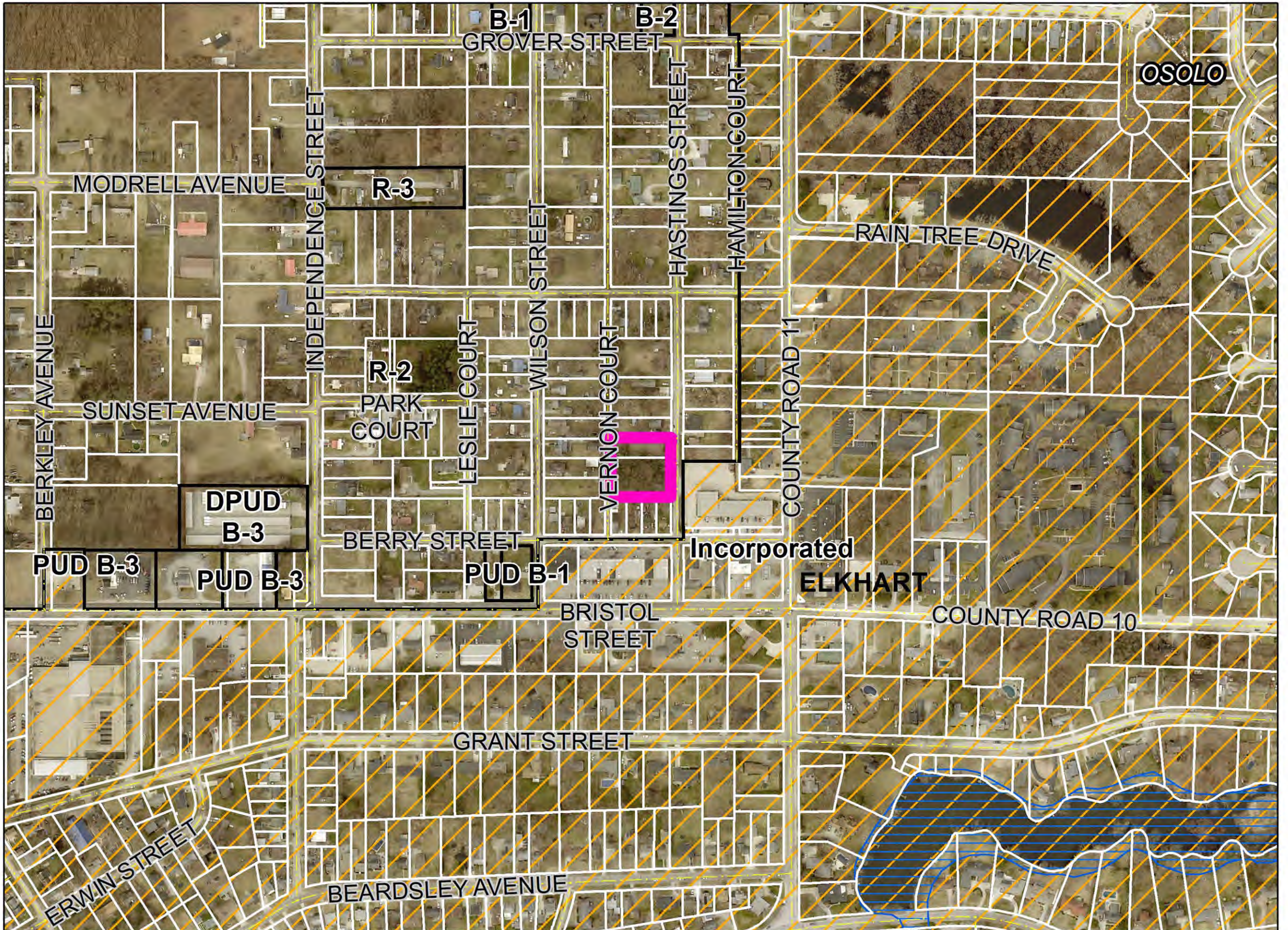


2021 Aerials

1 inch = 60 feet









Subject property, northeast corner



Subject property, southeast corner



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

DV-0025-2025

Developmental Variance - Developmental Variance

Date: 01/13/2025 Meeting Date: February 19, 2025
Board of Zoning Appeals Public Hearing Transaction #: DV-0025-2025

Description: for a 1803 sq. ft. lot-area Developmental Variance (Ordinance requires 15,000 sq. ft.) to allow for the construction of a residence on proposed lot 1, for a 1809 sq. ft. lot-area Developmental Variance (Ordinance requires 15,000 sq. ft.) to allow for the construction of a residence on proposed lot 2, for a 1811 sq. ft. lot-area Developmental Variance (Ordinance requires 15,000 sq. ft.) to allow for the construction of a residence on Proposed lot 3, for a 14 ft. lot-width Developmental Variance (Ordinance requires 80 ft.) to allow for the construction of a residence on proposed lot 1, and for a 15 ft. lot-width Developmental Variance (Ordinance requires 80 ft.) to allow for the construction of residences on lots 2 and 3

<u>Applicant</u>	<u>Land Owner</u>	<u>Private Surveyor</u>
Abonmarche Consultants 303 River Race Dr. Suite 206 Goshen, IN 46526	Habitat For Humanity Elkhart County Inc. P.O. Box 950 Goshen, IN 46527	Abonmarche Consultants 303 River Race Dr. Suite 206 Goshen, IN 46526

Site Address: 00000 ELKHART, IN 46514	Parcel Number: 20-02-33-283-009.000-026 20-02-33-283-010.000-026
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Township: Osolo
Location: WEST SIDE ON HASTINGS ST., 470 FT NORTH OF E. BRISTOL ST.

Subdivision: HABITAT HASTINGS STREET MINOR	Lot # 1, 2, 3
--	---------------

Lot Area: 0.91	Frontage: 198.00	Depth: 200.00
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Zoning: R-2	NPO List:
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Present Use of Property: VACANT

Legal Description:

Comments: REFER TO MI-0024-2025 3 LOT MINOR TO BE KNOWN AS HABITAT HASTINGS STREET MINOR

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

Application

Site address: Vacant Lots - Hasting Street

Parcel number(s): 20-02-33-283-009.000-026 20-02-33-283-010.000-026

Current property owner

Name: Habitat for Humanity of Elkhart County

Address: PO BOX 950 GOSHEN, IN 46527

Phone: (574)533-6109 Office Email: greg@habitatec.com

Other party Agent Buyer Land contract purchaser Lessee

Name: Abonmarche Consultants, Crystal Welsh

Address: 303 River Race Drive Goshen, IN 46526

Phone: 574-314-1027 Email: cwelsh@abonmarche.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: Crystal Welsh

Staff Use Only

Description: developmental variances for lot width and lot areas of 3 proposed minor lots

Parcel creation date: creating new minor sub Habitat Hastings Street minor

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N S E (W) corner (side) end of Hastings St
470 ft. (N) S E W of E. Bristol St.
in Osolo Township

Frontage: 198 Depth: 200 Area: .909 acres

Subdivision and lot number, if applicable: Habitat Hastings Street minor

Present use: Vacant Lots 1, 2, 3

Developmental Variance — Questionnaire

Name: Habitat for Humanity of Elkhart County - Hasting Street

1) Tell us what you want to do. _____

Build three new single-family owner-occupied homes on lots that have 65 feet of lot frontage where 80 feet is required and total lot area of 13,000 sqft where 15,000 sqft is required in the R-2 Zoning District.

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

These were lots in an unrecorded subdivision so where platted smaller than current standards allow.

3) Tell us why the variance won't hurt your neighbors or the community. _____

These new single-family homes are consistent with the neighborhood and bring new homeowners to the area.

4) Does the property need well and septic? Well: Y N Septic: Y N

Does the property need a new septic system? Y N

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

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

Building or addition 1 Size and height to the peak: +/- 1,200 sqft - 1 story building

Tell us what you'll use it for. _____

Building or addition 2 Size and height to the peak: _____

Tell us what you'll use it for. _____

Building or addition 3 Size and height to the peak: _____

Tell us what you'll use it for. _____

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

~~If yes, fill out below.~~

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

~~Tell us who owns (will own) the land under the easement. _____~~

~~Tell us how many parcels will use the easement. _____~~

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

~~**Sign 1** Dimensions (length and width): _____~~

~~Existing? Y N Double faced? Y N~~

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

~~Freestanding? Y N Wall mounted? Y N~~

~~**Sign 2** Dimensions (length and width): _____~~

~~Existing? Y N Double faced? Y N~~

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

~~Freestanding? Y N Wall mounted? Y N~~

~~**Sign 3** Dimensions (length and width): _____~~

~~Existing? Y N Double faced? Y N~~

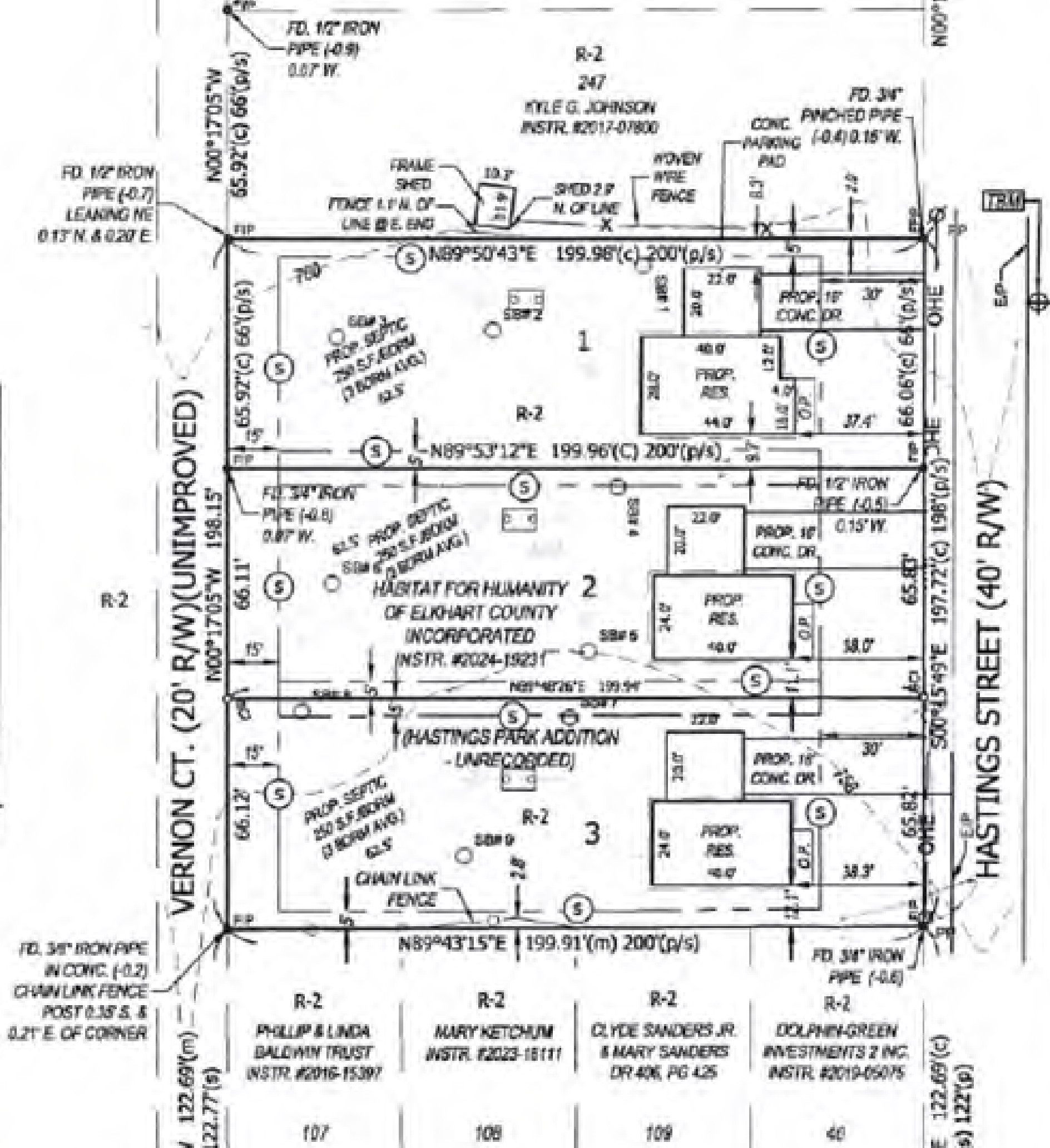
~~Electronic message board? Y N If no, lighted? Y N~~

~~Freestanding? Y N Wall mounted? Y N~~

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

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

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



PROPOSED
 RESPONSE
 HUMANITY
 FEET FROM
 RANGE 5 E

 DENSITY
 TOTAL PM

 ZONING R1
 SETBACKS
 FRONT YARD
 SIDE YARD
 REAR YARD

 MINIMUM
 MAXIMUM
 MINIMUM

VERNON CT. (20' R/W)(UNIMPROVED)
 N00°17'05"W 198.15'
 N00°17'05"W 122.69'(m)
 122.77'(6)

HASTINGS STREET (40' R/W)
 S00°45'49"E 197.72'(c) 198'(p/s)
 N00°15'15"E 122.69'(c)
 122.77'(6)

R-2	R-2	R-2	R-2
PHILLIP & LINDA BALDWIN TRUST INSTR. #2016-15397	MARY KETCHUM INSTR. #2023-18111	CLYDE SANDERS JR. & MARY SANDERS DR 406, PG 425	DOLPHIN-GREEN INVESTMENTS 2 INC INSTR. #2019-05075
107	108	109	40

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: February 19, 2025

Transaction Number: DV-0026-2025.

Parcel Number(s): Part of 20-04-19-401-013.000-032.

Existing Zoning: A-1.

Petition: For a 79 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence.

Petitioner: Ashley Pegg Charles & David A. Charles, Wife & Husband (Buyers), & Mark A. Kelich & Larry D. Elsworth (Sellers).

Location: South side of Mary Wade Dr., 625 ft. south of Foxtail Dr., West of CR 131, in York Township.

Site Description:

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

History and General Notes:

- **November 9, 2001** – Neighboring Mary Wade Acres Phase 2 was recorded with no indications of future phases.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. A lot width reduction does not threaten public safety in a residential neighborhood with existing density.
2. Approval of the request will not cause substantial adverse effect on neighboring property. Neighboring property comprises only undeveloped area, the toll road, and one homesite. The proposed lot is approximately 27,500 sq. ft. in a residential area of mixed density.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Full use of the available road frontage on the south side of Mary Wade Dr. keeps the stub area open for future development.

Hearing Officer Staff Report (Continued)

Hearing Date: February 19, 2025

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 1/13/2025 and as represented in the Developmental Variance application.
3. A subdivision is required.





DV-0026-2025



2021 Aerials

1 inch = 175 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-0026-2025

Date: 01/13/2025 Meeting Date: February 19, 2025
Board of Zoning Appeals Public Hearing Transaction #: DV-0026-2025

Description: for a 79 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence.

<u>Applicant</u>	<u>Land Owner</u>	<u>Land Owner</u>
Mark A. Kelich Larry D. Elsworth (Jt Ten W/ Rt Sur) (Seller) 52541 Cr 131 Bristol, IN 46507	Mark A. Kelich Larry D. Elsworth (Jt Ten W/ Rt Sur) (Seller) 52541 Cr 131 Bristol, IN 46507	Ashley Peg Charles & David A. Charles (Buyer) 15330 William Paul Dr. Bristol, IN 46507

Site Address: 00000 Mary Wade Dr. BRISTOL, IN 46507	Parcel Number: 20-04-19-401-013.000-032
--	---

Township: York
Location: SOUTH SIDE OF MARY WADE DR., 625 FT S OF FOXTAIL DR., WEST OF CR 131

Subdivision:	Lot #
--------------	-------

Lot Area:	Frontage: 21.00	Depth: 160.00
-----------	-----------------	---------------

Zoning: A-1	NPO List:
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Present Use of Property: VACANT LAND

Legal Description:

Comments:

Applicant Signature:

Department Signature:

Application

Site address: It is at the Dead End Part on Mary Wade Drive

Parcel number(s): #401-013

Current property owner 20-04-19-401-013.000-032.
-012

Name: Mark A. Helich and Larry D. Elsworth (SEWER)

Address: 52541 County Road 131 Bristol, IN 46507

Phone: (574) 536-9819 Email: HelichMark80@gmail.com

Other party Agent Buyer Land contract purchaser Lessee

Name: Ashley Pegg Charles and David A. Charles (BUYER)

Address: 15330 William Paul Drive Bristol, IN 46507

Phone: (574) 206-6137 Email: CharlesD12071984@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: X

Staff Use Only

Description: for a 28ft. lot-width Developmental Variance (ordinance requires 100ft) to allow for the construction of a residence.

Parcel creation date: 5/30/13

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 MARY WADE DR.
845 ft. N S E W of CR 131

in YORK Township

Frontage: 50 FT. Depth: 995 FT. Area: 15.21 acres

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

Present use: VACANT LAND.

A-1 ZONE.

Developmental Variance — Questionnaire

Name: Ashley Pegg Charles and David A. Charles

1) Tell us what you want to do. We are applying for a 28/72 variance so that we can place a modular home on property parcel #401-013.

2) Tell us why you can't change what you're doing so you don't need a variance. My father (Mark Helich) will be gifting me (Ashley Pegg Charles) property to put a home on. This piece of property has only 28 ft of road frontage so a variance will be required.

3) Tell us why the variance won't hurt your neighbors or the community. The piece of property is located directly next to the Mary Wade Acre Subdivision. As this is already a subdivision community beside it, I do not feel that it would negatively effect the community.

4) Does the property need well and septic? Well: [X] Y [] N Septic: [X] Y [] N
Does the property need a new septic system? [X] 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? [X] 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. Primary Home/dwelling (Ranch Style Home)

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 [X] 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 [X] N If yes, fill out below.

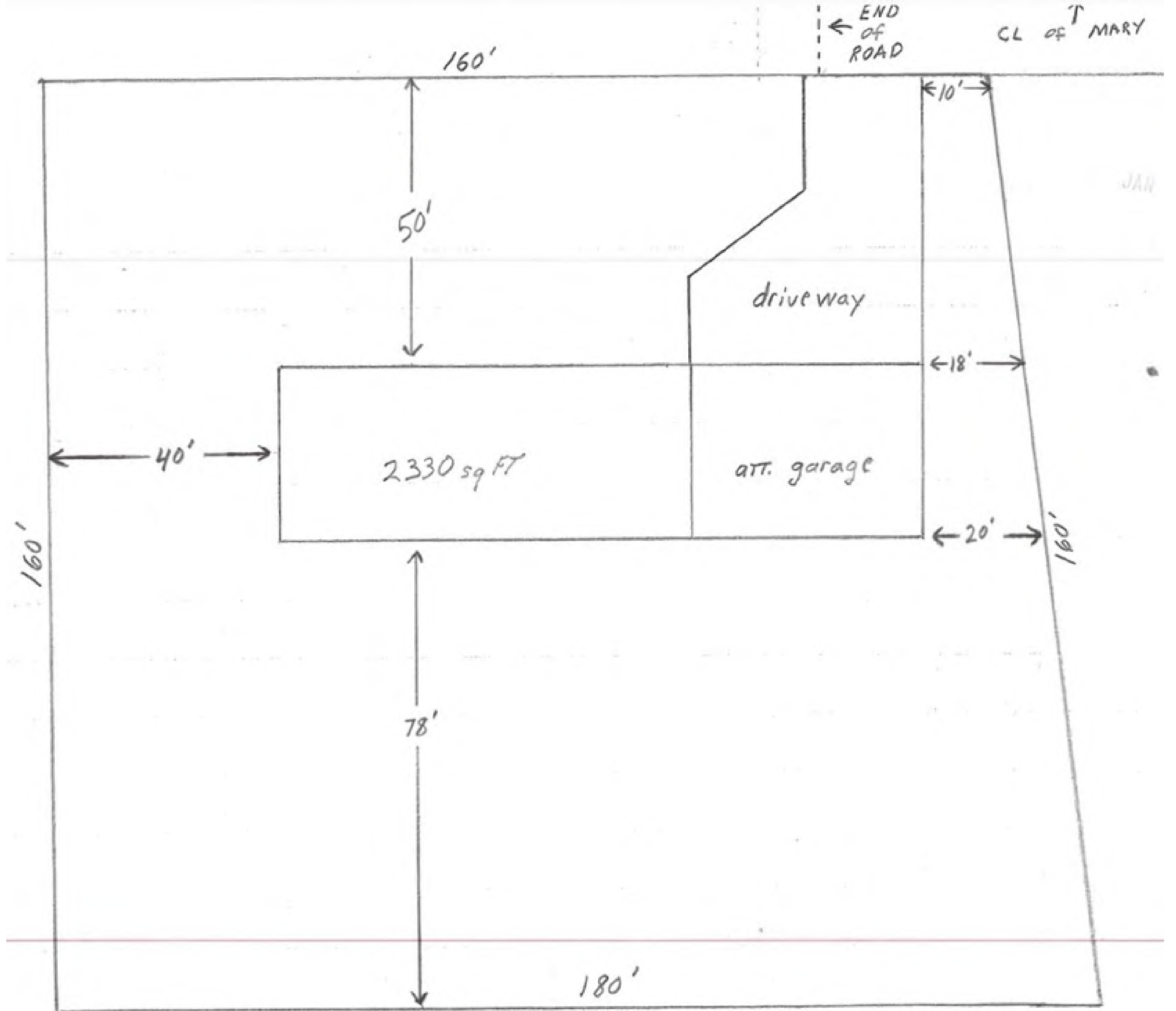
Sign 1 Dimensions (length and width):
Existing? [] Y [] N Double faced? [] Y [] N
Electronic message board? [] Y [] N If no, lighted? [] Y [] N
Freestanding? [] Y [] N Wall mounted? [] Y [] N

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.



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: February 19, 2025

Transaction Number: DV-0907-2024.

Parcel Number(s): 20-01-22-176-015.000-005.

Existing Zoning: A-1.

Petition: For a 13 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an addition to a residence 62 ft. from the centerline of the right-of-way.

Petitioner: Christofer M. Webster & Gina M. Webster, Husband & Wife.

Location: North side of CR 10, 1,855 ft. southeast of Ash Rd., in Cleveland Township.

Site Description:

- Physical Improvement(s) – Residence, accessory structures, barns.
- Proposed Improvement(s) – Residential addition.
- Existing Land Use – Low-density residential.
- Surrounding Land Use – Low-density residential.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

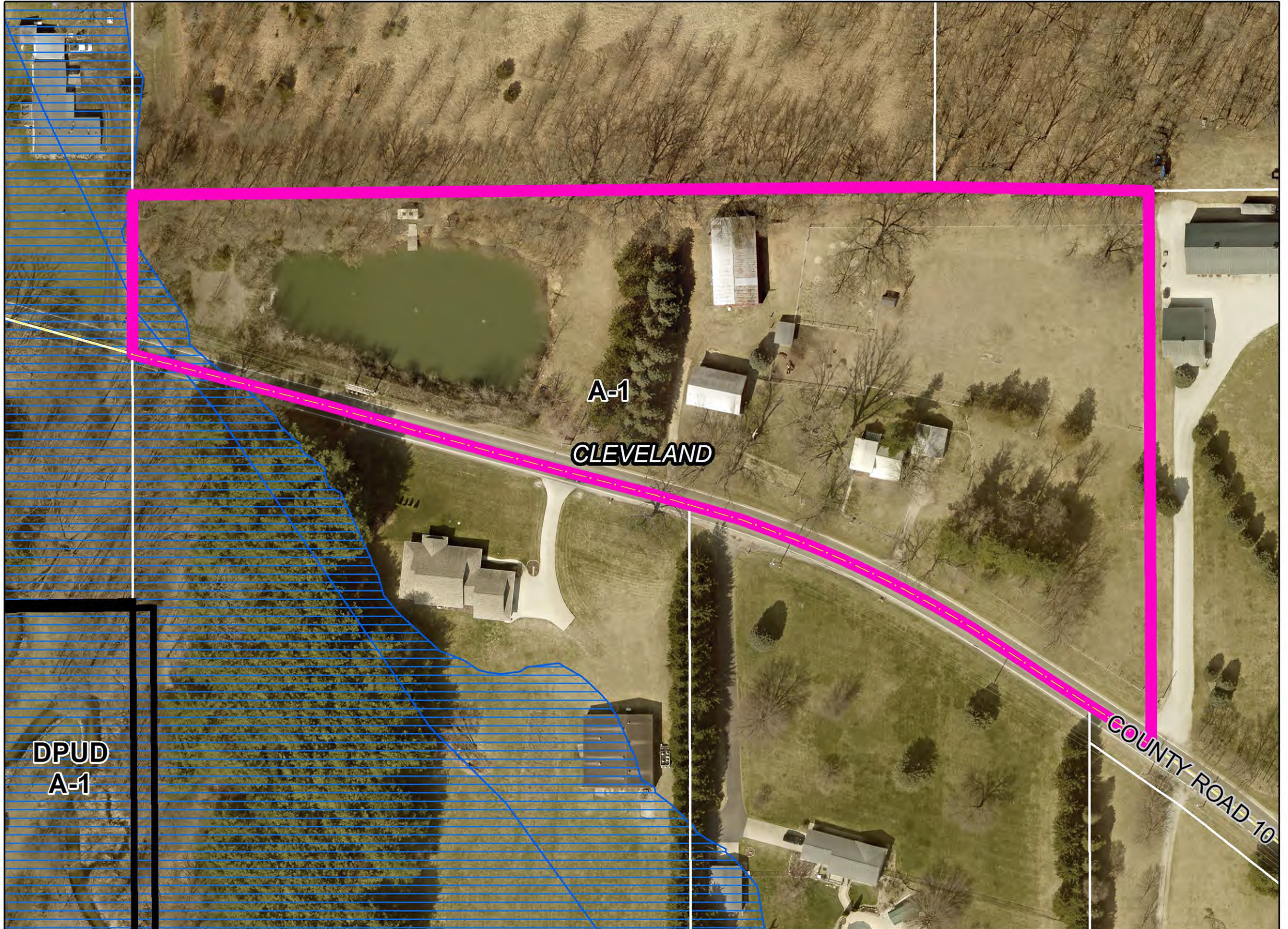
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The existing home's encroachment of approximately 6.5 ft. has had no impact on public health or safety, and the proposal is an additional 6.5 ft.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 5.01-acre parcel in a low-density residential area, and there are no nearby homes that a master suite addition will affect.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Existing support structures like septic to the north and the adjacent garage to the east direct the build area to the southwest corner.

Hearing Officer Staff Report (Continued)

Hearing Date: February 19, 2025

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

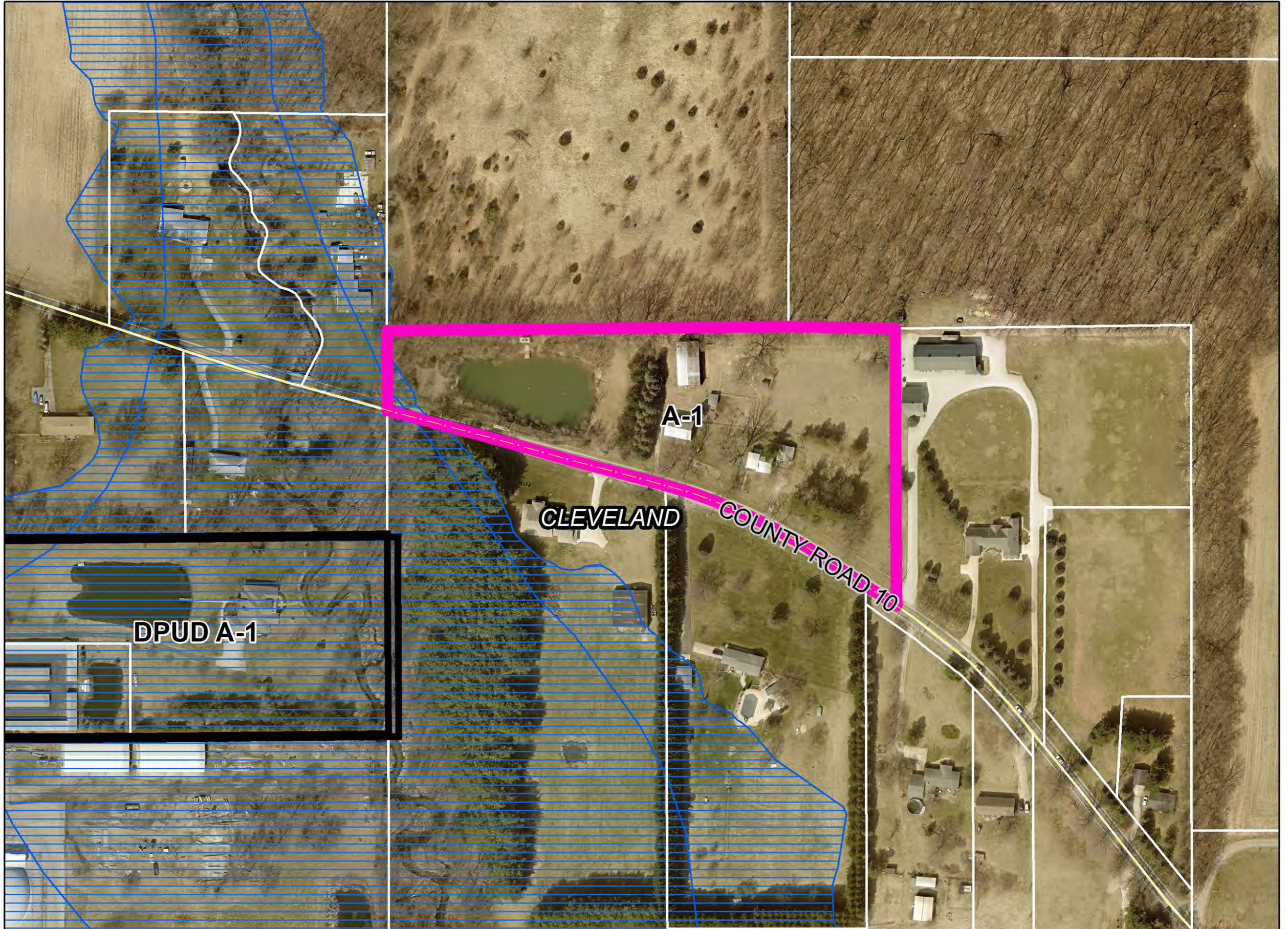
1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 12/27/2024 and as represented in the Developmental Variance application.



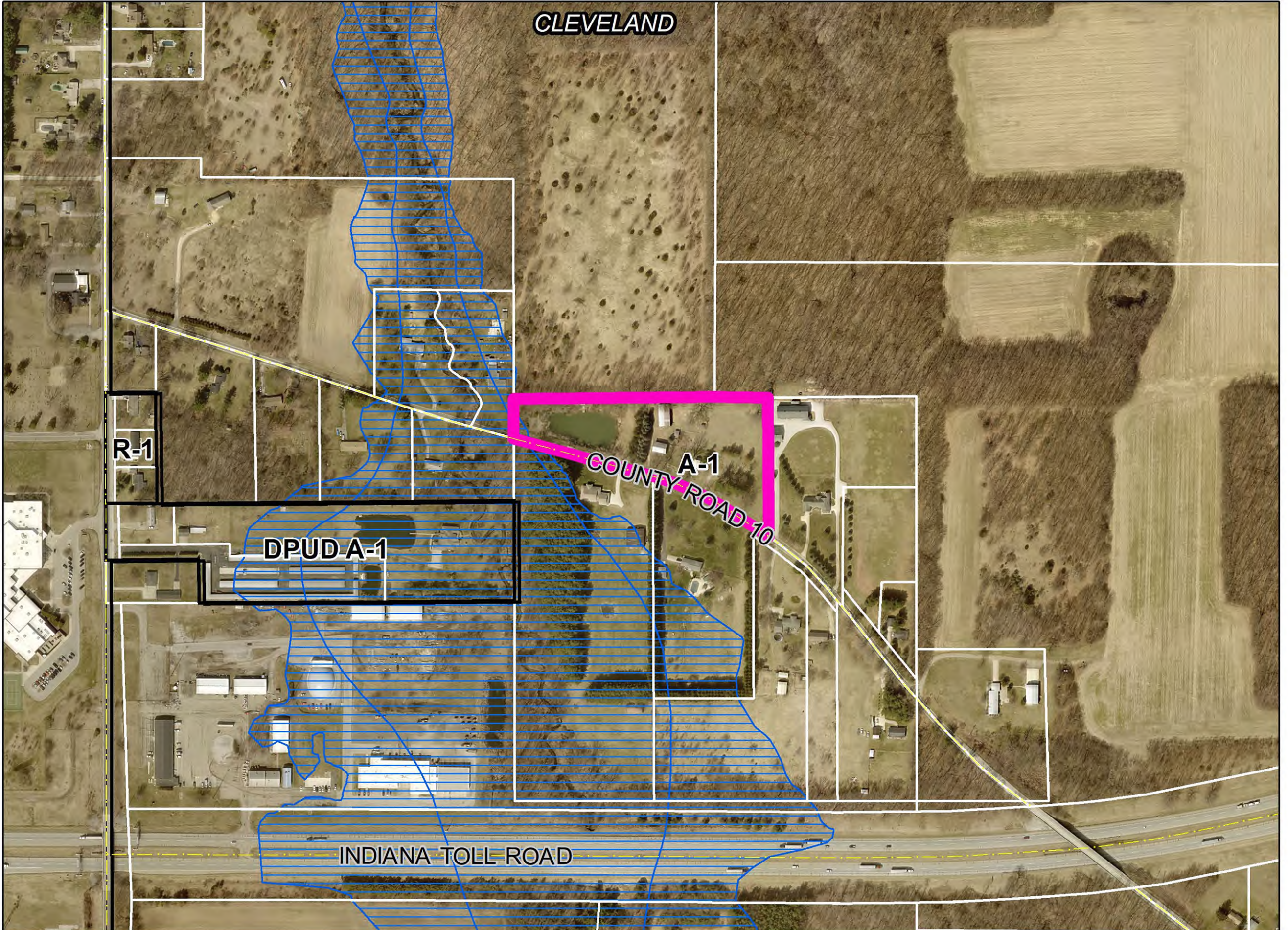
DPUD
A-1

A-1
CLEVELAND

COUNTY ROAD 10



CLEVELAND



R-1

DPUD A-1

A-1

COUNTY ROAD 10

INDIANA TOLL ROAD





Subject property



Facing northwest



Facing southeast



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-0907-2024

Date: 12/27/2024

Meeting Date:

February 19, 2025

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0907-2024

Description: for a 13 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an addition to the residence 62 ft. from the centerline of the right-of-way

Contacts: Applicant

Dyksen & Sons
28621 County Road 30
Elkhart, IN 46517

Authorized Agent

Dyksen & Sons
28621 County Road 30
Elkhart, IN 46517

Land Owner

Christofer M. Webster And
Gina M. Webster, Husband
And Wife
30685 County Road 10
Granger, IN 46530

Site Address: 30685 County Road 10
Granger, IN 46530

Parcel Number: 20-01-22-176-015.000-005

Township: Cleveland

Location: NORTH SIDE OF CR 10, 1,855 FT. SOUTHEAST OF ASH RD

Subdivision:

Lot #

Lot Area: 5.01 Frontage: 919.87 Depth: 127.00

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 3/20/2007

Applicant Signature:

Department Signature:

Application

Site address: 30685 COUNTY ROAD 10, ORANGER, IN 46530

Parcel number(s): 20-01-22-176-015

Current property owner

Name: CHRIS & GINA WEBSTER

Address: 30685 COUNTY ROAD 10, ORANGER, IN 46530

Phone: 514.238.4385

Email: GINA@CR30685.COM

Other party

Agent Buyer Land contract purchaser Lessee

Name: DYKSEN ? SONS BURGERS

Address: 28621 COUNTY ROAD 30, ELKHART, IN 46517

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: 13'

Parcel creation date: 3/20/2007

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: (N) S E W corner (side) end of CR 10,
1,855 ft. N (S) (E) W of Ash Rd,
in Cleveland Township

Frontage: 919.87 Depth: 127 Area: 5.01 acres

Subdivision and lot number, if applicable: _____

Present use: Residential

Developmental Variance — Questionnaire

Name: MASTER ADDITION: DYKSEN & SONS BUILDERS

1) Tell us what you want to do. MASTER SUITE ADDITION

2) Tell us why you can't change what you're doing so you don't need a variance. EXISTING HOME AND ADDITION IN FRONT YARD SETBACK (WEST). NORTH & EAST PROPERTIES HAVE A SEPTIC & GARAGE INTERFERENCE

3) Tell us why the variance won't hurt your neighbors or the community. ENCROACHMENT IS FRONT YARD ONLY

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

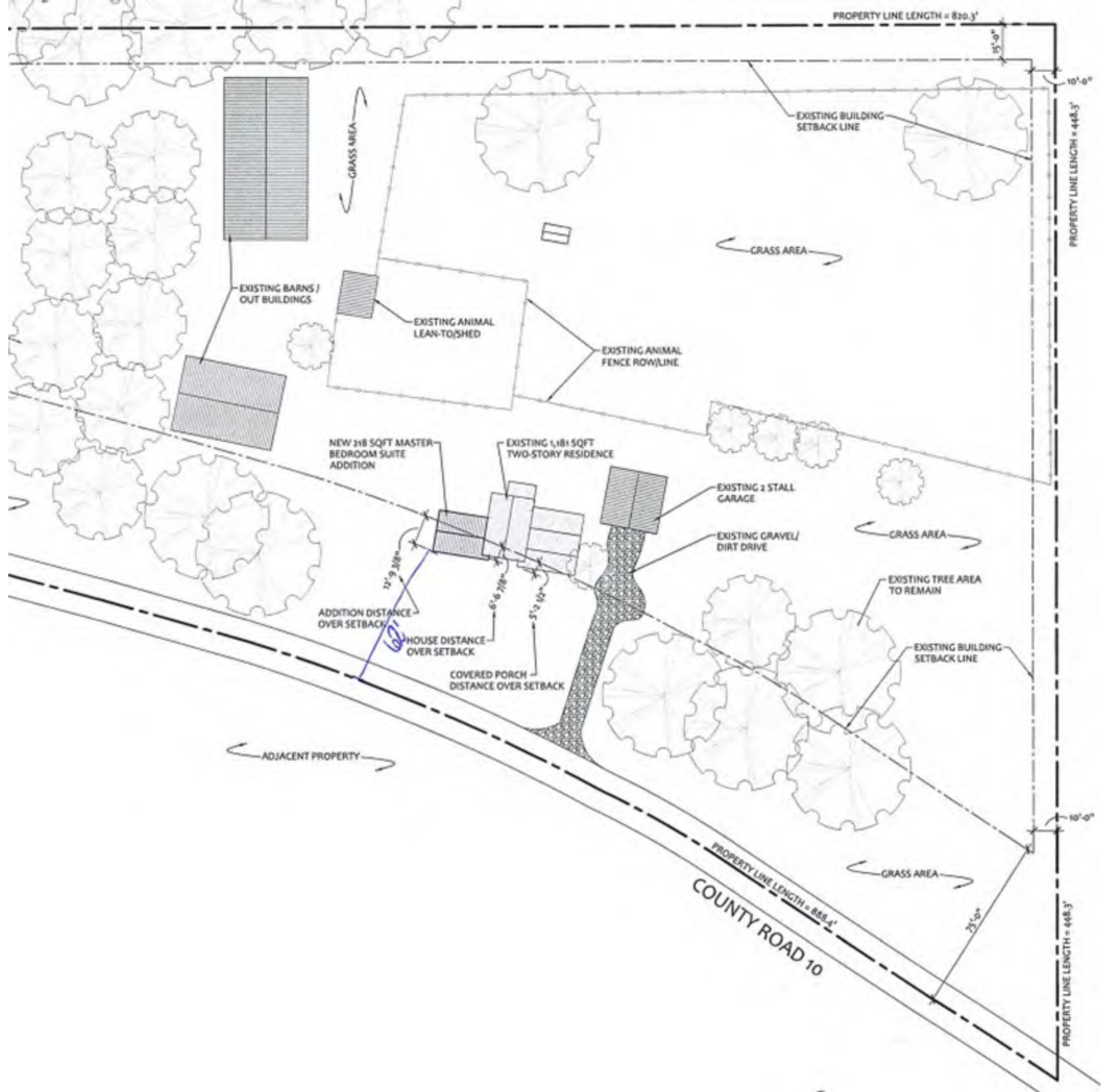
5) Does the application include variances to allow for buildings or additions? Y N If yes, fill out below.
Building or addition 1 Size and height to the peak: ~~21'-9"~~ 21'-9" x 15'-0"
Tell us what you'll use it for. BEDROOM; 11'-8 1/2" TALL
Building or addition 2 Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Size and height to the peak: _____
Tell us what you'll use it for. _____

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

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

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

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



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: February 19, 2025

Transaction Number: DV-0913-2024.

Parcel Number(s): Part of 20-13-34-400-010.000-020.

Existing Zoning: A-1.

Petition: For a 70 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence on proposed lot 1.

Petitioner: Weldon C. Yoder & Elnora Yoder, Husband & Wife.

Location: South side of CR 56, 2,250 ft. east of CR 100, in Locke Township.

Site Description:

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

History and General Notes:

- **January 9, 2025** – The Plat Committee approved a 1-lot minor subdivision to be known as W&E Yoder Minor Subdivision.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The proposed lot is bordered only by other large homesites, and reduced road frontage will not change the density or safety of the area.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 5-acre lot in a low-density residential and agricultural area, and there is only 1 existing home within 500 ft. of the proposed home location.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Preservation of rural character and road access safety in this area do not depend on an additional 70 ft. of frontage.

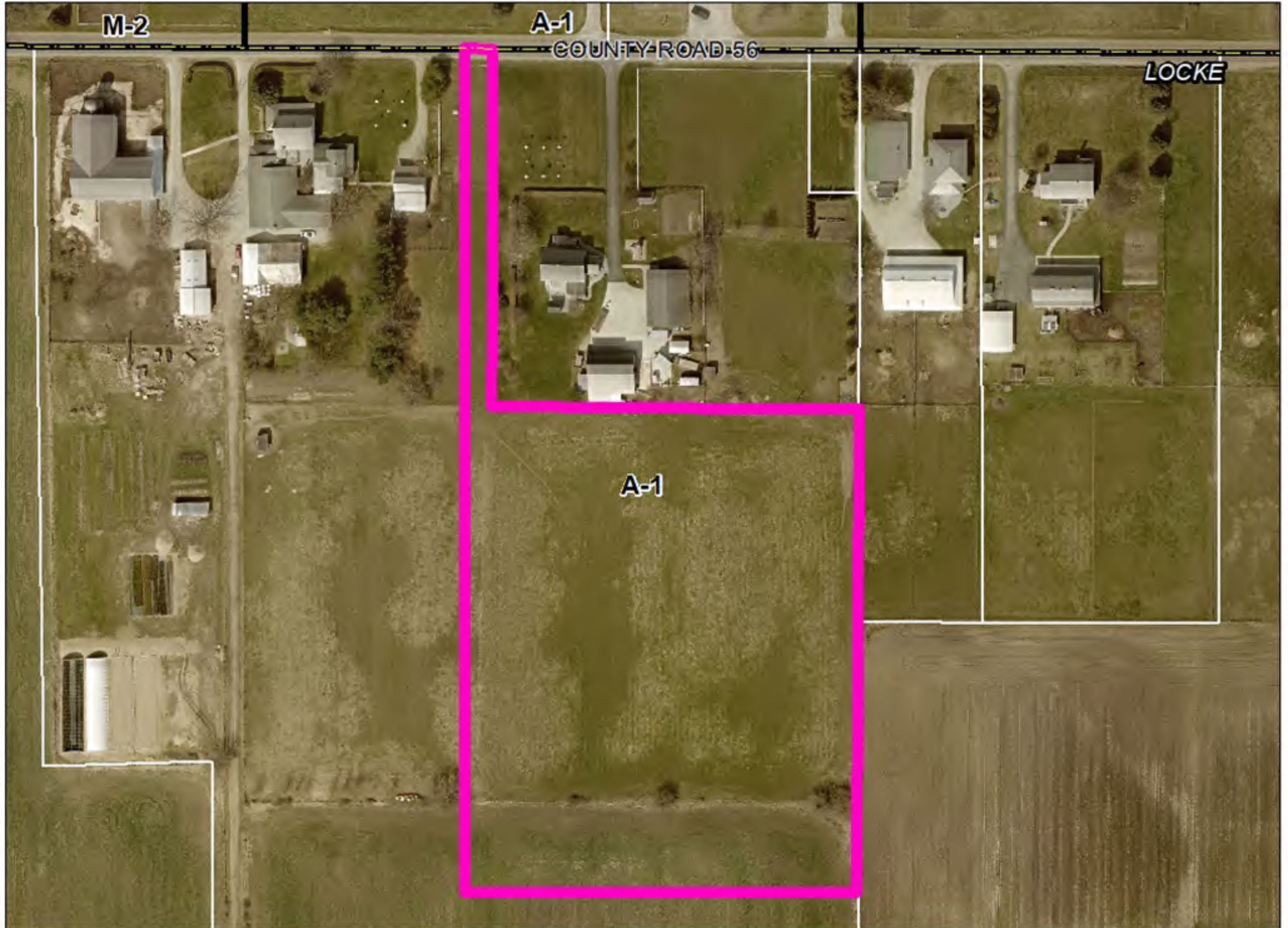
Hearing Officer Staff Report (Continued)

Hearing Date: February 19, 2025

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 12/31/2024 and as represented in the Developmental Variance application.

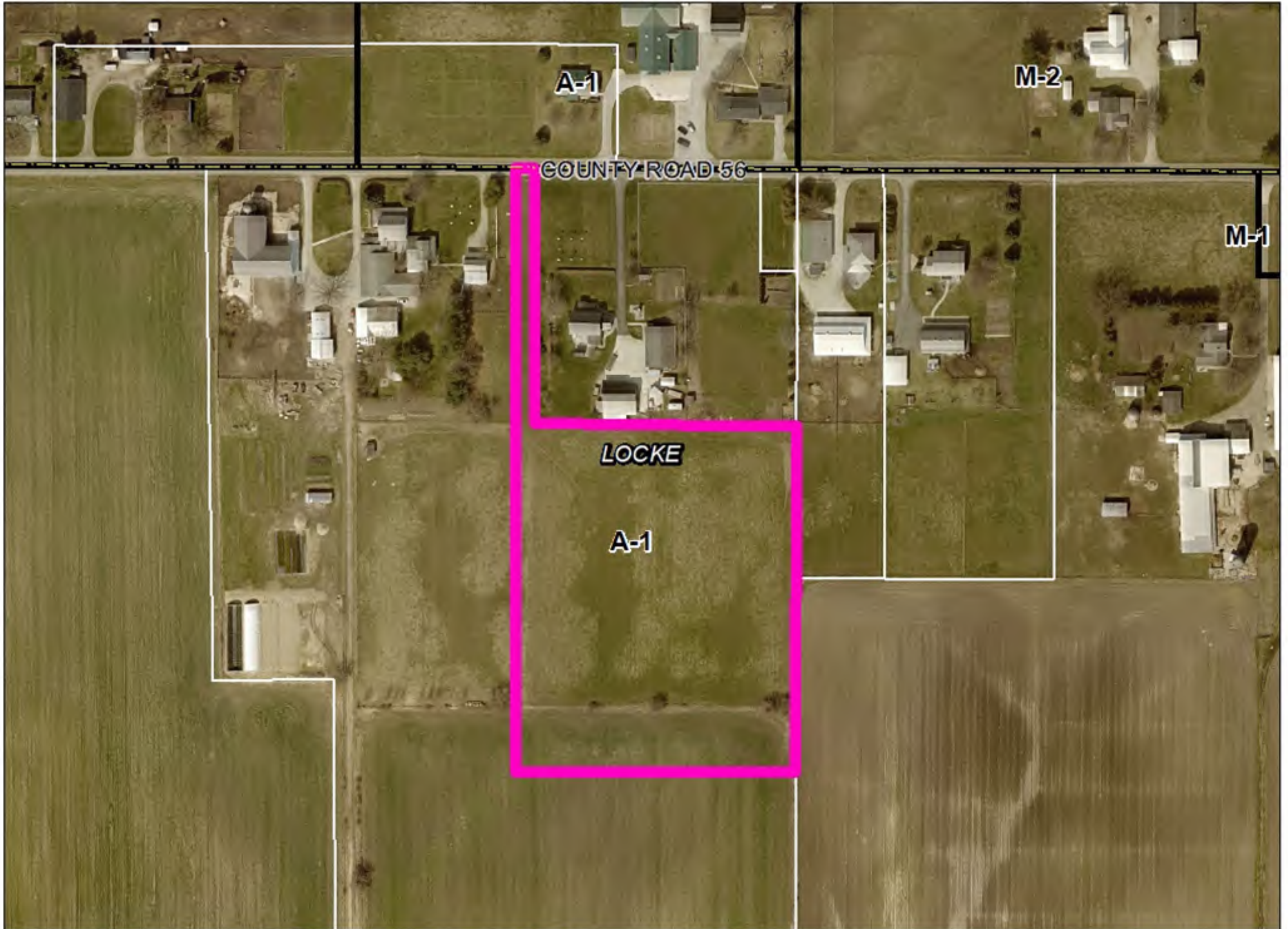
DV-0913-2024

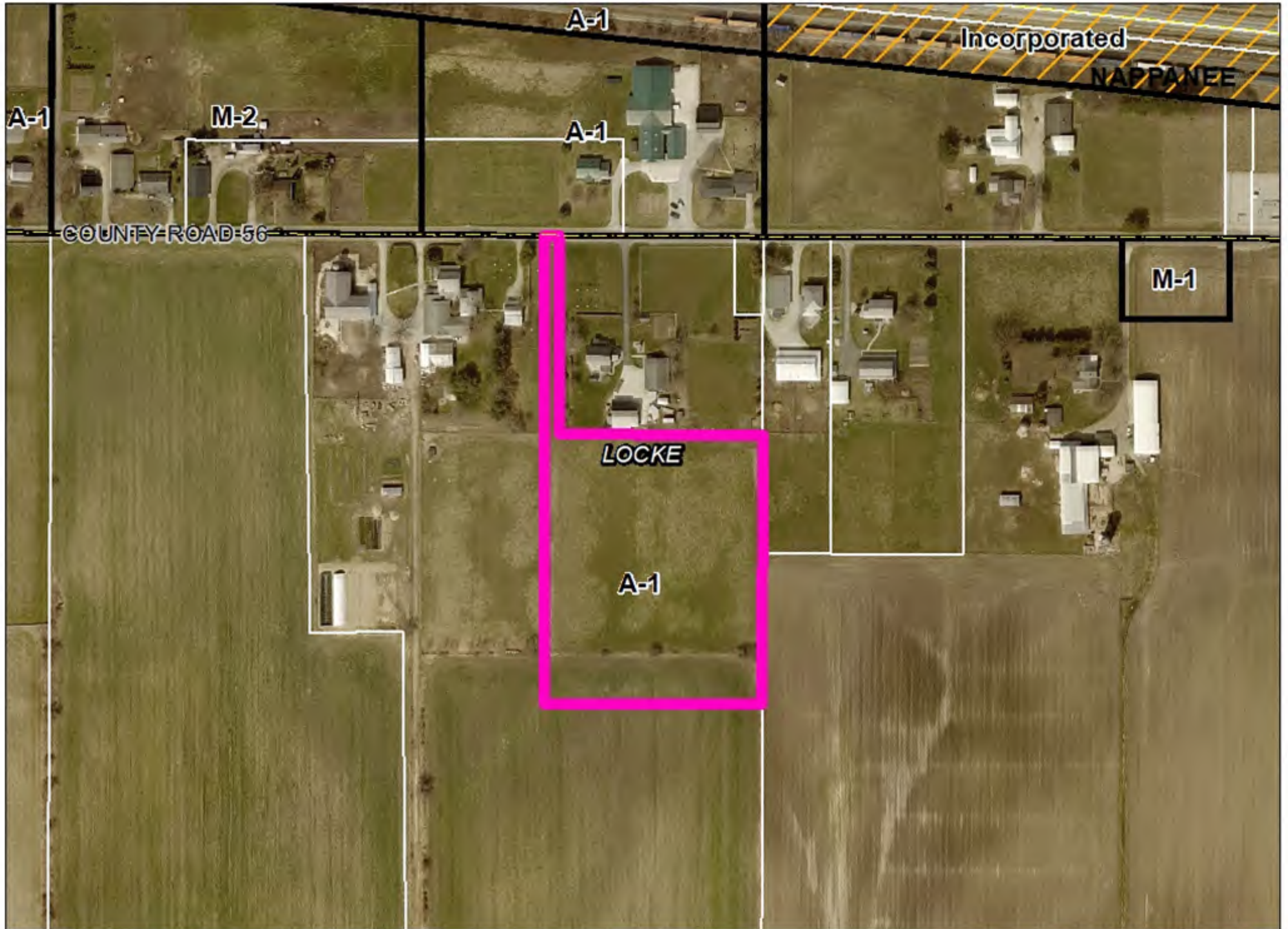


2021 Aerials

1 inch = 125 feet









Subject property



Facing east



Facing west



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

DV-0913-2024

Developmental Variance - Developmental Variance

Date: 12/31/2024

Meeting Date:

February 19, 2025

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0913-2024

Description: for a 70 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence on proposed lot 1.

Contacts: Applicant

Land Owner

Weldon Yoder & Elnora Yoder, Weldon Yoder & Elnora Yoder,
Husband And Wife Husband And Wife
30094 Cr 56 30094 Cr 56
Nappanee, IN 46550 Nappanee, IN 46550

Site Address: 00000 County Road 56
Nappanee, IN 46550

Parcel Number: Part of 20-13-34-400-010.000-020

Township: Locke

Location: South Side of County Road 56, 2250 Ft East Of County Road 100

Subdivision:

Lot #

Lot Area: 5.00 Frontage: 30.00 Depth: 875.00

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL/AGRICULTURAL

Legal Description:

Comments: see MI-0825-2024

Applicant Signature:

Department Signature:

Application

Site address: 30090 CR 56 Nappanee, IN 46550

Parcel number(s): _____

Current property owner

Name: Weldon C Yoder

Address: 30094 CR 56 Nappanee, IN 46550

Phone: 574-773-0324 Email: _____

Other party

- Agent Buyer Land contract purchaser Lessee

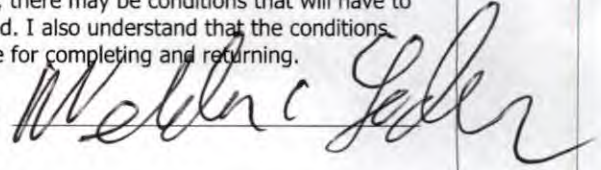
Name: _____

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:



Staff Use Only

Description: For a 30ft Developmental Variance (Ordinance requires 100ft.) to allow for the construction of a residence.

Parcel creation date: NEW SPLIT.

Subdivision required? YES NO If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N E W corner side end of CR 56
2,065 ft. N S E W of CR 100
in LOCKE Township

Frontage: 473 ft. Depth: 2,609 ft. Area: 47.571 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENCE

Developmental Variance — Questionnaire

Name: Weldon C Yoder

1) Tell us what you want to do. Use 30' of road frontage ~~at~~ a long east side of property to access my new parcel where we plan to build our retirement home.

2) Tell us why you can't change what you're doing so you don't need a variance. This is the only road frontage connected to the parcel that allows for a separate driveway.

3) Tell us why the variance won't hurt your neighbors or the community. Will be used to create our retirement residence, which our church community welcomes. We plan to install multiple privacy screens with arborvitae & spruce trees.

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: 30x80 @ 18' to peak

Tell us what you'll use it for. House

Building or addition 2 Size and height to the peak: 36 x 44 @ 20' to peak

Tell us what you'll use it for. Barn + 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

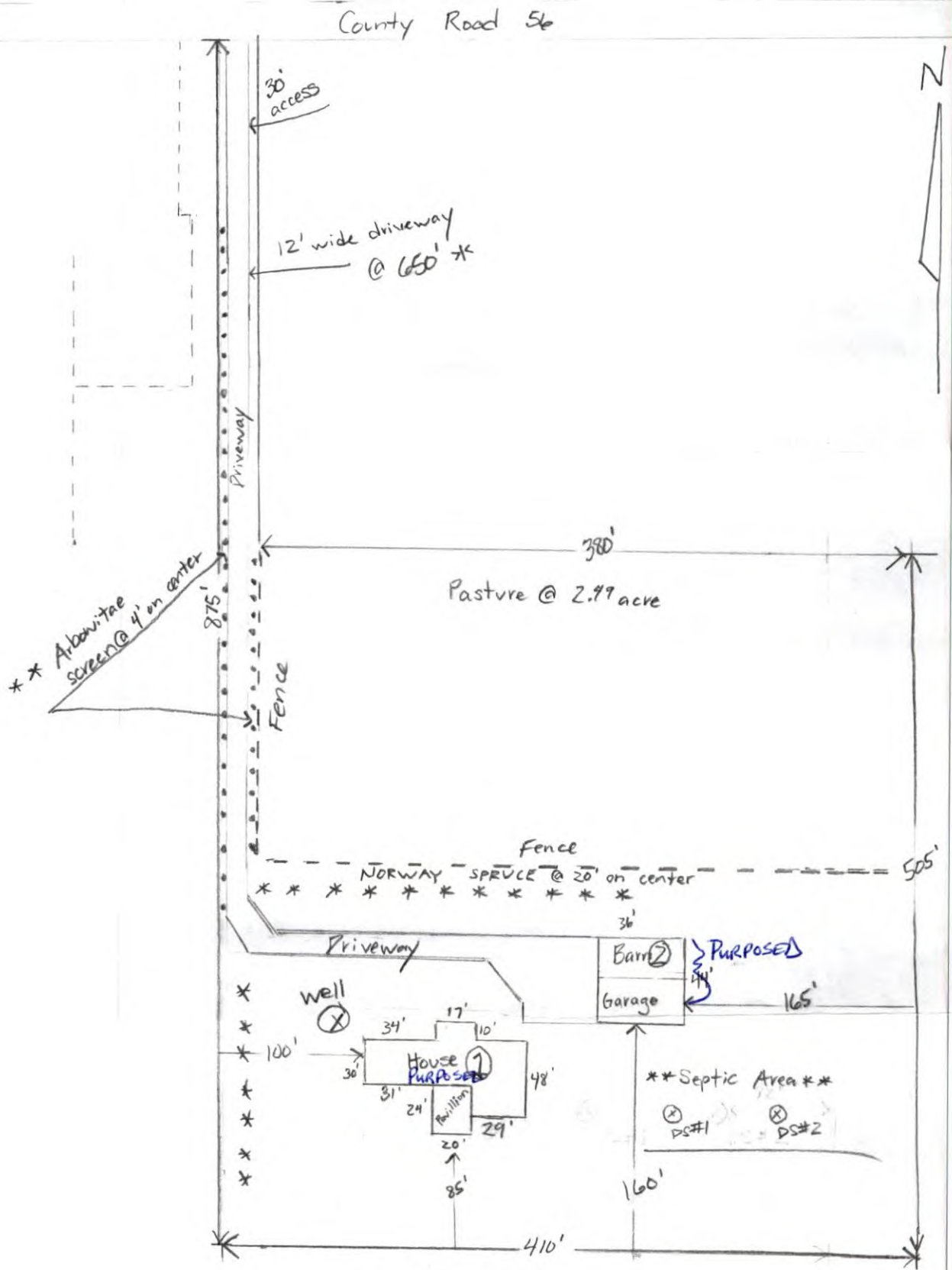
Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

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

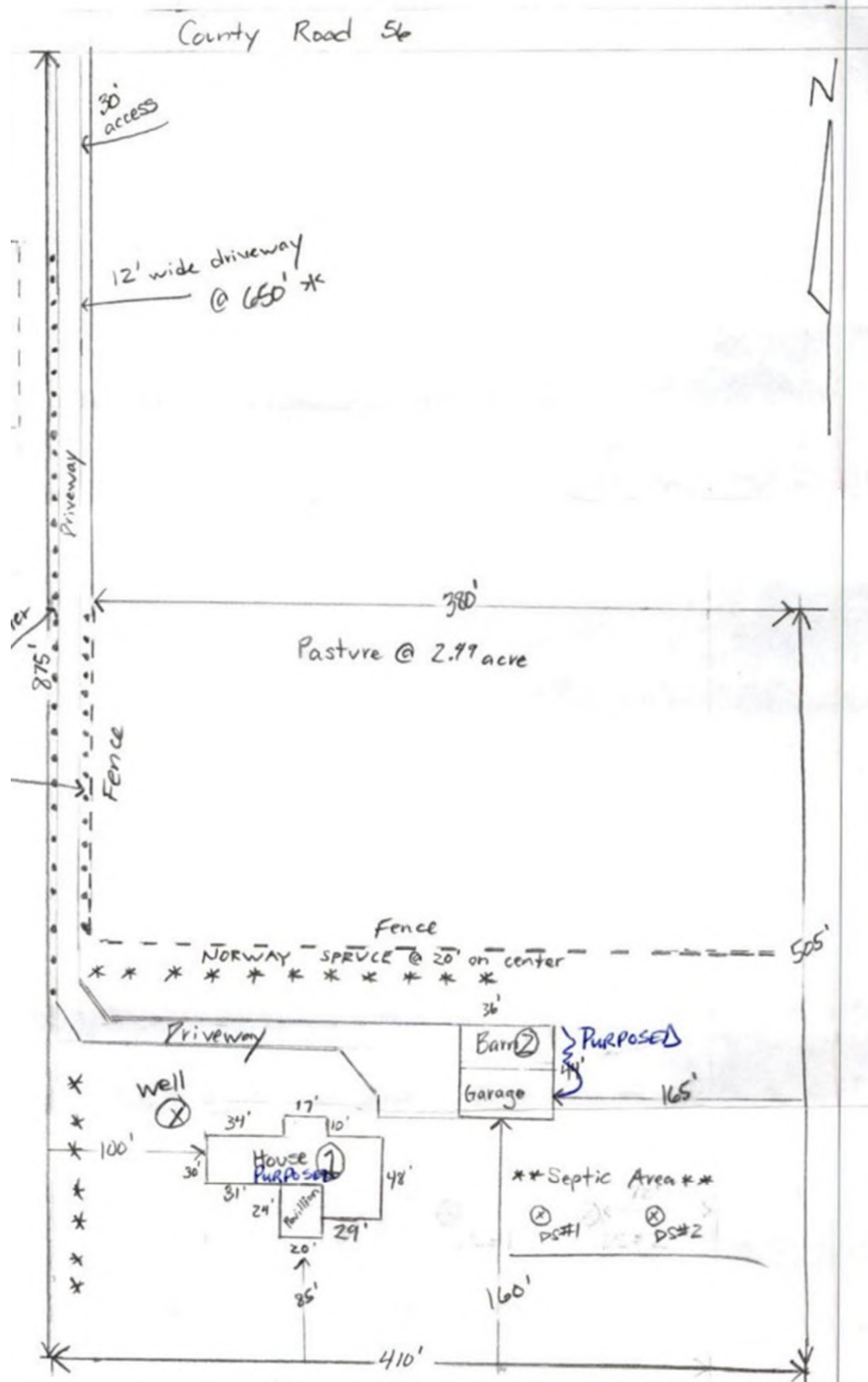
If yes, tell us how many total there will be. _____

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



NOT TO SCALE

DEC 31 2024



County Road 56

30' access

12' wide driveway @ 650' *

875' Privity

380'

Pasture @ 2.99 acre

Fence

Fence

NORWAY SPRUCE @ 20' on center

36'

Privity

Well

House ①

Barn ②

Garage

PURPOSED

Septic Area

DS#1

DS#2

100'

34'

17'

10'

48'

31'

24'

29'

20'

85'

160'

410'

165'

505'

N