

AGENDA

ELKHART COUNTY BOARD OF ZONING APPEALS HEARING OFFICER

JANUARY 15, 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: **Maxoll Properties, LLC** (Page 1)
Petition: for a Developmental Variance to allow a class 1, type A, buffer that is 4.7 ft. in average width, with 17 arborvitaes per 100 ft. & 0 shrubs (Ordinance require a 25 ft. width, with 4 trees per 100 ft. & 24 shrubs per 100 ft.) along the East & South property lines.
Location: South side of W. Lawrence St., 180 ft. East of Wayne St., common address of 305 W. Lawrence St. in Middlebury Township, zoned B-1. DV-0853-2024
- B. Petitioner: **Laura R. Kreger** (Page 2)
Petition: for a 32.5 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of an accessory structure 17.5 ft. from the center line of the right-of-way, and for a 4 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for the construction of an accessory structure 1 ft. from the Southeast property line.
Location: Northeast side of Heaton Vista, 30 ft. South of 3rd St., 745 ft. East of CR 113, common address of 23099 Heaton Vista in Osolo Township, zoned R-2. DV-0869-2024
- C. Petitioner: **Matthew A. Johnson & Priscilla L. Johnson, Husband & Wife** (Page 3)
Petition: for a 40 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence.
Location: West side of CR 19, 3,955 ft. North of CR 142, common address of 00000 CR 19 in Elkhart Township, zoned A-1. DV-0874-2024

- D. Petitioner: **Kevin Dunkin** (Page 4)
 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 lot 3, and for a 20 ft. lot-width Developmental Variance (Ordinance requires 80 ft.) to allow for the construction of a residence on proposed lot 2.
 Location: East side of CR 13, 250 ft. South of CR 16, common address of 57072 CR 13 in Concord Township, zoned R-1. DV-0884-2024
- E. Petitioner: **Ross W. Wenger** (Page 5)
 Petition: for a 4 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for construction of a residence 71 ft. from the centerline of the right-of-way .
 Location: South side of CR 24, 1,470 ft. West of CR 7, common address of 27278 CR 24 in Concord Township, zoned R-1. DV-0885-2024
- F. Petitioner: **Carpenter Family Farm East, LLC** (Page 6)
 Petition: for a 34 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 41 ft. from the centerline of the right-of-way of CR 42, for a 22 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 53 ft. from the centerline of the right-of-way of CR 33 on proposed lot 1, and for a 3 ft. Developmental Variance (Ordinance require 75 ft.) to allow for an existing barn 72 ft. from the centerline of the right-of-way on proposed lot 2.
 Location: Southeast corner of CR 33 & CR 42, common address of 14966 CR 42 in Benton Township, zoned A-1. DV-0886-2024

MOBILE HOME SPECIAL USE/DEVELOPMENTAL VARIANCES

- G. Petitioner: **Ruperto M. Aguilar & Pedro Aguilar Guerrero** (Page 7)
 Petition: for a Special Use for an existing mobile home, and for a Developmental Variance to allow for an existing mobile home withing 300 ft. of a residence.
 Location: South side of Reckell Ave., 300 ft. East of Violet Rd., common address of 25620 Reckell Ave. in Osolo Township, zoned R-2. SUP-0788-2024
- Petitioner: **John Taylor (Buyer) & Luis Miguel Santiago Rivera (Seller)** (Page 8)
 Petition: for a Special Use for a mobile home, and for a Developmental Variance to allow for an existing mobile home within 300 ft. of a residence.
 Location: Southwest side of CR 10, 3,255 ft. Northwest of CR 1, in Cleveland Township, zoned A-1. SUP-0887-2024

The Elkhart County Board of Zoning Appeals Hearing Officer is meeting on Wednesday January 15, 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 January 15, 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: January 15, 2025

Transaction Number: DV-0853-2024.

Parcel Number(s): 20-08-10-340-006.0000-035 & 20-08-10-376-004.000-035.

Existing Zoning: B-1.

Petition: For a Developmental Variance to allow a class 1, type A, buffer that is 4.7 ft. in average width, with 17 arborvitae per 100 ft. and 0 shrubs (Ordinance requires a 25 ft. width, with 4 trees per 100 ft. and 24 shrubs per 100 ft.).

Petitioner: Maxoll Properties, LLC.

Location: South side of W. Lawrence St., 180 ft. east of Wayne St., in Middlebury Township.

Site Description:

- Physical Improvement(s) – Office building under construction.
- Proposed Improvement(s) – None.
- Existing Land Use – Neighborhood business.
- Surrounding Land Use – Mixed.

History and General Notes:

- **January 16, 2023** – The Town of Middlebury approved a rezoning from R-1 to B-1 (MD 679).
- **April 19, 2023** – The Hearing Officer approved a 22 ft. Developmental Variance to allow construction of a parking lot 33 ft. from the centerline of Lawrence St.

Staff Analysis:

Staff finds that:

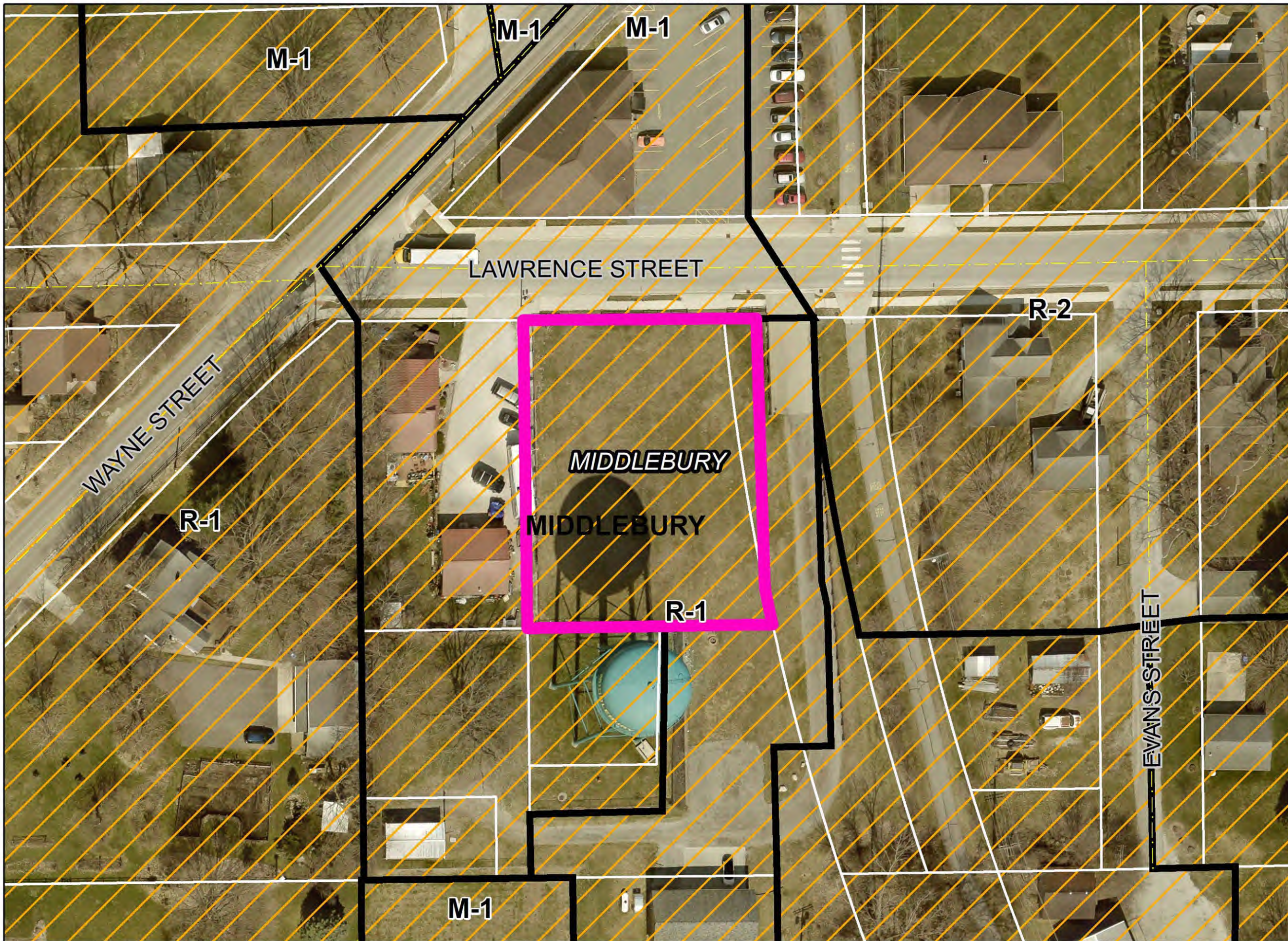
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The proposal matches the character of the neighborhood and is not an elimination of buffering altogether.
2. Approval of the request will not cause substantial adverse effect on neighboring property. Buffering is required only on the east side and a portion of the south, and the only residential use is to the east, separated from the subject property by the Pumpkinvine trail. The property is 0.44 acres in a dense, mixed-use, town neighborhood.
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 restrict delivery access and other typical office activities on a small property abutting primarily recreational, utility, and other commercial uses.

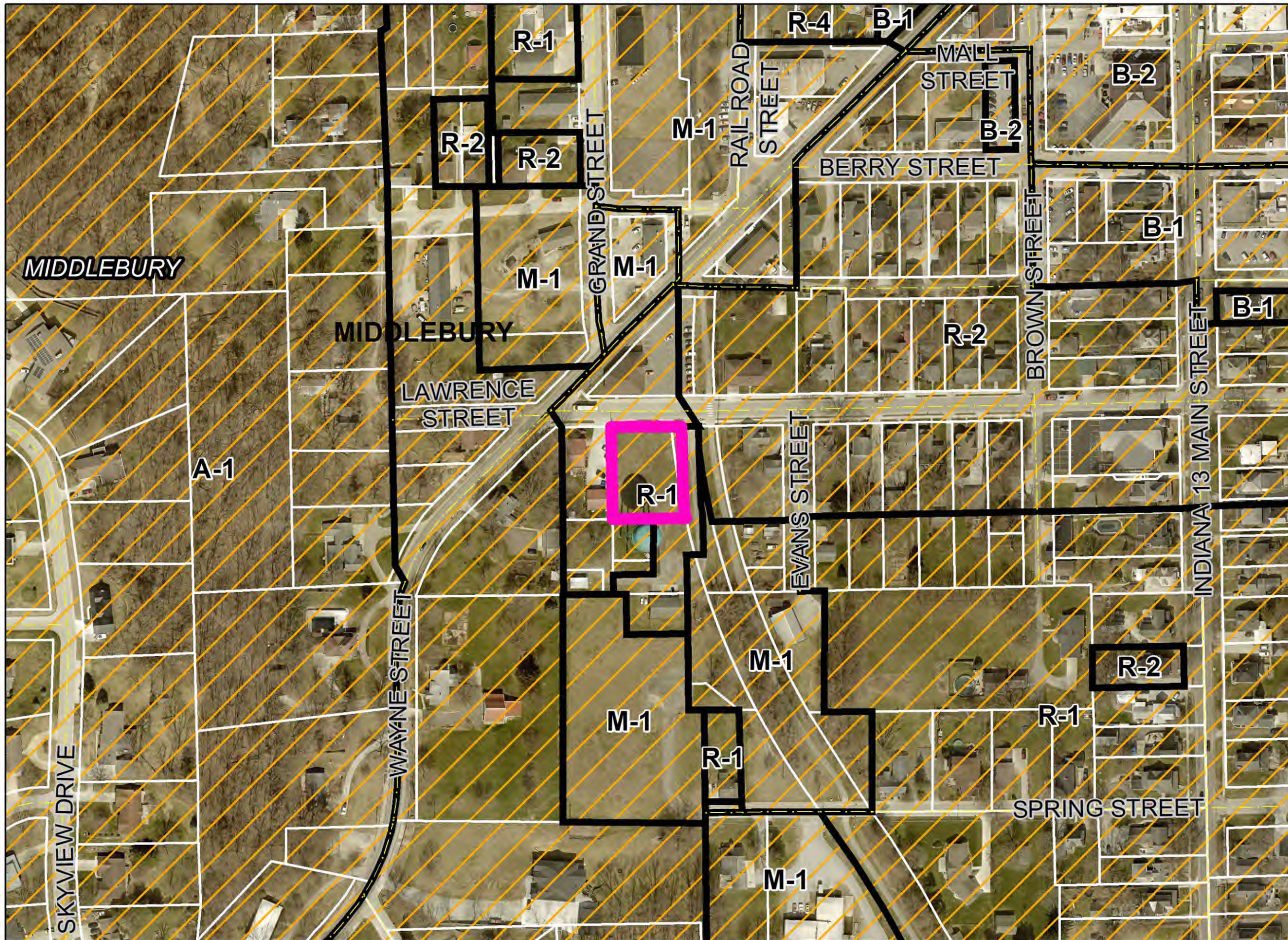
Hearing Officer Staff Report (Continued)

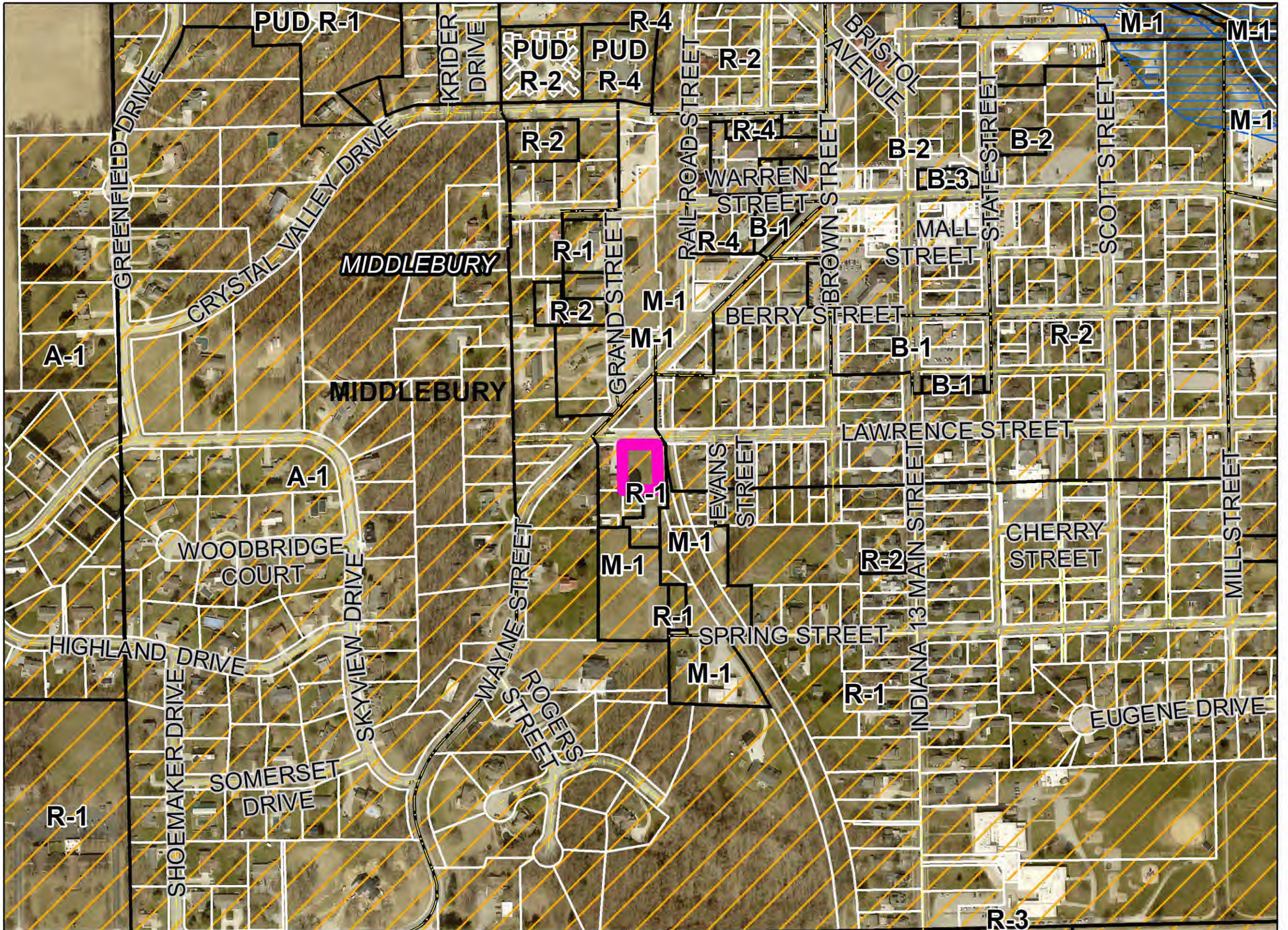
Hearing Date: January 15, 2025

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 11/25/2024 and as represented in the Developmental Variance application.









Subject property



Subject property, East edge



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-0853-2024

Developmental Variance - Developmental Variance

Date: 11/25/2024 Meeting Date: January 15, 2025
Board of Zoning Appeals Public Hearing Transaction #: DV-0853-2024

Description: for a Developmental Variance to allow for a class 1, type A, buffer that is 4.7 ft. in average width, with 17 arborvitae per 100 ft & 0 shrubs (Ordinance requires a 25 ft. width, with 4 trees per 100 ft. & 24 shrubs per 100 ft.) along the East & South property lines

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>General Contractor</u>	<u>Land Owner</u>
Freedom Builders 54824 Cr 33 Middlebury, IN 46540	Freedom Builders 54824 Cr 33 Middlebury, IN 46540	Freedom Builders 54824 Cr 33 Middlebury, IN 46540	Maxoll Properties Llc 59097 County Road 27 Goshen, IN 46528

Site Address: 305 W Lawrence St Middlebury, IN 46540	Parcel Number: 20-08-10-340-006.000-035 20-08-10-376-004.000-035
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Township: Middlebury
Location: South Side of W Lawrence St, 180 ft. East of Wayne St

Subdivision:	Lot #
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Lot Area: 0.44 Frontage: 112.00 Depth: 151.00

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

Legal Description:

Comments: PARCEL CREATION DATE:
376-004-6/1/1994
340-006-3/23/83

RZ-0732-2022
RZ-0906-2017
DV-0136-2023

Applicant Signature:	Department Signature:
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Application

Site address: 305 West Lawrence, Middlebury, IN 46540

Parcel number(s): 20-08-10-376-004.000-035 and 20-08-10-340-006.000-035

Current property owner

Name: Maxoll Properties LLC (Shawn Schrader, President)

Address: 305 West Lawrence, Middlebury, IN 46540

Phone: (574) 370-0605 Email: shawn@schradermanagement.com

Other party Agent Buyer Land contract purchaser Lessee

Name: Freedom Builders (Marcus Lehman, project manager)

Address: 54824 County Road 33, Middlebury, IN 46540

Phone: (574) 536-2357 Email: ml.freedombuilders@gmail.com

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

Signature of current property owner or authorized agent: 

Staff Use Only

Description: _____

Parcel creation date: 376-004 6-1-94 340-006- 3/23/83

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

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

Frontage: 112 **Depth:** 151 **Area:** 0.812 acres

Subdivision and lot number, if applicable: _____

Present use: _____

Developmental Variance — Questionnaire

Name: _____

1) Tell us what you want to do. This is a vacant lot zoned B-1, on which the owner wishes to build an office building in support of an on-line sales business. The adjoining property West and South is zoned M-1 and the property adjoining East and South is R-1. The owner is requesting a reduced buffer along the East and South lines.

2) Tell us why you can't change what you're doing so you don't need a variance. The building size required for optimal use does not allow adequate driving space along the East side of the building for deliveries.

3) Tell us why the variance won't hurt your neighbors or the community. The adjoining residential building East is 90' away and the residential building South is 130' away. A row of arborvitae is proposed to be sufficient screening for this low impact business. The town of Middlebury is in support of this proposed reduced buffer.

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

Does the property need a new septic system? Y N

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

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

Building or addition 1 Size and height to the peak: _____

Tell us what you'll use it for. _____

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

Tell us what you'll use it for. _____

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

Tell us what you'll use it for. _____

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

If yes, fill out below.

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

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

Tell us how many parcels will use the easement. _____

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

Sign 1 Dimensions (length and width): _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width): _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

Sign 3 Dimensions (length and width): _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

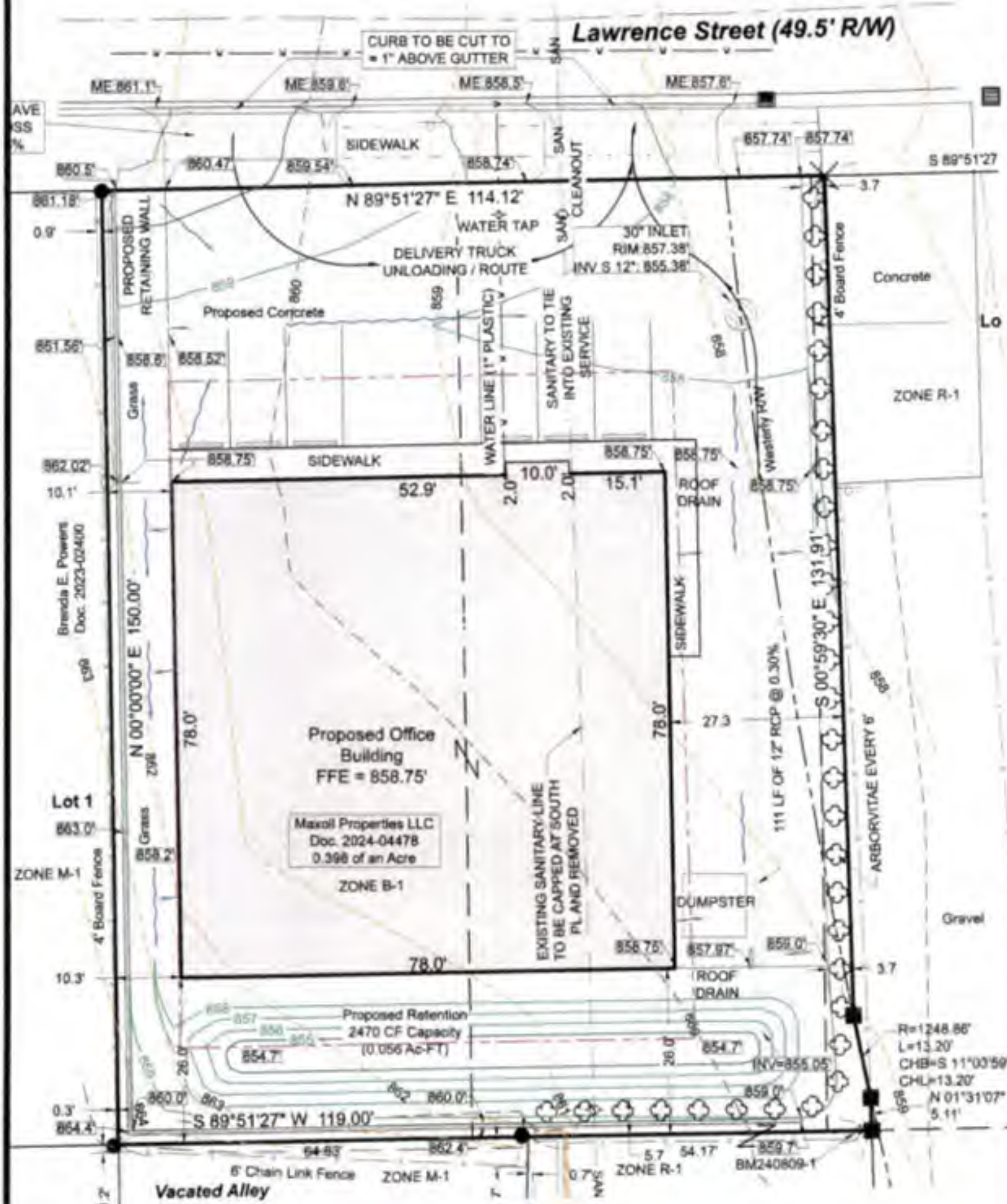
8) Does the application include a variance for parking spaces? Y N

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

9) Tell us anything else you want us to know. Mary Cripe, town manager of Middlebury, has stated the town's support for the proposed variance. The adjoining property East and South of the project site that is zoned R-1 is not utilized as a residence but as a recreational property, which further reduces the impact of this request.

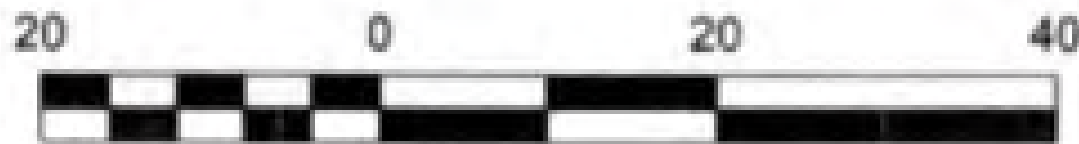
Buffer Developmental Variance Exhibit

305 W Lawrence Street Middlebury, IN 46540








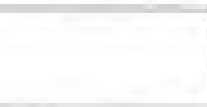




Developmental Variance Purpose:
To reduce the buffer requirement of Class 1 along the portion of the project site adjacent to zone R-1 (East and South).

Proposed Buffer:
A row of arborvitae trees spaced 6 feet apart for a total length of 190 feet along the East boundary line and a portion of the South boundary line. Proposed buffer width varies between 3.7 feet and 5.7 feet.



LEGEND

-  IRON PIPE FOUND
-  REBAR FOUND
-  REBAR W/ICAP INSCRIBED "SHETLER FIRM 0148" SET
-  "L" CUT SET
-  FENCE
-  SIGN
-  PROPOSED MANHOLE
-  PROPOSED CONCRETE
-  RIPRAP OUTLET PROTECTION
-  PROPOSED ARBORVITAE BUFFER (3.7' - 5.7' WIDTH VARIES)
-  BUILDING SETBACK

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: January 15, 2025

Transaction Number: DV-0869-2024.

Parcel Number(s): 20-02-23-279-019.000-026.

Existing Zoning: R-2.

Petition: For a 32.5 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of an accessory structure 17.5 ft. from the centerline of the right-of-way and for a 4 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for the construction of an accessory structure 1 ft. from the southeast property line.

Petitioner: Laura R. Kreger.

Location: Northeast side of Heaton Vista, 30 ft. South of 3rd St., 745 ft. east of CR 113, in Osolo Township.

Site Description:

- Physical Improvement(s) – Residence, accessory structure to be demolished.
- Proposed Improvement(s) – Replacement accessory structure.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

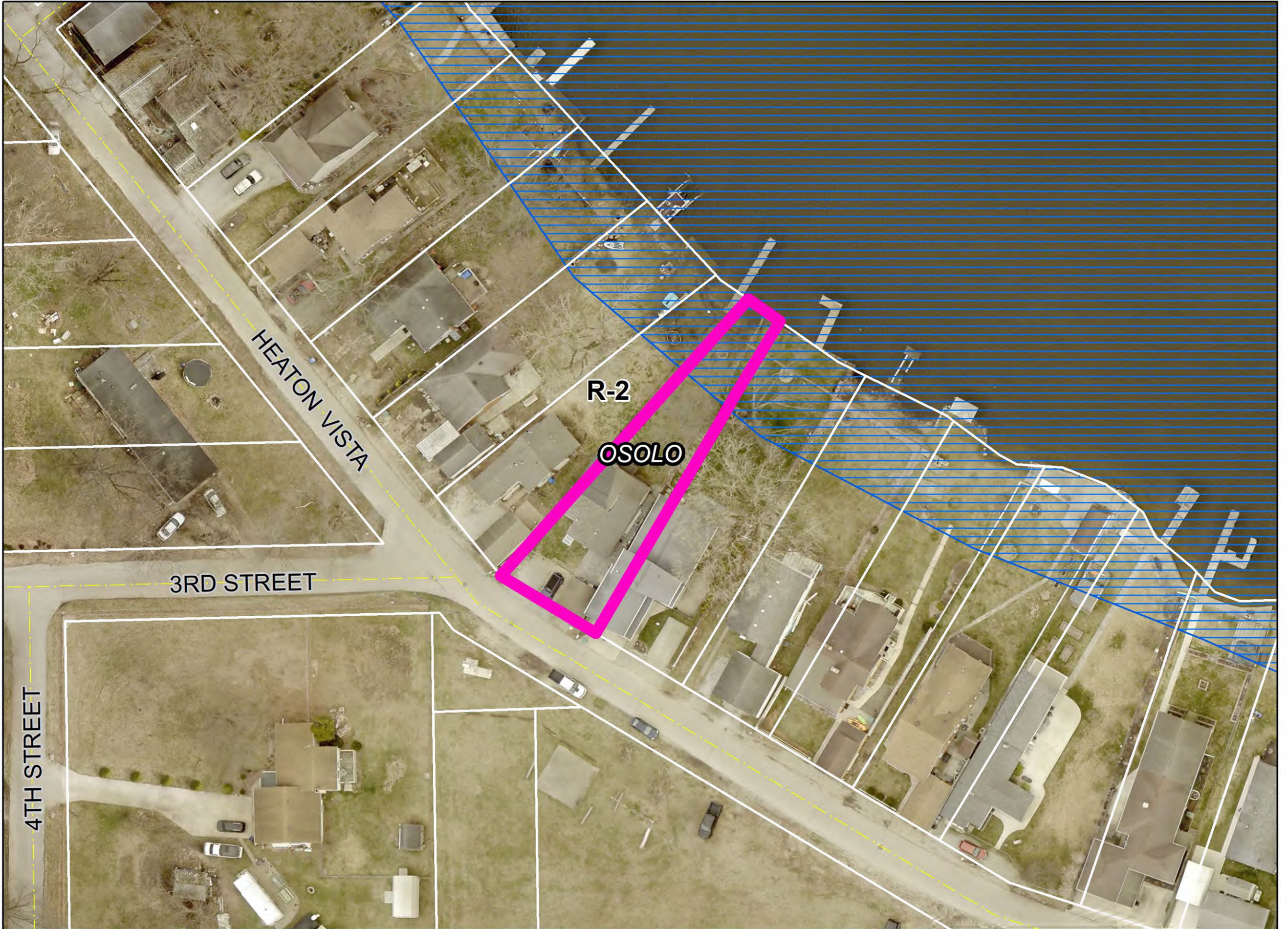
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. Garages along the right-of-way edge are typical in dense lake neighborhoods.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.08-acre lot in a dense residential area, and both neighboring properties observe similar garage setbacks.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. A garage of any size, in any location, in the front yard cannot be placed without a variance.

Hearing Officer Staff Report (Continued)

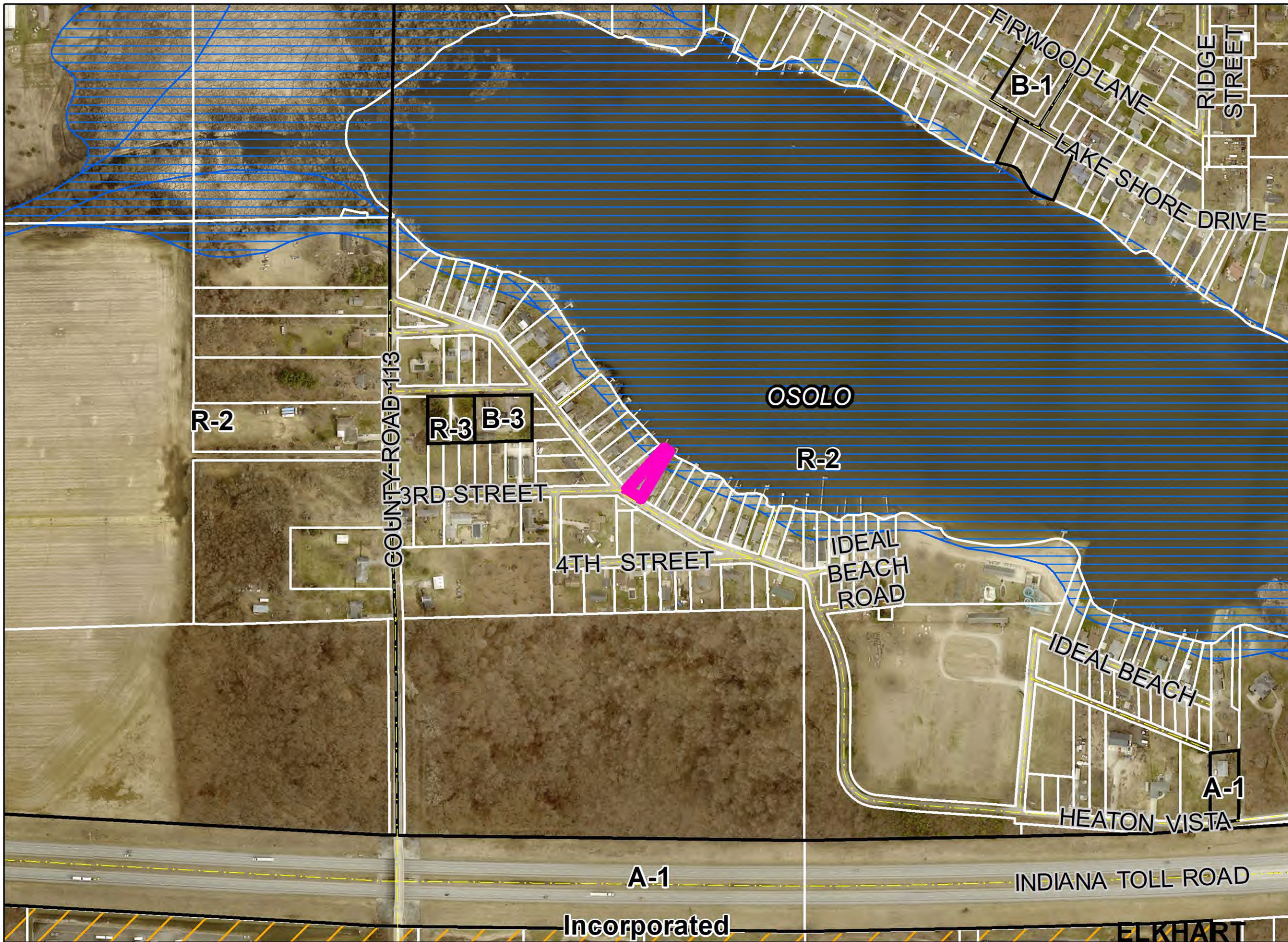
Hearing Date: January 15, 2025

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 12/5/2024 and as represented in the Developmental Variance application.









Subject property



Subject property, Southeast side



Facing Northwest



Facing Southeast



Facing Southwest

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-0869-2024

Date: 12/05/2024

Meeting Date: January 15, 2025
Board of Zoning Appeals Public Hearing

Transaction #: DV-0869-2024

Description: for a 32.5 ft Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of an accessory structure 17.5 ft from the center line of the right-of-way and, for a Developmental Variance (ordinance requires 5ft.) to allow for the construction of an accessory structure 4 ft. from the southeast property line.

Contacts: Applicant

Jess Restoration
21218 State Line Rd
Bristol, IN 46507

Authorized Agent

Jess Restoration
21218 State Line Rd
Bristol, IN 46507

Contractor

Jess Restoration
21218 State Line Rd
Bristol, IN 46507

Land Owner

Laura R. Kreger
23099 Heaton Vista
Elkhart, IN 46514

Site Address: 23099 Heaton Vista
Elkhart, IN 46514

Parcel Number: 20-02-23-279-019.000-026

Township: Osolo

Location: NE SIDE OF HEATON VISTA, 30 FT. SOUTH OF 3RD ST., 800 FT. EAST OF CR 113

Subdivision: HEATON PARK SE 1/2

Lot # 20

Lot Area: 0.08 Frontage: 49.00 Depth: 180.00

Zoning: R-2

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: ME-R-1019-2017-COMplete.

RESIDENTIAL DWELLING AREA: 885 SQFT X 110% = 973.5 SQFT (CURRENT GARAGE WILL BE DEMOED) MINUS
NEW PROPOSED STRUCTURE 572 SQFT = 401.5 SQFT OF AVAILABLE PERSONAL STORAGE.

Applicant Signature:

Department Signature:

Application

Site address: 23099 Heaton Vista Elkhart, IN 46514

Parcel number(s): 20-02-23-279-019.000-026

Current property owner

Name: Laura Kregel

Address: 23099 Heaton Vista Elkhart In 46514

Phone: 574-250-0204 Email: laurarkregel@gmail.com

Other party Agent Buyer Land contract purchaser Lessee

Name: Jess Restoration LLC / Ernest Jess

Address: 325 Simpson AVE. Elkhart, IN 46516

Phone: 574-358-1754 Email: jessrestoration@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: [Signature] Contractor

Staff Use Only

Description: 32.5 FT. FOR A 35 FT DEVELOPMENTAL VARIANCE (ORDINANCE REQUIRES 50 FT.) TO ALLOW FOR THE CONSTRUCTION OF AN ACCESSORY STRUCTURE 1.5 FT. FROM THE NE CENTER LINE, FOR A 35 FT DEVELOPMENTAL VARIANCE (ORDINANCE REQUIRES 5 FT.) TO ALLOW FOR THE CONSTRUCTION OF AN ACCESSORY STRUCTURE 1.5 FT FROM THE SE PROPERTY LINE.

Parcel creation date: N/A

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: SEE ATTACHED SHEET.

Location: (N) S (E) W corner (side) end of HEATON VISTA.
800 ft. N S (E) W of CR 113
in OSOLO Township R-2 ZONE.

Frontage: 49.9 FT. Depth: 180 FT. Area: 0.083 acres

Subdivision and lot number, if applicable: HEATON PARK SE 1/2, LOT 20

Present use: RESIDENTIAL

Use Variance - Questionnaire

Name: _____

1) Tell us what you want to do. Build a 26x22 Garage

2) Tell us why your case is different from other cases in the county so that a variance should be allowed. It is an older property on the lake with very little room Between the Garage & street.

3) Tell us why the variance won't hurt your neighbors or the community. All or most of the houses on that street are similarly close to the Street

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

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

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

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

7) Does what you want to do include buildings or additions? Y N If yes, fill out below.
Building or addition 1 Existing? Y N Size and height to the peak: 26x22 12'4" To Peak Garage
Tell us what you'll use it for. Garage

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

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

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

9) Does this application include an accessory structure without a residence at this time? Y N
If yes, are there plans for a residence on this property? Y N If yes, fill out below.
Tell us when it will be built. _____
Tell us the approximate size. _____

10) Does this application include animals? Y N
If yes, tell us what kind and the maximum number of each. _____

TV

Use Variance — Questionnaire

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

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

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

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

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

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

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

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

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

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

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

Tell us how often. _____

Tell us the kind of vehicles used. _____

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

Sign 1 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

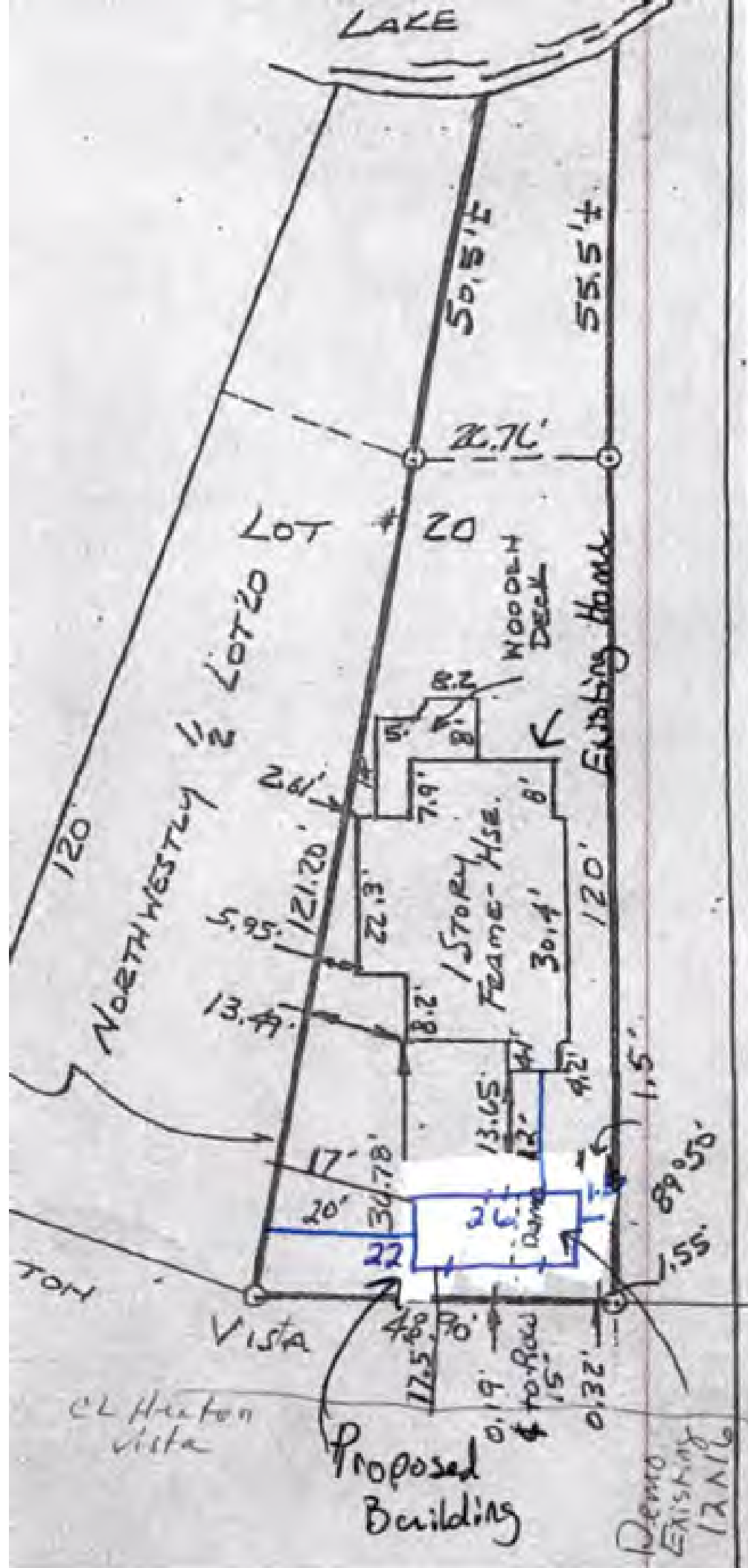
Sign 3 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

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



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: January 15, 2025

Transaction Number: DV-0874-2024.

Parcel Number(s): 20-11-31-400-009.000-014, 20-11-31-400-007.000-014.

Existing Zoning: A-1.

Petition: For a 40 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence.

Petitioner: Matthew A. Johnson & Priscilla L. Johnson, Husband & Wife.

Location: West side of CR 19, 3,955 ft. north of CR 142, in Elkhart Township.

Site Description:

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

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

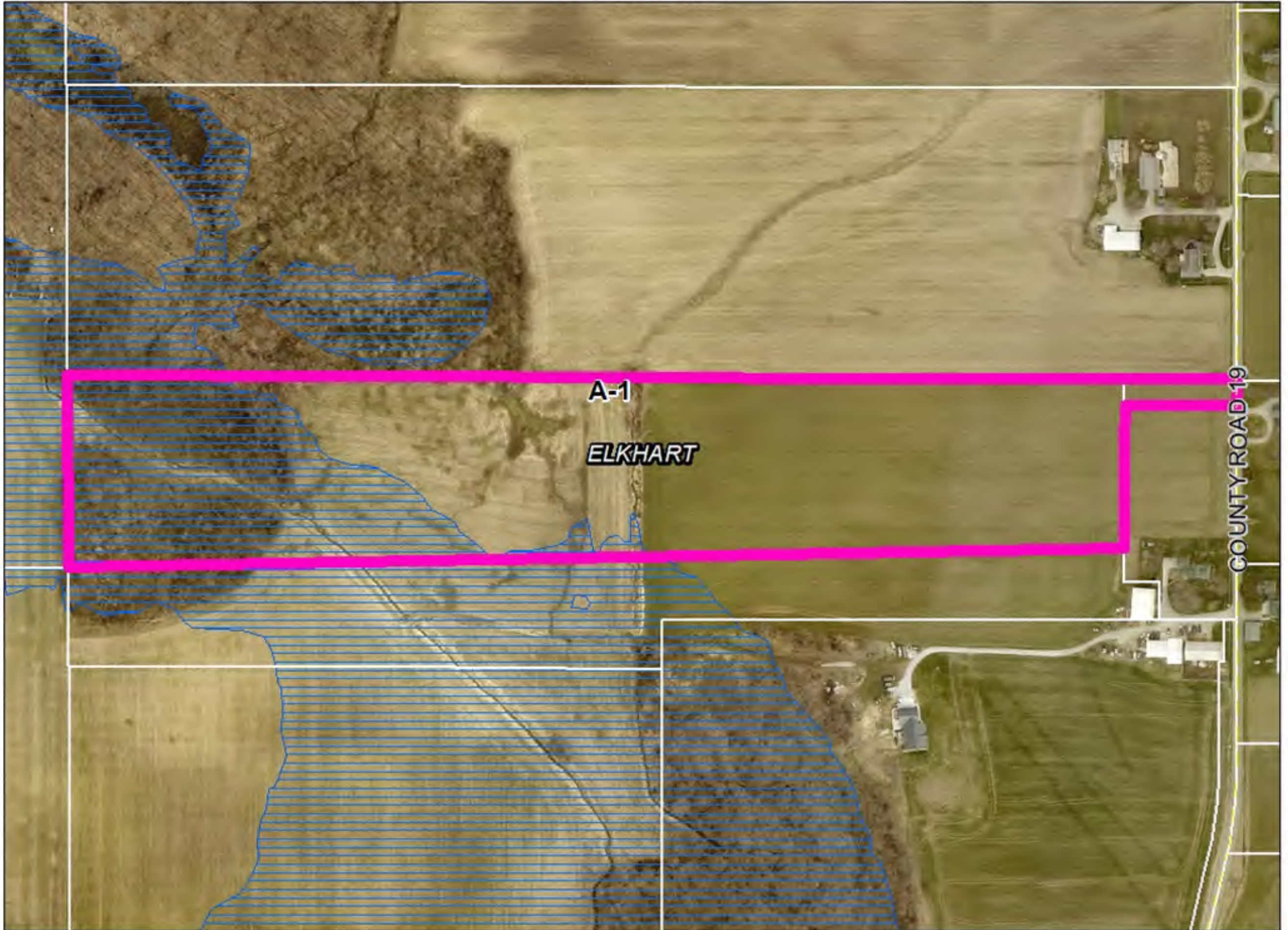
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The subject property is bordered only by other large homesites, and reduced road frontage will not change the density or safety of the area.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 23.81-acre property in a low-density residential and agricultural area, and there are only 3 existing homes within 500 ft. of the proposed homesite.
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 40 ft. of frontage.

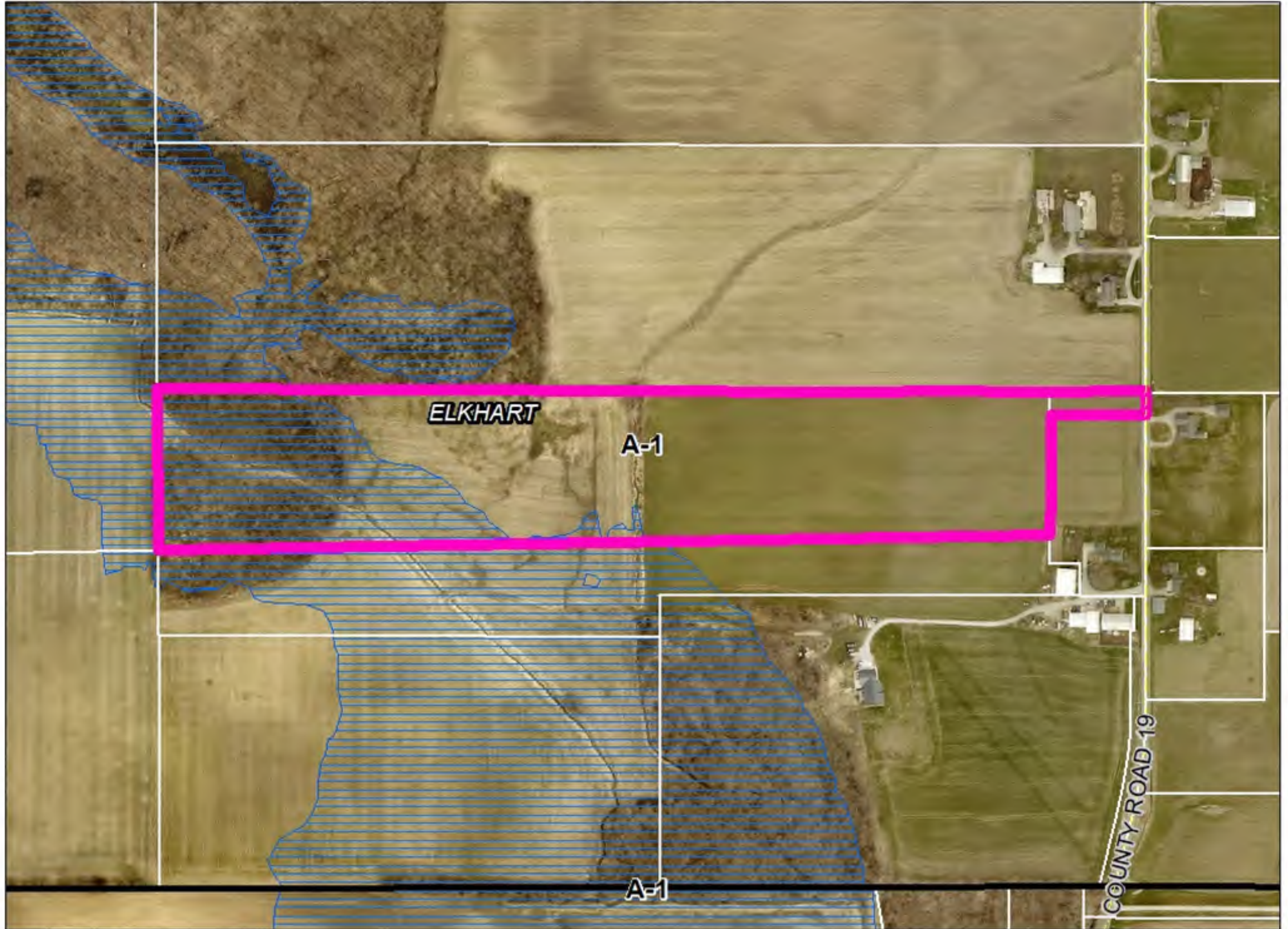
Hearing Officer Staff Report (Continued)

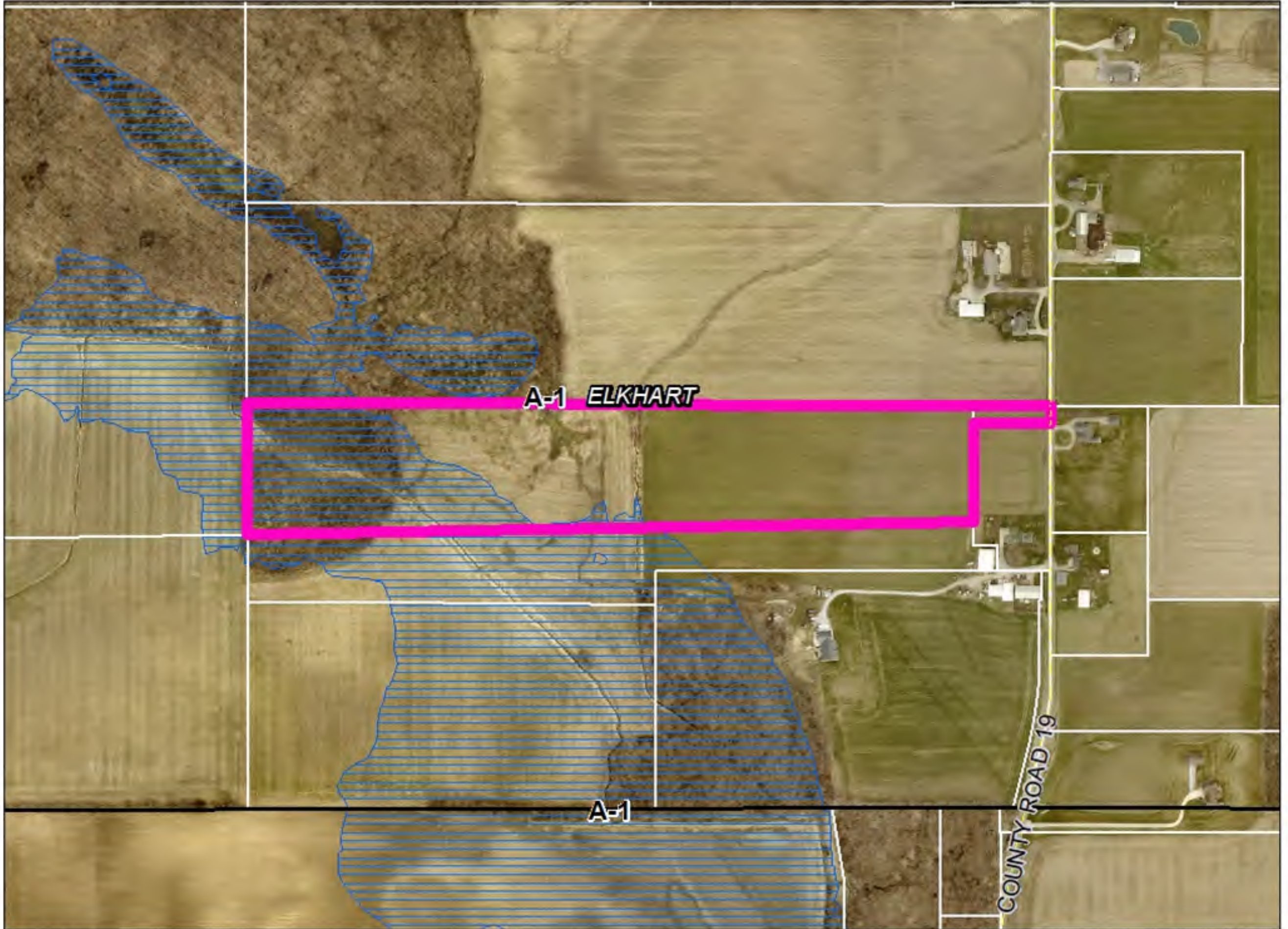
Hearing Date: January 15, 2025

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 12/10/2024 and as represented in the Developmental Variance application.









Subject property, proposed access



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-0874-2024

Date: 12/10/2024

Meeting Date:

January 15, 2025

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0874-2024

Description: for a 40 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence.

Contacts: Applicant

Land Owner

Matthew A. Johnson And
Priscilla L. Johnson, Husband
And Wife
29944 Arizona Ave
Elkhart, IN 46516

Matthew A. Johnson And
Priscilla L. Johnson, Husband
And Wife
29944 Arizona Ave
Elkhart, IN 46516

Site Address: Cr 19
GOSHEN, IN 46526

Parcel Number: 20-11-31-400-009.000-014

Township: Elkhart

Location: WEST SIDE OF CR 19, 3,955 NORTH OF CR 142

Subdivision:

Lot #

Lot Area: 23.81 Frontage: 60.00 Depth: 2,624.00

Zoning: A-1

NPO List:

Present Use of Property: AGRICULTURAL

Legal Description:

Comments:

Applicant Signature:

Department Signature:

Application

COMBINED.

Site address: 00000 CR 19

Parcel number(s): 20-11-31-400-009.000-014, 20-11-31-~~400-007.000-014~~

Current property owner

Name: Matthew & Priscilla Johnson

Address: 29944 Arizona Ave

Phone: 574-612-2290

Email: Derby58m@gmail.com

Other party

- Agent
- Buyer
- Land contract purchaser
- Lessee

Name: 1

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: Matthew Johnson Priscilla Johnson

Staff Use Only

Description: For a 40ft Lot-width Developmental Variance (Ordinance requires 100ft) to allow for the construction of a residence.

Parcel creation date: 1/27/2003.

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable:

Location: N S E W corner side end of CR 19
3,955 ft. N S E W of CR 142
in JACKSON Township

Frontage: 60 FT. Depth: 2,624 FT. Area: 23.81 acres

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

Present use: VALENTIN AG.

Developmental Variance — Questionnaire

Name: Matthew & Priscilla Johnson

1) Tell us what you want to do. Construct a new family home

2) Tell us why you can't change what you're doing so you don't need a variance. when easement was plotted, 60' was all that was required. After 256.88' the property opens upto 383.71' wide 2,408' long.

3) Tell us why the variance won't hurt your neighbors or the community. neighbors are farm fields and few homes.

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: Residence - 18 Ft tall
Tell us what you'll use it for. 3300 sq Ft living quarters, 3300 sq Ft pole barn

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

Building or addition 3 Size and height to the peak: N/A
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: January 15, 2025

Transaction Number: DV-0884-2024.

Parcel Number(s): 20-06-14-201-011.000-009.

Existing Zoning: R-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 lot 3 and for a 20 ft. lot-width Developmental Variance (Ordinance requires 80 ft.) to allow for the construction of a residence on proposed lot 2.

Petitioner: Kevin Dunkin.

Location: East side of CR 13, 250 ft. south of CR 16, in Concord Township.

Site Description:

- Physical Improvement(s) – Residence (lot 1), accessory structures (lot 2).
- Proposed Improvement(s) – Residence (lot 2), residence (lot 3).
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- **August 15, 2016, and July 27, 2017** – Three code cases were opened for an unsafe apartment building at the center of the property. The final case was closed in 2020.
- **June 1, 2021** – Demolition of the apartment building was verified.

Staff Analysis:

Staff finds that:

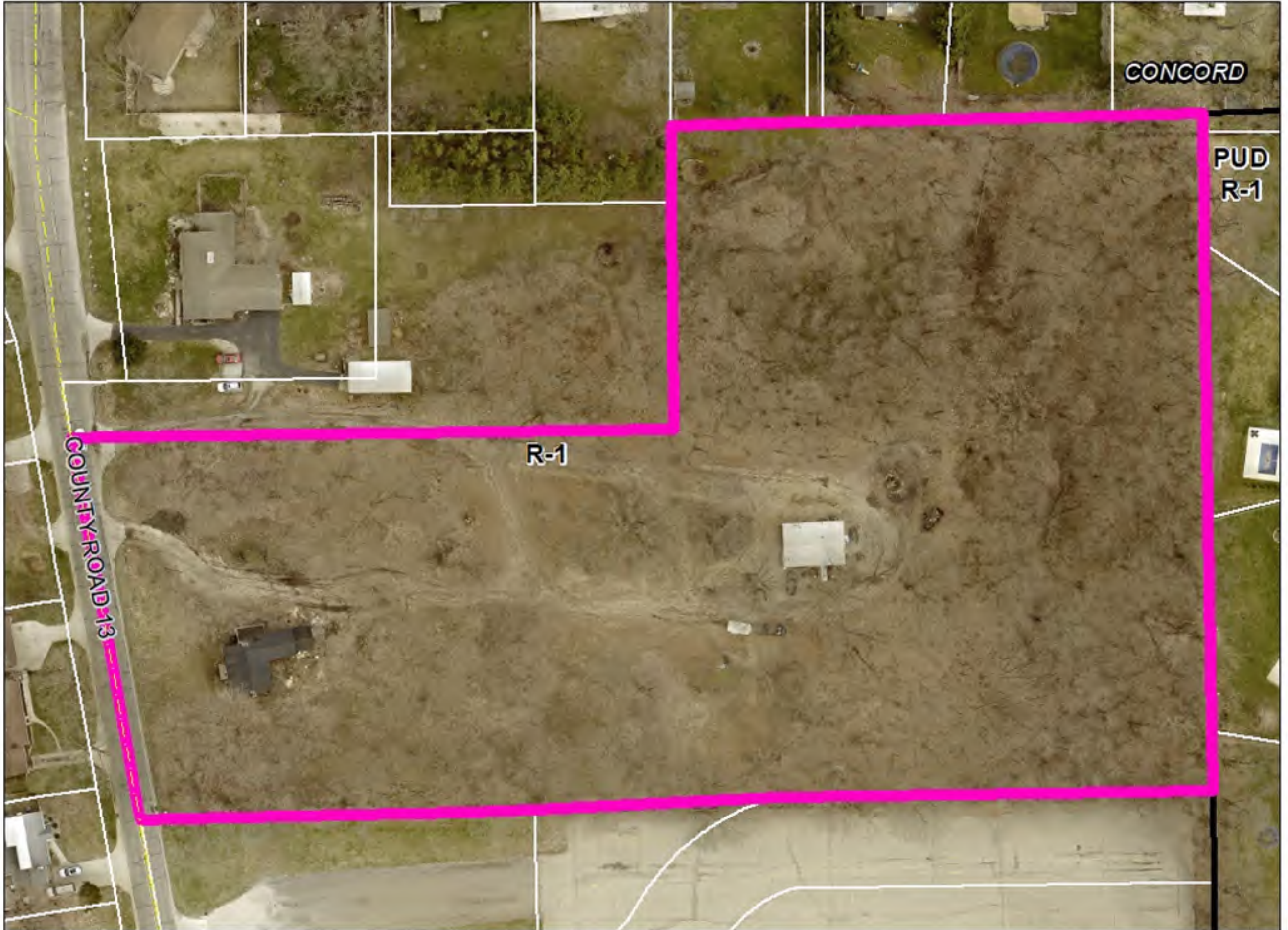
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. Approval will result in a limited number of access points and ensure traffic safety on a densely occupied segment of CR 13.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The effects of the adjacent school and surrounding residential density on neighboring properties are greater than those of the two proposed homesites on this 5.9-acre property.
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 take away a functioning driveway arrangement.

Hearing Officer Staff Report (Continued)

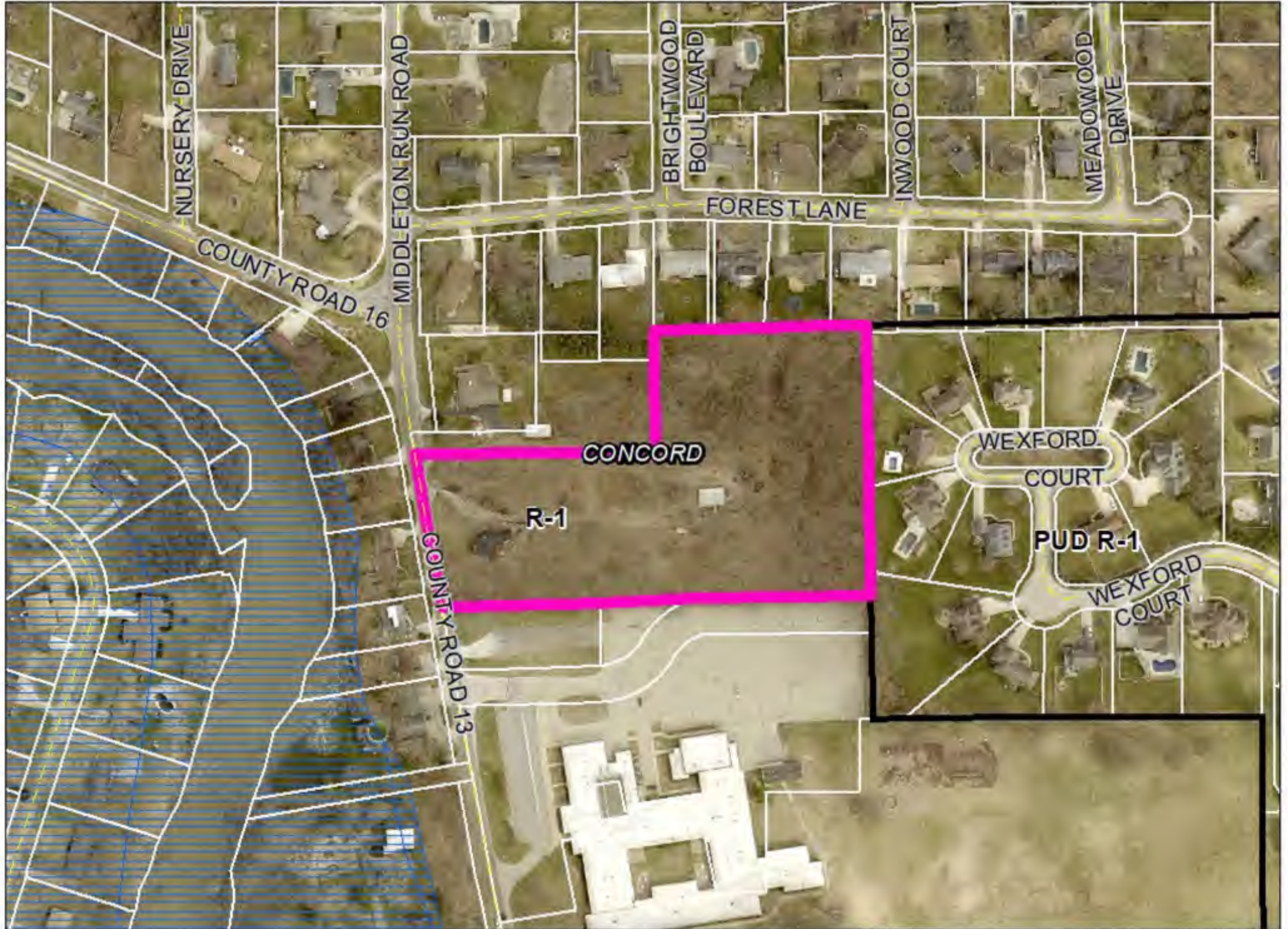
Hearing Date: January 15, 2025

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 12/16/2024 and as represented in the Developmental Variance application.
3. A subdivision is required.









Subject property, existing driveways



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

Developmental Variance - Developmental Variance

DV-0884-2024

Date: 12/16/2024

Meeting Date:

January 15, 2025

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0884-2024

Description: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement on proposed lot 3, and for a 20 ft. lot-width Developmental Variance (Ordinance requires 80 ft.) to allow for the construction of a residence on proposed lot 2

Contacts: Applicant

Land And Boundary Llc
401 S 3Rd Street
Goshen, IN 46526

Authorized Agent

Land And Boundary Llc
401 S 3Rd Street
Goshen, IN 46526

Land Owner

Kevin Dunkin
57072 County Road 13
Elkhart, IN 46516

Site Address: 57072 County Road 13
Elkhart, IN 46516

Parcel Number: Part of 20-06-14-201-011.000-009

Township: Concord

Location: East Side Of County Road 13, 300 ft. South Of County Road 16

Subdivision:

Lot #

Lot Area: 0.00 Frontage: 60.00 Depth: 741.15

Zoning: R-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PROPERTY TO BE SUB-DIVIDED IN FUTURE (DUNKIN MINOR SUBDIVISION). PROPOSED LOT 1 WILL HAVE EXISTING RESIDENCE. PROPOSED LOT 2 WILL HAVE 60 FT OF ROAD FRONTAGE, AND PROPOSED LOT 3 WILL BE SERVED BY ACCESS EASEMENT THRU LOT 2.
PARCEL CREATED 9/30/1969
SEE CODE CASE #0424-2017 WHICH HAS BEEN CLEARED PER KEVIN W
DO NOT SEE BUILDING PERMITS FOR EXISTING OUT-BUILDINGS IN ENERGOV - KB 12/16/2024

Applicant Signature:

Department Signature:

Application

Site address: 57072 County Road 13 Elkhart, Indiana

Parcel number(s): 20-06-14-201-011.000-009

Current property owner

Name: Kevin Dunkin

Address: 57072 County Road 13 Elkhart, Indiana

Phone: 574-536-7536 Email: kddunkin@gmail.com

Other party Agent Buyer Land contract purchaser Lessee

Name: Levi Rednour

Address: 401 S Third Street Goshen, Indiana

Phone: 574-320-5514 Email: levi@landbro.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:  12/16/24

Staff Use Only

Description: _____

Parcel creation date: 9-30-1969

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N S (E) W corner (side) end of CR 13
300 ft. N (S) E W of CR 16
in Concord Township

Frontage: 265.75 **Depth:** 741.15 **Area:** 5.867 acres

Subdivision and lot number, if applicable: _____

Present use: _____

Developmental Variance — Questionnaire

Name: Kevin Dunkin

1) Tell us what you want to do. Requesting a developmental variance for a parcel with no road frontage to be accessed through an ingress/egress and utility easement. Also requesting a 20 foot developmental variance for a parcel with 60 foot of frontage, Elkhart County ordinance requires 80 foot of frontage in R-1 zone.

2) Tell us why you can't change what you're doing so you don't need a variance. The parent parcel is being split into 3 Lots to be named Dunkin Minor Subdivision. There are two existing curb cuts onto County Road 13 that would be used to access each Lot. The placement of the curb cuts fit the 60 foot distance, whereas the 80 foot requirement would encompass both curb cuts.

3) Tell us why the variance won't hurt your neighbors or the community. The curb cuts are existing and both have been used to access County Road 13.

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? [X] Y [] N

5) Does the application include variances to allow for buildings or additions? [] Y [X] 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? [] Y [X] N If the easement is existing, is it recorded? [] Y [X] N
Tell us who owns (will own) the land under the easement. Lot 2 of Dunkin Minor Subdivision
Tell us how many parcels will use the easement. 1

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. The parent parcel is in the process of being split into 3 lots.

Developmental Variance

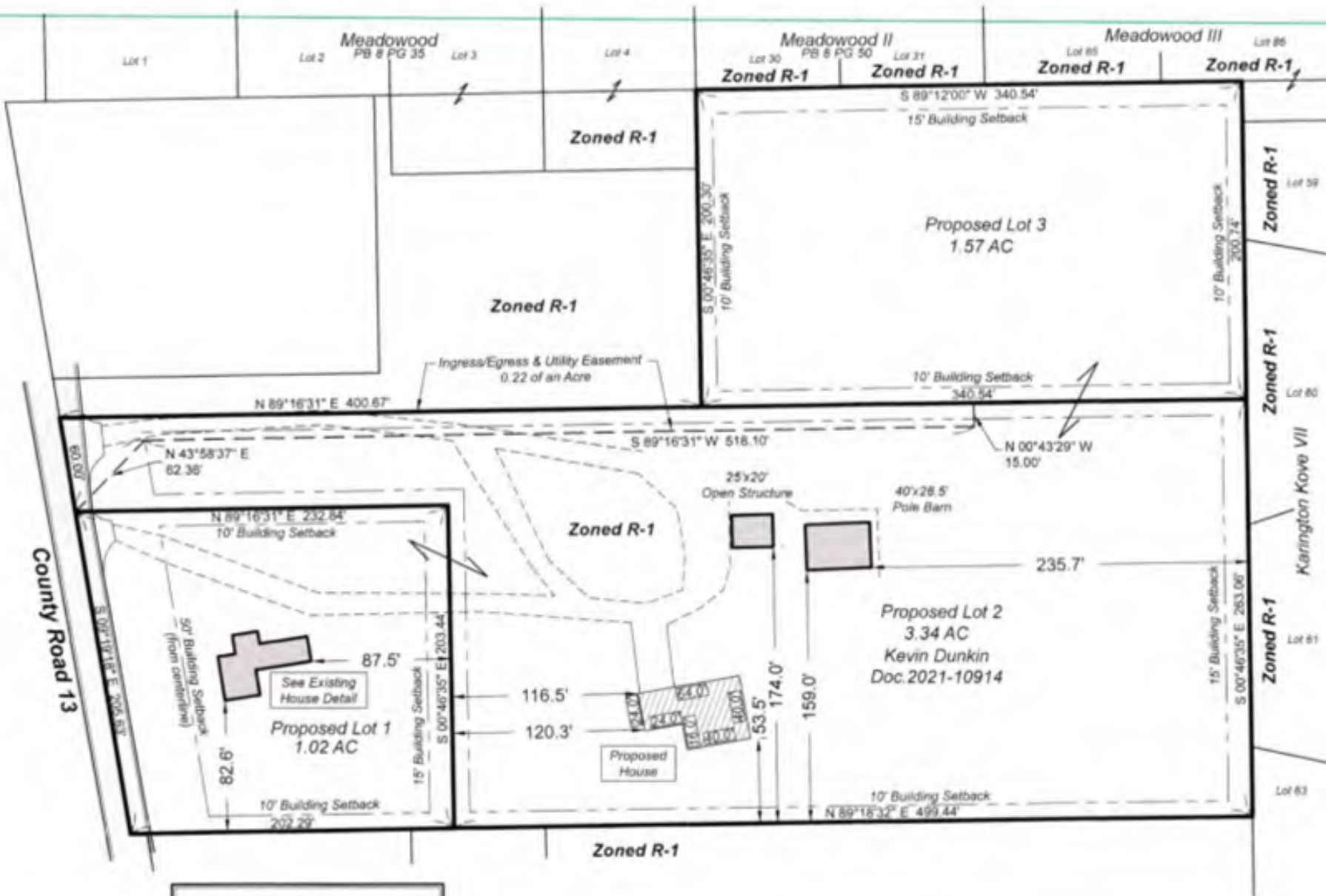
A part Northeast Quarter (NE1/4) of Section 14,
Township 37 North, Range 5 East,
Concord Township, Elkhart County,
State of Indiana

DEC 16 2024

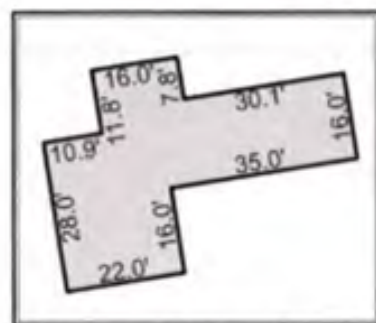
Notes:

Lot 3
Requesting a developmental variance for a parcel with no road frontage through an ingress/egress and utility easement.

Lot 2
Requesting a 20 foot developmental variance for a parcel with 60 foot of frontage, Elkhart County ordinance requires 80 foot of frontage.



County Road 13



Existing House Detail
1"=40'



LAND & BOUNDARY
The Land and Boundary Resource Office

Land and Boundary, LLC - 401 South 3rd Street Goshen, IN 46526
P. 574.320.5514 E. info@landbro.com

DATE OF FIELD WORK: N/A

PROJECT NUMBER: 241007

SCALE: 1" = 100'

AUTHORIZED BY: TRS

SHEET 2 OF 2

DRAFTING BY: JBB

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: January 15, 2025

Transaction Number: DV-0885-2024.

Parcel Number(s): 20-06-19-256-011.000-009.

Existing Zoning: R-1.

Petition: For a 4 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for construction of a residence 71 ft. from the centerline of the right-of-way.

Petitioner: Ross W. Wenger.

Location: South side of CR 24, 1,470 ft. west of CR 7, in Concord Township.

Site Description:

- Physical Improvement(s) – Residence, agricultural buildings.
- Proposed Improvement(s) – Replacement residence on existing foundation.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

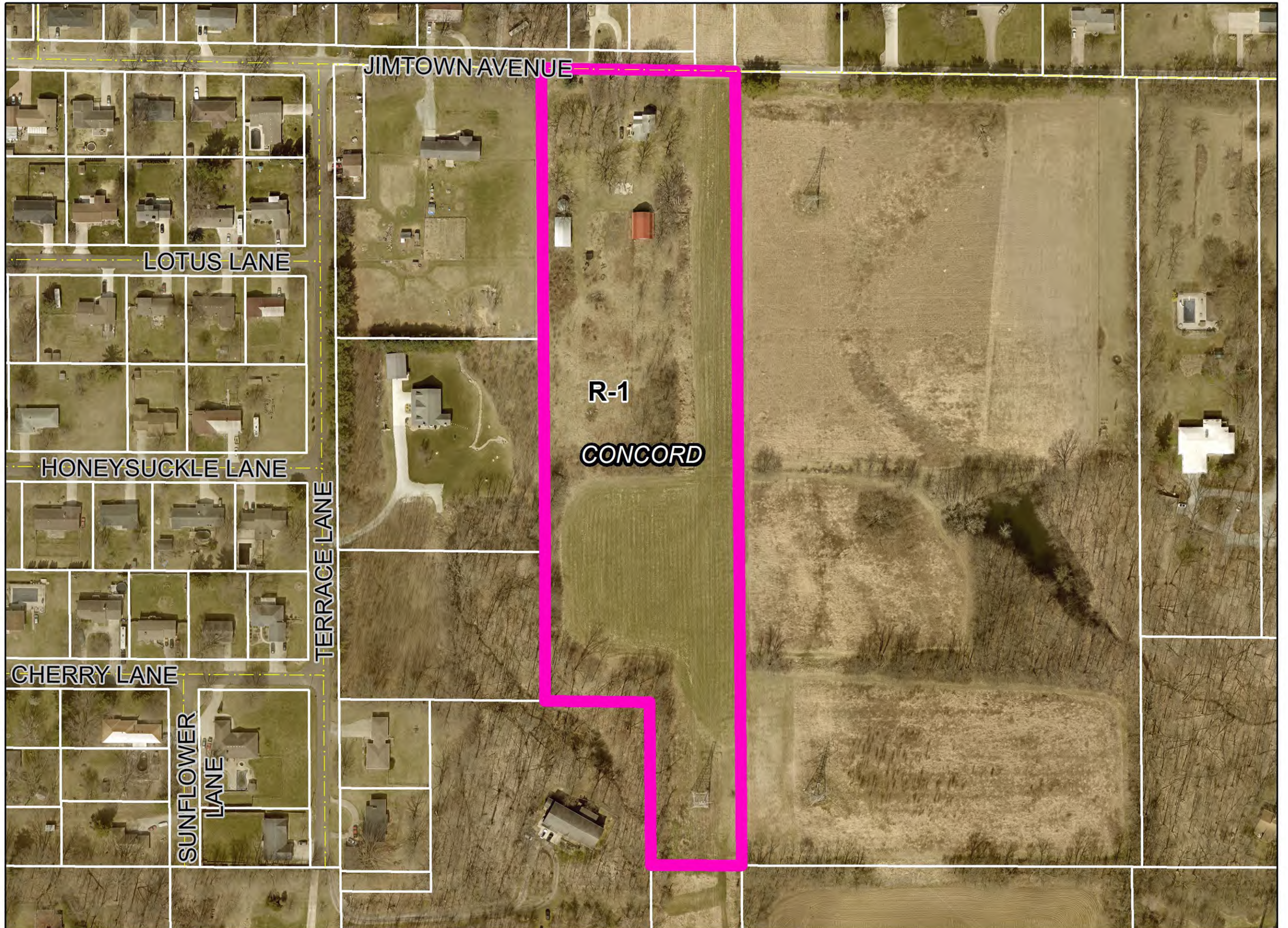
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The existing residence has not interfered with sight distance or other traffic or public health criteria.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is an 8.64-acre parcel in a low-density residential and agricultural area. Neighboring property to the east is agricultural only. Neighboring property to the west contains only one home.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. This minimal 4 ft. variance will allow reuse of an existing foundation.

Hearing Officer Staff Report (Continued)

Hearing Date: January 15, 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 12/16/2024 and as represented in the Developmental Variance application.
3. A subdivision is required.









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

Developmental Variance - Developmental Variance

DV-0885-2024

Date: 12/16/2024

Meeting Date:

January 15, 2025

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0885-2024

Description: for a 4 ft Developmental Variance (Ordinance Requires 75ft) to allow for construction of a residence 71 ft from the center line of the right-of-way.

Contacts: Applicant

Land And Boundary Llc
401 S 3Rd Street
Goshen, IN 46526

Authorized Agent

Land And Boundary Llc
401 S 3Rd Street
Goshen, IN 46526

Land Owner

Ross W. Wenger
27278 Cr 24 E
Elkhart, IN 46517

Private Surveyor

Land And Boundary Llc
401 S 3Rd Street
Goshen, IN 46526

Site Address: 27278 County Road 24
Elkhart, IN 46517

Parcel Number:

20-06-19-256-011.000-009

Township: Concord

Location: SOUTH SIDE OF CR 24, 1,470 FT. WEST OF CR 7

Subdivision:

Lot #

Lot Area:

8.60

Frontage:

320.00

Depth:

1,292.00

Zoning: R-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: THIS PARCEL WILL BE GETTING AN ADMINISTRATIVE SUBDIVISION.

Applicant Signature:

Department Signature:

Application

Site address: 27278 County Road 24 Elkhart, Indiana 46517

Parcel number(s): 20-06-19-256-011.000-009

Current property owner

Name: Ross W. Wenger

Address: 27278 County Road 24 Elkhart, Indiana 46517

Phone: 574-612-2276

Email: rwwenger@frontier.com

Other party

Agent Buyer Land contract purchaser Lessee

Name: Levi Rednour, SI

Address: 401 S Third Street Goshen, Indiana 46526

Phone: 574-320-5514

Email: levi@landbro.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: *L. Rednour* 12/16/24

Staff Use Only

Description: FOR A 3.6 FT. DEVELOPMENTAL VARIANCE (ORDINANCE REQUIRES 7.5 FT) TO ALLOW FOR CONSTRUCTION OF A RESIDENCE 71.4 FT FROM THE CENTER LINE OF THE RIGHT-OF-WAY OF CR 24.

Parcel creation date: 3/11/21

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N S E W corner side end of CR 24
1,470 ft. N S E W of CR 7
in CONCORD Township

Frontage: 320 Depth: 1,292 Area: 8.6 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL

Developmental Variance — Questionnaire

Name: _____

1) Tell us what you want to do. Requesting a 3.6 feet developmental variance for an existing home that will be demolished. A new house will be built on the existing foundation. Elkhart County zoning ordinance requires 75 feet from centerline of County Road 24.

2) Tell us why you can't change what you're doing so you don't need a variance. The foundation is already existing and the issue arose from creating the Administrative Subdivision.

3) Tell us why the variance won't hurt your neighbors or the community. The existing house was built roughly 100 years ago and the new construction on the existing foundation will have no bearing on the neighbors or the community.

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: 2310 SQ.FT.
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. This parcel is getting an Administrative Subdivision in order to pull building permits for Elkhart County.

County Road 24 (40' R/W)
N Line SW 1/4 of the NE 1/4 of Sec. 19



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: January 15, 2025

Transaction Number: DV-0886-2024.

Parcel Number(s): 20-16-05-101-001.000-003, Part of 20-16-05-126-001.000-003.

Existing Zoning: A-1.

Petition: for a 34 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 41 ft. from the centerline of the right-of-way of CR 42, for a 22 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 53 ft. from the centerline of the right-of-way of CR 33 on proposed lot 1, and for a 3 ft. Developmental Variance (Ordinance require 75 ft.) to allow for an existing barn 72 ft. from the centerline of the right-of-way on proposed lot 2.

Petitioner: Carpenter Family Farm East, LLC.

Location: Southeast corner of CR 33 & CR 42, in Benton Township.

Site Description:

- Physical Improvement(s) – Residence, detached accessory structure on lot 1, Agricultural barn on lot 2.
- Proposed Improvement(s) – Residence and agricultural barn on lot 2.
- Existing Land Use – Residential, Agricultural.
- Surrounding Land Use – Residential, Agricultural.

History and General Notes:

- **November 25, 2024** – The plat for Carpenter’s Corner 2-lot minor subdivision was recorded.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The structures exist and are not hindering the line of sight of traffic at the intersection, as both structures are out of the right-of-way.
2. Approval of the request will not cause substantial adverse effect on neighboring property. Both parcels are over 3 acres in a low-density residential and agricultural area and will remain residential in character. The residence, on lot 1, has been in existence since 1950 and the agricultural barn, on lot 2, has been existing since 1987.

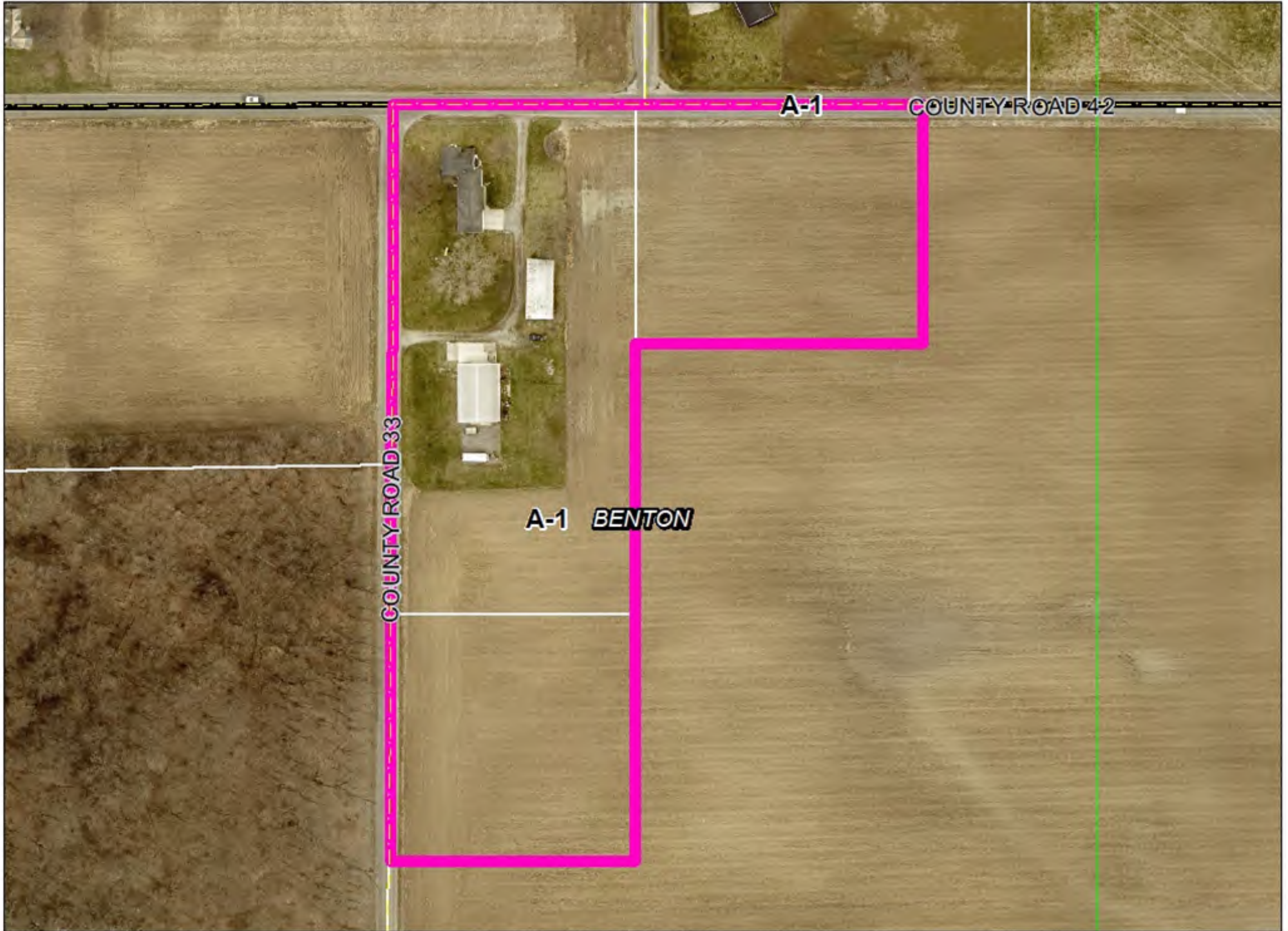
Hearing Officer Staff Report (Continued)

Hearing Date: January 15, 2025

3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the variance the existing structures would not be allowed to exist.

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 12/16/2024 and as represented in the Developmental Variance application.

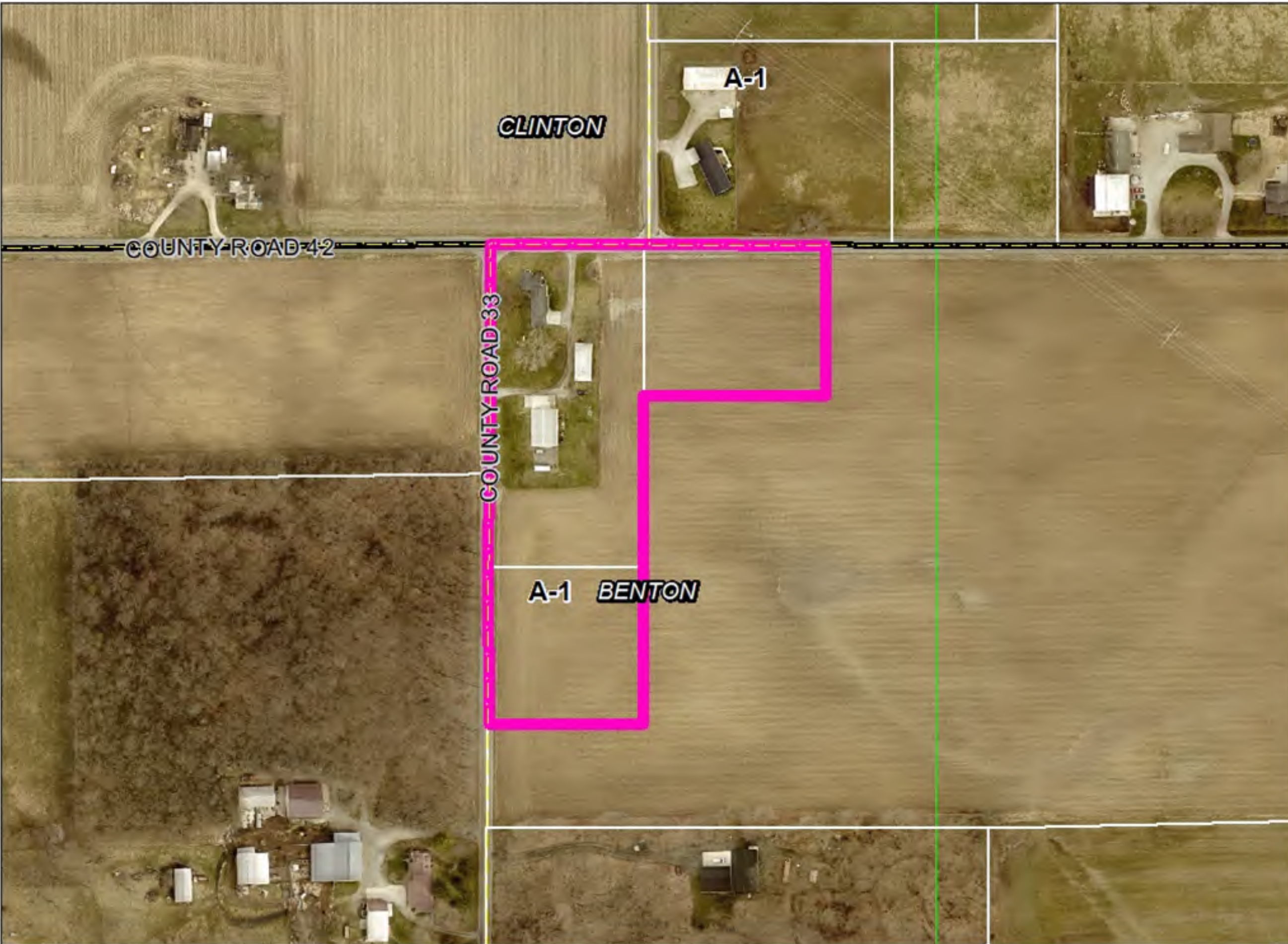


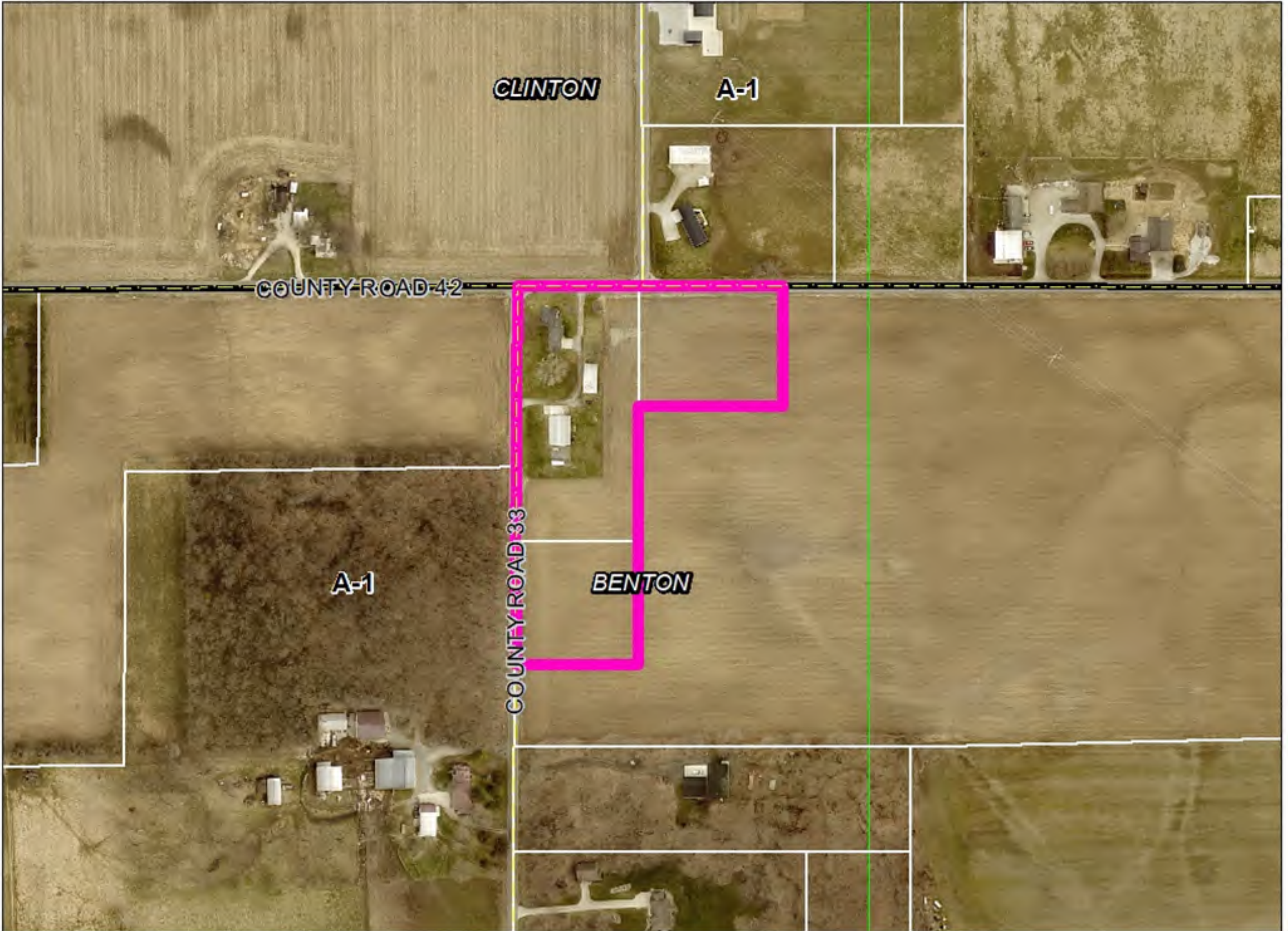
A-1 BENTON

A-1

COUNTY ROAD 42

COUNTY ROAD 33







Facing South from CR 42, lot-1



Facing East on CR 42, lot-1



Facing West from CR 42, lot-1



Facing North from CR 42, lot-1



Facing East from CR 33, lot-1



Facing South from CR 33, lot-1



Facing North from CR 33, lot-1



Facing West from CR 33, lot-1



Facing East, lot-2



Facing South, lot-2



Facing North, lot-2



Facing West, lot-2

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-0886-2024

Date: 12/16/2024

Meeting Date:

January 15, 2025

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0886-2024

Description: for a 34 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 41 ft. from the centerline of the right-of-way of CR 42 and for 21 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence from the centerline of the right-of-way CR 33 on Proposed Lot 1 and for a 3 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing barn 72 ft. from the centerline of the right-of-way on Proposed Lot 2

Contacts: Applicant

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

Authorized Agent

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

Land Owner

Carpenter Family Farm East,
Llc
14966 Cr 44
Millersburg, IN 46543

Site Address:

14966 County Road 42
Millersburg, IN 46543

Parcel Number:

20-16-05-101-001.000-003
Part of 20-16-05-126-001.000-003

Township: Benton

Location: SOUTHEAST CORNER OF CR 33 AND CR 42

Subdivision:

CARPENTER'S CORNER

Lot #

Lot Area:

6.26

Frontage:

523.00

Depth:

505.00

Zoning: A-1

NPO List:

Present Use of Property:

RESIDENTIAL

Legal Description:

Comments: SEE MINOR PRIMARY APPROVED 11/14/2024 (MI-0695-2024) AND SECONDARY (MI-0838-2024)

Applicant Signature:

Department Signature:

Application

Site address: 14966 COUNTY ROAD 42, MILLERSBURG, IN 46543

Parcel number(s): 20-16-05-101-001.000-003, 20-16-05-126-001.000-003

Current property owner

Name: CARPENTER FAMILY FARM EAST- RICHARD CARPENTER, MANAGER

Address: 14966 COUNTY ROAD 42, MILLERSBURG, IN 46543

Phone: 574 536-4919

Email: dickdawg31@gmail.com

Other party

Agent Buyer Land contract purchaser Lessee

Name: Ronnie Justice P.S. / Advanced Land Surveying

Address: 17120 County Road 46, New Paris, IN 46553

Phone: (574) 849-4728

Email: ron@advancedlandsurveying.net

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

Signature of current property owner or authorized agent: Ronnie Justice

Staff Use Only

Description: _____

Parcel creation date: Minor hearing 4/14/24 - Primary
filed 4/18/24 - Secondary

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N (S) (E) W (corner) side end of CR 33 & CR 42
_____ ft. N S E W of _____
in Benton Township

Frontage: _____ Depth: _____ Area: _____ acres

Subdivision and lot number, if applicable: _____

Present use: Residential

Developmental Variance — Questionnaire

Name: CARPENTER FAMILY FARM EAST- RICHARD CARPENTER, MANAGER

1) Tell us what you want to do. JUST COMPLETED A 2 LOT MINOR ON THIS PROPERTY (CARPENTER'S CORNER) EXISTING HOUSE ON LOT 1 NEEDS 34' SETBACK VARIANVE FROM CR 42 AND 21.5' FROM CR 33. LOT 2 NEEDS A 3' SETBACK VARIANCE FROM CR 33 FOR AN EXISTING POLEBARN

2) Tell us why you can't change what you're doing so you don't need a variance. BUILDINGS ARE EXISTING PLANNING SAYS WE NEED THESE VARIANCES TO IMPROVE THESE LOTS

3) Tell us why the variance won't hurt your neighbors or the community. BUILDINGS ARE EXISTING HAVE BEEN HERE A LONG TIME

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? [X] 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 [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):

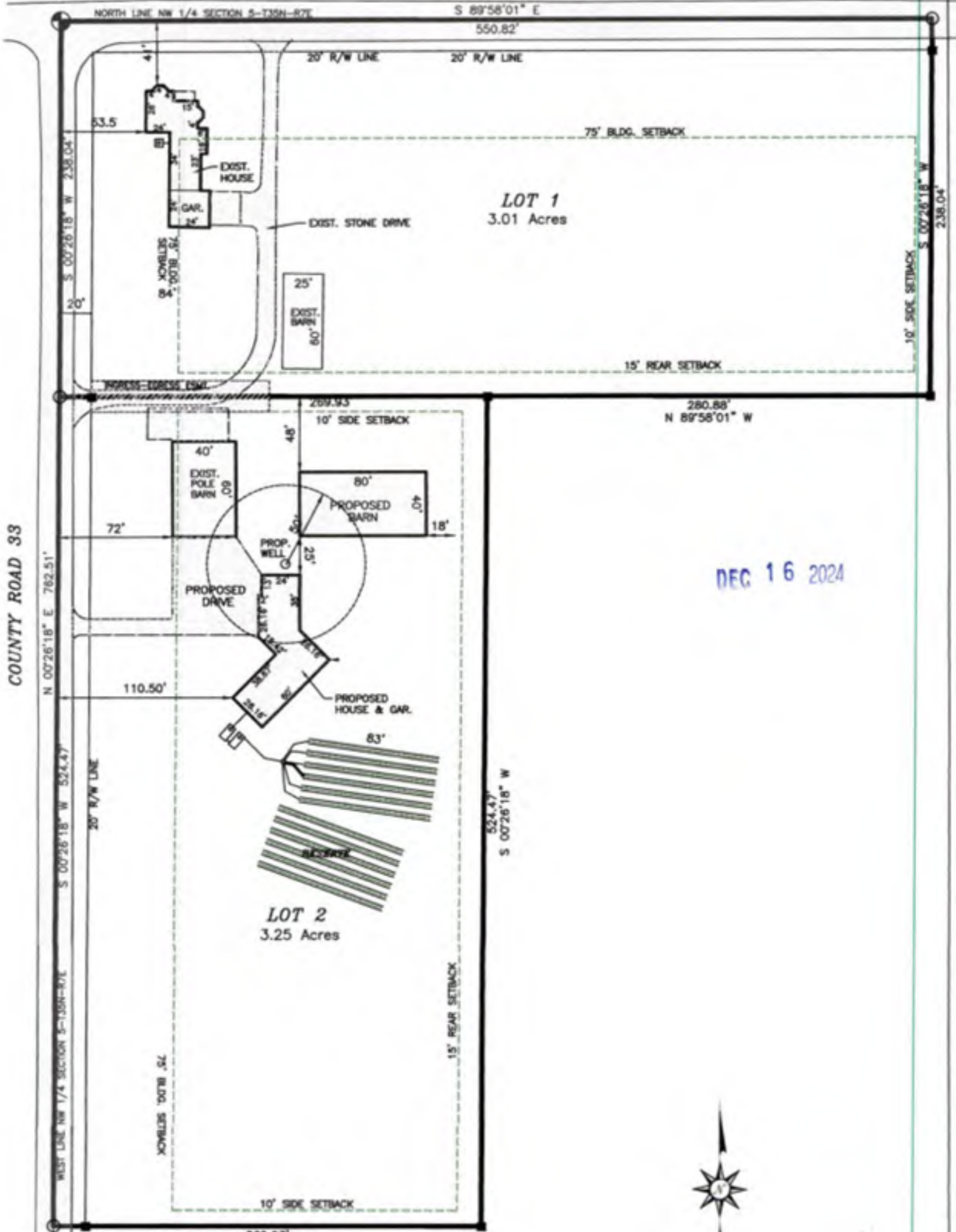
Existing? [] Y [] N Double faced? [] Y [] N
Electronic message board? [] Y [] N If no, lighted? [] Y [] N
Freestanding? [] Y [] N Wall mounted? [] Y [] N

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: January 15, 2025

Transaction Number: SUP-0788-2024.

Parcel Number(s): 20-02-33-128-013.000-026.

Existing Zoning: R-2.

Petition: for a Special Use for an existing mobile home and for a Developmental Variance to allow for an existing mobile home withing 300 ft. of a residence.

Petitioner: Ruperto M. Aguilar & Pedro Aguilar Guerrero.

Location: South side of Reckell Ave., 300 ft. East of Violet Rd., in Osolo Township.

Site Description:

- Physical Improvement(s) – Mobile Home, detached accessory structure.
- Proposed Improvement(s) – New Mobile Home.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- **May 17, 1990** – A Special Use for a mobile home to be occupied by Sonya Tacy was approved (90-67-SU).

Staff Analysis:

for a Special Use for an existing mobile home, 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 R-2 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 0.489-acre parcel in a high-density residential area and the property will remain residential in character. There are other mobile homes in the neighborhood.
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: January 15, 2025

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

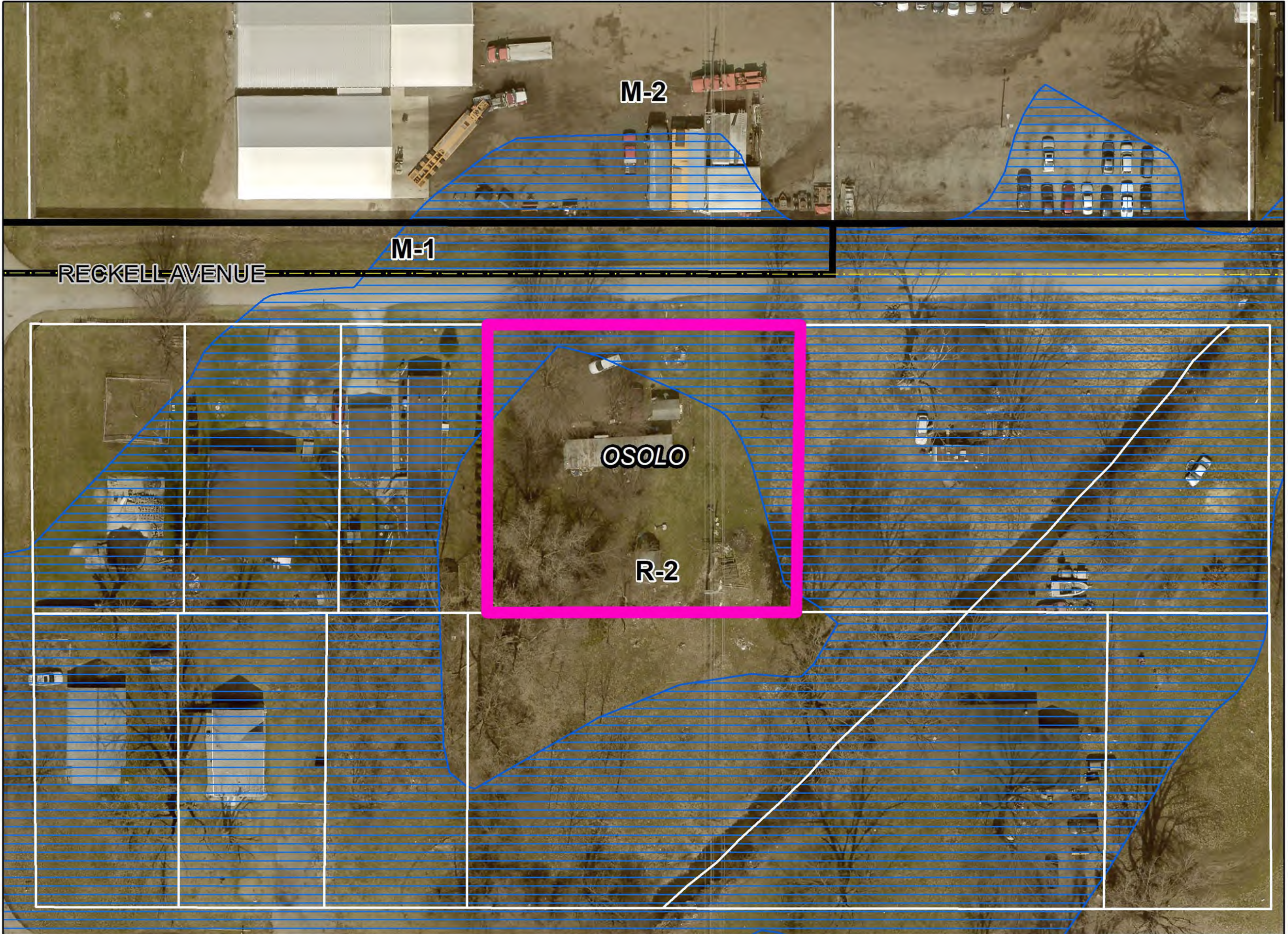
1. The request is approved subject to Staff renewal every three (3) years and with a one (1) year review to verify compliance with the following:
 - a. The mobile home shall be adequately stabilized and skirted and have tie-downs installed.
 - b. The water supply and sewage disposal system shall be installed in accordance with County Health Department specifications.
 - c. Adequate provisions for storage shall be provided at all times to eliminate exterior storage of personal property, tools, and vehicles, except licensed motor vehicles.
 - d. At all times, the premises shall be kept free of abandoned junk vehicles and parts thereof as described by Indiana State Law.
2. The request is approved in accordance with the site plan submitted (dated 10/23/2024) and as represented in the Special Use application.

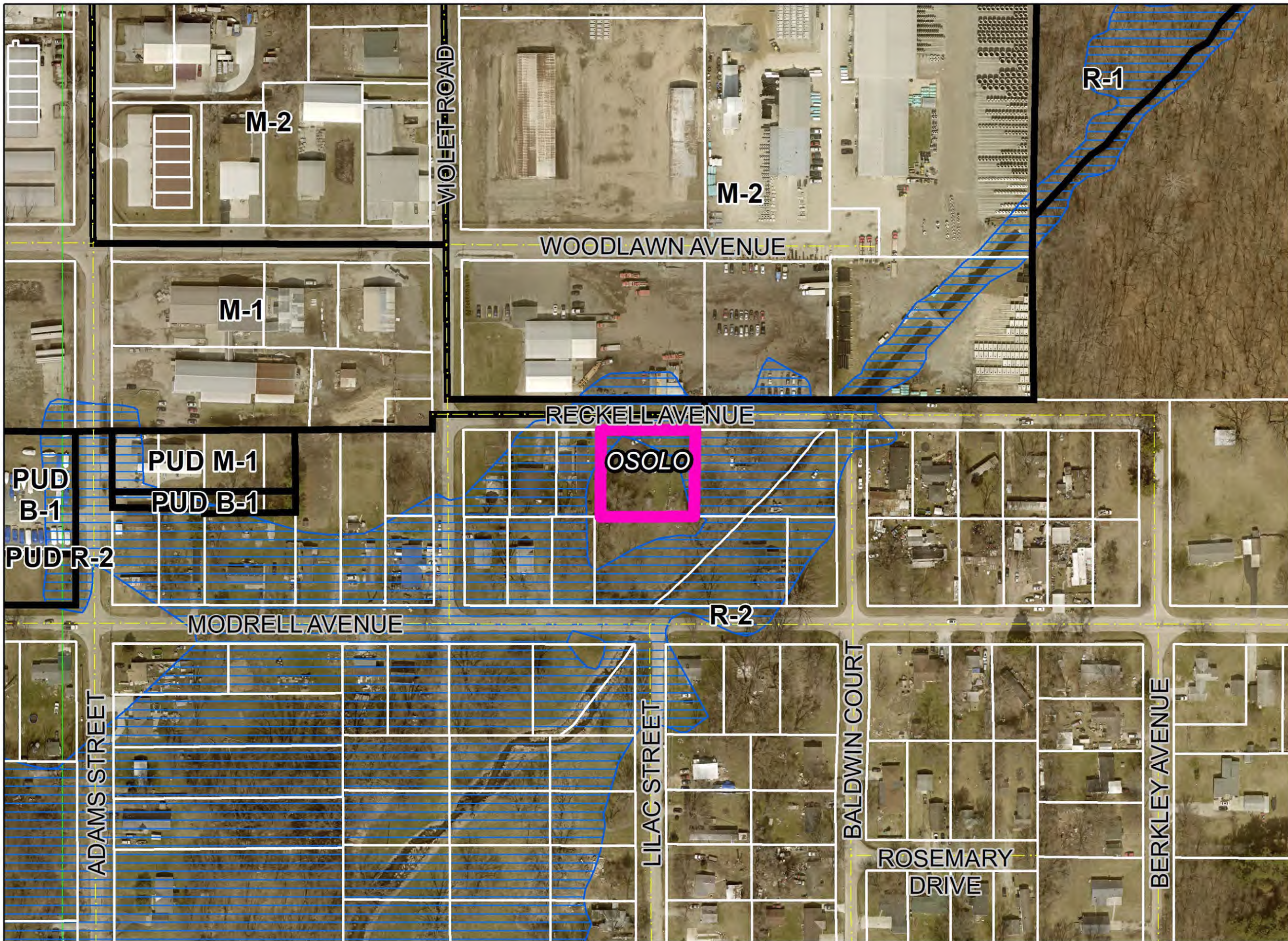
for a Developmental Variance to allow for an existing mobile home withing 300 ft. of a residence, staff finds that:

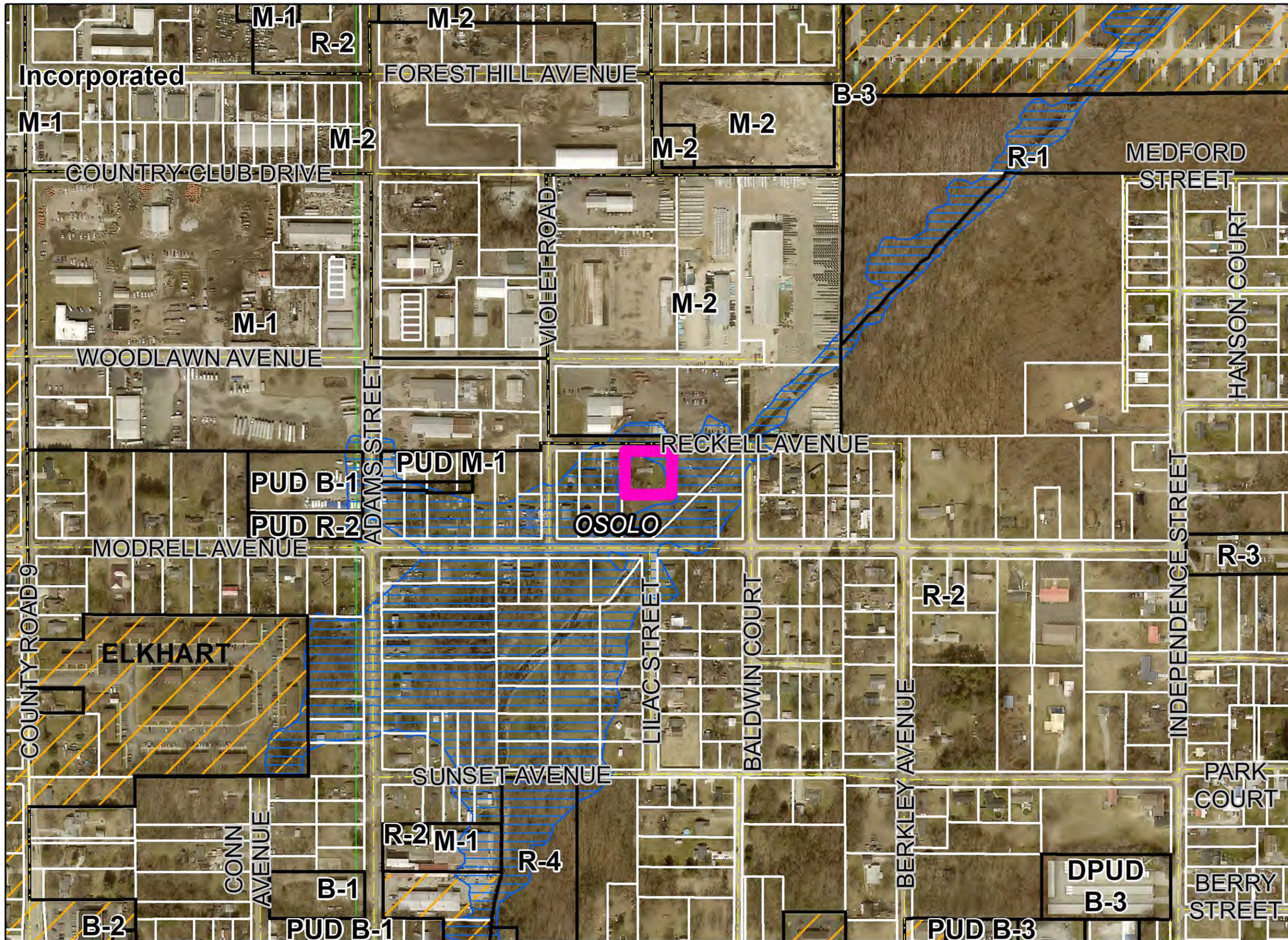
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. There has been a mobile home on this parcel since 1990 without complaints.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.489-acre parcel in a dense residential neighborhood and the property will remain residential in character. There are other mobile homes in the neighborhood.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the use of the variance the mobile home would have to be removed.

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 10/23/2024) and as represented in the Developmental Variance application.









Facing South towards 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

Special Use - Mobile Home

SUP-0788-2024

Date: 10/23/2024

Meeting Date:

January 15, 2025

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0788-2024

Description: for a Special Use for an existing mobile home and for a Developmental Variance to allow for an existing mobile home within 300 ft. of a residence

Contacts: Applicant

Land Owner

Ruperto M Aguilar And Pedro

Ruperto M Aguilar And Pedro

Aguilar Guerrero, Joint Tenants

Aguilar Guerrero, Joint Tenants

25620 Reckell Ave

25620 Reckell Ave

Elkhart, IN 46514

Elkhart, IN 46514

Site Address: 25620 Reckell Ave
Elkhart, IN 46514

Parcel Number: 20-02-33-128-013.000-026

Township: Osolo

Location: SOUTH SIDE OF RECKELL AVE, 250 FT EAST OF VIOLET RD

Subdivision: RECKELLS 3RD SD

Lot # 5 & 6

Lot Area: 0.49 Frontage: 150.00

Depth: 142.00

Zoning: R-2, R-2, R-2

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE PREVIOUS SPECIAL USE #SUP-0428-2017 AND SUP-0568-2020 APPROVED FOR PREVIOUS OWNER SONJA TACY PROPERTY OWNERS REQUESTED JANUARY MEETING - KB 10/23/2024

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: 25620 Reckell Ave Elkhart IN 46514

Parcel number(s): 1

Current property owner

Name: Ruperto M. Aguilar and Pedro Aguilar Guerrero

Address: 25620 Reckell Ave Elkhart IN 46514

Phone: 574-368-0154 Email: pedro-1996-3@hotmail.com


Other party Agent Buyer Land contract purchaser Lessee

Name: _____

Address: _____

Phone: _____ Email: _____

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

Signature of current property owner or authorized agent: 

Staff Use Only

Description: _____

Parcel creation date: _____

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N (S) E W corner side end of Reckell
260 ft. N S (E) W of Violet Rd
in Osolo Township

Frontage: 150 Depth: 142 Area: .489 acres

Subdivision and lot number, if applicable: Reckell's 3rd SD Lot 5:6

Present use: Mobile Home

Special Use for a Mobile Home — Questionnaire

Name: Ruperto Aguilar

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. is living Ruperto (Dad), Francisca (Mom), Hazael (son), Uriel (son), Pedro (son)

2) Tell us who will live in the mobile home. Ruperto, Francisca, Hazael, Uriel, Pedro

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. Because we are a calm and responsible family and we take care of the condition of the mobile home.

5) Does the mobile home need its own well and septic? Well: Y N Septic: Y N
Does the mobile home need a new septic system? Y N
If yes, did the Health Department say there's enough space for it? Y N

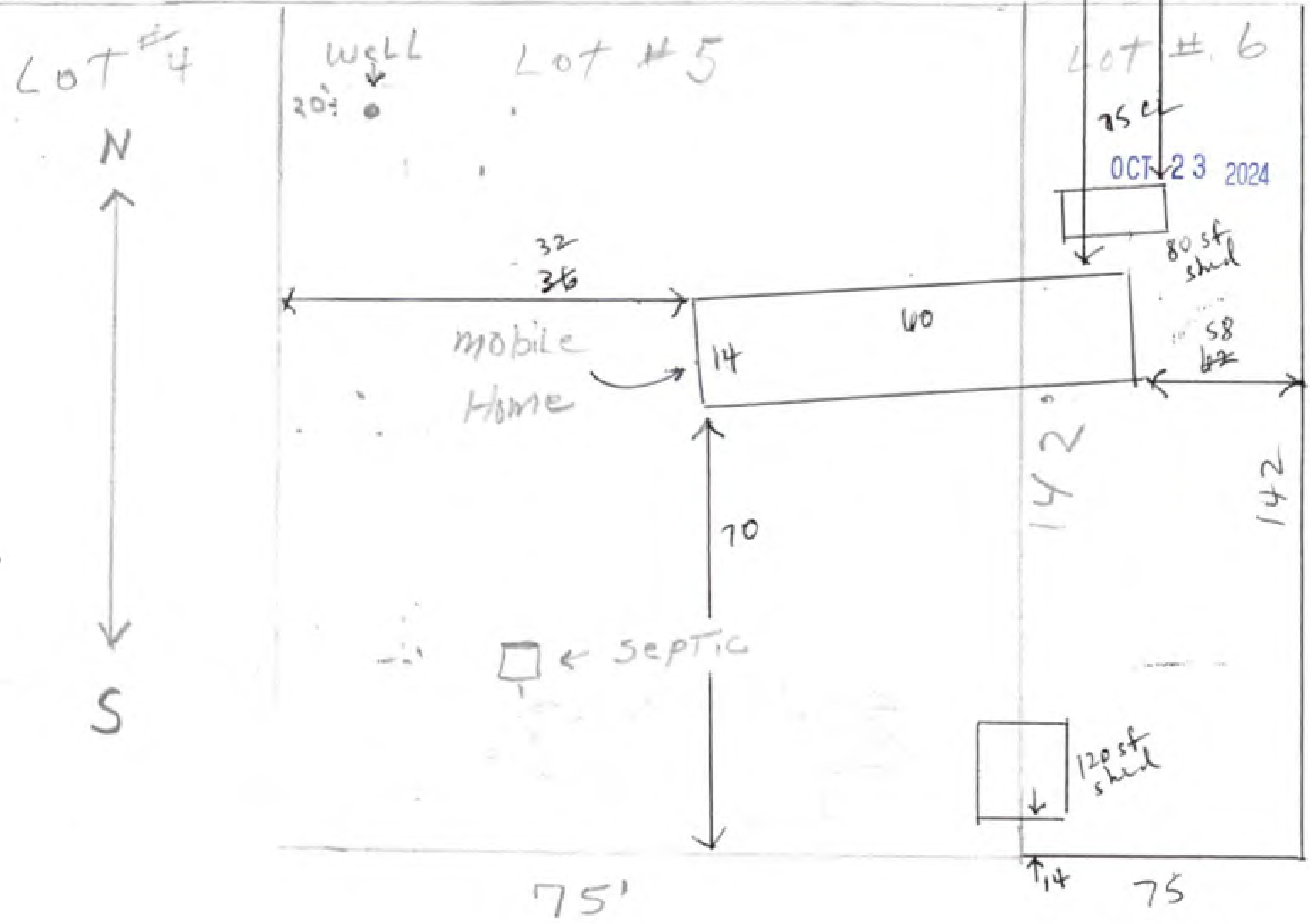
6) Tell us the size of the mobile home. 60' x 14'

7) Tell us the year of the mobile home. _____

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

ALL WELLS From Property lines are over 50'

Reckell Ave. 50'



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: January 15, 2025

Transaction Number: SUP-0887-2024.

Parcel Number(s): 20-01-22-200-002.000-005, 20-01-22-401-001.000-005.

Existing Zoning: A-1.

Petition: for a Special Use for a mobile home, and for a Developmental Variance to allow for an existing mobile home within 300 ft. of a residence.

Petitioner: John Taylor (Buyer) & Luis Miguel Santiago Rivera (Seller).

Location: Southwest side of CR 10, 3,255 ft. Northwest of CR 1, in Cleveland Township.

Site Description:

- Physical Improvement(s) – None.
- Proposed Improvement(s) – Mobile Home.
- Existing Land Use – Vacant.
- Surrounding Land Use – Residential, Agricultural.

History and General Notes:

- None.

Staff Analysis:

for a Special Use for a mobile home, 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 1.4-acre parcel in a low-density residential area, and the property will remain residential in character. The mobile home will meet all other developmental requirements.
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: January 15, 2025

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

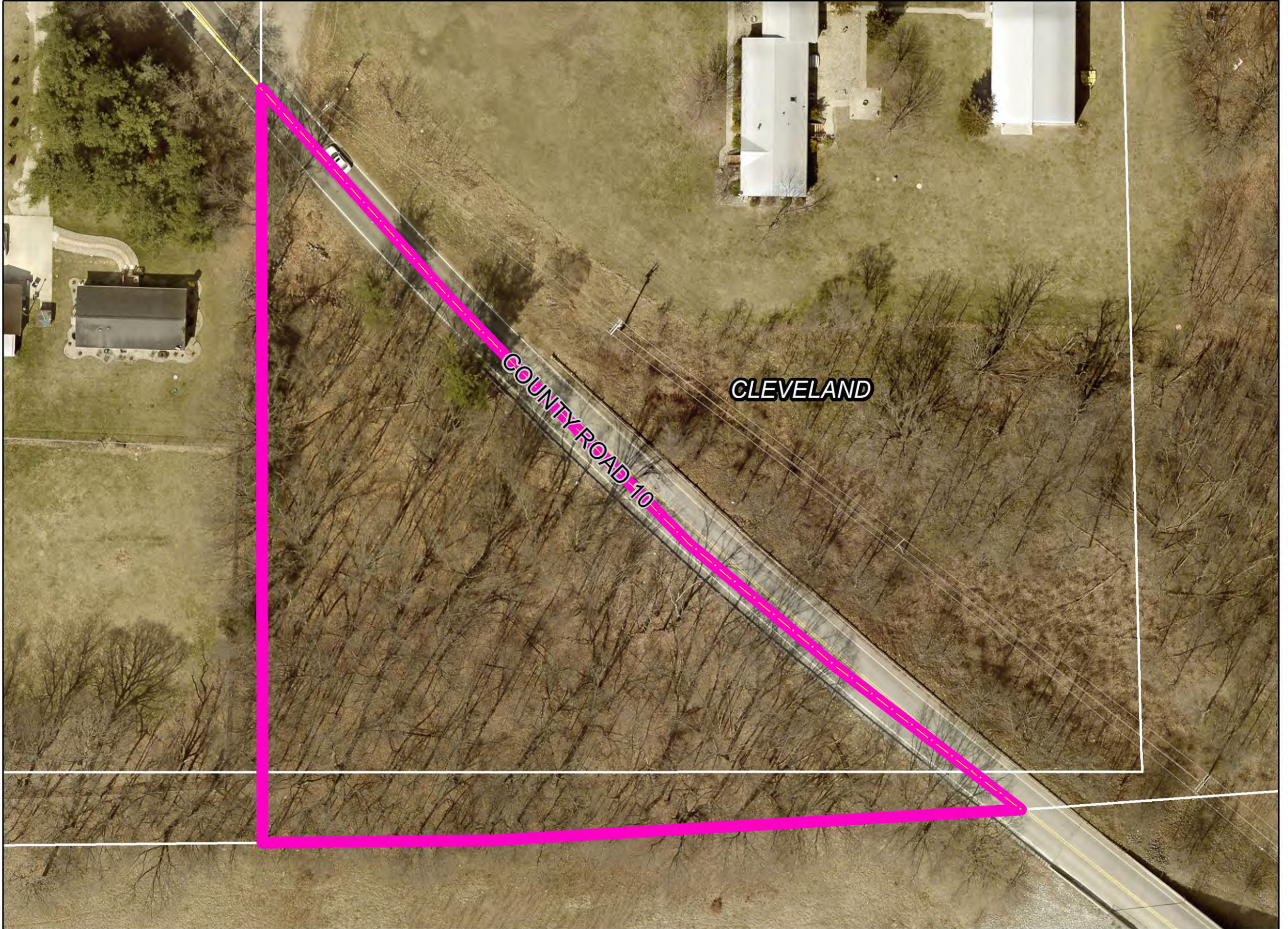
1. The request is approved subject to Staff renewal every three (3) years and with a one (1) year review to verify compliance with the following:
 - a. The mobile home shall be adequately stabilized and skirted and have tie-downs installed.
 - b. The water supply and sewage disposal system shall be installed in accordance with County Health Department specifications.
 - c. Adequate provisions for storage shall be provided at all times to eliminate exterior storage of personal property, tools, and vehicles, except licensed motor vehicles.
 - d. At all times, the premises shall be kept free of abandoned junk vehicles and parts thereof as described by Indiana State Law.
2. The request is approved in accordance with the site plan submitted (dated 12/16/2024) and as represented in the Special Use application.

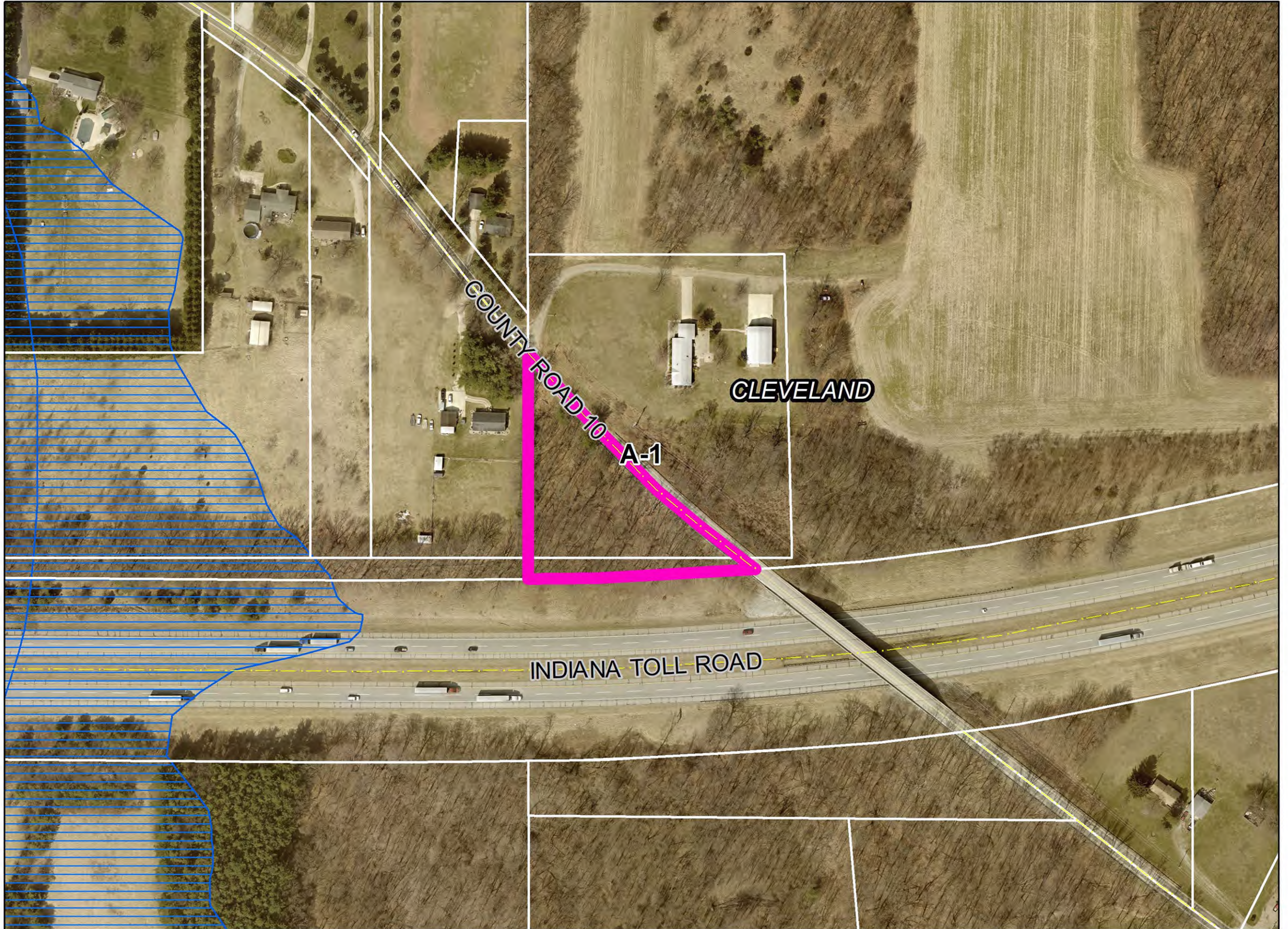
for a Developmental Variance to allow for an existing mobile home within 300 ft. of a residence, staff finds that:

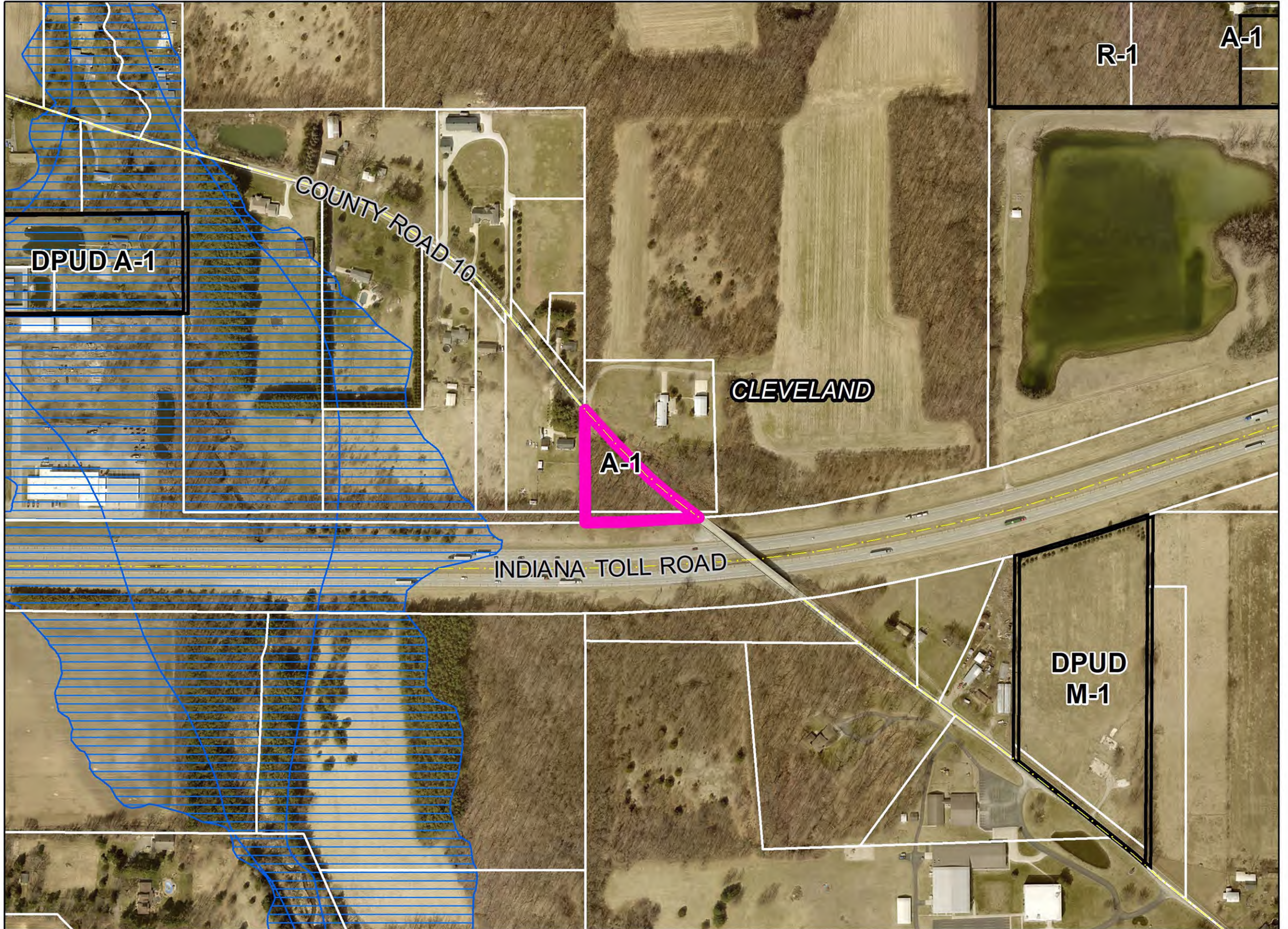
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. There is another mobile home in the area.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 1.4-acre parcel in a low-density residential area, and the property will remain residential in character. The mobile home will meet all other developmental requirements.
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, the mobile home could not be placed on this property.

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 12/16/2024) and as represented in the Developmental Variance application.









Facing South toward subject property



Facing Northwest



Facing Southeast



Facing Northeast

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-0887-2024

Special Use - Mobile Home

Date: 12/16/2024 Meeting Date: January 15, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0887-2024

Description: for a Special Use for a mobile home and for a Developmental Variance to allow for a mobile home within 300ft. of a residence

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
John Taylor (Buyer) 1216 Maple Road Elkhart, IN 46514	Coldwell Homes 57190 Alpha Dr Goshen, IN 46528	Luis Miguel Santiago Rivera (Seller) 12018 Timberline Trace Granger, IN 46530

Site Address: 00000 County Road 10 GRANGER, IN 46530	Parcel Number: 20-01-22-200-002.000-005 20-01-22-401-001.000-005
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Township: Cleveland
Location: SOUTHWEST SIDE OF CR 10, 3255 FT. NORTHWEST OF CR 1

Subdivision:	Lot #
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Lot Area: 1.28	Frontage: 465.00	Depth: 340.00
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Zoning: A-1	NPO List:
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Present Use of Property: VACANT

Legal Description:

Comments: PARCEL CREATION DATE 3-1-1967
THIS PARCEL IS UNDER A BUYER/SELLER ARRANGEMENT AND NO HIGHWAY OR SEPTIC HAS BEEN EVALUATED FOR THE PROPERTY BEFORE SPECIAL USE SUBMISSION

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: _____

Parcel number(s): 20-01-22-200-002-000-005
20-01-22-401-001-000-005

Current property owner

Name: Luis Miguel Santiago Rivera

Address: 12018 Timberline Trace West Granger Ind.

Phone: 574 361-1472 Email: 46530

Other party Agent Buyer Land contract purchaser Lessee

Name: John Taylor

Address: 1216 maple Row Elkhart IN 46514

Phone: 574-361-2831 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: Marty Fitch

Marty Fitch - Realtor
574-215-2431
mfitc@coldwellhomes.com

Staff Use Only

Description: Special Use to allow for New Mobile Home
on vacant property

Parcel creation date: 3-1-1967

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: NS E (W) corner (side) end of CR10
425 ft. (N) S E W of 1-80/90
in Cleveland Township

Frontage: 465 Depth: 340 Area: 1.28 acres

Subdivision and lot number, if applicable: NA

Present use: _____

Special Use for a Mobile Home — Questionnaire

Name: John Taylor

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. John Taylor and Ruth Barden

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. There is a Mobile home already next door. The only neighbor

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 TBD

6) Tell us the size of the mobile home. 28 x 80

7) Tell us the year of the mobile home. 1992

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

