## AGENDA

## ELKHART COUNTY BOARD OF ZONING APPEALS HEARING OFFICER

## JULY 16, 2025 9:00 A.M.

#### PUBLIC SERIVCES BUILDING MEETING ROOMS A & B 4230 ELKHART ROAD, GOSHEN, INDIANA

Call to Order

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

DEV	<b>ELOPMENT</b> A	AL VARIANCES <u>9:00 A.M.</u>
A.	Petitioner:	Paul Slabach & Lorraine Slabach, Husband & Wife(Page 1)
	Petition:	for a 46 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 108, 1,580 ft. East of CR 31, in Washington Township, zoned A-1. DV-0385-2025
B.	Petitioner:	Dale R. Haeck & Charlene Wright (Page 2)
	Petition:	for a 40 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an accessory structure 35 ft. from the centerline of the right-of-way of CR 15 (Streeter Ln.).
	Location:	West side of Hunters Court, 300 ft. North of Greenleaf Blvd., East of CR 15 (Streeter Ln.), common address of 54541 Hunters Court in Osolo Township, zoned R-1. DV-0387-2025
C.	Petitioner:	Adam Herbster & Briley Herbster, Husband & Wife (Buyers), (Page 3) Steven L. Herbster & Tamara C. Herbster, Husband & Wife (Sellers) & Josh Mathew & Laura A. Mathew, Husband & Wife (Sellers)
	Petition:	for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a 3 ft. Developmental Variance (Ordinance allows 30 ft.) to allow for the construction of a residence 33 ft. in height.
	Location:	Southwest side of the easement, 1,490 ft. South of CR 10, East of SR 13, in York Township, zoned A-1.DV-0390-2025

D.	Petitioner: Petition:	<i>Julie Marie Poertner</i> (Page 4 for a 14 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing residence and the construction of an accessory structure 36 ft. from the centerline of the right-of-way.
	Location:	North side of Lake Dr., 1,180 ft. West of CR 109, common address of 2577 Lake Dr. in Osolo Township, zoned R-2. DV-0391-202
E.	Petitioner:	Catherine S. Sailor, Trustee of the Catherine (Page 5 S. Sailor Revocable Trust
	Petition:	for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
	Location:	South side of CR 12, 920 ft. East of CR 3, common address of 28812 CR 1 in Cleveland Township, zoned R-1. DV-0396-202
F.	Petitioner: Petition:	Steven Holtje & Christine Holtje, Husband & Wife(Page 6for a 1 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for thconstruction of an accessory structure 4 ft. from the East side property line andfor a 3 ft. Developmental Variance (Ordinance allows 18 ft.) to allow for thconstruction of an accessory structure 21 ft. in height.
	Location:	South side of North Shore Dr., 2,045 ft. East of Bell Ave., East of SR 19 common address of 25748 North Shore Dr. in Osolo Township, zoned R-2. DV-0398-202
G.	Petitioner: Petition:	Darin J. Miller & Michelle Miller, Husband & Wife(Page 7for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
	Location:	North side of CR 26, 325 ft. East of CR 3, in Baugo Township, zoned A-1. DV-0400-202

### MOBILE HOME SPECIAL USE/DEVELOPMENTAL VARIANCES

Н.	Petitioner:	Robert E French & Lynnette R. French, Husband & Wife(Page 8)
	Petition:	for a Special Use for a manufactured home not on a permanent foundation
		and for a Developmental Variance to allow for the placement of a
		manufactured home not on a permanent foundation within 300 ft. of a residence.
	Location:	North side of California Ct., 250 ft. West of CR 11 (Osolo Rd.), common
		address of 25043 California Ct. in Osolo Township, zoned R-2 SUP-0345-2025
I.	Petitioner:	Maribel Ramirez (Page 9)
I.	Petitioner: Petition:	<i>Maribel Ramirez</i> (Page 9) for a Special Use for a manufactured home not on a permanent foundation and
I.		
I.		for a Special Use for a manufactured home not on a permanent foundation and
I.		for a Special Use for a manufactured home not on a permanent foundation and for a Developmental Variance to allow for the placement of a manufactured

Ann Prough – Appointed by Plan Commission: term 1/1/25 - 12/31/25

# Hearing Officer Staff Report

Prepared by the **Department of Planning and Development** 

### Hearing Date: July 16, 2025

Transaction Number: DV-0385-2025.

*Parcel Number(s):* Part of 20-03-36-200-013.000-030.

Existing Zoning: A-1.

*Petition:* For a 46 ft. lot width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence on proposed lot 1.

Petitioner: Paul Slabach & Lorraine Slabach, Husband & Wife.

Location: South side of CR 108, 1,580 ft. east of CR 31, in Washington Township.

#### Site Description:

- Physical Improvement(s) Vacant.
- Proposed Improvement(s) Single-family residence.
- Existing Land Use Residential.
- Surrounding Land Use Residential and agricultural.

#### History and General Notes:

- October 17, 2012 The Hearing Officer approved a petition for a 3:1 depth-to-width-ratio variance and a 50 ft. lot width variance to allow for two existing mobile homes (Ordinance requires 100 ft.) for Parcel A and for a 3:1 depth-to-width-ratio variance and a 46 ft. lot width variance to allow for the construction of a residence (Ordinance requires 100 ft.) for Parcel B (16128CR108-120921-1).
- June 12, 2025 A primary plat of a 3-lot minor subdivision to be known as Replat of Lot 2 of Sunday Minor Subdivision and Lot 2 of Tredway Minor Subdivision was approved by the Plat Committee (MI-0289-2025).

#### Staff Analysis:

Staff finds that:

- 1. Approval of the requests will not be injurious to public health, safety, morals, or general welfare. A lot width reduction does not threaten public safety in a residential area with existing density.
- 2. Approval of the requests will not cause substantial adverse effect on neighboring property. The proposed parcel will be accessed by an existing driveway. The configuration of the subdivision was the best possible layout to allow only 1 lot to have limited road frontage instead of all 3 lots.
- 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 property would be non-conforming and a residence could not be built.

Page 1a

# Hearing Officer Staff Report (Continued)

Hearing Date: July 16, 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 (dated 6/11/2025) and as represented in the Developmental Variance application.

DV-0385-2025



2021 Aerials

DV-0385-2025



## DV-0385-2025





# Subject property



# Subject property from access driveway



# Subject property from CR 108





# 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	Fax - (574) 971-4578			
Detay Ub/11/2025 Maating Data	The formation of the second se			
Description: for a 46 ft. lot-width Developmental Variance (Ordinance requestion residence on proposed Lot 1	Description: for a 46 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence on proposed Lot 1			
Contacts:ApplicantAuthorized AgentAdvanced Land Surveying OfAdvanced Land Surveying OfNorthern Indiana, Inc.Northern Indiana, Inc.17120 County Road 4617120 County Road 46New Paris, IN 46553New Paris, IN 46553	Land Owner Paul Slabach And Lorraine Slabach, Husband And Wife 1155 South 400 East Lagrange, IN 46761			
Site Address: 00000 Cr 108 BRISTOL, IN 46507	Parcel Number: Part of 20-03-36-200-013.000-030			
Township:WashingtonLocation:SOUTH SIDE OF CR 108, 1,580 FT. EAST OF CR 31				
Subdivision: SUNDAY MINOR	Lot # 1			
Lot Area: 9.00 Frontage: 54.00	Depth: 1,117.00			
Zoning: A-1	NPO List: 07/01/2025			
Present Use of Property: VACANT LAND				
Legal Description:				
Comments: EXISTING DV-16128CR108-120921-1 FOR A RESIDENCE VARIANCES.	E ON LOTS 1 & 2 - 3 TO 1 VARIANCE AND ROAD FRONTAGE			
Applicant Signature:	Department Signature:			

	Application
Site	address: Vacant land East of 16128 County Road 108, Bristol, IN 46507
Parcel nur	nber(s): Part of 20-03-36-200-018.000-030
Current p	roperty owner
Name:	Paul and Lorraine Slabach
Address:	1155 South 400 East, Lagrange, IN 46761
Phone:	(574) 350-4306 Email: slabachp
Other par	ty
	17120 County Road 46, New Paris, IN 46553
and a second second	(574) 849-4728 Email: ron@advancedlandsurveying.net
Signature	e of current property owner or authorized agent: Ronnie Justice
Descripti	Staff Use Only
Parcel cro Subdivisi	eation date:
Parcel cro Subdivisi Residenti	eation date: eation date: on required? □ Y □ N If yes, □ AS □ Minor □ Major al accessory breakdown, if applicable:
Parcel cro Subdivision Residenti	eation date:
Parcel cro Subdivisi Residenti	eation date:

### **Developmental Variance — Questionnaire**

	is required. A Minor is filed on this property for the June 12, 2025 Plat Committee
	Fell us why you can't change what you're doing so you don't need a variance. There is already a drive in this area and property has no other frontage. this was platted in 2013
	with a variance and this frontage
	Tell us why the variance won't hurt your neighbors or the community. this is a residential area
(	Does the property need well and septic? Well: $\mathbf{N} \times \mathbf{D} = \mathbf{N}$ Septic: $\mathbf{N} \times \mathbf{D} = \mathbf{N}$ Does the property need a <u>new</u> septic system? $\mathbf{N} \times \mathbf{D} = \mathbf{N}$ if a new septic system is needed, did the Health Department say there's enough space for it? $\mathbf{N} \times \mathbf{D} = \mathbf{N}$
1	Does the application include variances to allow for buildings or additions? $\mathbf{V} \square \mathbb{N}$ If yes, fill out below <b>Building or addition 1</b> Size and height to the peak: <u>35' x 85' 1-story</u> Tell us what you'll use it for. home
1	Building or addition 2       Size and height to the peak:         Tell us what you'll use it for.
1	Building or addition 3       Size and height to the peak:         Tell us what you'll use it for.
	Does the application include a variance for a residence on property with no road frontage? $\Box$ Y $arphi$ N
	f 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.
	Is the easement existing? $\Box$ Y $\Box$ N If the easement is existing, is it recorded? $\Box$ Y $\Box$ N Tell us who owns (will own) the land under the easement.
9	Is the easement existing? $\square$ Y $\square$ N If the easement is existing, is it recorded? $\square$ Y $\square$ N Tell us who owns (will own) the land under the easement. Tell us how many parcels will use the easement. Does the application include variances for signs? $\square$ Y $\checkmark$ N If yes, fill out below. Sign 1 Dimensions (length and width): Existing? $\square$ Y $\square$ N Double faced? $\square$ Y $\square$ N Electronic message board? $\square$ Y $\square$ N If no, lighted? $\square$ Y $\square$ N Freestanding? $\square$ Y $\square$ N Wall mounted? $\square$ Y $\square$ N
	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. Tell us how many parcels will use the easement. 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 Electronic message board?    Y    N If no, lighted?    Y    N Electronic message board?    Y    N If no, lighted?    Y    N Electronic message board?    Y    N If no, lighted?    Y    N
	Is the easement existing? $\square$ Y $\square$ N If the easement is existing, is it recorded? $\square$ Y $\square$ N Tell us who owns (will own) the land under the easement. Tell us how many parcels will use the easement. Tell us how many parcels will use the easement. Does the application include variances for signs? $\square$ Y $\square$ N If yes, fill out below. Sign 1 Dimensions (length and width): Existing? $\square$ Y $\square$ N Double faced? $\square$ Y $\square$ N Electronic message board? $\square$ Y $\square$ N If no, lighted? $\square$ Y $\square$ N Freestanding? $\square$ Y $\square$ N Wall mounted? $\square$ Y $\square$ N Sign 2 Dimensions (length and width): Existing? $\square$ Y $\square$ N Double faced? $\square$ Y $\square$ N Electronic message board? $\square$ Y $\square$ N If no, lighted? $\square$ Y $\square$ N Electronic message board? $\square$ Y $\square$ N If no, lighted? $\square$ Y $\square$ N
	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. Tell us how many parcels will use the easement. 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 Electronic message board?    Y    N If no, lighted?    Y    N Electronic message board?    Y    N If no, lighted?    Y    N Electronic message board?    Y    N If no, lighted?    Y    N Electronic message board?    Y    N If no, lighted?    Y    N Freestanding?    Y    N Wall mounted?    Y    N Electronic message board?    Y    N If no, lighted?    Y    N Freestanding?    Y    N Wall mounted?    Y    N Electronic message board?    Y    N If no, lighted?    Y    N Freestanding?    Y    N Wall mounted?    Y    N Electronic message board?    Y    N If no, lighted?    Y    N Freestanding?    Y    N Double faced?    Y    N Freestanding?    Y    N Double faced?    Y    N Electronic message board?    Y    N If no, lighted?    Y    N



# Hearing Officer Staff Report

Prepared by the **Department of Planning and Development** 

### Hearing Date: July 16, 2025

Transaction Number: DV-0387-2025.

Parcel Number(s): 20-02-36-327-003.000-026.

### Existing Zoning: R-1.

*Petition:* For a 40 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an accessory structure 35 ft. from the centerline of the right-of-way of CR 15 (Streeter Ln.).

Petitioner: Dale R. Haeck & Charlene Wright.

*Location:* West side of Hunters Court, 300 ft. north of Greenleaf Blvd., East of CR 15 (Streeter Ln.), in Osolo Township.

### Site Description:

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

### History and General Notes:

- April 19, 2000 A petition for a 34 ft. Developmental Variance to allow for the construction of a swimming pool 41 ft. from the centerline of CR 15 was withdrawn by the petitioner (20001778).
- ▶ May 17, 2000 The Hearing Officer approved a 40 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for a pool 34 ft. from the centerline of the right-of-way (20002247).
- ▶ July 20, 2000 The platted non-access easement for lot 60 was vacated (2000-19577).

### Staff Analysis:

Staff finds that:

- 1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The proposed structure will sit out of the right-of-way and the size will not cause sight issues for traffic on CR 15.
- 2. Approval of the request will not cause substantial adverse effect on neighboring property. The property is a 0.43-acre parcel in a medium-density residential area and the property will remain residential in character. The structure will not encroach more than the existing pool does, that was previously approved.
- 3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Due to the layout of the parcel being between two roadways and having to stay a required amount of feet away from the septic, there isn't a way to place a structure on the property without a variance.

Page 2a

# Hearing Officer Staff Report (Continued)

## Hearing Date: July 16, 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 6/11/2025) and as represented in the Developmental Variance application.

## DV-0387-2025



DV-0387-2025



2021 Aerials

DV-0387-2025





# Subject property



# From CR 15 (rear of property) facing north



# From CR 15 (rear of property) facing south



# Facing north (front of property)



# Facing south (front of property)



# 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

Date: Ub/11/2025 Meeting Date:	16, 2025 Appeals Public Hearing Transaction #: DV-0387-2025
Description: for a 40 ft. Developmental Variance (Ordinance requires 75 ft. structure 35 ft. from the centerline of the right-of-way of CR 1	
Contacts:ApplicantLand OwnerDale R. Haeck & Charle WrightDale R. Haeck & Charle WrightTenants In CommonTenants In Common54541 Hunters Court54541 Hunters CourtElkhart, IN 46514Elkhart, IN 46514	
Site Address: 54541 Hunters Ct Elkhart, IN 46514	Parcel Number: 20-02-36-327-003.000-026
Township:OsoloLocation:West Side Of Hunters Court, 300 Feet North Of Greenleaf Bl	vd., East of CR 15
Subdivision: HUNTERS POINTE SECOND SD	Lot # 60
Lot Area: 0.43 Frontage: 112.00	Depth: 152.00
Zoning: R-1	NPO List: 07/01/2025
Present Use of Property: RESIDENTIAL	
Legal Description:	
Comments: The easement along CR 15 was vacated for lot 60 7/20/2000 ( SEE APPROVED DV #20002247 FOR POOL STORAGE EQUATION: RESIDENCE 3448 X 110% = 3792 MINUS (936) ATTACHED GARAGE MINUS (180) 10 X 8 SHED EQUALS = 2676 SQ. FT REMAINING AVAILABLE STOR	SQ. FT.

4230 Elkhart Road Goshen, Indiana 46526 Elkhart County Planning & Development

		Application
Site address	545	41 Hunters Ct., ELKhart, IN 46514
Parcel number(s)	1: 20-0; el No. 10	2-36-327-003.000-026
Name: De	ale Hae	ck & Charlene Wright
		nters Ct., ELKhart, IN 46514
Phone: 708	3-203-14	54 Email: dale@haecks.com
Other party	Agent	□ Buyer □ Land contract purchaser □ Lessee
Name:	1/A	
Address: /	V/A	
Phone:	N/A	Email: N/A
be met before ap	proval is final and	at if my application is approved, there may be conditions that will have to d building permits can be started. I also understand that the conditions he property owner is responsible for completing and returning.
Signature of cu	rrent property	owner or authorized agent: Dele Haer

	Staff Use Only
Description:	DV for setback (rear) CR 15
	- RXISING DOOI OR # DV-) #2000 2247
Fra	- new Shed
Developmen	tal variance (ordinance requires 75 ft) to allow
	construction of an accessory structure 35 ft from the west
Parcel creation	property line
Subdivision red	
	quired?   Y  N If yes,  AS  Minor  Major
	essory breakdown, if applicable:Attached .
Residential acc	essory breakdown, if applicable: <u>Attached</u>
Residential acc	s E (W) corner fide end of thurtzisct,
Residential acc	s E (W) corner fide end of <u>Huntzis Ct</u> , <u>ft.</u> (M) s E W of <u>Bircenleaf Blud</u> ,
Residential acc	s E (W) corner (id) end of <u>Hunters Ct</u> , ft. (M) S E W of <u>Breenleaf Blvd</u> ,
Residential acc Location: N 	s E (W) corner fide end of <u>Huntzis Ct</u> , <u>ft.</u> (M) s E W of <u>Bircenleaf Blud</u> ,
Residential acc	s E (W) corner (id) end of <u>Hunters Ct</u> , ft. (M) S E W of <u>Breenleaf Blvd</u> , <u>JO</u> Township <u>ID</u> Depth: <u>152</u> Area: <u>.43</u> acres
Residential acc	s E (W) corner (ide) end of <u>Huntzisct</u> , ft. (N) s E W of <u>Greenleaf Blud</u> , Township

Developmental Variance —	Questionnaire

d i stance of pobe Pool, the pool was a Varience as well         2) Tell us why you can't change what you're doing so you don't need a variance. This Location Proposed for shed is the only Location possible on the control of the only Location possible on the community. Shed is approved by HOA and matches the house.         3) Tell us why the variance won't hurt your neighbors or the community. Shed is approved by HOA and matches the house.         4) Does the property need well and septic? Well: I Y of N Septic: Y of N Existing Y of N If yes, fill out below Building or addition 1 Size and height to the peak: IOX 18 × IO'High Tell us what you'll use it for.         Building or addition 1 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 of N If yes, fill out below.         If yes, fill out below.         Is the easement existing? Y   N If the easement. N/A         Tell us what you'll use it for.         Coes the application include a variance for a residence on property with no road frontage? Y of N If yes, fill out below.         If yes, fill out below.         If yes, fill out below.         Sign 1 Dimensions (length and width): N/A         Electronic message board? Y N N If no, lighted? Y N N	Na	me:
Proposed for shed is the only location possible an the lot. This avoids Septic field.         3) Tell us why the variance wont hurt your neighbors or the community. Shed is approved by HOA and matches the house.         4) Does the property need well and septic? Well: $\Box$ Y of N Septic: $\Box$ Y of N Existing? Does the property need a new septic system? $\Box$ Y of N         If a new septic system is needed, did the Health Department say there's enough space for it? $\Box$ Y $\Box$ N         Steam and the septic system? $\Box$ Y $\Box$ N If yes, fill out below         Building or addition 1       Size and height to the peak: $\square A \perp B \neq \square A \perp B \downarrow$ .         Tell us what you'll use it for.       Building or addition 3         Building or addition 3       Size and height to the peak: $\square A \perp B \neq \square A \perp B \downarrow$ Tell us what you'll use it for.       Building or addition 3         Building or addition 3       Size and height to the peak: $\square A \perp$ Tell us what you'll use it for.       Building or addition 3         Size and height to the peak: $\square A \perp$ $\square A \perp$ Tell us what you'll use it for.       Size and height to the peak: $\square A \perp$ 6) Does the application include a variance for a residence on property with no road frontage? $\Box$ Y $\Box$ N         16 us how many parcels will use the easement. $\square A \perp$ 70 Does the application include variances for signs? $\Box$ Y $\blacksquare$ N         80 and maximus for the adameters for signs? $\Box$ Y $\blacksquare$ N         91 Dimensions (	1)	Tell us what you want to do. Add 10 x18 Shed to back yard 35' from Center of County Road 15. This is the Same distance of pobe POOL, The pool was a Varience as well
by HOA and matches the base.         4) Does the property need well and septic? Well: $  Y  ext{ N}  ext{ Septic: } Y  ext{ N}  ext{ Existing?}  ext{ V N}  ext{ V N}  ext{ V N}  ext{ Existing?}  ext{ V N}  ext{ V N}  ext{ V N}  ext{ Existing?}  ext{ V N}  ext{ V N}$	2)	Tell us why you can't change what you're doing so you don't need a variance. This Location Proposed for shed is the only Location posible on the Lot. This avoids Septic field.
Does the property need a <u>new</u> septic system? □ Y IN   If a new septic system is needed, did the Health Department say there's enough space for it? □ Y □ N   S) Does the application include variances to allow for buildings or addition? If Y □ N   If us what you'll use it for. If a new septic system is needed, did the Health Department say there's enough space for it? If y □ N   If us what you'll use it for. If a new septic system is needed, did the peak: If A + 10 + 13 + 10 + 10	3)	
5) Does the application include variances to allow for buildings or additions? Image Y N If yes, fill out below   Building or addition 1   Size and height to the peak: Image X   Image X Image X   Building or addition 2   Size and height to the peak: Image X   Image X   Building or addition 2   Size and height to the peak: Image X   Image X   Building or addition 2   Size and height to the peak: Image X   Image X   Building or addition 2   Size and height to the peak: Image X   Image X   Building or addition 2   Size and height to the peak: Image X   Image X   A   Image X   Image X   Building or addition 2   Size and height to the peak: Image X   If X   Image X <td< td=""><td>4)</td><td>Does the property need a <u>new</u> septic system?  Y V N</td></td<>	4)	Does the property need a <u>new</u> septic system?  Y V 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.       N/A       N/A         Tell us how many parcels will use the easement.       N/A         7) Does the application include variances for signs?       Y       N       If yes, fill out below.         Sign 1       Dimensions (length and width):       N/A         Existing?       Y       N       Double faced?       Y       N         Electronic message board?       Y       N       If no, lighted?       Y       N         Sign 2       Dimensions (length and width):       N/A       N       Sign 2       N       Sign 3       Dimensions (length and width):       N/A         Existing?       Y       N       Wall mounted?       Y       N       Sign 3       Sign 3       Dimensions (length and width):       N/A         Existing?       Y       N       Mall mounted?       Y       N         Freestanding?       Y       N       If no, lighted?       Y       N         Freestanding?       Y       N       Mall mounted?       Y       N         Sign 3       Dimensions (length	5)	Does the application include variances to allow for buildings or additions? $Y \square N$ If yes, fill out below.         Building or addition 1       Size and height to the peak: $10 \times 18 \times 10^{\circ}$ High         Tell us what you'll use it for.       Size and height to the peak: $N / A$ Building or addition 2       Size and height to the peak: $N / A$ Building or addition 3       Size and height to the peak: $N / A$
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9) Tell us anything else you want us to know. NO		



# Hearing Officer Staff Report

Prepared by the **Department of Planning and Development** 

### Hearing Date: July 16, 2025

### Transaction Number: DV-0390-2025.

*Parcel Number(s):* Part of 20-04-35-426-009.000-032, part of 20-04-35-476-004.000-032 & part of 20-04-35-476-006.000-032.

### Existing Zoning: A-1.

**Petition:** For a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a 3 ft. Developmental Variance (Ordinance allows 30 ft.) to allow for the construction of residence 33 ft. in height.

*Petitioner:* Adam Herbster & Briley Herbster, Husband & Wife (Buyers), Steven L. Herbster & Tamara C. Herbster, Husband & Wife (Sellers), & Josh Mathew & Laura A. Mathew, Husband & Wife (Sellers).

Location: Southwest side of the easement, 1,490 ft. south of CR 10, east of SR 13, in York Township.

#### Site Description:

- Physical Improvement(s) Vacant.
- Proposed Improvement(s) Small single-family residence with large, attached accessory structure.
- Existing Land Use Agricultural, residential.
- Surrounding Land Use Residential, agricultural.

#### History and General Notes:

> The petitioner has noted they will be submitting an administrative subdivision.

#### 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 2,800 sq. ft., or 71%, over what is allowed by right and only 3 ft. over what is allowed by right. The parcel will be accessed by an existing driveway and the residence will be almost a quarter of a mile off the roadway.
- 2. Approval of the requests will not cause substantial adverse effect on neighboring property. This will be a 21-acre parcel in a moderately dense residential and agricultural area and the property will remain residential in character. The residence will not be in the line of sight for any adjacent residences as to not obstruct their views.
- 3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the benefit of the variances, the property will be non-conforming, and the residence couldn't be built. The allowance for the small residential area is to allow the petitioner to build a larger residence, without Board action, in the future.

Page 3a

# Hearing Officer Staff Report (Continued)

### Hearing Date: July 16, 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. A new recorded deed of the new parcel is required.
- 3. A subdivision is required.
- 4. A revised site plan showing the entire new parcel is required.
- 5. The request is approved in accordance with a revised site plan to be submitted for staff approval to be placed in the petition file and as represented in the Developmental Variance application.

## DV-0390-2025



## DV-0390-2025



2021 Aerials
DV-0390-2025





### Subject property, existing driveway access



## Subject property, from CR 10



## 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

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Developmental Variance	- Developmental Variance			Fax - (574) 9	71-4578
Date: 06/12/2025	Meeting Date:	•	16, 2025 ppeals Public Hearing	Transaction #:	DV-0390-2025
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Contacts: <u>Applicant</u> Adam Herbster of Herbster Husbar (Buyers) 11060 Cr 10 Middlebury, IN	d & Wife C. Herbster, F (Sellers) Po Box 398	bster & Tamara Iusband & Wife N 465400398	Land Owner Josh Mathew & Laura A. Mathew Husband & Wife (Sellers) 11150 County Road 10 Middlebury, IN 46540		
	County Road 10 bury, IN 46540		Parcel Number:	Part of 20-04	35-426-009.000-032 35-476-004.000-032 35-476-006.000-032
Township:YorkLocation:Southwest	side of the easement, 1,490 ft. S	South of CR 10, Eas	t of SR 13		
Subdivision:			Lot #		
Lot Area:	21.00 Frontage:	0.00		Depth:	
Zoning: A-1			NPO List: 07/01/2	025	
Present Use of Property:	RESIDENTIAL				
Legal Description:					
APPLICAT WILL NEE SEE DV -C	CURRENTLY OBTAINING A ION. 6-12-2025 JB D RECORDED DEED AND A ASSIDY & GLORIA FRITZ (9 E FOR A RESIDENCE.	DMINISTRATIVE	SUB INFORMATION W	HEN OBTAINED	
Applicant Signature:			Department Signature	e:	

	Elkhart County Planning and Development	(574) 971-4678 DPS@ElkhartCounty.com
	Application	
Site address: 11060	CR 10 Middlebury IN 41	0540
arcel number(s): 20-04	-35-476-004.000-032	20-04-35-476-006.000-03
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Name: Steven + Tan		
		Josh + Laura Matchew
Phone: 574-215-45	Middlebung IN 46540	
Phone:		cosranch@gmail.com
ther party	Buyer 🗆 Land contract purc	haser 🗆 Lessee
Name: Adam + Brile	y Herbster	
dress: 11060 CR 10 1	Middlebury IN 46540	
Phone: 719-466-196	,	herbsteregniail.com
e met before approval is final a	that if my application is approved, there ma and building permits can be started. I also u the property owner is responsible for comp	understand that the conditions
gnature of current propert	y owner or authorized agent:	
	STE	WEN L HERBSTER
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### Hearing Officer Staff Report

Prepared by the **Department of Planning and Development** 

#### Hearing Date: July 16, 2025

Transaction Number: DV-0391-2025.

Parcel Number(s): 20-02-16-178-001.000-026.

Existing Zoning: R-2.

*Petition:* For a 14 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing residence and the construction of an accessory structure 36 ft. from the centerline of the right-of-way.

Petitioner: Julie Marie Poertner.

Location: North side of Lake Dr., 1,180 ft. west of CR 109, in Osolo Township.

#### Site Description:

- Physical Improvement(s) Residence, shed.
- Proposed Improvement(s) Accessory structure.
- Existing Land Use Residential.
- Surrounding Land Use Residential.

#### History and General Notes:

➢ None.

#### Staff Analysis:

Staff finds that:

- 1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The requested setback matches that of the existing home and will not affect public health or safety.
- 2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.28-acre lot in a dense lake neighborhood containing many lots with similar encroachments. The lot 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. Strict application would prevent a layout that is typical of the neighborhood.

### Hearing Officer Staff Report (Continued)

#### Hearing Date: July 16, 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 6/13/2025) and as represented in the Developmental Variance application.

### DV-0391-2025



### DV-0391-2025



DV-0391-2025





## Subject property



## Facing west



## Facing east



## Facing south

### **PLAN COMMISSION & BOARD OF ZONING APPEALS**

Elkhart County Planning & Development **Public Services Building** 

4230 Elkhart Road, Goshen, Indiana, 46526 Phone - (574) 971-4678

Developmental Variance - Developmental Variance	Fax - (574) 971-4578		
	7 16, 2025     Transaction #: DV-0391-2025       Appeals Public Hearing     Transaction #: DV-0391-2025		
Description: for a 14 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of an accessory structure 36 ft. from the centerline of the right-of-way and for a 14 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing residence 36 ft. from the centerline of the right-of-way.			
Contacts: <u>Applicant</u> <u>Land Owner</u> Julie Marie PoertnerJulie Marie Poertner25771 Lake Drive25771 Lake DriveElkhart, IN 46514Elkhart, IN 46514			
Site Address: 25771 Lake Dr Elkhart, IN 46514	Parcel Number: 20-02-16-178-001.000-026		
Township:OsoloLocation:North Side of Lake Drive, 1,180 ft. West of CR 109			
Subdivision: Silver Beach	Lot # 14		
Lot Area: 0.28 Frontage: 74.00	Depth: 166.00		
Zoning: R-2	NPO List: 07/01/2025		
Present Use of Property: RESIDENTIAL			
Legal Description:			
Comments: DWELLING 1004 SF X 110% = 1104 MINUS SHED 80 SF PERSONAL STORAGE 6-13-2025 JB	=1024 SF MINUS PROPOSED GARAGE 336 SF = 688 LEFTOVER		
Applicant Signature:	Department Signature:		

4230 Elkhart Road Goshen, Indiana 46526

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Elkhart County Planning & Development

Application
Site address: 25771 Lake Dr EIKhart 44514
Parcel number(s): 20-02-16-178-001.000-026
Current property owner         Name:       Julie       M. Bertner         Address:       25771       Lake Dr. Elkhart, IN 46514         Phone:       574-612-4435       Email:       Julie poertner@gmail.com         Other party       Agent       Buyer       Land contract purchaser       Lessee         Name:
Staff Use Only Description:
Parcel creation date: NA Subdivision required? DYXN If yes, DAS DMinor DMajor
Residential accessory breakdown, if applicable: 1004 X/10%, = 1104 - 80=1024- 334 = 688 remaining
Location:       N S E W corner (side) end of Lake Drive       ,
Subdivision and lot number, if applicable: Present use:

	ne: Julie M. Poertner
1)	Tell us what you want to do. I want to place a pre-built garage size 14×24 on my property with a "breezeway" connection to my front door.
	Tell us why you can't change what you're doing so you don't need a variance. Going through this process I've discovered I will need a variance for my house as well if in the future I wald want to sell. As for the garage
	It would require more work, more & to level the ground to set it back Tell us why the variance won't hurt your neighbors or the community. add add to concrete ar Because it would be at least 20' from the would not be where I h
n 4)	Some distance from the road as my house and be at the Does the property need well and septic? Well: DY & N Septic: DY & N
.,	Does the property need a <u>new</u> septic system? $\Box$ Y X N
	If a new septic system is needed, did the Health Department say there's enough space for it? $\Box$ Y $\Box$ 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: 14x34, 14 ft peak. Will be Tell us what you'll use it for. Used to hold my vehicle and lawn equipment
	Building or addition 2 Size and height to the peak:
	Tell us what you'll use it for.
	Building or addition 3 Size and height to the peak:
	Tell us what you'll use it for.
6)	Does the application include a variance for a residence on property with no road frontage?       ✓       ✓       ✓       N         If yes, fill out below.       Is the easement existing?       ✓       ✓       N       If the easement is existing, is it recorded?       ✓       ✓       N         Tell us who owns (will own) the land under the easement.
	Tell us how many parcels will use the easement.
7)	Tell us how many parcels will use the easement.         Does the application include variances for signs?       □ Y ♀ N If yes, fill out below.         Sign 1       Dimensions (length and width):
7)	Does the application include variances for signs? $\Box$ Y M If yes, fill out below.
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
7)	Does the application include variances for signs?       □ Y 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         Freestanding?       □ Y □ N         Wall mounted?       □ Y □ N
7)	Does the application include variances for signs?       □ Y 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):
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):
7)	Does the application include variances for signs?       □ Y N       N       If yes, fill out below.         Sign 1       Dimensions (length and width):
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):
7)	Does the application include variances for signs?       □ Y       Y       N       If yes, fill out below.         Sign 1       Dimensions (length and width):
7)	Does the application include variances for signs?       □ Y N       N       If yes, fill out below.         Sign 1       Dimensions (length and width):
	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   Existing? Y N Double faced? Y N   Electronic message board? Y N If no, lighted? Y N   Freestanding? Y N Wall mounted? Y N   Fign 3 Dimensions (length and width):   Existing? Y N Wall mounted? Y N   Electronic message board? Y N N If no, lighted? 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   Electronic message board? Y N N N   Electronic message board? Y N If no, lighted? Y N   Electronic message board? Y N If no, lighted? Y N   Electronic message board?



### Hearing Officer Staff Report

Prepared by the **Department of Planning and Development** 

#### Hearing Date: July 16, 2025

Transaction Number: DV-0396-2025.

Parcel Number(s): 20-05-01-101-007.000-005 & 20-05-01-101-013.000-005.

Existing Zoning: R-1.

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

Petitioner: Catherine S. Sailor, Trustee of the Catherine S. Sailor Revocable Trust.

Location: South side of CR 12, 920 ft. east of CR 3, in Cleveland Township.

#### Site Description:

- Physical Improvement(s) Residence, accessory structures.
- Proposed Improvement(s) Accessory structure.
- Existing Land Use Residential.
- Surrounding Land Use Residential, industrial.

#### History and General Notes:

> January 13, 2025 – Sailor's CR 12 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 request is 593 sq. ft., or 36 percent, over what is allowed by right, and the building does not affect sight distance on CR 12 or Phillips St.
- 2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 1.73-acre property bordered by industrial uses at the south and residential uses on all other sides, 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. The variance is minimal, and the building will be placed near the rear of the property.

### Hearing Officer Staff Report (Continued)

#### Hearing Date: July 16, 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 revised site plan must be submitted for staff approval showing (a) the existing 576 sq. ft. accessory structure and its setbacks, (b) the two sheds that will be removed, and (c) revised setbacks for the proposed 1,200 sq. ft. accessory structure.
- 3. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Developmental Variance application.

### DV-0396-2025



#### DV-0396-2025



#### DV-0396-2025





## Subject property



# Building site



## Facing east



# Facing west



## Facing north

### PLAN COMMISSION & BOARD OF ZONING APPEALS

Developmental Variance - Developmental Variance

Elkhart County Planning & Development Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526 Phone - (574) 971-4678 Fax - (574) 971-4578

Data: Ub/1b//U/2 Maating Data:	16, 2025Transaction #:DV-0396-2025Appeals Public HearingTransaction #:DV-0396-2025
Description: for a Developmental Variance to allow for the total square for by right	tage of accessory structures to exceed that allowed
Contacts:ApplicantAuthorized AgentJoseph SailorJoseph Sailor55942 Katheryn Drive55942 Katheryn DriveElkhart, IN 46514Elkhart, IN 46514	Land Owner Catherine S. Saylor, Trustee Of The Catherine S. Saylor Revocable Trust 28812 County Road 12 Elkhart, IN 46514
Site Address: 28812 County Road 12 Elkhart, IN 46514	Parcel Number: 20-05-01-101-007.000-005 20-05-01-101-013.000-005
Township:ClevelandLocation:S side of County Road 12, 920 ft. East of County Road 3	·
Subdivision: SAILORS CR-12 MINOR	Lot # 1&2
Lot Area: 1.72 Frontage: 228.00	Depth: 330.00
Zoning: R-1	NPO List: 07/01/2025
Present Use of Property: Residential	
Legal Description:	
Comments:	
Applicant Signature:	Department Signature:

4230 Elkhart Road Goshen, Indiana 46526

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Elkhart County Planning & Development

Application
Site address: 28812 CR 12 West
Parcel number(s): 05-01-101-007 & 05-01-101-013
Current property owner
Name: Cathryn Sailor
Address: 28872 CLIZ Wast
Phone: 574-361-8732 Email:
Other party   Agent  Buyer  Land contract purchaser  Lessee
Name: Joseph Sailor
Address: 55942 Rathry Strike
Phone: 574-849-7920 Email: Ziebart 1460 @Comcast. 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:
Description: fir a DEVELOPMENTAL VARIANCE TO ALLOW FOR THE TOTAL SQUARE FOOTAGE OF ALLESSORY STRUCTURES TO EXCEEP THAT ALLOWED BY RIGHT
Parcel creation date: Minor Sub. Sailors OR 12 Minor Subdivision Subdivision required?
Residential accessory breakdown, if applicable: Attached
Residential accessory breakdown, if applicable: Attached
Residential accessory breakdown, if applicable: <u>Attached</u>
Residential accessory breakdown, if applicable:       Attached         Location:       N (S) E W corner side end of CR 12 ,         920       ft. N S E W of CR 3 ,
Location: N (S) E W corner side end of <u>CR12</u> ,
Location: N (S) E W corner side end of $CR 12$ ,         920       ft. N S E W of $CR 3$ ,
Location: N (S) E W corner side end of $CR 12$ ,         920       ft. N S (E) W of $CR 3$ ,         in <u>Cleveland</u> Township

	× ·
	Developmental Variance — Questionnaire
Nar	ne: Joseph Soular
1)	Tell us what you want to do. Construct a Pole Building to store of
	Car collection.
2)	Tell us why you can't change what you're doing so you don't need a variance. We spart 2000 to Clean up property of all Brosh, garbage and shed and trees reported. Also have given Builder 27,000 ° Down pynt to order materials
3)	Tell us why the variance won't hurt your neighbors or the community. 1ts far benorgh away from any Belgborf. Win't impede their views. Also will be Regging Lot mowed regularly, Will improve Looks in Aligherhood, will keep semi Truck drivers from
4)	Does the property need well and septic? Well: DY X N Septic: DY X N DUMPING Hrash.
4)	Does the property need a <u>new</u> septic system? $\Box$ Y 🖾 N
	If a new septic system is needed, did the Health Department say there's enough space for it? $\Box$ Y $\Box$ N
5)	Does the application include variances to allow for buildings or additions? $\square$ Y $\square$ N If yes, fill out below.
	Building or addition 1 Size and height to the peak: <u>30740</u> 12 FT Cerling
	Tell us what you'll use it for. <u>Store Car Collection</u>
	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
4	
6)	Does the application include a variance for a residence on property with no road frontage?  Y
	If yes, fill out below.
	Is the easement existing? $\Box$ Y $\Box$ N If the easement is existing, is it recorded? $\Box$ Y $\Box$ 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
	Sign 1 Dimensions (length and width):
	Existing? $\Box$ Y $\Box$ N Double faced? $\Box$ Y $\Box$ N
	Electronic message board?  Y IN If no, lighted?  Y IN Freestanding?  Y IN Wall mounted?  Y IN
	Sign 2 Dimensions (length and width):
	Existing? $\Box$ Y $\Box$ N Double faced? $\Box$ Y $\Box$ N
	Electronic message board?  Y N If no, lighted?  Y N N
	Freestanding?  Y  N  Wall mounted?  Y  N
	Sign 3 Dimensions (length and width):
	Existing? $\Box$ Y $\Box$ N Double faced? $\Box$ Y $\Box$ 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? $\Box$ Y $\bigstar$ N If yes, tell us how many total there will be.
9)	Tell us anything else you want us to know. Sen fruit douter Det shew francostly and
5)	Tell us anything else you want us to know. Sen, fruck drivers Park there frequently and Threw frash all over. The cleaned it we and will forbid anybedy from parking there anymore. Diso Rid of homeless people bedding there,
	from parking there grymore piso Rid of homeles people belking there.
	Will also be putting in a garden.
	porting the gavant.


## Hearing Officer Staff Report

Prepared by the **Department of Planning and Development** 

### Hearing Date: July 16, 2025

Transaction Number: DV-0398-2025.

Parcel Number(s): 20-02-09-352-027.000-026.

Existing Zoning: R-2.

*Petition:* For a 1 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for the construction of an accessory structure 4 ft. from the east property line and for a 3 ft. Developmental Variance (Ordinance allows 18 ft.) to allow for the construction of an accessory structure 21 ft. in height.

Petitioner: Steven Holtje & Christine Holtje, Husband & Wife.

Location: South side of North Shore Dr., 2,045 ft. east of Bell Ave., east of SR 19, in Osolo Township.

#### Site Description:

- Physical Improvement(s) Residence, accessory structures.
- Proposed Improvement(s) Accessory structure.
- Existing Land Use Residential.
- Surrounding Land Use Residential.

### History and General Notes:

September 19, 2002 – The BZA approved an Appeal to allow temporary occupancy of a guesthouse and a 15 ft. Developmental Variance to allow construction of the guesthouse 35 ft. from the centerline of the right-of-way.

### Staff Analysis:

Staff finds that:

- 1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The building meets the size limit and the minimum front setback, and it will not interfere with sight distance along N. Shore Dr.
- 2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.67-acre property in a dense lake neighborhood containing many lots with similar encroachments. 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. The driveway layout reduces buildable area on the east side of the property.

Page 6a

## Hearing Officer Staff Report (Continued)

### Hearing Date: July 16, 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 6/16/2025) and as represented in the Developmental Variance application.

### DV-0398-2025



### DV-0398-2025



DV-0398-2025





## Subject property



# Building site



# 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	Fax - (574) 971-4578
Date: Ub/1b//U/2 Meeting Date:	The formation of the second se
Description: for a 1 ft. Developmental Variance (Ordinance requires 5 ft.) structure 4 ft. from the east side property line and for a 3 ft. D to allow for the construction of an accessory structure 21 ft. in	evelopmental Variance (Ordinance allows 18 ft.)
Contacts: Applicant Authorized Agent	Land Owner
Van Dyke Building & Van Dyke Building &	Steven Holtje And Christine
Remodeling, LlcRemodeling, Llc19180 Mason St19180 Mason St	Holtje, Husband And Wife 1300 54Th Ave. Ne
Cassopolis, MI 49031 Cassopolis, MI 49031	Saint Petersburg, FL 33703
Site Address: 25748 North Shore Dr Elkhart, IN 46514	Parcel Number: 20-02-09-352-027.000-026
Township:OsoloLocation:South Side Of North Shore Dr, 2,045 Ft. East Of Bell Ave., I	East of SR 19
Subdivision: SUNRISE VIEW	Lot # 1 & 2
Lot Area: 0.67 Frontage: 186.61	Depth: 230.75
Zoning: R-2	NPO List: 07/01/2025
Present Use of Property: RESIDENTIAL	
Legal Description:	
GARAGE) AND 144 (SHED) WITH NEW PROPOSED BU FOR PERSONAL STORAGE.	IS 838 (ATTACHED GARAGE), 1,734 SQ FT (DETACHED ILDING AT 925 SQ FT, WHICH LEAVES 1,390 SQ FT AVAILABLE
Applicant Signature:	Department Signature:

4230 Elkhart Road Goshen, Indiana 46526 Elkhart County Planning & Development

	Application
Site address:	25748 North Shore Dr. Elkhart, IN 46514
	20-02-09-352-027.000-026
Current property o	owner
Name: Stevar	+ christine Holtje
	54th AVE NE St Retarsburg, FL 32703
Phone: 727	418-8181 Email: falconsih @ gol.com
	Agent 🗆 Buyer 🗆 Land contract purchaser 🗆 Lessee
Name:	mason st (assipplis, MI 49031
Address: 19180	mason st (assipplis, MI 49031
	14 849-1050 Email: buan 1357@ gol.com
be met before appro	understand that if my application is approved, there may be conditions that will have to wal is final and building permits can be started. I also understand that the conditions hitment that the property owner is responsible for completing and returning.
Signature of curre	ent property owner or authorized agent: <u>Bare Van Ophe</u>
	Staff Use Only
Description:	
Parcel creation da	te:
	red? 🗆 Y 🖾 N If yes, 🗆 AS 🗆 Minor 🗆 Major
Subdivision requir	
	ory breakdown, if applicable:
	sory breakdown, if applicable:
	sory breakdown, if applicable:
Residential access	F W corner (side) end of North Share Dr
Residential access	
Residential access	EW corner (side) end of North Share Dr
Residential access	EW corner side end of North Share Dr ft. NSEW of SR19
Residential access	EW corner (side) end of <u>North Share Dr</u> ft. NSEW of <u>SP19</u> , to Township

	Developmental Variance — Questionnaire
Name	: Steven & Chirishne Holtje
1) To -	ell us what you want to do. Build a dotahed garage 18,5 × 50 = 925 col
-	ell us why you can't change what you're doing so you don't need a variance. The building width Would be to parking, the home owner wishes the area proposed to be as wide as possible. WE properly Tine, need a one foot Warring.
3) T	ell us why the variance won't hurt your neighbors or the community. The Neighbors Support this payed as most of them on the lake have several buildings,
D	loes the property need well and septic? Well: $\Box Y X N$ Septic: $\Box Y X N$ loes the property need a <u>new</u> septic system? $\Box Y \not a$ N a new septic system is needed, did the Health Department say there's enough space for it? $\Box Y \Box N N A$
B	wees the application include variances to allow for buildings or additions?   wilding or addition 1   Size and height to the peak:   18.5   18.5   21   4.   Size and height to the peak:   18.5   21   4.   Size and height to the peak:   18.5   18.5   21   4.   Size and height to the peak:   18.5   21   4.   Size and height to the peak:   18.5   Size and height to the peak: Size and height to the peak: Size and height to the peak: Tell us what you'll use it for. Size and height to the peak:
•	Does the application include a variance for a residence on property with no road frontage? I Y X N Is the easement existing? Y N N Tell us who owns (will own) the land under the easement. Tell us how many parcels will use the easement.
S	boes the application include variances for signs? $\square$ Y X N If yes, fill out below.   Sign 1 Dimensions (length and width):   Existing? $\square$ Y $\square$ N   Electronic message board? $\square$ Y $\square$ N   If no, lighted? $\square$ Y $\square$ N   Freestanding? $\square$ Y $\square$ N   Wall mounted? $\square$ Y $\square$ N   Electronic message board? $\square$ Y $\square$ N   If no, lighted? $\square$ Y $\square$ N   Freestanding? $\square$ Y $\square$ N   Sign 3 Dimensions (length and width):   Existing? $\square$ Y $\square$ N   Wall mounted? $\square$ Y $\square$ N   Figer 3 Dimensions (length and width):   Existing? $\square$ Y $\square$ N   Sign 3 Dimensions (length and width):   Existing? $\square$ Y $\square$ N   Electronic message board? $\square$ Y $\square$ N   Electronic message board? $\square$ Y $\square$ N   Freestanding? $\square$ N   Double faced? $\square$ Y $\square$ N   Electronic message board? $\square$ Y $\square$ N   Electronic message board? $\square$ Y $\square$ N   Electronic message board? $\square$ Y $\square$ N   Freestanding? $\square$ N   Double faced? $\square$ Y $\square$ N   Electronic message board? $\square$ Y $\square$ N   Freestanding? $\square$ N   Wall mounted? $\square$ Y $\square$ N   Electronic message board? $\square$ Y $\square$ N <td< td=""></td<>
	Does the application include a variance for parking spaces?
9) T	Fell us anything else you want us to know.

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## Hearing Officer Staff Report

Prepared by the **Department of Planning and Development** 

### Hearing Date: July 16, 2025

Transaction Number: DV-0400-2025.

Parcel Number(s): 20-05-25-300-013.000-001.

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: Darin J. Miller & Michelle Miller, Husband & Wife.

Location: North side of CR 26, 325 ft. east of CR 3, in Baugo Township.

#### Site Description:

- Physical Improvement(s) Barn.
- > Proposed Improvement(s) New residence with attached storage.
- 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 request will not be injurious to public health, safety, morals, or general welfare. The request is 1,400 sq. ft., or 77 percent, over what is allowed by right, and the proposed structure meets all other development standards.
- 2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 5-acre parcel in a low-density residential and agricultural area, and the parcel 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. The proposed structure replaces an existing barn and will reduce the need for outdoor storage.

## Hearing Officer Staff Report (Continued)

Hearing Date: July 16, 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 6/16/2025) and as represented in the Developmental Variance application.

### DV-0400-2025



2021 Aerials

### DV-0400-2025



2021 Aerials

### DV-0400-2025





## Subject property facing east



# Facing west



# Facing north



# Facing south

## PLAN COMMISSION & BOARD OF ZONING APPEALS

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Elkhart County Planning & Development Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526 Phone - (574) 971-4678

Developmental Variance - Developmenta	al Variance		Fax - (574) 971-457	8
Date: 06/16/2025 Me	ating Data	y 16, 2025 3 Appeals Public Hearing Trans	saction #: DV-0	400-2025
Description: for a Developmental Varian by right	nce to allow for the total square for	ootage of accessory structures to ex	ceed that allowed	
Contacts: Applicant	Authorized Agent	Land Owner		
Darin J Miller And Michelle	Darin J Miller And Michelle	Darin J Miller And Michelle		
Miller, Husband And Wife	Miller, Husband And Wife	Miller, Husband And Wife		
59976 County Road 3 Elkhart, IN 46517	59976 County Road 3 Elkhart, IN 46517	59976 County Road 3 Elkhart, IN 46517		
Eikilait, IN 40317				
Site Address: 00000 County Road 20 ELKHART, IN 46517		Parcel Number:	20-05-25-300	0-013.000-001
Township: Baugo		•		
Location: NORTH SIDE OF CR 26,	325 FT. EAST OF CR 3			
Subdivision:		Lot #		
Lot Area: 5.0	0 Frontage: 400.00		Depth:	420.00
Zoning: A-1		NPO List: 07/01/2025		
Present Use of Property: RESIDENT	IAL			
Legal Description:				
(RESIDENCE = 900 SQ FT AG BARN WILL BE DEM	Γ X 200% = 1,800 SQ FT - PERS	94-2025, BUT HAS TOO MUCH I SONAL STORAGE PORTION OF		
Applicant Signature:		Department Signature:		

4230 Elkhart Road Goshen, Indiana 46526

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Elkhart County Planning & Development

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Application
Site address: DODD CL 3
Parcel number(s): 20-03-25-300-013
Current property owner
Name: DARIN Miller
Address: 28891 CR26 ELKAANT IN 46517
Name: DARIN Miller Address: 28891 CR26 ELKAART DN 46517 Phone: 574320-2785 Email: Imiller@MillmArkent.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: Accessory Sq Footage
Permit # BR-1094-2015
·
Parcel creation date: 10/3/97
Subdivision required?
Residential accessory breakdown, if applicable: <u>Affached</u> .
Location: N S E W corner (side) end of <u>CR 3</u> ,
235 ft. (N S E(W) of CR26
in <u>BAUGO</u> Township
Frontage: 400 Depth: 420 Area: 5. acres
Subdivision and lot number, if applicable: NA <u>2063</u>
Present use: A-1

	2 11 Day HOVED with 30×30 Live- 900
)	Tell us what you want to do. Build A BARA 40X80 with 30×30 Living 9000
	11 Dage du
	Tell us why you can't change what you're doing so you don't need a variance. For the farm store
	We wind 40 × 80
)	Tell us why the variance won't hurt your neighbors or the community. <u>60 secre connected</u> The construction no one will see The Bosen
	The construction poone will see the proper
)	Does the property need well and septic? Well: $\mathcal{A} Y \square N$ Septic: $\mathcal{A} Y \square N$
	Does the property need a <u>new</u> septic system? $\bowtie$ Y $\square$ N If a new septic system is needed, did the Health Department say there's enough space for it? $\square$ Y $\square$ N
)	Does the application include variances to allow for buildings or additions? $\Box$ Y 🖄 N If yes, fill out below.
	Building or addition 1 Size and height to the peak: 40 x 80 x 18 here ht
	Tell us what you'll use it for.         Building or addition 2         Size and height to the peak:         30030 x         Mer 107
	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
)	Tell us what you'll use it for.
	Tell us what you'll use it for Does the application include a variance for a residence on property with no road frontage? □ Y 文 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.
	Tell us what you'll use it for.         Does the application include a variance for a residence on property with no road frontage? □ Y 文 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 what you'll use it for.         Does the application include a variance for a residence on property with no road frontage?         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.         Does the application include variances for signs?         Y       N         If yes, fill out below.
	Tell us what you'll use it for.         Does the application include a variance for a residence on property with no road frontage?       Y       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 what you'll use it for.         Does the application include a variance for a residence on property with no road frontage?         If yes, fill out below.         Is the easement existing?       Y         N       If the easement is existing, is it recorded?         Y       N         If us who owns (will own) the land under the easement.         Tell us how many parcels will use the easement.         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
	Tell us what you'll use it for.         Does the application include a variance for a residence on property with no road frontage?       Y         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 what you'll use it for.         Does the application include a variance for a residence on property with no road frontage?       Y       X         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 what you'll use it for.         Does the application include a variance for a residence on property with no road frontage?       Y       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 what you'll use it for.         Does the application include a variance for a residence on property with no road frontage?       Y       Q       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 what you'll use it for.         Does the application include a variance for a residence on property with no road frontage?       Y       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 what you'll use it for.         Does the application include a variance for a residence on property with no road frontage?       Y       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 what you'll use it for.         Does the application include a variance for a residence on property with no road frontage?       Y       Q       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 what you'll use it for.         Does the application include a variance for a residence on property with no road frontage?       Y       Q       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 what you'll use it for.         Does the application include a variance for a residence on property with no road frontage?       Y       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.

104 200 JUN 1 6 2025 N 88 201 ¥ HOX 80 30×30 09 -571 0 1 0 So' RUNS OF Infoltration 36" Domo yex 80 1000 Gallon TRAKE 20-05-26-20-013 280 Deep ap

## Hearing Officer Staff Report

Prepared by the **Department of Planning and Development** 

### Hearing Date: July 16, 2025

Transaction Number: SUP-0345-2025.

Parcel Number(s): 20-02-33-229-006.000-026 & 20-02-33-229-007.000-026.

Existing Zoning: R-2.

**Petition:** For a Special Use for a manufactured home not on a permanent foundation and for a Developmental Variance to allow for the placement of a manufactured home not on a permanent foundation within 300 ft. of a residence.

Petitioner: Robert E. French & Lynnette R. French, Husband & Wife.

Location: North side of California Ct., 250 ft. west of CR 11 (Osolo Rd.), in Osolo Township.

#### Site Description:

- Physical Improvement(s) None.
- Proposed Improvement(s) New manufactured home.
- Existing Land Use Residential.
- Surrounding Land Use Residential.

#### History and General Notes:

- May 4, 2016 There was a code complaint for an unsafe house (CODE-0092-2016).
- November 6, 2019 A demo permit was issued to remove an unsafe house (BR-2495-2019).
- May 23, 2025 An inspection was made to confirm the demolition of the house.
- February 22, 2024 A code complaint was made for living in an RV (CODE-0088-2024).
- March 15, 2024 The code complaint for living in an RV was closed.

### Staff Analysis:

For a Special Use for a manufactured home not on a permanent foundation, staff finds that:

- 1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A manufactured home not on a permanent foundation is allowed by Special Use in the R-2 zoning district.
- 2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 0.25-acre residential parcel in a moderately dense to dense residential area, and the property will remain residential in character.
- 3. The Special Use will substantially serve the public convenience and welfare by providing an affordable living option and allowing for residential infill development.

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## Hearing Officer Staff Report (Continued)

### Hearing Date: July 16, 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 5/22/2025) and as represented in the Special Use application.

For a Developmental Variance to allow for a manufactured home not on a permanent foundation 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. The proposed new home's size and shape are comparable to a stick-built home and the home will replace an unsafe house that was demolished.
- 2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.25-acre residential parcel in a medium-density area, and the property will remain residential in character. There are other manufactured homes not on a permanent foundation 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 benefit of the variance, the manufactured home not on a permanent foundation would be non-conforming.

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 5/22/2025) and as represented in the Developmental Variance application.

Page 8b

SUP-0345-2025



SUP-0345-2025



2021 Aerials

SUP-0345-2025



2021 Aerials



## Subject property facing north



# Facing south



# Facing east


# Facing west

## PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526 Phone - (574) 971-4678

Special Use - Mobile Home			Fax - (574)	971-4578
Date: 05/22/2025 Meeting Date:	-	6, 2025 ppeals Public Hearing	Transaction #:	SUP-0345-2025
Description: for a Special Use for a manufactured home not on a permanent foundation and for a Developmental Variance to allow for the placement of a manufactured home not on a permanent foundation within 300 ft. of a residence				
Contacts:ApplicantLand OwnerRobert E. French And LynnetteRobert E. FrenchR. French, Husband And WifeR. French, Husb1732 Connecticut Ave1732 ConnecticutElkhart, IN 46514Elkhart, IN 4651	oand And Wife ut Ave			
Site Address: 25043 California Ct Elkhart, IN 46514		Parcel Number:		2-33-229-006.000-026 2-33-229-007.000-026
Township:OsoloLocation:NORTH SIDE OF CALIFORNIA CT., 250 H	FT. WEST OF CI	R 11 (OSOLO RD)		
Subdivision: HASTINGS PK UNREC (TIF 159)		Lot # 233 and 232		
Lot Area: 0.25 Frontage:	100.00		Depth:	130.00
Zoning: R-2		NPO List: 07/01/2	2025	
Present Use of Property: VACANT				
Legal Description:				
Comments: PREVIOUS DEMO PERMIT #BR-2495-2019 TO BE INSPECTED 5/23/2025 PREVIOUS CODE COMPLAINT FOR UNSAFE (RECTIFIED WITH DEMO) #0092-2016, AND #0088-2024 LIVING IN RV MARKED AS IN COMPLIANCE. PROPERTY IS 2 LOTS DEEDED TOGETHER SITE ADDRESS IS 25053 CALIFORNIA CT.				
Applicant Signature:		Department Signatur	e:	

Meeting held at	4230 Elkhart Road Goshen, Indiana 46526	Elkhart County Planning and Development	t Di	(574) 971-4678 S@ElkhartCounty.com
Application       Administration Bide         Site address:       25053       CALSTORMORP       Gosten, IN 46528         Parcel number(s):       DO-OD-38-DD-000       Meeting rooms         Do-OD-38-DD-000       DO-OD-38-DD-000       Meeting rooms         Current property owner       DD-OD-38-DD-000       Meeting rooms         Name:       Courtent property owner       DD-OD-38-DD-000         Name:       Courtent property owner       ELC. Jm-46520         Phone:       STH-312-5246       Email:       Ipwedrift public dD-Mmar. correct         Other party       Agent       Buyer       Land contract purchaser       Lessee         Name:	<b>F</b> ,	ASUP		
Site address: 25053 CALIFORMULTA Goshen, IN 46526   Parcel number(s): 20.00.33.3.24.000 Meeting rooms   Name: Current property owner 324.001     Name: Colored for the state of the stat		Application		Administration Bidg
Parcel number(s):       DO: OD: 33 - DD: -OD:       104, 106 E 108         Current property owner       DD: OD: 52 - DD: -OD:       DD: OD: 52 - DD: -OD:         Name:       Rodent E + Light CHTR K FREWLM         Address:	Site address: 2505	3 CALIFORNIA CT.	ELK IN.	Goshen, IN 46526
Name:       Raditation is approved, first is stress in provided in the conditions is approved, there may be conditions that will have to be met before approval is final and building permits can be started. Takes 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. Takes understand that the property owner is responsible for completing and returning.         Signature of current property owner or authorized agent:	Parcel number(s):	02-33-229-006		
Name:       & & & & & & & & & & & & & & & & & & &	Current property owner	229-007		
Address:		+ I WINGTER & ER.		
Phone:       574.312.594C       Email:       I guillet Strett Gildet Comman.com         Other party       Agent       Buyer       Land contract purchaser       Lessee         Name:			the second s	U
Other party       Agent       Buyer       Land contract purchaser       Lessee         Name:				
Name:				60 C. MAZL. COM
Address:	Other party   Agent	□ Buyer □ Land contract	purchaser [	□ Lessee
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:       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:       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:       Building permits can be started. I also understand that the conditions may include a commitment that the property owner or authorized agent:         Subdivision required?       Staff Use Only         Parcel creation date:	Name:			
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:   in   moderner   n   Township   Frontage: Depth:   Area:   acres	Address:			
Staff Use Only   Staff Use Only   Description:        Staff Use Only     Description:        Parcel creation date:     Subdivision required?     Y        If yes,     AS        Minor     Major        Residential accessory breakdown, if applicable:     Image:   Image:   Image:   Depth:   Image:   Image: <t< td=""><td></td><td></td><td></td><td></td></t<>				
Description:	may include a commitment that	the property owner is responsible for,	completing and r	eturning.
Subdivision required? Y N If yes, AS Minor Major     Residential accessory breakdown, if applicable:     Location: N S E W corner side end of ,     Location: N S E W of	Description:	Staff Use Only		
Subdivision required? Y N If yes, AS Minor Major     Residential accessory breakdown, if applicable:     Location: N S E W corner side end of ,     Location: N S E W of				
Residential accessory breakdown, if applicable:         Location:       N S E W corner side end of         JMD       ft.       N S E W of         JMD       Township         Frontage:       Depth:	Parcel creation date:			
ft.       N S E W of Oddred / CR II       '         in       Township         Frontage:       Depth:       acres         Subdivision and lot number, if applicable:				
Subdivision and lot number, if applicable:	)50 ft. N	SEW of Octored	/ CR 11	
Subdivision and lot number, if applicable:	Frontage:	Depth: Area:		acres
	Subdivision and lot number. if			
Woodht uses				

	Special Use for a Mobile Home — Questionnaire
Na	me: ROBERSE + LYNNESTER. FRENCH
1)	Is there an existing main residence already on the property?
2)	Tell us who will live in the mobile home. MY LIFE & MYGELF ROBERTE & LYNNFITER FRENCH
3)	Is the mobile home needed because of a hardship like poor health, age, or an emergency? If yes, tell us about it.
4)	Tell us why the mobile home won't hurt your neighbors or the community. This is a Macant proparty and the home will improve the Area.
	Does the mobile home need its own well and septic? Well: $\square$ Y $\square$ N Septic: $\square$ Y $\square$ N Does the mobile home need a <u>new</u> septic system? $\square$ Y $\blacksquare$ N If yes, did the Health Department say there's enough space for it? $\square$ Y $\square$ N
6)	Tell us the size of the mobile home. $26 \times 36$
7)	Tell us the year of the mobile home. <u>1990</u> 2012
8)	Tell us anything else you want us to know.

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100' UPIJOE



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## Hearing Officer Staff Report

Prepared by the **Department of Planning and Development** 

#### Hearing Date: July 16, 2025

Transaction Number: SUP-0401-2025.

Parcel Number(s): 20-02-33-206-007.000-026.

Existing Zoning: R-2.

**Petition:** For a Special Use for a manufactured home not on a permanent foundation and for a Developmental Variance to allow for the placement of a manufactured home not on a permanent foundation within 300 ft. of a residence.

Petitioner: Maribel Ramirez.

*Location:* Northeast corner of Grover St. & Independence St., 1,880 ft. north of CR 10 (E. Bristol St.), in Osolo Township.

#### Site Description:

- Physical Improvement(s) None.
- > Proposed Improvement(s) New manufactured home.
- Existing Land Use Residential.
- Surrounding Land Use Residential.

#### History and General Notes:

▶ June 28, 2021 – A demo permit was issued to remove a fire-damaged house (BR-1511-2021).

#### Staff Analysis:

For a Special Use for a manufactured home not on a permanent foundation, staff finds that:

- 1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A manufactured home not on a permanent foundation is allowed by Special Use in the R-2 zoning district.
- 2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 0.35-acre residential parcel in a moderately dense to dense residential area, and the property will remain residential in character.
- 3. The Special Use will substantially serve the public convenience and welfare by providing an affordable living option and allowing for residential infill development.

## Hearing Officer Staff Report (Continued)

### Hearing Date: July 16, 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 6/16/2025) and as represented in the Special Use application.

For a Developmental Variance to allow for a manufactured home not on a permanent foundation 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. The proposed new home's size and shape are comparable to a stick-built home and the home will replace a house that was destroyed by fire.
- 2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.35-acre residential parcel in a medium-density area, and the property will remain residential in character. There are other manufactured homes not on a permanent foundation 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 benefit of the variance, the manufactured home not on a permanent foundation would be non-conforming.

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 6/16/2025) and as represented in the Developmental Variance application.

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SUP-0401-2025



2021 Aerials

### SUP-0401-2025



### SUP-0401-2025



2021 Aerials



## Subject property facing north



# Facing south



# Facing east



# Facing west

## PLAN COMMISSION & **BOARD OF ZONING APPEALS**

Elkhart County Planning & Development **Public Services Building** 

4230 Elkhart Road, Goshen, Indiana, 46526 Phone - (574) 971-4678

Special Use - Mobile Home	Fax - (574) 971-4578			
	7 16, 2025Transaction #:SUP-0401-2025Appeals Public Hearing			
Description: for a Special Use for a manufactured home not on a permanent foundation and for a Developmental Variance to allow for the placement of a manufactured home not on a permanent foundation within 300 ft. of a residence				
Contacts: <u>Applicant</u> <u>Authorized Agent</u>	Land Owner			
Maribel Ramirez Maribel Ramirez	Maribel Ramirez			
2256 Bo Railroad 2256 Bo Railroad	2256 Bo Railroad			
Elkhart, IN 46514 Elkhart, IN 46514	Elkhart, IN 46514			
Site Address: 25273 Grover St Elkhart, IN 46514	Parcel Number: 20-02-33-206-007.000-026			
Township: Osolo				
Location: Northeast Corner Of Grover St. And Independence St., 1,880	) Ft. North of CR 10/E Bristol St			
Subdivision: HASTINGS PK UNREC (TIF 159)	Lot # 142 & 143			
Lot Area: 0.35 Frontage: 254.00	Depth:			
Zoning: R-2	NPO List: 07/01/2025			
Present Use of Property: VACANT				
Legal Description:				
Comments: SEE DEMO PERMIT #BR-1511-2021 TO BE INSPECTED	6/17/2025			
Comments. SEE DEMOTERCITI "DR-1511-2021 TO DE INSTECTED	011/12023			
Applicant Signature:	Department Signature:			

### Elkhart County Planning and Development

(574) 971-4678 DPS@ElkhartCounty.com

ž. 4	Meeting held at
Application	County Administration Bidg. 117 N. 2nd St.
Site address: 25273 Graver St. FIKhart IN	Goshen, IN 46526 Meeting rooms
Parcel number(s): <u>20-62-33-206-007-000-026</u>	104, 106 & 108
Current property owner	
Name: Maribel Rannivez Dominguez	
Address: <u>2256 B and O Rawcoad</u>	
Phone: (574) 5758402 Email: maribel 2256	Dictord.com
<b>Other party</b>	Lessee
Name:	
Address:	
Phone: Email:	
By signing below, I understand that if my application is approved, there may be condition be met before approval is final and building permits can be started. I also understand tha may include a commitment that the property owner is responsible for completing and retu	t the conditions urning.
Signature of current property owner or authorized agent: Maybel R	emorrez D.
· · · · · · · · · · · · · · · · · · ·	
Staff Use Only	
Deminting Mahl I.	
Description: Mobile home 300 A residence	
Parcel creation date:	
Subdivision required?   Y IN If yes,  AS IMinor  Major	
Residential accessory breakdown, if applicable:	
	·····
Location: N S E W corner side end of <u>Grann St &amp; In</u> 1 660 ft. N S E W of <u>CP 10</u> B Brood in OSOLO Township	dependence, 01 St.
Frontage:         Depth:         Area:         365	
Subdivision and lot number, if applicable: Hasnings Park Unnec Le	#514201143
Present use:	

Na	me: Maribel Raminez Dominguez
INC	me. <u>Hordenser</u> <u>Eurnitette Denningue E</u>
1)	Is there an existing main residence already on the property? $\Box$ Y $\boxtimes$ N If yes, tell us who will live in the existing main residence.
2)	Tell us who will live in the mobile home. <u>Maribel Pramirez, Emanuel Del Valle</u> , <u>Maribel Pramirez, Emanuel Del Valle</u> ,
3)	Is the mobile home needed because of a hardship like poor health, age, or an emergency? If Y IN If yes, tell us about it. It's become a hard ship on my family pue to the extra expenses of living in a trailer park. It's getting too expensive
	Tell us why the mobile home won't hurt your neighbors or the community. The mobile home would be good to bring to an open environment that because it is under good clean maintence.
5)	Does the mobile home need its own well and septic? Well: $\Box Y \Box N$ Septic: $\Box Y \Box N$ Does the mobile home need a <u>new</u> septic system? $\Box Y \Box N$ If yes, did the Health Department say there's enough space for it? $\Box Y \Box N$ No records at ENVivone nt
6)	Tell us the size of the mobile home. $28 \times 40$ Hebt
7)	Tell us the year of the mobile home. <u>2000 Century</u>
8)	Tell us anything else you want us to know. <u>The mobile pome has been renewed</u> and <u>refumished</u> . In Great Conditions.

•

3 blocks high all around not skirt # The blocks arent going to hold the weight, The peris c Round Keirs ! DN Septic rame Rotect +5 each. >INDEPENDENCE Propety Line 40 Feet Long 3200 Certan 195740 23×40 Wide HANSON 1994 103 67 Sof 100 drive we ď Road 13 Groven st, ElkHart -IN 46514