

ELKHART COUNTY BOARD OF ZONING APPEALS
HEARING OFFICER

9:00 A.M.

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: January 14, 2026

Transaction Number: DV-0764-2025.

Parcel Number(s): 20-10-27-126-003.000-016.

Existing Zoning: A-1.

Petition: For a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 33 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 42 ft. from the centerline of the right-of-way.

Petitioner: Joshua Showalter.

Location: South side of CR 38, 2,315 ft. east of CR 11, in Harrison Township.

Site Description:

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

History and General Notes:

- **June 14, 2018** – A complaint for tall grass was received (CODE-0328-2018). This was closed July 9, 2018.
- **June 14, 2018** – A complaint for a vacant house damaged by fire was received (CODE-0329-2018). This was closed out on August 22, 2019.
- **October 22, 2019** – A remodeling of a residence permit was issued (BR-2387-2019) and completed on October 22, 2021.
- **April 3, 2019** – A complaint for trash, tires, and household furniture in the yard was received (CODE-0070-2019).
- **August 20, 2019** – A complaint for tall grass was received (CODE-0346-2019). This was closed September 10, 2019.

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 748 sq. ft., or 24%, over what is allowed by right and all other development standards will be met. The existing residence has been in place since 1957 and has not caused any safety issues for traffic along the county road.

Hearing Officer Staff Report (Continued)

Hearing Date: January 14, 2026

2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 2-acre parcel in a low-density residential area, and the property will remain residential in character. The proposed structure will replace an older building that is in bad condition, and the existing residence is not within the right-of-way.
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 existing residence would remain non-conforming, and a new accessory structure couldn't be built.

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

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 12/8/2025) and as represented in the Developmental Variance application.

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

Date: 12/08/2025 Meeting Date: January 14, 2026
Board of Zoning Appeals Public Hearing Transaction #: DV-0764-2025

Description: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 33 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 42 ft. from the centerline of the right-of-way.

Contacts: Applicant Land Owner
Joshua Showalter Joshua Showalter
24584 County Road 38 24584 County Road 38
Goshen, IN 46526 Goshen, IN 46526

Site Address: 24584 County Road 38 Parcel Number: 20-10-27-126-003.000-016
Goshen, IN 46526

Township: Harrison
Location: South Side Of County Road 38, 2,315 ft. East of County Road 11

Subdivision: Lot #

Lot Area: 2.00 Frontage: 255.00 Depth: 330.00

Zoning: A-1 NPO List:

Present Use of Property: Residential

Legal Description:

Comments: Parcel creation date: 5/26/10
STORAGE EQUATION:
Residence 2,876 x 110% = 3,163 square ft. available personal storage space
Minus (552) Garage
Minus (1,960) Accessory Storage Building (Building to be torn down and receive a demo permit)
Minus (3,360) Proposed Accessory Building
= -2,709 sq. ft available storage (Needs Developmental Variance)

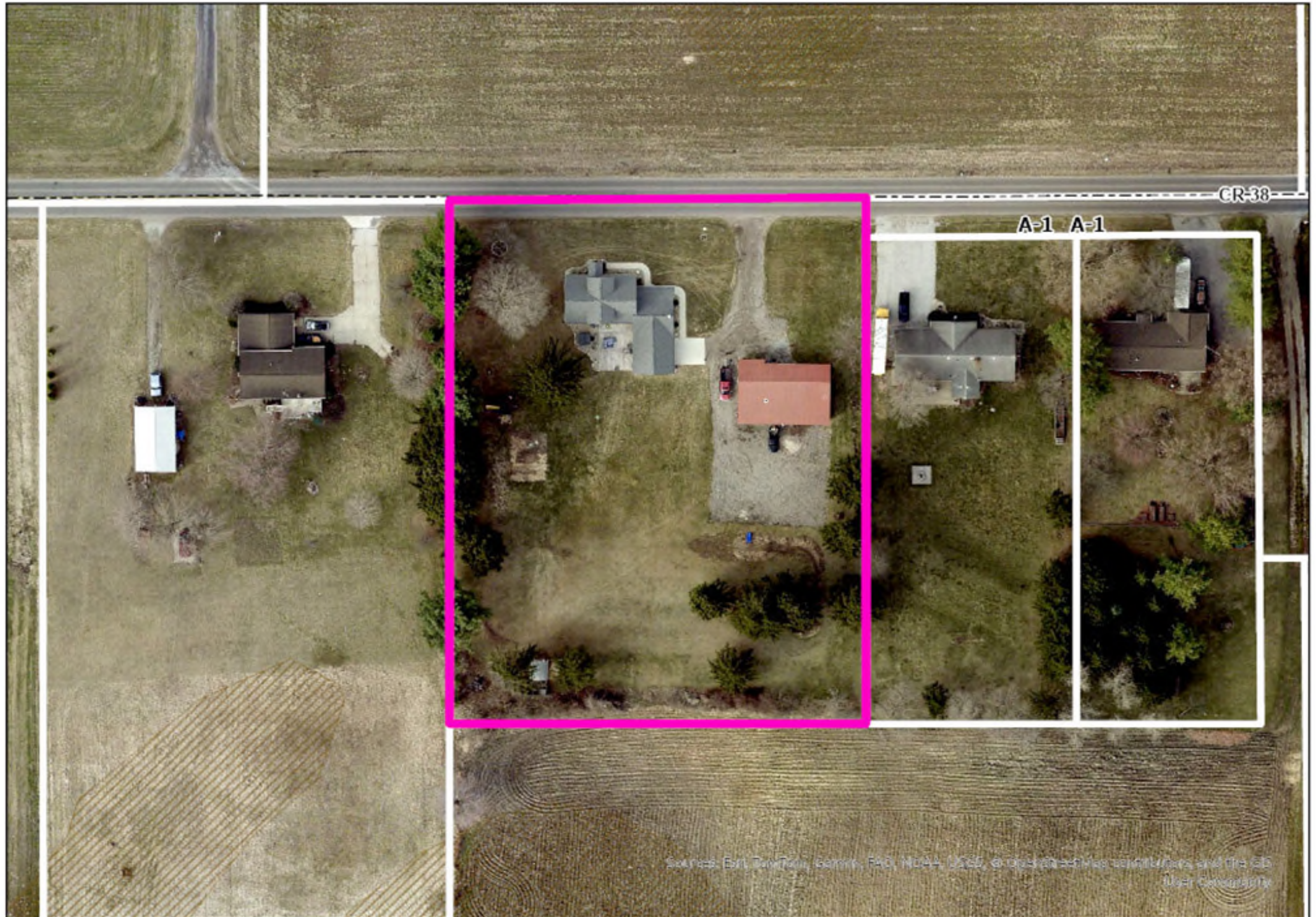
Applicant Signature: Department Signature:

Developmental Variance — Questionnaire

Name: _____

- 1) Tell us what you want to do. I want to build a new pole barn so I can park my RV inside and tear down my old building that is falling down and an eye sore
- 2) Tell us why you can't change what you're doing so you don't need a variance. I can't build it big enough without the variance even if I tore down the existing building
- 3) Tell us why the variance won't hurt your neighbors or the community. I won't hurt the neighbors or the community because the current one will be taken down and the new one will be much nicer and further from the road and neighbors house
- 4) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N
- 5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.
- Building or addition 1** Size and height to the peak: 52' x 60' 24' to peak
Tell us what you'll use it for. Storage for RV and a couple vehicles
- Building or addition 2** Size and height to the peak: _____
Tell us what you'll use it for. _____
- Building or addition 3** Size and height to the peak: _____
Tell us what you'll use it for. _____
- 6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☒ N
If yes, fill out below.
Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N
Tell us who owns (will own) the land under the easement. _____
Tell us how many parcels will use the easement. _____
- 7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.
- Sign 1** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- Sign 2** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- Sign 3** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- 8) Does the application include a variance for parking spaces? ☐ Y ☒ N
If yes, tell us how many total there will be. _____
- 9) Tell us anything else you want us to know. _____

DV-0764-2025



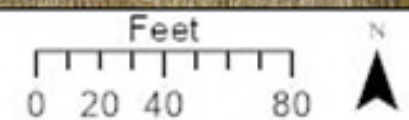
CR-38

A-1 A-1

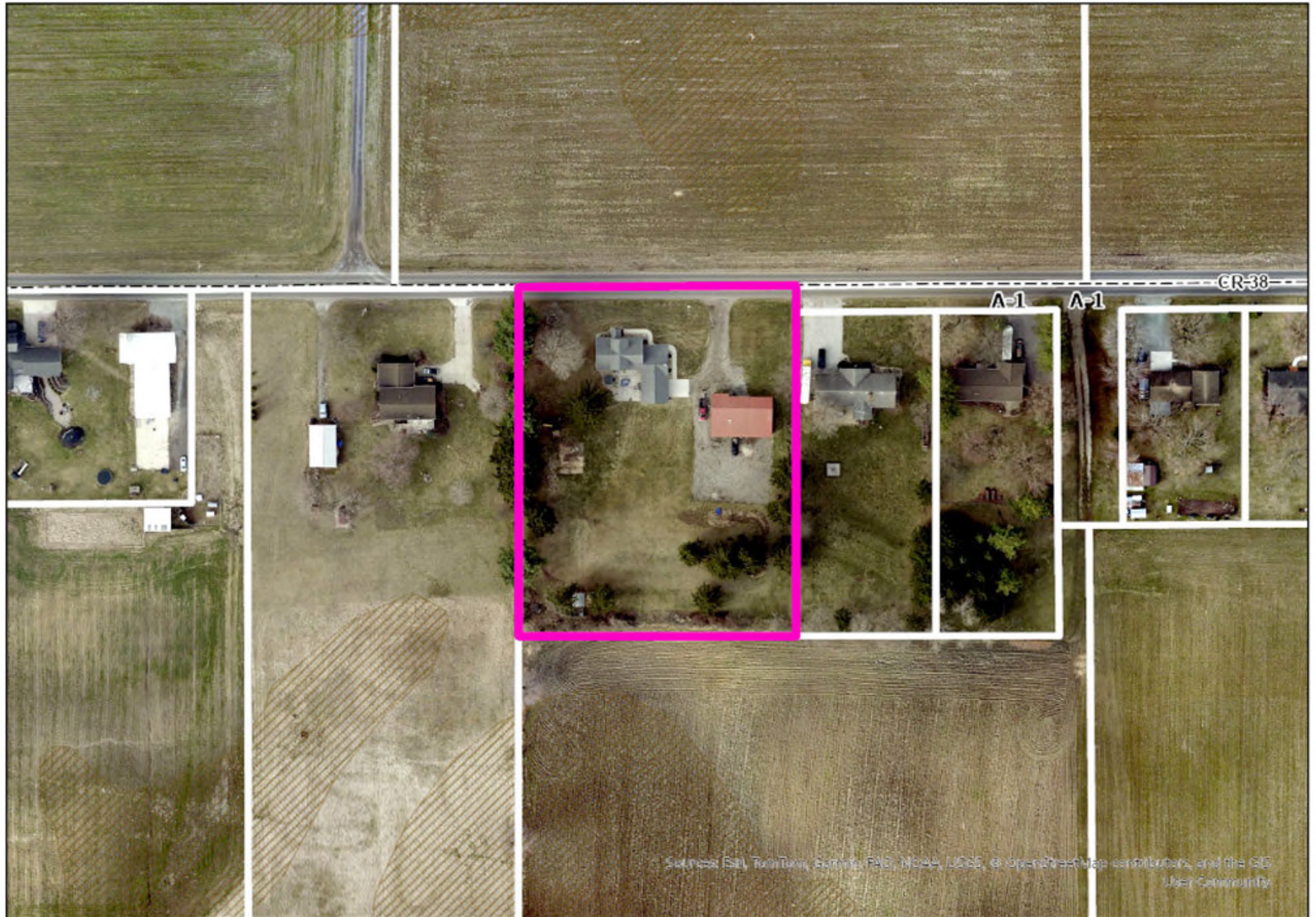
Sources: Esri, DeLorme, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

2025 Aerials

1 inch equals 80 ft

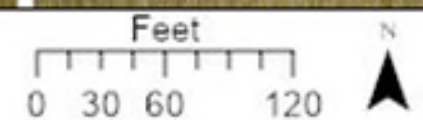


DV-0764-2025



2025 Aerials

1 inch equals 120 ft



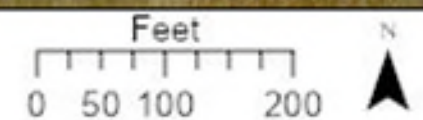
Sources: Esri, TomTom, Garmin, FDOT, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

DV-0764-2025



2025 Aerials

1 inch equals 200 ft



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



Subject property facing southwest



Subject property, proposed building location



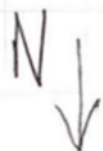
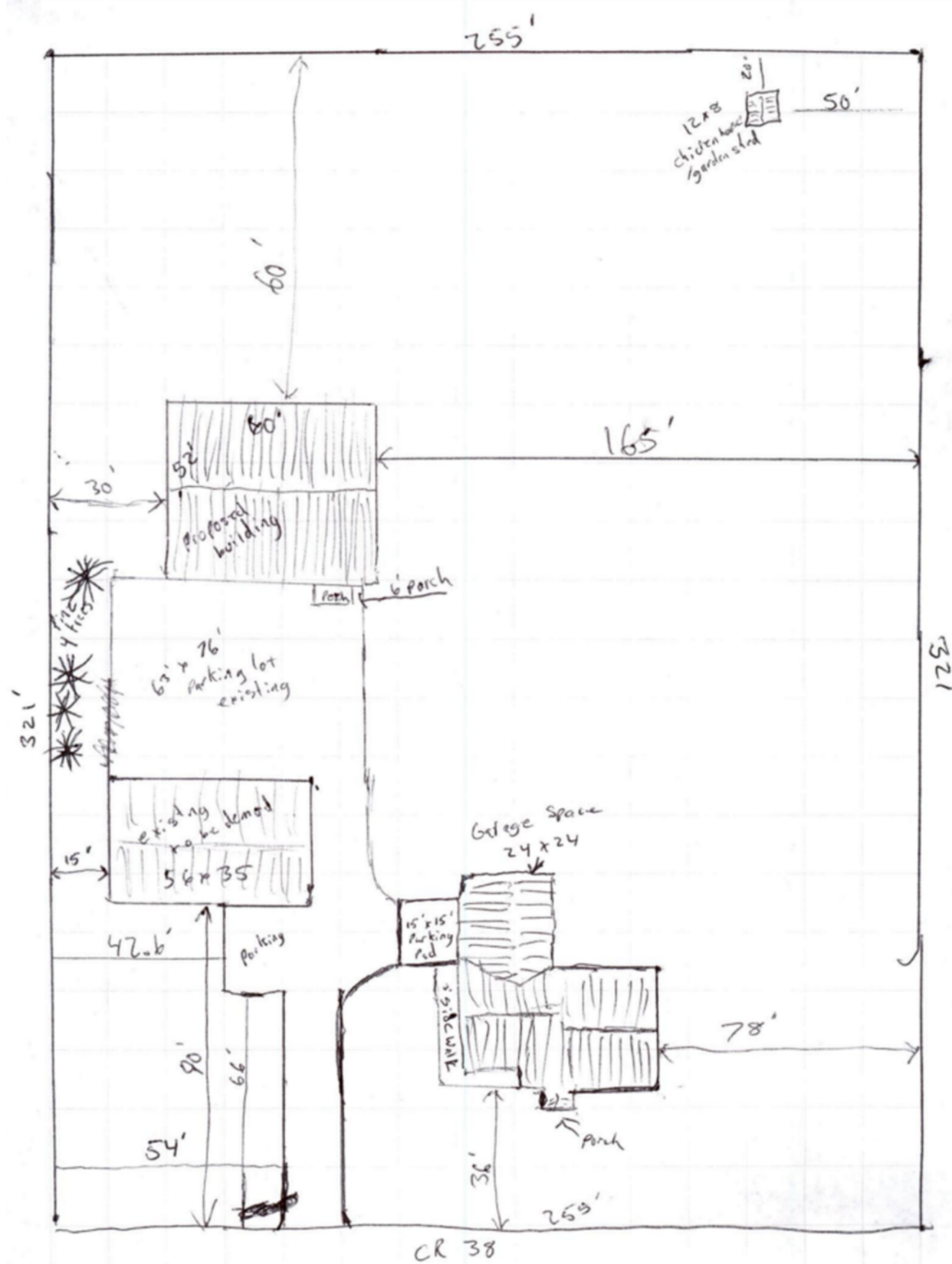
Facing east



Facing west



Facing north



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: January 14, 2026

Transaction Number: DV-0772-2025.

Parcel Number(s): 20-06-25-403-029.000-009.

Existing Zoning: R-1.

Petition: For a 5 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an addition to a residence 5 ft. from the south side property line.

Petitioner: Ricky A. Schraw & Kelly Schraw, Husband & Wife.

Location: Northeast side of Pepperwood Ln., 615 ft. east of Timberwood Ln., in Concord Township.

Site Description:

- Physical Improvement(s) – Residence, detached accessory structure, pool.
- Proposed Improvement(s) – Addition to an existing residence.
- 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 proposed addition is to the south and rear of the property and will not cause front yard sight issues.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The property is a 0.39-acre parcel in a high-density residential area, and the property will remain residential in character. The proposed addition is in the same location as an existing attached dog-run area, and the setback will still allow maintenance for the residence without encroachment on the adjacent property.
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 addition for extra storage space wouldn't be able to be built.

Hearing Officer Staff Report (Continued)

Hearing Date: January 14, 2026

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

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 12/15/2025) and as represented in the Developmental Variance application.

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

Date: 12/15/2025 Meeting Date: January 14, 2026
Board of Zoning Appeals Public Hearing Transaction #: DV-0772-2025

Description: for a 5 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an addition to a residence 5 ft from the south side property line

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Ricky A. Schraw & Kelly Schraw, Husband & Wife 22329 Pepperwood Ln Goshen, IN 46528	Ricky A. Schraw & Kelly Schraw, Husband & Wife 22329 Pepperwood Ln Goshen, IN 46528

Site Address: 22329 Pepperwood Ln Goshen, IN 46528	Parcel Number: 20-06-25-403-029.000-009
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Township: Concord
Location: NORTHEAST SIDE OF PEPPERWOOD LN, 615 FT. EAST OF TIMBERWOOD LN

Subdivision: FIRESIDE ESTATES IV	Lot # 65
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Lot Area: 0.39	Frontage: 50.00	Depth: 265.00
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Zoning: R-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments:

Applicant Signature:

Department Signature:

Developmental Variance — Questionnaire

Name: Ricky A Schraw

1) Tell us what you want to do. to add a 5 ft x 33 ft down right side of Garage and an additional 10 ft x 23 ft Along back of garage for a family room and extra space to Garage for work space

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

3) Tell us why the variance won't hurt your neighbors or the community. Neighbor on right side (if you are facing home) is ok with addition on side of garage to his property line.

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

Does the property need a new septic system? ☐ Y ☒ N

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

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

Building or addition 1 Size and height to the peak: 5 ft x 33 ft

Tell us what you'll use it for. _____

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

Tell us what you'll use it for. _____

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

Tell us what you'll use it for. _____

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

If yes, fill out below.

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

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

Tell us how many parcels will use the easement. _____

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

Sign 1 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 2 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 3 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

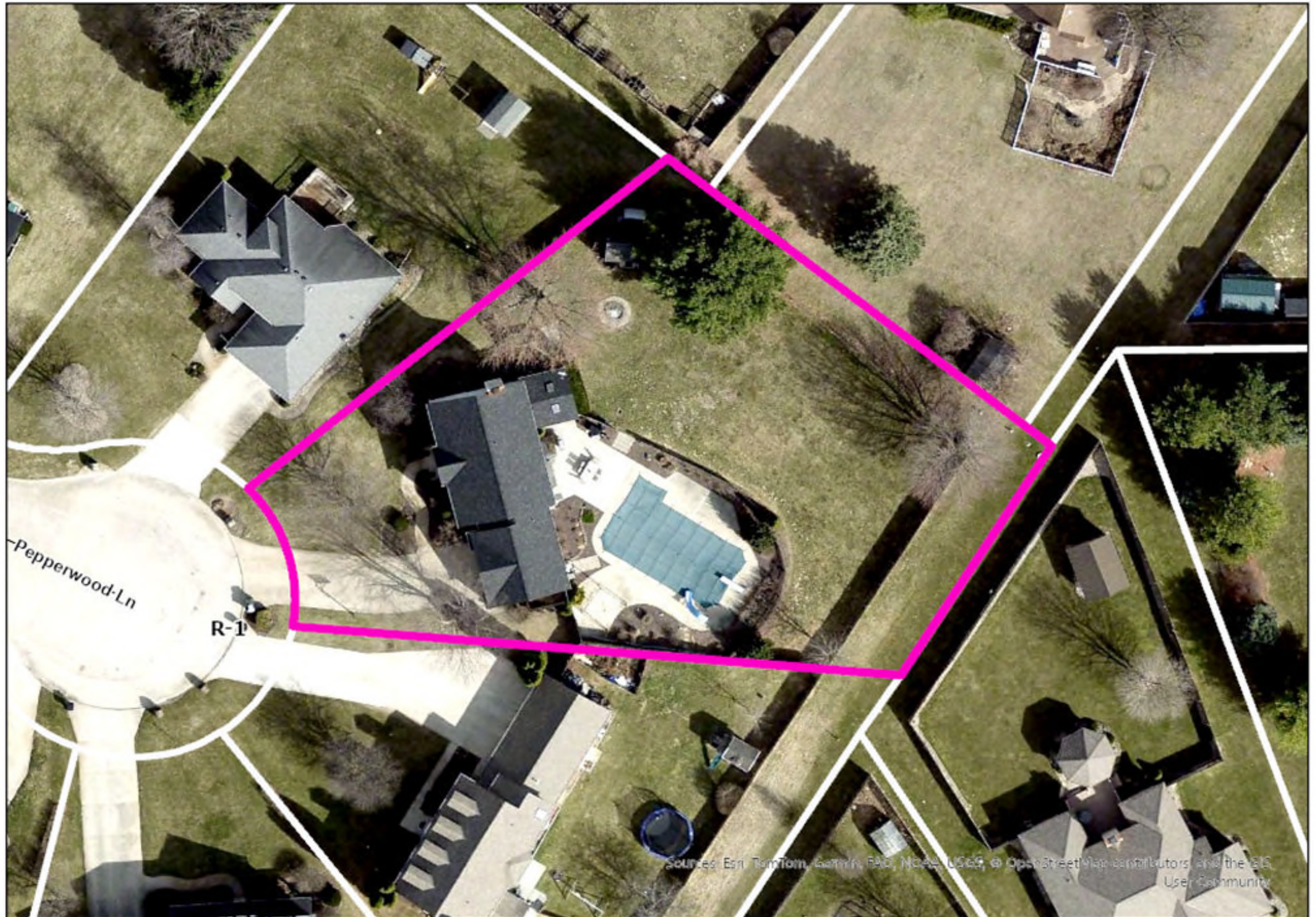
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

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

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

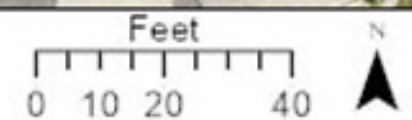
9) Tell us anything else you want us to know. _____

DV-0772-2025

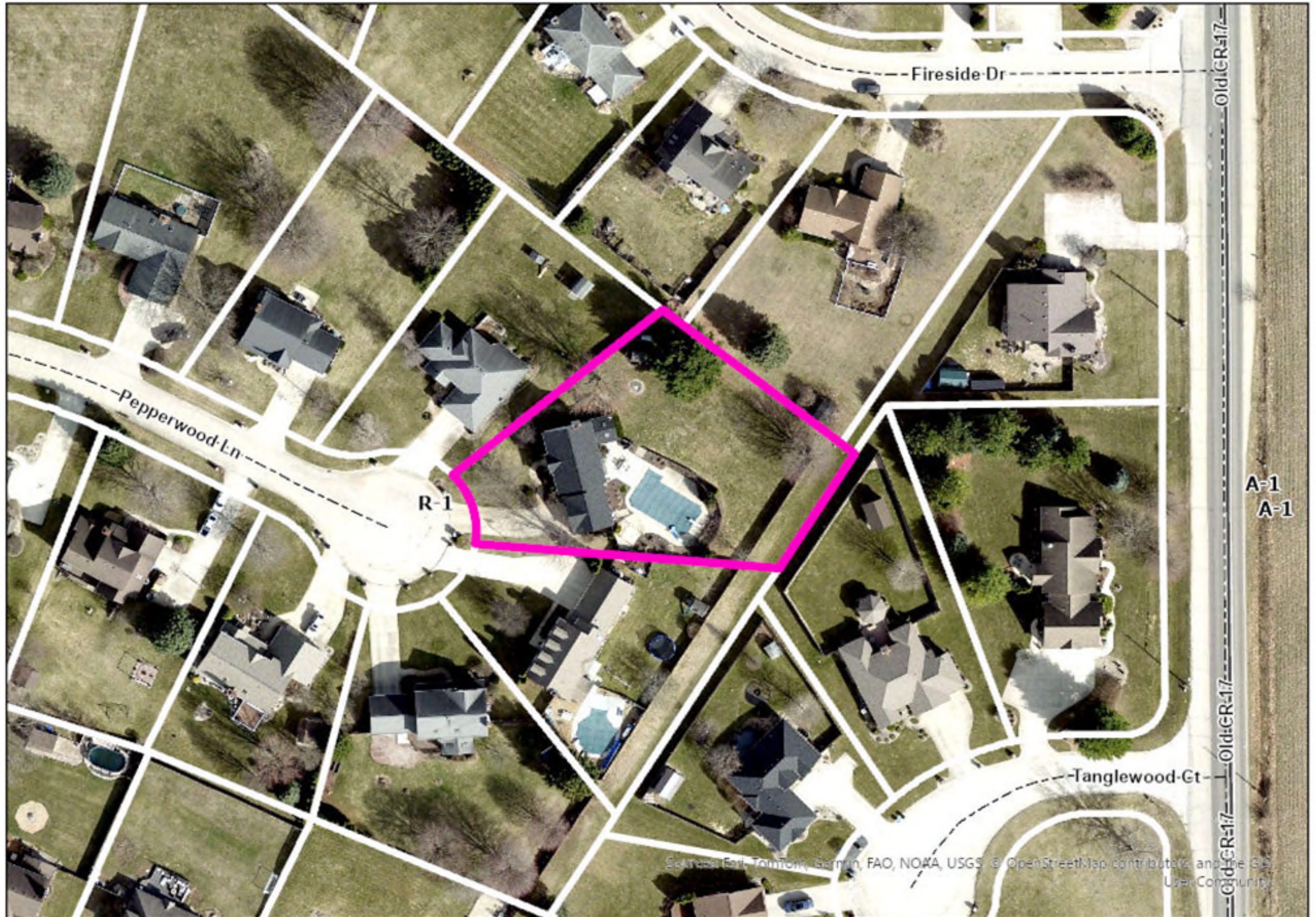


2025 Aerials

1 inch equals 40 ft

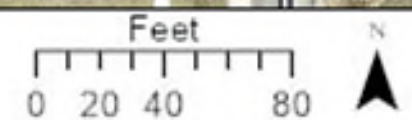


DV-0772-2025

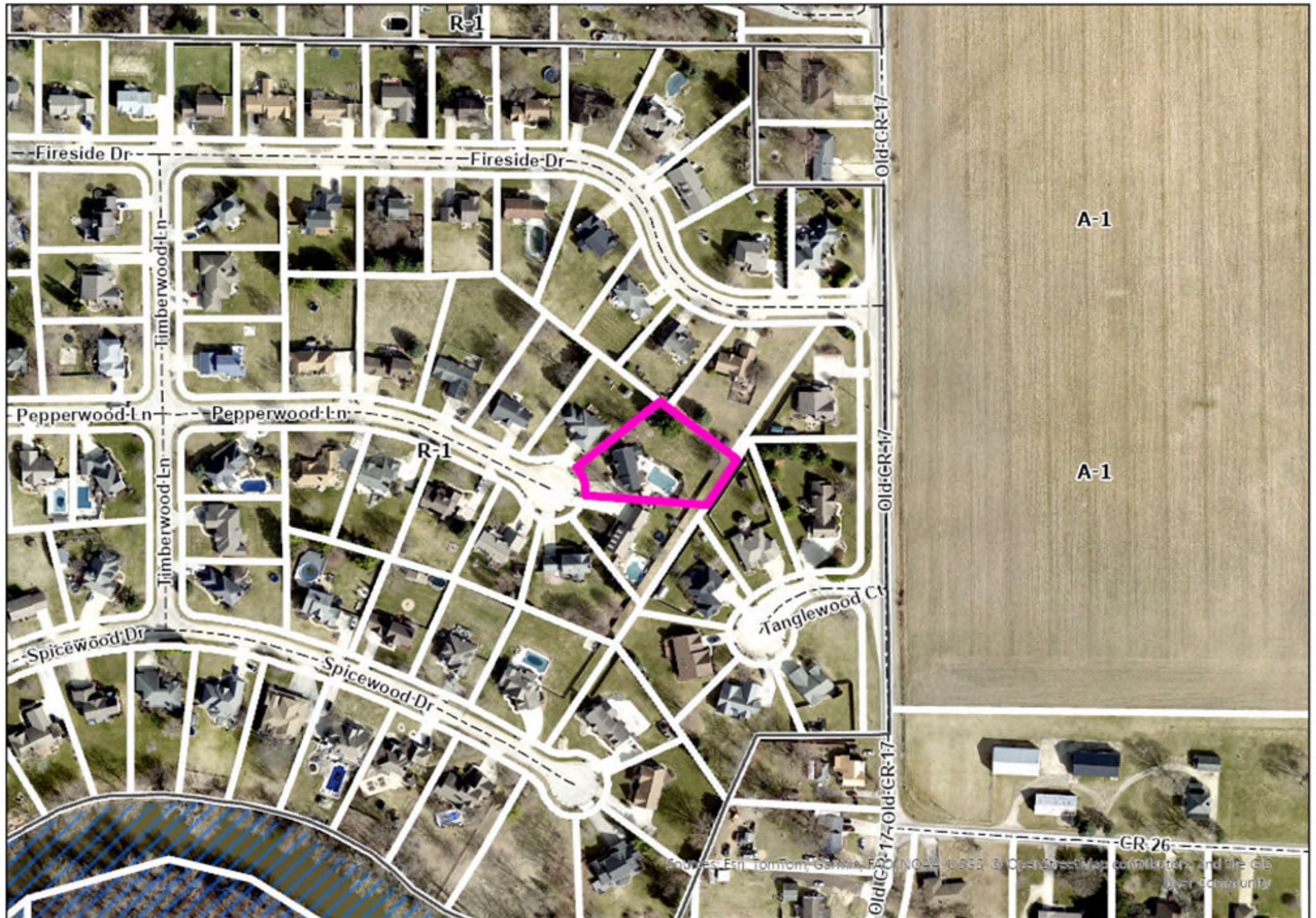


2025 Aerials

1 inch equals 80 ft

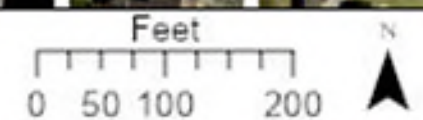


DV-0772-2025



2025 Aerials

1 inch equals 200 ft





Subject property facing east



Subject property proposed addition location



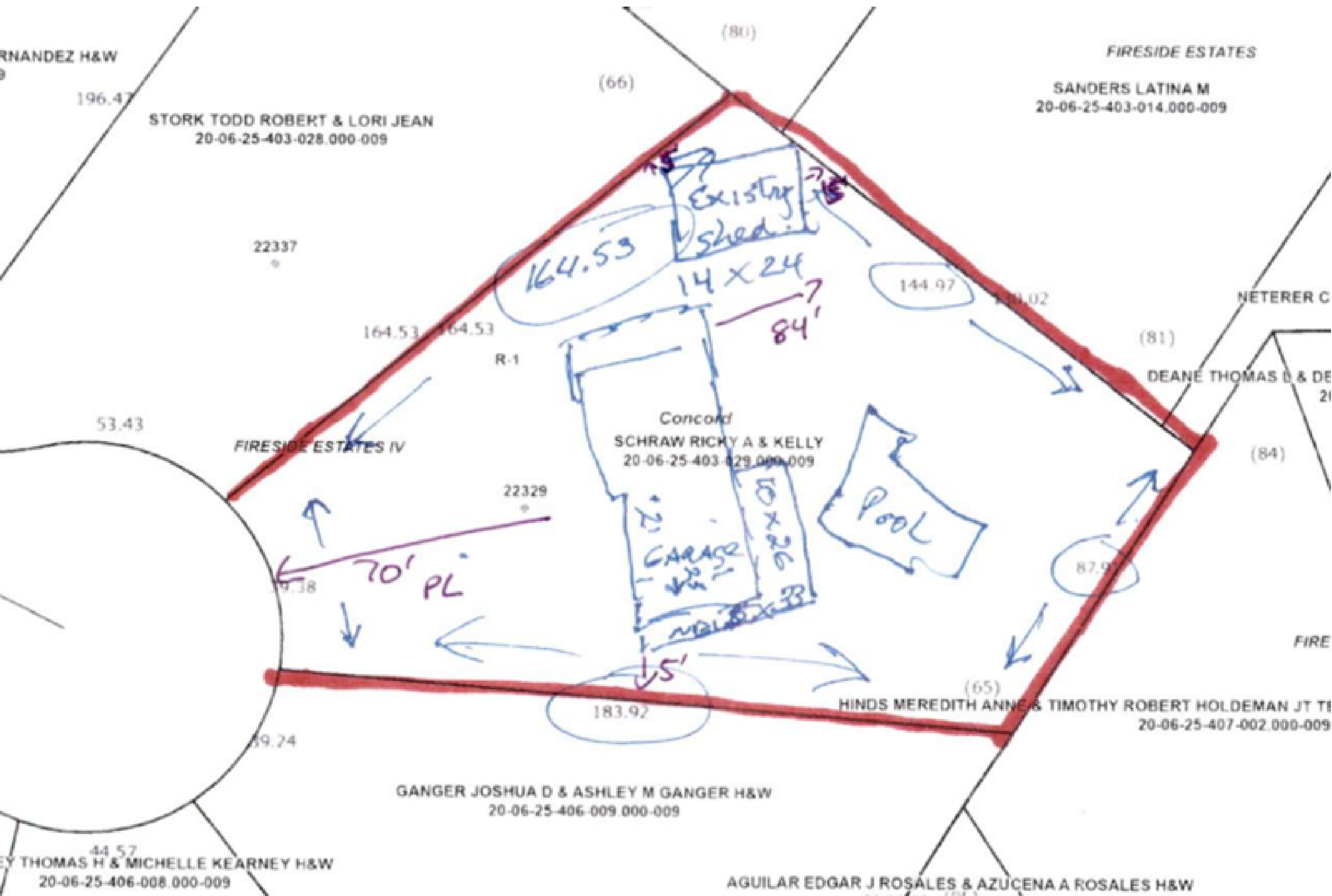
Facing west



Facing north



Facing south



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: January 14, 2026

Transaction Number: SUP-0769-2025.

Parcel Number(s): 20-11-11-476-010.000-014.

Existing Zoning: A-1.

Petition: For a Special Use to allow for the placement of a mobile home, for a Developmental Variance to allow for the placement of a mobile home within 300 ft. of a residence, and for a 152 sq. ft. Developmental Variance (Ordinance allows 1,000 sq. ft.) to allow for a 1,152 sq. ft. accessory dwelling.

Petitioner: Timothy C. Miller & Tiffany N. Miller, Husband & Wife.

Location: North side of CR 34, 1,300 ft. west of CR 29, in Elkhart Township.

Site Description:

- Physical Improvement(s) – Residences.
- Proposed Improvement(s) – Mobile home.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- **October 16, 2025** – The BZA denied a Use Variance to allow two existing dwellings and the placement of a third dwelling on a parcel.
- **January 8, 2026** – The Plat Committee considered a 2-lot minor subdivision to be known as Fairview East.

Staff Analysis:

For a Special Use to allow for the placement of a mobile home, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a mobile home used as an accessory dwelling for an infirm or elderly relative is allowed in the A-1 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This will be a 1.02-acre lot in a low-density residential and agricultural area, and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing a temporary housing option for an infirm or elderly relative.

Hearing Officer Staff Report (Continued)

Hearing Date: January 14, 2026

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

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

1. The request is approved in accordance with the site plan submitted (dated 12/11/2025) and as represented in the Special Use application.
2. The mobile home must be removed from the site once the infirm or elderly relative is no longer there.

For a Developmental Variance to allow for the placement of a mobile home within 300 ft. of a residence and for a 152 sq. ft. Developmental Variance (Ordinance allows 1,000 sq. ft.) to allow for a 1,152 sq. ft. accessory dwelling, staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The mobile home will be used as a temporary accessory dwelling.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This will be a 1.02-acre lot in a low-density residential and agricultural area, and the property will remain residential in character.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the benefit of the variances, the proposed mobile home could not be used as an accessory dwelling.

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

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 12/11/2025) and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use - Mobile Home

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

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 12/11/2025 Meeting Date: January 14, 2026
Board of Zoning Appeals Public Hearing Transaction #: SUP-0769-2025

Description: for a Special Use to allow for the placement of a mobile home, for a Developmental Variance to allow for the placement of a mobile home within 300 ft. of a residence, and for a 152 sq. ft. Developmental Variance (Ordinance allows 1000 sq. ft.) to allow for an accessory dwelling 1152 sq. ft. in size

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Timothy C. Miller & Tiffany	Timothy C. Miller & Tiffany
N. Miller, Husband & Wife	N. Miller, Husband & Wife
17025 Cr 34	17025 Cr 34
Goshen, IN 46528	Goshen, IN 46528

Site Address: 17025 County Road 34 Goshen, IN 46528	Parcel Number: Part of 20-11-11-476-010.000-014
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Township: Elkhart
Location: North Side Of County Road 34, 1,300 FT. West Of County Road 29

Subdivision:	Lot #
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Lot Area: 1.02	Frontage: 120.00	Depth: 566.91
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE SPECIAL USE FOR TIMOTHY & TIFFANY MILLER (SUP-0591-2025) - VOID 9/12/2025
SEE USE VARIANCE FOR TIMOTHY & TIFFANY MILLER (UV-0616-2025) -DENIED 10-16-2025 BY BZA to allow for two existing dwellings and the construction of a third dwelling on a parcel, for a special use for a mobile home, and for a Developmental Variance to allow for the placement of a mobile home within 300 ft. of a residence.
SEE MINOR SUB (MI-0753-2025) FOR TIMOTHY & TIFFANY MILLER - SCHEDULED FOR 1-8-2026 for primary approval of a 2-lot minor subdivision to be known as REPLAT OF FAIRVIEW EAST

Applicant Signature:	Department Signature:
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Special Use for a Mobile Home — Questionnaire

Name: Tom & Tiffany Miller

1 Is there an existing main residence already on the property? ☒ Y ☐ N

If yes, tell us who will live in the existing main residence. Tim, Tiffany & Family (6 kids)

2 Tell us who will live in the mobile home.

Linda Charles (Tiffany mom)

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

☒ Y ☐ N

If yes, tell us about it. Linda will be having surgery early January 2026. This surgery will fuse her lower vertebra. 50/50 chance if she walks after the surgery

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

Neighbors are aware of the situation; this is not a permanent placement, it mobile home

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

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

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

6 Tell us the size of the mobile home.

16' x 72'

7 Tell us the year of the mobile home.

2025

8) Tell us anything else you want us to know. We have explained the situation to the neighbors; they understand why we are doing it. The mobile will also only be there while the need is there

Developmental Variance — Questionnaire

Name: Tim & Tiphany Miller

1 Tell us what you want to do. 1152 sq ft
) place a 16'x72' single wide mobile while
taking care of parent; which is 152 sq ft. over allowed
1000 sq ft

2 Tell us why you can't change what you're doing so you don't need a variance.
) main house currently
fully occupied

3 Tell us why the variance won't hurt your neighbors or the community.
) neighbors are aware of
the situation; this is not a permanent placement of mobile home

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

Does the property need a new septic system? ☐ Y ☒ N

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

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

Building or addition 1 Size and height to the peak: 16'x72' approx. 11' to peak
Tell us what you'll use it for. housing for parent

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

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

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

If yes, fill out below.

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

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

Tell us how many parcels will use the easement. _____

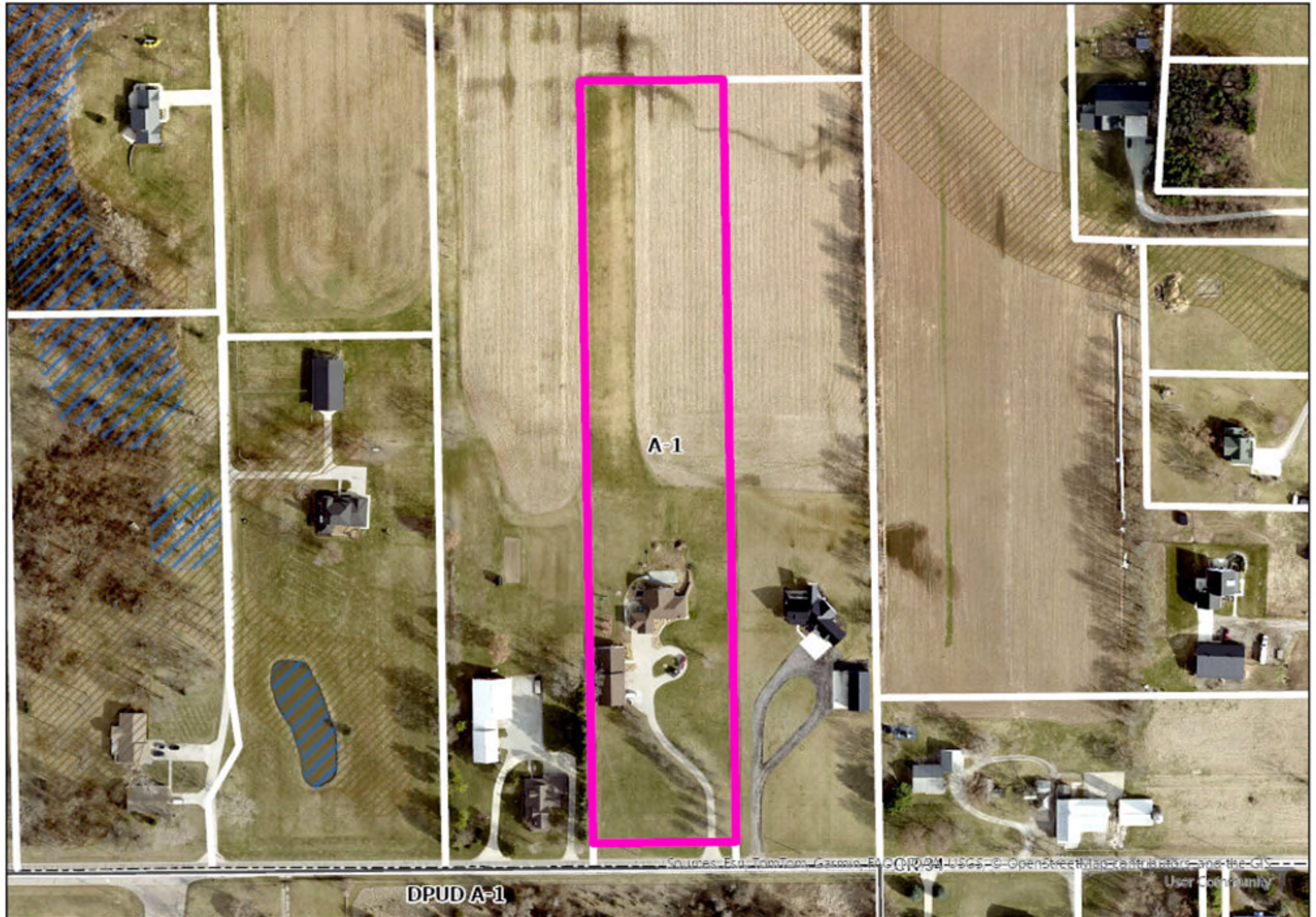
7 Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.

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

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

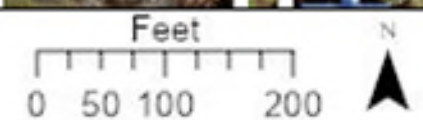
Sign 3 Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

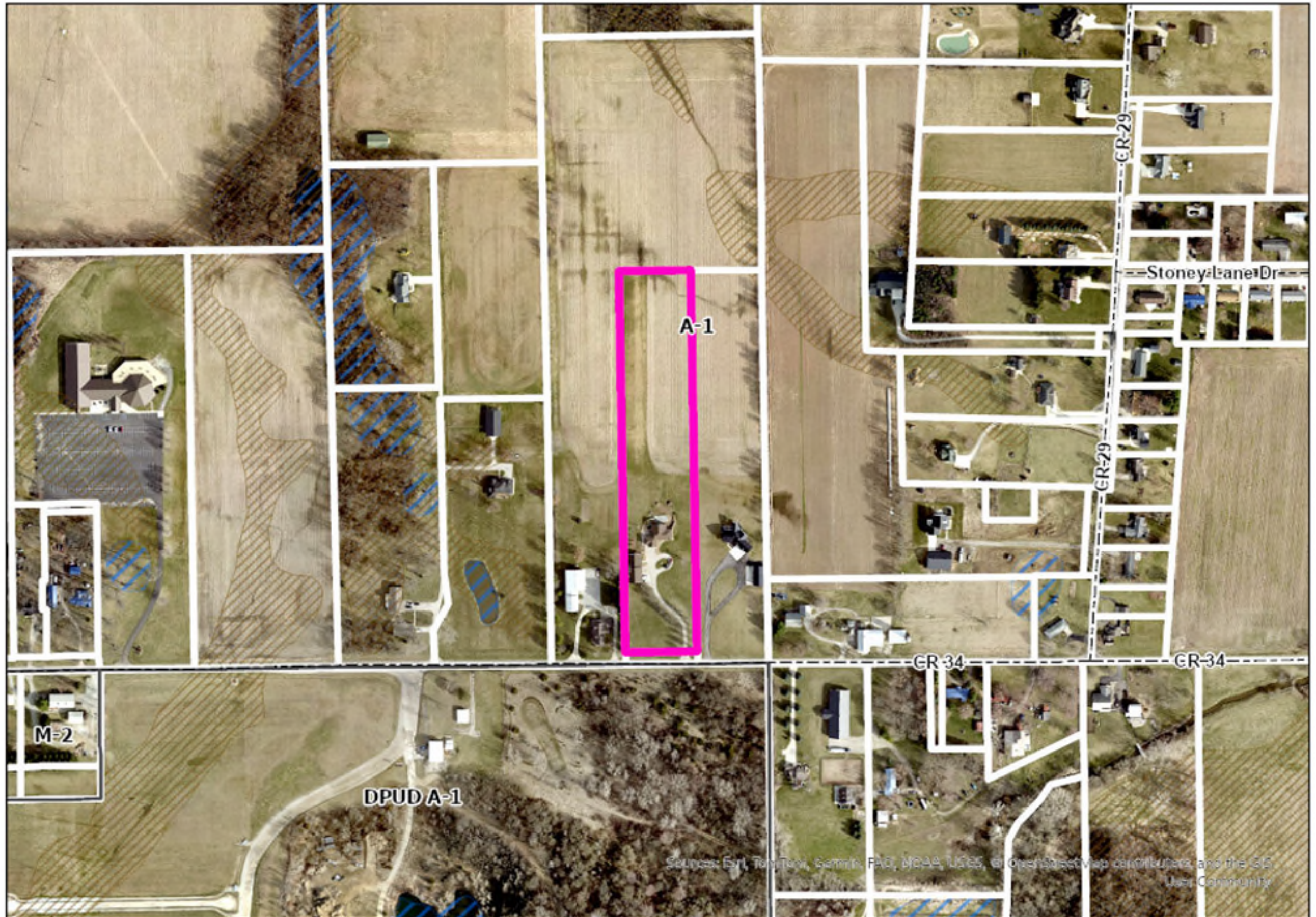
SUP-0769-2025

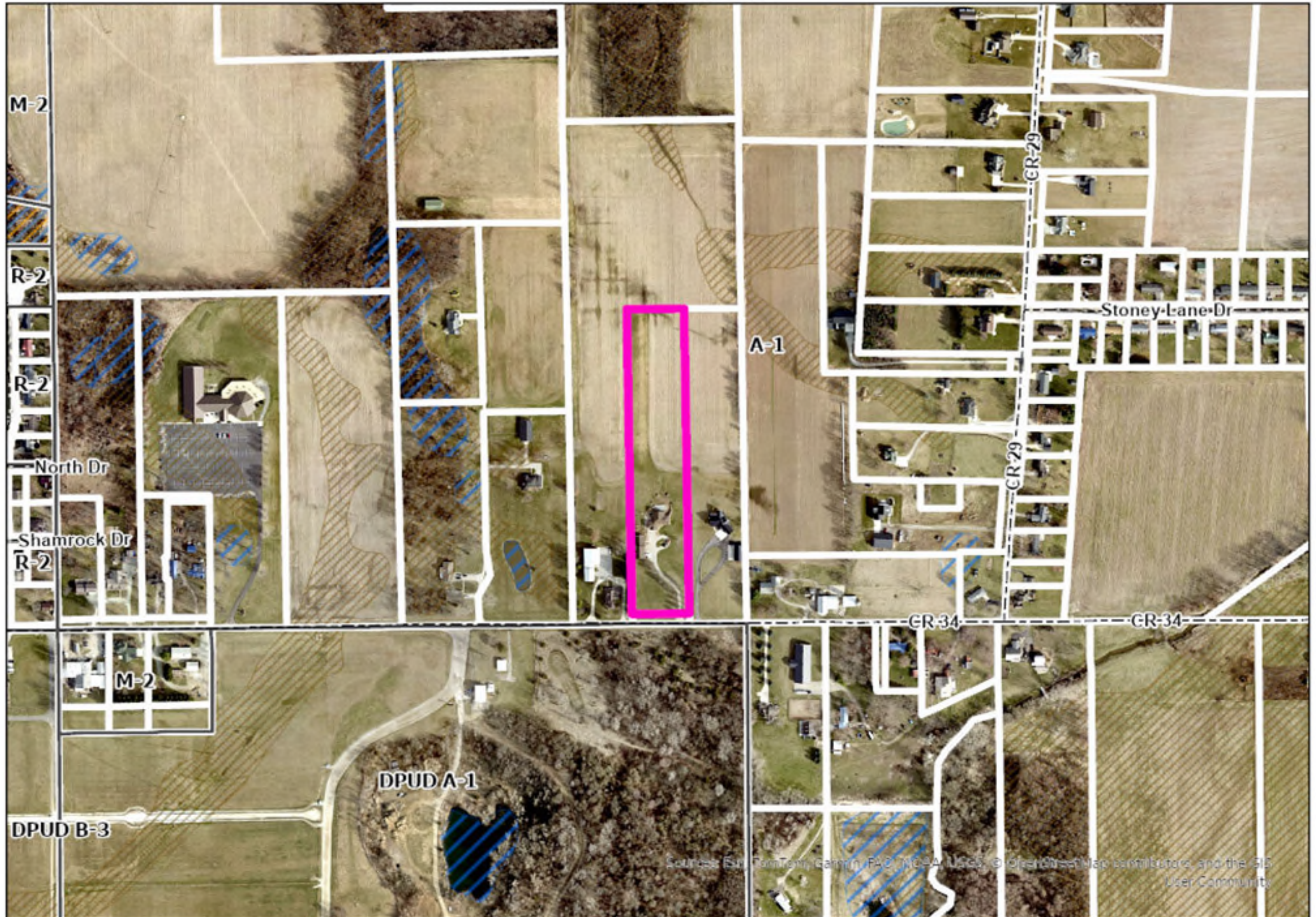


2025 Aerials

1 inch equals 200 ft









Subject property facing north



Subject property showing existing dwellings



Proposed site for Mobile Home (3rd dwelling unit)



Facing east



Facing west



Facing south

