AGENDA

ELKHART COUNTY BOARD OF ZONING APPEALS

NOVEMBER 19, 2009 8:30 A.M.

DEPARTMENT OF PUBLIC SERVICES MEETING ROOMS A & B 4230 ELKHART ROAD, GOSHEN, INDIANA

Call to Order

Roll Call

Approval of Minutes of the last regular meeting of the Elkhart County Board of Zoning Appeals held on the 15th day of October 2009.

Approval of Legal Ads published in the Elkhart Truth and the Goshen News ten days prior to the public hearings.

Elkhart County Zoning Ordinance to be entered as evidence for today's hearings.

Staff Reports to be entered as evidence for today's hearings.

Postponement of Business Items – Any person having business to come before the Board may request postponement or withdrawal of such at this time.

<u>USE VARIANCE</u> <u>8:30 A.M.</u> (HOMAN)

A. Petitioner: Brian L. Campbell & Renee E. Troyer Campbell (Page 5)

Petition: for a renewal of a Use Variance to allow for the operation of an herb and

dried flower business.

Location: South side of CR 40, 1,100 ft. West of CR 31, common address of 16206 CR

40 in Elkhart Township, zoned A-1. (16206County Road40-091015-1)

USE VARIANCE/VARIANCE

A. Petitioner: Dennis & Miriam Helmuth (Page 6)

Petition: for a Use Variance for the manufacturing of doors and mouldings and retail

sales of doors, mouldings and hardware, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed the

total square footage in the primary structure.

Location: West side of CR 35, 2,600 ft. North of CR 34, common address of 62337 CR

35 in Clinton Township, zoned A-1. (62337CR 35-091019-1)

SPECIAL USES

A. Petitioner: Elam Weaver (Page 7)

Petition: for a Special Use to allow for one prototype wind turbine with a 40 ft. pole

and three wind turbines with 100 ft. poles (Specifications F - #31.50).

Location: South side of CR 50, ½ mile East of CR 15, common address of 22534 CR

50 in Union Township, zoned A-1. (22534CR 50-091005-1)

9:00 A.M. (LANTZ)

B. Petitioner: Concord Community School (West Side School) (Page 8)

Petition: for an amendment to an existing Special Use for a school in an R-1 district to

allow for additional parking (Specifications F - #38).

Location: Northeast corner of Mishawaka Road (CR 20) and Benham Avenue,

common address of 230 Mishawaka Road in Concord Township.

(230MishawakaRd-091015-1)

C. Petitioner: Concord Junior High School (Page 9)

Petition: for an amendment to a site plan for an existing Special Use for a school

(Specifications F - #38) to allow for an electronic message board sign.

Location: Northwest corner of CR 24 and CR 11, common address of 59397 CR 11 in

Concord Township, zoned A-1. (59397CR 11-091019-1)

SPECIAL USE/VARIANCE 9:30 A.M. (MILLER)

A. Petitioner: Ron & Patricia Payette (Page 10)

Petition: for a Special Use for a home workshop/business for a bulk food store

(Specifications F - #45) and for a Developmental Variance to allow the total square footage of accessory structures to exceed the total square footage in

the primary structure.

Location: West side of CR 23, 1,050 ft. North of southerly portion of CR 146, common

address of 69295 CR 23 in Jackson Township, zoned R-1.

(69295County Road23-091012-1)

B. Petitioner: Mervin & Ruth Ann Bontrager (Page 11)

Petition: for a Special Use for a home workshop/business for the sale of vegetables

and baked goods (Specifications F - #45,) and a 38 ft. Variance to allow for an existing building 37 ft. from centerline of the right-of-way of CR 7

(Ordinance requires 75 ft.).

Location: Northeast corner of CR 7 & CR 48, common address of 69852 CR 7 in

Union Township, zoned A-1. (69852CR 7-091012)

APPEALS

A. Petitioner: *Monolo Dosal* (Page 12)

Petition: for an Appeal to allow for an existing accessory structure on property

without a residence.

Location: East side of SR 19, 450 ft. South of CR 36, common address of 64084 SR 19

in Harrison Township, zoned A-1. (64084SR 19-091019-1)

<u>10:00 A.M.</u> (WOLGAMOOD)

B. Petitioner: Douglas & Lisa Gaeddert (Page 13)

Petition: for an Appeal to allow for the construction of a second residence on a single

zoning lot.

Location: South side of Mishawaka Road, 1,825 ft. West of CR 111, common address

of 25128 Mishawaka Road in Concord Township, zoned A-1.

(25128Mishawaka Road-091019-1)

C. Petitioner: *Darrell & Nancy Thornton*

(Page 14)

Petition: for an Appeal to allow for the construction of an accessory structure prior to

the construction of a residence (existing residence on site is unhabitable).

Location: East side of CR 11, 2,125 ft. South of CR 50 in Union Township, zoned A-1.

(CR 11-091002-1)

SPECIAL USES 10:30 A.M. (HESSER)

A. Petitioner: *Earthmovers, Inc.* (Page 15)

Petition: for an amendment to a site plan to an existing Special Use for a landfill to

allow for the construction of a gas to electric generating plant.

Location: South side of CR 26 and West side of CR 9, common address of 26488 CR

26 in Concord Township, zoned A-1. (26488CR 26-091019-1)

B. Petitioner: Jorge Pizana (Page 16)

Petition: for a Special Use renewal for an existing baseball diamond (Specifications F

- #4).

Location: North side of CR 146, 1,200 ft. East of SR 13 in Benton Township, zoned A-

1. (*0CR 146-091002-1*)

TABLED ITEM

A. Petitioner: Jorge Pizana (Page 17)

PUBLIC HEARING OPEN

Petition: for an amendment to an existing Special Use for a private baseball diamond

and accessory building to allow for the construction of an addition onto the

accessory building for a restroom facility (Specifications F - #4).

Location: North side of CR 146, 1,200 ft. East of SR 13 in Benton Township, zoned A-

1. (20092028)

APPEAL FROM HEARING OFFICIER'S DECISION 11:00 A.M. (HOMAN)

A. Petitioner: Carriage Investments LLC (land contract purchaser) (Page 18)

and Richard Kauffman (land contract holder)

Petition: for a 2,730 sq. ft. lot area Variance to allow for a five unit group

house/garden apartment (Ordinance requires 30,000 sq. ft.).

Location: East side of South Main Street (SR 13), 1,000 ft. South of Spring Street,

common address of $500\ S.$ Main Street in Middlebury Township, zoned B-1.

(500SMainSt-090921-1(A))

TABLED ITEMS

A. Petitioner: Edward & Deborah Knight (Page 19)

PUBLIC HEARING CLOSED

Petition: for an Appeal to allow for the construction of an accessory structure without

a primary residence.

Location: East side of Conrad Street, 140 ft. South of Ernest Street, being Lot 24 of

Berry's 2nd Subdivision in Osolo Township, zoned R-1.

(*Conrad Street-090902-1*)

B. Petitioner: Glen & Leona Miller (Page 20)

PUBLIC HEARING CLOSED

Petition: for a Special Use for a sawmill (Specifications F - #37).

Location: South side of CR 18, 500 ft. East of CR 33 North, common address of 15162

CR 18 in Middlebury Township, zoned A-1. (090806-15162CountyRoad 18-1)

C. Petitioner: Rudy Bontrager (Page 21)

PUBLIC HEARING OPEN

Petition: for a Special Use for a sawmill and timber frame preparations (Specifications

F - #37) and a Developmental Variance to allow for the total square footage of accessory structures (5,200) to exceed the total square footage in the

primary structure (2,400), a difference of 2,800 sq. ft.

Location: East side of CR 37, 1,215 ft. North of CR 46 in Benton Township, zoned A-

1. (68276CR 37-090828-1)

ITEMS TRANSFERRED FROM HEARING OFFICER

AUDIENCE ITEMS

STAFF/BOARD ITEMS (time of review at the discretion of the Board of Zoning Appeals)

> 2010 Planning Calendar

ADJOURNMENT