



Elkhart County Planning & Development

Public Services Building

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Written Interpretation – Changing Platted Setbacks That Exceed the Requirements of the Zoning Ordinance

Question: What is the proper development review body to make a final decision on changing a platted setback that exceeds the setback requirements of the Zoning Ordinance?

General Note:

This interpretation applies to platted setbacks that *exceed* the setback requirements of the Zoning Ordinance. If a subdivision plat shows no setbacks or its setbacks match the requirements of the Zoning Ordinance, then the proper route to vary the setback requirement for the property is a Developmental Variance heard and decided upon by either the Board of Zoning Appeals (BZA) or the Hearing Officer, as appropriate.

Relevant Code Citations:

Specifications B, Sec. C.1.g(2) states:

Front yard or setback line established in recorded subdivisions determines the dimensions of front yards in those blocks, except when those setback lines are less restrictive as provided in Article 1, Section 4.

Interpretation: By reference, the more restrictive setback of a subdivision plat is included within the Zoning Ordinance by reference and therefore the Hearing Officer or BZA can grant a Developmental Variance on that basis.

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