

**ELKHART COUNTY BOARD OF ZONING APPEALS  
HEARING OFFICER**

ADMINISTRATION BUILDING  
MEETING ROOMS 104, 106, & 108  
117 N. 2<sup>nd</sup> STREET, GOSHEN, INDIANA

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

9:00 A.M.

- |    |  |
|----|--|
| A. | Petitioner: <b><i>Brian Lee Kelly &amp; Tammy Mae Kelly, Husband &amp; Wife</i></b> (Page 1)<br>Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.<br>Location: northeast corner of CR 40 & SR 15, common address of 65986 SR 15 in Elkhart Township, zoned R-1. DV-0188-2025   |
| B. | Petitioner: <b><i>Adrian Royer &amp; Melissa Royer, Husband &amp; Wife</i></b> (Page 2)<br>Petition: for a 20 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an accessory structure 55 ft. from the centerline of the right-of-way, for a 1 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for the construction of an accessory structure 26 ft. in height, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.<br>Location: south side of CR 28, 1,000 ft. west of CR 3, common address of 29210 CR 28 in Olive Township, zoned A-1. DV-0211-2025 |
| C. | Petitioner: <b><i>Michael L. Eicher &amp; Paul M. Eicher &amp; Loretta L. Eicher, Husband &amp; Wife</i></b> (Page 3)<br>Petition: for a 70 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence.<br>Location: west side of CR 31, 1,015 ft. south of CR 50, in Jackson Township, zoned A-1. DV-0229-2025  |

- D. Petitioner: ***AMMF Trustee Corporation (Land Contract Holder) & Jesse A. Borkholder & Angela S. Borkholder, Husband & Wife (Land Contract Purchasers)*** (Page 4)  
 Petition: for a 9 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an accessory structure 1 ft. from the rear property line.  
 Location: south side of CR 42, 1,900 ft. east of Ash Rd., common address of 30622 CR 42 in Locke Township, zoned A-1. DV-0230-2025
- E. Petitioner: ***Charles Hoogewerf & Kimberly Hoogewerf, Husband & Wife*** (Page 5)  
 Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.  
 Location: west side of CR 23, 280 ft. south of CR 142, common address of 67533 CR 23 in Jackson Township, zoned R-1. DV-0231-2025
- F. Petitioner: ***Adam L. Borkholder & Alma O. Borkholder, Husband & Wife*** (Page 6)  
 Petition: for a 2 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing accessory structure and the construction of an addition 3 ft. from the west side property line.  
 Location: south side of CR 56, 2,400 ft. west of CR 101, common address of 29964 CR 56 in Locke Township, zoned A-1. DV-0236-2025
- G. Petitioner: ***Daniel R. Holderread*** (Page 7)  
 Petition: for a 9 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an attached accessory structure 1 ft. from the south side property line, for a 15 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of an attached accessory structure 35 ft. from the centerline of the right-of-way of 46th St., and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.  
 Location: southwest corner of 46th St. & Cardinal Ave., common address of 56539 46th St. in Baugo Township, zoned R-1. DV-0239-2025

**MOBILE HOME SPECIAL USE/DEVELOPMENTAL VARIANCE**

- H. Petitioner: ***Galen w. & Betty Miller (Buyer) & Frances M. Starr formerly known as Frances M. Priestly (Seller)*** (Page 8)  
 Petition: for a Special Use for an existing mobile home and for a Developmental Variance to allow for an existing mobile home within 300 ft. of a residence.  
 Location: north side of CR 36, 1,250 ft. east of CR 35, common address of 13899 CR 36 in Clinton Township, zoned A-1. SUP-0238-2025

The Elkhart County Board of Zoning Appeals Hearing Officer is meeting on Wednesday May 14, 2025, at **9:00 am** in Rooms 104, 106, & 108 of the Administration Building, Goshen, Indiana. Pursuant to advice of the Indiana Public Access Counselor, general public comment will not be permitted at this public meeting on non-public hearing matters. To the extent you wish to make comment remotely during any public hearings scheduled during this public meeting, please call (574) 971-4678 to learn how to remotely submit your public comment for the public hearing. The public is encouraged to attend the meeting remotely by going to [www.elkhartcountyplanninganddevelopment.com](http://www.elkhartcountyplanninganddevelopment.com) at **9:00 am** on May 14, 2025. If you have further questions regarding how to remotely attend the public meeting please call (574) 971-4678. <https://elkhartcountyin.webex.com/elkhartcountyin/j.php?MTID=m3bf346cd5ef63d4860143a6c2f702dd0>

# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** May 14, 2025

***Transaction Number:*** DV-0188-2025.

***Parcel Number(s):*** 20-11-27-351-013.000-014.

***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:*** Brian Lee Kelly & Tammy Mae Kelly, Husband & Wife.

***Location:*** Northeast corner of CR 40 & SR 15, in Elkhart Township.

***Site Description:***

- Physical Improvement(s) – Residence, carport, accessory structure.
- 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 request is 219 sq. ft., or 13 percent, over what is allowed by right, and the shed meets all other development standards.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.7-acre lot in a moderately dense residential area, and 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 low-profile structure that reduces outdoor storage.



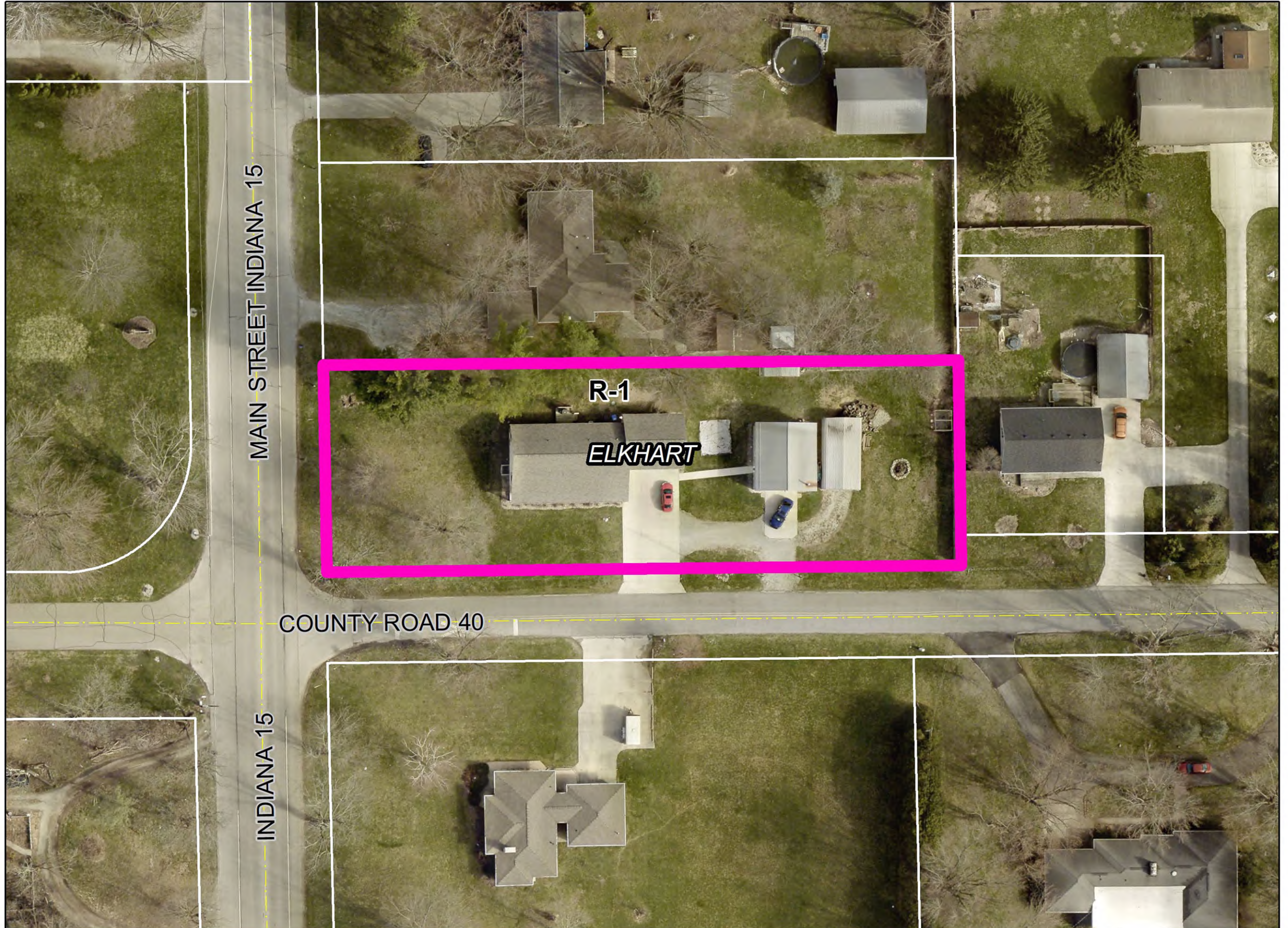
# ***Hearing Officer Staff Report (Continued)***

*Hearing Date:* May 14, 2025

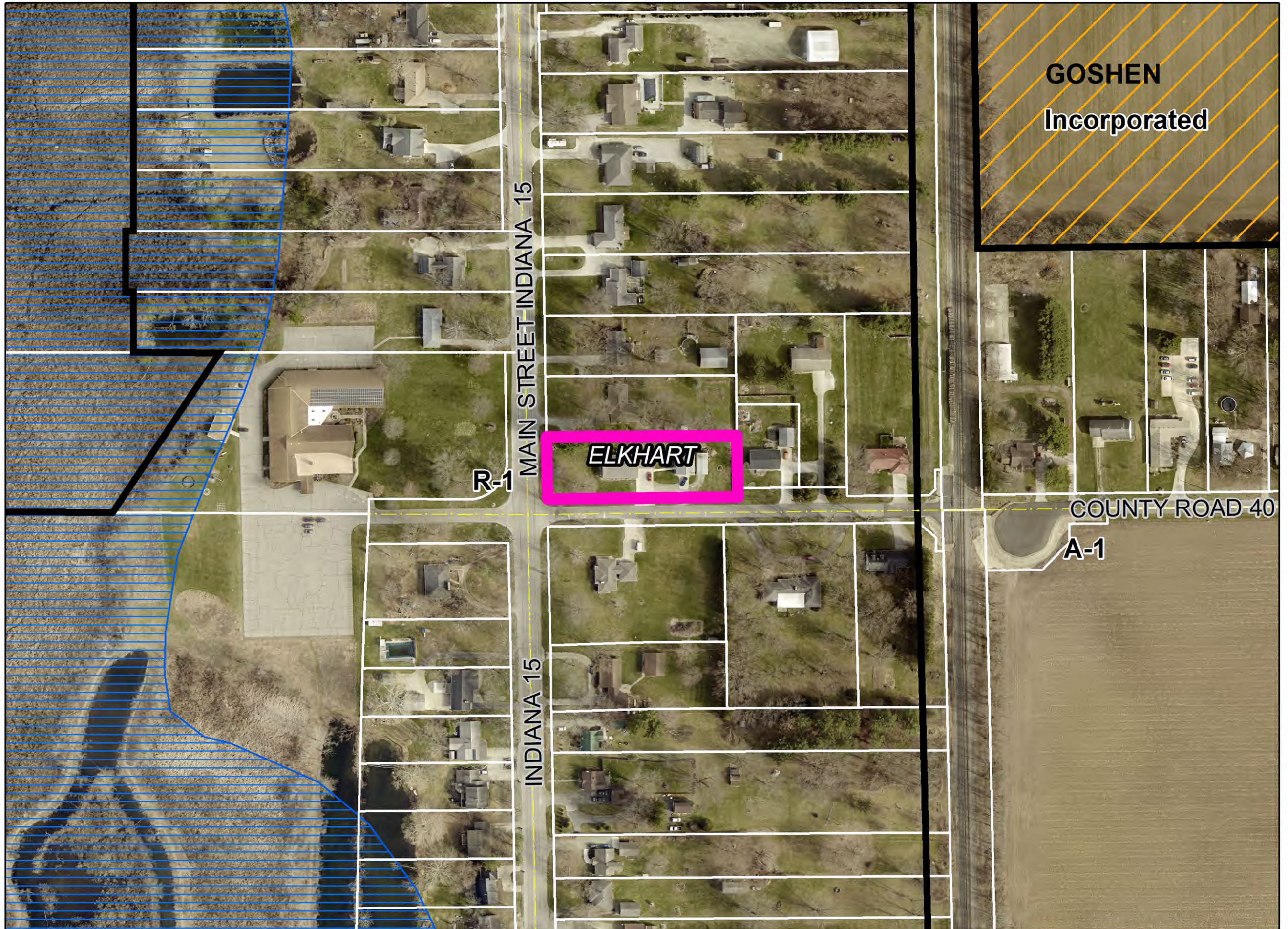
Staff recommends **APPROVAL** with the following condition(s) imposed:

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 3/26/2025) and as represented in the Developmental Variance application.

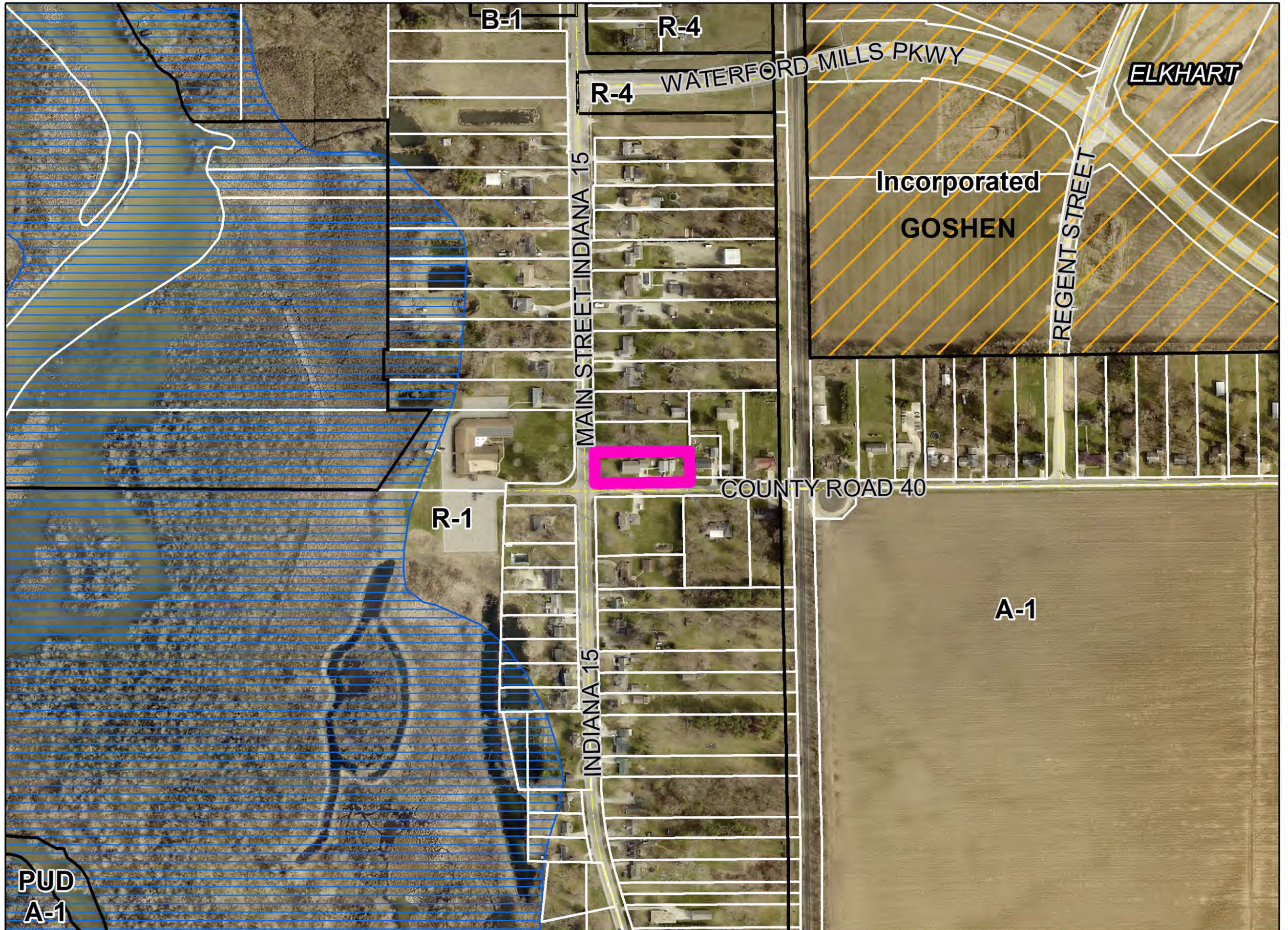












PUD  
A-1





Subject property





Facing west





Facing east





Facing south



# 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: 03/26/2025 Meeting Date: May 14, 2025  
Board of Zoning Appeals Public Hearing Transaction #: DV-0188-2025

Description: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right

Contacts: Applicant Land Owner  
Brian Lee Kelly & Tammy Mae Brian Lee Kelly & Tammy Mae  
Kelly H&W Kelly H&W  
65986 State Rd 15 65986 State Rd 15  
Goshen, IN 46526 Goshen, IN 46526

Site Address: 65986 State Road 15  
Goshen, IN 46526

Parcel Number: 20-11-27-351-013.000-014

Township: Elkhart  
Location: NORTHEAST CORNER OF CR 40 & SR 15, 1340 FT SOUTH OF WATERFORD MILLS PARKWAY

Subdivision: SUNNY ACRES SD Lot # 20

Lot Area: 0.71 Frontage: 408.00 Depth: 100.00

Zoning: R-1 NPO List:

Present Use of Property:

Legal Description:

Comments: TOTAL LIVING AREA 1568 x 110% = 1,724 ALLOWABLE ACCESSORY STORAGE  
EXISTING GARAGE (672) CAR SHED (216) STORAGE BARN (896) = 1,784  
PROPOSED STORAGE SHED (160) = 1,944  
TOTAL ALLOWABLE ACCESSORY STORAGE (1,724) - TOTAL PROPOSED ACCESSORY STORAGE (1,944) = -220  
220 SQ FEET OVER STORAGE ALLOWED. BB

Applicant Signature:

Department Signature:

Application

Site address: 65986 State Road 15 Goshen, IN. 46526

Parcel number(s): 20-11-27-351-013.000-014

Current property owner

Name: Brig N Lee Kelly

Address: 65986 State Road 15, Goshen, IN. 46526

Phone: 574-518-0097

Email: Brig N Kelly 1966@hotmail.com

Other party

☐ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: Tammy Mae Kelly

Address: 65986 State Road 15, Goshen, IN 46526

Phone: 574-952-1636

Email: STAN1968@hotmail.com

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

Signature of current property owner or authorized agent: \_\_\_\_\_

Staff Use Only

Description: \_\_\_\_\_

Parcel creation date: \_\_\_\_\_

Subdivision required?

☐ Y

☐ N

If yes,

☐ AS

☐ Minor

☐ Major

Residential accessory breakdown, if applicable: \_\_\_\_\_

Location: N S E W corner side end of \_\_\_\_\_,

ft.

N S E W of \_\_\_\_\_,

in \_\_\_\_\_ Township

Frontage: \_\_\_\_\_

Depth: \_\_\_\_\_

Area: \_\_\_\_\_

acres

Subdivision and lot number, if applicable: \_\_\_\_\_

Present use: \_\_\_\_\_



# Developmental Variance — Questionnaire

Name: \_\_\_\_\_

1) Tell us what you want to do. I would like to bring my Beautiful Shed from current home to keep my yard equipment in that I use to keep my yard in T.I.P Top Shape Plus my wifes yard Pretty's and I have a few to. (organized)

2) Tell us why you can't change what you're doing so you don't need a variance. IF CAN'T HAVE Shed would have to put in GARAGES spread out not organized wouldn't be as efficient and look as good I have a lot of YARD tool neighbors will love me as I am the type to help thx neighbors

3) Tell us why the variance won't hurt your neighbors or the community. The Shed is in excellent shape like new few years old I take pride in keeping my house AND YARD in T.I.P Top Shape

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: 10x16x12

Tell us what you'll use it for.

Storing YARD equipment and YARD accessories YARD Pretty's

## 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

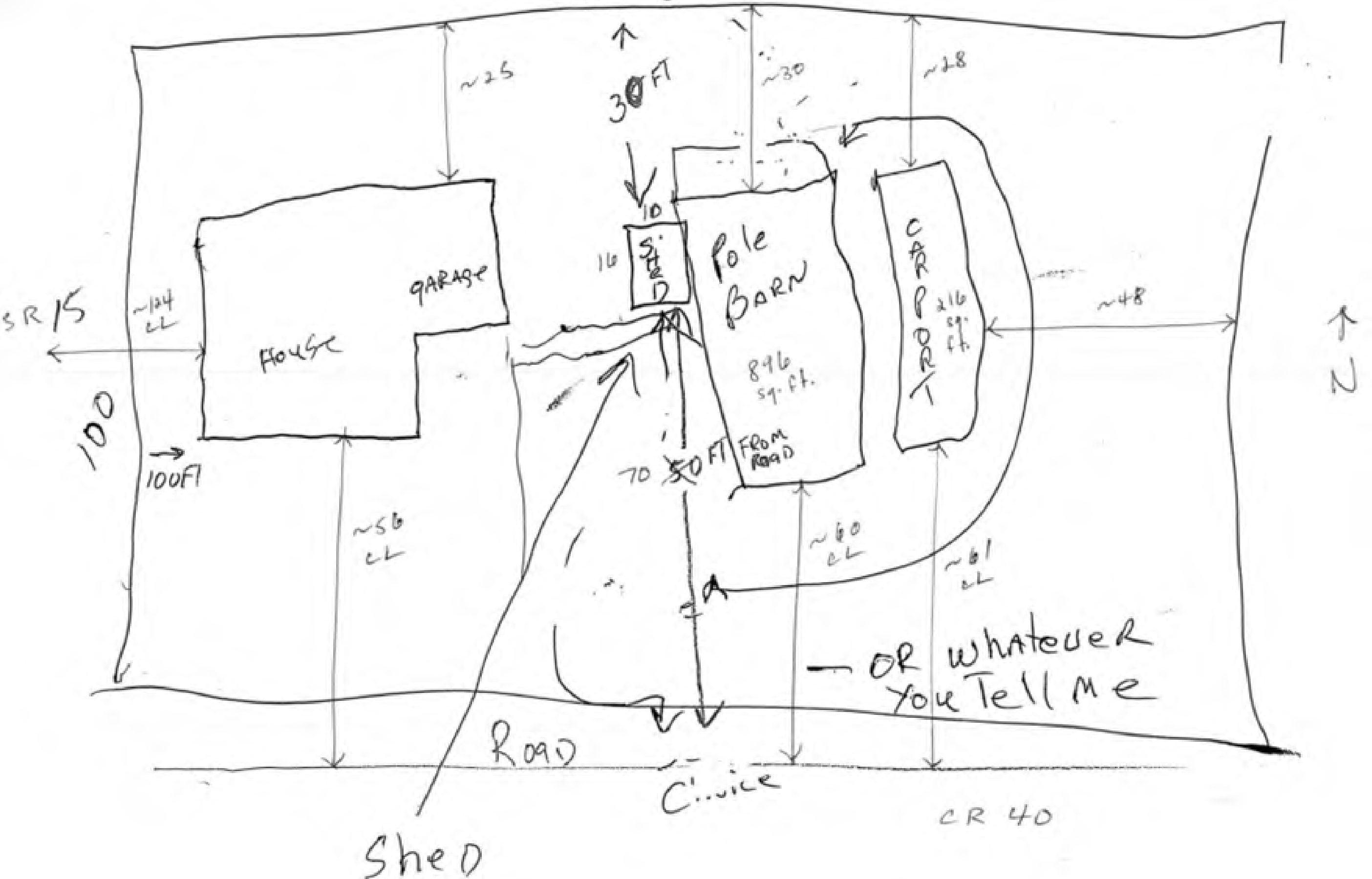
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

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. I am new to living in ELKART worked in for last 30yrs everyone has told me NIGHTMARE but have found NOT SO EVERONE I HAVE had to deal with have been veeey helpful and nice Am looking FORWARD to living in this community No matter what comes out of this THANK you

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# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** May 14, 2025

**Transaction Number:** DV-0211-2025.

**Parcel Number(s):** 20-09-02-200-017.000-024.

**Existing Zoning:** A-1.

**Petition:** For a 20 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an accessory structure 55 ft. from the centerline of the right-of-way, for a 1 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for the construction of an accessory structure 26 ft. in height, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

**Petitioner:** Adrian Royer & Melissa Royer, Husband & Wife.

**Location:** South side of CR 28, 1,000 ft. west of CR 3, in Olive Township.

**Site Description:**

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

**History and General Notes:**

- The following findings are based on a staff-recommended 65 ft. front setback for the accessory structure, instead of the requested 55 ft. front setback.

**Staff Analysis:**

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The storage request is 2,347 sq. ft., or 81 percent, over what is allowed by right, and the dimensions are in character with accessory structures on nearby properties. The setback request enables the structure to clear the Baugo Creek floodplain without reducing sight distance along CR 28.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 4.5-acre parcel in a low-density area with large homesites, and the parcel 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 shift the building closer to the floodplain and prohibit a structure that matches and does not exceed the scale of similar neighboring structures.



# ***Hearing Officer Staff Report (Continued)***

*Hearing Date:* May 14, 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 revised site plan must be submitted for staff approval showing a 65 ft. front setback for the proposed 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.



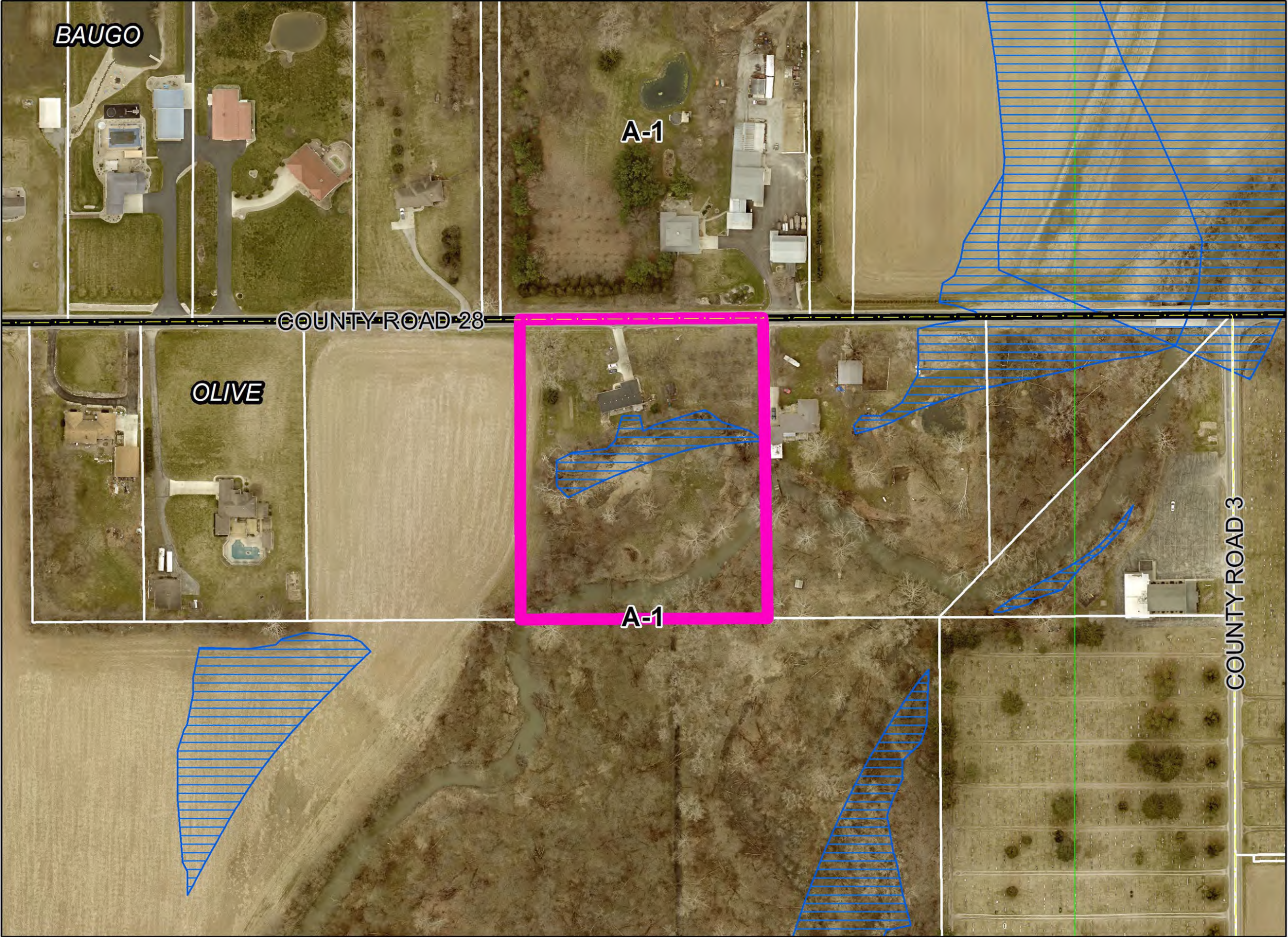
DV-0211-2025

COUNTY ROAD 28

OLIVE

A-1













Subject property





Subject property (building site)





Facing east





Facing west



# 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: 03/31/2025 Meeting Date: May 14, 2025  
Board of Zoning Appeals Public Hearing Transaction #: DV-0211-2025

Description: for a 20 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an accessory structure 55 ft. from the centerline of the right-of-way, for a 1 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for the construction of an accessory structure 26 ft. in height, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Adrian Royer And Melissa Royer, Husband And Wife 29210 County Road 28 Elkhart, IN 465179795	Adrian Royer And Melissa Royer, Husband And Wife 29210 County Road 28 Elkhart, IN 465179795

Site Address: 29210 County Road 28 Elkhart, IN 46517	Parcel Number: 20-09-02-200-017.000-024
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Township: Olive  
Location: South Side Of County Road 28, 1,000 ft. West Of County Road 3

Subdivision:	Lot #
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Lot Area: 4.50	Frontage: 397.00	Depth: 493.00
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 2/8/2011  
RESIDENCE = 1,452 SQ FT X 200% = 2,904 SQ FT, MINUS 483 (GARAGE), AND 160 (SHED) WITH NEW BUILDING AT 64 X 72 = 4,608 SQ FT, WHICH IS AN OVERAGE OF 2,347 SQ FT

Applicant Signature:	Department Signature:
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Application

Site address: 29210 CR 28

Parcel number(s): 200-017 20-09-02-200-017

Current property owner

Name: Adrian & Melissa Royer

Address: 29210 CR 28 Elkhart IN 46517

Phone: 574-206-5726 Email: \_\_\_\_\_

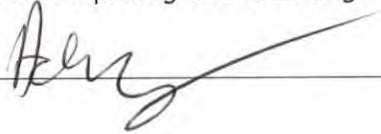
Other party ☐ Agent ☐ Buyer ☐ Land contract purchaser ☐ Lessee

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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

Signature of current property owner or authorized agent: 

Staff Use Only

Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Parcel creation date: 2/8/2011

Subdivision required? ☐ Y ☒ N If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: \_\_\_\_\_

\_\_\_\_\_

Location: N S E W corner side end of CR 28

1000 ft. N S E W of CR 3

in Olive Township

Frontage: 397 Depth: 493 Area: 4.5 acres

Subdivision and lot number, if applicable: \_\_\_\_\_

Present use: Residential



## Developmental Variance — Questionnaire

Name:

Adrian Royer

- 1) Tell us what you want to do. I would like to be able to build the size of shed I want without getting onto fringe wetlands. So I need to build within 55' of the road. Also it will be oversized until we add to the house.
- 2) Tell us why you can't change what you're doing so you don't need a variance. It's the only spot big enough on our 4 acre parcel, as most of it is designated some form of wetland.
- 3) Tell us why the variance won't hurt your neighbors or the community. I've talked to the 2 adjoining land owners and they have no issue with it.

- 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: 64' x 72' x 25'6" H  
Tell us what you'll use it for. Shop

**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. I appreciate your work in keeping our county organized. But I feel after buying 4 acres and paying taxes it'd be nice to be able to build a shed.





WEST PROPERTY LINE

COUNTY ROAD 28

Existing Driveway

New Driveway

Well

House

Septic Tank

Proposed NEW shed

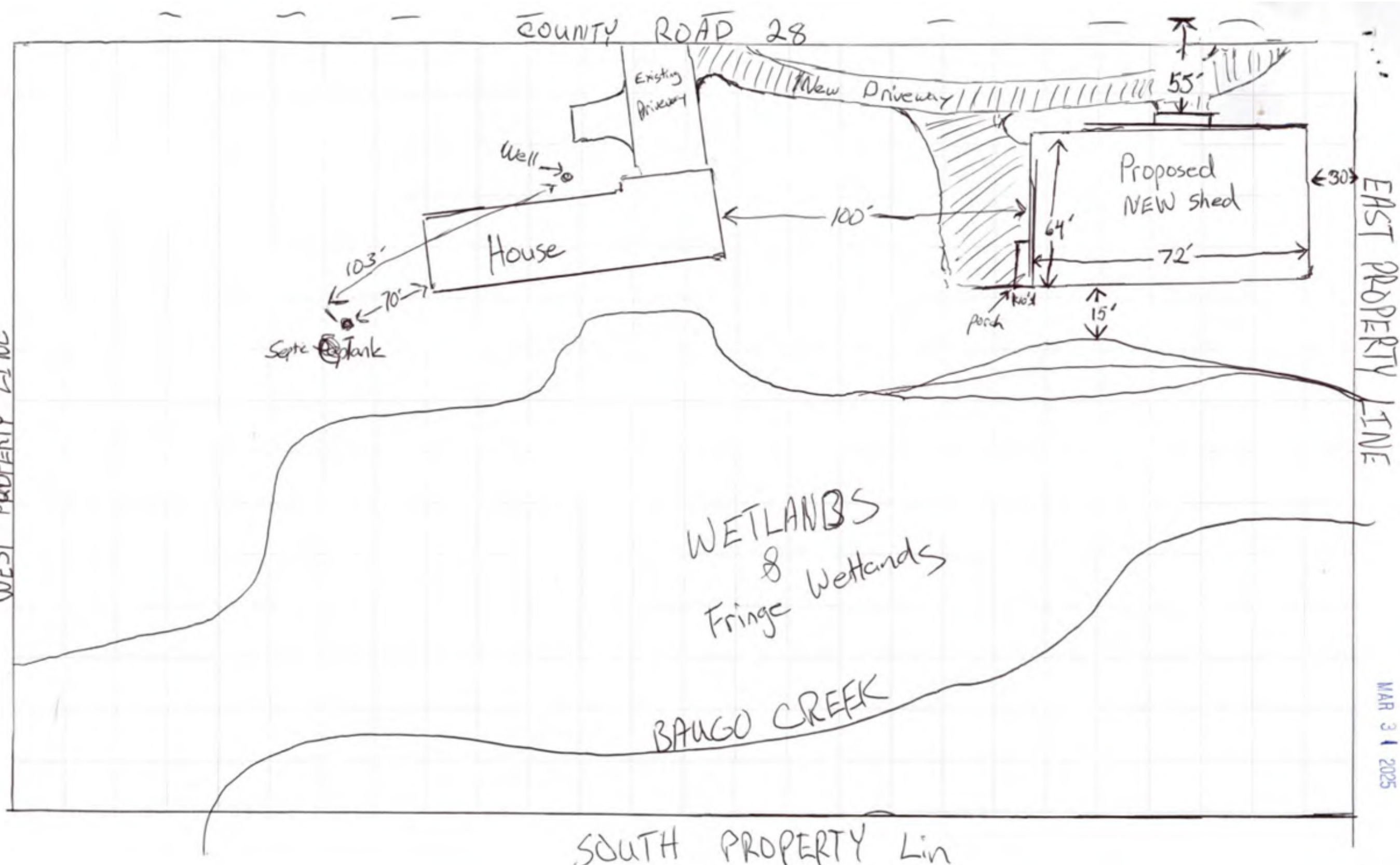
EAST PROPERTY LINE

WETLANDS  
&  
Fringe Wetlands

BAUGO CREEK

SOUTH PROPERTY LINE

MAR 31 2025



# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** May 14, 2025

***Transaction Number:*** DV-0229-2025.

***Parcel Number(s):*** Part of 20-15-25-200-021.000-018.

***Existing Zoning:*** A-1.

***Petition:*** For a 70 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence.

***Petitioner:*** Michael L. Eicher & Paul M. Eicher & Loretta L. Eicher, Husband & Wife.

***Location:*** West side of CR 31, 1,015 ft. south of CR 50, in Jackson Township.

***Site Description:***

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

***History and General Notes:***

- None.

***Staff Analysis:***

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The proposed tract is bordered only by open agricultural area and other large homesites, and reduced road frontage will not change the density or safety of the area.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 6-acre tract in a low-density residential and agricultural area, and there are only 2 existing homes within 1,000 ft. of the proposed home locations.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Road access safety and preservation of rural character in this area do not depend on an additional 70 ft. of frontage.

# ***Hearing Officer Staff Report (Continued)***

*Hearing Date:* May 14, 2025

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

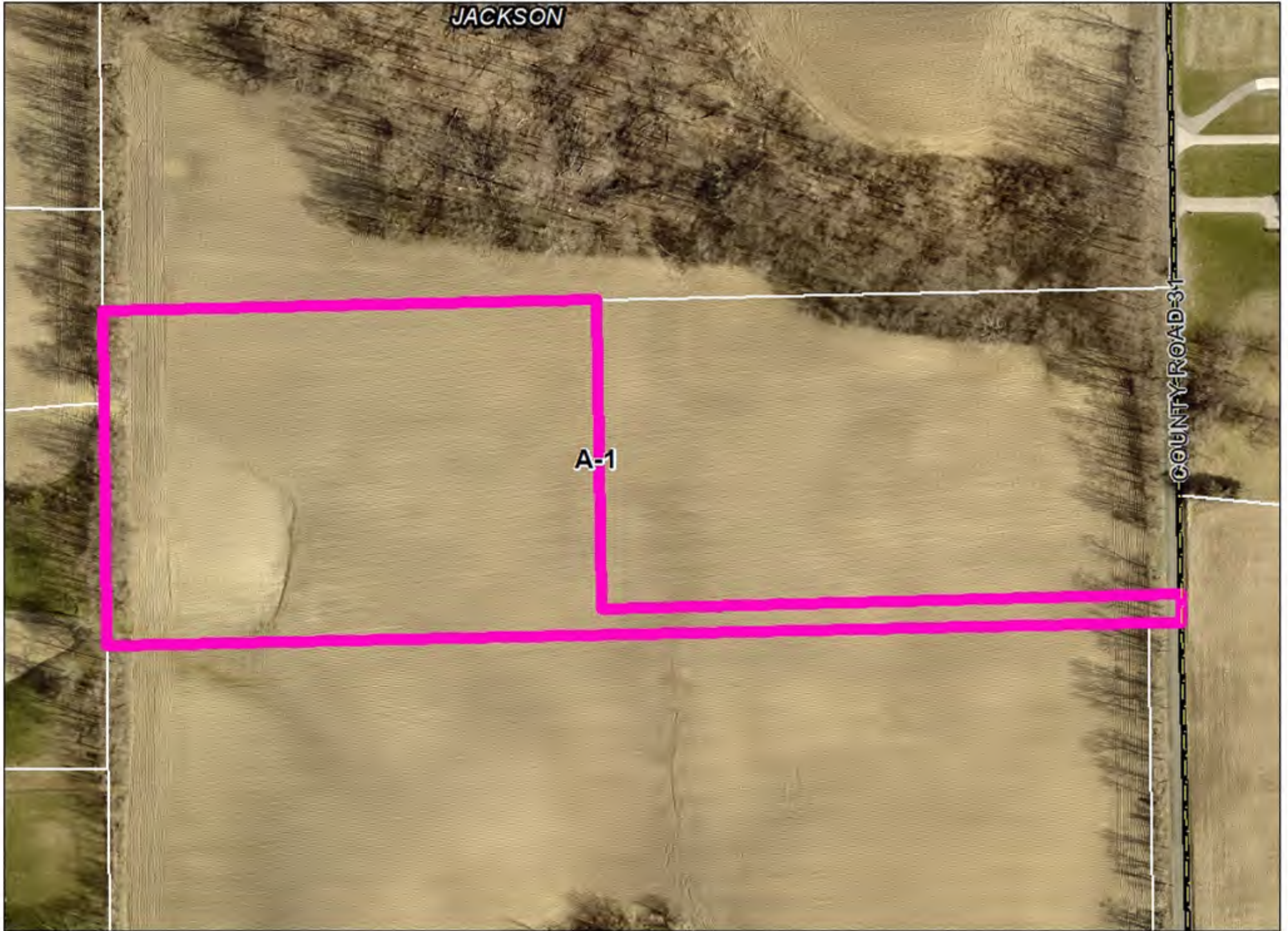
1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. A subdivision is required.
3. A revised site plan must be submitted for staff approval showing only the proposed parcel.
4. 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.



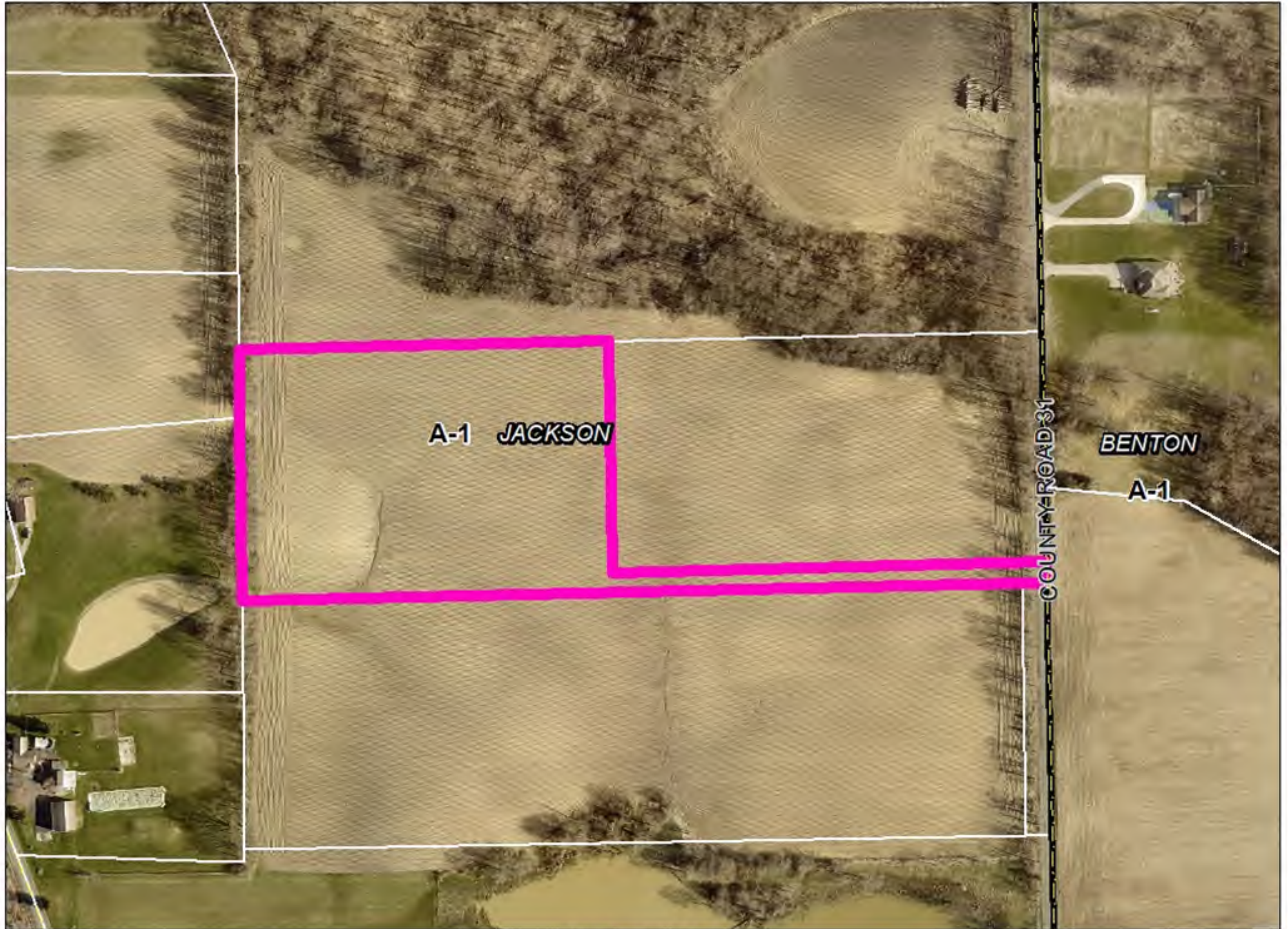
JACKSON

A-1

COUNTY ROAD 31















Subject property





Facing north





Facing south





Facing east



# 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: 04/10/2025 Meeting Date: May 14, 2025 Transaction #: DV-0229-2025  
Board of Zoning Appeals Public Hearing

Description: for a 70 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for the construction of a residence.

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Paul M. Eicher & Loretta L. Eicher, Husband & Wife 12966 Cr 52 Syracuse, IN 46567	Paul M. Eicher & Loretta L. Eicher, Husband & Wife 12966 Cr 52 Syracuse, IN 46567	Michael L. Eicher 12966 County Road 52 Syracuse, IN 46567

Site Address: 00000 County Road 31  
NEW PARIS, IN 46553

Parcel Number: 20-15-25-200-021.000-018

Township: Jackson  
Location: WEST SIDE OF CR 31, 1,015 FT. SOUTH OF CR 50

Subdivision: Lot #

Lot Area: 6.27 Frontage: 30.00 Depth: 1,319.88

Zoning: A-1 NPO List:

Present Use of Property: VACANT

Legal Description:

Comments: EICHER'S WILL BE DOING AN ADMINISTRATIVE SUBDIVISION.  
PARCEL CREATION DATE 3/21/25.

Applicant Signature:

Department Signature:



### Application

Site address: \_\_\_\_\_

Parcel number(s): 20-15-25-200-021,000-018

#### Current property owner

Name: Paul M. Eicher

Address: 12966 LO. Rd. S 2 Syracuse, IN. 46567

Phone: 574-374-6182 Email: Paul.Eicher@StarlightPrint.com

#### Other party

☐ Agent ☐ Buyer ☐ Land contract purchaser ☐ Lessee

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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

Signature of current property owner or authorized agent: \_\_\_\_\_

### Staff Use Only

Description: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Parcel creation date: \_\_\_\_\_

Subdivision required? ☐ Y ☐ N If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Location: N S E W corner side end of \_\_\_\_\_,  
\_\_\_\_\_ ft. N S E W of \_\_\_\_\_,  
in \_\_\_\_\_ Township

Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_ Area: \_\_\_\_\_ acres

Subdivision and lot number, if applicable: \_\_\_\_\_

Present use: \_\_\_\_\_



# Developmental Variance — Questionnaire

Name: \_\_\_\_\_

1) Tell us what you want to do. Make Road Frontage 30 Ft+ wide instead of 100 Ft that would make property line closer to road and make so we could build house on more of flat land

2) Tell us why you can't change what you're doing so you don't need a variance. To many hills and a water way

3) Tell us why the variance won't hurt your neighbors or the community. I really don't see how it could

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: House approx 50 x 80 (Kerndominion)

Tell us what you'll use it for. approx 20 Ft to peak

**Building or addition 2** Size and height to the peak: \_\_\_\_\_

Tell us what you'll use it for. 36 x 48 approx 21 Ft to peak

**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

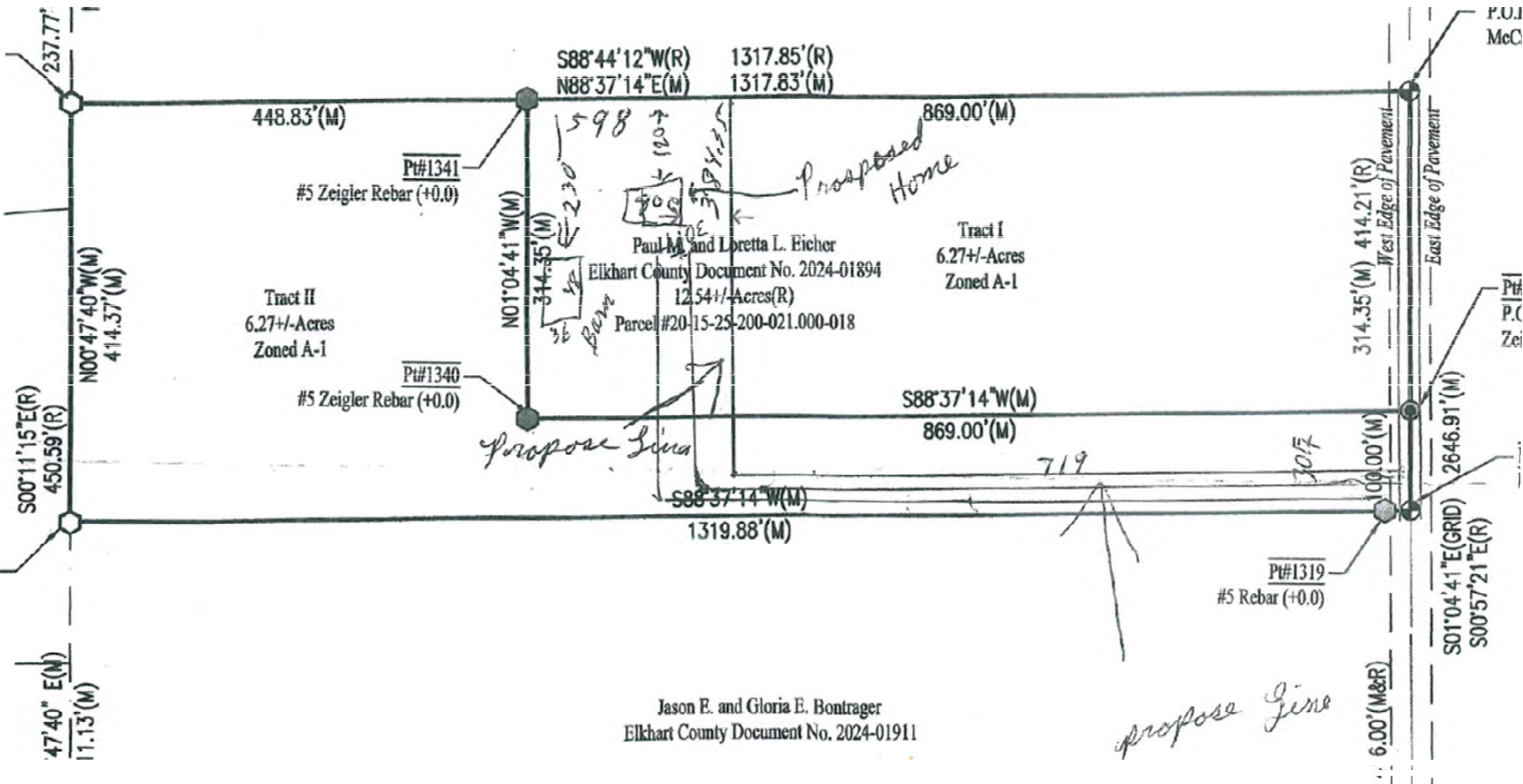
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

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. \_\_\_\_\_







# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** May 14, 2025

***Transaction Number:*** DV-0230-2025.

***Parcel Number(s):*** 20-13-03-100-007.000-020.

***Existing Zoning:*** A-1.

***Petition:*** For a 9 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an accessory structure 1 ft. from the rear property line.

***Petitioner:*** AMMF Trustee Corporation (Land Contract Holder) & Jesse A. Borkholder & Angela S. Borkholder, Husband & Wife (Land Contract Purchasers).

***Location:*** South side of CR 42, 1,900 ft. east of Ash Rd., in Locke Township.

***Site Description:***

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

***History and General Notes:***

- The following findings are based on a staff-recommended 5 ft. rear setback for the accessory structure, instead of the requested 1 ft. rear setback.

***Staff Analysis:***

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The setback encroachment is only at the rear, where there is no risk to public safety or welfare.
2. Approval of the request will not cause substantial adverse effect on neighboring property. A staff-recommended 5 ft. rear setback will reduce the need to be on neighboring property for construction and maintenance. The parcel is 4.1 acres and surrounded only by open agricultural property.
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 south side of the parcel.



# ***Hearing Officer Staff Report (Continued)***

*Hearing Date:* May 14, 2025

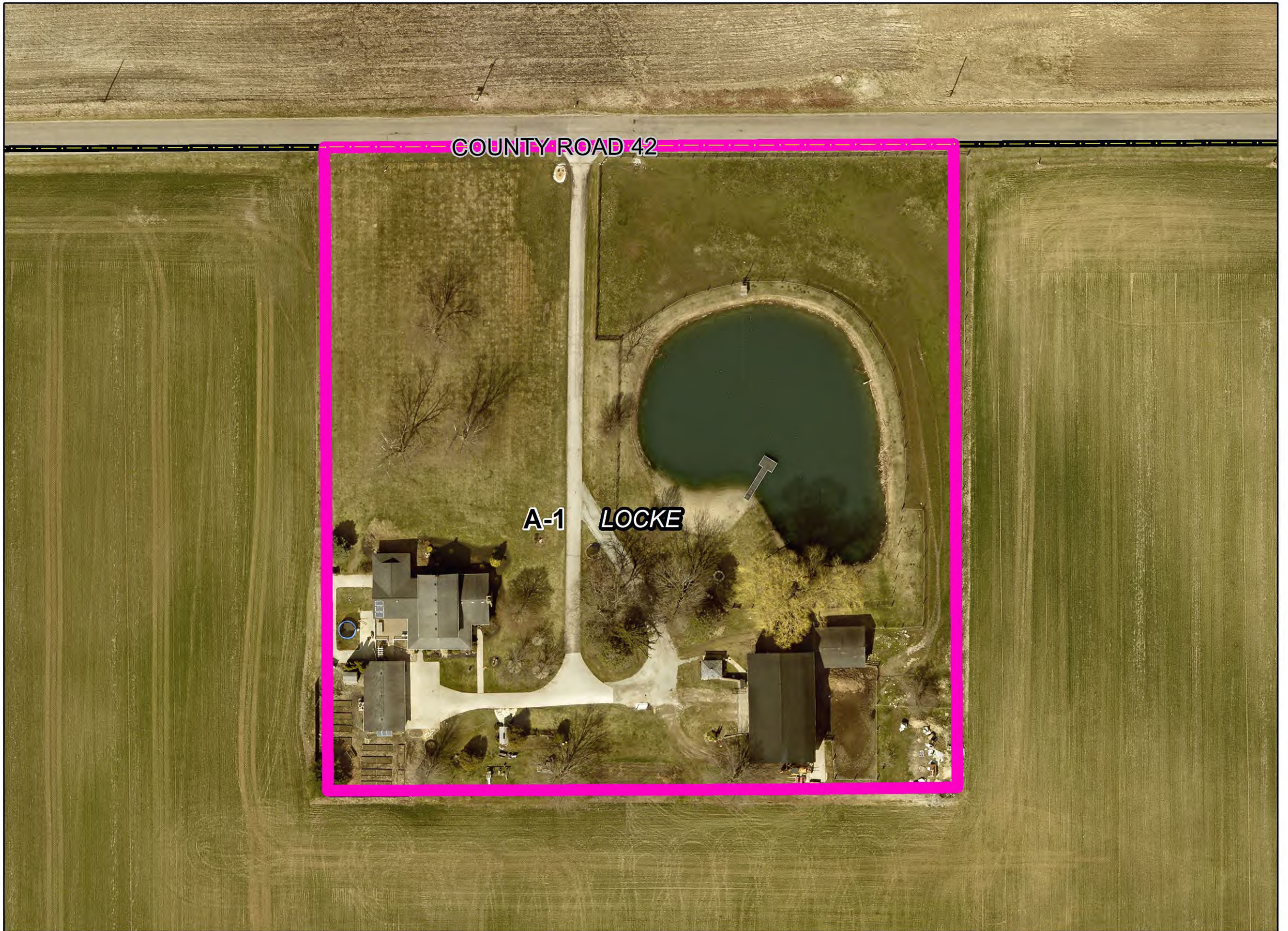
Staff recommends **APPROVAL** with the following condition(s) imposed:

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 all existing structures and a 5 ft. rear setback for the proposed 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.

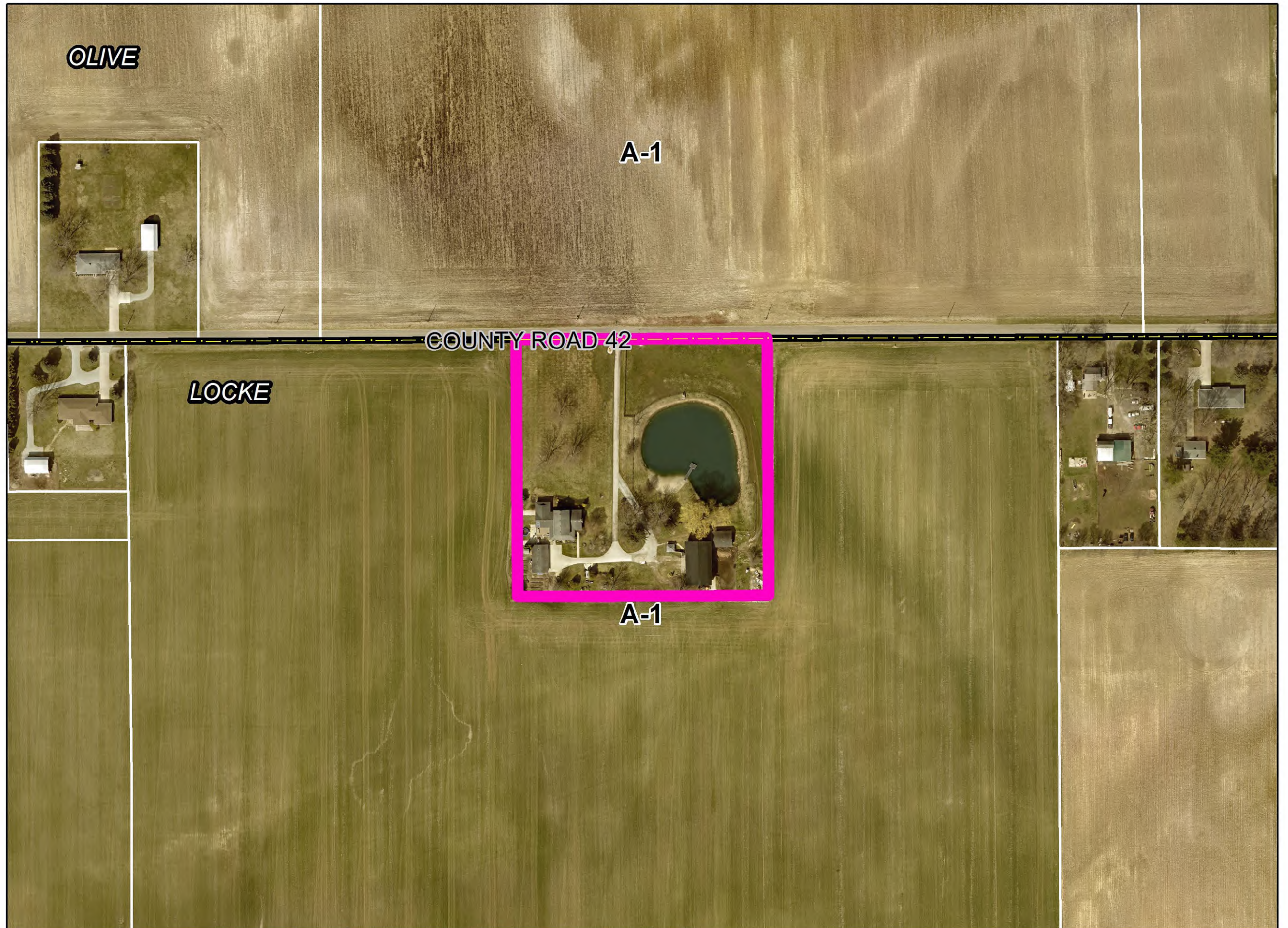


COUNTY ROAD 42

A-1 LOCKE















Subject property





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

Date: 04/10/2025 Meeting Date: May 14, 2025  
Board of Zoning Appeals Public Hearing Transaction #: DV-0230-2025

Description: for a 9 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an accessory structure 1 ft. from the rear property line

Contacts: <u>Applicant</u>	<u>Contract Purchaser</u>	<u>Land Owner</u>
Jesse A. Borkholder And Angela S. Borkholder (Land Contract Purchaser) 30622 County Road 42 Wakarusa, IN 46573	Jesse A. Borkholder And Angela S. Borkholder (Land Contract Purchaser) 30622 County Road 42 Wakarusa, IN 46573	Ammf Trustee Corporation (Land Contract Holder) 8216 W 1350 N Nappanee, IN 46550

Site Address: 30622 County Road 42 Wakarusa, IN 46573	Parcel Number: 20-13-03-100-007.000-020
--	---

Township: Locke  
Location: South Side Of County Road 42, 1,900 Feet East Of Ash Road

Subdivision:	Lot #
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Lot Area: 4.11	Frontage: 415.00	Depth: 431.00
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 11/2/1983  
RESIDENCE = 3,502 SQ FT X 200% = 7,004 SQ FT, MINUS 1056 (DETACHED GARAGE) AND 120 (SHED) = 5,828 SQ FT. 2  
NEW BUILDINGS (14 X 32) 448 SQ FT, AND 3,840 (48 X 80) LEAVES 1,540 SQ FT AVAILABLE FOR PERSONAL  
STORAGE  
BUILDING PERMIT #BR-1825-2024 HAS HAD NO INSPECTIONS (14 X 32) - PER APPLICANT THIS BUILDING IS  
ON-SITE AND SHOWS ON SITE PLAN, BUT THEY ARE NOT SURE WHERE IT WILL BE PERMANENTLY PLACED  
SINCE IT NEEDS A PERMANENT FOUNDATION - KB 4/10/2025

Applicant Signature:	Department Signature:
----------------------	-----------------------



Application

Site address: 30622 CR 42 Wakarusa IN 46573

Parcel number(s): 13-03-100-007-020

Current property owner

Name: Jesse Borkholder

Address: 30622 CR 42 Wakarusa IN 46573

Phone: 574-862-2519 Email: jess46573@gmail.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: Jesse Borkholder

Staff Use Only

Description: 10' rear

Parcel creation date:

Subdivision required? ☐ Y ☒ N If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: See attached

Location: N (S) E W corner (side) end of CR 42  
ft. N S E W of  
in Locke Township

Frontage: 415 Depth: 431 Area: 4.106 acres

Subdivision and lot number, if applicable:

Present use: Residential



Developmental Variance — Questionnaire

Name: Jesse Borkholder

1) Tell us what you want to do. Build a New Post Frame 48x80 Storage Building  
1' from the South Property line.

2) Tell us why you can't change what you're doing so you don't need a variance. Limited Space  
Between Driveway and Property line.

3) Tell us why the variance won't hurt your neighbors or the community. I am only Building  
a Storage Building not to be used for Business or Industrial  
use.

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: 48x80 20' Peak

Tell us what you'll use it for. Storage and family get-togethers, Church services  
(annually)

**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. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





APR 10 2025



# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** May 14, 2025

***Transaction Number:*** DV-0231-2025.

***Parcel Number(s):*** 20-15-04-427-012.000-018.

***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:*** Charles Hoogewerf & Kimberly Hoogewerf, Husband & Wife.

***Location:*** West side of CR 23, 280 ft. south of CR 142, in Jackson 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:***

- 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 1,038 sq. ft., or 48 percent, over what is allowed by right, and the structure meets all other development standards.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.97-acre parcel in a dense residential area, and the area 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 size of the proposed structure matches existing accessory structures on nearby properties.



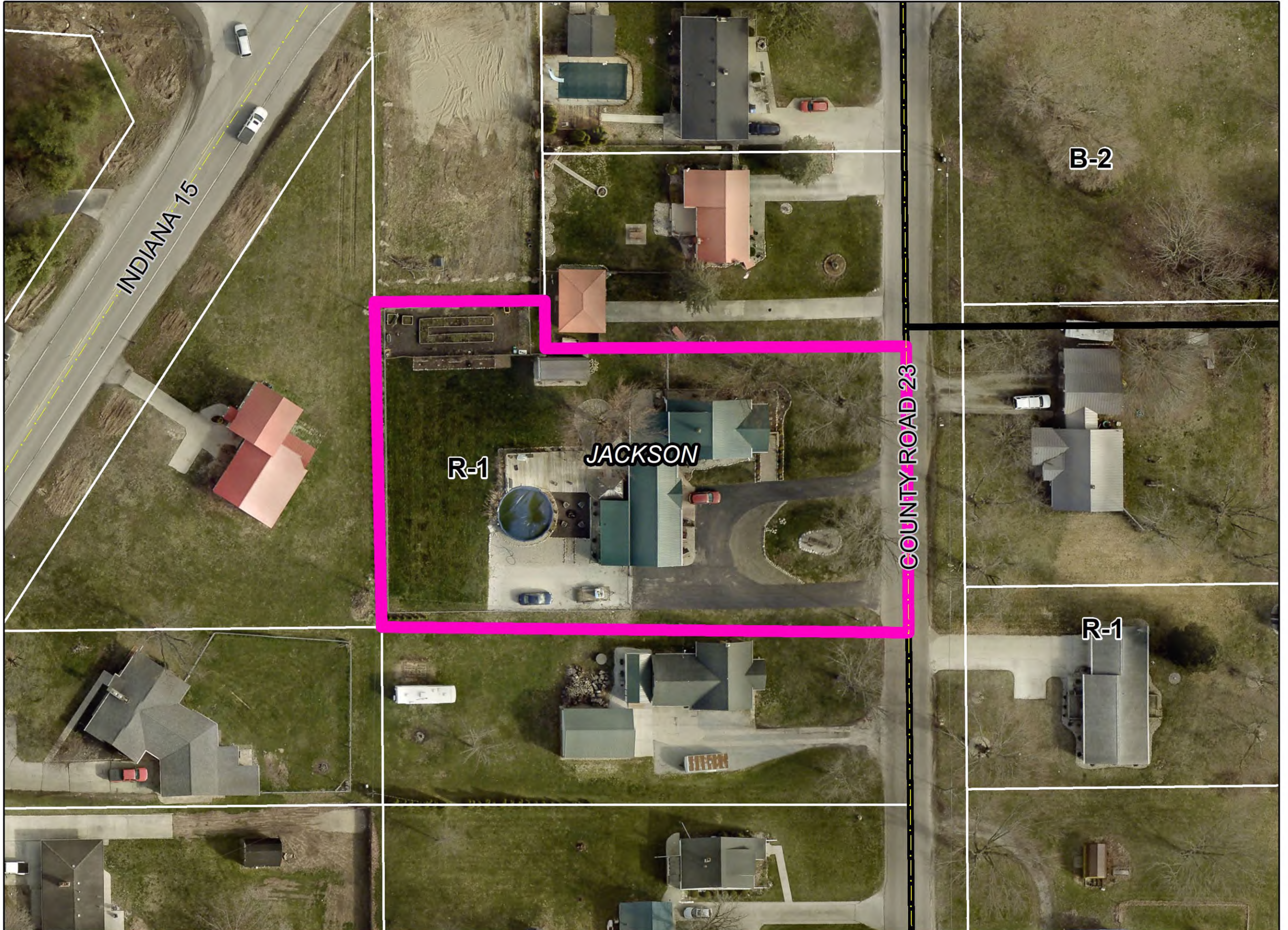
# ***Hearing Officer Staff Report (Continued)***

*Hearing Date:* May 14, 2025

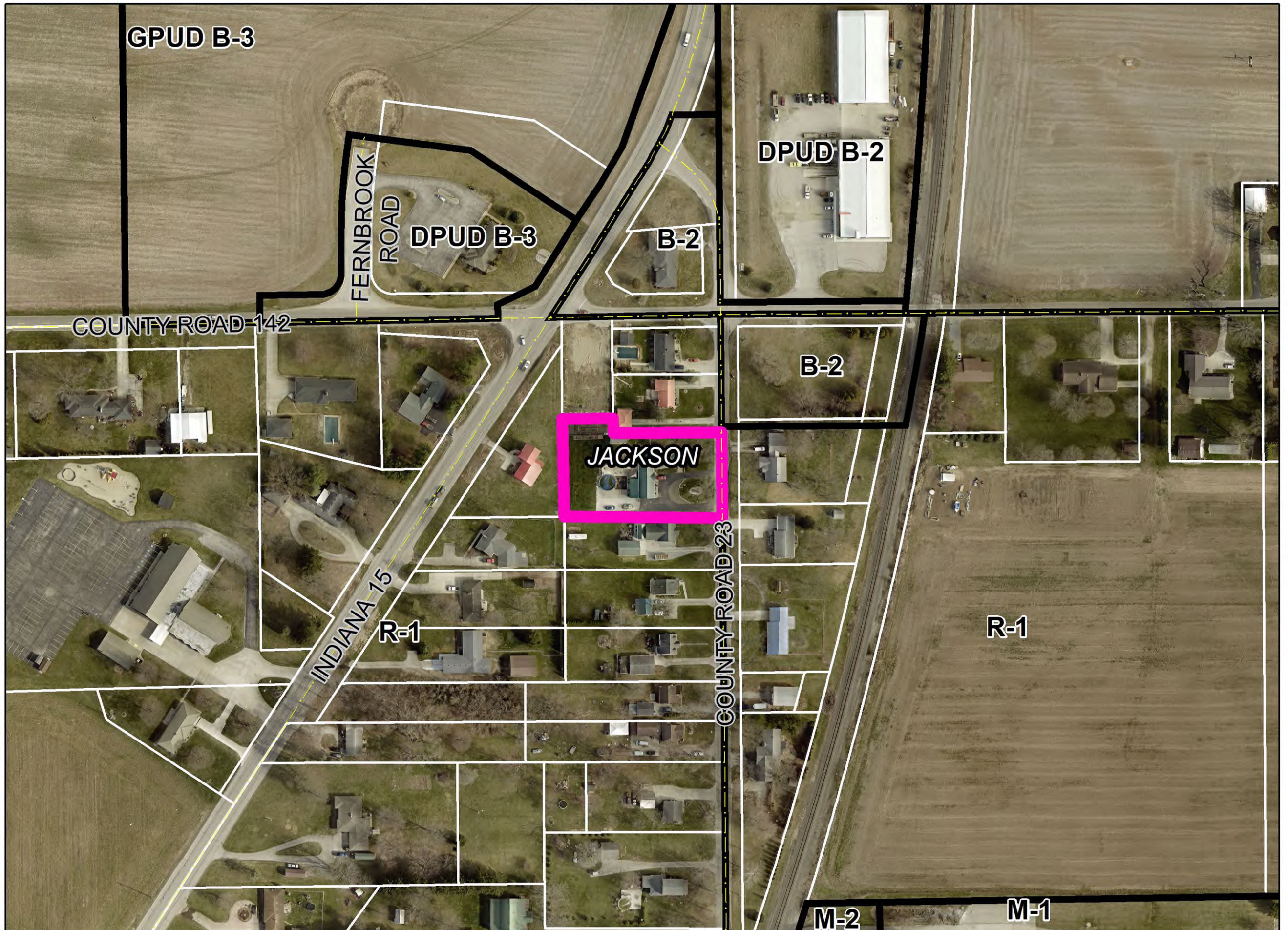
Staff recommends **APPROVAL** with the following condition(s) imposed:

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 4/10/2025) and as represented in the Developmental Variance application.



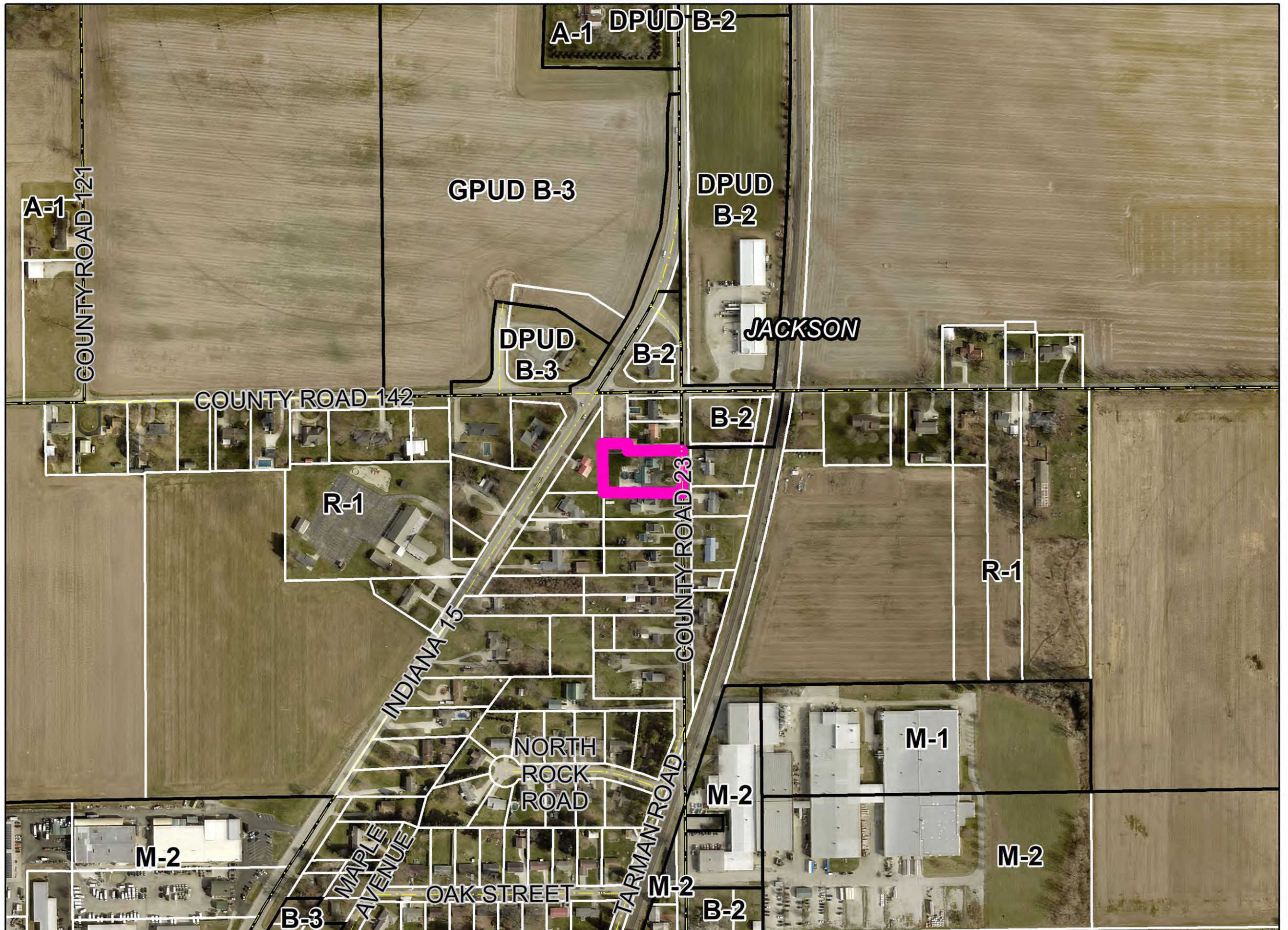








DV-0231-2025



2021 Aerials

1 inch = 400 feet







Subject property





Facing south





Facing north





Facing east



# 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: 04/10/2025 Meeting Date: May 14, 2025  
Board of Zoning Appeals Public Hearing Transaction #: DV-0231-2025

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

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Charles Hoogewerf And Kimberly Hoogewerf, Husband And Wife 67533 County Road 23 New Paris, IN 46553	Charles Hoogewerf And Kimberly Hoogewerf, Husband And Wife 67533 County Road 23 New Paris, IN 46553

Site Address: 67533 County Road 23  
New Paris, IN 46553

Parcel Number: 20-15-04-427-012.000-018

Township: Jackson  
Location: WEST SIDE OF CR 23, 280 FT. SOUTH OF CR 142

Subdivision: Lot #

Lot Area: 0.97 Frontage: 142.00 Depth: 227.00

Zoning: R-1 NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 3/1/1962.  
RESIDENTIAL BREAKDOWN:  
RESIDENCE = 1976 X 110% = 2,173.6 MINUS GARAGE 1,356 SQFT, SHED 240 SQFT, WOOD SHED 416 SQFT = 161.6  
SQFT MINUS 30 X 40 1,200 SQFT = -1038.4 SQFT  
NOTE: ELEC-R-2446-2020-COMPLETE. AW

Applicant Signature:

Department Signature:



Application

Site address: 67533 CR 23 / New Paris, IN 46553

Parcel number(s): 15-04-427-012-018 or 20-15-04-427-012-000-018

Current property owner

Name: Charlie & Kim Hoogewerf

Address: 67533 CR 23 New Paris, IN 46553

Phone: 574-536-9380

Email: Charlie@Hoogies.net

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: Charlie Hoogewerf

Staff Use Only

Description:

1. 5 Ft.  
FOR A DEVELOPMENTAL VARIANCE ORDINANCE ALLOWS 18 FT.  
TO ALLOW FOR AN ACCESSORY STRUCTURE 23 FT IN HEIGHT.  
FOR A DEVELOPMENTAL VARIANCE TO ALLOW FOR THE TOTAL  
SQUARE FOOTAGE OF ACCESSORY STRUCTURES TO EXCEED  
THAT ALLOWED BY RIGHT.

Parcel creation date:

3/1/62

Subdivision required?

☐ Y

☒ N

If yes,

☐ AS

☐ Minor

☐ Major

ENTER IN ENCL. G.V.

Residential accessory breakdown, if applicable:

SEE ATTACHED SHEET.

Location:

N S E W

corner

side

end

of

CR 23

280

ft.

N

S

E

W

of

CR 142

in

JACKSON

Township

Frontage:

142 Ft.

Depth:

227 Ft.

Area:

0.97

acres

Subdivision and lot number, if applicable:

N/A

Present use:

RESIDENTIAL



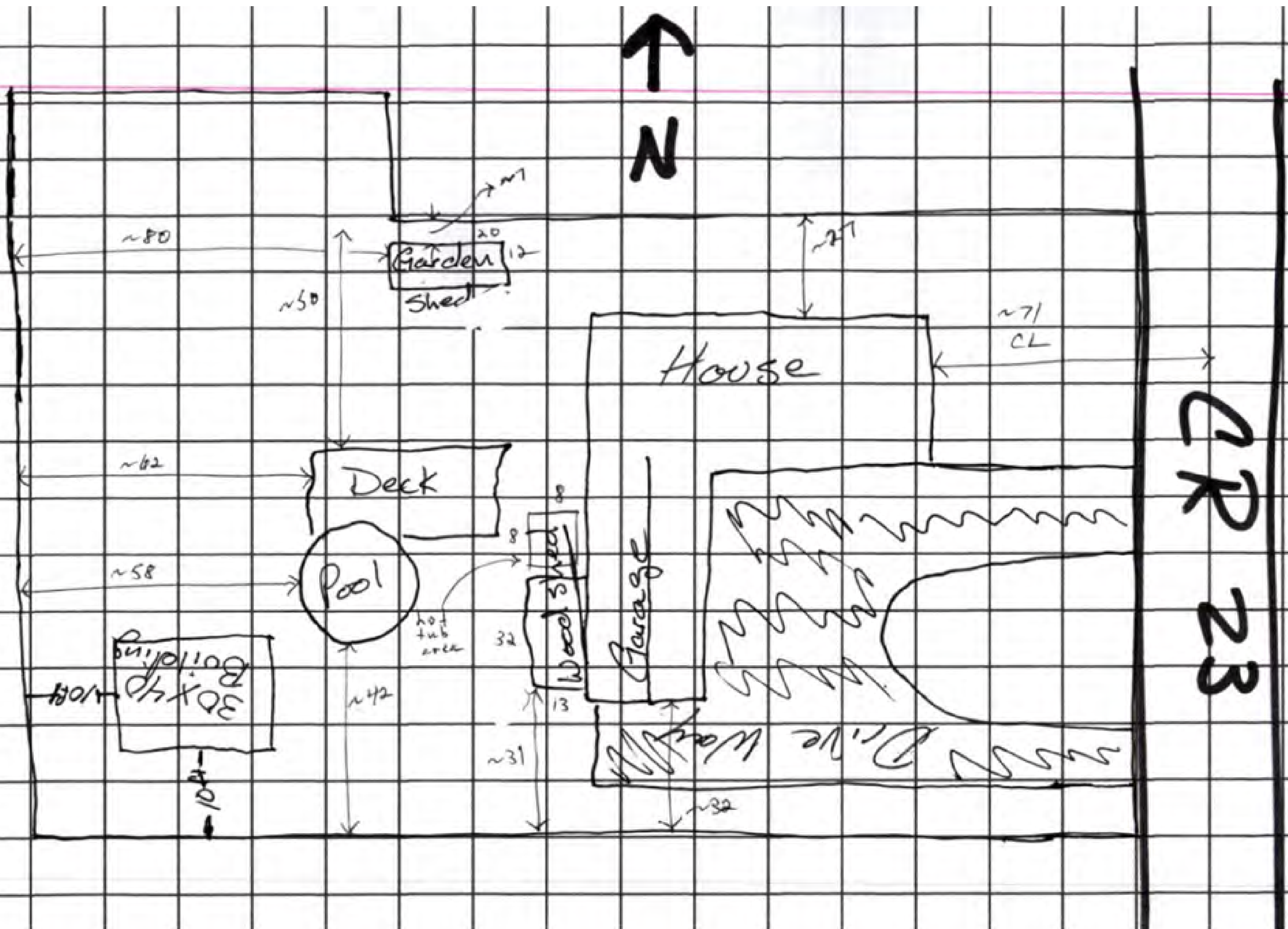
Developmental Variance — Questionnaire

Name:

Charlie & Kim Hoogewurf

- 1) Tell us what you want to do. Install a 30'x40' Storage Shed
- 2) Tell us why you can't change what you're doing so you don't need a variance. Garage door needs to be 14' to store RV & Pontoon during the winter
- 3) Tell us why the variance won't hurt your neighbors or the community. Neighbor to the south approximately has similar storage building on there property
- 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: 30'x40'size 23' to peak  
Tell us what you'll use it for. Storage (I.E. RV / Pontoon / 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. \_\_\_\_\_







# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** May 14, 2025

***Transaction Number:*** DV-0236-2025.

***Parcel Number(s):*** 20-13-35-300-008.000-020.

***Existing Zoning:*** A-1.

***Petition:*** For a 2 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing accessory structure and the construction of an addition 3 ft. from the west side property line.

***Petitioner:*** Adam L. Borkholder & Alma O. Borkholder, Husband & Wife.

***Location:*** South side of CR 56, 2,400 ft. west of CR 101, in Locke Township.

***Site Description:***

- Physical Improvement(s) – Residence, detached accessory and agricultural structures.
- Proposed Improvement(s) – Addition to existing accessory structure.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

***History and General Notes:***

- None.

***Staff Analysis:***

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. This is an existing structure that has not caused complaints or concerns from neighbors in this location since it was built in 1993.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 3.29-acre residential parcel in a medium-density area and the property will remain residential in character. The existing structure is not within the line of sight for the neighboring residence.
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 existing structure would be non-conforming, and the new addition couldn't be built in this location.



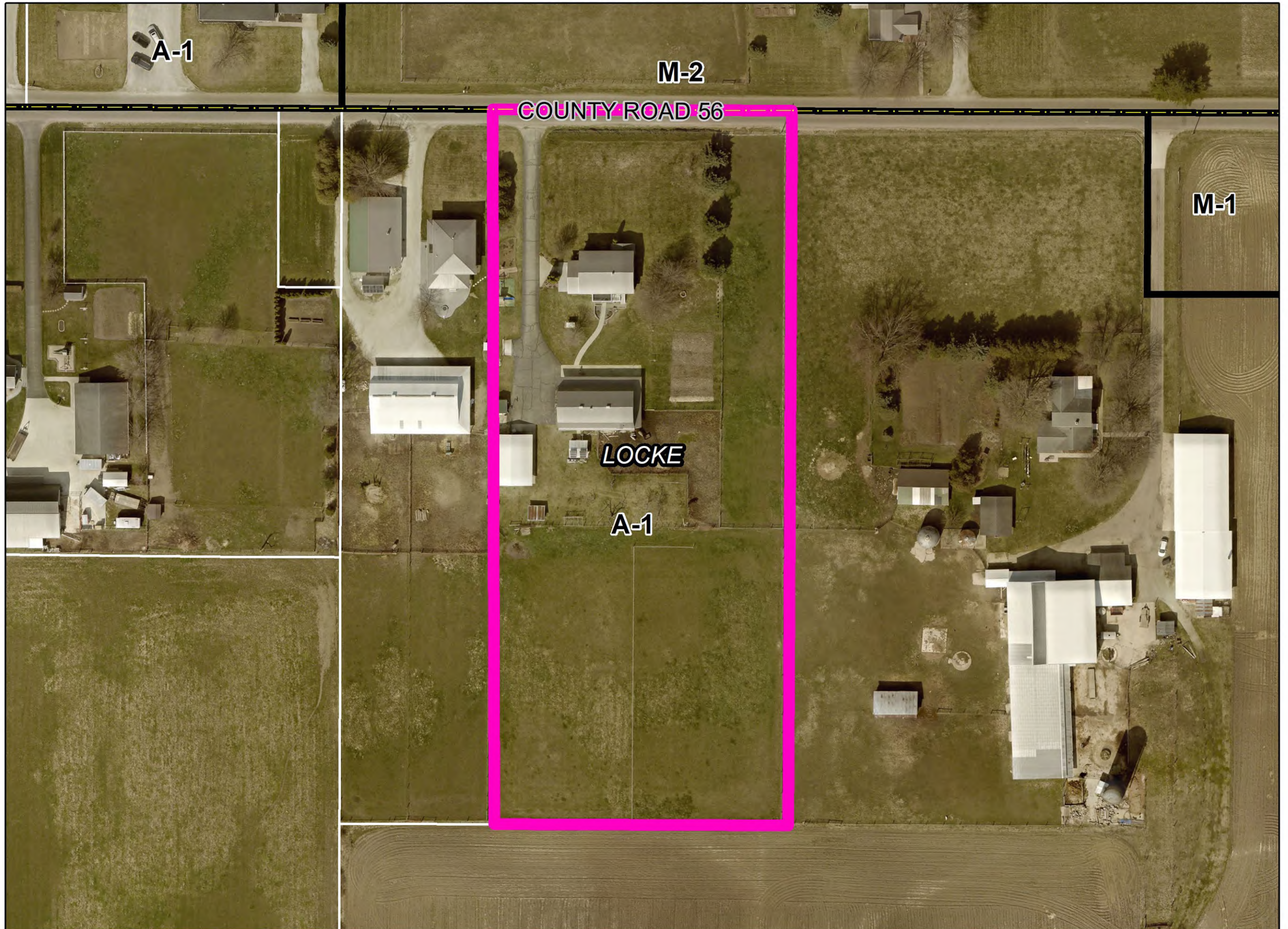
# ***Hearing Officer Staff Report (Continued)***

*Hearing Date:* May 14, 2025

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

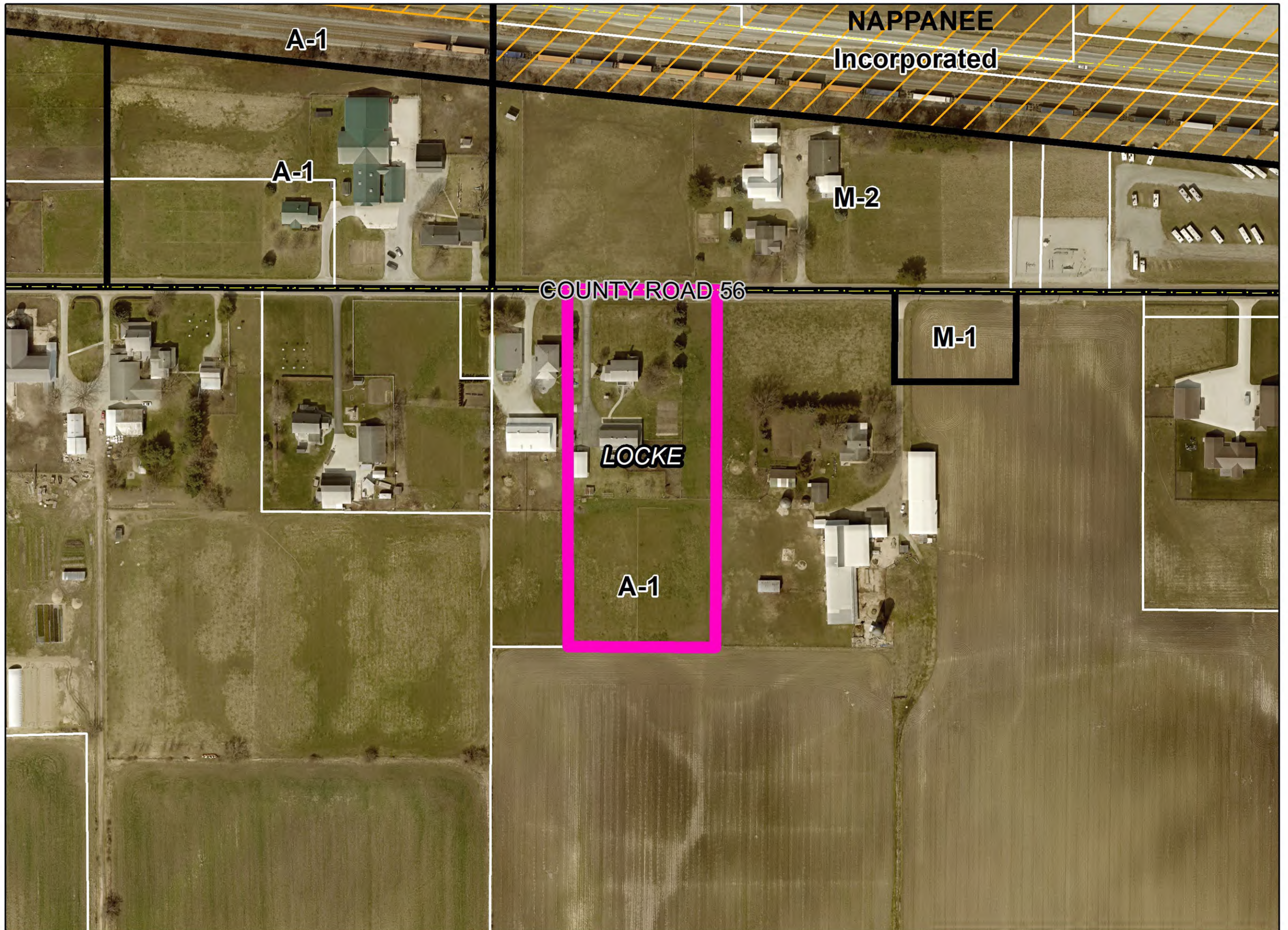
1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 4/11/2025) and as represented in the Developmental Variance application.



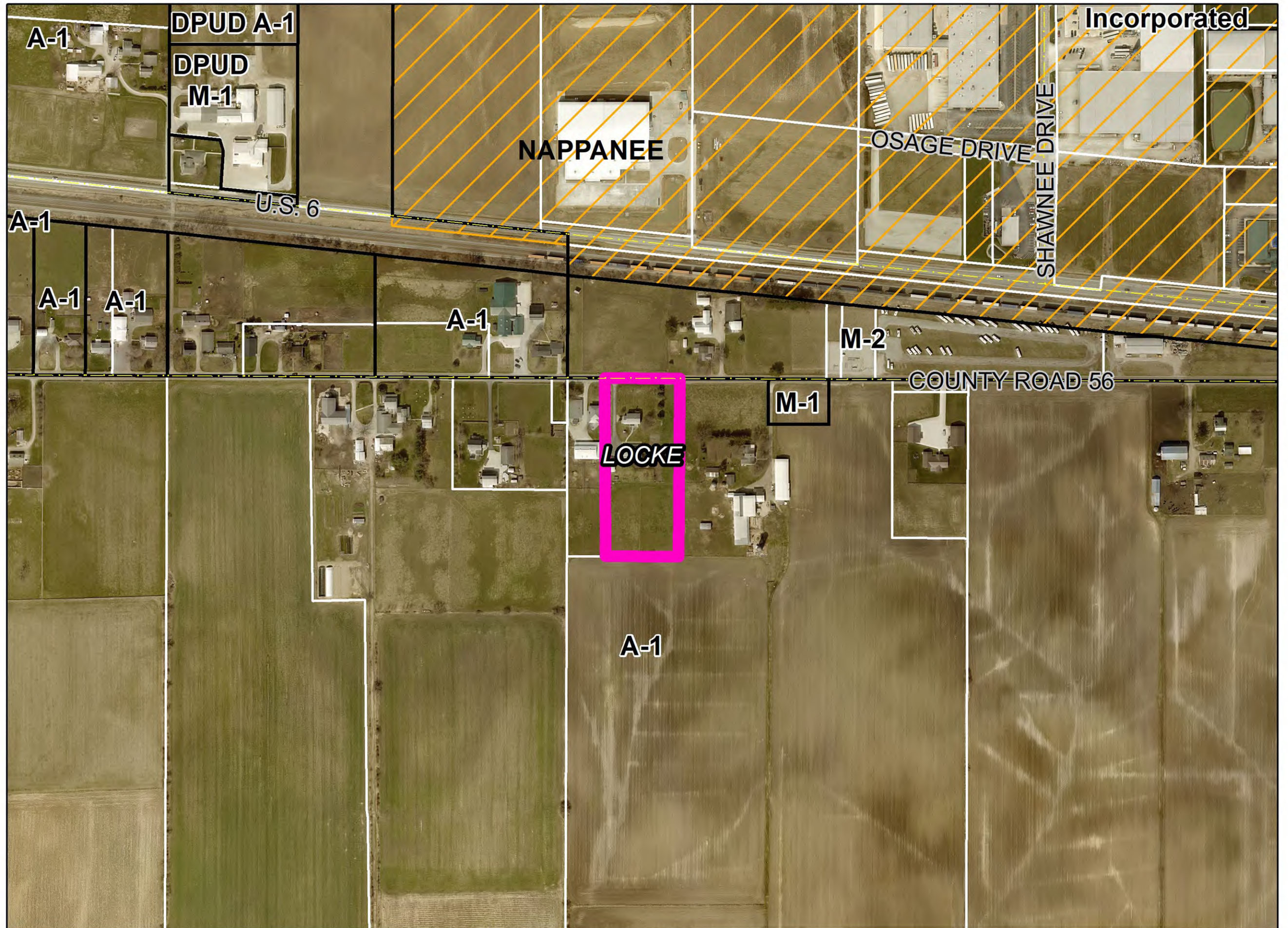




DV-0236-2025











Subject property





Subject property, location of existing building





Facing west





Facing east





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

Date: 04/11/2025 Meeting Date: May 14, 2025  
Board of Zoning Appeals Public Hearing Transaction #: DV-0236-2025

Description: for a 2 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing accessory structure and the construction of an addition 3 ft. from the west side property line

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Adam L Borkholder & Alma O Borkholder Husband And Wife 29964 County Road 56 Nappanee, IN 46550	Adam L Borkholder & Alma O Borkholder Husband And Wife 29964 County Road 56 Nappanee, IN 46550

Site Address: 29964 County Road 56 Nappanee, IN 46550	Parcel Number: 20-13-35-300-008.000-020
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Township: Locke  
Location: South Side of CR 56, 2,400 ft. West of CR 101

Subdivision:	Lot #
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Lot Area: 3.29	Frontage: 242.00	Depth: 590.00
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Zoning: A-1	NPO List:
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Present Use of Property: Residential

Legal Description:

Comments: Parcel Creation: 10/02/1998  
RESIDENCE = 3072 SF X 200% EQUALS 6144 SF MINUS 960 SF GARAGE , 120 SF SHED, 2000 SF PROPOSED ADDITION  
= 3080 SF AVAILABLE PERSONAL STORAGE

Applicant Signature:	Department Signature:
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Application

Site address: 29964 C.R. 56 Nappanee, IN 46550

Parcel number(s): 20-13-35-300-008,000-020

Current property owner

Name: Adam Berkholder

Address: 29964 C.R. 56 Nappanee, IN 46550

Phone: 574-773-0581

Email: \_\_\_\_\_

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: Ad Berkholder

Staff Use Only

Description: 2ft Developmental Variance (ordinance requires 5ft) to  
allow for an existing structure 3ft from the west side property line

Parcel creation date: 10/2/1998

Subdivision required?

☐ Y

☒ N

If yes,

☐ AS

☐ Minor

☐ Major

Residential accessory breakdown, if applicable:

Residence = 3072 SF X 200% =  
6144 SF minus 960 SF Garage, 120 SF shed, 2000 SF proposed addition =  
3080 SF Available personal storage

Location: N (S) E W corner (side) end of CR 56

2385 ft. N S E (W) of CR 101

in Locke Township

Frontage: 242 Depth: 590 Area: 3.29 acres

Subdivision and lot number, if applicable: \_\_\_\_\_

Present use: Residential



## Developmental Variance — Questionnaire

Name: Adam Berkholder

1) Tell us what you want to do. Add on to my personal storage Building.

2) Tell us why you can't change what you're doing so you don't need a variance. I want to add on to personal storage building instead of a building by it self.

3) Tell us why the variance won't hurt your neighbors or the community. The building I want to add on is the same distance as the add on.

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: 960 sq ft 16 ft in height

Tell us what you'll use it for. \_\_\_\_\_

**Building or addition 2** Size and height to the peak: 2000 sq ft 21 ft 8 in height

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. N/A



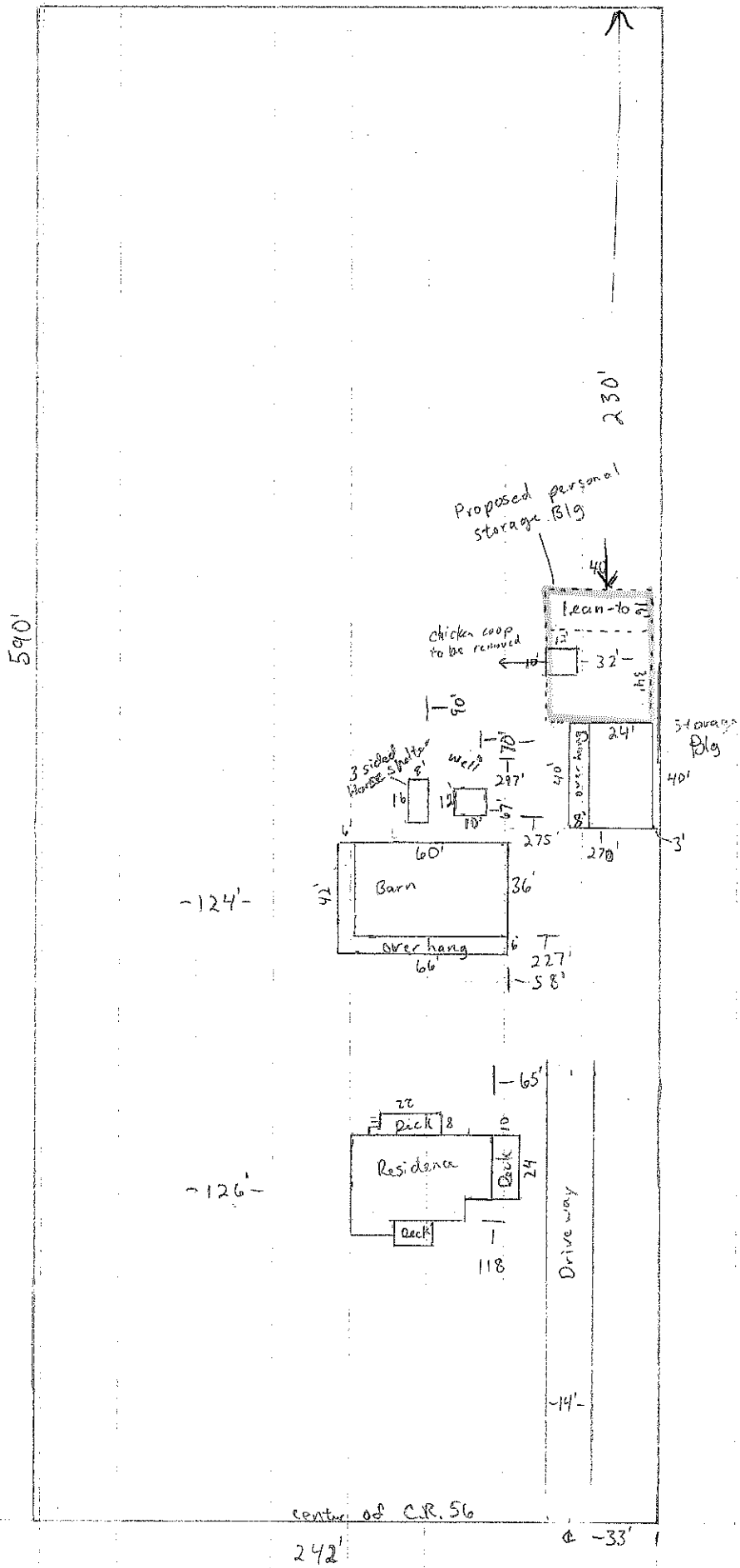
Name: \_\_\_\_\_

Site address: \_\_\_\_\_

Subdivision and lot number: \_\_\_\_\_

Parcel number: \_\_\_\_\_

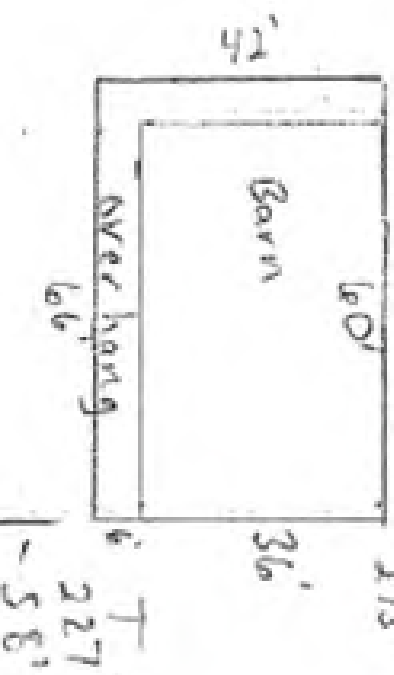
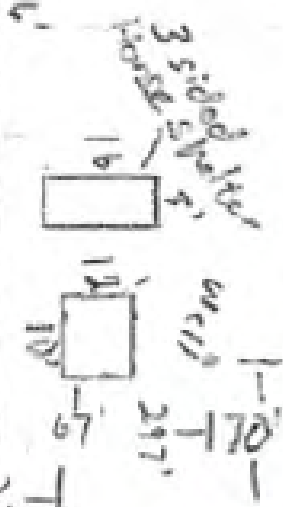
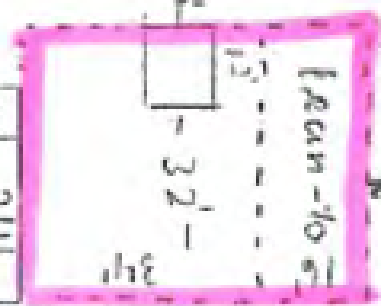
APR 11 2025



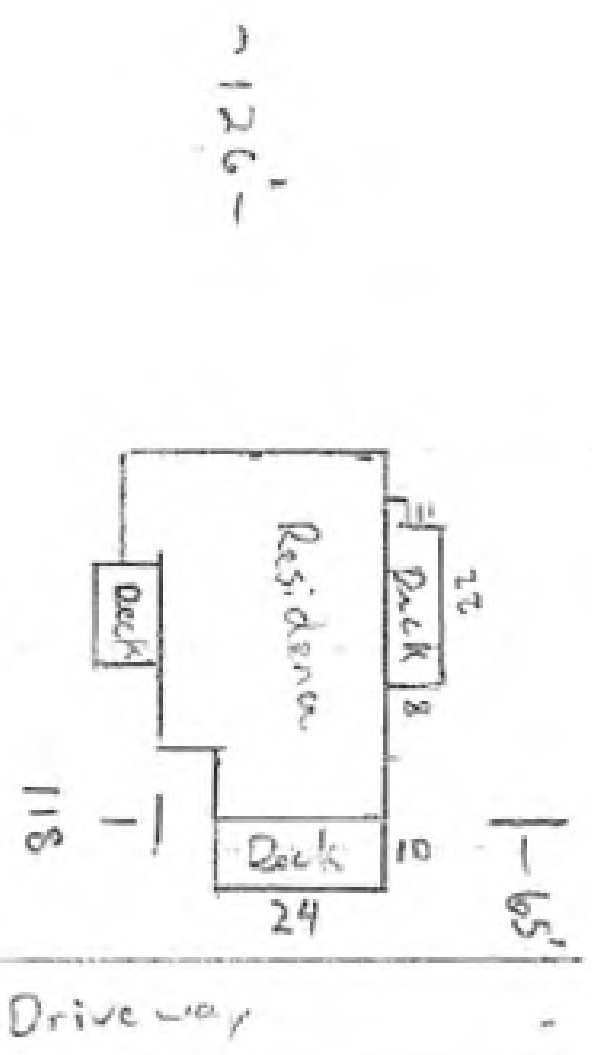


proposed person storage

chicken coop to be removed



~124'-



~14'-

center of C.R. 56



# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** May 14, 2025

***Transaction Number:*** DV-0239-2025.

***Parcel Number(s):*** 20-05-11-302-006.000-001.

***Existing Zoning:*** R-1.

***Petition:*** For a 9 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an attached accessory structure 1 ft. from the south side property line, for a 15 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of an attached accessory structure 35 ft. from the centerline of the right-of-way of 46th St., and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

***Petitioner:*** Daniel R. Holderread.

***Location:*** Southwest corner of 46th St. & Cardinal Ave., in Baugo Township.

***Site Description:***

- Physical Improvement(s) – Residence, detached accessory structure.
- Proposed Improvement(s) – Addition to residence and detached accessory structure.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

***History and General Notes:***

- None.

***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 305 sq. ft., or 17%, over what is allowed by right, and the addition will be out of the line of sight for traffic and neighboring residences.
2. Approval of the requests will not cause substantial adverse effect on neighboring property. This is a 0.441-acre residential parcel in a high-density neighborhood and the property will remain residential in character. The addition will allow for extra parking and storage space to minimize outdoor storage of the residence.
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 residence would not be allowed to have an addition for a better living situation.



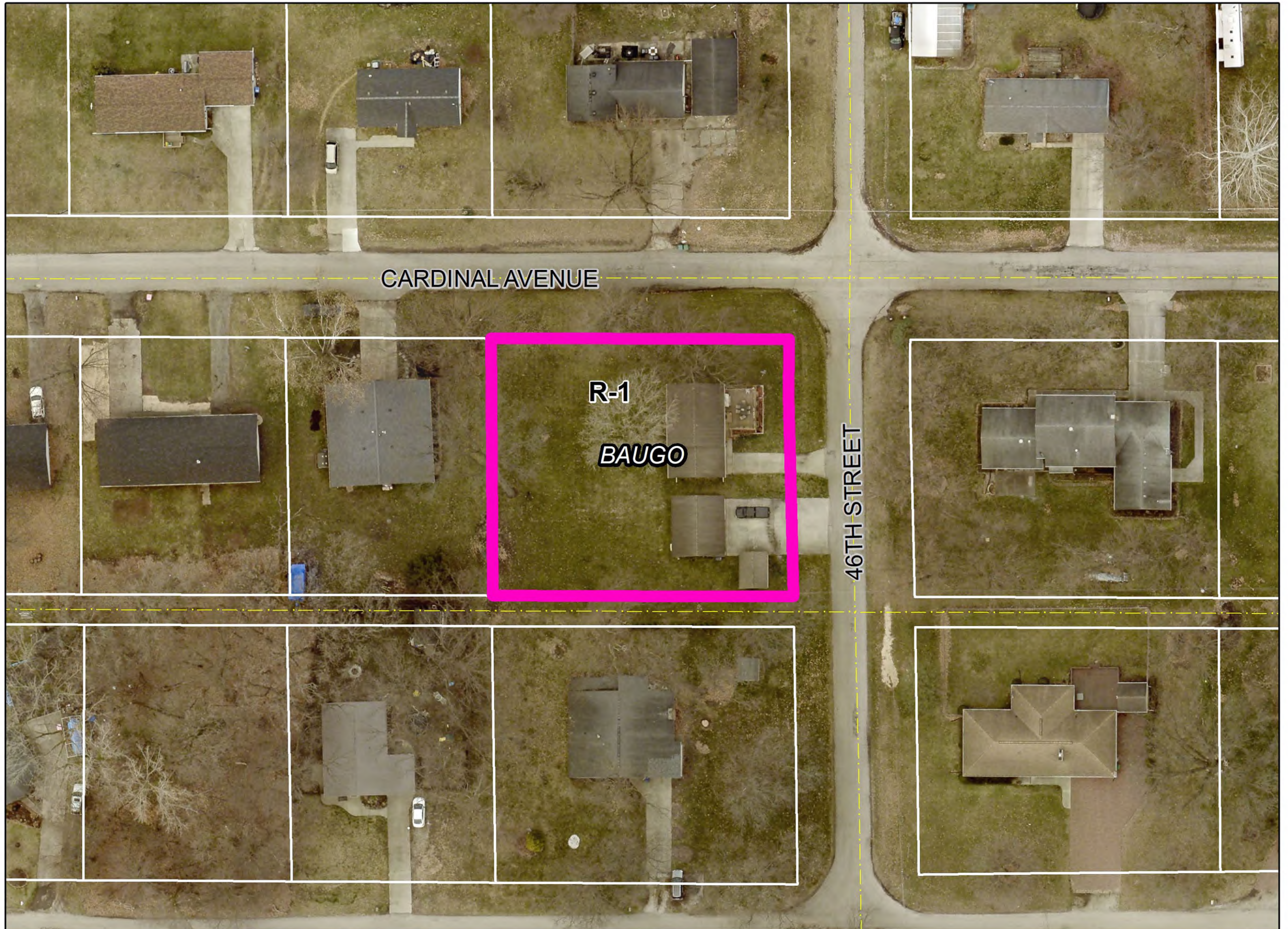
# ***Hearing Officer Staff Report (Continued)***

*Hearing Date:* May 14, 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 4/14/2025) and as represented in the Developmental Variance application.





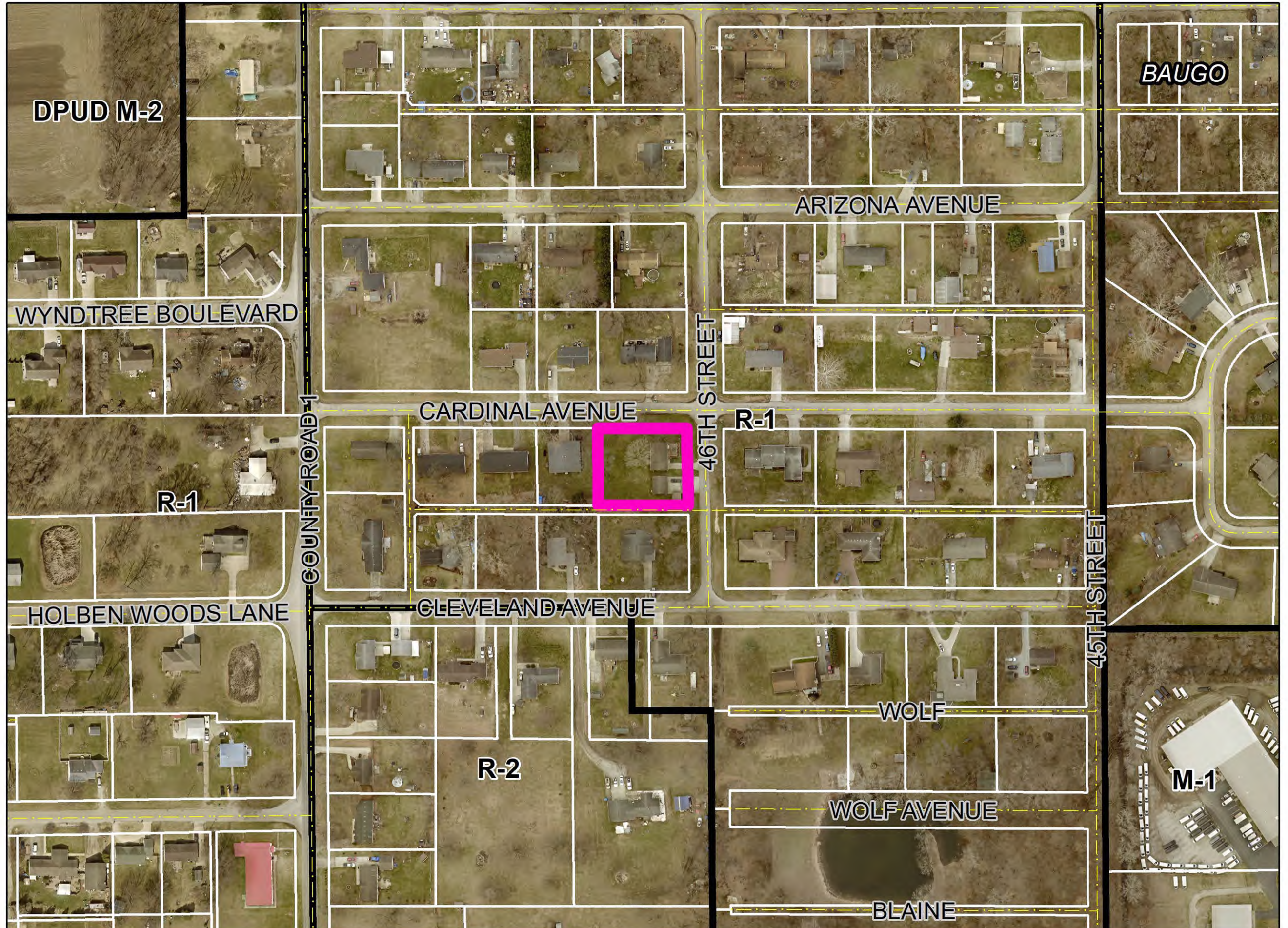
CARDINAL AVENUE

R-1

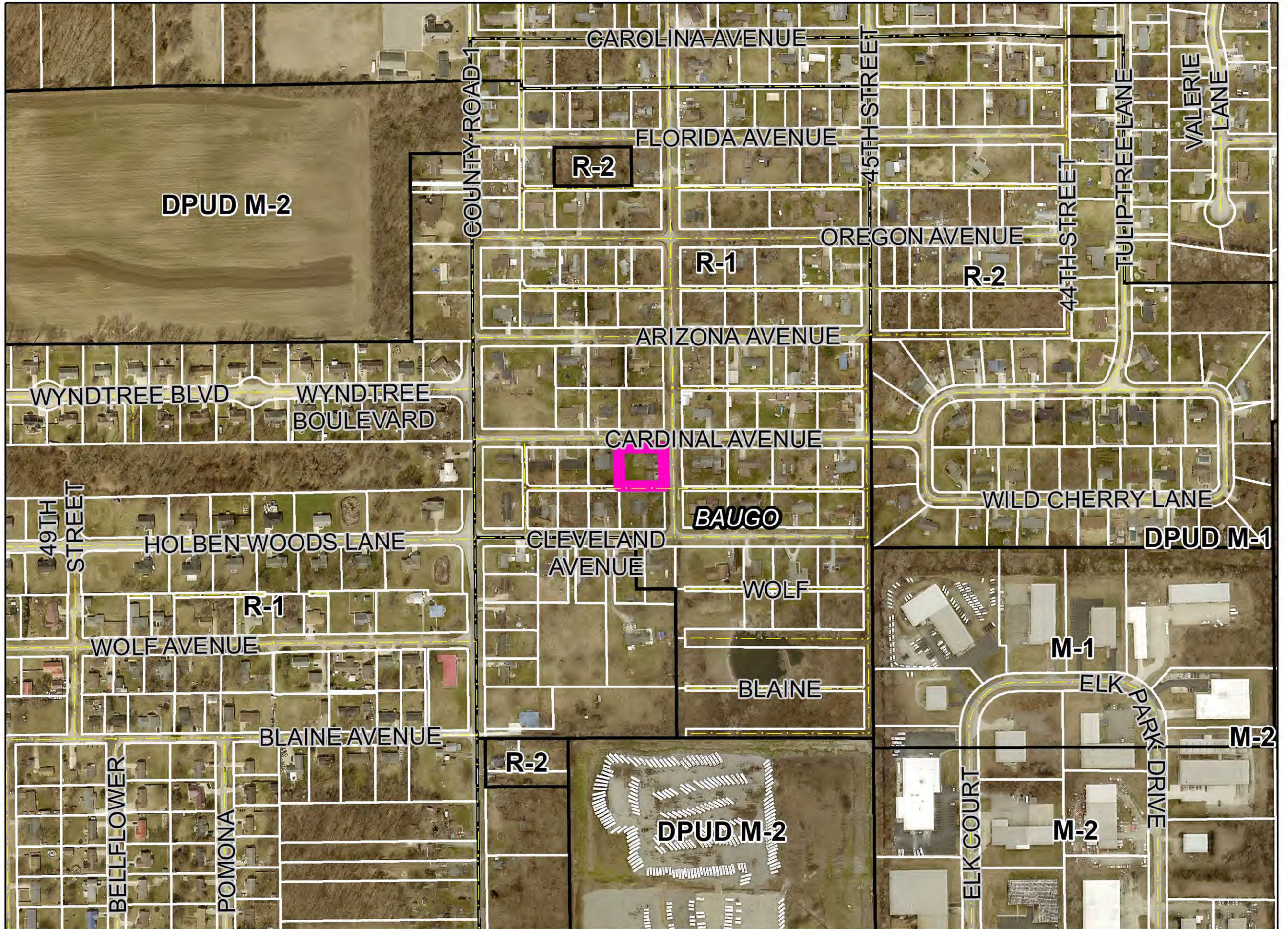
BAUGO

46TH STREET













Subject property





Subject property, proposed structure location





Facing south





Facing north





Facing east



# 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: 04/14/2025 Meeting Date: May 14, 2025 Transaction #: DV-0239-2025  
Board of Zoning Appeals Public Hearing

Description: for a 9 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an attached accessory structure 1 ft. from the south side property line, for a 15 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of an attached accessory structure 35 ft. from the centerline of the right-of-way of 46th St., and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Jess Restoration	Jess Restoration	Daniel R. Holderread
21218 State Line Rd	21218 State Line Rd	56539 46Th St
Bristol, IN 46507	Bristol, IN 46507	Elkhart, IN 465161364

Site Address: 56539 46Th St Elkhart, IN 46516	Parcel Number: 20-05-11-302-006.000-001
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Township: Baugo  
Location: SOUTHWEST CORNER OF 46TH ST & CARDINAL AVE.

Subdivision: SUNSET PARK	Lot # 411, 412 & 413
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Lot Area: 0.44	Frontage: 655.00	Depth: 150.00
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Zoning: R-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: RESIDENCE = 1,344 SQ FT + NEW ADDITION (SEE PERMIT #BR-0631-2025) OF 288 SQ FT = 1,795 SQ FT, MINUS 192 (SHED), 672 (DETACHED GARAGE) AND ATTACHED GARAGE AT 336 SQ FT - PROPOSED NEW DETACHED ACCESSORY BUILDING FOR PERSONAL STORAGE IS 50 X 18 = 900 SQ FT, WHICH IS AN OVERAGE OF 305 SQ FT

Applicant Signature:	Department Signature:
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Application

Site address: 56539 46th St. Elkhart In.

Parcel number(s): 20-05-11-302-006,000-001

Current property owner

Name: Daniel R. Haddread

Address: 56539 46th Street Elkhart In.

Phone: 574-596-4283 Email: \_\_\_\_\_


Other party ☒ Agent ☐ Buyer ☐ Land contract purchaser ☐ Lessee

Name: Jess Restoration

Address: 325 SIMPSON AVE Elkhart, In. 46516

Phone: 574-358-1754 Email: jessrestoration@gmail.com

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

Signature of current property owner or authorized agent:  Contractor

\*SEBACKS.

Staff Use Only

Description: Accessory Storage

Parcel creation date: \_\_\_\_\_

Subdivision required? ☐ Y ☐ N If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: \_\_\_\_\_

Location: N S E W corner side end of \_\_\_\_\_,  
655 ft. N S (E) W of CR 1,  
in Bango Township

Frontage: 128.5 Depth: 150 Area: .441 acres

Subdivision and lot number, if applicable: Sunset Park Lots 411, 412 & 413

Present use: Residential



## Developmental Variance — Questionnaire

Name: Daniel R. Holdreath

1) Tell us what you want to do. connect House to existing garage, for Kitchen space.

Add to existing garage for additional Parking

2) Tell us why you can't change what you're doing so you don't need a variance. To close to Alley, Due to Layout of the existing house.

3) Tell us why the variance won't hurt your neighbors or the community. An Alley separates the Homeowners Remodel Addition from their back property Line Alley is all grass and is not usable as an Alley.

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: 50'x18' Peak height 12'

Tell us what you'll use it for. Garage & Shop

**Building or addition 2** Size and height to the peak: 12'x24' Peak @ 12'

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

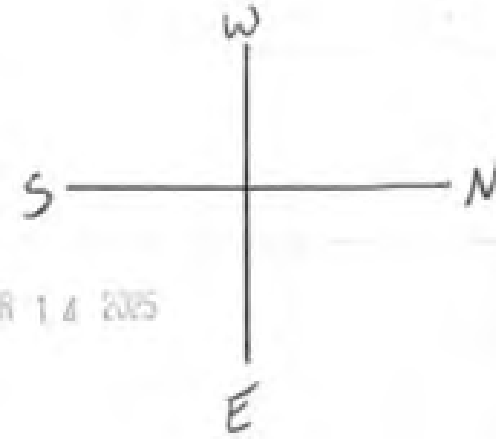
If yes, tell us how many total there will be. \_\_\_\_\_

9) Tell us anything else you want us to know. \_\_\_\_\_

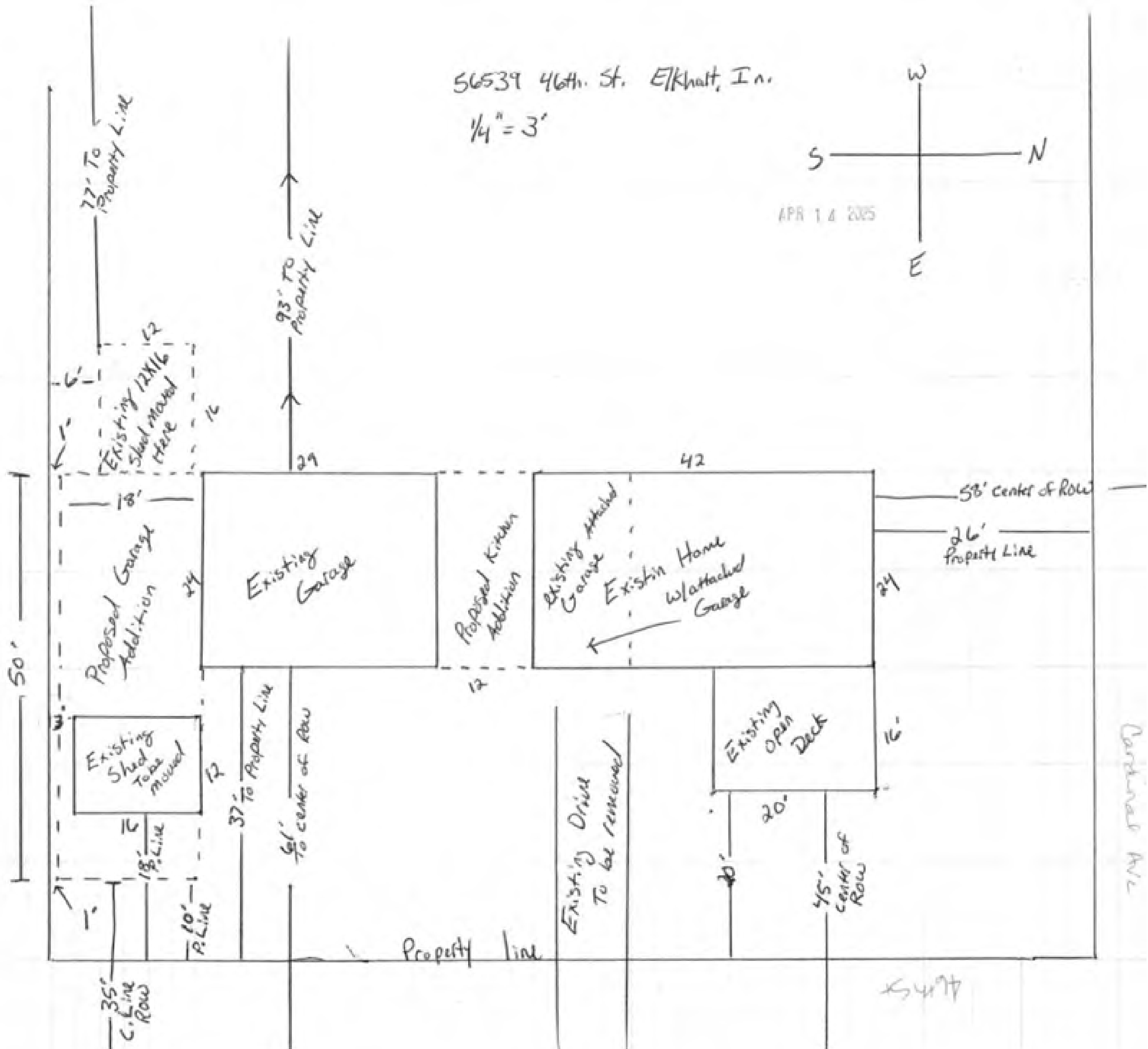


56539 46th. St. Elkhart, IN.

1/4" = 3'



APR 14 2025





# ***Hearing Officer Staff Report***

*Prepared by the Department of Planning and Development*

***Hearing Date:*** May 14, 2025

***Transaction Number:*** SUP-0238-2025.

***Parcel Number(s):*** 20-12-16-300-012.000-007.

***Existing Zoning:*** A-1.

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

***Petitioner:*** Galen W. Miller & Betty Miller (Buyer) & Frances M. Starr formerly known as Frances M. Priestly (Seller).

***Location:*** North side of CR 36, 1,250 ft. east of CR 35, in Clinton Township.

***Site Description:***

- Physical Improvement(s) – Mobile home, detached accessory structures.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, agricultural.

***History and General Notes:***

- **June 18, 1992** – A Special Use for a mobile home to be occupied by the buyer (Frances M. Priestley) was approved (92-89-U).

***Staff Analysis:***

*For a Special Use for an existing mobile home, staff finds that:*

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A mobile home is allowed by Special Use in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is an existing mobile home and has not caused complaints or concerns since its placement in 1989.
3. The Special Use will substantially serve the public convenience and welfare by providing an affordable living option.



# *Hearing Officer Staff Report (Continued)*

*Hearing Date:* May 14, 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 4/14/2025) and as represented in the Special Use application.

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

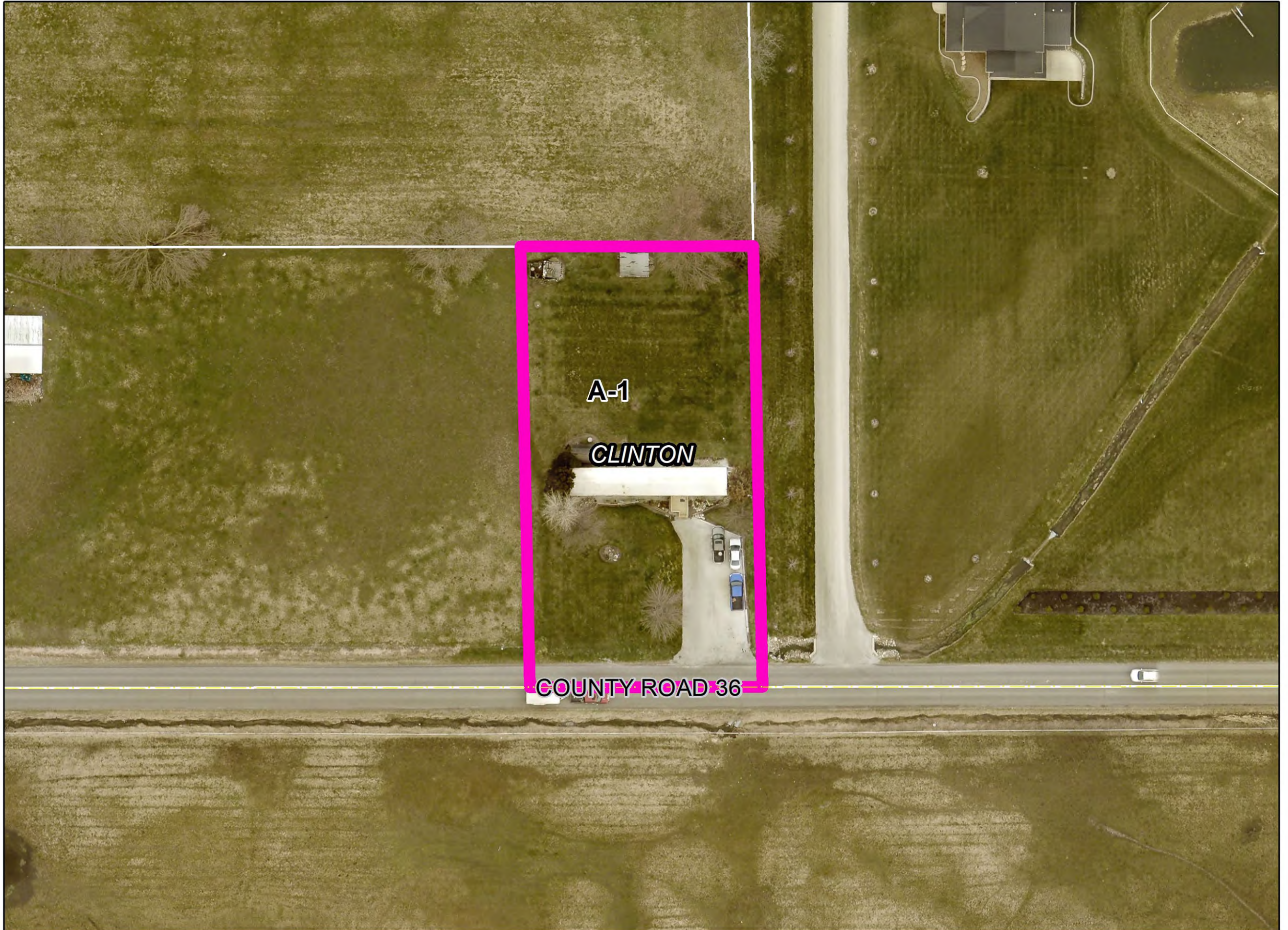
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. This is an existing mobile home, and all development standards are being met.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.58-acre residential parcel in a medium-density area and the property will remain residential in character. There is another mobile home on a neighboring parcel.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the benefit of the variance the mobile home would be non-conforming.

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

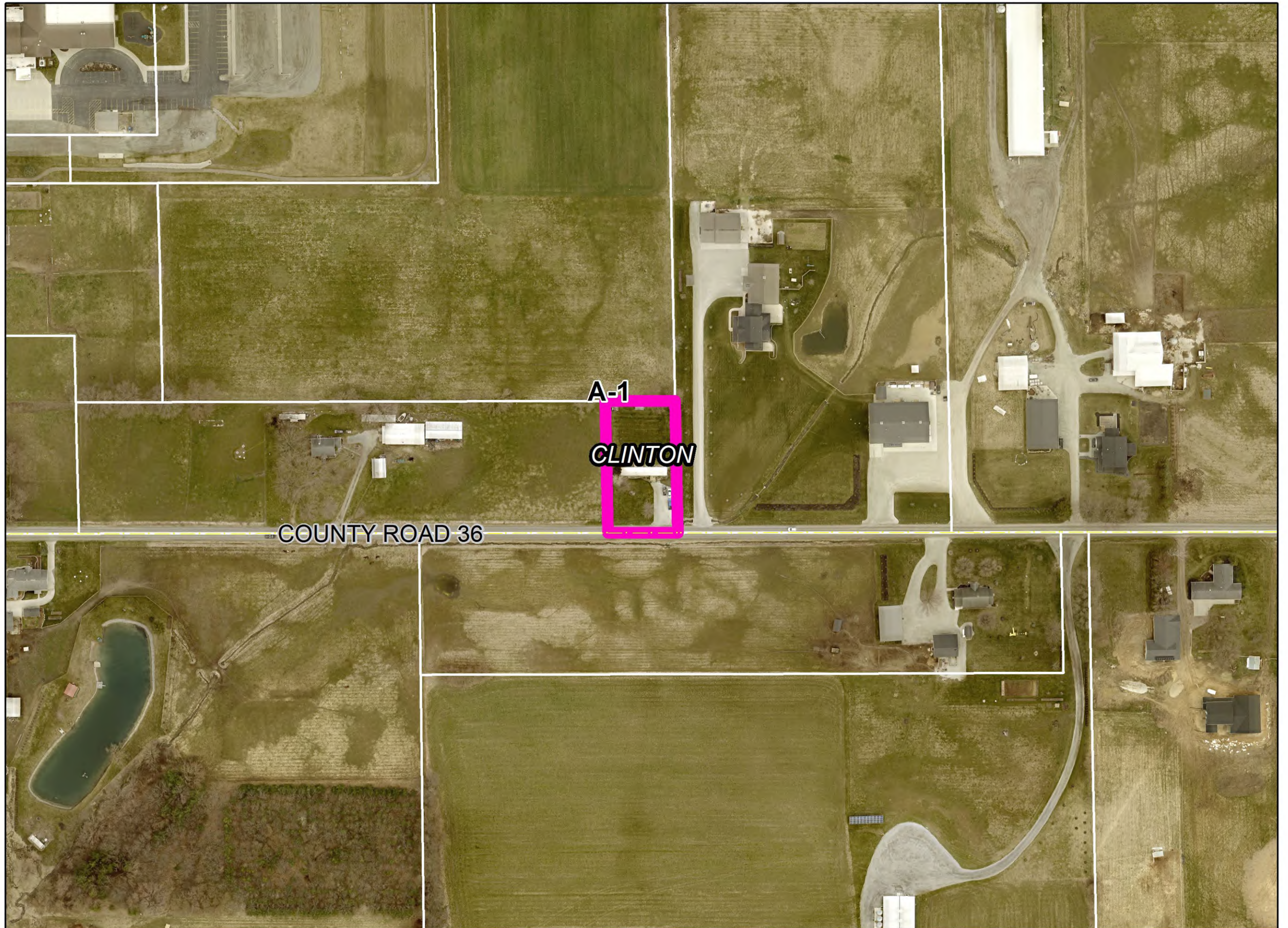
1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 4/14/2025) and as represented in the Developmental Variance application.



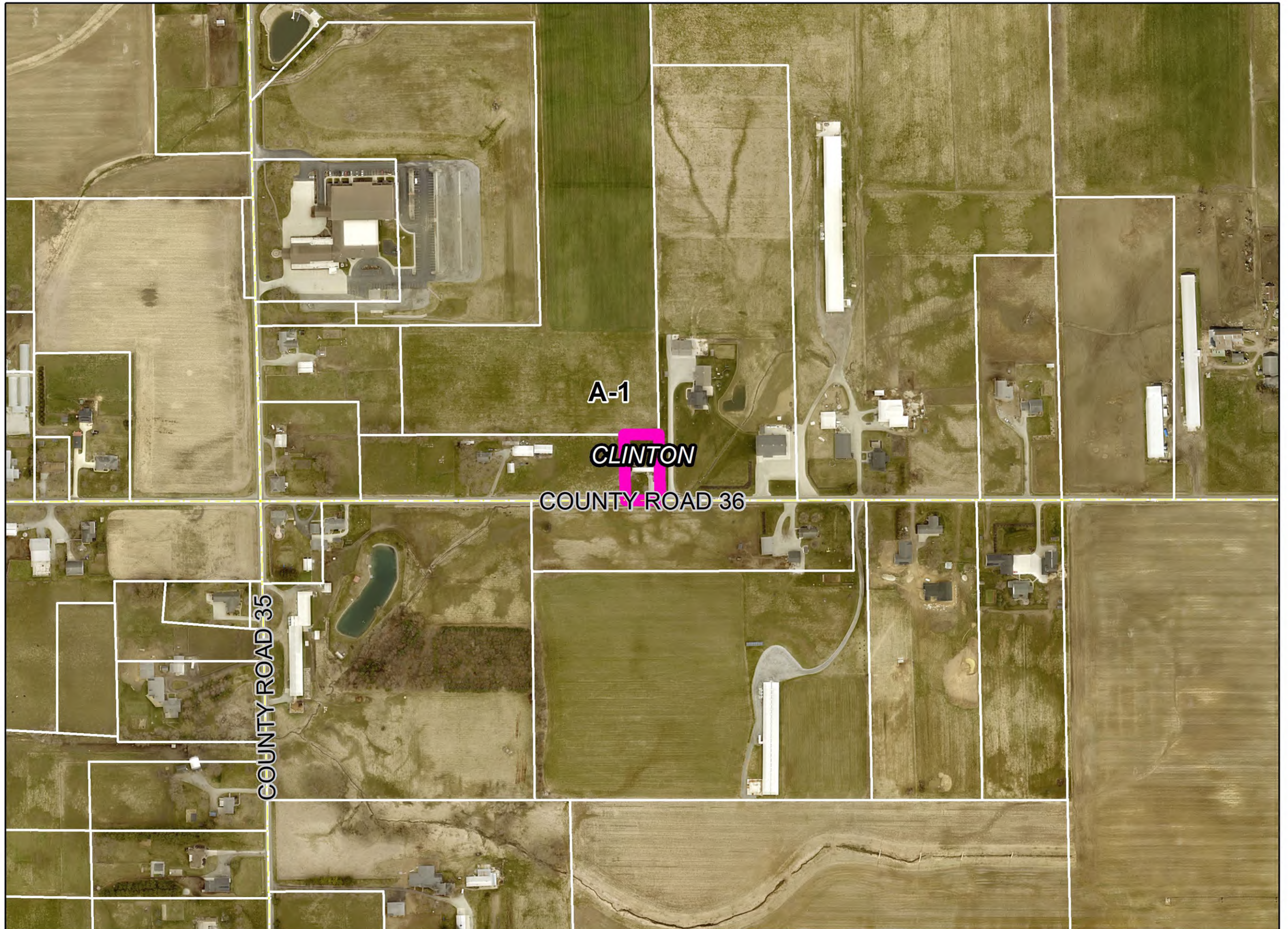
SUP-0238-2025















Subject property





Facing east





Facing west





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

Fax - (574) 971-4578

Special Use - Mobile Home

Date: 04/14/2025 Meeting Date: May 14, 2025  
Board of Zoning Appeals Public Hearing Transaction #: SUP-0238-2025

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

Contacts: <u>Applicant</u>	<u>Land Owner</u>	<u>Land Owner</u>
Galen W & Betty (Buyer) Miller 13723 County Road 36 Goshen, IN 46528	Galen W & Betty (Buyer) Miller 13723 County Road 36 Goshen, IN 46528	Frances M. Starr Formerly Known As Frances M. Priestly (Seller) 13899 Cr 36 Goshen, IN 46528

Site Address: 13899 County Road 36 Goshen, IN 46528	Parcel Number: 20-12-16-300-012.000-007
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Township: Clinton  
Location: North Side Of County Road 36, 1,250 Feet East Of County Road 35

Subdivision:	Lot #
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Lot Area: 0.58	Frontage: 115.00	Depth: 220.00
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Zoning: A-1	NPO List:
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Present Use of Property: EXISTING MOBILE HOME

Legal Description:

Comments: SEE SPECIAL USE FOR FRANCES M. PRIESTLEY (BUYER) AND RICK THACKER (SELLER) (92-89-U) - APPROVED 8/18/92.  
SEE SPECIAL USE 92-89-U.

Applicant Signature:	Department Signature:
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Meeting held at  
County  
Administration Bldg.  
117 N. 2nd St.  
Goshen, IN 46526  
Meeting rooms  
104, 106 & 108

Application

Site address: 13899 CR 36 Goshen, IN 46528

Parcel number(s): 20-12-16-300-012.000-007

Current property owner

Name: Frances M Priestley / Starr (seller)

Address: 13899 CR 36 Goshen, IN 46528

Phone: 574-202-4126

Email: Priestleyfrances@outlook.com

Other party

☐ Agent

☒ Buyer

☐ Land contract purchaser

☐ Lessee

Name: GALEN W & BETTY MILLER (BUYER)

Address: 13723 CR 36 Goshen, IN 46528

Phone: 317-476-6977

Email: Christian@protechar.com

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

Signature of current property owner or authorized agent: Frances M Starr

Staff Use Only

Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Parcel creation date: \_\_\_\_\_

Subdivision required? ☐ Y ☐ N If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location: N S E W corner side end of \_\_\_\_\_,  
\_\_\_\_\_ ft. N S E W of \_\_\_\_\_,  
in \_\_\_\_\_ Township

Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_ Area: \_\_\_\_\_ acres

Subdivision and lot number, if applicable: \_\_\_\_\_

Present use: \_\_\_\_\_



Special Use for a Mobile Home — Questionnaire

Name:

Christian Pena

- 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. Christian Pena

- 2) Tell us who will live in the mobile home. Christian Pena

- 3) Is the mobile home needed because of a hardship like poor health, age, or an emergency? ☐ Y ☒ N

If yes, tell us about it.

- 4) Tell us why the mobile home won't hurt your neighbors or the community. It's been a residential property for 30+ years and will continue to be used as a residential property

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

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

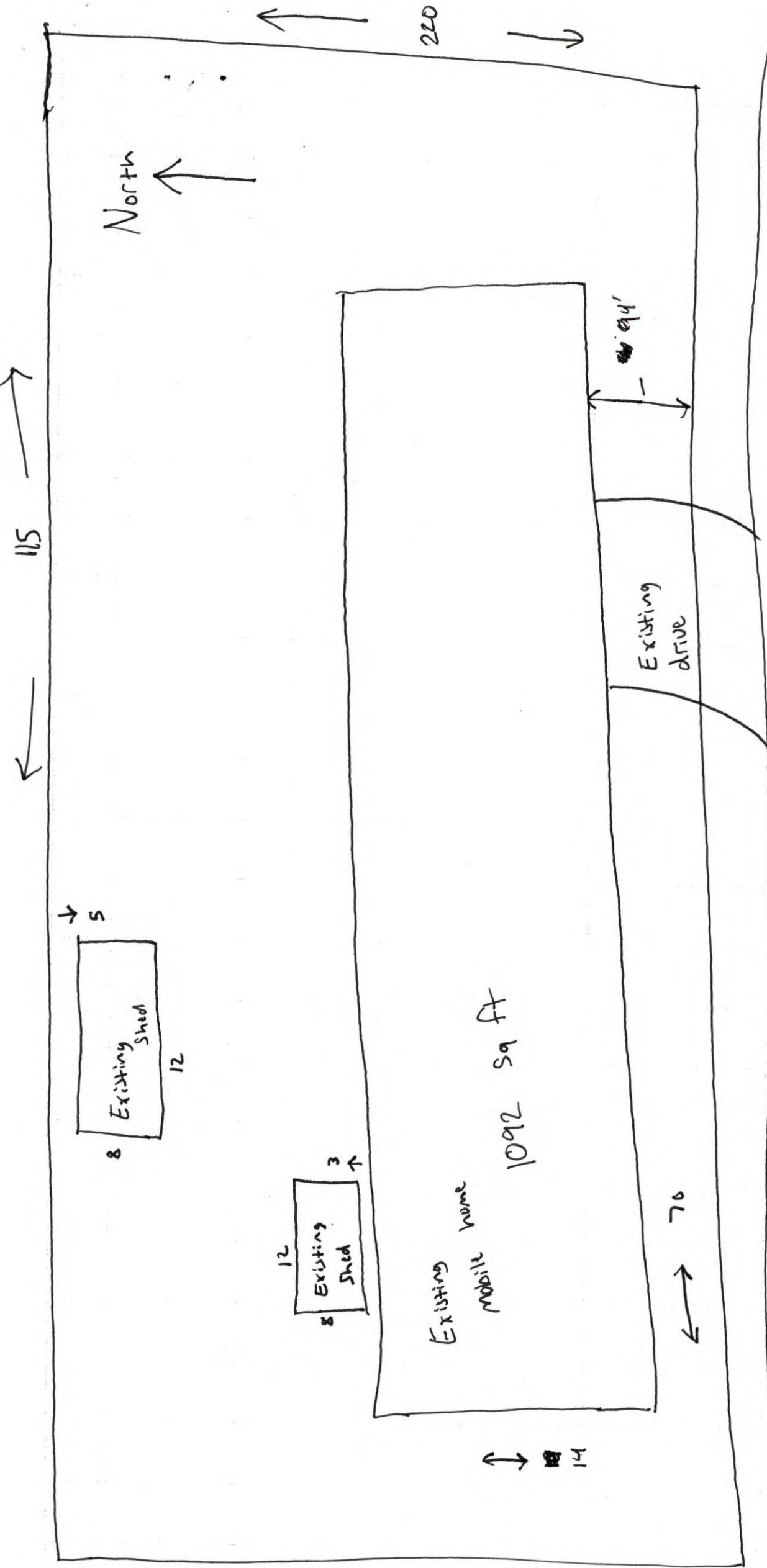
If yes, did the Health Department say there's enough space for it? ☐ Y ☐ N

- 6) Tell us the size of the mobile home. 1092 sq Ft

- 7) Tell us the year of the mobile home. 1989

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

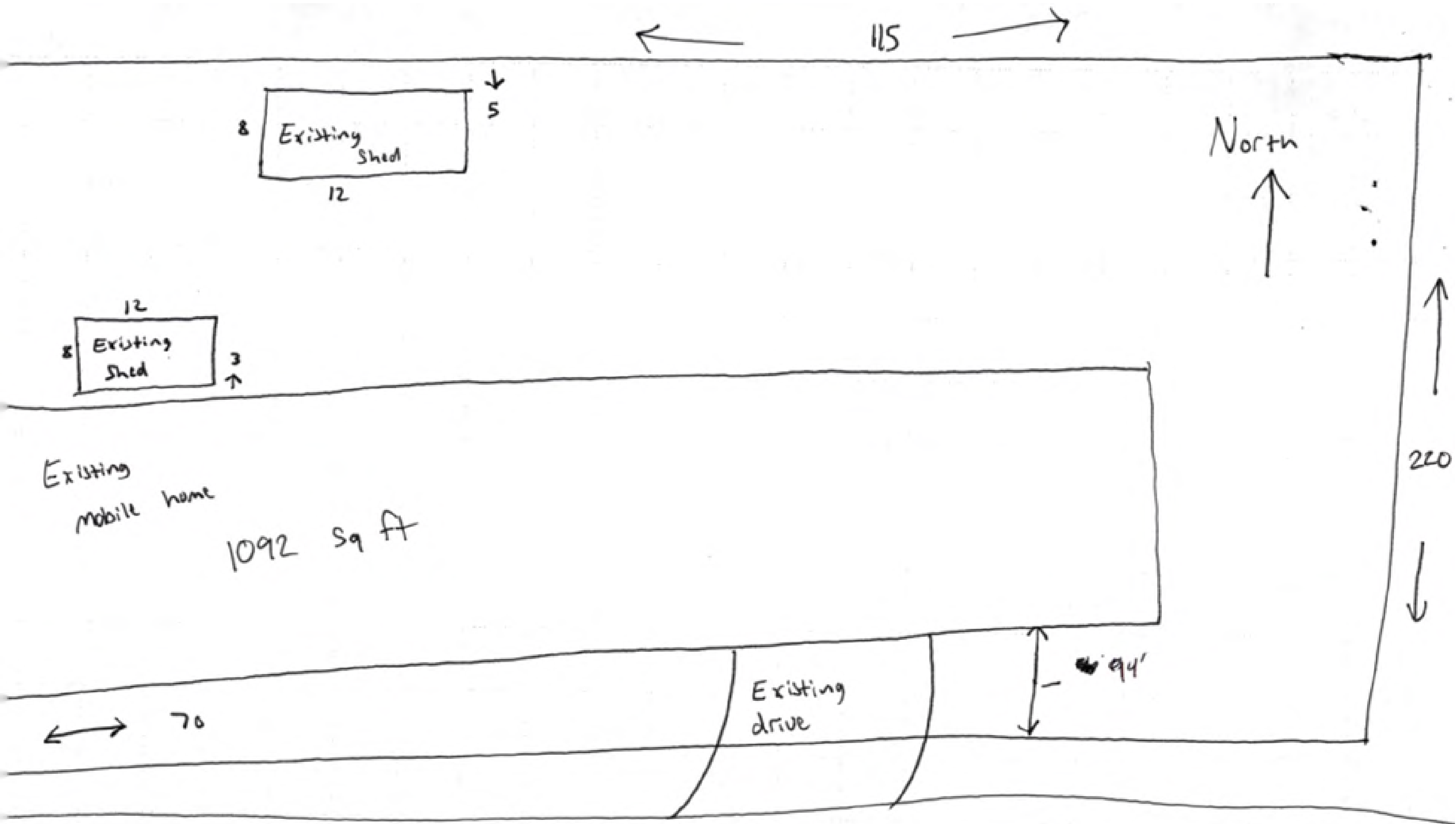




APR 14 2025

CR 36





CR 36