

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

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

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: November 19, 2025

Transaction Number: DV-0641-2025.

Parcel Number(s): 20-05-10-452-019.000-001.

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: Jennifer Hershberger.

Location: West side of Southgate, 510 ft. north of Tower Rd., in Baugo Township.

Site Description:

- Physical Improvement(s) – Residence.
- Proposed Improvement(s) – Detached garage.
- 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 89 sq. ft., or 5 percent, over what is allowed by right, and all other standards are met.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.34-acre lot in a medium-density 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. Strict application would prevent a building that matches the scale of existing buildings on nearby lots.

Hearing Officer Staff Report (Continued)

Hearing Date: November 19, 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 the new structure's proposed west rear and south side setbacks.
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.

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: 10/06/2025 Meeting Date: November 19, 2025 Transaction #: DV-0641-2025
Board of Zoning Appeals Public Hearing

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
Jennifer Hershberger Jennifer Hershberger
56901 Southgate 56901 Southgate
Elkhart, IN 46516 Elkhart, IN 46516

Site Address: 56901 Southgate Parcel Number: 20-05-10-452-019.000-001
Elkhart, IN 46516

Township: Baugo
Location: West Side Of Southgate, 510 Ft. North Of Tower Road

Subdivision: TOWER ROAD SD Lot # 65

Lot Area: 0.34 Frontage: 100.00 Depth: 147.50

Zoning: R-1 NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: RESIDENCE = 1,512 X 110% = 1,663 SQ FT, MINUS GARAGE AT 792 SQ FT, WHICH LEAVES 871 SQ FT AVAILABLE FOR PERSONAL STORAGE. PROPOSED BUILDING IS 30 X 40 = 1,200 SQ FT.
SEE DEMO #BR-1781-2025 COMPLETED ON 9/16/2025, REMOVING A SHED AT 192 SQ FT (12 X 16)
10/20/2025 - HOMEOWNER CAME IN TO REVISE SITE PLAN DUE TO LOCATION OF SEPTIC TRENCHES. BUILDING IS NOW 24 X 40 WITH A 6' COVERED PORCH. = 960 SQ FT, WHICH LEAVES AN OVERAGE OF 89 SQUARE FEET. KB

Applicant Signature:

Department Signature:

Developmental Variance — Questionnaire

Name:

Jennifer Hershberger

1) Tell us what you want to do. Construct a 24' x 40' pole barn. 960 sq ft

2) Tell us why you can't change what you're doing so you don't need a variance. We would like to stay in our home that has been in the family since the 90's. Our hobbies and possessions have outgrown our current storage.

3) Tell us why the variance won't hurt your neighbors or the community. Our proposed structure will be constructed in accordance with all local laws and codes. The structure will not pose any hazard to our community.

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: 24' x 40' x 17' 960 sq ft over by 875 sq ft

Tell us what you'll use it for.

Storage and hobbies

Building or addition 2

Size and height to the peak: N/A

Tell us what you'll use it for.

Building or addition 3

Size and height to the peak: N/A

Tell us what you'll use it for.

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

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): N/A

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): N/A

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.

N/A

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

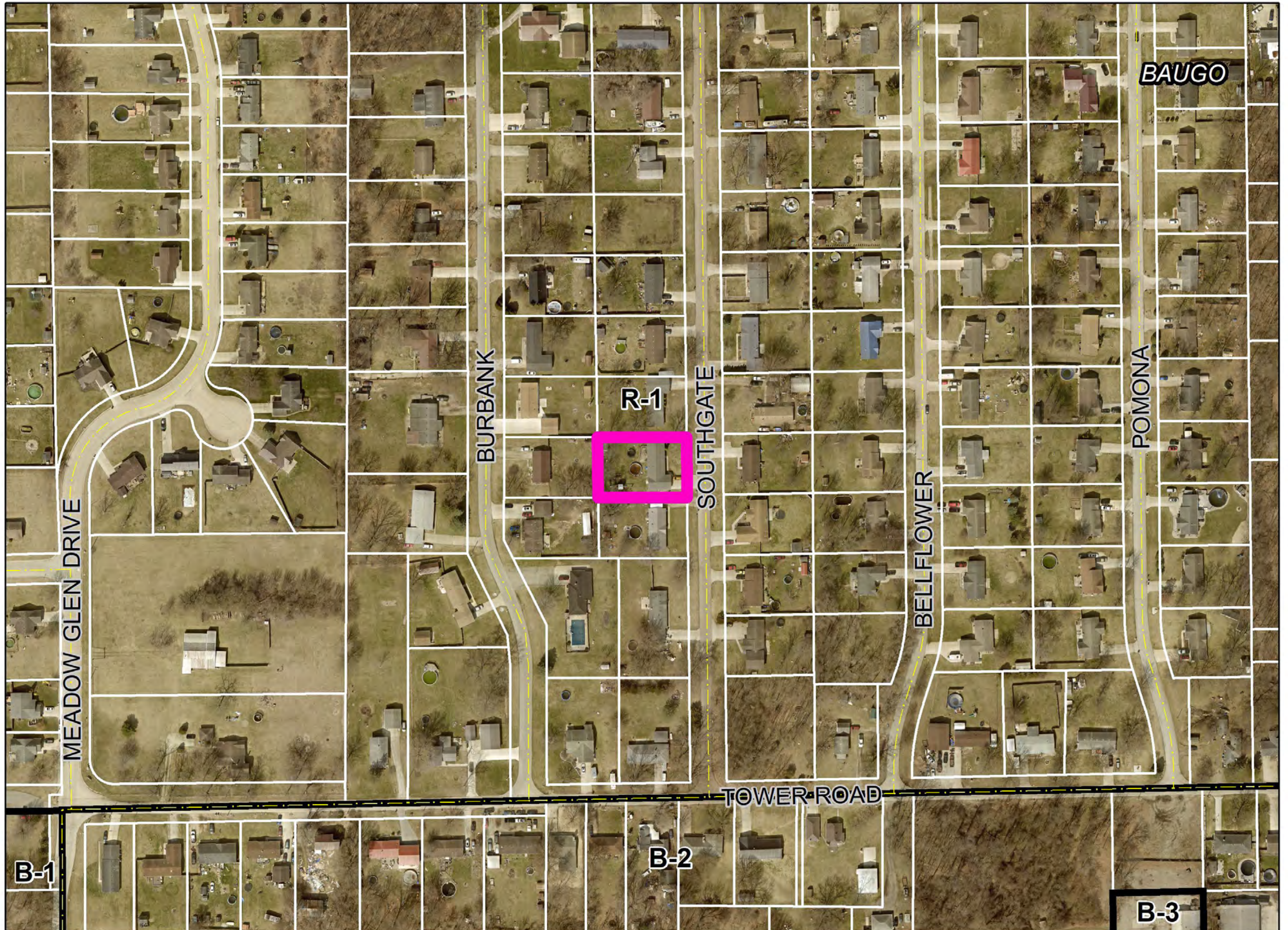
DV-0641-2025

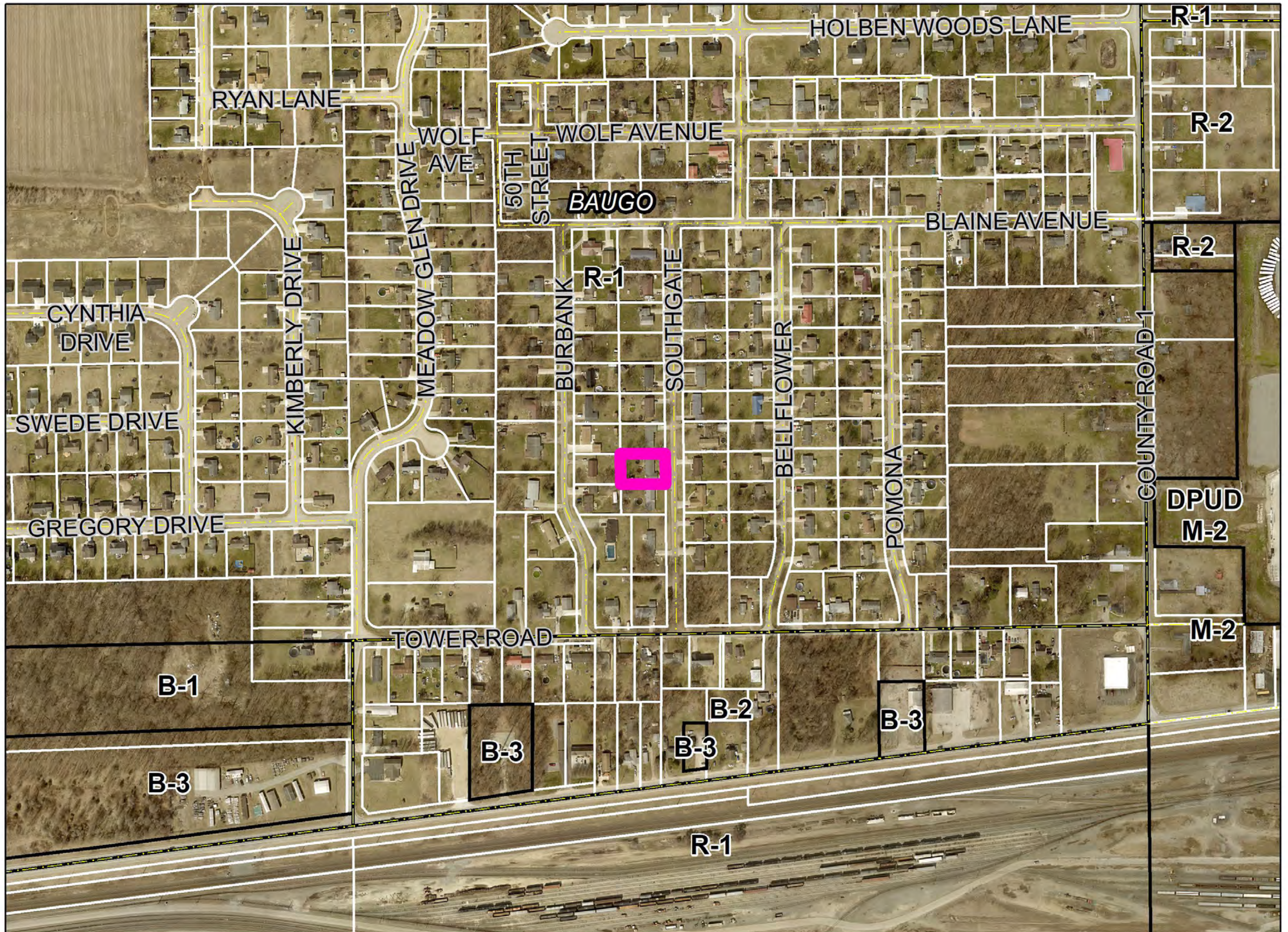


2021 Aerials

1 inch = 60 feet









Subject property



Building site



Facing north



Facing south



Facing east



Southgate

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: November 19, 2025

Transaction Number: DV-0665-2025.

Parcel Number(s): 20-02-30-302-012.000-026.

Existing Zoning: A-1.

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

Petitioner: Timothy A. Elliott.

Location: West side of Sunset Strip, 1,130 ft. west of CR 5, in Osolo Township.

Site Description:

- Physical Improvement(s) – Residence.
- Proposed Improvement(s) – Detached garage.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, commercial.

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 1,983 sq. ft., or 221 percent, over what is allowed by right, a result of small home size, and all other standards are met.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The structure will be placed at the edge of a low-density residential area between the last home on Sunset Strip and commercial uses adjacent to the Elkhart airport, and there are no neighbors to affect.
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 detached garage of a scale that would be expected in any low-density residential area.

Hearing Officer Staff Report (Continued)

Hearing Date: November 19, 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 10/13/2025) 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: 10/13/2025 Meeting Date: November 19, 2025 Transaction #: DV-0665-2025
Board of Zoning Appeals Public Hearing

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>Authorized Agent</u>	<u>Land Owner</u>
Indiana Structures	Indiana Structures	Timothy A Elliott
15990 County Rd 8	15990 County Rd 8	27395 Sunset Strip
Bristol, IN 46507	Bristol, IN 46507	Elkhart, IN 46514

Site Address: 27395 Sunset Strip Elkhart, IN 46514	Parcel Number: 20-02-30-302-012.000-026
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Township: Osolo
Location: WEST SIDE OF SUNSET STRIP, 1,130 FT. WEST OF COUNTY ROAD 15

Subdivision:	Lot #
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Lot Area: 1.04	Frontage: 155.00	Depth: 295.00
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE: 11/6/65
STORAGE EQUATION: RESIDENCE 816 SQ. FT X 110% = 897 SQ. FT
MINUS (480) ATTACHED GARAGE
MINUS (2400) PROPOSED NEW ACCESSORY STORAGE STRUCTURE =
-1982 SQ. FT.
VARIANCE REQUIRED. BB

Applicant Signature:	Department Signature:
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Developmental Variance — Questionnaire

Name: _____

1) Tell us what you want to do. BUILD 40X60X12 PERSONAL STORAGE BUILDING

2) Tell us why you can't change what you're doing so you don't need a variance. SQ. FT. ON THE HOUSE IS TOO SMALL FOR THE SIZE BUILDING

3) Tell us why the variance won't hurt your neighbors or the community. THIS PARCEL IS ON A DEAD END RD WITH COMMERCIAL TO THE WEST.

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: 40X60 19'6" TO PEAK
Tell us what you'll use it for. PERSONAL STORAGE

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

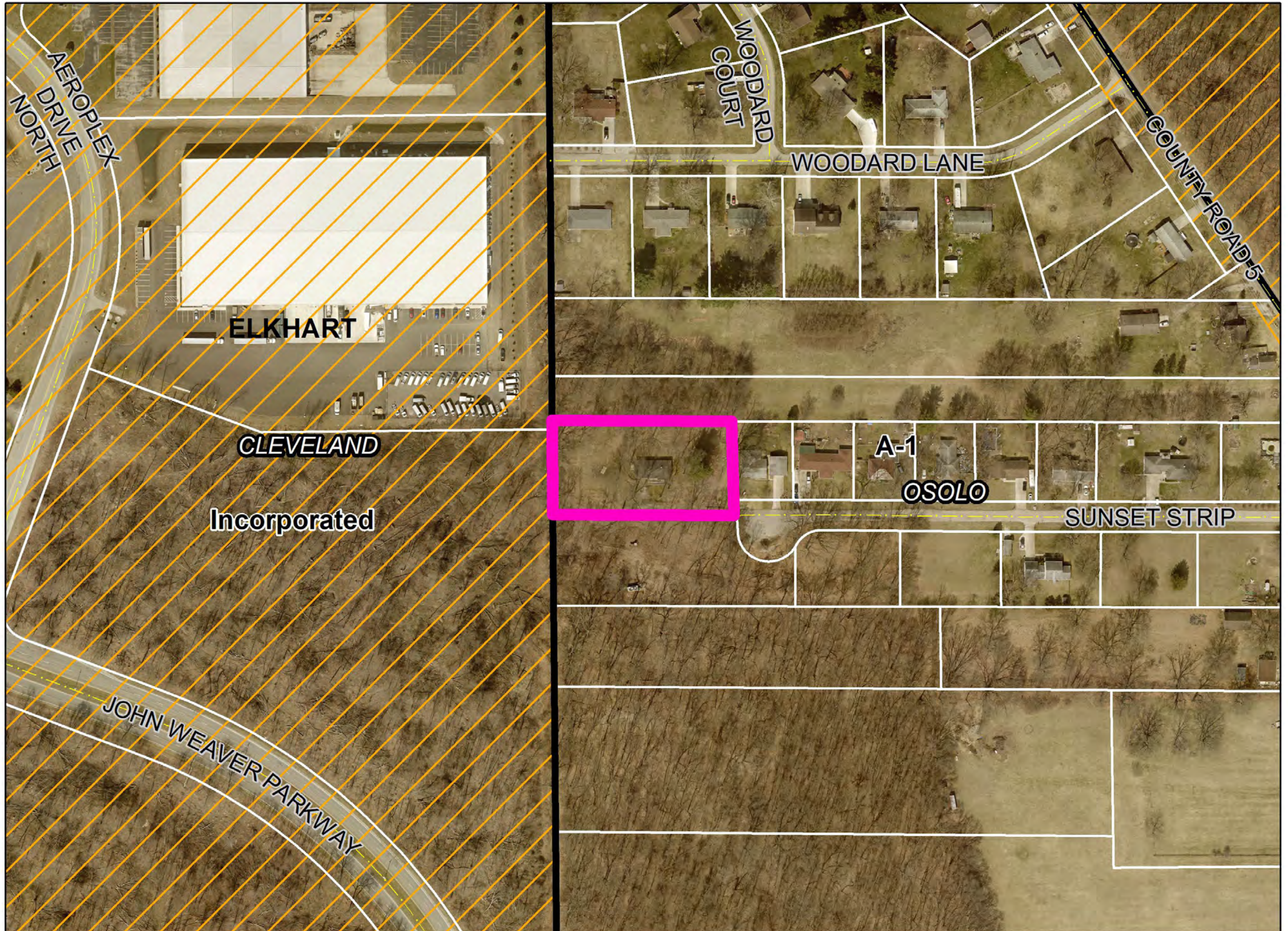
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

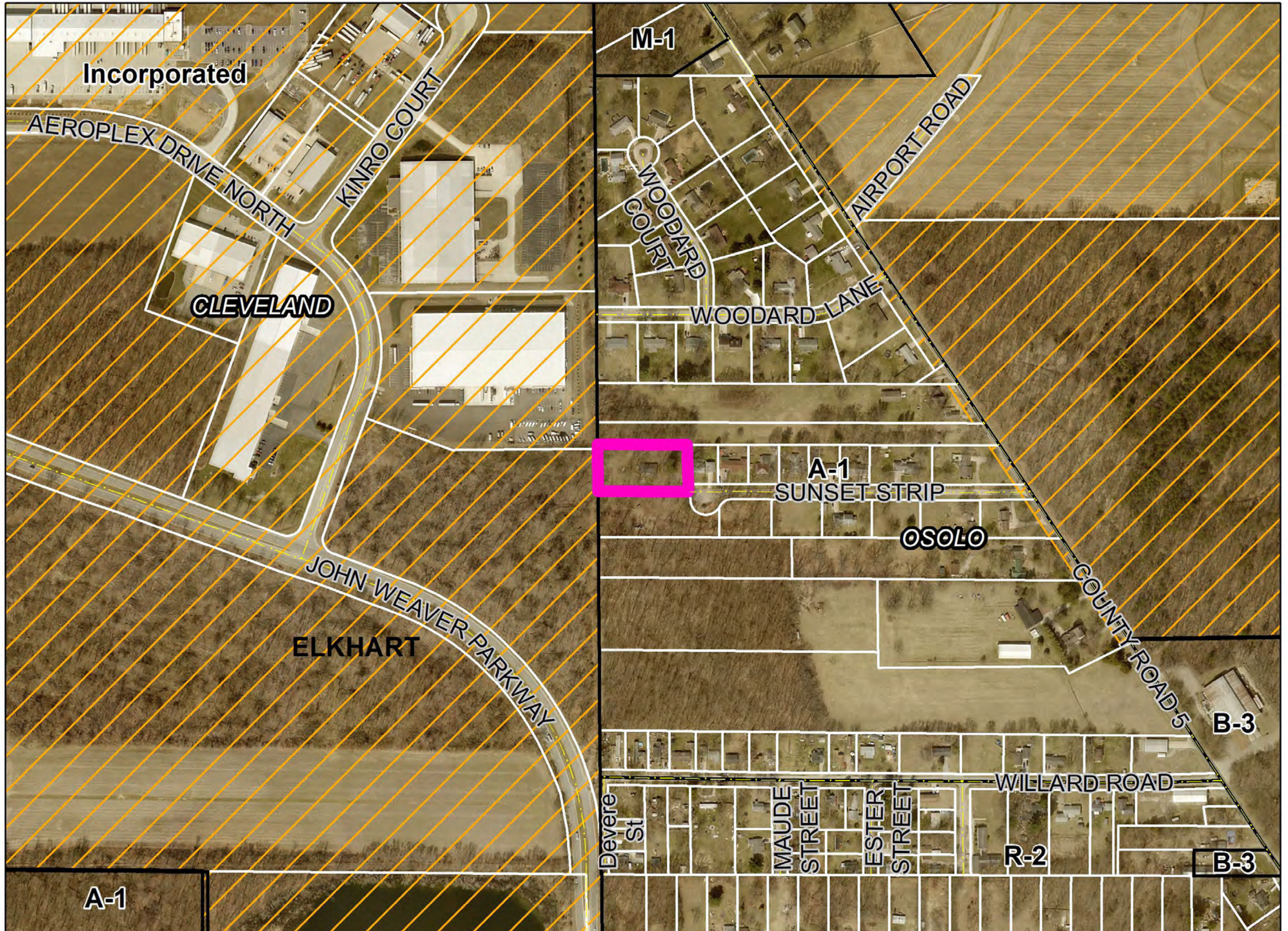
8) Does the application include a variance for parking spaces? ☐ Y ☒ N

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

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









Subject property



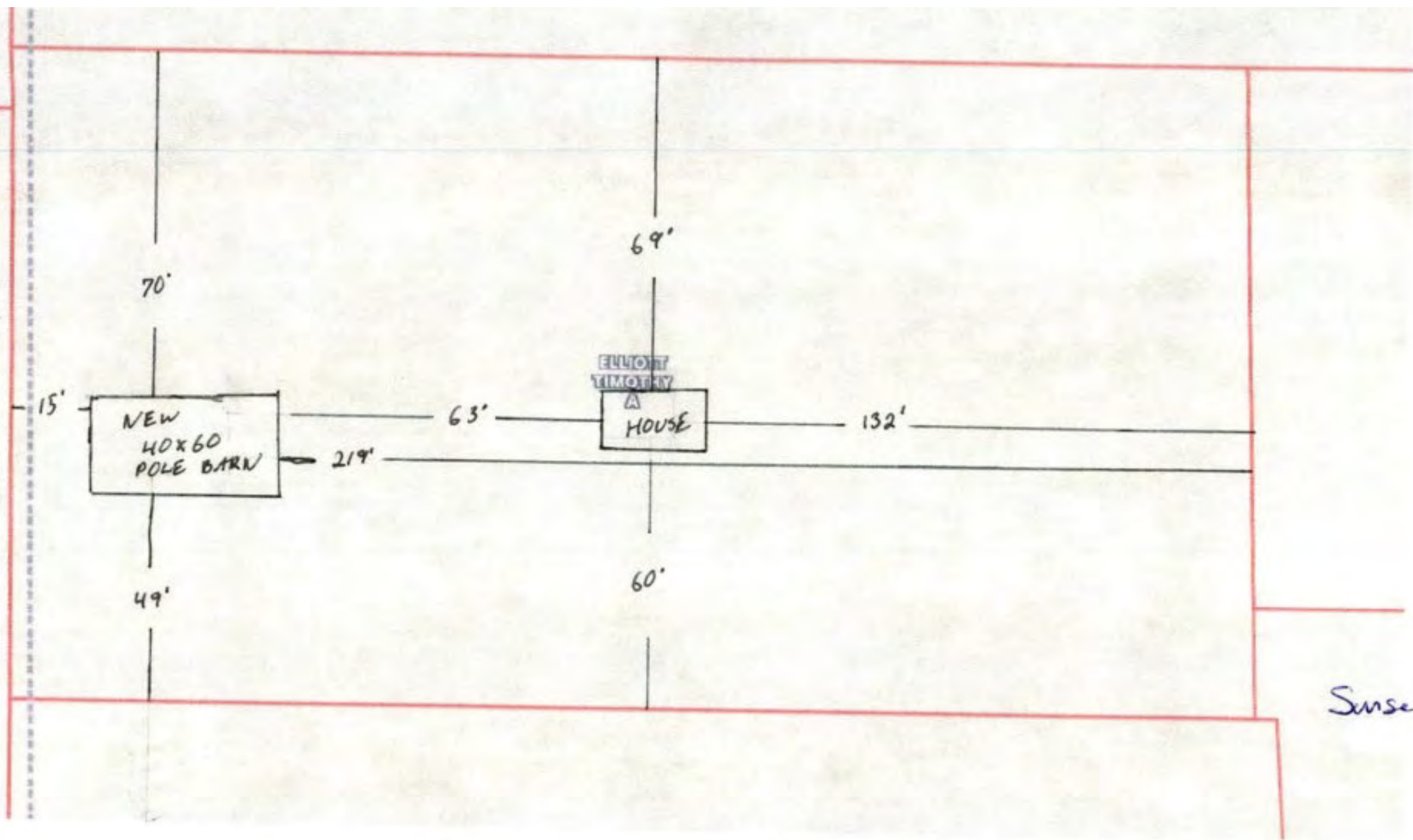
Building site



Facing east



Facing south



Sunset