

AGENDA

ELKHART COUNTY BOARD OF ZONING APPEALS HEARING OFFICER

JULY 15, 2026
9:00 A.M.

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

Call to Order

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

DEVELOPMENTAL VARIANCES

9:00 A.M.

- A. Petitioner: ***CRN Real Estate, LLC*** (Page 1)
Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
Location: South side of CR 102, 920 ft. West of CR 25, in Washington Township, zoned A-1. DV-0372-2026
- B. Petitioner: ***Michael Ray Penrose & Jennifer Nicole Penrose, Husband & Wife*** (Page 2)
Petition: for a 37 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 83 ft. from the centerline of the right-of-way of SR 15, for a 32 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the placement of an accessory structure 88 ft. from the centerline of the right-of-way of SR 15 and for a 17 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 58 ft. from the centerline of the right-of-way of CR 50.
Location: Northwest corner of SR 15 & CR 50, common address of 70503 SR 15 in Jackson Township, zoned A-1. DV-0375-2026
- C. Petitioner: ***Myron P. Miller & Janet A. Miller, Husband & Wife*** (Page 3)
Petition: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement and for a 2 ft. Developmental Variance (Ordinance allows 30 ft.) to allow for the construction of a residence 32 ft. in height.
Location: East end of the easement, North of CR 30, 2,650 ft. East of SR 13, in Clinton Township, zoned A-1. DV-0377-2026

- D. Petitioner: ***Steve Dale Walter & Esther M. Walter, Husband & Wife*** (Page 4)
 Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 2 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of a residence 8 ft. from the south side property line.
 Location: East side of Horseshoe Ct., 200 ft. North of CR 18, in Jefferson Township, zoned A-1. DV-0318-2026
- E. Petitioner: ***Steve A. Greensides*** (Page 5)
 Petition: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement.
 Location: East end of the easement, 1,000 ft. East of CR 35, in York Township, zoned A-1. DV-0362-2026
- F. Petitioner: ***Robert A. Miller & Nora Lynn Miller, Husband & Wife*** (Page 6)
 Petition: for a 36 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 39 ft. from the centerline of the right-of-way and for a 21 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an addition to the residence 54 ft. from the centerline of the right-of-way.
 Location: West side of CR 31, 1,660 ft. South of CR 34, common address of 63289 CR 31 in Clinton Township, zoned A-1. DV-0369-2026
- G. Petitioner: ***Cornerstone Trust, LLC*** (Page 7)
 Petition: for a 15 ft. Developmental Variance (Ordinance requires 15 ft.) to allow for parking 0 ft. from the front property line and for a Developmental Variance to allow for no buffering along the rear property line (Ordinance requires a class 2 buffer).
 Location: North side of US 20, 1,685 ft. West of CR 35, common address of 14589 US 20 in Middlebury Township, zoned B-1. DV-0380-2026
- H. Petitioner: ***Lamar D. Chupp & Velda J. Chupp, Husband & Wife*** (Page 8)
 Petition: for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
 Location: South side of CR 40, 1,675 ft. East of CR 43, common address of 10640 CR 40 in Clinton Township, zoned A-1. DV-0382-2026
- I. Petitioner: ***Beavernier Boyz, LLC*** (Page 9)
 Petition: for a Special Use for a mobile home and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
 Location: North side of CR 6, 1,200 ft. West of CR 21, common address of 19713 CR 6 in Washington Township, zoned A-1. SUP-0353-2026

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 15, 2026

Transaction Number: DV-0372-2026.

Parcel Number(s): 20-03-14-301-011.000-030.

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: CRN Real Estate, LLC.

Location: South side of CR 102, 920 ft. west of CR 25, in Washington Township.

Site Description:

- Physical Improvement(s) – None.
- Proposed Improvement(s) – Residence, detached accessory structure.
- Existing Land Use – Vacant.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **August 11, 2025** – 102 Minor, a 2-lot minor subdivision, was recorded.

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 320 sq. ft., or 23 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 0.52-acre lot in a low-density residential and agricultural 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. The request is in character with accessory structures found in residential and agricultural areas of similar density.

Hearing Officer Staff Report (Continued)

Hearing Date: July 15, 2026

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

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 6/15/2026) and as represented in the Developmental Variance application.

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

DV-0372-2026

Developmental Variance - Developmental Variance

Date: 06/15/2026 Meeting Date: July 15, 2026
Board of Zoning Appeals Public Hearing Transaction #: DV-0372-2026

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>
Woody'S Custom Built Homes 9494 Barker Road White Pigeon, MI 490999440	Woody'S Custom Built Homes 9494 Barker Road White Pigeon, MI 490999440	Crn Real Estate, Llc Po Box 211 Bristol, IN 46507

Site Address: 00000 County Road 102 BRISTOL, IN 46507	Parcel Number: 20-03-14-301-011.000-030
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Township: Washington
Location: SOUTH SIDE OF CR 102, 920 FT. WEST OF CR 25

Subdivision: 102 MINOR	Lot # 2
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Lot Area: 0.52 Frontage: 102.76 Depth: 178.00

Zoning: A-1	NPO List:
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Present Use of Property: VACANT

Legal Description:

Comments: PROPOSED RESIDENCE = 1,280 SQ FT X 110% = 1,408 SQ FT, PROPOSED DETACHED ACCESSORY BUILDING IS 1,728 SQ FT, WHICH IS AN OVERAGE OF 320 SQ FT.
SEE MINOR PRIMARY #MI-0053-2025 APPROVED 4/10/2025
SEE MINOR SECONDARY #MI-0493-2025 NOT MARKED AS APPROVED

Applicant Signature:

Department Signature:

Developmental Variance — Questionnaire

Name: CRN Real Estate

1) Tell us what you want to do. New residential construction with garage/storage space that exceeds 110% square footage allowance

2) Tell us why you can't change what you're doing so you don't need a variance. lot dimensions restrict large primary dwelling unit to support garage/storage space needed

3) Tell us why the variance won't hurt your neighbors or the community. It will be an improvement to land that is currently vacant while remaining aesthetically pleasing

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: 32 x 40 x 17'
Tell us what you'll use it for. Residential Living Space
Building or addition 2 Size and height to the peak: 36 x 48 x 23'
Tell us what you'll use it for. Garage/storage
Building or addition 3 Size and height to the peak: _____
Tell us what you'll use it for. _____

6) Does the application include a variance for a residence on property with no road frontage? Y N
If yes, fill out below.
Is the easement existing? Y N If the easement is existing, is it recorded? Y N
Tell us who owns (will own) the land under the easement. _____
Tell us how many parcels will use the easement. _____

7) Does the application include variances for signs? Y N If yes, fill out below.
Sign 1 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N
Sign 2 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N
Sign 3 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N

8) Does the application include a variance for parking spaces? Y N
If yes, tell us how many total there will be. _____

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

DV-0372-206



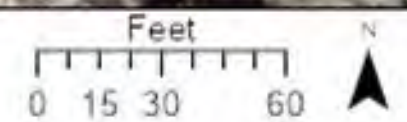
CR-102

A-1

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

2025 Aerials

1 inch equals 60 ft

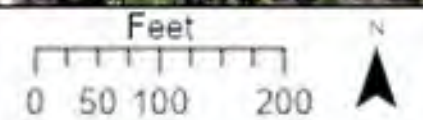


DV-0372-206



2025 Aerials

1 inch equals 200 ft





Subject property



Facing west

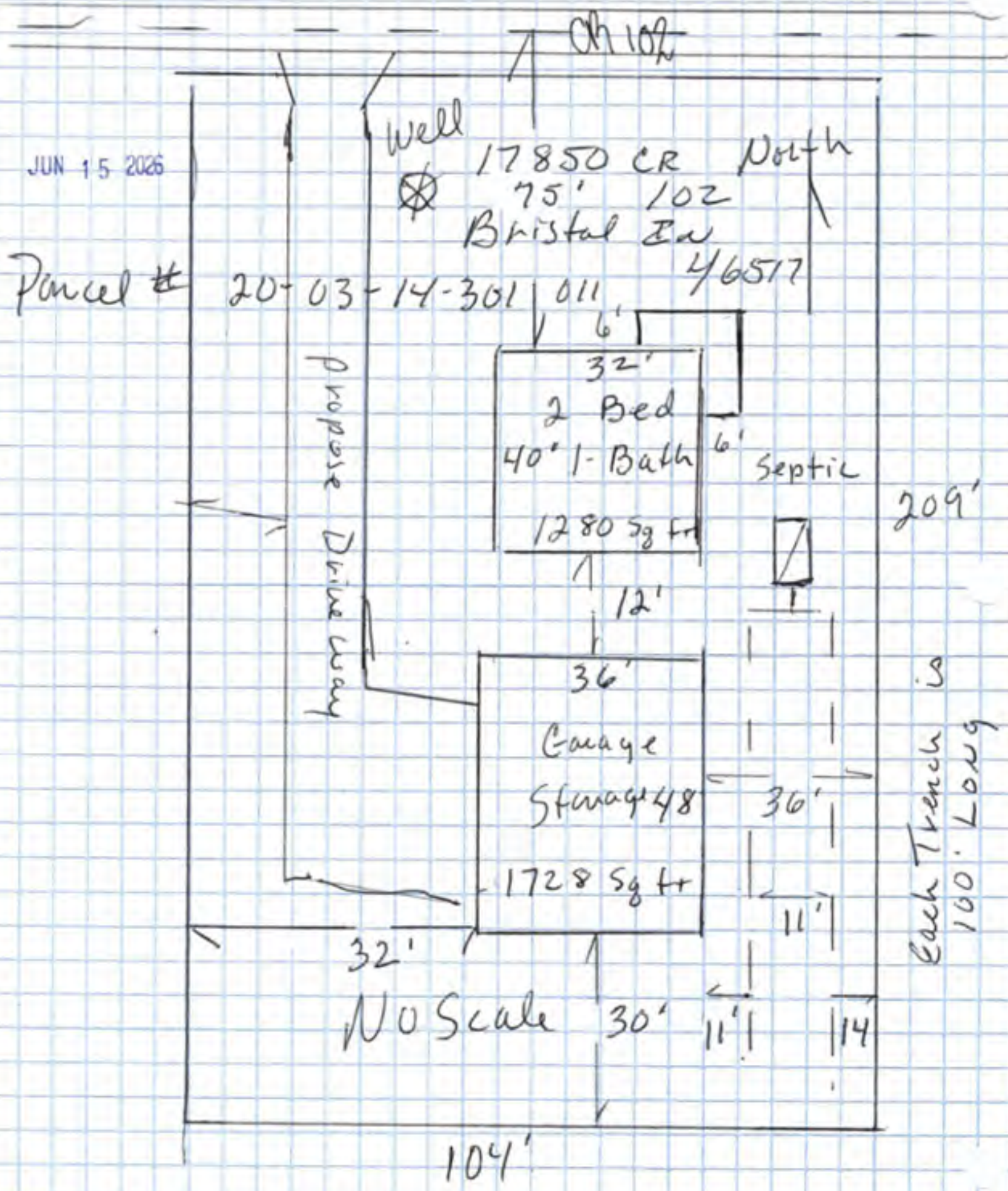


Facing east



Facing north

JUN 15 2026



Well
 17850 CR North
 75' 102
 Bristol IN
 46517

Parcel # 20-03-14-301 011

6'
 32'
 2 Bed
 40' 1-Bath
 1280 sq ft

Septic

209'

36'
 Garage
 Storage 48
 1728 sq ft

36'

Each Trench is
 100' Long

32'

No Scale

30'

11'

11'

104'

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 15, 2026

Transaction Number: DV-0375-2026.

Parcel Number(s): 20-15-21-100-005.000-018.

Existing Zoning: A-1.

Petition: For a 37 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 83 ft. from the centerline of the right-of-way of SR 15, for a 32 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the placement of an accessory structure 88 ft. from the centerline of the right-of-way of SR 15, and for a 17 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 58 ft. from the centerline of the right-of-way of CR 50.

Petitioner: Michael Ray Penrose & Jennifer Nicole Penrose, Husband & Wife.

Location: Northwest corner of SR 15 & CR 50, in Jackson Township.

Site Description:

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

History and General Notes:

- **June 15, 2026** – A demolition permit was issued for the existing 20×22 accessory structure.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The proposed accessory structure encroachment is no greater than that of the existing, and both structures have been present since 1944 with no history of injury to public health or welfare.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.66-acre parcel in a low-density residential and agricultural area, 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. The building locations on this parcel were established before development standards. Strict application would require moving all structures into a small building envelope at the northwest corner of the property.

Hearing Officer Staff Report (Continued)

Hearing Date: July 15, 2026

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 passing demolition inspection for the existing 20×22 accessory structure must be obtained.
3. A revised site plan must be submitted for staff approval showing the north rear setback of the replacement accessory structure.
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.

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

DV-0375-2026

Developmental Variance - Developmental Variance

Date: 06/15/2026 Meeting Date: July 15, 2026
Board of Zoning Appeals Public Hearing Transaction #: DV-0375-2026

Description: for a 37 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 83 ft. from the centerline of the right-of-way of SR 15, for a 32 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the placement of an accessory accessory structure 88 ft. from the centerline of the right-of-way of SR 15, and for a 17 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 58 ft. the from the centerline of the right-of-way of CR 50

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Michael Ray Penrose And Jennifer Nicole Penrose, Husband And Wife 70503 State Road 15 New Paris, IN 46553	Michael Ray Penrose And Jennifer Nicole Penrose, Husband And Wife 70503 State Road 15 New Paris, IN 46553

Site Address: 70503 State Road 15 New Paris, IN 46553	Parcel Number: 20-15-21-100-005.000-018
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Township: Jackson
Location: NORTHWEST CORNER OF SR 15 AND CR 50

Subdivision:	Lot #
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Lot Area: 0.66	Frontage: 274.17	Depth: 117.81
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 3/1/1962
RESIDENCE = 616 SQ FT X 110% = 677 SQ FT, MINUS 440 (20X22 DETACHED GARAGE), - 100 (10X10 SHED), - NEW PROPOSED DETACHED GARAGE AT 12 X 20 = 240 SQ FT, WHICH IS AN OVERAGE OF 103 SQ FT
PROPERTY OWNER HAS APPLIED FOR DEMO PERMIT (BR-0829-2026) BUT WILL NOT HAVE IT COMPLETED PRIOR TO MEETING
WILL NEED A REVISED DEED SHOWING OWNERSHIP FOR MICHAEL & JENNIFER PENROSE

Applicant Signature:	Department Signature:
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Developmental Variance — Questionnaire

Name: Michael and Jennifer Penrose

1) Tell us what you want to do. We wish to place a shed on an existing concrete pad from our current garage, which we plan on taking down.

2) Tell us why you can't change what you're doing so you don't need a variance. We wish to keep the shed close to the driveway to replace the garage and also to utilize the existing concrete pad.

3) Tell us why the variance won't hurt your neighbors or the community. It is replacing an already existing building.

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: 12' x 20'
Tell us what you'll use it for. _____

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

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

6) Does the application include a variance for a residence on property with no road frontage? Y N
If yes, fill out below.
Is the easement existing? Y N If the easement is existing, is it recorded? Y N
Tell us who owns (will own) the land under the easement. _____
Tell us how many parcels will use the easement. _____

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

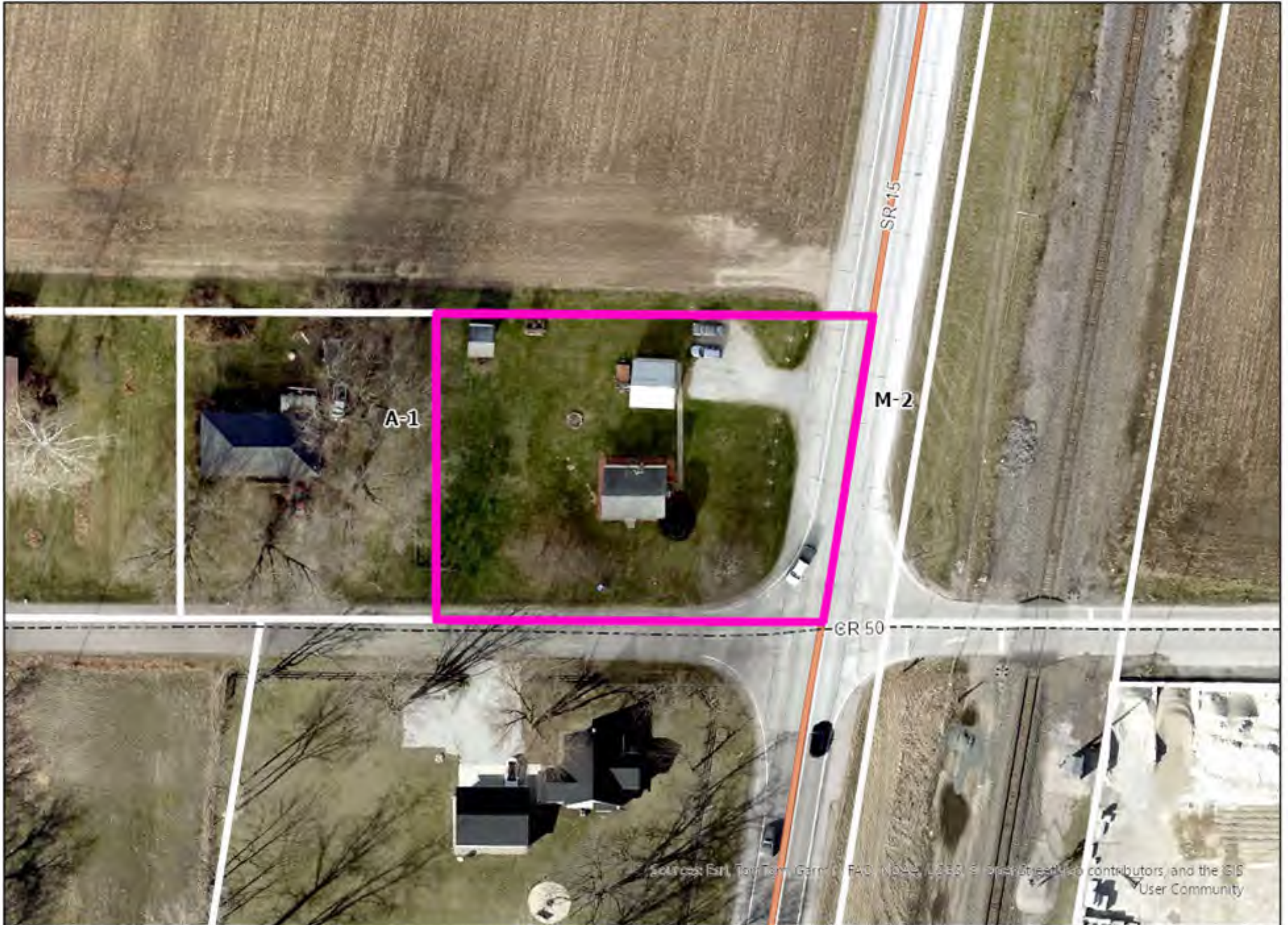
Sign 1 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N

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

Sign 3 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N

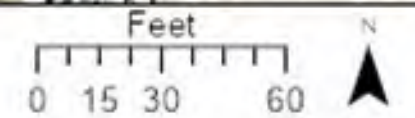
8) Does the application include a variance for parking spaces? Y N
If yes, tell us how many total there will be. _____

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

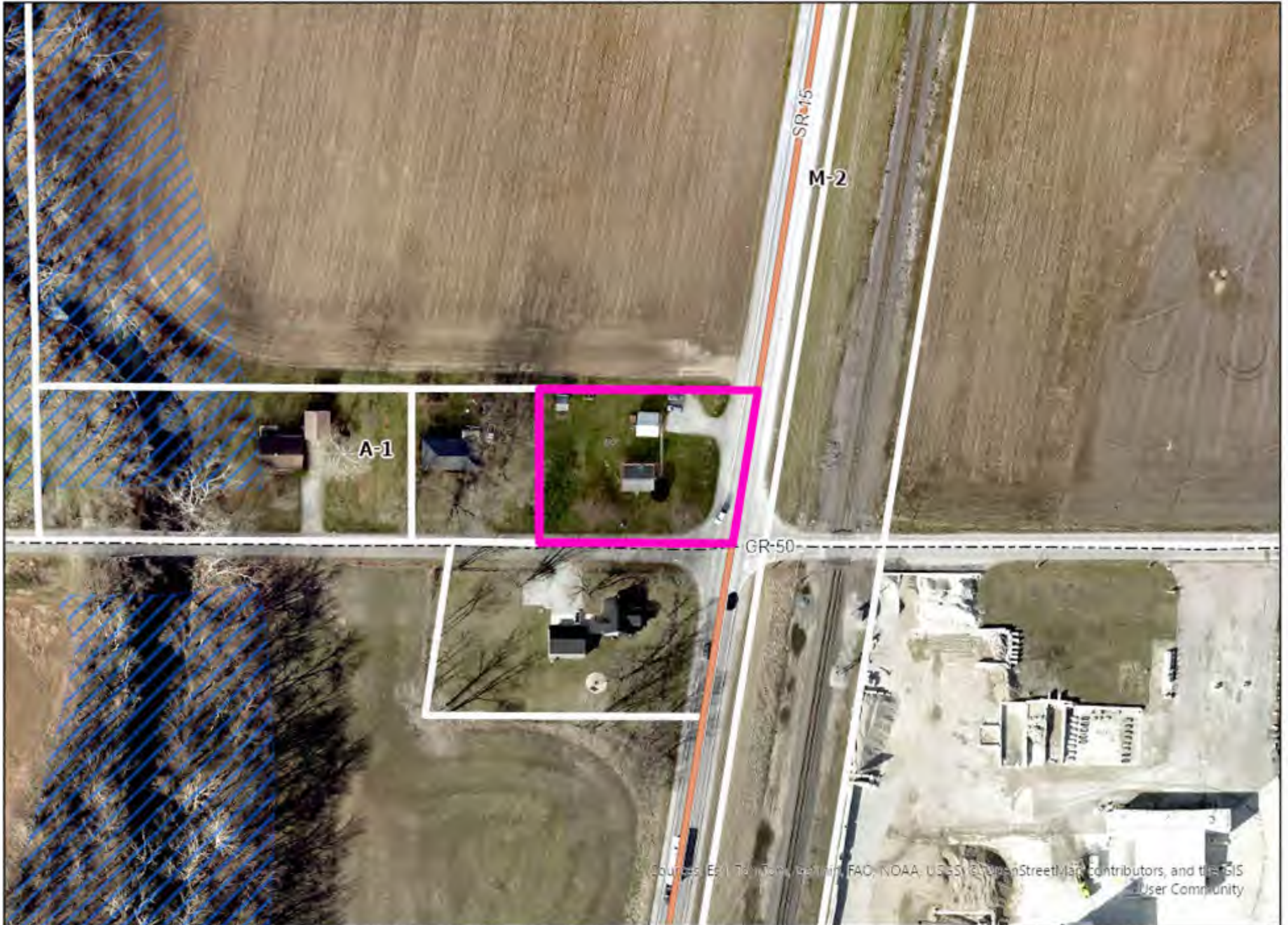


2025 Aerials

1 inch equals 60 ft



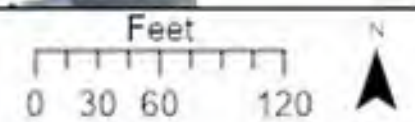
Source: Esri, TomTom, Garmin, FAO, NOAA, USDA, © OpenStreetMap contributors, and the GIS User Community



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

2025 Aerials

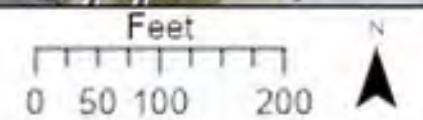
1 inch equals 120 ft





2025 Aerials

1 inch equals 200 ft





Subject property



Building to be replaced



Facing north

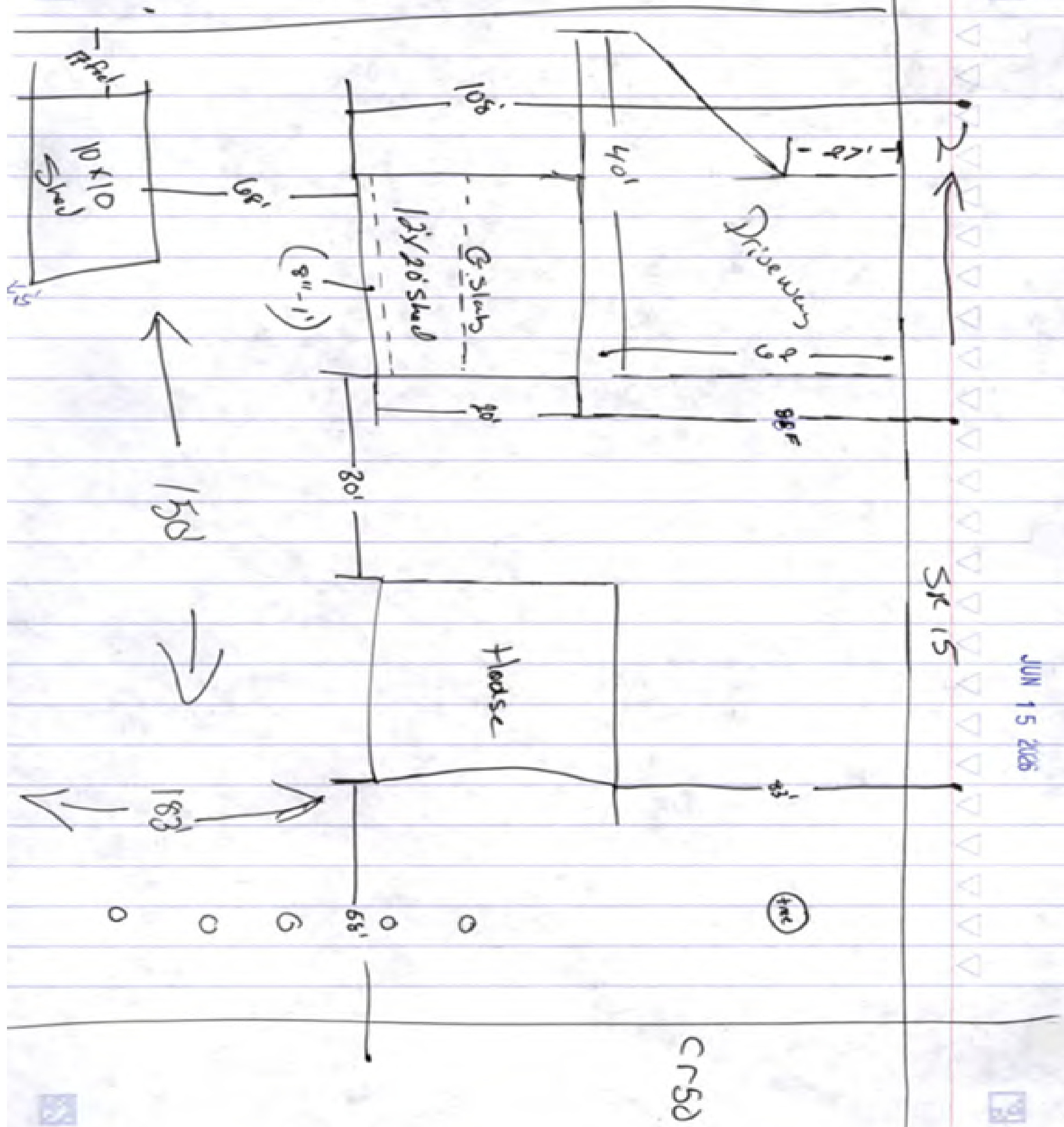


Facing south



Facing east

Field



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 15, 2026

Transaction Number: DV-0377-2026.

Parcel Number(s): 20-12-02-400-022.000-007, 20-12-02-400-023.000-007.

Existing Zoning: A-1.

Petition: For a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement and for a 2 ft. Developmental Variance (Ordinance allows 30 ft.) to allow for the construction of a residence 32 ft. in height.

Petitioner: Myron P. Miller & Janet A. Miller, Husband & Wife.

Location: East end of the easement, north of CR 30, 2,650 ft. east of SR 13, in Clinton Township.

Site Description:

- Physical Improvement(s) – None.
- Proposed Improvement(s) – Residence.
- Existing Land Use – Vacant.
- 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 duplex at the northeast corner of CR 30 and CR 41 has enjoyed easement access since 2005 with no history of injury to public safety, and the request is for one new home on an extension of the same easement.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 10-acre parcel in a low-density residential and agricultural area, and the area will remain residential and agricultural 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 unnecessarily disregard a functioning, low-volume driveway arrangement.

Hearing Officer Staff Report (Continued)

Hearing Date: July 15, 2026

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 6/15/2026) and as represented in the Developmental Variance application.
3. A subdivision is required.

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Phone - (574) 971-4678

Fax - (574) 971-4578

Developmental Variance - Developmental Variance

DV-0377-2026

Date: 06/15/2026 Meeting Date: July 15, 2026
Board of Zoning Appeals Public Hearing Transaction #: DV-0377-2026

Description: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement and for a 2 ft. Developmental Variance (Ordinance allows 30 ft.) to allow for the construction of a residence 32 ft. in height

<u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
David R Bontrager Construction 2147 W 1150 N Rome City, IN 46784	David R Bontrager Construction 2147 W 1150 N Rome City, IN 46784	Myron P. Miller & Janet A. Miller, Husband & Wife 11533 County Road 30 Goshen, IN 46528

Site Address: 00000 County Road 30 GOSHEN, IN 46528	Parcel Number: 20-12-02-400-022.000-007 20-12-02-400-023.000-007
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Township: Clinton
Location: EAST END OF THE EASEMENT, NORTH OF CR 30, 2,650 FT. EAST OF SR 13

Subdivision:	Lot #
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Lot Area: 10.00	Frontage:	Depth:
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Zoning: A-1	NPO List:
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Present Use of Property: Vacant Land

Legal Description:

Comments: OWNER WILL BE FILING FOR AN ADMINISTRATIVE SUB

Applicant Signature:

Department Signature:

Developmental Variance — Questionnaire

Name: DAVID R. BONTRAGER CONTRACTOR 260-593-0751

1) Tell us what you want to do. BUILD A HOUSE - GET AN OK TO EXTEND THE EASEMENT TO THE SITE

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

3) Tell us why the variance won't hurt your neighbors or the community.

4) Does the property need well and septic? Well: [X] Y [] N Septic: [X] Y [] N

Does the property need a new septic system? [X] 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? [X] Y [] N If yes, fill out below.

Building or addition 1 Size and height to the peak: 38 x 48 HOUSE, 32'

Tell us what you'll use it for.

Building or addition 2 Size and height to the peak:

Tell us what you'll use it for.

Building or addition 3 Size and height to the peak:

Tell us what you'll use it for.

6) Does the application include a variance for a residence on property with no road frontage? [X] Y [] N

If yes, fill out below.

Is the easement existing? [X] Y [] N If the easement is existing, is it recorded? [X] Y [] N

Tell us who owns (will own) the land under the easement. ELMER & KRISTINE, BRYAN & LUAN

Tell us how many parcels will use the easement. 2 - (1 & 3) BRIAN - MARLA

7) Does the application include variances for signs? [] Y [X] 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 [X] N

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

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

DV-0377-2026

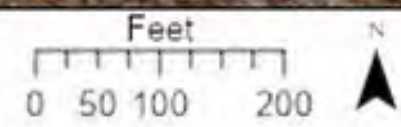


A-1
A-1
A-1

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

2025 Aerials

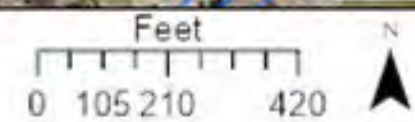
1 inch equals 200 ft



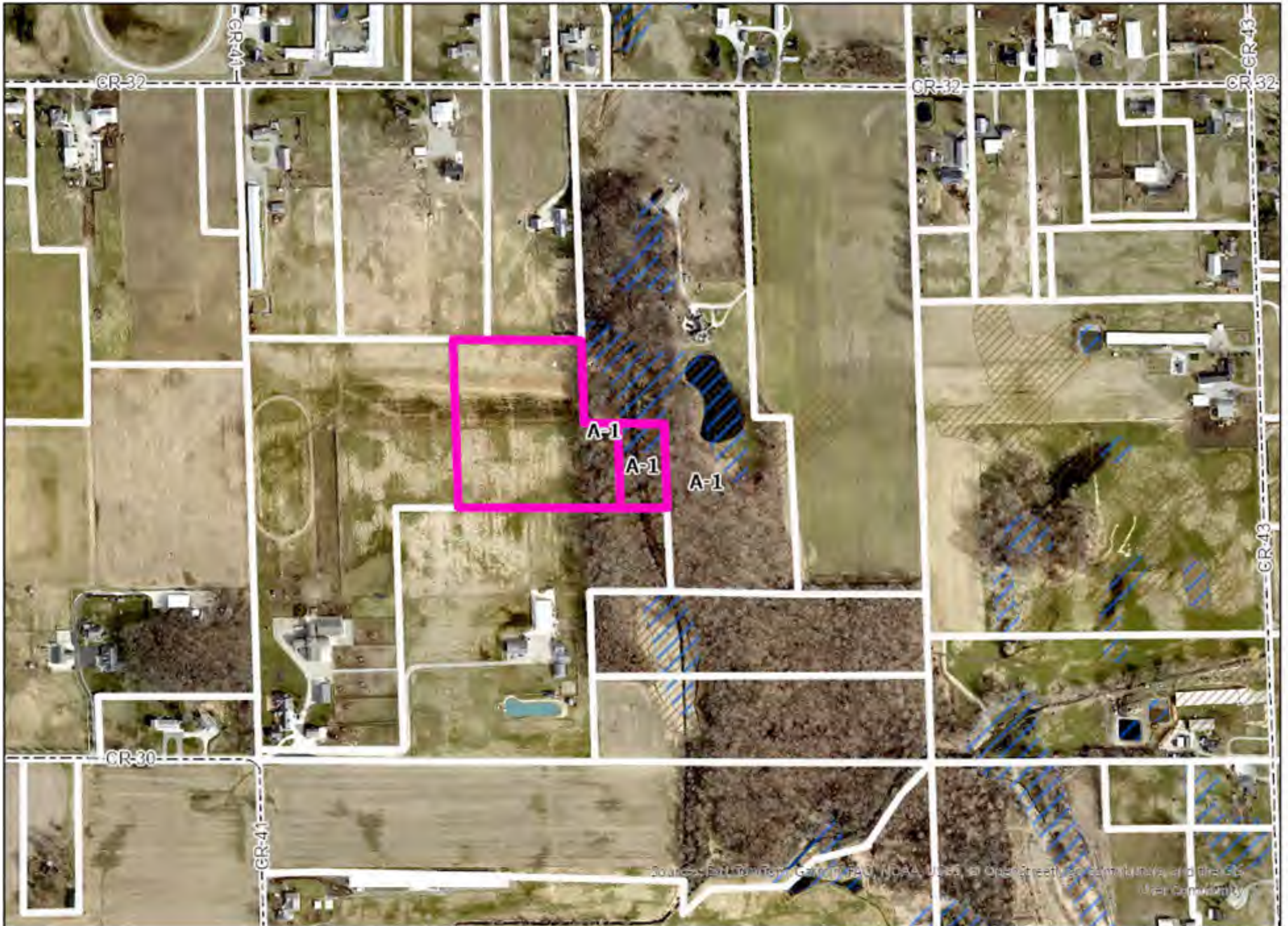


2025 Aerials

1 inch equals 400 ft

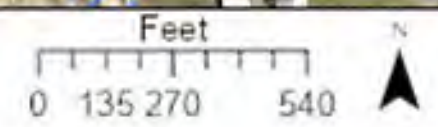


DV-0377-2026



2025 Aerials

1 inch equals 500 ft





Easement property (facing east)



Facing south



Facing west



Facing southwest

ALSO TOP OF BASE. WALL

* = ELAVATION SHOTS 200' OUT FROM BENCH MARK

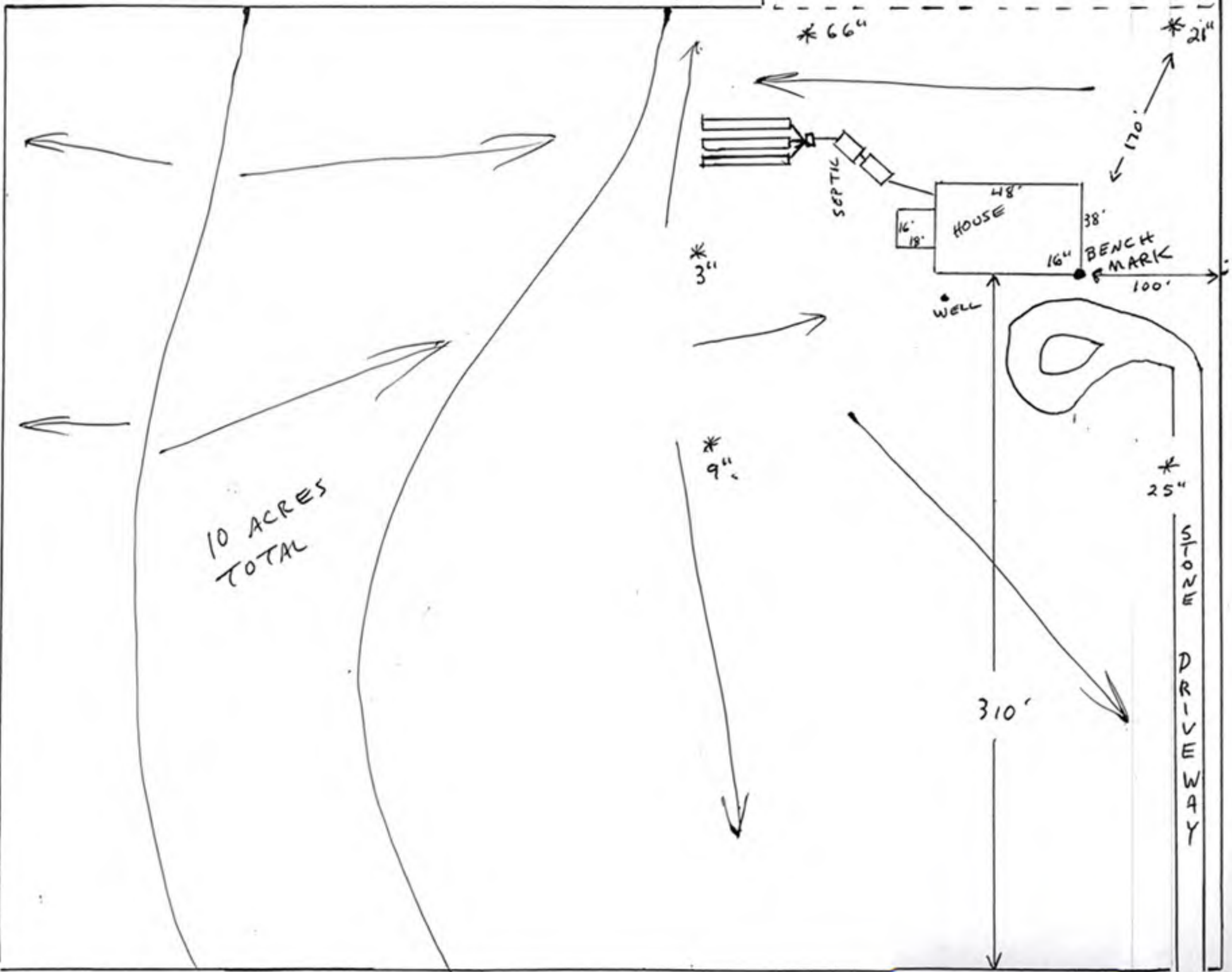
→ = WATER FLOW

WOODED AREA

NORTH
←

MAR 15 2026

MYRON MILLER
EXHIBIT B
SITE DIAGRAM



10 ACRES
TOTAL

310'

STONE DRIVEWAY

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 15, 2026

Transaction Number: DV-0318-2026.

Parcel Number(s): 20-07-18-178-001.000-019.

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: Steve Dale Walter & Esther M. Walter, Husband & Wife.

Location: East side of Horseshoe Ct., 200 ft. north of CR 18, in Jefferson Township.

Site Description:

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

History and General Notes:

- **September 17, 2020** – The BZA approved a Use Variance to allow an accessory structure without a residence. Commitment 2 prohibits the grantor from selling lots 43 and 44 separately.

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 922 sq. ft., or 62 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 0.46-acre lot in a 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 detached accessory structure is existing, and the request is in character with accessory structures found in residential areas of similar density.

Hearing Officer Staff Report (Continued)

Hearing Date: July 15, 2026

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

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. At the time of permit issuance for the residence, the petitioner must submit a letter requesting that the Use Variance be rescinded to extinguish the commitment.
3. The request is approved in accordance with the site plan submitted (dated 6/26/2026) and as represented in the Developmental Variance application.

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

DV-0318-2026

Developmental Variance - Developmental Variance

Date: 05/21/2026 Meeting Date: July 15, 2026
Board of Zoning Appeals Public Hearing Transaction #: DV-0318-2026

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>
Steve Dale Walter & Esther M Walter, Husband And Wife 21679 Cr 18 Goshen, IN 46528	Steve Dale Walter & Esther M Walter, Husband And Wife 21679 Cr 18 Goshen, IN 46528

Site Address: 00000 Horseshoe Ct GOSHEN, IN 46528	Parcel Number: 20-07-18-178-001.000-019
--	---

Township: Jefferson
Location: EAST SIDE OF HORSESHOE CT, 200 FT NORTH OF CR 18

Subdivision: JEFFERSON TRAILS WEST SECTION TWO	Lot # 44
--	----------

Lot Area: 0.46	Frontage: 100.00	Depth: 200.00
----------------	------------------	---------------

Zoning: A-1	NPO List:
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Present Use of Property: VACANT W/POLE BUILDING

Legal Description:

Comments: SEE USE VARIANCE #UV-0606-2020 APPROVED 9/17/2020 FOR ACCESSORY STRUCTURE W/O A RESIDENCE PROPOSED RESIDENCE IS 48 X 28 = 1,344 SQ FT X110% = 1,478 SQ FT. PROPOSED ATTACHED GARAGE IS 20 X 24 = 480 SQ FT, EXISTING POLE BARN IS 40 X 48 = 1,920 SQ FT. 1,478 MINUS 1,920 AND MINUS 480 = OVERAGE OF 922 SQ FT. BR-2307-2020 NEEDS STRUCTURAL FINAL AND ELECTRICAL INSPECTIONS - KB 5/21/2026

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

Developmental Variance — Questionnaire

Name: STEVEN DALE WALTER

1) Tell us what you want to do. BUILD 2 BEDROOM HOUSE IN FRONT OF POLE BARN ON LOT 44

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

3) Tell us why the variance won't hurt your neighbors or the community.

4) Does the property need well and septic? Well: [X] Y [] N Septic: [X] Y [] N

Does the property need a new septic system? [X] Y [] N

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

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

Building or addition 1 Size and height to the peak: Tell us what you'll use it for.

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

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

6) Does the application include a variance for a residence on property with no road frontage? [] Y [] N If yes, fill out below.

Is the easement existing? [X] Y [] N If the easement is existing, is it recorded? [X] 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 [X] 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

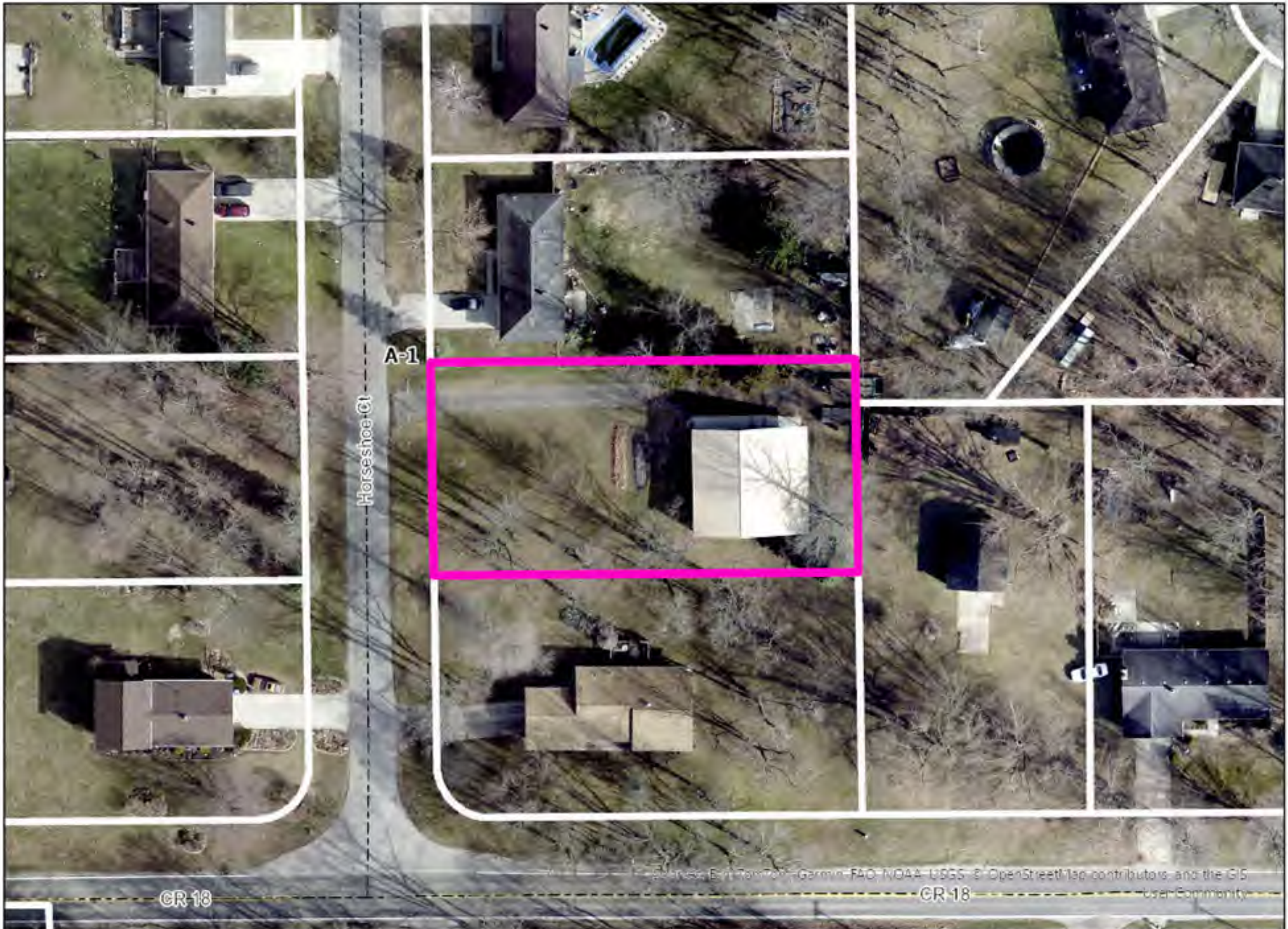
Freestanding? [] Y [] N Wall mounted? [] Y [] N

8) Does the application include a variance for parking spaces? [] Y [X] N

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

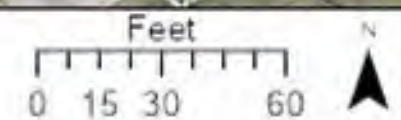
9) Tell us anything else you want us to know. We are building a 2 Bedroom House in front of our Pole Barn + selling our Big House

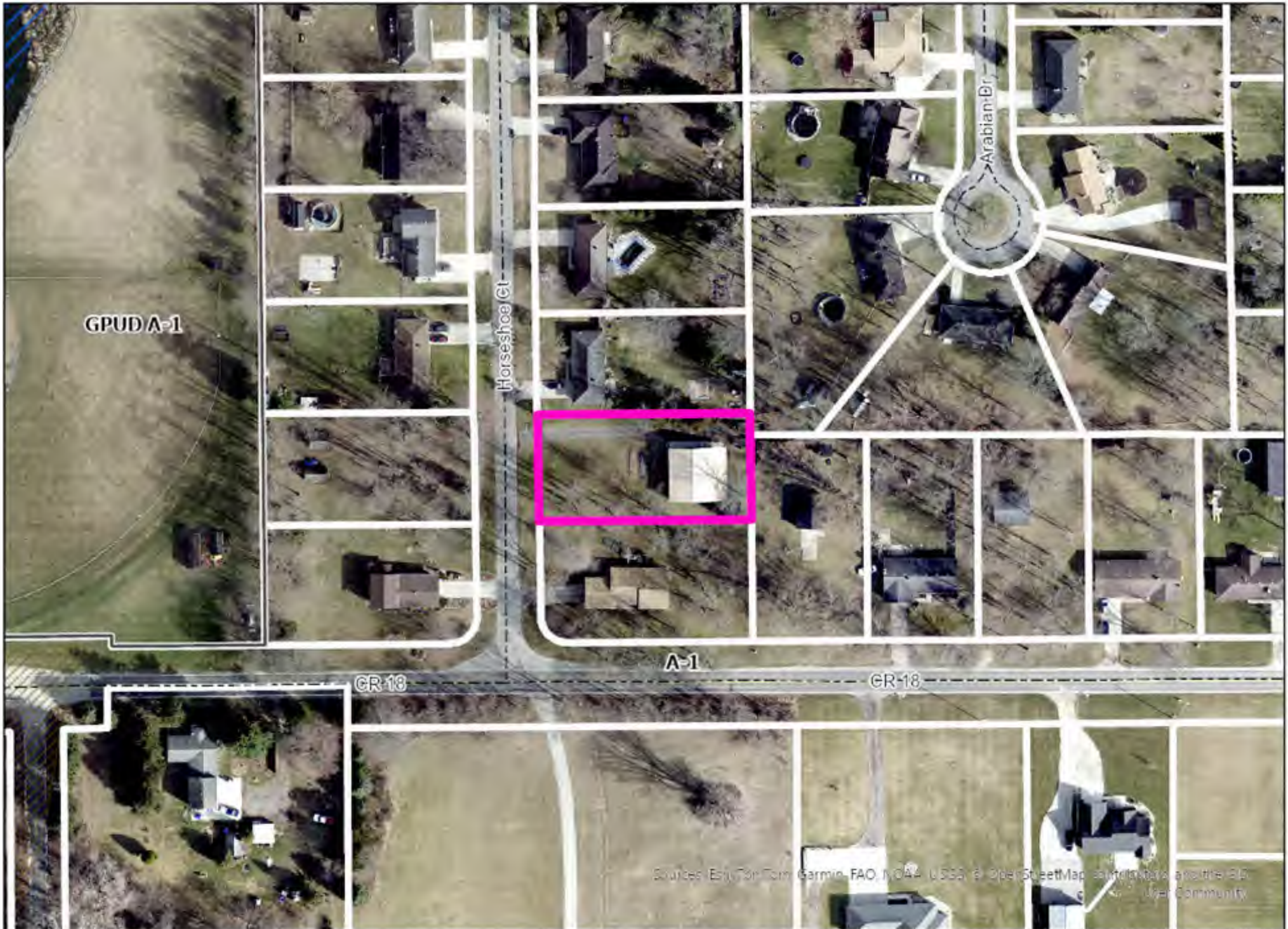
DV-0318-2026



2025 Aerials

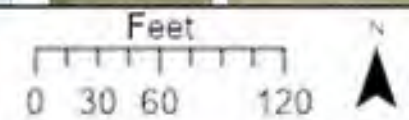
1 inch equals 60 ft





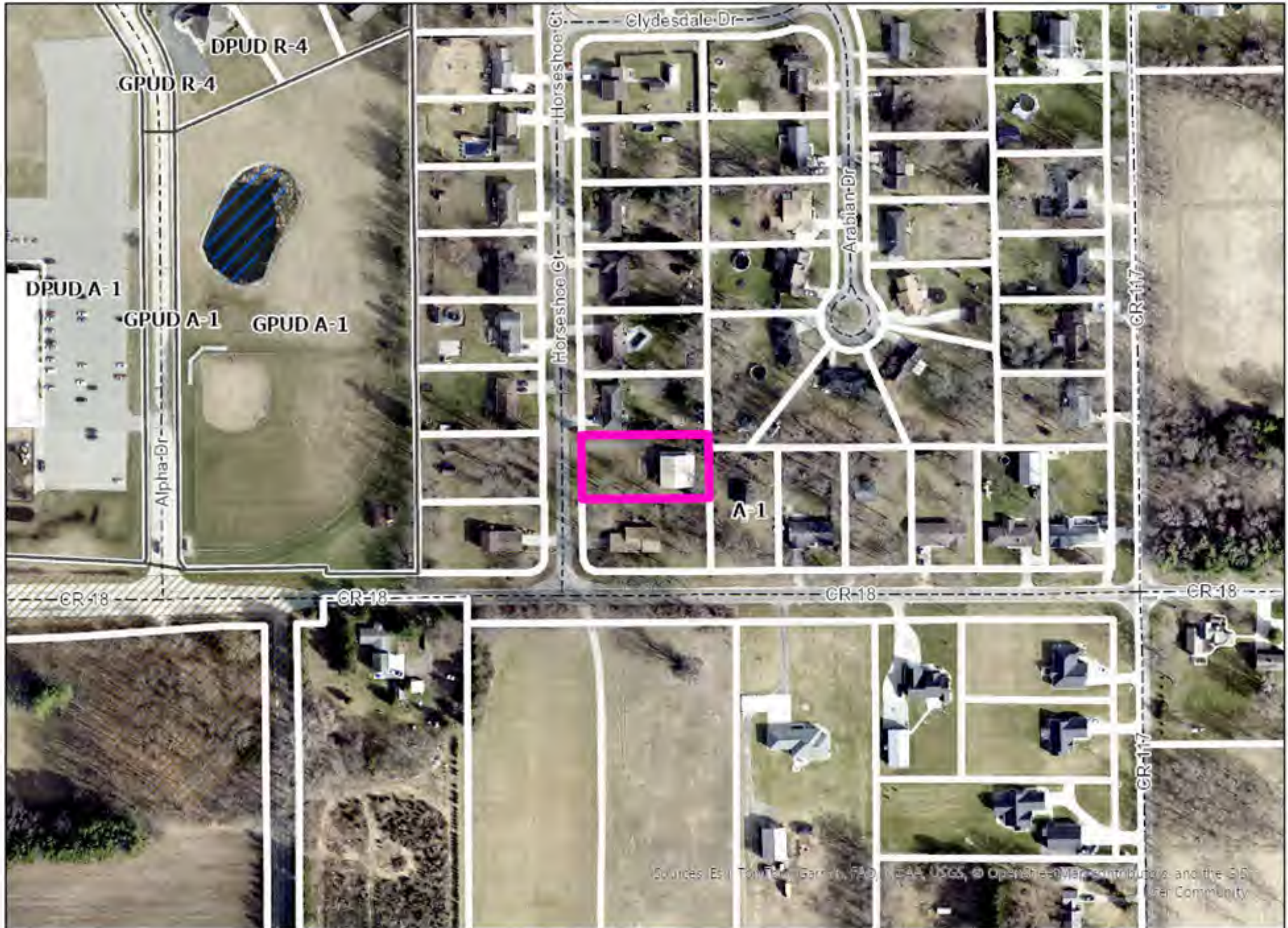
2025 Aerials

1 inch equals 120 ft



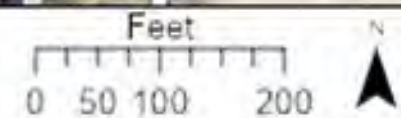
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

DV-0318-2026



2025 Aerials

1 inch equals 200 ft



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



Subject property



Facing south



Facing north



Facing west

MAY 21 2026

Horse Court

North

22' 2x1'

20' x 24' GARAGE

House

Shed

SEPTIC

48'

18' x 7'

48'

40'

85'

100'

10' DRIVEN

TREE

110'

10' 2x2'

28'

DATE	TIME	BY	REMARKS
5/21/26	10:00	JM	Initial site visit
5/21/26	11:30	JM	Measurements taken
5/21/26	13:00	JM	Sketch completed
5/21/26	15:00	JM	Final review

THIS IS A PRELIMINARY SKETCH AND NOT A LEGAL SURVEY. IT IS PROVIDED AS A GUIDE ONLY. THE USER ASSUMES ALL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE USER SHALL OBTAIN A PROFESSIONAL SURVEY FOR ANY LEGAL PURPOSES. THE USER SHALL OBTAIN A PROFESSIONAL SURVEY FOR ANY LEGAL PURPOSES.

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 15, 2026

Transaction Number: DV-0362-2026.

Parcel Number(s): 20-04-09-400-016.000-032.

Existing Zoning: A-1.

Petition: For a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement.

Petitioner: Steve A. Greensides.

Location: East end of the easement, 1,000 ft. east of CR 35, in York Township.

Site Description:

- Physical Improvement(s) – None.
- Proposed Improvement(s) – Residence.
- Existing Land Use – Vacant.
- 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 existing access serves only 3 residential parcels that are all 2 or more acres, and further development on this access is limited by wetlands at the east.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 3-acre parcel in a low-density residential and agricultural area, and the area will remain residential and agricultural 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 unnecessarily disregard a functioning, low-volume driveway arrangement.

Hearing Officer Staff Report (Continued)

Hearing Date: July 15, 2026

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

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 6/10/2026) and as represented in the Developmental Variance application.
3. A recorded document must be submitted for staff approval showing the easement serving the subject property.

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

DV-0362-2026

Date: 06/10/2026

Meeting Date:

July 15, 2026

Board of Zoning Appeals Public Hearing

Transaction #:

DV-0362-2026

Description: for a Developmental Variance to allow for the construction of a residence on property with no road frontage and/or served by an access easement

Contacts: Applicant

Steve A. Greensides
13344 State Line Road
Bristol, IN 46507

Land Owner

Steve A. Greensides
13344 State Line Road
Bristol, IN 46507

Site Address: 00000 State Line Road
BRISTOL, IN 46507

Parcel Number: 20-04-09-400-016.000-032

Township: York

Location: SOUTH SIDE OF STATE LINE RD, 1,025 FT EAST OF CR 35

Subdivision:

Lot #

Lot Area: 3.00 Frontage: 0.00

Depth: 305.00

Zoning: A-1

NPO List:

Present Use of Property: VACANT

Legal Description:

Comments: SEE ADMIN SUB #AS-1033-2026

Applicant Signature:

Department Signature:

Developmental Variance — Questionnaire

Name: Steve Greensides

1) Tell us what you want to do. Build a home on 3 acre property

2) Tell us why you can't change what you're doing so you don't need a variance. upon the property to the west currently has a Drive.

3) Tell us why the variance won't hurt your neighbors or the community. the land owners this is connected to are family

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: 65 ft 6 in x 44 ft 1 in 18 feet 2 in to peak
Tell us what you'll use it for. _____

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

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

6) Does the application include a variance for a residence on property with no road frontage? Y N
If yes, fill out below.

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

Tell us who owns (will own) the land under the easement. James/Nichole Greensides Deb Greensides

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. _____

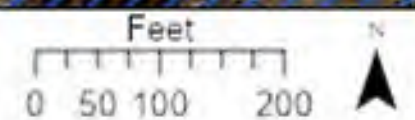
9) Tell us anything else you want us to know. _____





2025 Aerials

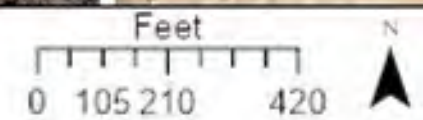
1 inch equals 200 ft





2025 Aerials

1 inch equals 400 ft





Easement property (facing east)



Facing south



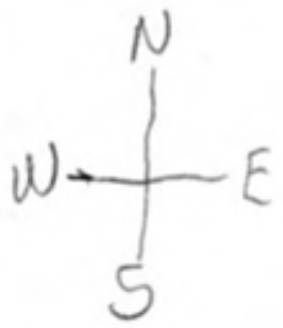
Facing north



Facing west

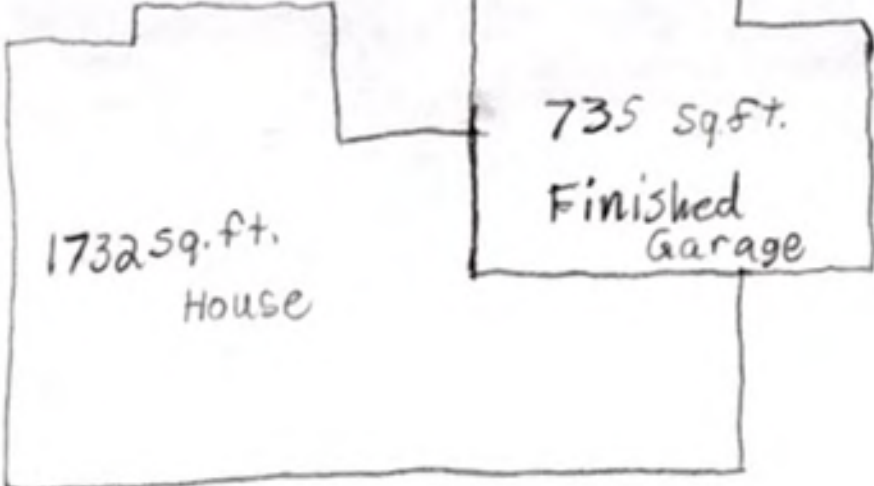
TRU-Built Construction
200-214-0715

JUN 10 2026



Driveway

109'



300'

1732 sq. ft finished Home
w/ Basement (unfinished)

Wood Floor system
wood trusses
20' to peak

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 15, 2026

Transaction Number: DV-0369-2026.

Parcel Number(s): 20-12-18-151-006.000-007.

Existing Zoning: A-1.

Petition: For a 36 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 39 ft. from the centerline of the right-of-way and for a 21 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an addition to the residence 54 ft. from the centerline of the right-of-way.

Petitioner: Robert A. Miller & Nora Lynn Miller, Husband & Wife.

Location: West side of CR 31, 1,660 ft. south of CR 34, in Clinton Township.

Site Description:

- Physical Improvement(s) – Residence, accessory structures.
- Proposed Improvement(s) – Residential addition.
- 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. The existing home has no history of injury to public safety.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 6-acre parcel in a low-density residential and agricultural 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. Without the benefit of a variance, no additions could be constructed.

Hearing Officer Staff Report (Continued)

Hearing Date: July 15, 2026

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 6/12/2026) and as represented in the Developmental Variance application.

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

DV-0369-2026

Date: 06/12/2026 Meeting Date: July 15, 2026
Board of Zoning Appeals Public Hearing Transaction #: DV-0369-2026

Description: for a 36 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 39 ft. from the centerline of the right-of-way and for a 21 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an addition to the residence 54 ft. from the centerline of the right-of-way

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Top Notch Renovations Llc 72325 County Road 133 Syracuse, IN 46567	Top Notch Renovations Llc 72325 County Road 133 Syracuse, IN 46567	Robert A Miller And Nora Lynn Miller, Husband And Wife 63289 County Road 31 Goshen, IN 465289276

Site Address: 63289 County Road 31 Goshen, IN 46528	Parcel Number: 20-12-18-151-006.000-007
--	---

Township: Clinton
Location: West Side Of County Road 31, 1,660 ft. South Of County Road 34

Subdivision:	Lot #
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Lot Area: 6.00	Frontage: 218.26	Depth: 1,214.07
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION: 1/29/1993

Applicant Signature:

Department Signature:

Developmental Variance — Questionnaire

Name: Nora Lynn Miller

1) Tell us what you want to do. One bedroom, one bathroom addition with kitchen, livingroom, sewing room and basement unfinished

2) Tell us why you can't change what you're doing so you don't need a variance. It is the only place on the house that is suitable to add on to.

3) Tell us why the variance won't hurt your neighbors or the community. It doesn't go any closer to the road than existing house, it doesn't impede anyone's view or change the aesthetic of the property, It will not increase noise or traffic to the area

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: size 42' 6" L x 30' 2" W
Tell us what you'll use it for. peak height 20' (living space)

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

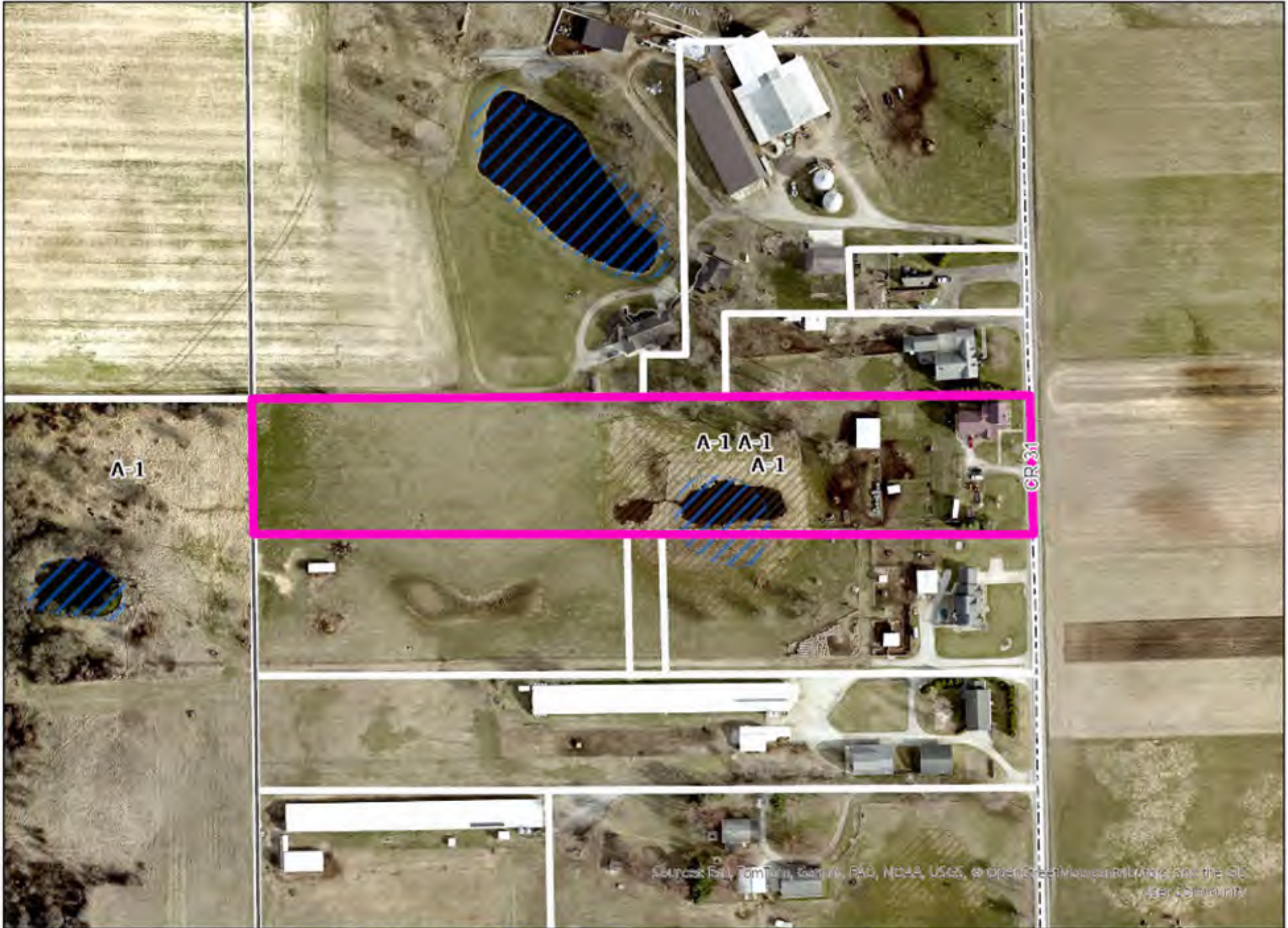
Sign 2 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N

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. _____

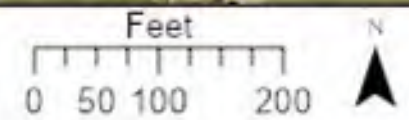
9) Tell us anything else you want us to know. I have talked with both of my neighbors on either side & both are in support of the project.

DV-0369-2026



2025 Aerials

1 inch equals 200 ft

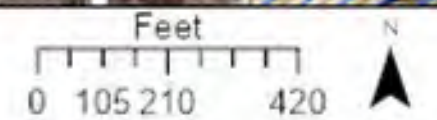


DV-0369-2026



2025 Aerials

1 inch equals 400 ft



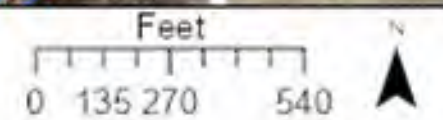
Sources: Esri, TomTom, Garmin, FRC, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

DV-0369-2026



2025 Aerials

1 inch equals 500 ft





Subject property



Subject property



Facing north



Facing south



Facing east

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 15, 2026

Transaction Number: DV-0380-2026.

Parcel Number(s): 20-08-08-376-007.000-034.

Existing Zoning: B-1.

Petition: For a 15 ft. Developmental Variance (Ordinance requires 15 ft.) to allow for parking 0 ft. from the front property line and for a Developmental Variance to allow no buffering along the rear property line (Ordinance requires a class 2 buffer).

Petitioner: Cornerstone Trust, LLC.

Location: North side of US 20, 1,685 ft. west of CR 35, in Middlebury Township.

Site Description:

- Physical Improvement(s) – Building for offices and storage.
- Proposed Improvement(s) – Additional parking.
- Existing Land Use – Commercial.
- Surrounding Land Use – Mixed.

History and General Notes:

- **May 16, 2022** – The BCC approved a zone map change from A-1 to B-1.
- **August 13, 2026** – The Plan Commission will consider a zone map change from B-1 to B-3.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The space between the front property line and the traveled area of US 20 is unusually wide (approximately 64 ft.) due to multiple right-of-way acquisitions.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The subject property is 0.86 acres, and neighboring properties contain a mixture of uses including residential, commercial, and agricultural.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. An additional 15 ft. parking setback is unnecessary when the front property line is already at a safe distance from the traveled area of a state road, and property and building layout limit the amount of buffering that can be placed at the rear.

Hearing Officer Staff Report (Continued)

Hearing Date: July 15, 2026

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 the correct number of trees and shrubs along the east and west property lines for a class 2, type B, buffer (8 trees and 22 shrubs along each line).
3. The request is approved in accordance with revised site plan to be submitted for staff approval and as represented in the Developmental Variance application.

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

DV-0380-2026

Date: 06/15/2026 Meeting Date: July 15, 2026
Board of Zoning Appeals Public Hearing Transaction #: DV-0380-2026

Description: for a 15 ft. Developmental Variance (Ordinance requires 15 ft.) to allow for parking 0 ft. from the front property line

<u>Applicant</u>	<u>Land Owner</u>	<u>Land Owner</u>
Freedom Builders 54824 Cr 33 Middlebury, IN 46540	Cornerstone Trust Llc 14980 Cr 108 Middlebury, IN 46540	Freedom Builders 54824 Cr 33 Middlebury, IN 46540

Site Address: 14589 Us Highway 20 Middlebury, IN 46540	Parcel Number: 20-08-08-376-007.000-034
---	---

Township: Middlebury
Location: NORTH SIDE OF US 20, 1,685 FT. WEST OF CR 35

Subdivision:	Lot #
--------------	-------

Lot Area: 0.86	Frontage: 152.00	Depth: 220.00
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Zoning: B-1	NPO List:
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Present Use of Property: COMMERCIAL

Legal Description:

Comments: PARCEL CREATION DATE 3/1/1968. AW
BC-2439-2025, ADDITION, SN-1341-2024, BR-0020-2021-DEMO, RZ-0113-2022, BR-0393-2021

Applicant Signature:

Department Signature:

Developmental Variance — Questionnaire

Name: _____

1) Tell us what you want to do. DV to allow for parking 0' from roadside property line

2) Tell us why you can't change what you're doing so you don't need a variance. With the amount of parking spaces needed, and the size of the parcel, this is the only available location for additional parking. The variance will allow for maximum number of parking spaces.

3) Tell us why the variance won't hurt your neighbors or the community. This request is for additional parking spaces on a 0.86 acre property in a mixed-use area.

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: _____
Tell us what you'll use it for. _____
Building or addition 2 Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Size and height to the peak: _____
Tell us what you'll use it for. _____

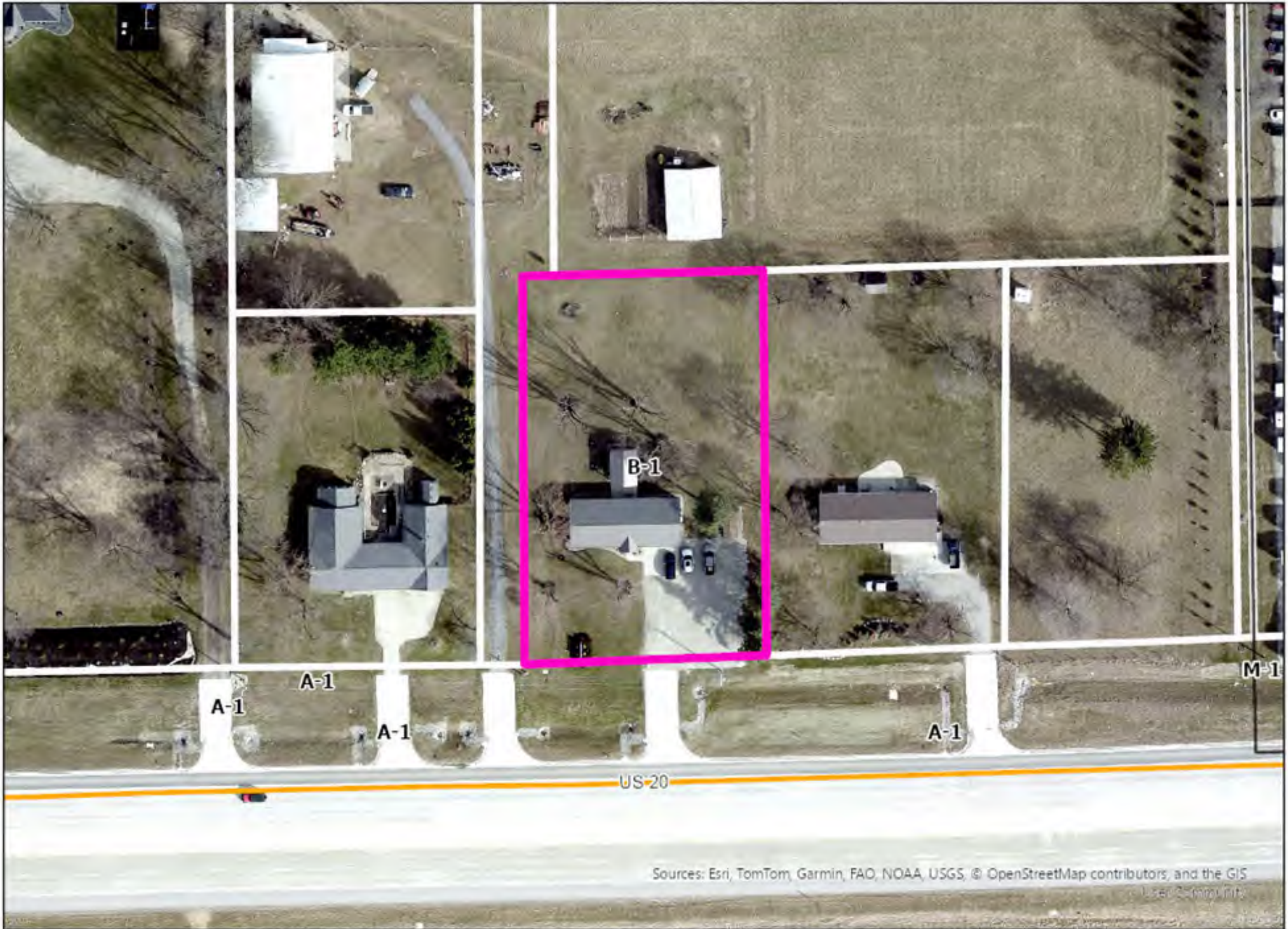
6) Does the application include a variance for a residence on property with no road frontage? Y N
If yes, fill out below.
Is the easement existing? Y N If the easement is existing, is it recorded? Y N
Tell us who owns (will own) the land under the easement. _____
Tell us how many parcels will use the easement. _____

7) Does the application include variances for signs? Y N If yes, fill out below.
Sign 1 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N
Sign 2 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N
Sign 3 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N

8) Does the application include a variance for parking spaces? Y N
If yes, tell us how many total there will be. 8 additional

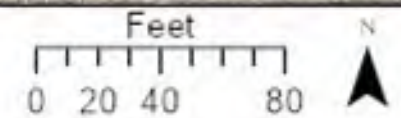
9) Tell us anything else you want us to know. _____

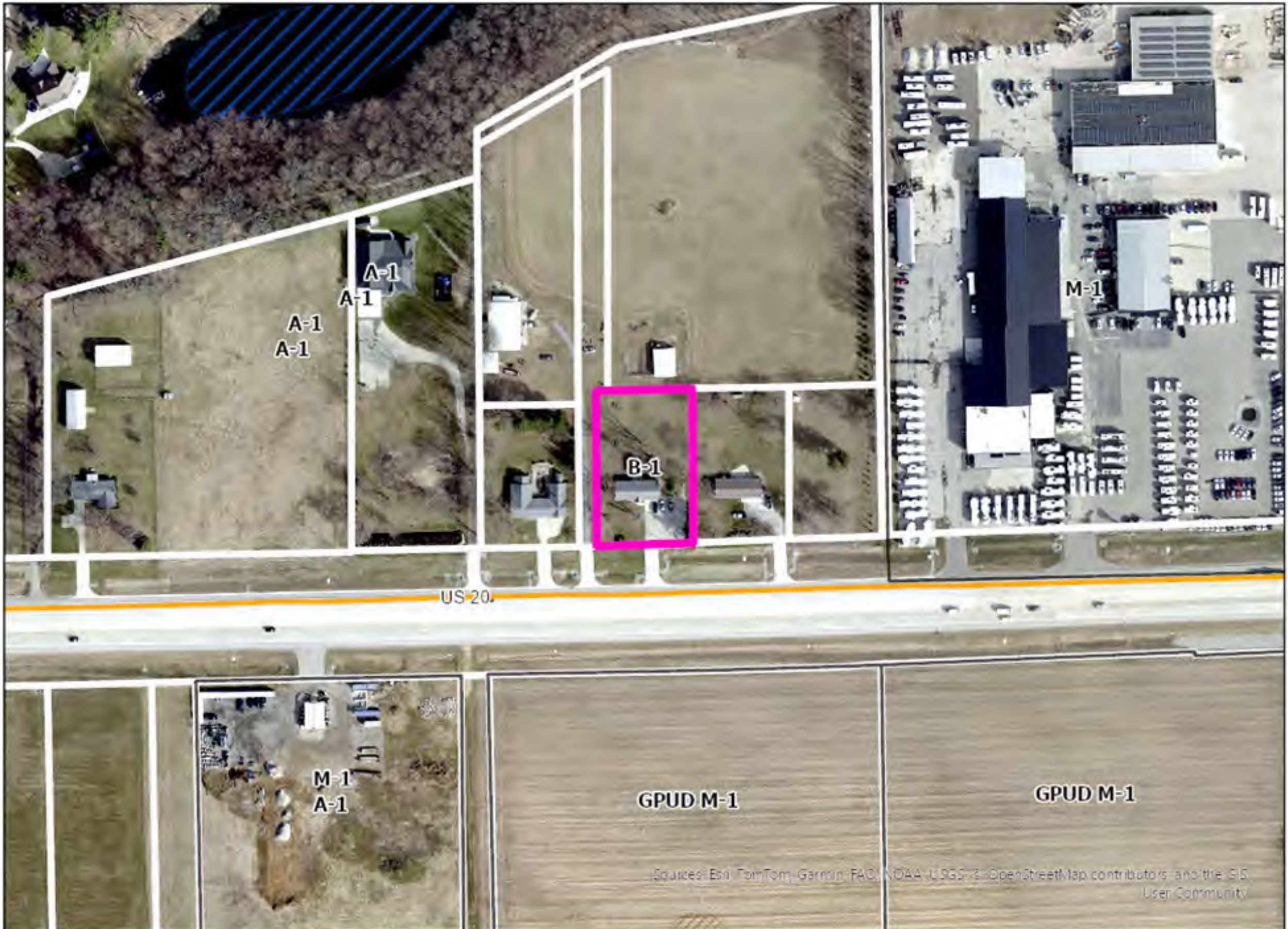
DV-0380-2026



2025 Aerials

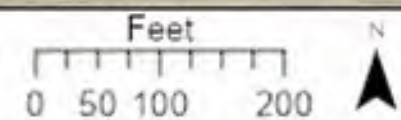
1 inch equals 80 ft





2025 Aerials

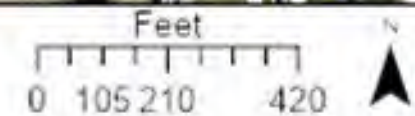
1 inch equals 200 ft





2025 Aerials

1 inch equals 400 ft





Subject property



Subject property (east property line)



Subject property (west property line)



Facing east



Facing west



Facing south

Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 15, 2026

Transaction Number: DV-0382-2026.

Parcel Number(s): 20-12-36-100-008.000-007.

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: Lamar D. Chupp & Velda J. Chupp, Husband & Wife.

Location: South side of CR 40, 1,675 ft. east of CR 43, in Clinton Township.

Site Description:

- Physical Improvement(s) – Residence, barns, accessory structures.
- Proposed Improvement(s) – 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. The request is 966 sq. ft., or 14 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 13-acre parcel in a low-density residential and agricultural area, and the area will remain residential and agricultural 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 project scale typical of low-density residential and agricultural areas.

Hearing Officer Staff Report (Continued)

Hearing Date: July 15, 2026

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

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 6/15/2026) and as represented in the Developmental Variance application.

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

DV-0382-2026

Developmental Variance - Developmental Variance

Date: 06/15/2026 Meeting Date: July 15, 2026
Board of Zoning Appeals Public Hearing Transaction #: DV-0382-2026

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>
Frys Construction Llc 5360 W Sr 120 Shipshewana, IN 46565	Frys Construction Llc 5360 W Sr 120 Shipshewana, IN 46565	Lamar D Chupp & Velda J Chupp, Husband & Wife 10640 County Road 40 Millersburg, IN 465439800

Site Address: 10640 County Road 40 Millersburg, IN 46543	Parcel Number: 20-12-36-100-008.000-007
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Township: Clinton
Location: South Side Of County Road 40, 1,675 Ft. East Of County Road 43

Subdivision:	Lot #
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Lot Area: 13.00	Frontage: 388.53	Depth: 1,178.74
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE: 10/4/06
STORAGE EQUATION: 3488 X 200% = 6976 SQ. FT.
MINUS (2560) ATTACHED GARAGE
MINUS (224) COVERED ACCESSORY
MINUS 240 (12 X 20 SHED, WHICH APPLICANT SAYS HAS BEEN REMOVED BUT IS STILL ON PROPERTY CARD - WILL NEED TO GET A DEMO TO HAVE IT REMOVED
MINUS (3520) PROPOSED ACCESSORY BUILDING + 1,232 LOFT SPACE = 4,752 SQ FT, WHICH IS A NEGATIVE -800 SQ FT AVAILABLE

Applicant Signature:	Department Signature:
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Developmental Variance — Questionnaire

Name: Marvin Fry

1) Tell us what you want to do. build a 44x80 shop for personal storage with a loft

2) Tell us why you can't change what you're doing so you don't need a variance. We would like to have a loft so we can store stuff up there

3) Tell us why the variance won't hurt your neighbors or the community. there is no close neighbors and we are not putting anything in it that would affect anybody

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: 44x80 22'6"
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

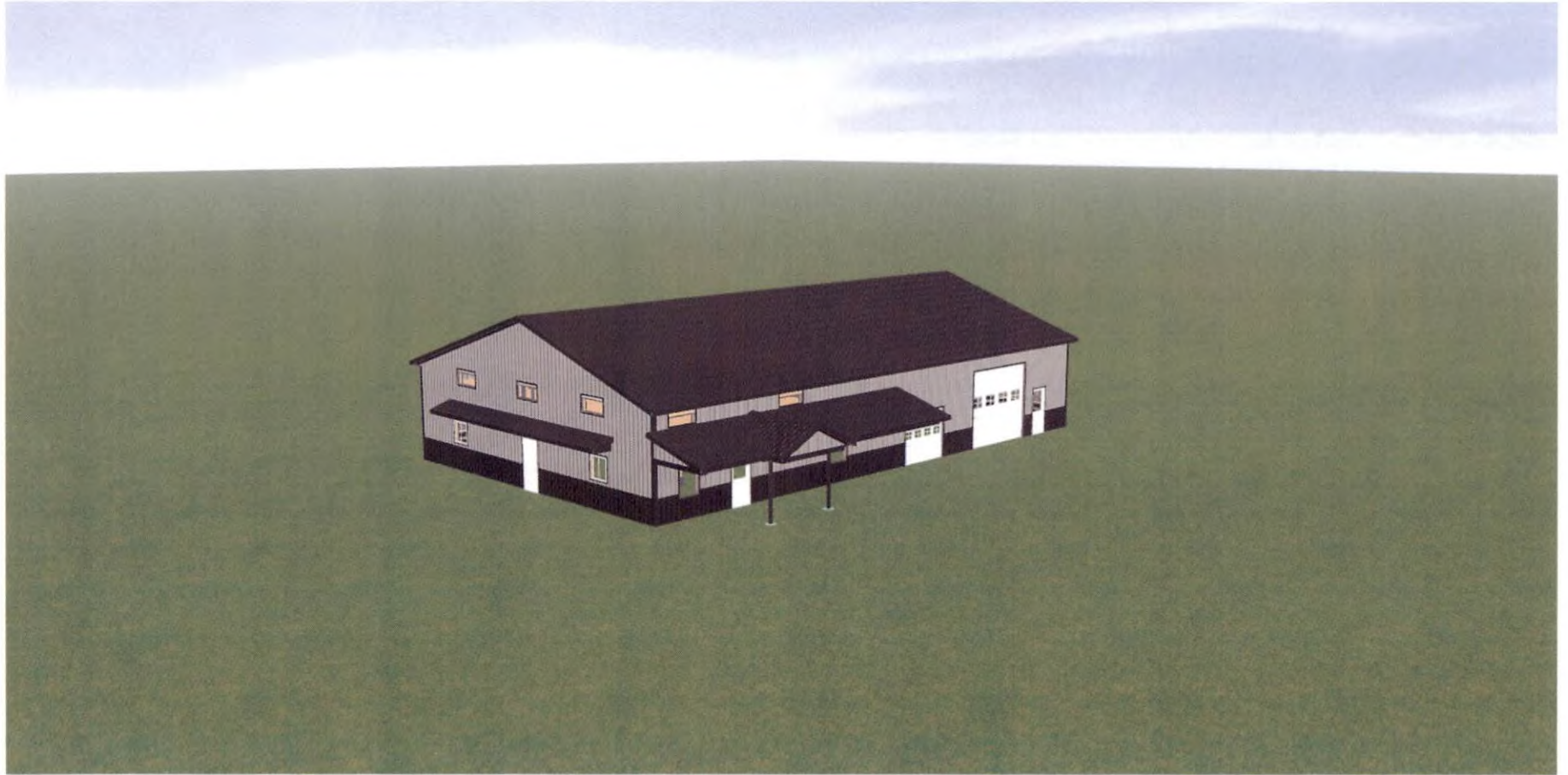
Sign 3 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N

8) Does the application include a variance for parking spaces? Y N
If yes, tell us how many total there will be. _____

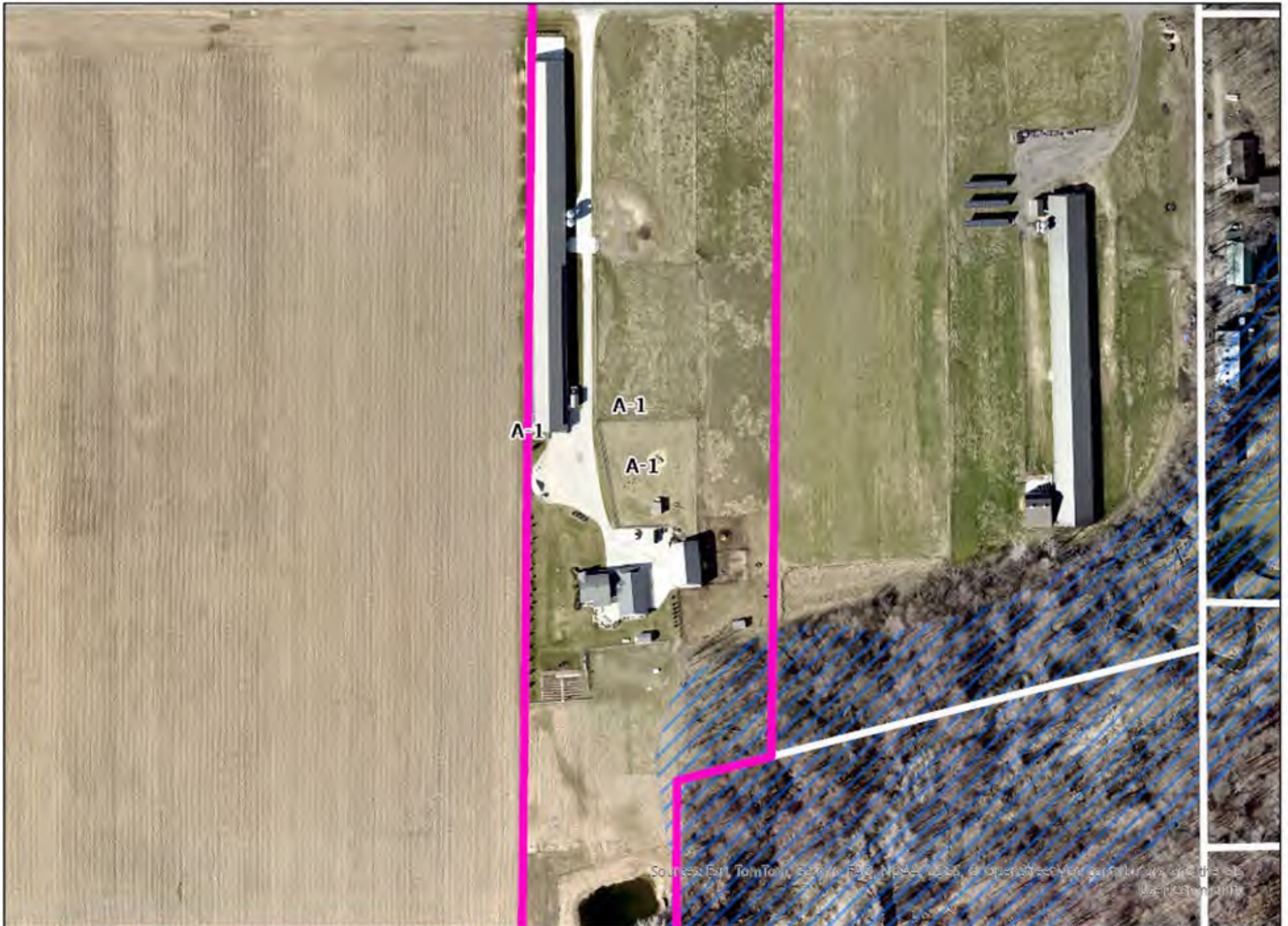
9) Tell us anything else you want us to know. It is just a personal storage building with 1 bathroom no shower

Iso 1

Job: Frys Construction-Lamar Post-48x80x14'2"
Date: 5/13/2026
Time: 10:06 AM

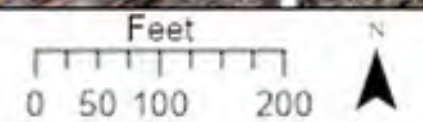


DV-0382-2026



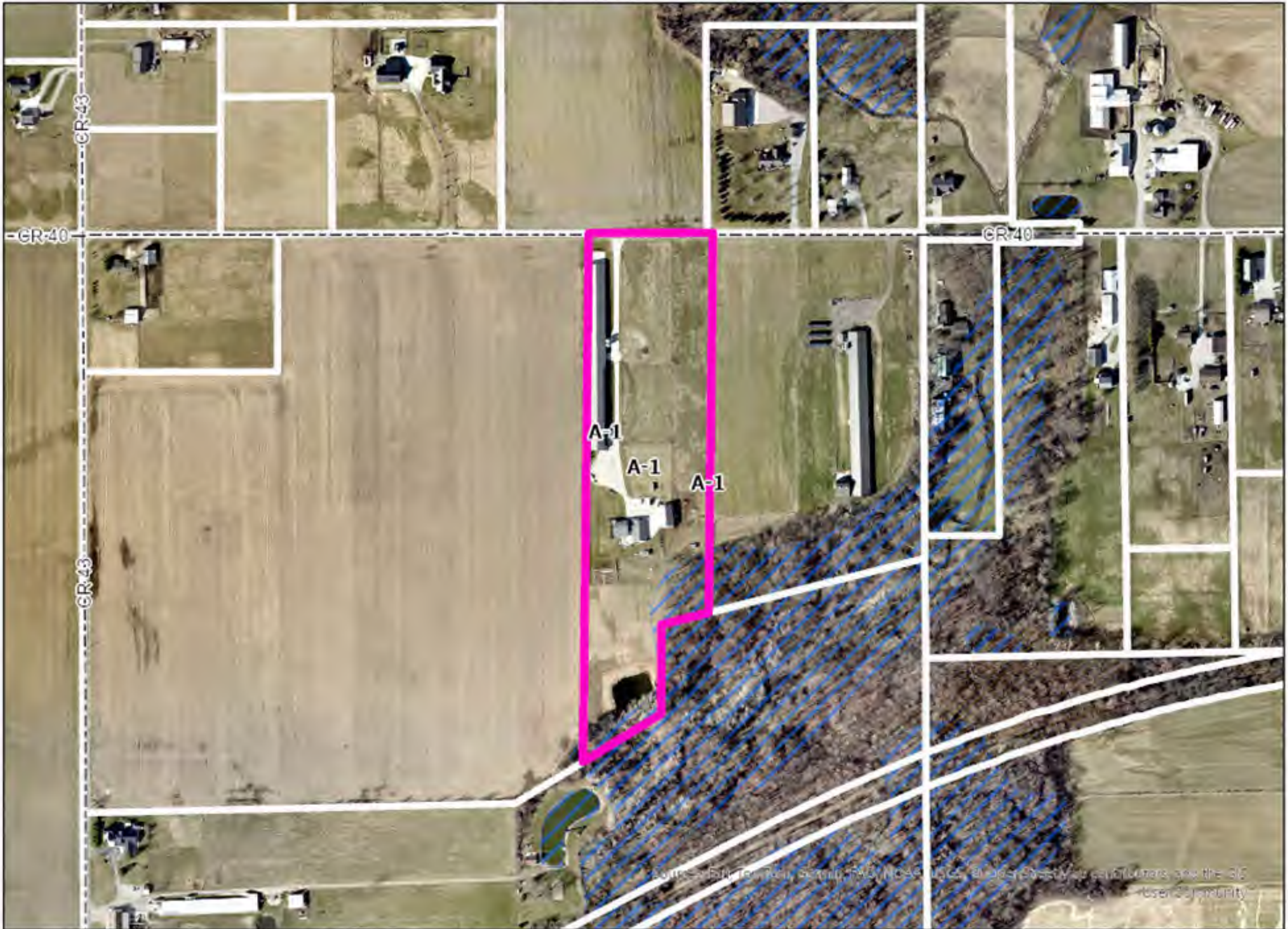
2025 Aerials

1 inch equals 200 ft



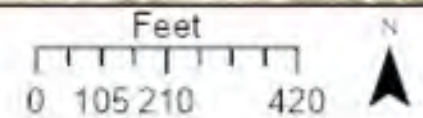
Source: Esri, TomTom, Garmin, FAO, NOAA, USDA, OpenStreetMap contributors, and the GIS User Community

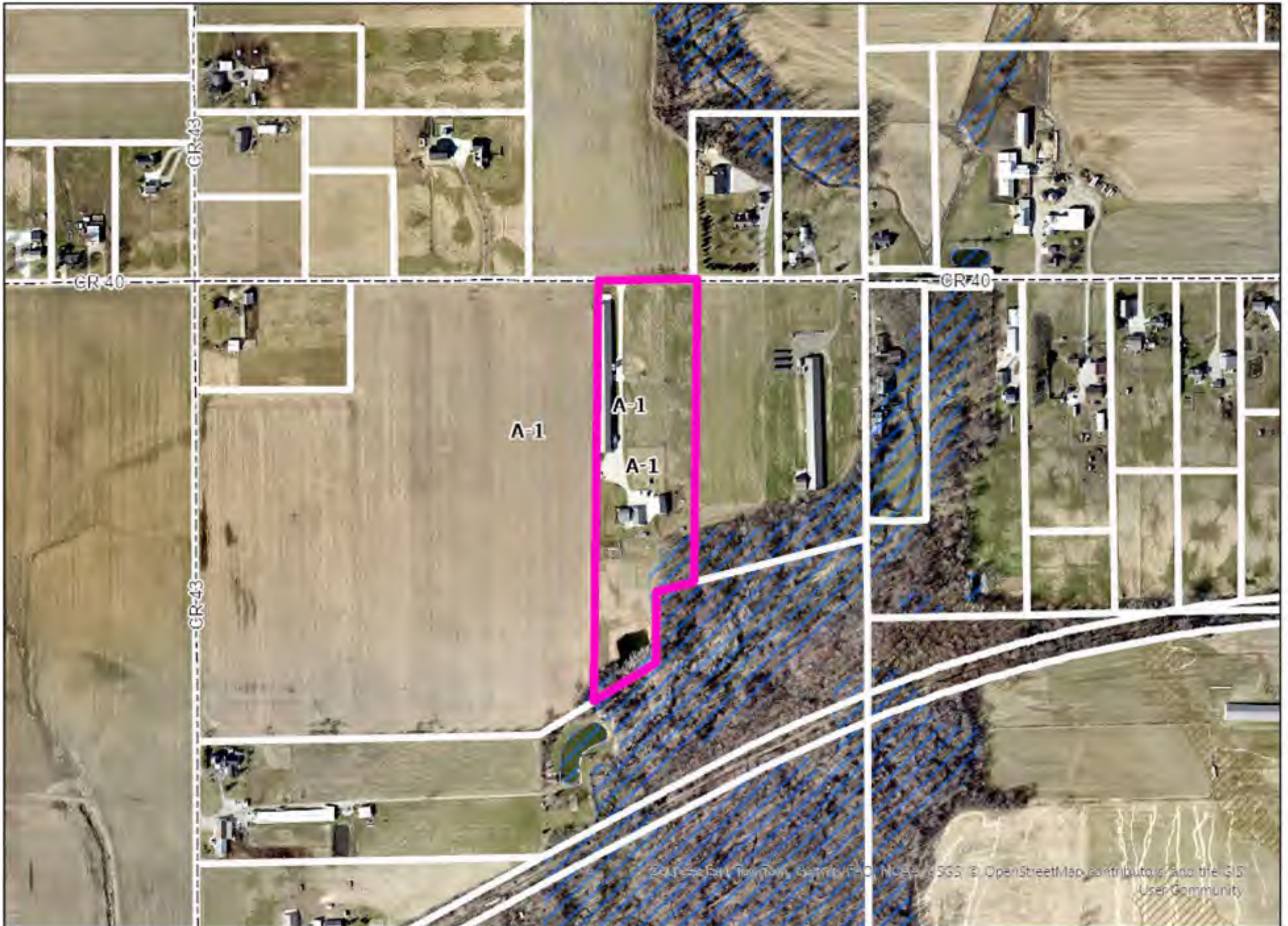
DV-0382-2026



2025 Aerials

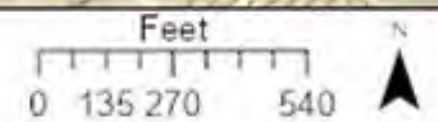
1 inch equals 400 ft





2025 Aerials

1 inch equals 500 ft





Subject property



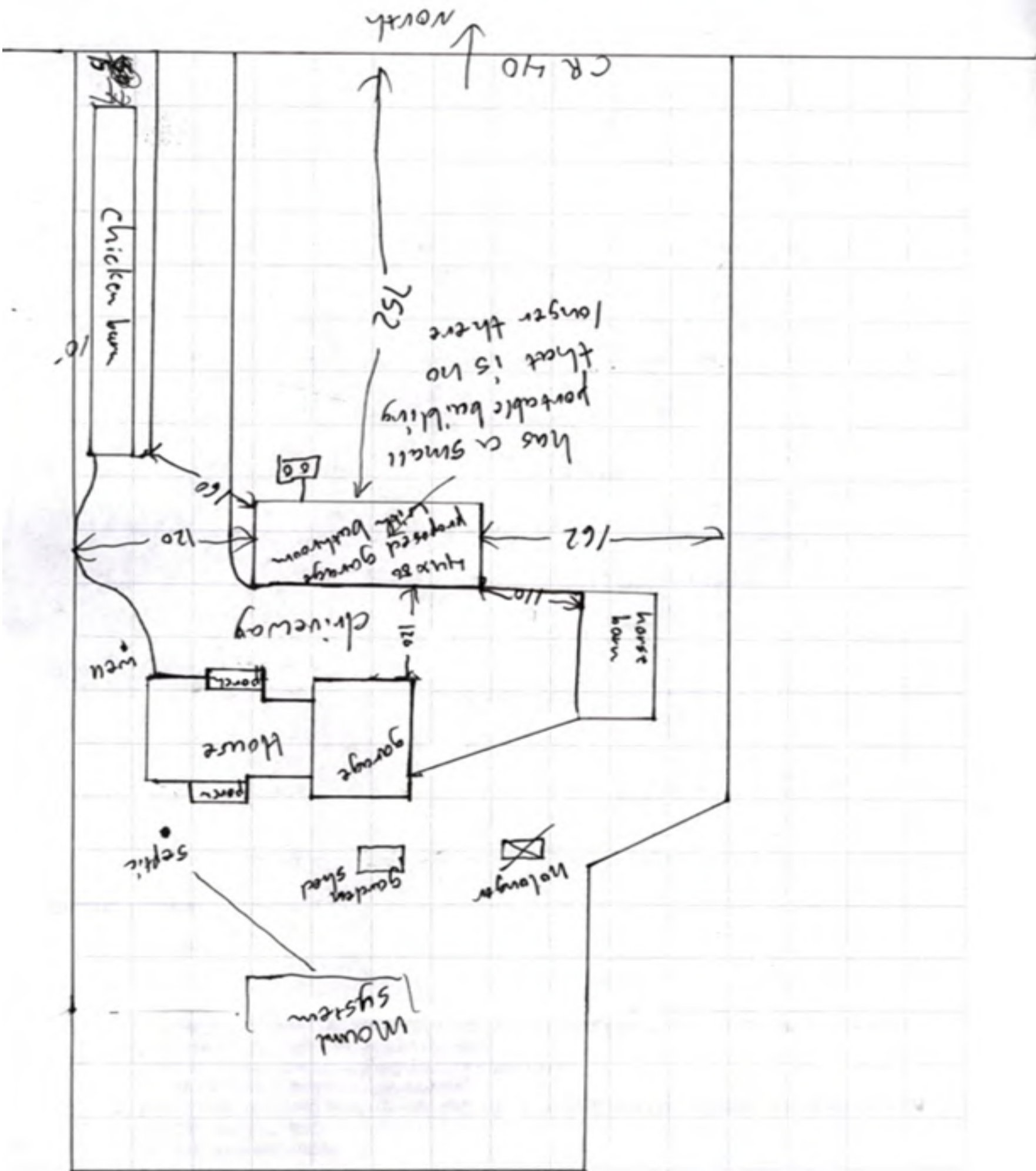
Facing west



Facing east



Facing north



Hearing Officer Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 15, 2026

Transaction Number: SUP-0353-2026.

Parcel Number(s): 20-03-21-376-021.000-030.

Existing Zoning: A-1.

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

Petitioner: Beavernier Boyz, LLC.

Location: North side of CR 6, 1,200 ft. west of CR 21, in Washington Township.

Site Description:

- Physical Improvement(s) – Accessory structure.
- Proposed Improvement(s) – Mobile home.
- Existing Land Use – Vacant.
- Surrounding Land Use – Residential, commercial.

History and General Notes:

- **August 25, 2017** – Panetta Minor Subdivision was recorded, separating the accessory structure from the existing home. No Use Variance was requested or granted.

Staff Analysis:

For a Special Use for a 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 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 9.02-acre lot in a mixed-use area, and the lot will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing for an affordable housing opportunity.

Hearing Officer Staff Report (Continued)

Hearing Date: July 15, 2026

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

1. The request is approved subject to Staff renewal every three (3) years and with a one (1) year review to verify compliance with the following:
 - a. The mobile home shall be adequately stabilized and skirted and have tie-downs installed.
 - b. The water supply and sewage disposal system shall be installed in accordance with County Health Department specifications.
 - c. Adequate provisions for storage shall be provided at all times to eliminate exterior storage of personal property, tools, and vehicles, except licensed motor vehicles.
 - d. At all times, the premises shall be kept free of abandoned junk vehicles and parts thereof as described by Indiana State Law.
2. The request is approved in accordance with the site plan submitted (dated 6/8/2026) and as represented in the Special Use application.

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

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 780 sq. ft., or 40 percent, over what is allowed by right, and the accessory structure is existing with no history of injury to public health or welfare.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is 9.02-acre lot in a mixed-use 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. Approval of the request would add a primary use to the property and conform it to ordinance requirements.

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 6/8/2026) and as represented in the Developmental Variance application.

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

SUP-0353-2026

Date: 06/08/2026 Meeting Date: July 15, 2026
Board of Zoning Appeals Public Hearing Transaction #: SUP-0353-2026

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

Contacts: Applicant Land Owner
Beavernier Boyz Llc Beavernier Boyz Llc
22799 Heaton Vis 22799 Heaton Vis
Elkhart, IN 46514 Elkhart, IN 46514

Site Address: 19713 County Road 6 Parcel Number: 20-03-21-376-021.000-030
Bristol, IN 46507

Township: Washington
Location: North Side Of County Road 6, 1,200 Ft. West Of County Road 21

Subdivision: PANETTA MINOR SUB Lot # 2

Lot Area: 9.21 Frontage: 211.15 Depth: 1,271.67

Zoning: A-1 NPO List:

Present Use of Property: VACANT

Legal Description:

Comments:

Applicant Signature:

Department Signature:

Special Use for a Mobile Home — Questionnaire

Name: Beauvernier Bayz

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. _____

2) Tell us who will live in the mobile home. In Law's / Parents

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. Nicely Maintained, tucked slightly in the woods

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 NO EXISTING SEPTIC ON PROPERTY
If a new septic system is needed, did the Health Department say there's enough space for it? Y N

6) Tell us the size of the mobile home. 16x60 (960 sqft)

7) Tell us the year of the mobile home. 2026

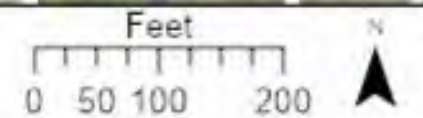
8) Tell us anything else you want us to know. _____

SUP-0353-2026



2025 Aerials

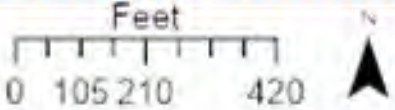
1 inch equals 200 ft



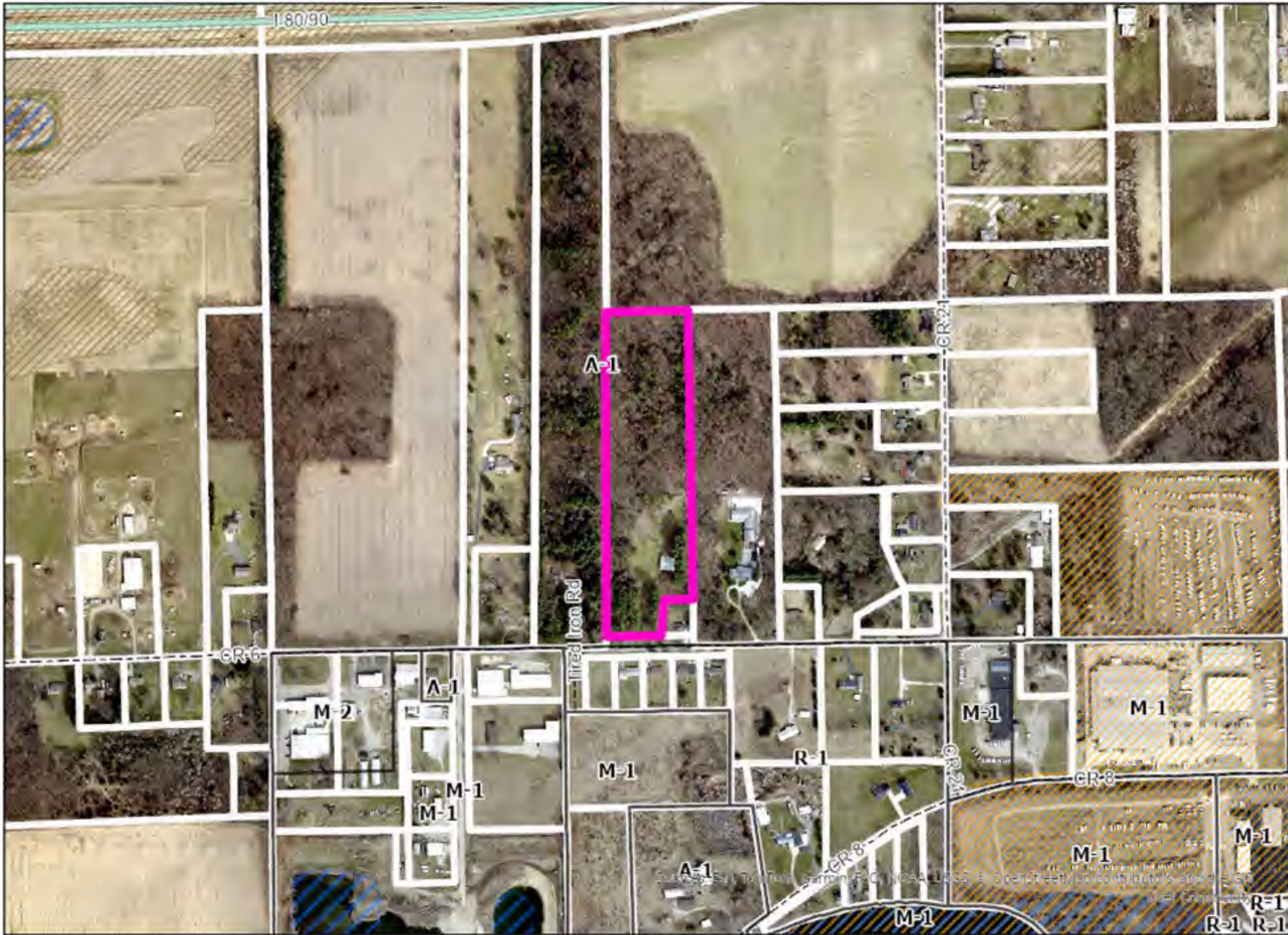


2025 Aerials

1 inch equals 400 ft

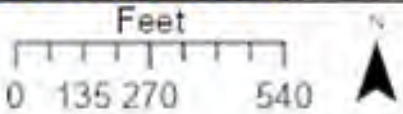


SUP-0353-2026



2025 Aerials

1 inch equals 500 ft





Subject property



Facing east



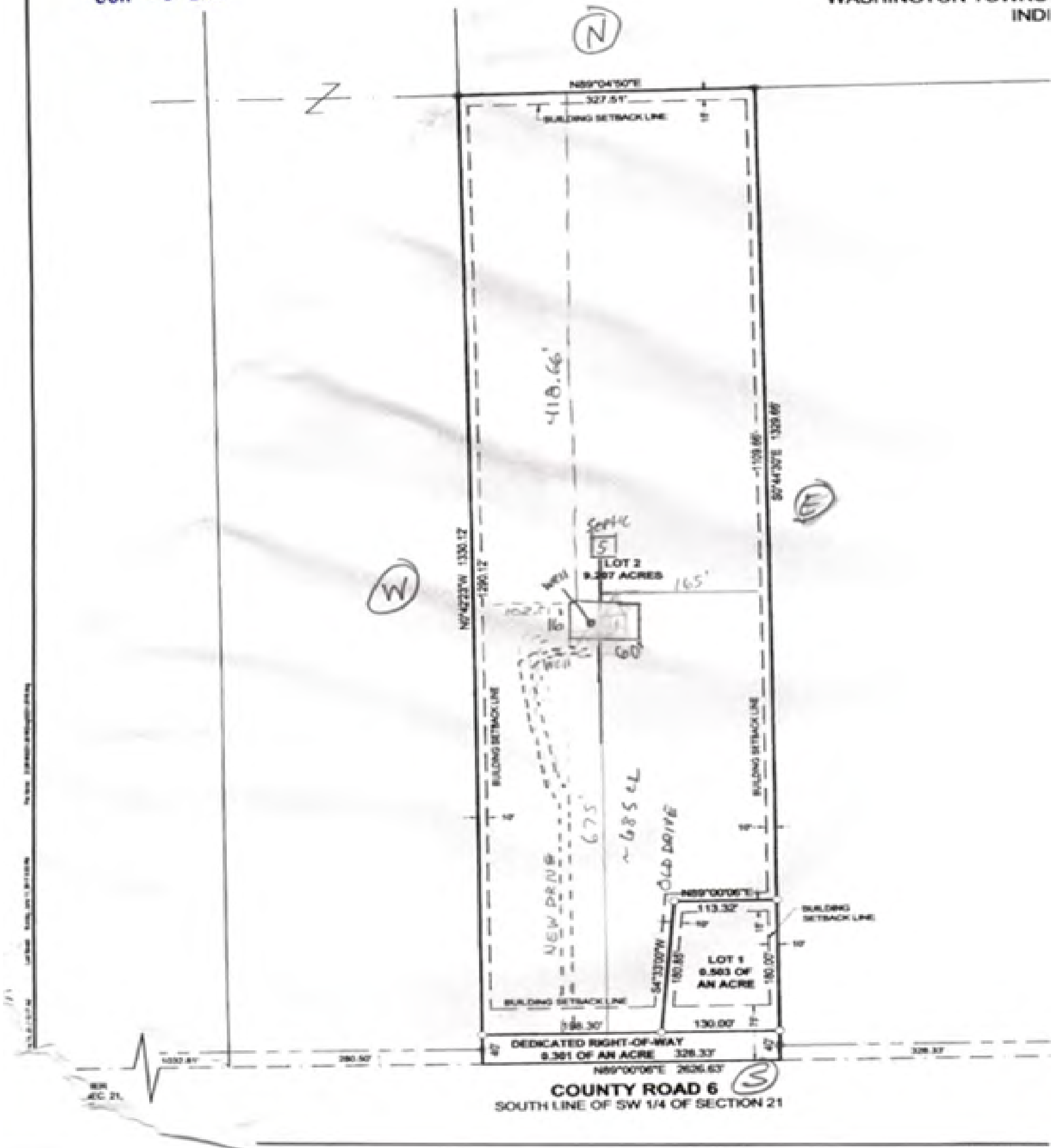
Facing west



Facing south

JUN - 8 2026

PANETTA MINO
PART OF THE SW 1/4 OF
WASHINGTON TOWNSHIP
INDIAN



(N)

(W)

(E)

(S)

COUNTY ROAD 6
SOUTH LINE OF SW 1/4 OF SECTION 21