AREA BOARD OF ZONING APPEALS
Of
St. Joseph County, Indiana

AGENDA

Thursday, June 25, 2020 - 1:30 p.m.
County-City Building
Fourth-Floor Council Chambers

Or, Click to join Area Board of Zoning Appeals
Or call 312-626-6799
Meeting ID: 948 9222 6837, Password: 280367

PUBLIC HEARING:

1. Location: 14250 PIERCE RD
   Owner: LONN A & PATTI J REINHARDT
   Requested Action: Variance(s): 1) from the minimum required rear setback of 30' to 5'
   Zoning: A: Agricultural District (County)

2. Location: 69733 OAK RD
   Owner: FRANK A & PATRICIA L VELLUCCI
   Requested Action: Variance(s): 1) from the required minimum lot area of 20 acres to 3.88 acres
   Zoning: A: Agricultural District (County)

3. Location: 11557 RIVERVIEW BLVD
   Owner: WARREN C & ANN M GANSER
   Requested Action: Variance(s): 1) from the minimum required front setback of 35' to 17' and 2) from
   the minimum required side setback of 8' to 2.5'
   Zoning: R: Single Family District (County)

4. Location: 27340 STANTON RD and 27250 STANTON RD
   Owner: KERRY R AND ROSEMARIE KNAPE
   Requested Action: Variance(s): 1) from the required minimum 20 acres to 4.73 acres for proposed
   Lot 1 and 2) from the required minimum 20 acres to 4.73 acres for proposed Lot 2
   Zoning: A: Agricultural District (County)

5. Location: 11727 STROHM DR
   Owner: TIMOTHY R & KRISTIE L THIELKA
   Requested Action: Variance(s): 1) from the minimum required front setback of 35' to 15’ along the
   west lot line and 23’ along the south lot line
   Zoning: R: Single Family District (County)

6. Location: 27386 ALDEN RD
   Owner: KORN FAMILY FARM LLC
   Requested Action: Variance(s): 1) from the required minimum lot area of 20 acres to 3.81 acres
   Zoning: A: Agricultural District (County)

7. Location: 10251 PIERCE RD
   Owner: CHAD M & ABIGAIL L ZAHNER
   Requested Action: Variance(s): 1) from the required minimum lot area of 20 acres to 5.19 acres
   Zoning: A: Agricultural District (County)
8. **Location:** 12001 CLEVELAND and 13030 ANDERSON RD  
**Owner:** THE VILLAGE DEVELOPMENT LLC  
**Requested Action:** Variance(s): 1) from the required minimum front setback of 35' to 25' for proposed lots 1-4, 11-69, 74-78, 81, 84-87, 94-133, 137-166, and 168-230; 2) from the required minimum side setback of 8' to 6' for proposed lots 6-9, 14, 24-25, 40-43, 58, 60-73, 81, 89-90, 106-107, 135-136, 143, 145-161, 167-168, 172, 194-195, 230 and 3) from the required lot width of 100' to 0' for proposed lot 230  
**Zoning:** R: Single Family District (County)

**ITEMS NOT REQUIRING A PUBLIC HEARING:**

1. Findings of Fact  
   A. Approval of the Findings of Fact from the March 11, 2020 ABZA meeting  
2. Minutes  
   A. Approval of the Minutes from the March 11, 2020 ABZA meeting  
3. Other Business  
4. Adjournment

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The Title VI Coordinator has made available at this meeting/hearing a voluntary Public Involvement Survey to collect demographic data to monitor and demonstrate St. Joseph County’s compliance with its non-discrimination obligations under Title VI and Federal Regulation 23CFR 200.9(b)(4), and more importantly, ensure that affected communities and interested persons are provided equal access to public involvement. Compliance is voluntary. However, in order to demonstrate compliance with the federal regulation, the information requested must be documented when provided. It will not be used for any other purpose, except to show that those who are affected or have an interest in proceedings or the proposed project have been given an opportunity to provide input throughout the process.
DATE:       June 9, 2020

TO:         Area Board of Zoning Appeals

FROM:       Shawn Klein, Planner

SUBJECT:    June 25, 2020 Area Board of Zoning Appeals Hearing

The following comments are being made concerning items to be heard at the Area Board of Zoning Appeals meeting on June 25, 2020. The absence of comments on any particular item should not be construed to mean that the staff agrees with the request.

Variances

A variance from any of the development standards of the Zoning Ordinance may only be approved upon the Board of Zoning Appeals making a written determination and adopting appropriate Findings of Fact, based upon the evidence presented at a public hearing, that:

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and,
3. The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.

1. Petition of Lonn A & Patricia J Reinhardt (14250 Pierce Road)
   The staff recommends approval of the variances. While locating a residential accessory structure within 5’ of an agricultural lot is not ideal, since a barn has stood at this location for 37 years, it is unlikely that a new structure with an identical setback will adversely impact the adjacent. In this way, granting the variance is analogous to allowing new construction along an established legally non-conforming setback. The relatively small size of the agricultural zoned parcel presents a practical difficulty in meeting the setbacks of the agricultural district and the need for a new septic field limits the availability of alternative locations.

2. Petition of Frank A & Patricia L Vellucci
   The staff recommends approval of this variance. The variance will allow the petitioner to subdivide the residential portion of the existing lot from tillable farm land which will then be sold to an adjacent farmer, thus making the remaining acreage more economically viable and helping to ensure future productive use. Strict application of the terms of the Zoning Ordinance would not allow for this division...
and transfer. As an Outlot will be created with the remaining acreage during the subdivision process, granting this variance will not result in the creation of additional buildable lots in the agricultural district.

The staff recommends approval of the variances. The proposed side and front setbacks are consistent with the setbacks of accessory structures on parcels within the immediate vicinity and are identical to the setbacks of an existing garage which is to be replaced. Therefore, no adverse effects on the use and value of the adjacent properties is anticipated. The size of the lot and the fact that it is served by a septic system limit viable locations for accessory structures.

4. Petition of Kerry R and Rosemarie Knape (27340 and 27250 Stanton)
The staff recommends approval of these variances. Without any variances, the Zoning Ordinance would allow the approximately 118 acres comprised of the two existing parcels to be subdivided into 5 buildable lots with a minimum of 20 acres. The current variances and subsequent subdivision will result in 3 buildable lots. Permitting smaller lots for existing residential uses allows for more of the currently farmed land to remain as one parcel, an outcome which protects the economic viability of the agricultural land while not increasing the number of potential developable lots in the agricultural district.

5. Petition of Timothy R & Kristie L Thielka (11727 Strohm Dr)
The staff recommends denial of the variance as presented, but would support a variance from the west front setback only. A variance from the west front setback is justified by the fact that this is a corner lot, and the west property line effectively serves as a side lot line. However, there are no unique circumstances which justify deviation from the southern setback, as this property line functions as a front lot line. The desire for additional garage space does not provide sufficient support to allow a property owner to not comply with development standards. All adjacent properties have adhered to the 35’ front setback along Strohm Drive. Allowing a property owner to not comply with a development standard without sufficient justification creates a precedent for arbitrarily inconsistent application of the Zoning Ordinance and undermines neighborhood character.

6. Petition of Korn Family Farm LLC (27386 Alden Rd)
The staff recommends approval of these variances. Without any variances, the Zoning Ordinance would allow the existing 42.2 acre parcel to be subdivided into two buildable lots of at least 20 acres. Permitting a smaller lot for residential use allows for all of the currently farmed land to remain as one parcel, an outcome which protects the economic viability of the agricultural land while not increasing the number of potential developable lots in the agricultural district.

7. Petition of Chad M & Abigail L Zahner (10251 Pierce Rd)
The staff recommends approval of the variance. The existing parcel has sufficient acreage and frontage to allow for subdivision into two parcels of at least 20 acres without a variance. Permitting a smaller lot for residential use allows for more of the currently farmed land to remain as one parcel, an outcome which protects the economic viability of the agricultural land while not increasing the number of potential developable lots in the agricultural district.
8. Petition of the Village Development LLC (vacant parcels with property tax key number(s) 006-1019-0252, 006-1009-0109, 006-1004-003506, and 006-1009-011027)

The staff recommends approval of these variances. The staff supports reasonable residential setback reductions whenever such reductions do not conflict with established neighborhood character, particularly where lots do not utilize onsite sewage disposal, as is the case with the large new subdivision at hand. Setback variances allow for the creation of slightly denser single family residential neighborhoods which would not be possible under the strict application of the terms of the Zoning Ordinance, promoting efficient use of land while allowing the petitioner to create a residential product found to be desirable. The variances will not affect properties outside the subdivision, and will have no adverse impact on the broader community.
ST. JOSEPH COUNTY (UNINCORPORATED) 
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 011-1043-056501

The property address: 
14250 Pierce Rd. 
Bremen, IN 46506

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area: 71-l4-35-200-005.000-016

VARIANCE INFORMATION:

List each variance being requested. The variance request must specifically list the requirement and the desired request (e.g. From the required [enter requirement] to [enter request going to]) Additional examples can be found on our website. Please contact the Staff if you need assistance.

1) Code is requesting 30 ft. from south property line. I am requesting 5ft from south property line to accommodate future septic & field system as highlighted in diagram.

2) A statement on how each of the following standards for the granting of variances is met:

(a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: The barn that is there now, is at the distance I am requesting from the property of 5ft. That distance would give me the room needed by code of roughly 1800 sq. ft. to install future septic and field system in the area I have. Due to the size of my parcel.

(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: The new structure will be in the same area as the old, just a little larger. It should have no significant bearing on any property, structure, or thru way.

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: The existing structure (which will be demolished and removed) has been there for 37 years. It has never been a question or complaint.

SPECIAL USE INFORMATION (if the petition does not include a Special Use, please skip to next section):

1) The Special Use(s) being requested: N/A

2) A statement on how each of the following standards for the granting of a Special Use is met:

(a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: N/A

(b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: N/A

(c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: N/A

(d) The proposed use is compatible with the recommendations of the Comprehensive Plan. N/A

* In the case of a Special Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.
PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:

*Building a pole barn 36x48 with concrete floor and approach.*

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:

*Lonn Reinhardt*
14250 Pierce Rd
Bremen, IN 46506
574-876-1625
lommreinhardt@drywall@yahoo.com

Name and address of additional property owners, if applicable: Patti Reinhardt

Name and address of petitioner(s), if different than the petitioner:

Name
Address
City, State Zip Code
Phone number with Area Code
E-Mail Address

Name and address of additional property owners, if applicable:

CONTACT PERSON:

*Lonn Reinhardt*
14250 Pierce Rd.
Bremen, IN 46506
574-876-1625
lommreinhardt@drywall@yahoo.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS RELATED TO THIS PETITION.

Signature(s) of all property owner(s):

________________________________________

________________________________________

________________________________________

________________________________________

________________________________________

FEB 21 2020
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 007-1017-029004

The property address:
Address:69733 Oak Road
Plymouth, Indiana 46563

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area: THAT PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 2 EAST, LIBERTY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: COMMENCING AT EAST QUARTER CORNER OF SAID SECTION; THENCE SOUTH 00°58'04" EAST (ALL BEARINGS ASSUMED) ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER AND THE CENTERLINE OF OAK ROAD, A DISTANCE OF 1061.00 FEET MORE OR LESS TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°58'04" EAST ALONG SAID CENTERLINE, A DISTANCE OF 420.06 FEET MORE OR LESS; THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 446.00 FEET MORE OR LESS; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 420.00 FEET MORE OR LESS; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 438.90 FEET MORE OR LESS TO THE POINT OF BEGINNING.
CONTAINING 4.27 GROSS ACRES MORE OR LESS, 3.88 NET ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

VARIANCE INFORMATION:

List each variance being requested. The variance request must specifically list the requirement and the desired request (e.g. From the required [enter requirement] to [enter request going to]) Additional examples can be found on our website. Please contact the Staff if you need assistance.

1) Insert list of variances:
   1). From Section 154.092 (A) Minimum Lot Area, not less than 20 acres to a minimum lot area of 3.88 acres more or less.

2) A statement on how each of the following standards for the granting of variances is met:

   (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: The existing homestead area of 3.88 acres is presently not being farmed or in production and is a grass area surrounding the existing home and out building. The Petitioners have been approached by a local farmer who desires to purchase the existing farm ground containing approximately 13.94 acres more or less. The request to reduce the lot size from 20 acres to 3.88 acres more or less, should not have a detrimental affect on any surrounding property. The existing farm ground will remain in crop production.

   (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: The creation of a lot for the homestead property should not have an adverse affect on any surrounding property. The grass area and home with an outbuilding have been unfarmed since 2002, based on aerial photography. The Petitioners purchased the property in 2006.

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: The intent of the Agricultural Ordinance is to preserve agricultural land in the county. By allowing the existing home and outbuilding which are on a grass portion of the property to be split off from the larger parcel, the existing farm ground can be purchased by a local farmer and continue in crop production.

SPECIAL USE INFORMATION (if the petition does not include a Special Use, please skip to next section):
1) The Special Use(s) being requested: *Insert text*

2) A statement on how each of the following standards for the granting of a Special Use is met:

   (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *Please explain how your Special Use petition addresses this criterion*

   (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *Please explain how your Special Use petition addresses this criterion*

   (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *Please explain how your Special Use petition addresses this criterion*

   (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. *Please explain how your Special Use petition addresses this criterion*

* In the case of a Special Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

*FILED*

MAR 06 2020
PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:

*Insert narrative* The Petitioners have been the owners of an 18.21 acre parcel of ground as shown on the tax records of the County. The property has approximately 13.94 acres of land in crop production. The existing home and outbuilding sit on approximately a 3.88 acre portion of the property and shown as a grass area on the attached site plan. It appears the home was built sometime between 1998 and 2002. The Petitioners purchased the property in 2006. The homestead area has remained the same since it was purchased. They have been approached by a local farmer who desires to purchased the farmland and keep it in crop production. The Petitioners would keep the existing homestead on the proposed 3.88 acre parcel. The Petitioners understand that if the variance request is granted a Minor Subdivision will be required to create a legal lot of record for the homestead parcel. As the remaining portion of the property contains only 13.94 acres, it will remain "unbuildable" per the County's Ordinances.

PETITIONER INFORMATION:
Name and address of property owner(s) of the petition site:
Name: Frank & Patricia Vellucci
Address: 69733 Oak Road
Plymouth, Indiana 46563
Phone number with Area Code: 574-315-2136
E-Mail Address: pilot9136@gmail.com

Name and address of additional property owners, if applicable:

Name and address of petitioner(s), if different than the petitioner:
Name: N/A
Address
City, State Zip Code
Phone number with Area Code
E-Mail Address

Name and address of additional property owners, if applicable:

CONTACT PERSON:
Name: Danch, Harner & Associates, Inc. Attn: Michael Danch
Address: 1643 Commerce Drive
City, State Zip Code: South Bend, Indiana 46628
Phone number with Area Code: 574-234-4003.
E-Mail Address: mmdanch@danchharner.com, gshearson@danchharner.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS RELATED TO THIS PETITION.

Signature(s) of all property owner(s):

[Signatures]

[Date] Mar 06 2020

[Filed]
BZA SITE PLAN
PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 2 EAST,
LIBERTY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

LEGAL DESCRIPTION:
THAT PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 2
EAST, LIBERTY TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, WHICH IS DESCRIBED AS COMMENCING AT
THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE ALONG THE SOUTH LINE
ACROSS THE WEST LINES OF SAID SOUTHEAST QUARTER AND THE CENTERLINE OF OAK ROAD, A DISTANCE
OF 440.00 FEET MORE OR LESS TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°00'00" WEST
ALONG SAID CENTERLINE, A DISTANCE OF 440.00 FEET MORE OR LESS THENCE NORTH 00°00'00" WEST
A DISTANCE OF 440.00 FEET MORE OR LESS THENCE NORTH 00°00'00" EAST A DISTANCE OF 440.00 FEET
MORE OR LESS TO THE POINT OF BEGINNING.

REQUESTED VARIANCE PARCEL "A"

1) FROM SECTION 18, DESC TO MINIMUM LOT AREA NOT LESS THAN 20 ACRES TO A MINIMUM
   LOT AREA OF 3.86 ACRES MORE OR LESS.

DRAWN & ENGINEERED
Diana, Warner & Associates, Inc.
16232 Old U.S. 31 North, Suite 200
Plainfield, IN 46168
Copyright © 2023
Diana, Warner & Associates, Inc.

REVISIONS
R.L. HANCOCK #10032
DATE 1/3/23
DRAWN BY M.J.D. SCALE 1" = 30' CHECKED BY M.J.D. 
DATE 1/3/23
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 014-1138-5353

The property address:
11557 Riverview Boulevard
Osceola, Indiana 46561

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area:

VARIANCE INFORMATION:

List each variance being requested. The variance request must specifically list the requirement and the desired request (e.g. From the required [enter requirement] to [enter request going to]) Additional examples can be found on our website. Please contact the Staff if you need assistance.

1) A variance from the required 35’ front yard setback to 17’; and
   A variance from the required 8’ side yard setback to 2.5’.

2) A statement on how each of the following standards for the granting of variances is met:
   (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: all new construction shall follow standards and not be injurious to the public health, safety, morals or general welfare of the community.

   (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: The replacement of the old existing garage shall increase on site storage and visual appearance and not decrease the value of the adjacent properties.

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: By not allowing the owner the most applicable use of their property.

SPECIAL USE INFORMATION (if the petition does not include a Special Use, please skip to next section):

1) The Special Use(s) being requested: n/a

2) A statement on how each of the following standards for the granting of a Special Use is met:
   (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: n/a

   (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: n/a

   (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: n/a

   (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. n/a

* In the case of a Special Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.
PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:

The owner wishes to remove the small, old garage and replace it with a larger garage. This additional storage space shall help facilitate indoor storage of any outside items associated with living/boating on the river. Location is driven by location of existing septic system and underground utilities.

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:
Warren C and Ann M Ganser
11557 Riverview Boulevard
Osceola, Indiana 46561
574-289-2600

Name and address of additional property owners, if applicable:

Name and address of petitioner(s), if different than the owner:
Name
Address
City, State Zip Code
Phone number with Area Code
E-Mail Address

Name and address of additional petitioner, if applicable:

CONTACT PERSON:
Lang, Feeney & Associates, Inc.
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS RELATED TO THIS PETITION.

Signature(s) of all property owner(s):

[Signature]

X Warren C Ganser

[Signature]

X Ann M Ganser
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are:  #007-1014-0231 & #007-1014-023101

The property address:  28340 & 28342 Stanton Road, Walkerton, Indiana 46574

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area:

A part of the Northwest Quarter of the Southeast Quarter of Section 16, Township 35 North, Range 1 East of the 2nd Principal Meridian, Liberty Township, St. Joseph County, Indiana being a 10.01 acre parcel and more particularly described as follows:

Commencing at a Harrison Monument as referenced in the Office of the St. Joseph County Surveyor; Thence North 90°00'00" East, (assumed bearing) along the North line of the Southeast Quarter of said Section 16, a distance of 701.79 feet to a Mag Nail set for the Point of Beginning; Thence North 90°00'00" East, continuing along the North line of the Southeast Quarter of said Section 16, a distance of 583.46 feet to a Mag Nail set; Thence South 00°28'25" East, a distance of 747.00 feet to a 5/8" Rebar set with cap Lang, Feeney, Inc. S-0309/S-0523: Thence South 90°00'00" West, parallel with the North line of the Southeast Quarter of said Section 16, a distance of 583.46 feet to a 5/8" Rebar set with cap Lang, Feeney, Inc. S-0309/S-0523; Thence North 00°28'25" West, a distance of 747.00 feet to the Point of Beginning. Containing 10.01 acres, more or less, subject to all legal easements, right of ways and references of record.

VARIANCE INFORMATION:

List each variance being requested. The variance request must specifically list the requirement and the desired request (e.g. From the required [enter requirement] to [enter request going to]) Additional examples can be found on our website. Please contact the Staff if you need assistance.

1) - A variance from the required 20 acres to 4.73 acres for Lot 1
2) - A variance from the required 20 acres to 4.73 acres for Lot 2

2) A statement on how each of the following standards for the granting of variances is met:

(a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: We are simply establishing new property lines between said parcels to separate the houses, outbuildings and grass area from the farm land.

(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: We are simply establishing new property lines around existing houses and outbuildings thus not creating any adverse effects on the surrounding area.

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: By not allowing the petitioners to benefit from the most applicable use of the property

SPECIAL USE INFORMATION (if the petition does not include a Special Use, please skip to next section):

1) The Special Use(s) being requested: n/a

2) A statement on how each of the following standards for the granting of a Special Use is met:

(a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: n/a

(b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: n/a
(c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: n/a

(d) The proposed use is compatible with the recommendations of the Comprehensive Plan. n/a

* In the case of a Special Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:

The purpose of this project is to separate to two 5 acres parcel containing the houses, outbuildings and grass from the farm land for future estate planning.

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:
Kerry & Rosemarie Knape
PO Box 521
North Liberty, Indiana 46554
574-910-0773
kerryknap@gmail.com

Name and address of additional property owners, if applicable:

Name and address of petitioner(s), if different than the owner:
Name
Address
City, State Zip Code
Phone number with Area Code
E-Mail Address

Name and address of additional petitioner, if applicable:

CONTACT PERSON:
Lang, Feeney & Associates, Inc.
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS RELATED TO THIS PETITION.

Signature(s) of all property owner(s):

X Kerry Knape

X Rosemarie Knape
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 014-1187-7448

The property address:
11727 Strohm Drive South
Mishawaka, IN 46545

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area:

VARIANCE INFORMATION:

List each variance being requested. The variance request must specifically list the requirement and the desired request (e.g. From the required [enter requirement] to [enter request going to]). Additional examples can be found on our website. Please contact the Staff if you need assistance.

1) Requesting a variance from the required minimum building setback of 75 feet to 50 feet.

2) A statement on how each of the following standards for the granting of variances is met:

   (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: The proposed addition will not be injurious to the public health, safety, morals and general welfare of the community. The addition still allows for adequate clear sight distance along Buckeye Road and Strohm Drive South.

   (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: The use of the property will remain Residential and therefore not have a substantial impact on the surrounding properties.

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: Since a garage is part of the proposed addition, it would not be practical to build the addition along the back side of the current residence. The existing driveway can still be utilized to gain access to the proposed garage location with a minimal increase to impervious area on the property.

SPECIAL USE INFORMATION (if the petition does not include a Special Use, please skip to next section):

1) The Special Use(s) being requested: N/A

2) A statement on how each of the following standards for the granting of a Special Use is met:

   (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: N/A

   (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: N/A

   (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: N/A

   (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. N/A

* In the case of a Special Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.
PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:
The proposed project will consist of an approximately 1,100 sq. ft. addition along the west side of the existing residence structure. The addition will allow for a single stall garage and in-law suite. It will include a kitchenette, full bathroom and bedroom. The exterior appearance will match as close as possible to the existing residence.

PETITIONER INFORMATION:
Name and address of property owner(s) of the petition site:
Tim Thielka
11727 Strohm Drive South
Mishawaka, IN 46545
574-309-8837
tthielka@gmail.com

Name and address of additional property owners, if applicable: Kristie Thielka

Name and address of petitioner(s), if different than the petitioner:
Tim Thielka
11727 Strohm Drive South
Mishawaka, IN 46545
574-309-8837
tthielka@gmail.com

Name and address of additional property owners, if applicable:

CONTACT PERSON:
Tim Thielka
11727 Strohm Drive South
Mishawaka, IN 46545
574-309-8837
tthielka@gmail.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS RELATED TO THIS PETITION.

Signature(s) of all property owner(s):

[Signatures]

[Stamp] -FILED-
MAR 10 2020
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 021-1031-0545

The property address:
27386 Alden Road
New Carlisle, IN 46552

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area:

Petition Area Legal Description:
A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 38 NORTH, RANGE 1 EAST, WARREN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS:
COMMENCING AT AN IRON PIPE MARKING THE NORTHEAST CORNER OF SAID SECTION 15; THENCE SOUTH 00°00'27" WEST ALONG THE EAST LINE OF SAID SECTION 15 A DISTANCE OF 1327.91 FEET TO A 5/8" REBAR AT THE INTERSECTION OF THE CENTERLINE OF ALDEN ROAD WITH SAID EAST SECTION LINE; THENCE NORTH 88°04'33" WEST ALONG SAID CENTERLINE A DISTANCE OF 795.50 FEET; THENCE NORTH 83°41'16" WEST ALONG SAID CENTERLINE A DISTANCE OF 526.36 FEET TO THE SOUTHEAST CORNER OF LOT 1, KORN MINOR SUBDIVISION, RECORDED AS INSTRUMENT NO. 8729801 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 85°16'09" WEST ALONG SAID CENTERLINE A DISTANCE OF 669.40 FEET TO A MAG NAIL WITH "FIRM 13" WASHER AND THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE SOUTH 00°23'08" EAST A DISTANCE OF 678.68 FEET TO A 5/8" REBAR WITH "FIRM 13" CAP; THENCE NORTH 86°07'23" WEST A DISTANCE OF 260.70 FEET TO A 5/8" REBAR WITH "FIRM 13" CAP; THENCE NORTH A DISTANCE OF 692.52 FEET TO A MAG NAIL WITH "FIRM 13" CAP ON SAID CENTERLINE; THENCE SOUTH 81°23'18" EAST ALONG SAID CENTERLINE A DISTANCE OF 42.02 FEET; THENCE EASTERLY 209.25 FEET ALONG SAID CENTERLINE AND ON A 2935.21 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 83°13'37" EAST A DISTANCE OF 209.20 FEET; THENCE SOUTH 85°16'09" EAST ALONG SAID CENTERLINE A DISTANCE OF 6.27 FEET TO THE POINT OF BEGINNING.
CONTAINING 4.047 ACRES, MORE OR LESS.

Total Site Area:
The West Half of the Northeast Quarter of Section 15, Township 38 North, Range 1 East, Warren Township, St. Joseph County, Indiana, lying southerly of Alden Road. Excluding Therefrom:

Parcel I:
Part of the West Half (1/2) of the Northeast Quarter (1/4) of Section Fifteen (15), Township Thirty-Eight (38) North, Range One (1) East. Beginning at a point in the center of Alden Road, 2,630 feet west and 1,629.3 feet north of the southeast corner of the northeast quarter (1/4) of Section 15, Township 38 North, Range 1 East; thence southeasterly along the center of said Alden Road 168.1 feet; thence south parallel with the west line of the northeast quarter (1/4) of said section, 158.6 feet; thence deflection right (west) 90 degrees, 00 minutes, a distance of 150 feet to the said west line of the northeast quarter (1/4); thence deflection right (north) 90 degrees, 00 minutes, a distance of 233.5 feet to the place of beginning.

Parcel II:
Part of the West Half (1/2) of the Northeast Quarter (1/4) of Section Fifteen (15), Township Thirty-Eight (38) North, Range One (1) East. Beginning at a point on the west line of the northeast quarter (1/4) of said section 15, 2,630 feet west and 1,395.8 feet north of the southeast corner of the northeast quarter of section 15, Township 38 North, Range 1 East; thence east along the south line of the tract of land described in deed record 714, page 223 in the office of the recorder of St. Joseph County, Indiana, a distance of 150 feet; thence south 45 feet; thence west 150 feet; thence north 45 feet to the place of beginning.
VARIANCE INFORMATION:

List each variance being requested. The variance request must specifically list the requirement and the desired request (e.g. From the required [enter requirement] to [enter request going to]) Additional examples can be found on our website. Please contact the Staff if you need assistance.

1) 154.092(A): Minimum Lot Area - From the required minimum lot area of 20 Acres to a lot area of 3.81 Acres.

2) A statement on how each of the following standards for the granting of variances is met:

   (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: The proposed new parcel will surround an existing residence, out building and mown lawn area. The residence on the parcel will continue to be used as a private dwelling and is not introducing a new use or a use that is injurious to the public health, safety, morals and general welfare of the community.

   (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: The area that is desired to be divided is unable to be used for agricultural purposes due to the presence of an existing residence and out buildings. No new building sites are being proposed, therefore this petition does not threaten the value of the adjacent agricultural land with encroachment of urban sprawl into an agricultural area.

   (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: The land owners wish to separate the residence from the agricultural land, sell the residence, and continue to utilize the agricultural land for agricultural activities. This transfer is not possible without being granted these variances.

SPECIAL USE INFORMATION (if the petition does not include a Special Use, please skip to next section):

1) The Special Use(s) being requested:

2) A statement on how each of the following standards for the granting of a Special Use is met:

   (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare:

   (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein:

   (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and:

   (d) The proposed use is compatible with the recommendations of the Comprehensive Plan.

* In the case of a Special Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.
PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:

The landowners would like to divide 3.81 acres surrounding the existing house and out buildings from the existing parcel. This division is being completed through the Minor Subdivision process. No new building sites are proposed and the remainder of the existing parcel will continue to be used for agricultural purposes.

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:
Korn Family Farms, LLC - TJ Mannen, President
51235 Redwood Road
South Bend, IN 46628
574-514-3397
tjmennen@pga.com

Name and address of additional property owners, if applicable:

Name and address of petitioner(s), if different than the petitioner:

Name and address of additional property owners, if applicable:

CONTACT PERSON:
Marbach-Palm, Inc. - Anthony Hiatt, PS
PO Box 960
New Carlisle, IN 46552
574-654-3450
thiatt@marbach.us

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS RELATED TO THIS PETITION.

Signature(s) of all property owner(s):
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 011-1054-0695

The property address: 10251 Pierce Road, Wakarusa, Indiana 46573

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area:

A part of the West Half of the Southeast Quarter of Section 28, Township 36 North, Range 4 East of the 2nd Principal Meridian, Madison Township, St. Joseph County, Indiana being more particularly described as follows:

Commencing at a Harrison Monument as referenced in the Office of the St. Joseph County Surveyor as marking the Southwest corner of the Southeast Quarter of Section 28, Township 36 North, Range 4 East of the 2nd Principal Meridian, Madison Township, St. Joseph County, Indiana; Thence South 89°01'08" East, (record bearing) along the South line of the Southeast Quarter of said Section 28, a distance of 626.13 feet to a point; Thence North 00°51'50" East, to the North Right of Way of Pierce Road, a distance of 42.28 feet to a 5/8" Rebar set with cap PLS 80040309; Thence North 00°51'50" East, a distance of 295.48 feet to a 5/8" Rebar set with cap PLS 80040309; Thence South 89°01'08" East, parallel with the South line of the Southeast Quarter of said Section 28 to the approximate centerline of Louck Ditch, a distance of 396.60 feet to a point; Thence North 45°09'32" East, along the approximate centerline of said Louck Ditch, a distance of 67.05 feet to a point; Thence North 85°36'05" East, along the approximate centerline of said Louck Ditch to the East line of the West Half of the Southeast Quarter of said Section 28, a distance of 258.34 feet to a point; Thence South 00°01'29" East, along the East line of the West Half of said Section 28 to the North Right of Way of Pierce Road, a distance of 370.13 feet to a 5/8" Rebar set with cap PLS 80040309; Thence North 89°01'08" West, along the North Right of Way of Pierce Road, parallel with the South line of the Southeast Quarter of said Section 28, a distance of 683.50 feet to a point; Thence North 83°18'30" West, along the North Right of Way line of said Pierce Road, a distance of 23.04 feet to the Point of Beginning.

Containing 5.19 acres, more or less, subject to all legal easements, right of ways, and references of record.

VARIANCE INFORMATION:

List each variance being requested. The variance request must specifically list the requirement and the desired request (e.g. From the required [enter requirement] to [enter request going to]) Additional examples can be found on our website. Please contact the Staff if you need assistance.

1) – From the required 20 acres to 5.19 acres

2) A statement on how each of the following standards for the granting of variances is met:

(a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: We are simply delineating the house, garage, barn and grass area from the farm land.

(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: we are simply establishing new property lines around the house and garage, and barn thus not creating any adverse effects on the surrounding area.

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: By not allowing the petitioners to benefit from the most applicable use of the property

(d)
SPECIAL USE INFORMATION (if the petition does not include a Special Use, please skip to next section):

1) The Special Use(s) being requested: n/a
2) A statement on how each of the following standards for the granting of a Special Use is met:
   (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: n/a
   (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: n/a
   (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: n/a
   (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. n/a
* In the case of a Special Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:

We are simply separating the house, garage and barn from the farm land for future estate planning.

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:

Chad M. Zahner & Abigail l. Zahner
10251 Pierce Road
Wakarusa, Indiana 46573
574-276-2102
azahner@wanee.org

Name and address of additional property owners, if applicable:
Name and address of petitioner(s), if different than the owner):
Name
Address
City, State Zip Code
Phone number with Area Code
E-Mail Address

Name and address of additional petitioner, if applicable:

CONTACT PERSON:
Plymouth land Surveying & Design, Inc.
1405 North Michigan Street
Plymouth, Indiana 46563
574-936-3469
JBF715@aol.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS RELATED TO THIS PETITION.

Signature(s) of all property owner(s)

Chad M. Zahner
Abigail l. Zahner
Area Board of Zoning Appeal  
1140 County-City Bldg., 227 W. Jefferson Blvd.  
South Bend, IN 46601  
(574) 235-9571  

VARIANCE OR SPECIAL USE PETITION IN  
Unincorporated St. Joseph County  

Submittal Deadline and Place of Filing: 12:00 Noon, Area Plan Commission, 11th Floor of the County-City Building. Filing deadlines can be found at  
http://sicindiana.com/DocumentCenter/View/13127  

1. Submissions for a Variance or Special Use should include the following:  
☐ Submit 2 physical copies of the Petition. Submit 1 additional copy by email to planning@sicindiana.com.  
☐ Submit 2 physical copies, and 1 copy by email to planning@sicindiana.com, of a Site Development Plan drawn to scale showing the following:  
☐ North Arrow, written and graphic scale  
☐ Boundary of property with dimensions  
☐ All existing and proposed structures with distances from all property lines  
☐ Septic location  
☐ Existing and/or proposed landscaping, if applicable to application  
☐ Existing and/or proposed parking, if applicable to application  
☐ Existing and/or proposed signs, if applicable to application  
☐ Sign and/or building elevations, if seeking sign or architectural variances  
☐ If the property is greater than 3 acres, the site plan does not need to be drawn to scale  

☐ Filing Fees: Cash, check, or money order payable to the Area Plan Commission.  
• Variances: $125 for the first variance, plus $50 for each variance  
• Special Use: $300 for the Special Use, plus $50 for each variance  
• Conditional Use: $300 for the Conditional Use, plus $50 for each variance  

2. The staff will prepare the legal notice for publication and notice to surrounding property owners.  

3. The staff will prepare the Ordinance for Special Use and submit it to the County Council, if applicable.  

4. During the review by the staff, additional information, clarification, or corrections may be requested. Changes are submitted directly to the staff.  

5. The petition will not be set for a public hearing unless all required documentation, clarifications, or corrections are submitted prior to the publication of the legal ad. It is the responsibility of you or your representative, to respond in a timely manner.  

6. The petitioner or a representative must be present at the Area Board of Zoning Appeals meeting. If the petition involves a Special use, the petitioner or a representative must also be present at the County Council Land Use Committee and the County Council meetings. Please consult the County Council secretary for Council meeting dates and times.  

Press TAB to complete the attached Petition.
ST. JOSEPH COUNTY (UNINCORPORATED)
PETITION FOR VARIANCE and/or SPECIAL USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 006-1019-0252, 006-1009-0109, 066-1004-003506, 006-1009-011027

The property address:
12,700 - 13,000 Block of Brick Road
Granger, IN 46530

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area:

A PARCEL LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 3 EAST, AND PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 4 EAST, HARRIS TOWNSHIP, ST. JOSEPH COUNTY, INDIANA. BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 00°45'12" EAST ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 29.17 FEET TO THE NORTHWEST CORNER OF SAID SECTION 19, AND THE SOUTH LINE OF THE RECORDED PLAT OF HINTON'S BITTERSWEET WEST SECOND ADDITION AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 89°28'38" EAST A DISTANCE OF 1184.65 FEET (REC. SOUTH 89°28'30" EAST, 1184.40 FEET) ALONG THE SOUTH LINE OF SAID RECORDED PLAT, TO THE WEST LINE OF THE RECORDED PLAT OF HINTON'S BITTERSWEET SUBDIVISION, SIXTH ADDITION AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 00°50'25" EAST A DISTANCE OF 742.50 FEET (REC. SOUTH 00°13'05" WEST, 742.50 FEET) TO A POINT ON THE WEST LINE OF THE RECORDED PLAT OF HINTON'S BITTERSWEET SOUTH, SECTION TWO, PART ONE AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 89°38'31" EAST A DISTANCE OF 2.09 FEET (REC. SOUTH 88°39'21" EAST, 2.09 FEET); THENCE SOUTH 00°55'43" EAST A DISTANCE OF 1026.96 FEET (REC. SOUTH 00°33'27" WEST, 1026.96 FEET) ALONG THE WEST LINE OF SAID HINTON'S BITTERSWEET SOUTH, SECTION TWO, PART ONE, AND ALSO THE WEST LINE OF HINTON'S BITTERSWEET SOUTH, SECTION TWO, PART TWO AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, TO A POINT ON THE NORTH LINE OF INDIANA EAST AND WEST TOLL ROAD; THENCE SOUTH 89°11'27" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1861.32 FEET; THENCE NORTH 00°44'52" WEST A DISTANCE OF 1797.43 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 24; THENCE NORTH 88°34'34" EAST ALONG SAID NORTH LINE OF SECTION 24, A DISTANCE OF 668.63 FEET (REC. NORTH 89°18'50" EAST, 669.30 FEET) TO THE POINT OF BEGINNING.

CONTAINING 76.00 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AS RESTRICTION OF RECORD.

VARIANCE INFORMATION:

List each variance being requested. The variance request must specifically list the requirement and the desired request (e.g. From the required [enter requirement] to [enter request going to]). Additional examples can be found on our website. Please contact the Staff if you need assistance.

1) From the required minimum 35-ft. front-yard building setback for lots along right-of-way greater than 40-feet to a minimum front-yard setback of 25-ft., for the following proposed lots:
   Lots 1-4, Lots 11-69, Lots 74-78, Lot 81, Lots 84-87, Lots 94-133, Lots 137-166, Lots 168-230

2) From the required minimum 8-ft. side-yard building setback for lots having an area of 12,000 square feet or more to a minimum side-yard setback of 6-ft., for the following proposed lots:

O
3) From the required minimum lot frontage of 100 ft. on an improved dedicated right-of-way to a minimum frontage of 0-ft. with access to public street through an ingress-egress easement to Brick Road for proposed Lot 230.

2) A statement on how each of the following standards for the granting of variances is met:

(a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: The proposed Major Subdivision is being designed as an urban type residential development with homes being placed on smaller lots and the entire subdivision being serviced with sanitary sewer and water. This development is separate from any previous major subdivision done in this area. The developer desires to have a consistent look for the homes and streetscape. The request for a reduction in the front-yard setback and side-yard setback for lots 12,000 sq.ft. and larger would have no impact on any surrounding properties. The subdivision will have a unified look. The larger setbacks are not needed with lots serviced by municipal utilities. The request for the frontage variance for the community well site is due to the fact that there is a high level of restrictions placed on community well facilities based on location, topography, road right-of-ways, buildings, other wells, septic systems and the pumping capacity for the aquifer for the water source. As shown, the community well have access to a public street, but that is planned for a later final plat. The layout shown allows for Brick Road to be extended first, with the sanitary lift station site, which will serve the entire subdivision. The community well site was located based on State criteria. The developer is asking to be allowed to develop the community well site as shown with access to the site from Brick Road in the first section of the development, through an ingress and egress easement. This allows for a buildable lot for the well buildings. This situation is only temporary, until later sections of the subdivision are developed which will result in the community well being on a public right-of-way as shown. Approval of these variances should not have any adverse impact on surrounding properties.

(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: As explained above, the location of the new subdivision is separate from the adjacent older developments. The requested variances would not have a detrimental effect on lots in those subdivisions. The other adjacent properties to the petition site are larger undeveloped tracts of land.

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: The practical difficulty would be the development is required to maintain larger setbacks than are actually needed. This would reduce the efficiency in how the properties are developed which would increase the amount of roadway to service a subdivision and increase the amount of runoff which would need to be accounted for from a drainage standpoint.

SPECIAL USE INFORMATION (if the petition does not include a Special Use, please skip to next section):

1) The Special Use(s) being requested: Enter text

2) A statement on how each of the following standards for the granting of a Special Use is met:

(a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: Please explain how your Special Use petition addresses this criterion

(b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: Please explain how your Special Use petition addresses this criterion

(c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: Please explain how your Special Use petition addresses this criterion

(d) The proposed use is compatible with the recommendations of the Comprehensive Plan. Please explain how your Special Use petition addresses this criterion

* In the case of a Special Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.
PROJECT INFORMATION:
Provide a brief and descriptive narrative of the proposed project:

The owners desire to create a two-hundred and thirty (230) lot Major Subdivision for single-family home sites as shown on the attached BZA Plan.

The proposed two-hundred and thirty (230) Lots shown will be serviced by municipal sanitary sewer lines and a private community water system. The proposed sanitary sewer system and private community water system will be built by the developer. It is proposed that once the sanitary sewer system is built and approved, the County's Water and Sewer District will then take over control and maintenance of the system. The proposed private community water system will service all lots in the subdivision. The system will consist of two wells and a system of water mains that will run throughout the project site along with fire hydrants. The proposed community well facility is shown on lot 230 of the Major Subdivision. The community well will be required to be approved for residential use by the State of Indiana. The developer of the project will be responsible for the maintenance of the community well.

Approximately 9,500 feet of roadway would be built. The roads will be paved and developed to standards approved by the County Engineer.
PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:

The Village Development LLC
52127 Fall Creek Dr.
Granger, IN 46530
Phone number 574-315-9668
E-Mail Address N/A

Name and address of additional property owners, if applicable:

Name and address of petitioner(s), if different than the petitioner:
Name
Address
City, State Zip Code
Phone number with Area Code
E-Mail Address

Name and address of additional property owners, if applicable:

CONTACT PERSON:
Danch, Harner & Associates
1643 Commerce Drive
South Bend, IN 46628
(574)234-4003
mdanch@danchharners.com, gsharon@danchharners.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS RELATED TO THIS PETITION.

Signature(s) of all property owner(s):

The Village Development LLC
AREA BOARD OF ZONING APPEALS
ST. JOSEPH COUNTY, INDIANA

MINUTES

Wednesday, March 11, 2020
1:30 p.m.
4th Floor, Council Chambers
County-City Building, South Bend, IN

MEMBERS PRESENT:
MEMBERS ABSENT:
ALSO PRESENT:

Robert Hawley
Dan Caruso
Shawn Klein
John O'Brien
Sidney Shafer
Ryan Fellows
Michael Urbanski
Joe Velleman
Samantha Keultjes
Jack Young

PUBLIC HEARINGS:

1. The petition of SHIRLEY HEINZE LAND TRUST INC seeking the following variance(s): 1) from the required hard surface to gravel for parking areas and 2) from the requirement to provide curbs and lines to none, property located at 25920 US 20 HWY, Warren Township. Zoned R: Single Family District (County).

PETITIONER

Kris Krause, Executive Director of Shirley Heinze Land Trust, with offices located at 109 West 700 North, Valparaiso, IN, spoke on behalf of the petitioner.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After careful consideration, the following action was taken:

Upon a motion by John O'Brien, being seconded by Robert Hawley and unanimously carried, a petition by SHIRLEY HEINZE LAND TRUST INC seeking the following variances: 1) from the required hard surface to gravel for parking areas and 2) from the requirement to provide curbs and lines to none was approved as presented, and will issue written Findings of Fact.

Dan Caruso - Absent
Robert Hawley - Yes
John O'Brien - Yes
Joe Velleman - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
2. The petition of CONNIE PAWLING seeking the following variance(s): 1) from the minimum required front setback of 35’ to 27’, property located at 12491 BECKLEY ST, Harris Township. Zoned R: Single Family District (County). (Audio Position: 8:45)

PETITIONER

Craig Pawling, residing at 12491 Beckley St., Granger, IN, spoke on behalf of the petitioner.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After careful consideration, the following action was taken:

Upon a motion by Robert Hawley, being seconded by Jack Young and unanimously carried, a petition by CONNIE PAWLING seeking the following variances: 1) from the minimum required front setback of 35’ to 27’ was approved as presented, and will issue written Findings of Fact.

Robert Hawley - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes
Joe Velleman - Yes
John O'Brien - Yes
Dan Caruso - Absent

3. The petition of KAREN A & ERIC P BROCHHAUSEN seeking the following variance(s): 1) from the maximum allowed 1388 sq. ft. for accessory structures to 2120 sq. ft., property located at 17113 HAGEY ST and 17091 STATE ROAD 23 HWY, Clay Township. Zoned R: Single Family District (County). (Audio Position: 12:10)

PETITIONER

Eric & Karen Brochhausen, residing at 17113 Hagey St., South Bend, IN presented the petition as the petitioners.

IN FAVOR

There was one person present to speak in favor of this petition. They were:

Gail Moon, residing at 9327 E 106th St., Fishers, IN.
REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After careful consideration, the following action was taken:

Upon a motion by Joe Velleman, being seconded by Robert Hawley and unanimously carried, a petition by KAREN A & ERIC P BROCHHAUSEN seeking the following variances: 1) from the maximum allowed 1388 sq. ft. for accessory structures to 2120 sq. ft. was approved as presented, and will issue written Findings of Fact.

Robert Hawley - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes
Joe Velleman - Yes
John O'Brien - Yes
Dan Caruso - Absent

4. The petition of JOHN M KIME seeking the following variance(s): 1) from the minimum required side setback of 30' to 5', property located at 61201 ELM RD, Penn Township. Zoned A: Agricultural District (County). (Audio Position: 17:25)

PETITIONER

Terry Lang of Lang Feeney & Associates, with offices located at 715 S. Michigan St., South Bend, IN spoke on behalf of the petitioner.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After careful consideration, the following action was taken:

Upon a motion by Robert Hawley, being seconded by Jack Young and unanimously carried, a petition by JOHN M KIME seeking the following variances: 1) from the minimum required side setback of 30' to 5' was approved as presented, and will issue written Findings of Fact.

Robert Hawley - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young - Yes
Joe Velleman - Yes
5. The petition of JOSEPH J. AND PATRICIA A. NAHAS LIVING TRUST WITH JOSEPH J. AND PATRICIA A. AS TRUSTEES seeking the following variance(s): 1) from the minimum required rear setback of 25' to .9' and 2) from the minimum required side setback of 6' to .9' along the south lot line and 4' along the north lot line, property located at 51810 VILLAGER PKWY, Clay Township. Zoned R: Single Family District (County).

PETITIONER

Shawn Hile, residing at 851 North Phillip Rd., Niles, MI spoke on behalf of the petitioner.

IN FAVOR

Tom and Tina Konecny, residing at 51785 Villager Pkwy, Granger, IN sent in a letter in favor of this petition.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After careful consideration, the following action was taken:

Upon a motion by Joe Velleman, being seconded by Robert Hawley and unanimously carried, a petition by JOSEPH J. AND PATRICIA A. NAHAS LIVING TRUST WITH JOSEPH J. AND PATRICIA A. AS TRUSTEES seeking the following variances: 1) from the minimum required rear setback of 25' to .9' and 2) from the minimum required side setback of 6' to .9' along the south lot line and 4' along the north lot line was approved as presented, and will issue written Findings of Fact.

Robert Hawley - Yes
Sidney Shafer - Yes
Michael Urbanski - Yes
Jack Young -Yes
Joe Velleman - Yes
Dan Caruso - Absent
John O'Brien - Yes

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact

A. Approval of the Findings of Fact from the February 12, 2020 meeting.

Upon a motion by Robert Hawley, being seconded by Joe Velleman and unanimously carried, the Findings of Fact from the February 12, 2020 meeting were approved.
2. Minutes

A. Approval of the minutes from the February 12, 2020 meeting.

Upon a motion by Jack Young, being seconded by Robert Hawley and unanimously carried, the minutes from the February 12, 2020 meeting were approved.

3. Other Business

A. Area Board of Zoning Appeals Member Training presented by Senior Planner, Ryan Fellows.

4. Adjournment at 3:05 p.m.

RESPECTFULLY SUBMITTED,

______________________________
MICHAEL URBANSKI,
CHAIRMAN OF THE BOARD

ATTEST:

______________________________
RYAN FELLOWS,
INTERIM SECRETARY OF THE BOARD
FINDINGS OF FACT

JOSEPH J. AND PATRICIA A. NAHAS LIVING TRUST WITH JOSEPH J. AND PATRICIA A. AS TRUSTEES
51810 VILLAGER PKWY
St. Joseph County

On Tuesday, March 11, 2020, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

1) APPROVED from the minimum required rear setback of 25' to .9'
2) APPROVED from the minimum required side setback of 6' to .9' along the south lot line and 4' along the north lot line

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   The approval will not be injurious to public health, safety, morals and the general welfare of the community as the only property affected is a parcel owned by the Homeowners’ Association which effectively serves as the “yard” for the petitioners dwelling.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
   The effective setback from the neighboring property abutting the rear of the HOA property, and therefore the actual impact upon adjacent properties, is equivalent to that required by the Ordinance.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Strict application of the terms of this Chapter would not allow the petitioner to construct a new deck which does not impact neighboring properties to any greater degree than decks which are permitted under the Ordinance.

Roll Call:
Robert Hawley - Yes Joe Velleman - Yes
Sidney Shafer - Yes Dan Caruso - Absent
Michael Urbanski - Yes John O’Brien - Yes
Jack Young - Yes

The Minutes of the March 11, 2020 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on April 8, 2020.

Michael Urbanski, Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Ryan D. Fellows, Interim Executive Director
FINDINGS OF FACT

SHIRLEY HEINZE LAND TRUST INC
25920 US 20 HWY
St. Joseph County

On Tuesday, March 11, 2020, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

APPROVED 1) from the required hard surface to gravel for parking areas
APPROVED 2) from the requirement to provide curbs and lines to none

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Paving the 100’ drive will ensure that gravel, dust, and debris will not be tracked into the public right-of-way.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
   The surface material of a parking lot has no substantial effect on the use and value of adjacent property. The parking lot will meet all of the required setbacks from neighboring properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   Strict application of the terms of the Ordinance would result in unnecessary impervious surface and resulting stormwater runoff which undermines the purpose of the preserve.

Roll Call:
   Dan Caruso - Absent
   Robert Hawley - Yes
   John O’Brien - Yes
   Joe Velleman - Yes
   Sidney Shafer - Yes
   Michael Urbanski - Yes
   Jack Young - Yes

The Minutes of the March 11, 2020 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on April 8, 2020.

ATTEST: 
Michael Urbanski, Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

Ryan D. Fellows, Interim Executive Director
FINDINGS OF FACT

KAREN A & ERIC P BROCHHAUSEN
17113 HAGEY ST and 17091 STATE ROAD 23 HWY
St. Joseph County

On Tuesday, March 11, 2020, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

**APPROVED**

1) from the maximum allowed 1388 sq. ft. for accessory structures to 2120 sq. ft.

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.

An additional accessory structure on the property will not be injurious to the public health, safety, morals and general welfare of the community.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The use and value of the area adjacent to the property will not be substantially affected as the area is transitional in nature with a variety of uses and building types.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.

Strict application of the terms of this Chapter would not allow the petitioner to construct an additional accessory structure.

Roll Call:

- Robert Hawley - Yes  
- Sidney Shafer - Yes  
- Michael Urbanski - Yes  
- Jack Young - Yes  
- Joe Velleman - Yes  
- John O’Brien - Yes  
- Dan Caruso - Absent

The Minutes of the March 11, 2020 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on April 8, 2020.

ATTEST:

Michael Urbanski, Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

Ryan D. Fellows, Executive Director
FINDINGS OF FACT

CONNIE PAWLING
12491 BECKLEY ST
St. Joseph County

On Tuesday, March 11, 2020, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

**APPROVED**

1) from the minimum required front setback of 35’ to 27’

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   Since the width of the Beckley Street right-of-way exceeds 60’, allowing a house to be constructed 8’ closer to the parcel line will have no significant adverse effect on the ability of the public to utilize the street.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
   The requested setback is comparable to or exceeds other front setbacks along Beckley Street. Therefore, use and value of adjacent properties will not be adversely affected.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   As the parcel in question is a narrow corner lot, requiring the petitioner to comply with the 35’ front setback along the southern property line would result in practical difficulty.

Roll Call:
   Robert Hawley - Yes                Joe Velleman - Yes
   Sidney Shafer - Yes               John O’Brien - Yes
   Michael Urbanski - Yes           Dan Caruso - Absent
   Jack Young - Yes

The Minutes of the March 11, 2020 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on April 8, 2020.

Michael Urbanski, Chairman
Area Board of Zoning Appeals
St. Joseph County, Indiana

ATTEST:

Ryan D. Fellows, Executive Director
FINDINGS OF FACT

JOHN M KIME
61201 ELM RD
St. Joseph County

On Tuesday, March 11, 2020, the Area Board of Zoning Appeals took the following actions on the variances from the Development Standards of the St. Joseph County Zoning Ordinance:

APPROVED 1) from the minimum required side setback of 30' to 5'

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
   The reduced setback will not be injurious to public health, safety, morals and general welfare of the community. General welfare is enhanced by allowing land that might otherwise be used for the proposed structure to remain agriculturally productive. Additionally, the proposed location allows the petitioner to utilize existing impervious surface rather than constructing additional.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
   The use and value of the area adjacent to the property will not be substantially affected as the structure is for an agricultural use and all land in the immediate vicinity is devoted to that purpose. Therefore, the fact that the structure is closer to the neighbor's property than the Ordinance allows should not impact this property owner’s ability to continue to farm the parcel.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property.
   The strict application of the terms of this Chapter would result in practical difficulties as it would not allow the petitioner to construct an additional structure for agricultural storage without taking presently cultivated land out of production.

Roll Call:
   Robert Hawley - Yes   Joe Velleman - Yes
   Sidney Shafer - Yes    Dan Caruso - Absent
   Michael Urbanski - Yes John O’Brien - Yes
   Jack Young - Yes

The Minutes of the March 11, 2020 meeting of the Area Board of Zoning Appeals are hereby incorporated by reference herein.

Adopted by the Area Board of Zoning Appeals of St. Joseph County, Indiana, on April 8, 2020.

ATTEST:

Ryan D. Fellows, Executive Director