

BOARD OF ZONING APPEALS

Regular Meeting

DATE: December 6, 2023 • TIME: 7:00 p.m.

PLACE: Commissioners' Room in the Noble County Annex Building

AGENDA

- A. Call to Order
 - B. Roll Call
 - C. Determination of Quorum
 - D. Consideration of Minutes
 - November 1, 2023 regular and special meeting
 - E. Unfinished Business
 - Consideration of Memorandum of Findings of Fact for Variance #2309, #2313 and Special Exception #564
 - F. New Business
 - Variance #2311 Marion J & Karen E Hochstetler** - Requests a Use Variance from the Noble County Unified Development Ordinance (Article 2.03) to allow for a small farm animal auction open to the public to be held once a month during May-September on an A1 zoned parcel. Operation hours to be 2pm-8pm, with 70-100 vendors selling approximately 200-300 caged animals per auction (1-4 animals per cage). No reptiles, dogs/cats, federal birds, exotic animals, or large farm animals will be sold. Also, to allow for the sale of refreshments by the local school during the auction (compliant with the Co. Health Department). Real estate is located in Section 1 of Perry Township, quadrant 100, parcel 016, common location known as 11923 N. 600 W. Topeka, IN.
 - Development Standards Variance #2312 Robert G & Judy K Rollins** - Requests a Development Standards Variance from the Noble County Unified Development Ordinance (Article 2.22) to allow less the UDO minimum required front yard (street) setback of 30' to be at 24' for construction of a detached garage (no greater than 36x55). Real estate is located in Section 16 of Wayne Township, quadrant 100, parcels 025-027, common location known as Lot 11-13 in Schockopee Village; 8798 E. Circle Dr. Kendallville, IN.
 - Development Standards Variance #2314 Michael L & Rose Marie Williams** - Requests a Development Standards Variance from the Noble County Unified Development Ordinance (Article 2.22) to allow less the UDO minimum required waterside setback of 75' to be at 60' for the construction of a new home. Real estate is located in Section 33 of Noble Township, quadrant 400, parcel 055, common location known as Lot 42 of Fruchey's 2nd Addition to Big Lake Resort; 3667 W. Huntington Ave, Columbia City, IN.
 - Special Exception #566 Michael E & Jayme L Wilson** - Requests a Special Exception from the Noble County Unified Development Ordinance (Article 2.03) to allow for a 24x21 accessory dwelling with a 12x21 attached garage including a loft above the garage, and a 36x5 covered porch in an A1 zoning district. Real estate is located in Section 19 of Allen Township, quadrant 100, parcel 006, common location is known as 6640 E. SR. 8 Kendallville, IN.
 - G. Junk, Trash, & Debris
 - H. Member Reports
 - Review 2024 Meeting Dates
 - Miller Special Exception #562-Driveway
 - I. Future Agenda Items
 - Elections of Officers
 - J. Adjournment
-

Dear Board Members:

Site inspection assignments are noted below for the December 6, 2023 Regular Session. **Please contact the office for any questions regarding your site visit. Conversations between you and the petitioner should be at the meeting on record.** If you are not available to view the property before the meeting, please contact the office or another member to fulfill the inspection requirement. I highly encourage you to look at each property on your own, if possible, to get a clear understanding of what is happening on the property.

BZA MEETING - 7:00 P.M.

Assignment Application

- M. Klopfenstein Variance #2311 Marion J & Karen E Hochstetler - Requests a Use Variance from the Noble County Unified Development Ordinance (Article 2.03) to allow for a small farm animal auction open to the public to be held once a month during May-September on an A1 zoned parcel. Operation hours are to be 2 pm-8 pm, with 70-100 vendors selling approximately 200-300 caged animals per auction (1-4 animals per cage). No reptiles, dogs/cats, federal birds, exotic animals, or large farm animals will be sold. Also, to allow for the sale of refreshments by the local school during the auction (compliant with the Co. Health Department). Real estate is located in Section 1 of Perry Township, quadrant 100, parcel 016, common location known as 11923 N. 600 W. Topeka, IN.
- S. Buckles Development Standards Variance #2312 Robert G & Judy K Rollins - Requests a Development Standards Variance from the Noble County Unified Development Ordinance (Article 2.22) to allow less the UDO minimum required front yard (street) setback of 30' to be at 24' for construction of a detached garage (no greater than 36x55). Real estate is located in Section 16 of Wayne Township, quadrant 100, parcels 025-027, common location known as Lot 11-13 in Schockopee Village; 8798 E. Circle Dr. Kendallville, IN.
- P. Gatman Development Standards Variance #2314 Michael L & Rose Marie Williams - Requests a Development Standards Variance from the Noble County Unified Development Ordinance (Article 2.22) to allow less the UDO minimum required waterside setback of 75' to be at 60' for the construction of a new home. Real estate is located in Section 33 of Noble Township, quadrant 400, parcel 055, common location known as Lot 42 of Fruchey's 2nd Addition to Big Lake Resort; 3667 W. Huntington Ave, Columbia City, IN.
- C. Carmien Special Exception #566 Michael E & Jayme L Wilson - Requests a Special Exception from the Noble County Unified Development Ordinance (Article 2.03) to allow for a 24x21 accessory dwelling with a 12x21 attached garage including a loft above the garage, and a 36x5 covered porch in an A1 zoning district. Real estate is located in Section 19 of Allen Township, quadrant 100, parcel 006, common location is known as 6640 E. SR. 8 Kendallville, IN.

If you will be unable to attend the meeting, please inform the office as soon as possible so we may determine if a quorum will be present. Thank you for your continuing efforts and we look forward to seeing you at the meeting.

Respectfully,

Kassandra Slain, Administrative Assistant

Noble County Plan Commission / Noble County Board of Zoning Appeals

*NOBLE COUNTY BOARD of ZONING APPEALS
November 1, 2023 • Special Meeting • Minutes*

The Noble County Board of Zoning Appeals held its regular session meeting on the 1st day of November 2023 beginning at 6:30 pm in the Commissioners' Room, Noble County Annex Building – 109 N. York Street Albion, IN.

CALL TO ORDER

DRAFT

ROLL CALL

Board Members:

Chelsea Carmien	Present	Pattie Gatman	Present
Tom Griffiths	Present	Sam Buckles	Present
Michael Klopfenstein	Present		

Also, present: Teresa Tackett - Zoning Administrator, Sarah Campbell – Code Enforcement and Dustin Glick – Attorney

DETERMINATION OF QUORUM

Determined a quorum was present with 5 members in attendance.

NEW BUSINESS

Variance #2313 Jody L & Valerie F Aistrop – Requests a Development Standards Variance from the Plat Restrictions applicable to Pheasant Cove to Lower Long Lake (rec. plat 04-0174) to allow less the required side yard setback of 20' to be at 5' from the west property line, and less the required backyard setback of 50' (north) to be at 37' (existing detached garage) for construction of a 40'x40' addition to the existing detached garage. Real estate is located in Section 28 of York Township, quadrant 100, parcel 039, common location is known as Lot 39 in Pheasant Cove; 3314 W. Vacation Way Albion, IN.

- Jody Aistrop and Erik Weber (Attorney) appeared to petition for Variance #2313 and E. Weber stated the Pheasant Cove to Lower Long Lake covenants were more restrictive than the UDO, and allowed a property owner to come before a county body, such as the BZA, for appeal. The proposed building addition met all UDO-required minimum setbacks. The proposed addition was being added to an existing structure, that already did not meet the covenant's setbacks. While there did appear to be room on the property to construct the accessory structure to meet the covenant setbacks, there was a septic system/leach system in the middle of the property. The property required these systems because there was no water or sewage available. At the time the plat and covenants were created, the size and locations of septic systems were not taken into account. He went on to explain the addition would not be injurious to the public and would be compatible with the area. The use and value would not be affected in an adverse manner because it would be professionally built and complimentary to the current house and existing structure. The addition would add value to the area by increasing property value, and would not impair anyone's property rights. He explained the practical difficulty was the location of the leach bed/septic system, which forced the building to be moved slightly closer to the west side of the property. The covenants' 20 feet setback could not possibly anticipate every type of situation regarding topography and locations of septic systems. If the property had sewer, the building could be placed anywhere in the leach bed area to meet the setbacks.
- T. Griffiths & S. Buckles asked about the height of the proposed addition.
- J. Aistrop addressed the height, stating he did not realize the building plans exceeded the maximum height allowed in the Lake Residential zoning district, but he was working with the builder to see if the height could be adjusted. At that time, the plans showed it was 16 feet tall inside, so the peak of the trusses would put the building at 22 feet 8 inches tall.
- E. Weber stated if the height could not be adjusted, they would request a separate variance later, but that was not their concern for the night, only the setbacks.
- T. Tackett addressed the location of the current accessory building. It was constructed by a

previous property owner and was positioned approximately 37 feet from the rear property line already, even though the issued permit listed the rear setback at 50 feet and 20 feet for the side, so it was technically not in compliance.

- T. Griffiths asked why, if the building was already at 37 feet from the rear property line, were they asking for 35 feet.
- E. Weber stated they wanted to ensure that the proposed addition was not out of compliance.
- S. Buckles asked what was the intended use for the new structure.
- J. Aistrop answered he intended to use it for the storage of all his equipment and vehicles; A camper, a boat, a 4-wheeler, and a trailer, and to allow space for a workshop.
- M. Klopfenstein asked if Aistrop knew exactly where the septic field was.
- J. Aistrop explained the location and that it was right where he intended to put the building initially.
- P. Gatman addressed her site visit, stating the property was very private and secluded. The entire property was fenced in and there was ample space between the drive and the front of the existing structure. There was no lake view from that location, and she did not believe the proposed addition would block any view.
- T. Griffiths stated he felt the presented argument for the strict application of the terms of the restrictive covenants resulting in a practical difficulty was weak for a building of that size. The size of the building seemed to be the issue because if the building were smaller, the location of the septic would not be a concern.
- T. Tackett addressed her staff report, tech review comments, and read the returned comment cards.

Interested Parties

- Angie Lortie (3409 W Quiet Rd, Lot 28) stated she was not against them building a shed, but didn't agree that in a residential area, a barn of that size was needed. She felt it was unnecessarily large for an area with houses that were situated close together.
- John Lomax (1800 N Harbour House Rd, Lot 47) stated when he bought in this neighborhood, he believed it was intended to be a quiet retirement or retreat area. He expressed concern that a building that big could easily become a business. He had bought under the same restrictive covenants. He also discussed there was not considerable fire support nearby, so the idea was to keep structures farther apart from each other.
- Margaret Lomax (1800 N Harbor House Rd, Lot 47) stated her main concern was not the 37 feet setback, but the 5 feet setback, because she felt the structure would be too close to the property lines for proper fire safety. If this variance were allowed now, it would set precedence for any future development. She expressed concern about the size of the structure as well, stating it would not need to vary from the covenants if the building were not so big.

Rebuttal

- T. Tackett addressed that the Building Fire Code advised 10 feet between structures (5 feet from each property line).
- D. Glick clarified the application was for the setbacks and the size of the building would be otherwise permitted if all the setbacks were met. There was no request for permission to run a business. There was nothing in the covenants regarding the maximum size of a structure.
- E. Weber stated that any concerns about the size of the building would not be applicable. The only reason they included the rear setback in the request was to make sure it was made clear the existing structure was already out of compliance long before the current property owner bought it. When the plat was created, there was no way for the developer to anticipate the size and locations of every septic field, and the septic system was required to take up so much of the property that it was difficult to work around, due to its location. The request did meet the

UDO minimums and the Fire Code requirements.

P. Gatman made a motion to move on to the findings of facts with the commitment that the finished building height did not exceed UDO's maximum permitted height of 20 feet. M. Klopfenstein seconded the motion. Based on the findings, the board denied Variance #2296 by a 3-2 vote, based on Finding of Fact number 3, with T. Griffiths, S. Buckles, and M. Klopfenstein disagreeing because the structure could be adjusted to better meet the required setbacks.

ADJOURNMENT

S. Buckles made a motion to adjourn. C. Carmien seconded the motion. The motion carried with a unanimous voice vote. With no further discussion, the meeting adjourned at 7:17 p.m.

Tom Griffiths, Chairman

Sarah Campbell, Administrative Assistant

*NOBLE COUNTY BOARD of ZONING APPEALS
November 1, 2023 • Regular Meeting • Minutes*

The Noble County Board of Zoning Appeals held its regular session meeting on the 1st day of November 2023 beginning at 7:00 pm in the Commissioners' Room, Noble County Annex Building – 109 N. York Street Albion, IN.

CALL TO ORDER

ROLL CALL

Board Members:

Chelsea Carmien	Present	Pattie Gatman	Present
Tom Griffiths	Present	Sam Buckles	Present
Michael Klopfenstein	Present		

DRAFT

Also, present: Teresa Tackett - Zoning Administrator, Sarah Campbell – Code Enforcement and Dustin Glick – Attorney

DETERMINATION OF QUORUM

Determined a quorum was present with 5 members in attendance.

CONSIDERATION OF MINUTES

S. Buckles noted a correction, on page 4, regarding who seconded the motion for Findings of Fact for Special Exception 563.

S. Buckles made a motion to approve the minutes from the October 4, 2023 meeting with corrections. C. Carmien seconded the motion. Motion passed by unanimous vote.

NEW BUSINESS

Special Exception #564 Michael David Fry - Requests a Special Exception from the Noble County Unified Development Ordinance (Article 2.03) to allow a kennel for up to 19 adult dogs in an A1 zoning district. Real estate is located in Section 2 of Perry Township, quadrant 400, parcel 003, common location is known as 11554 N St Rd 5 Ligonier, IN.

Development Standards Variance #2309 Michael David Fry - Requests a Development Standards Variance from the Noble County Unified Development Ordinance (Article 5.30) to allow for less the UDO minimum required kennel structure setback of 250' to be at 59' to the North, 179' to the South, and 233' to the West. Also, to allow for less the UDO required minimum kennel exercise yard setback of 200', to be 20' to the North, 164' to the South, and 138' to the West. Real estate is located in Section 2 of Perry Township, quadrant 400, parcel 003, common location is known as 11554 N St Rd 5 Ligonier, IN.

- Michael Fry appeared with his father Marlin Fry to petition for Special Exception #564, and Variance #2309. He clarified that he currently lived at 11622 N SR 5 (adjoining property) with his father, but planned to move to 11554 N SR 5, which he owns and was where the proposed dog kennel would be located. He stated he wanted to build a 12'x30' kennel for 19 dogs and explained he did not have any location on the property that would meet all the required setbacks. He clarified the building would be a portable structure placed on runners, and it was his intention for the Special Exception to be non-transferable to new owners. He wanted the kennel to be closer to the home than the field at the back of the property due to the breed he was raising (French Bulldog) because they required care every 2 hours around the clock, and it would be best if they were close.
- P. Gatman asked if he currently had a kennel.
- T. Griffiths asked where his current kennel was.
- M. Fry answered yes, he had a small kennel with 4 dogs at 11622 N SR 5, and was already an ICAW member. He currently lived at that location and wanted to finish building the new kennel by spring 2024 before moving into the home at 11554 N SR 5 later in that year. The

- home at the kennel location was currently occupied by a renter.
- P. Gatman addressed her site visit. She stated there looked like there was a lot of land behind the home where the kennel could be located instead, and asked why the kennel could not be located back there to better meet the required setbacks. She asked if there was an alternative plan if the variance was not approved.
- M. Fry stated the area behind the home was a hayfield and horse pasture. If the lesser setbacks were not approved, he planned to keep a small kennel and have only 4 dogs.
- T. Tackett addressed her staff report and tech review comments. She questioned if the proposed setback was measured at the centerline of the road, and expressed that both male and female adult dogs would be included in the total number of dogs in the kennel. She then read the returned comment cards.
- S. Buckles addressed his site visit. He stated it was a smaller parcel. He discussed Finding of Fact number 3, how the strict application of the terms of the ordinance would result in a practical difficulty, noting that the breed of dog he was raising, and how close the kennel was to his house for ease of care, was not a practical difficulty relating to the property itself.
- M. Fry stated he would have to wake in the middle of the night and did not want to have to walk back to the back of the field. He required a variance anywhere on the property because no location would allow him to meet all of them, but moving the kennel to the back of the back pasture would require less of a variance.
- T. Tackett asked about how the puppies would be sold & how many litters he was planning each year, and if there was a weening area.
- M. Fry stated he worked with a broker, Blue Ribbon Puppies, and there would be no on-site retail. The broker would come to take pictures of the puppies and then would pick them up when they were ready to be homed. He anticipated having a litter of puppies every 2 weeks. He addressed whelping and the number of dogs that would be in each pen, stating the pens would be large enough to hold two dogs or one dog with puppies for whelping through weening.

Interested Parties

- None appeared.

S. Buckles made a motion to move on to the findings of facts for Special Exception #564 with no conditions. M. Klopfenstein seconded the motion. Based on the findings, the board approved Special Exception #564 by a 5-0 vote.

M. Klopfenstein made a motion to move on to the findings of facts for Variance #2309 with no conditions. P. Gatman seconded the motion. Based on the findings, the board denied Variance #2309 by a 5-0 vote based on Finding number 3, with all members agreeing the kennel could be moved to a different location to better meet setbacks, and the property could still be used in other ways.

Development Standards Variance #2310 Gary Jr & Michelle Hull - Requests a Development Standards Variance from the Noble County Unified Development Ordinance (Article 2.04 & 5.33) to allow the UDO minimum required 150' lot width that narrows down at 220' +/- to be 60' for a 950' +/- long easement, for a proposed 2-lot minor subdivision in an A1 zoning. Approval would allow three parcels to share one 60' wide easement (no direct road front for any of the parcels). Real estate is located in Section 12 of Noble Township, quadrant 300, parcel 011, common location is SW of 1602 S. 50 W. Albion, IN.

- Gary Hull and Noland Mark (Surveyor – On the Mark Land Surveying LLC) appeared to petition for Variance #2310 and N. Mark stated Hull owned 90+ acres off S 50 W. He planned to create a 2-lot Minor subdivision. Because the proposed lots could not meet the required road frontage, he planned to use the existing shared driveway as the entrance for the 2 new parcels as well, making 4 total properties accessed by a shared easement. A hill at

- the driveway location made it difficult to add any additional driveways at that location.
- T. Tackett addressed her staff report and the location of the existing home serviced by the current driveway. She addressed comments by R. Rogers (Noble County Highway Department) agreed that a shared driveway made sense for the property as long as there was a shared use and maintenance agreement. She then stated that for the size of the property, there was limited development available due to the limited amount of road frontage. There would be about 217' of road frontage remaining for the remainder of the large parcel. She stated the subdivision plat would go before the Plan Commission for final approval.
- T. Griffiths asked about the precise location of the hill at the driveway. He also commented that the way the 150' of road accessed narrowed down to 60' would allow large trucks could turn onto the property without risking driving on neighboring property.
- G. Hull answered the hill was just North of the existing driveway.
- T. Tackett stated that a minor subdivision could be only done 1 time on the parcel and that putting 2 lots at the road with the appropriate frontage for both would remove the road frontage from the remaining 47.309-acre parcel.
- C. Carmien addressed her site visit.
- T. Tackett read the returned comment cards.
- N. Mark stated the 2 lots were similar in size, the only difference was that Lot 1 would include the road frontage, so it included slightly more acres.
- G. Hull stated the house could be built on the property anyway, but this way would be safest for the road access and would better ensure the preserved road frontage.

Interested Parties

- Jane Albert (1602 S 50 W) stated she was the neighbor to the North. There was a lot of acreage available, and she did not agree that the new lots would need to be so close to her home. She expressed concern about how septic systems and wells could affect her property, due to the location of the hill.

Rebuttal

- G. Hull stated the ground was already tested for the septic and it was concluded that it would not affect the neighbors. The hill was not good for farming and they wanted to preserve the rest of the property for farming. The leech bed would be 2-3 acres away from the neighbor's property.

P. Gatman made a motion to move on to the findings of facts for Variance #2310 with no conditions. P. Gatman seconded the motion. Based on the findings, the board approved Variance #2310 by a 5-0 vote.

Special Exception #565 Paul M & Lorene L Miller - Requests a Special Exception from the Noble County Unified Development Ordinance (Article 2.03) to allow a kennel for private (not open to the public) boarding of up to 10 adult dogs in an A1 zoning district. Real estate is located in Section 36 of Perry Township, quadrant 300, parcel 006, common location is known as 6519 W. 650 N. Ligonier, IN.

- Paul and Loreen Miller appeared to petition for Special Exception #565. P. Miller stated he hoped to board dogs for an existing approved dog kennel in Noble County.
- T. Griffiths asked if they were raising puppies.
- P. Miller stated no, the adult dogs would stay there when they were not being bred. They would go to the main kennel when they were ready to breed and once the puppies were weaned, the adult dogs would be moved back to his kennel.
- T. Griffiths asked if P. Miller was an ICAW member.
- P. Miller answered that he was not at that time, but would be once the kennel was established as required by the UDO.
- S. Buckles verified that all the setbacks would be met.
- M. Klopfenstein addressed his site visit, stating the proposed kennel was in the middle of a

horse pasture, far from the road and neighboring properties, and the property was well-maintained and neat.

- T. Tackett addressed her staff report and addressed comments from Richard Rogers at the Highway Department and Jason Pippenger at the Health Department. She then read the returned comment cards. She asked if the dogs would strictly be golden retrievers.
- P. Miller stated yes, that he would only be housing dogs from one kennel and they would be golden retrievers. He verified he did not intend to start with ten dogs, but would start with just a few, to get comfortable with what they were doing, before adding any more. He intended that by the time they were at full capacity, the entire exercise yard would have grass.

Interested Parties

- None appeared

P. Gatman made a motion to move on to the findings of facts for Special Exception #565 with no conditions. M. Klopfenstein seconded the motion. Based on the findings, the board approved Special Exception #565 by a 5-0 vote.

JUNK, TRASH, AND DEBRIS ORDINANCE

T. Tackett addressed the following

- Morgan, JTD 254, S Shew St. High Lake: Most of the property had been cleaned up. The RV was tagged and plated. The tree from the garage was gone, but the garage debris remained within the building footprint. The case was not closed because of the condition of the structure at this time. The building department was aware and working with the property owner.
- Spade, JTD 270, S Stone St, High Lake: The property owner contacted staff and was working toward compliance.
- Tackitt, JTD 266, W US 6, Wawaka: This property had been addressed in the past. Some of his equipment was actually on a neighboring property.
- Isaac, JTD 279, N 260 W, Cosperville: The property owner was in contact with staff. Some items were removed, and they intended to put up a fence.
- Harlan, JTD 269, N 250 W, Cosperville: There has been no contact up to this point. The property did improve significantly. Staff sent a notice to discuss someone living in the camper.
- Bode JTD 261, W 500 N, Albion: A tenant was being evicted. The property owner had been unable to do anything with the property but was confident that once the tenant was removed, the property would be promptly cleaned up. Staff had been in contact with the property owner's attorney. Notices would continue to be sent and staff would continue working with the owner to obtain compliance.
- Walker JTD 275, S High Point Dr, Big Lake: The initial contact from IDEM was about burning and debris from a demolished home piled on the property. It was a large property, with numerous vehicles and pieces of equipment on site. Any vehicle not plated or operable would either be removed or stored out of sight. The property owner met with the Zoning Administrator and they were willing to work with staff toward compliance.

ADJOURNMENT

P. Gatman made a motion to adjourn. C. Carmien seconded the motion. The motion carried with a unanimous voice vote. With no further discussion, the meeting adjourned at 8:19 p.m.

Tom Griffiths, Chairman

Sarah Campbell, Administrative Assistant

Memorandum of Findings of Fact and Record Variance 2309

Petitioner: Michael David Fry

Owners: Same

Property: Section 2 of Perry Township, quadrant 400, parcel 003

Common Location: 11554 N St Rd 5 Ligonier, IN 46767

Summary of Proceedings:

On November 1, 2023, the Noble County Board of Zoning Appeals met to consider the application for a Development Standards Variance submitted by the petitioner. After a review of all the information contained in the record, the board made its findings of fact and then, based upon those findings, unanimously denied the requested Development Standards Variance by a 0-5 vote, specifically Finding of Fact #3. This document memorializes and summarizes (but does not replace) the record of that date.

Record: The record consists of

1. The petitioner's original petition with any attachments and submissions made at the time of application.
2. Written reports and site inspections made by the Plan Commission Director and board member(s).
3. All documents and exhibits submitted by petitioner, remonstrators, and interested persons at the Variance hearing.
4. The minutes of the Secretary of the Board Zoning Appeals.
5. The recording of the Variance hearing.
6. The draft findings of fact stated, on record by the individual board members at the time the Variance was denied.

Summary of Findings of Fact:

The following findings of fact summarize the individual findings of fact originally made by each board member on the date of the hearing:

1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community.
 - Tom Griffiths: Agree, for the same reason as C. Carmien.
 - Chelsea Carmien: Agree, the area is predominately Ag.
 - Sam Buckles: Disagree, due to the small size of the property and the close proximity to neighboring property (the kennel) could have negative effects.
 - Pattie Gatman: Agree, for the same reason as C. Carmien.
 - Michael Klopfenstein: Agree, for the same reason as C. Carmien.

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.
 - Tom Griffiths: Agree, for the same reason as M. Klopfenstein.
 - Chelsea Carmien: Agree, for the same reason as M. Klopfenstein.
 - Sam Buckles: Disagree, for the same reason as P. Gatman
 - Pattie Gatman: Disagree, it would be likely that a kennel with 19 dogs that close to a neighboring property may not have a positive effect.
 - Michael Klopfenstein: Agree, because the structure was mobile (portable structure) and non-transferable to a new owner.

3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.
 - Tom Griffiths: Disagree, for the same reasons as all other board members.
 - Chelsea Carmien: Disagree, the kennel could come closer to meeting the setbacks at a different location, toward the back of the property.
 - Sam Buckles: Disagree, the property could be used for other purposes.
 - Pattie Gatman: Disagree, with more than 6 acres, there was enough room to adjust the location to better meet setbacks.
 - Michael Klopfenstein: Disagree, there was enough land for setbacks to be better met.

ADVERSE FINDINGS OF FACT: Shown above

NOTES: Subject to any conditions in the petitioner application as non-transferable.

THESE FINDINGS OF FACT FOR THE DENIED DEVELOPMENT STANDARDS VARIANCE AND ADOPTED THIS 1ST DAY OF NOVEMBER 2023.

Tom Griffiths, Chair

Sam Buckles, Member

Chelsea Carmien, Vice Chair

Michael Klopfenstein, Member

Pattie Gatman, Member

ATTEST:

Sarah Campbell, Secretary

Memorandum of Findings of Fact and Record Variance 2313

Petitioner: Erik Weber, Attorney

Owners: Jody L & Valerie F Aistrop

Property: Section 28 of York Township, quadrant 100, parcel 039

Common Location: 3314 W Vacation Way Albion, IN
Lot 39 in Pheasant Cove to Lower Long Lake.

Summary of Proceedings:

On November 1, 2023, the Noble County Board of Zoning Appeals met to consider the application for a Development Standards Variance submitted by the petitioner. After a review of all the information contained in the record, the board made its findings of fact and then, based upon those findings, denied the requested Development Standards Variance by a 2-3 vote; specifically Finding of Fact #3. This document memorializes and summarizes (but does not replace) the record of that date.

Record: The record consists of

1. The petitioner's original petition with any attachments and submissions made at the time of application.
2. Written reports and site inspections made by the Plan Commission Director and board member(s).
3. All documents and exhibits submitted by petitioner, remonstrators, and interested persons at the Variance hearing.
4. The minutes of the Secretary of the Board Zoning Appeals.
5. The recording of the Variance hearing.
6. The draft findings of fact stated, on record by the individual board members at the time the Variance was denied.

Summary of Findings of Fact:

The following findings of fact summarize the individual findings of fact originally made by each board member on the date of the hearing:

1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community.
 - Tom Griffiths: Agree, for the same reasons as P. Gatman.
 - Chelsea Carmien: Agree, because there was no limit to the number of accessory structures.
 - Sam Buckles: Agree.
 - Pattie Gatman: Agree, the property already had a garage and was all fenced.
 - Michael Klopfenstein: Agree, the building would not be injurious to the public safety, morals, or general welfare of the surrounding 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.
 - Tom Griffiths: Disagree, for the same reasons as S. Buckles.
 - Chelsea Carmien: Agree, because the property was completely fenced and there was already an existing structure.
 - Sam Buckles: Disagree, in a residential area with a strict covenant that most owners abide by, having such a large structure that did not meet the covenants could have a negative effect on the neighboring properties.
 - Pattie Gatman: Agree, a new garage would look nice and improve the value.
 - Michael Klopfenstein: Agree, for the same reason as C. Carmien. It would improve the value of the property and the adjacent properties.
3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.
 - Tom Griffiths: Disagree, for the same reason as S. Buckles.
 - Chelsea Carmien: Agree, for the same reason as P. Gatman. Outside of the strictness of the covenant, it would be allowed.
 - Sam Buckles: Disagree, a smaller building could fit at the front of the existing garage.
 - Pattie Gatman: Agree, the septic was set in a specific location and it would be difficult to change that.
 - Michael Klopfenstein: Disagree, for the same reason as S. Buckles.

ADVERSE FINDINGS OF FACT: Shown above

NOTES: Subject to any conditions in the petitioner application as non-transferable.

THESE FINDINGS OF FACT FOR DENIED DEVELOPMENT STANDARDS VARIANCE 2313 AND ADOPTED THIS 1ST DAY OF NOVEMBER 2023.

Tom Griffiths, Chair

Sam Buckles, Member

Chelsea Carmien, Vice Chair

Michael Klopfenstein, Member

Pattie Gatman, Member

ATTEST:

Sarah Campbell, Secretary

Memorandum of Findings of Fact and Record for Special Exception 564

Petitioner: Michael David Fry

Owners: Same

Property: Section 2 of Perry Township, quadrant 400, parcel 003

Common Location: 11554 N St Rd 5 Ligonier, IN 46767

Summary of Proceedings:

On November 1, 2023, the Noble County Board of Zoning Appeals met to consider the application for Special Exception submitted by the petitioner. After a review of all the information contained in the record, the board made its findings of fact and then, based upon those findings, unanimously approved the requested Special Exception. This document memorializes and summarizes (but does not replace) the record of that date.

Record: The record consists of

1. The petitioner's original petition with any attachments and submissions made at the time of application.
2. Written reports and site inspections made by the Plan Commission Director and board member(s).
3. All documents and exhibits submitted by petitioner, remonstrators, and interested personas at the Special Exception hearing.
4. The minutes of the Secretary of the Board Zoning Appeals.
5. The recording of the Special Exception hearing.
6. The draft findings of fact stated, on record by the individual board members at the time the Special Exception was approved.

Summary of Findings of Fact:

The following findings of fact summarize the individual findings of fact originally made by each board member on the date of the Special Exception hearing:

1. The proposed special exception is consistent with the purpose of the zoning district and the Noble County Comprehensive Plan.
 - Tom Griffiths: Agree, as the UDO allowed dog kennels by special exception.
 - Chelsea Carmien: Agree, the use of a dog kennel was permitted by special exception in the A1 zoning district.
 - Sam Buckles: Agree, for the same reason as C. Carmien.
 - Pattie Gatman: Agree, for the same reason as C. Carmien.
 - Michael Klopfenstein: Agree.
2. The proposed special exception will not be injurious to the public health, safety, morals, and general welfare of the community.
 - Tom Griffiths: Agree, for the same reason as S. Buckles.
 - Chelsea Carmien: Agree, the applicant said there would not be any retail or public present on the property since they were using a third-party broker.
 - Sam Buckles: Agree, if reasonable setbacks were met.
 - Pattie Gatman: Agree, for the same reason as S. Buckles.
 - Michael Klopfenstein: Agree, for the same reason as S. Buckles.
3. The proposed special exception is in harmony with all adjacent land uses.
 - Tom Griffiths: Agree.
 - Chelsea Carmien: Agree, for the same reason as P. Gatman.
 - Sam Buckles: Agree.
 - Pattie Gatman: Agree, it was an Ag area (zoning).
 - Michael Klopfenstein: Agree, for the same reason as P. Gatman.
4. The proposed special exception will not alter the character of the district.
 - Tom Griffiths: Agree
 - Chelsea Carmien: Agree, for the same reason as S. Buckles.
 - Sam Buckles: Agree, as long as reasonable setbacks were met.
 - Pattie Gatman: Agree, there were no retail sales or outside visitors.
 - Michael Klopfenstein: Agree.
5. The proposed special exception will not substantially impact property value in an adverse manner.
 - Tom Griffiths: Agree, for the same reason as M. Klopfenstein.
 - Chelsea Carmien: Agree.
 - Sam Buckles: Agree.
 - Pattie Gatman: Agree, a dog kennel would not impact negatively, there were a lot of farms in that area.
 - Michael Klopfenstein: Agree, a dog kennel would not substantially affect property value.

ADVERSE FINDINGS OF FACT: Shown above

NOTES: Subject to any conditions in the petitioner application as non-transferable.

THESE FINDINGS OF FACT FOR SPECIAL EXCEPTION APPROVED AND ADOPTED
THIS 1ST DAY OF NOVEMBER 2023.

Tom Griffiths, Chair

Sam Buckles, Member

Chelsea Carmien, Vice Chair

Michael Klopfenstein, Member

Pattie Gatman, Member

ATTEST:

Sarah Campbell, Secretary

NOBLE COUNTY BOARD OF ZONING APPEALS

Meeting Information:

County of Noble, Indiana

Phone: (260) 636-7217

Where: Conference Room-Annex

VARIANCE APPLICATION

Fax: (260) 636-6957

Date: Wednesday, December 6, 2023

Time: 7:00:00 PM

VARIANCE NO. 2311
Variance Type: Use

OWNER Last Name: HOCHSTETLER First Name: MARION J & KAREN E Phone #: (260) 693-0664
Mailing Address: 11923 N 600 W - 57 City: TOPEKA State: IN Zip: 46571

APPLIC Last Name: Same as above First Name: Phone #:
Mailing Address: City: State: Zip:

PROPERTY INFO Physical Add/Loc: 11923 N 600 W City: TOPEKA State: IN Zip: 46571
Legal Descr: PT NE COR NE4 Parcel ID Num: 57-01-01-100-016.000-013
Acres: 6 Township: Perry Section: 1 Quadrant: 100 Parcel: 016 Zoning: A1
Parcel Conformity: Conforming Transfer Date: 11/3/2009 Size of Lot: X
Firm Panel Number: 18113C 0045D D, effective date March 2, 2015 does not lie within the approximate Flood Hazard Area.

VARIANCE REQUEST INFO Nature and Size of improvements now existing: house-att shop w/ partial upstairs (living), 3 barns, storage shed.
Section No. of the Noble County Zoning Ordinance from which a variance is being sought: 2.03 A1 Permitted Uses, 5.04 Temporary Use
Transferable or Non-Transferable: Transferable Permanent, Temporary or N/A: Permanent
Details: (Transferable / Permanent or Temporary): Transferable to the children of Marion J & Karen E Hochstetler.
Detailed description of the variance applied for: To allow for a small farm animal auction open to the public to be held once monthly, May through Sept, on an A1 zoned parcel.
Full Statement of reasons why the variance is being applied for: To help people in the community, because the closest auctions is approximately 20miles away.
Notes: Use is similar to, but exceeds the definition of a farmer's market (UDO pg. 11-11).

Note: A plot plan showing the location of all existing and proposed structures and uses on the lot or parcel, with dimensions, including all projections above the street grade must be filed with this application. The above information, to my knowledge and belief, is true and correct.

This is to certify that \$ 250.00 was received 9/22/2023 for a Variance application fee.

Applicant's/Agent's Signature: Marvin Hochstetler Date: 9-22-23
Noble County Board of Zoning Appeals Date: 9/22/2023

BOARD ACTION

Petition Approved/Denied: Date Petition Approved/Denied:

If granted, subject to the following additional provisions:

Transferable to future owners - No / Yes / NA: Permanent, Temporary or N/A - Per BZA:

Transfer Details - Per BZA:

If denied, reasons:

OFFICE USE ONLY

Re-examine Date:

Comments:



Applicant Information

Variance 2311

Applicant Marion J & Karen E Hochstetler

Location Section 6 of Perry Township, quadrant 100, parcel 016

Address 11923 N 600 W – 57 Topeka, IN 46571

Article 2.03 Zoning A1 Acreage 6+/-

Request Small farm animal **auction**, open to the public, A1 zoned parcel;

- Once per month - May through Sept
- Hours: 2 p.m. – 8 p.m.
- 70-100 vendors selling
- 200-300 cages of animals per auction, (1-4 animals per cage).
- No reptiles, dogs/cats, federal birds, exotic animals, or large farm animals will be sold at auction.
- Also, to allow for the sale of refreshments by the local school during the auction (compliant with the Co. Health Department).

Physical NW SIDE OF COUNTY – JUST SOUTH OF THE COUNTY LINE.

Characteristics

Surrounding Land Uses

North	RURAL RESIDENTIAL A1 ZONE – AND (6,000 DUCK BARN) A3 ZONE
East	Rural Residential
South	Rural Residential – A3 Zone
West	A3 and A1

Findings of Fact:

1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community.
 - Applicant should address public safety in regards to the potential traffic on N 600 W, access on and off the site, parking and safety for patrons.
 - Staff would assume that public attendance for an auction, that most patrons will show up at the same time.
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 generation of approximately 75+ vendors and public attendance has the potential to affect adjacent properties; limited to once per month, and hours of operation lessens that disturbance to once per month. Members should consider the hours of operation and potential number of patrons in attendance on the property at one time when making their decision.

3. That the need for the use variance arises from some condition peculiar to the property involved.
 - Unsure if approval or denial of the requested variance comes from some condition peculiar on the property. The applicant should better address this statement; other than a need in the area.
 4. The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.
 - The project appears to *almost* fit the farmers market as a permitted use, but due to the auction of animals, vendors, and refreshments by the local school staff felt the proposed use was beyond what the UDO defined.
 - UDO: Farmer's Market: The assembly of local producers and providers of fruit, vegetables, meat, bread, dairy, herbs, spices, eggs, wine, and other products of local and regional farms; at an interior or exterior location *for the public to purchase such products*. Ancillary to farm products, non-farm products and products manufactured from farm products may be sold.
 - Webster definition of auction; a *sale of property to the highest bidder*.
 - Staff would note the applicant stated (submitted findings #3) there was a demand for this type of use in the area and if that were proven, a hardship may be met.
 5. The approval does not interfere substantially with the Noble County Comprehensive Plan.
 - Comprehensive plan encourages community-based economic development.
-

Staff Comments: staff's only concern is the potential of project growth beyond what the area can handle.

Proposed Conditions: if members move to approve.

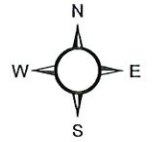
- *No more than 50 vendors at any event for the first year and if found without incident, the applicant may request, in writing and submitted to the Plan Commission, no later than January 2nd, to increase the vendor attendance by 10 additional vendors - per year; for a maximum of 75 vendors.*
 - *Zoning Administrator will be the authority to approve or deny the requested vendor increase and shall report to the BZA factors that determined his/her decision.*
 - *Annual event dates must be submitted to the Plan Commission office in writing, no later than April 1st each year.*
 - *1 week prior to any event, the owner must notify Emergency Management of Noble County of the upcoming event, and the potential number of patrons that potentially could be onsite; Plan Commission staff shall be notified of such by the applicant or EMA prior to each event that this has been done.*
 - *Staff will note this request is based on public safety.*
 - *Non-Transferable*
-

BZA Rule 3.12 Duration for a USE Variance:

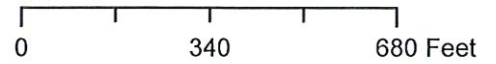
A use variance granted by the Board of Zoning Appeals may run with the land or applicant until one of the following circumstances occurs.

- A.) The use of the variance ends, or is vacated, or unused for three (3) months consecutively.
- B.) The property conforms to the Unified Development Ordinance as written.
- C.) The property is sold, if approved as running with the applicant.

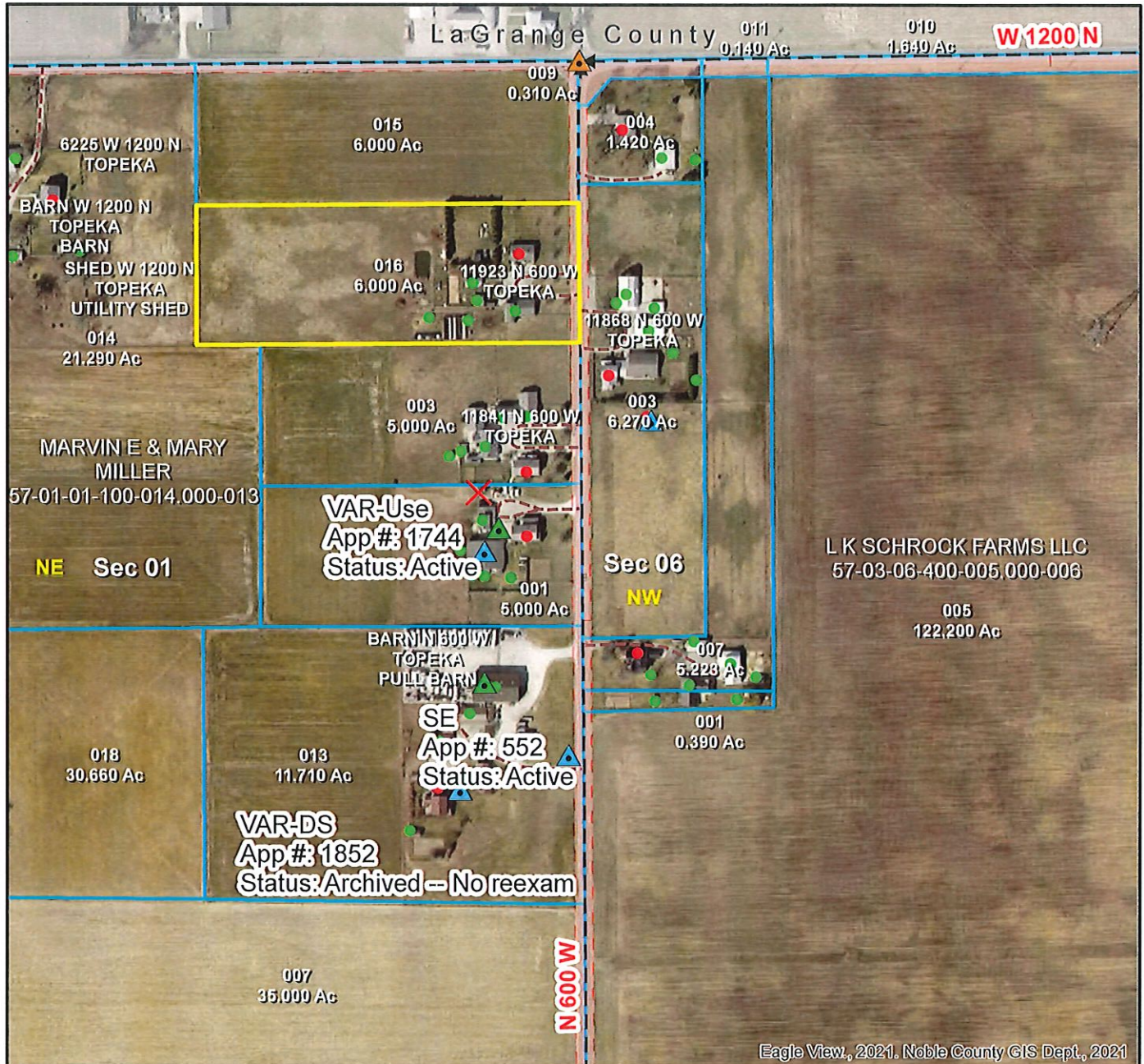
Hochstetler 2311



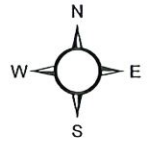
Date Printed: Date: 9/22/2023



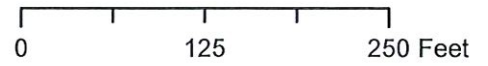
Map Scale: 1 inch = 333 feet



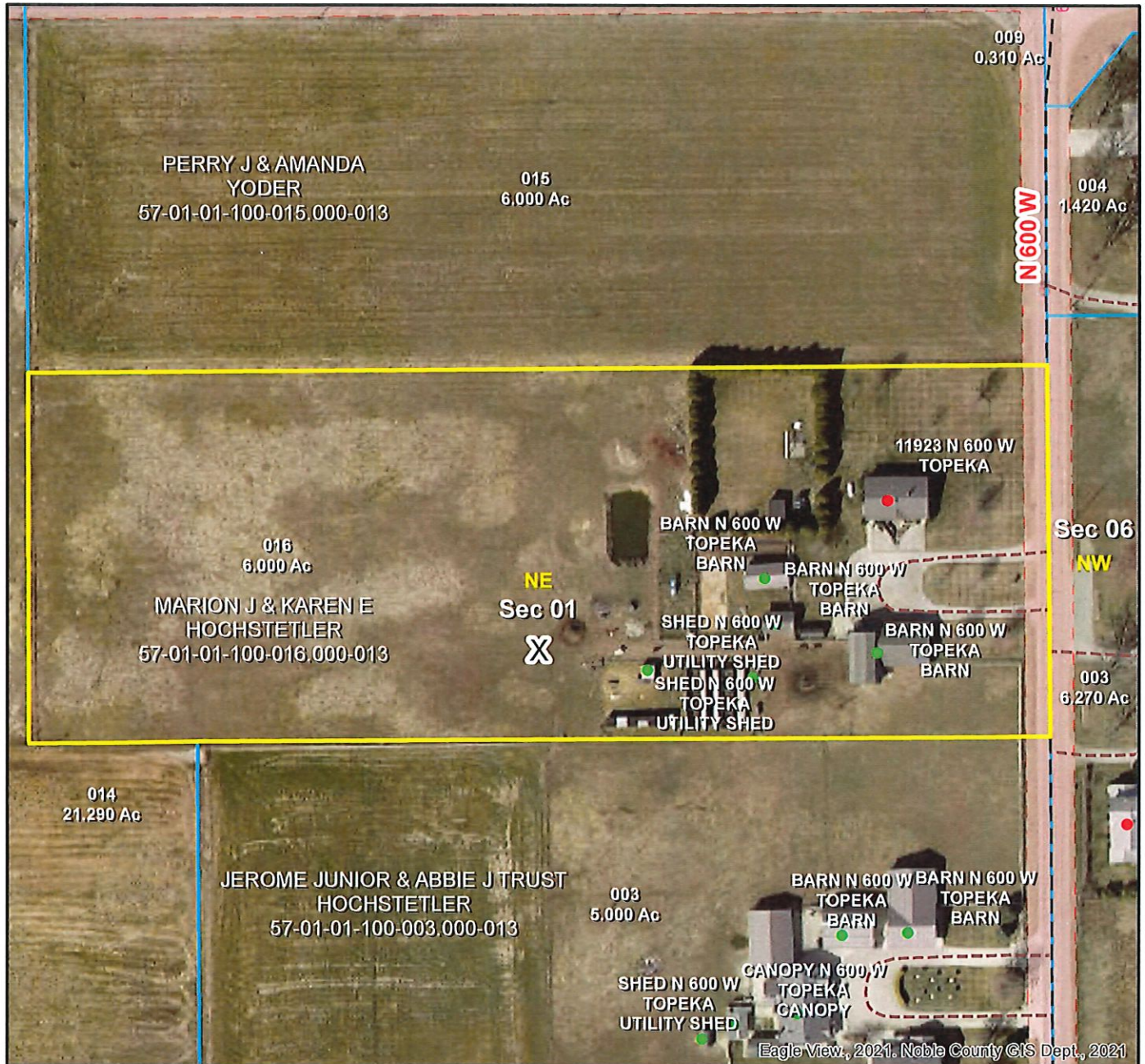
Hochstetler 2311



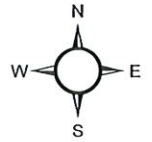
Date Printed: Date: 9/22/2023



Map Scale: 1 inch = 125 feet



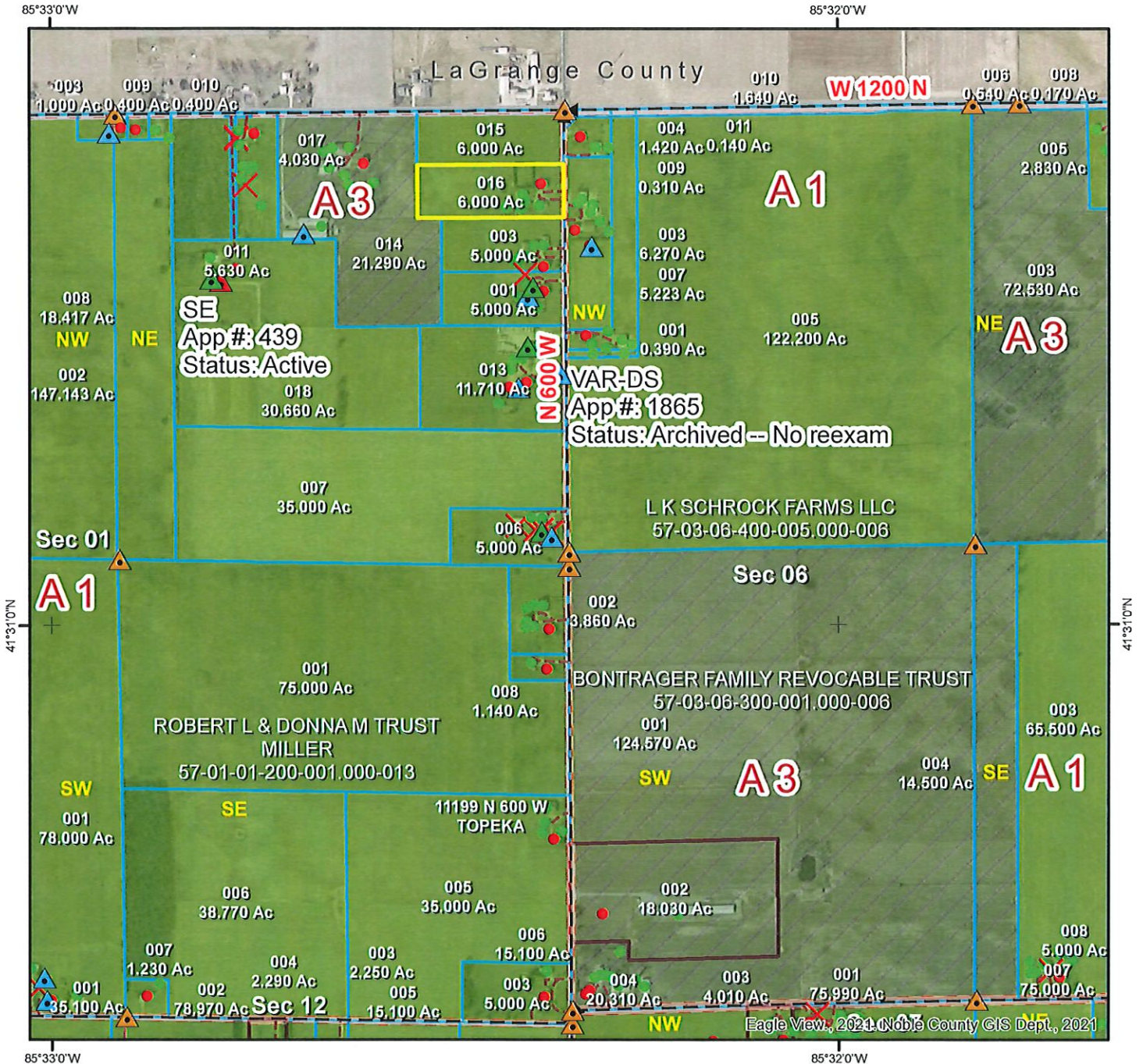
Hochstetler 2311



Date Printed: Date: 9/22/2023

0 800 1,600 Feet

Map Scale: 1 inch = 833 feet



Outstanding Items due by: Prior to Application

Variance #: 2311

Variance Type: Use

Owner's Name:

A. Detailed site plan of the property involved

Applications involving new buildings must include all existing structure and proposed new structures along with distances to property lines. Details of improvements should include: Size, dimensions, square footage, height, plans.

B. Complete Findings of Fact (as defined below)

FINDINGS OF FACT for a Use Variance — per Indiana Code and the Unified Development Ordinance, It is the responsibility of the Petitioner, or their Representative, to address these Findings of Fact, affirming that their request will not be detrimental to nearby current, or future development in Noble County. It is the responsibility of the petitioner to assure the Board of Zoning Appeals of these findings of fact during the hearing. Failure to do so may result in denial of your request. Consult legal counsel for guidance as needed.

1. The approval of the Variance will not be injurious to the public health, safety, morals and general welfare of the community. *no illegal activity - Plenty of Parking so no line on the road*
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. *It's only couple time a year and no loud noise and clean environment*
3. That the need for the use variance arises from some condition peculiar to the property involved. *There is a need for this. We want what's good for the public's interest.*
4. The strict application of the terms of the ordinance will constitute an unnecessary hardship of applied to the property for which the variance is sought. *There is no hardship - Everyone off by dark. The land can still be use for what we want it for*
5. The approval does not interfere substantially with the Noble County Comprehensive Plan. *ag agricultural tourism - page 51 Implementation ~~that~~*
Make decision to invite people into our community instead of keeping them out. Help the community and want they want.
Make decision that protects an individual's right to enjoy there property - Family ~~was~~ working together.
Mixing land uses is not a land use conflict in most rational cases

Small Animal Auction

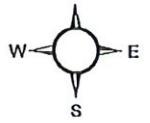
I Marion Hochstetler would like to start a small Animal Auction. Auction site is in red rectangle. Every thing inside the rectangle will be moved to the red X.

Auction would be held in a 30x40 Auction tent. We want to sell small backyard animals such as rabbits, fowl, chickens, turkeys, ducks. No Federal Animals. We are hoping to have this sale 6 time per year. We are hoping to have 75-100 buyers and 200-300 lots.

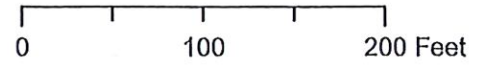
Lots would be consigned. Animals would be brought in pet carrier or nice roomy cages. Buyer will bring there own cages to put animals in after they buy them. We are hope it will be a 2 or 3 hour Auction. Porta-Pot will be on property. Parking will be in back 4 acres

There will be food + drinks available from a local school in our shop. This will start taking consignments from 2:00-4:00. Sale will start 4:00 or 4:30

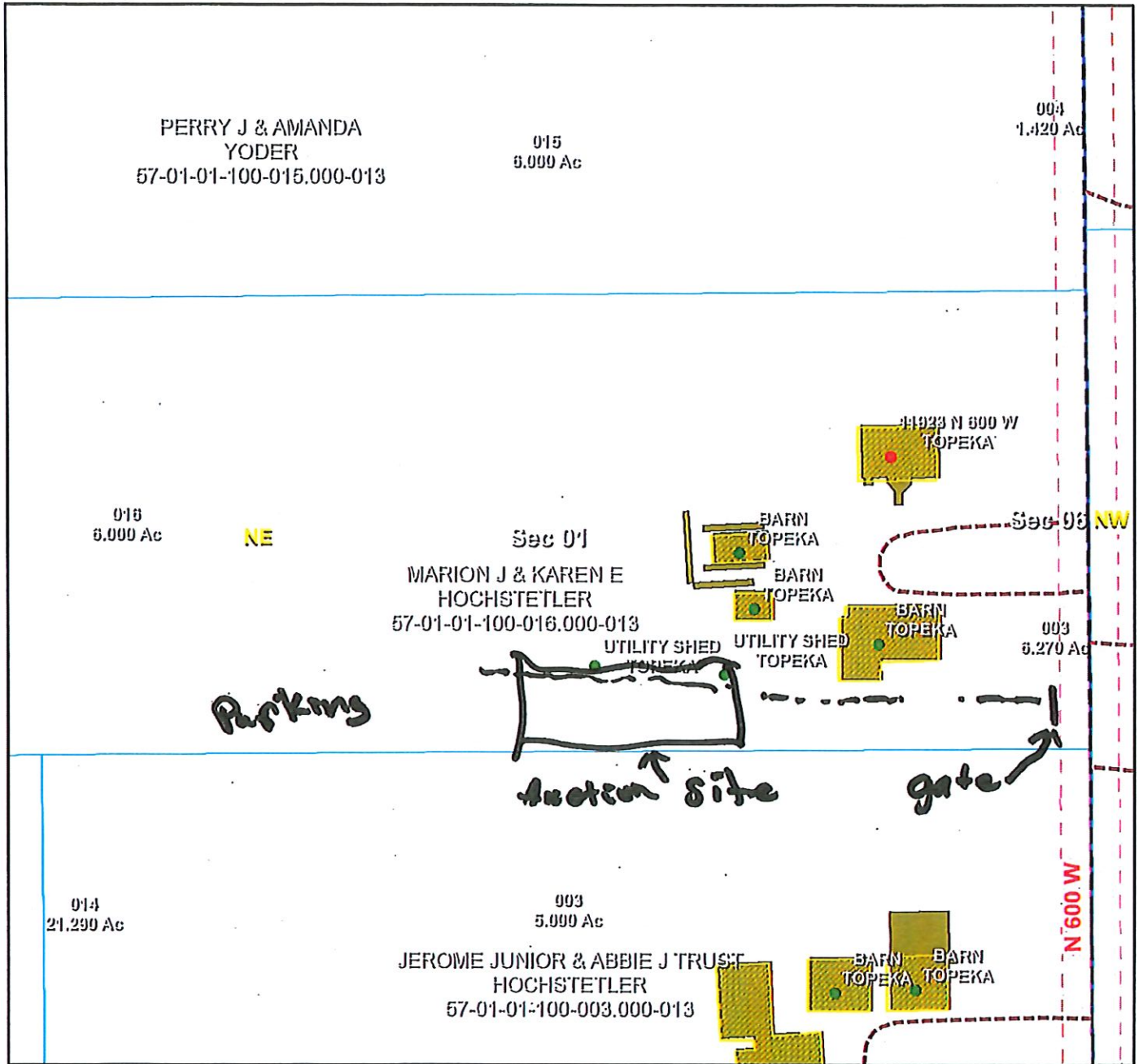
Hochstetler Site Plan



Date Printed: Date: 9/22/2023



Map Scale: 1 inch = 101 feet



PERRY J & AMANDA
YODER
57-01-01-100-015.000-013

015
6,000 Ac

009
0,310 Ac

004
1,420 Ac

MARION J & KAREN E
HOCHSTETLER
57-01-01-100-016.000-013

016
6,000 Ac
Sec 01

11923 N 600 W
TOPEKA

Sec 06

NE

Parking

X

BARN
TOPEKA

BARN
TOPEKA

BARN
TOPEKA

UTILITY SHED
TOPEKA

UTILITY SHED
TOPEKA

NW

008
6,270 Ac

JEROME JUNIOR & ABBIE J TRUST
HOCHSTETLER
57-01-01-100-003.000-013

003
6,000 Ac

BARN
TOPEKA

BARN
TOPEKA

N 600 W

UTILITY SHED
TOPEKA

CANOPY
TOPEKA

BUILDING
TOPEKA

11841 N 600 W
TOPEKA

001
6,000 Ac

GONE
TOP

Eagle View, 2021, Noble County GIS Dept., 2021

PAT & SUSAN R FRAIN
11980 N 600 W- 57
TOPEKA, IN 46571

PERRY J & AMANDA YODER
6225 W 1200 N- 57
TOPEKA, IN 46571

JEROME JUNIOR & ABBIE J TRUST HOCHSTETLER
11841 N 600 W- 57
TOPEKA, IN 46571

RHEINHEIMER FAMILY FARMS LLC
5055 S 050 W
LAGRANGE, IN 46761

MARION J & KAREN E HOCHSTETLER
11923 N 600 W- 57
TOPEKA, IN 46571

DANIEL R & IRENE L YODER
6125 W 800 S
TOPEKA, IN 46571

CALVIN O & MARY M HOSTETLER TRUSTEES HOSTETLER
FAMILY TRUST
11868 N 600 W- 57
TOPEKA, IN 46571

PERRY JAY & AMANDA A YODER
YODER FAMILY REVOCABLE TRUSTEES
6035 W 800 S
TOPEKA, IN 46571

MARVIN E & MARY MILLER
6225 W 1200 N- 57
TOPEKA, IN 46571

NOBLE COUNTY
1118 E MAIN ST
ALBION, IN 46701

NATHAN F WINGARD
11750 N 600 W- 57
TOPEKA, IN 46571

NOBLE COUNTY BOARD OF ZONING APPEALS

Meeting Information:

County of Noble, Indiana

Phone: (260) 636-7217

Where: Conference Room-Annex

VARIANCE APPLICATION

Fax: (260) 636-6957

Date: Wednesday, December 6, 2023

Time: 7:00:00 PM

VARIANCE NO. 2312

Variance Type: Development

OWNER Last Name: ROLLINS First Name: ROBERT G & JUDY K Phone #: (260) 343-8336
Mailing Address: 8798 E CIRCLE DR City: KENDALLVILLE State: IN Zip: 46755

APPLICANT Last Name: ALT First Name: JON & SONIA Phone #: (260) 318-2554
Mailing Address: 8798 E CIRCLE DR City: KENDALLVILLE State: IN Zip: 46755

PROPERTY INFO Physical Add/Loc: 8799 E CIRCLE DR City: KENDALLVILLE State: IN Zip: 46755
Legal Descr: SCHOCKOPEE VILLAGE N40' L11 Parcel ID Num: 57-07-16-100-025.000-019
Acres: Township: Wayne Section: 16 Quadrant: 100 Parcel: 025 Zoning: LR
Parcel Conformity: conforming Transfer Date: 9/12/2003 Size of Lot: X
Firm Panel Number: 18113C 0207 D, effective date March 2, 2015 DOES lie within the approximate Flood Hazard Area.

VARIANCE REQUEST INFO Nature and Size of improvements now existing: House w/ attached garage
Section No. of the Noble County Zoning Ordinance from which a variance is being sought: Article 2.22
Transferable or Non-Transferable: Transferable Permanent, Temporary or N/A: Permanent
Details: (Transferable / Permanent or Temporary): permanent build of a detached garage
Detailed description of the variance applied for: to allow less the UDO minimum front yard (street) setback of 30' to be at 24' for construction of a detached garage no greater than 36x55.
Full Statement of reasons why the variance is being applied for: Requesting due to the well and septic locations.
Notes:

Note: A plot plan showing the location of all existing and proposed structures and uses on the lot or parcel, with dimensions, including all projections above the street grade must be filed with this application. The above information, to my knowledge and belief, is true and correct.

This is to certify that \$ 250.00 was received 9/29/2023 for a Variance application fee.
Sonia R. Alt 9/29/23 Date Noble County Board of Zoning Appeals 9/29/23 Date

BOARD ACTION

Petition Approved/Denied: Date Petition Approved/Denied:

If granted, subject to the following additional provisions:

Transferable to future owners - No / Yes / NA: Permanent, Temporary or N/A - Per BZA:

Transfer Details - Per BZA:

If denied, reasons:

OFFICE USE ONLY

Re-examine Date:

Comments:



Applicant Information

Variance: 2312

Applicant Robert G & Judy K Rollins and Jon & Sonia Alt
 Location Section 16 of Wayne Township, quadrant 100, parcel 025
 Address 8798 E Circle Dr. Kendallville, IN 46755
 Article 2.22 **Zoning** LR **Acreage** Lots 11 & 12
 Request To allow less the UDO minimum front yard (street) setback of 30' to be at 24' for the construction of a detached garage no greater than 36x55.

Physical Schockopee Village – Schockopee Lake

Characteristics

Surrounding Land Uses	
North	Lake Residential
East	Lake Residential
South	Lake Residential
West	Schockopee Lake

Findings of Fact:

1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community.
 - The proposed structure will set 24' from the right-of-way and the southern edge of the structure. Members should consider if this would be a safety concern for the neighboring properties.
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.
 - Done properly, new construction should not affect the use or value of adjacent properties.
 - A Commitment to Combine properties; lots 11-12 would lessen the development of an additional primary structure on lot 11.
3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.
 - The home is approximately 200+ feet from the water's edge and appears to have sufficient developable area without the variance, but the applicant notes the well location pushes the structure closer to the road.

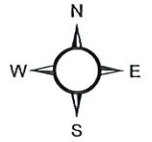
Staff Comments:

If members approve, applicant has already recorded a commitment to combine adjoining lots - opening the building footprint between the existing home.

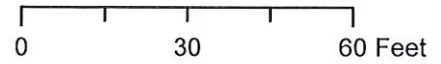
BZA Rule 9

- 1.) A petitioner who received Board approval for a Variance or Special Exception, has one (1) calendar year, from the date of approval, to show substantial completion of the approved use. Failure to show substantial completion of the approved use within the allotted time shall deem the Development Standard Variance, Use Variance or Special Exception null and void.
- 2.) Additionally, Variances or Special Exceptions abandoned for more than six (6) months after beginning operation shall be deemed null and void.

Rollins Var 2312



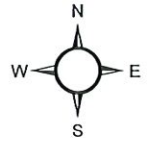
Date Printed: Date: 11/15/2023



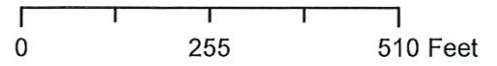
Map Scale: 1 inch = 33 feet



Rollins-Alt Variance 2312



Date Printed: Date: 10/6/2023

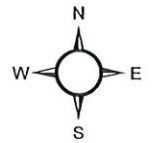


Map Scale: 1 inch = 250 feet

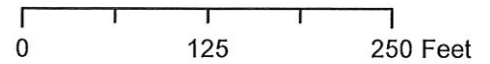
85°15'0"W



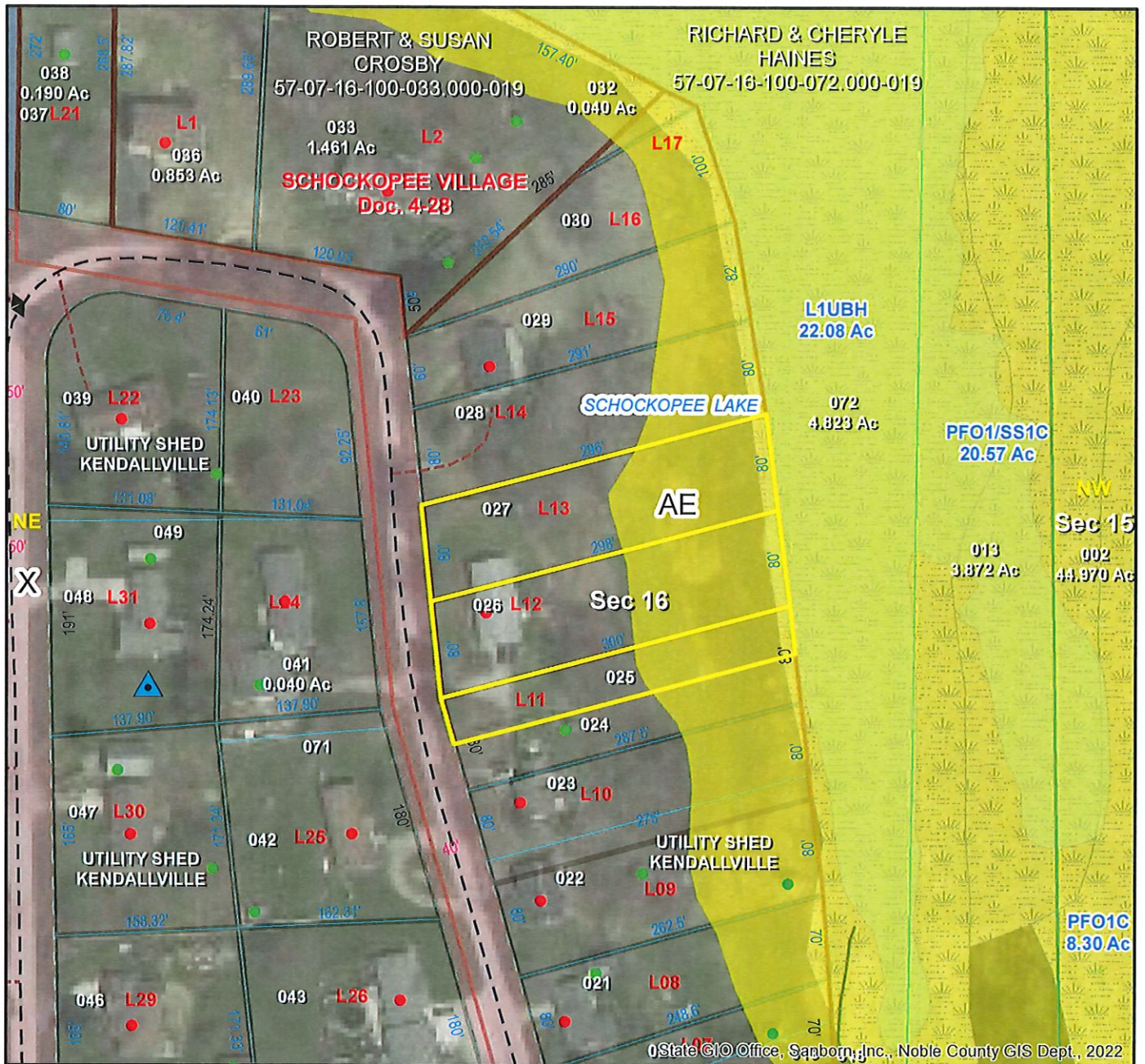
Rollins-Alt Variance 2312



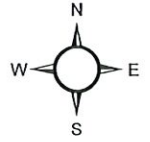
Date Printed: Date: 10/6/2023



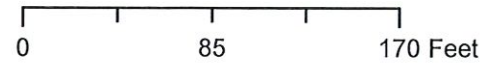
Map Scale: 1 inch = 125 feet



Rollins-Alt Variance 2312



Date Printed: Date: 10/6/2023



Map Scale: 1 inch = 83 feet



Outstanding Items due by: Prior to Application

Variance #:

Variance Type: *Development Variance*

Owner's Name:

A. Detailed site plan of the property involved

Applications involving new buildings must include all existing structure and proposed new structures along with distances to property lines. Details of Improvements should include: Size, dimensions, square footage, height, plans.

B. Complete Findings of Fact (as defined below)

FINDINGS OF FACT for a Development Standards Variance — per Indiana Code and the Unified Development Ordinance, it is the responsibility of the Petitioner, or their Representative, to address these Findings of Fact, affirming that their request will not be detrimental to nearby current, or future development in Noble County. It is the responsibility of the petitioner to assure the Board of Zoning Appeals of these findings of fact during your presentation. Failure to do so may result in denial of your request. Consult legal counsel for guidance as needed.

Please explain:

1. How approval of the variance will not be injurious to public health, safety, morals and general welfare of the community.

THERE ARE NO SIDEWALKS OR PATHWAYS THAT WOULD BE ADJACENT TO BUILDING VARIANCE. THIS ONLY A 6 FOOT VARIANCE AT ONE CORNER OF GARAGE DUE TO THE CURVE OF ROAD.

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.

I FEEL THIS WILL INCREASE THE VALUE OF OUR PROPERTY AND THEREFORE HAVE A POSITIVE AFFECT IN THE NEIGHBORHOOD.

3. The strict application of the ordinance will result in practical difficulties in the use of the property.

THERE IS A WELL THAT WOULD INHIBIT THE BUILDING OF THE GARAGE FURTHER TO THE EAST. THERE IS A SEPTIC TANK & FIELD IN THE NORTH LOT THAT WOULD PREVENT PLACING THE GARAGE TO THE NORTH OF THE HOME.

4505 S 700 E
LAOTTO, IN 46763

Ph: (219) 693-6237
(219) 636-3107

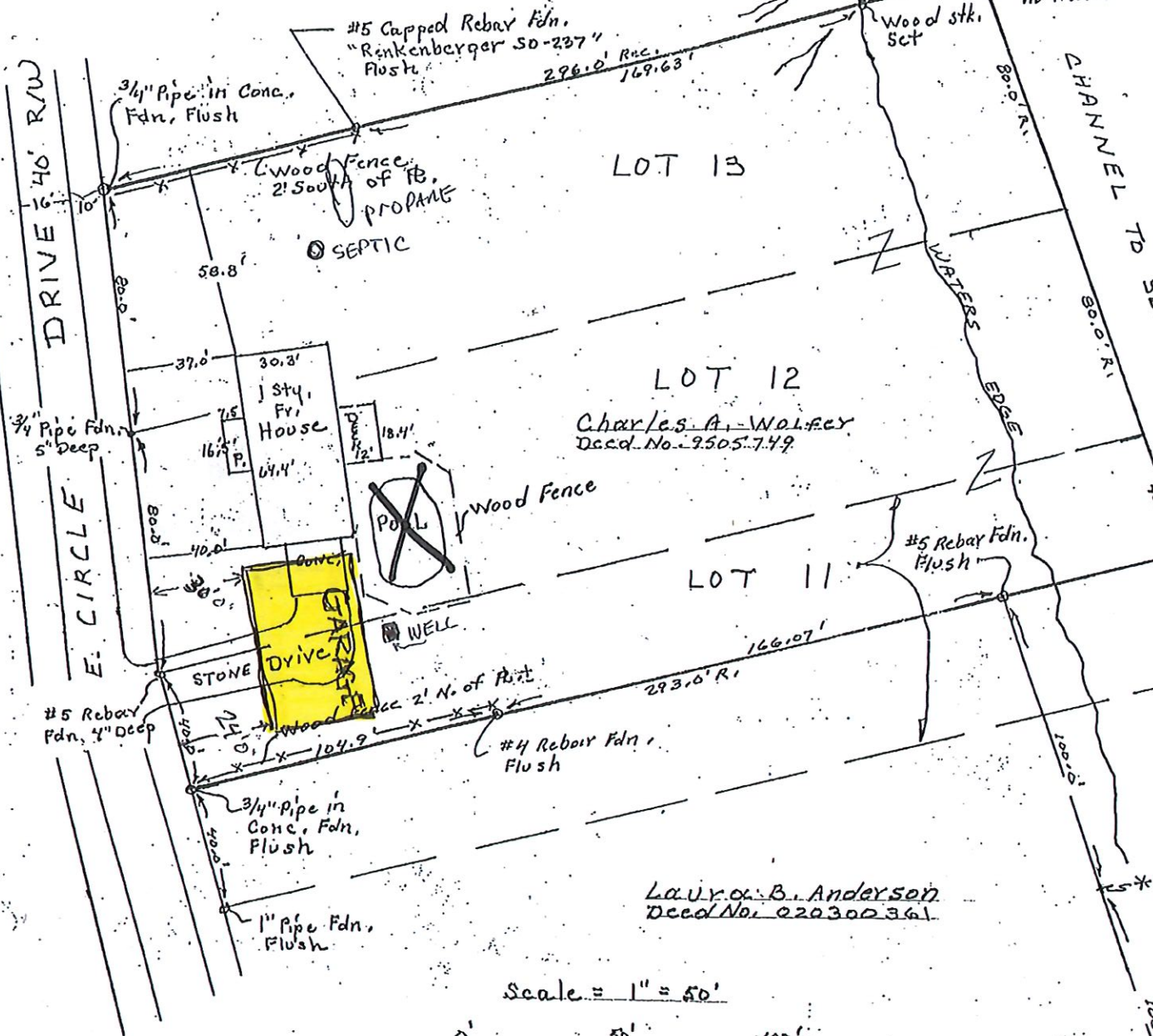
James C. & Michele A. White
Decd No. 021000021

DRIVE 16' 40' R/W
E. CIRCLE



SWAMP

No Corner Fdn. or set in Water



Charles A. Wolfer
Decd No. 9505749

Laura B. Anderson
Decd No. 020300361

Scale = 1" = 50'



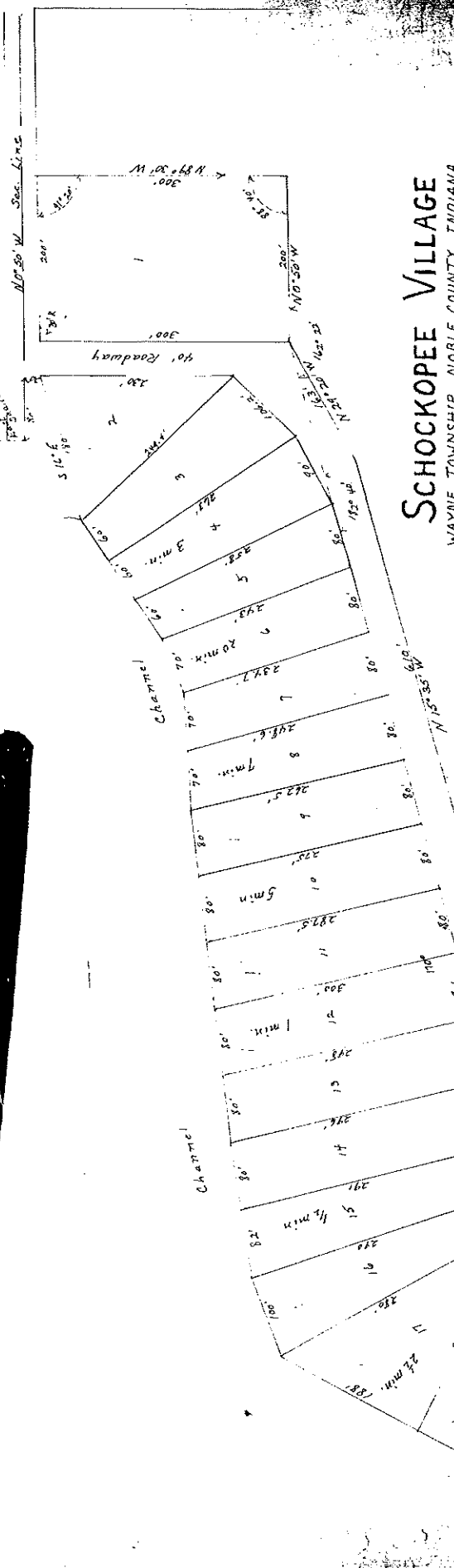
7" Post Found as set
by Tim Barkley, et al
8/9/85, Reg. No. 50506
As per survey for a
Larry Keck.

NOTES:

- 1) The accuracy of this report is limited to 1' foot in all directions.
- 2) Perimeter dimensions shown are based on Record Description dimensions and are subject to any statement of facts revealed by an accurate survey.
- 3) Physical Evidence of Possession as shown on Plat.

DEED RECORD NO.: 9595749

CURRENT OWNER: Charles A. Wolfer



SCHOCKOPEE VILLAGE

WAYNE TOWNSHIP, NOBLE COUNTY, INDIANA

Description: Being a part of the East half of Section 16, Township 16, Range 11 East, more fully described as follows, to-wit: Commencing at a point on the East line of Section 16, Twp 16 N - R 11 E that is 30 feet Southward from the East quarter corner of said Sec. 16 and running thence South 0° 00' 00" along the Section line a distance of 200 feet, thence North 89° 30' 00" West a distance of 163 feet, thence North 15° 35' West a distance of 60 feet, thence North West a distance of 37 feet, thence North 79° 45' West a distance of 282 feet, thence North 1° 05' East a distance of 312 feet to the edge of Schockopee Lake, thence an easterly and a southeasterly direction along the edge of Schockopee Lake a point that is 30 feet West and 110 feet North 16° West from the point of beginning, thence South 16° East a distance of 186 feet, thence East a distance of 20 feet to the place of beginning, said parcel containing 30 Acres, 10 Cents, being in the Southeast Quarter of the Northeast Quarter of said Section 16, and 235 acres being in the Northeast Quarter of the Southeast Quarter of said Section 16. Said plat containing 21 lots numbering from 1 to 21. None of all lots, roads and angles are as shown on plat.

I hereby certify this plat and survey to be correct to the best of my knowledge and ability.

Signed this 24th day of September, 1961 William G. Madel
 William G. Madel, Notary Public, Wayne Township, Wayne County, Indiana

County of INDIANA ss:
 COUNTY of NOBLE
 We, the undersigned Commissioners hereby approve this plat for public record this _____ day of _____ 1961

Raymond C. Smith
 Raymond C. Smith, Commissioner
 one share, etc. Williams

State of Indiana ss:
 County of Noble

We, William G. Madel and Gertrude F. Madel, husband and wife, do certify that we are the rightful owners of the land described on this plat and that we have caused it to be laid out in lots and streets as shown. In testimony whereof we hereby set our hand and seal this 11 day of SEPT. 1961

William G. Madel
 Gertrude F. Madel

Personally appeared before me, a Notary Public, the above named William G. Madel and Gertrude F. Madel and acknowledged the above and foregoing plat. In testimony whereof I set my hand and seal.

Raymond C. Smith
 Notary Public

My commission expires: _____

North
 Scale - 1" = 80'

11 Sept 61
 Raymond C. Smith
 210

#3621

Shockopee Lake Subdivision

ROBERT G & JUDY K ROLLINS
8798 E CIRCLE DR
KENDALLVILLE, IN 46755

WANDA I ALFRED
8970 E CIRCLE DR
KENDALLVILLE, IN 46755

LAURA B ANDERSON
8818 E CIRCLE DR
KENDALLVILLE, IN 46755

ELAINE M BERKEY
8508 E CIRCLE DR
KENDALLVILLE, IN 46755

DANA & TINA MAE BOLEN
8856 E CIRCLE DR
KENDALLVILLE, IN 46755

TROY & RENEE BOOTH
8896 E CIRCLE DR
KENDALLVILLE, IN 46755

TONY E & MELISSA A CARPENTER
8932 E CIRCLE DR
KENDALLVILLE, IN 46755

RICHARD & CHERYLE HAINES
PO BOX 53
KENDALLVILLE, IN 46755

LOGAN S & TRISTAN C KEVER
8386 E CIRCLE DR
KENDALLVILLE, IN 46755

ROBERT E & DEBRA J LEEMAN
8834 E CIRCLE DR
KENDALLVILLE, IN 46755

DEVIN R & ELIZABETH A PERKINS
8748 E CIRCLE DR
KENDALLVILLE, IN 46755

JOHN B SR & CHERI L WILKER
9445 N 900 E
KENDALLVILLE, IN 46755

300'

ZACKERY A PERKINS
8565 E CIRCLE DR
KENDALLVILLE, IN 46755

A & B ACRES LLC
9663 E 1000 N
KENDALLVILLE, IN 46755

SCOTT ALLEN BOWKER
8845 E CIRCLE DR
KENDALLVILLE, IN 46755

MARY E CHAVIS
8783 E CIRCLE DR
KENDALLVILLE, IN 46755

ROBERT & SUSAN CROSBY
8728 E CIRCLE DR
KENDALLVILLE, IN 46755

LORI L CROTTS
8817 CIRCLE DR
KENDALLVILLE, IN 46755

BRANDON J & KELLY J GRIMES
8627 E CIRCLE DR
KENDALLVILLE, IN 46755

RICHARD & CHERYLE HAINES
PO BOX 53
KENDALLVILLE, IN 46755

PHILIP M & MARY M MORR
8687 E CIRCLE DR
KENDALLVILLE, IN 46755

ROBERT G & JUDY K ROLLINS
8798 E CIRCLE DR
KENDALLVILLE, IN 46755

BENJAMIN W & JOHANNA C WEIDNER
8591 E CIRCLE DR
KENDALLVILLE, IN 46755

NOBLE COUNTY BOARD OF ZONING APPEALS

Meeting Information:

County of Noble, Indiana

Phone: (260) 636-7217

Where: Conference Room-Annex

VARIANCE APPLICATION

Fax: (260) 636-6957

Date: Wednesday, December 6, 2023

VARIANCE NO. 2314

Time: 7:00:00 PM

Variance Type: Development

OWNER Last Name: WILLIAMS First Name: MICHAEL L & ROSE MARIE Phone #: Mailing Address: 2140 E 200 S City: HARTFORD CIT State: IN Zip: 47348

APPLIC Last Name: McClurg First Name: Andy Phone #: (260) 350-7961 Mailing Address: 3276 N SR 109 City: Columbia State: IN Zip: 46725

PROPERTY INFO Physical Add/Loc: 3667 W HUNTINGTON AVE City: COLUMBIA C State: IN Zip: 46725 Legal Descr: FRUCHEY'S 2ND ADD BIG LAKE L42 Parcel ID Num: 57-19-33-400-055.000-009 Acres: Township: Noble Section: 33 Quadrant: 400 Parcel: 055 Zoning: LR Parcel Conformity: Conforming Transfer Date: 8/14/2023 Size of Lot: X Firm Panel Number: 18113C 0313D D, effective date March 2, 2015 Does lie within the approximate Flood Hazard Area. (If in Floodway, DNR approval is needed before permit is issued.)

Nature and Size of improvements now existing: home and shed (both to be removed)

Section No. of the Noble County Zoning Ordinance from which a variance is being sought:

2.22

VARIANCE REQUEST INFO Transferable or Non-Transferable: Transferable Permanent, Temporary or N/A: Permanent

Details: (Transferable / Permanent or Temporary): Development

Detailed description of the variance applied for:

To allow for less the UDO required minimum waterside setback of 75' to be at 60' from the water's edge for the construction of a new home.

Full Statement of reasons why the variance is being applied for:

The house would be too small to meet the minimum size requirement if all setbacks were met.

Notes: Infill of 15' from the edge of the ROW was approved by the Plan Director 8/31/23.

Note: A plot plan showing the location of all existing and proposed structures and uses on the lot or parcel, with dimensions, including all projections above the street grade must be filed with this application. The above information, to my knowledge and belief, is true and correct.

This is to certify that \$ 250.00 was received 10/6/2023 for a Variance application fee.

Applicant's/Agent's Signature Date 10-6-2023 Sarah Campbell Noble County Board of Zoning Appeals Date 10/6/23

BOARD ACTION

Petition Approved/Denied: Date Petition Approved/Denied:

If granted, subject to the following additional provisions:

Transferable to future owners - No / Yes / NA: Permanent, Temporary or N/A - Per BZA:

Transfer Details - Per BZA:

If denied, reasons:

OFFICE USE ONLY

Re-examine Date:

Comments:



Applicant Information

Variance: 2314

Applicant Michael L & Rose Marie Williams
 Location Section 33 of Noble Township, quadrant 400, parcel 055
 Address 3667 W Huntington Ave – 57 Columbia City, IN 46701
 Article 2.22 **Zoning** LR **Acreage** Lot 42
 Request To allow for less the UDO required minimum waterside setback of 75’ to be at 60’ from the water’s edge for the construction of a new home.

Physical Fruchey’s 2nd Addition to Big Lake Resort

Characteristics

Surrounding Land Uses

North	Lake Residential
East	Lake Residential
South	Big Lake
West	Big Lake

Findings of Fact:

- The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community.
 - The proposed new primary structure will be the last home on the south side of W Huntington Ave. Applicant chose to allow PC approved infill of 15’ from the right-of-way (30’) to move the primary structure further away from the waters edge than the prior primary structure was.
- 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 proposed new home will be further from the waters edge than the prior home was, but closer than any relatively adjacent home to the water’s edge.
- The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.
 - Staff was able to offer infill for some UDO relief for the new primary construction and by moving the new primary structure closer to the row, the waterside setback was lessened a fair amount from the initial development request.

Staff Comments:

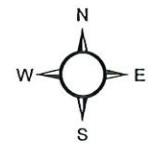
Most homes in the adjacent location meet or exceed the 75’ waterside setback. The property is in the (AE) floodplain, a surveyor will be required to set a benchmark prior to construction and post construction shall be required to confirm that construction meets appropriate development in the floodplain.

Proposed Commitments

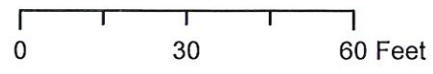
BZA Rule 9

- 1.) A petitioner who received Board approval for a Variance or Special Exception, has one (1) calendar year, from the date of approval, to show substantial completion of the approved use. Failure to show substantial completion of the approved use within the allotted time shall deem the Development Standard Variance, Use Variance or Special Exception null and void.
- 2.) Additionally, Variances or Special Exceptions abandoned for more than six (6) months after beginning operation shall be deemed null and void.

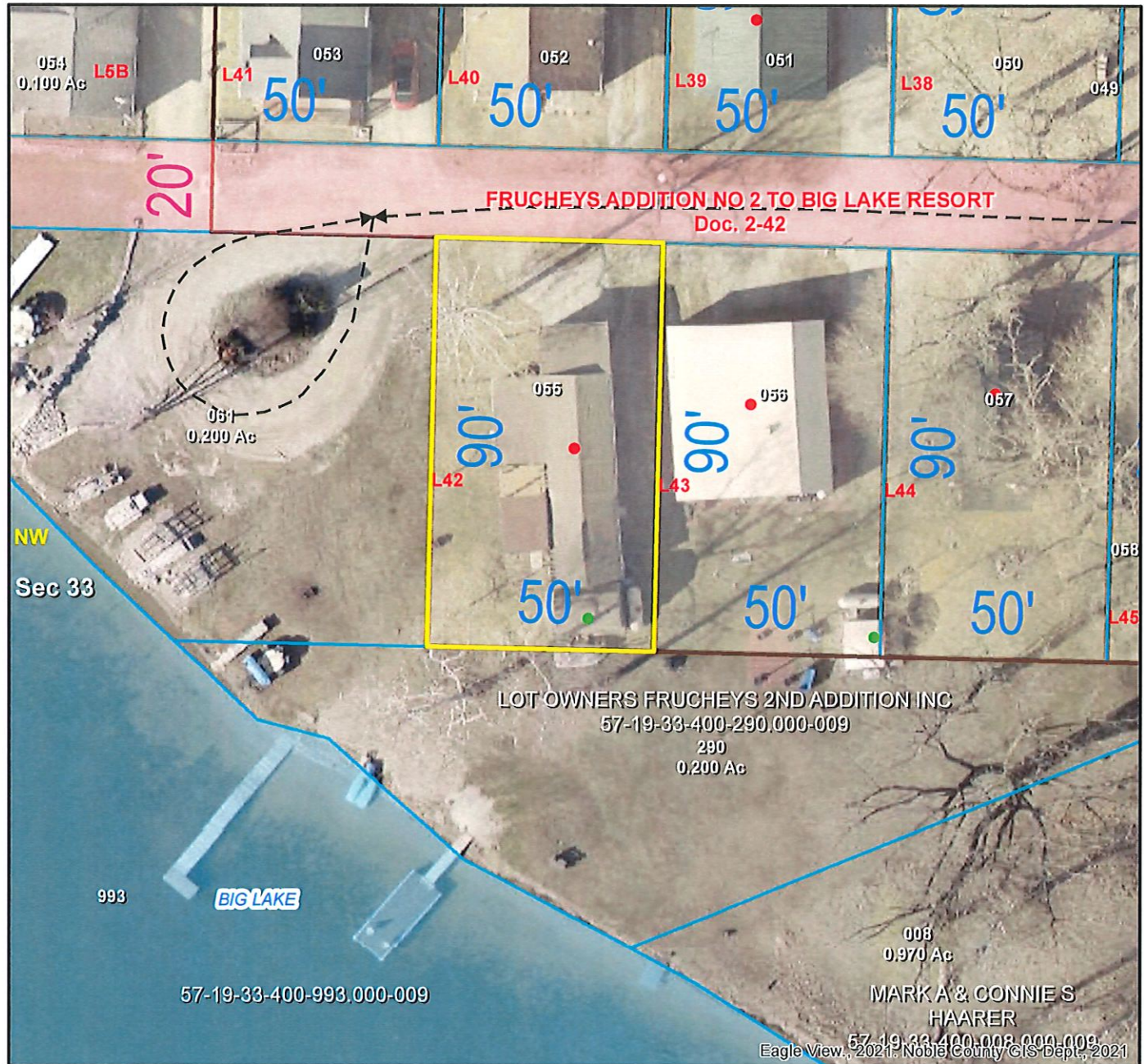
Williams Dev Variance 2314



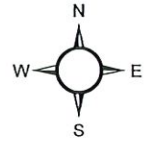
Date Printed: Date: 10/6/2023



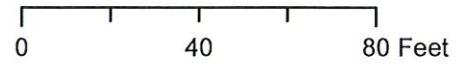
Map Scale: 1 inch = 33 feet



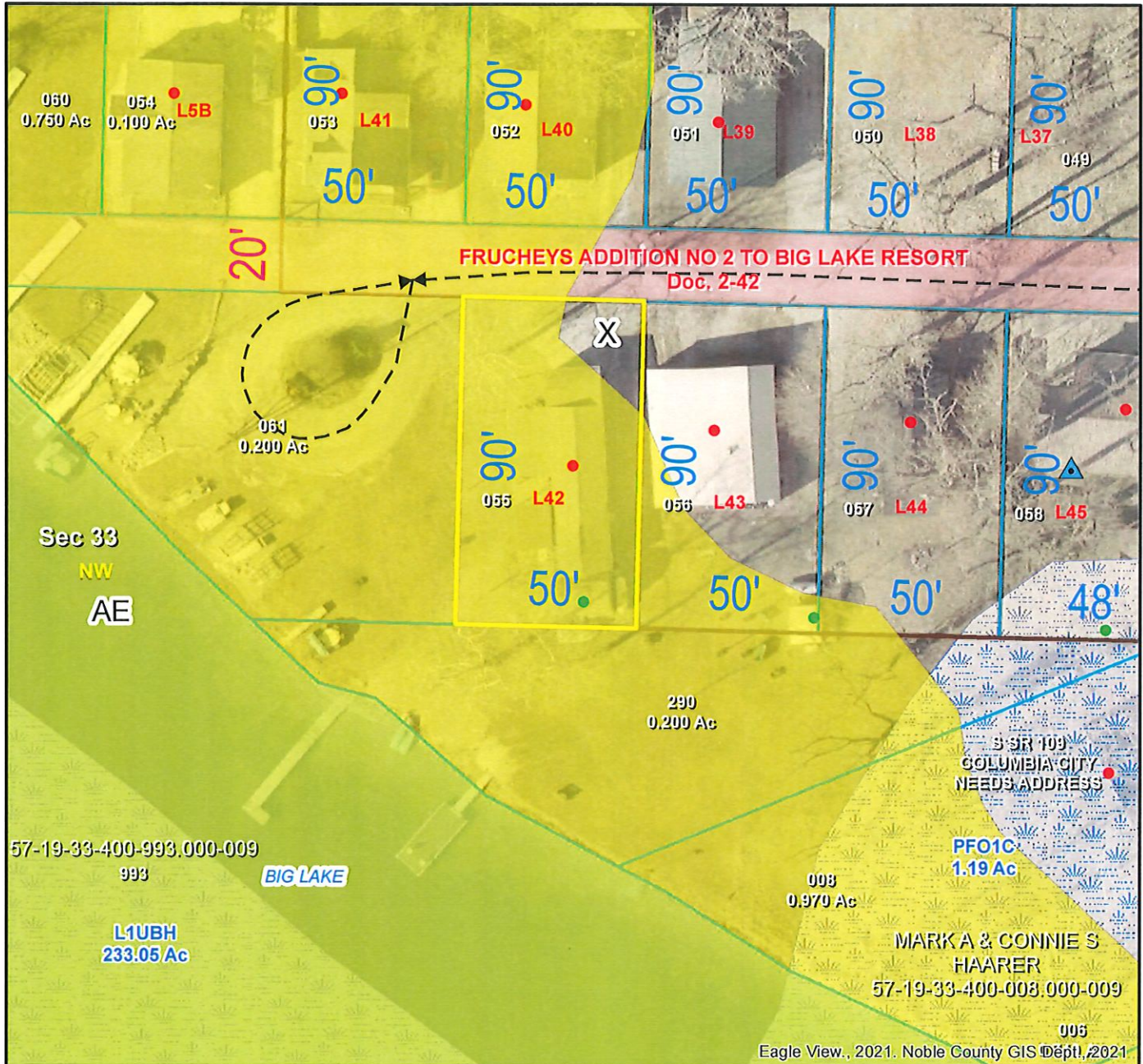
Williams Dev Variance 2314



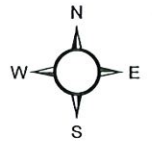
Date Printed: Date: 10/6/2023



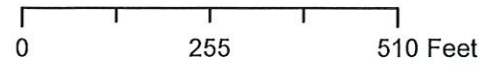
Map Scale: 1 inch = 42 feet



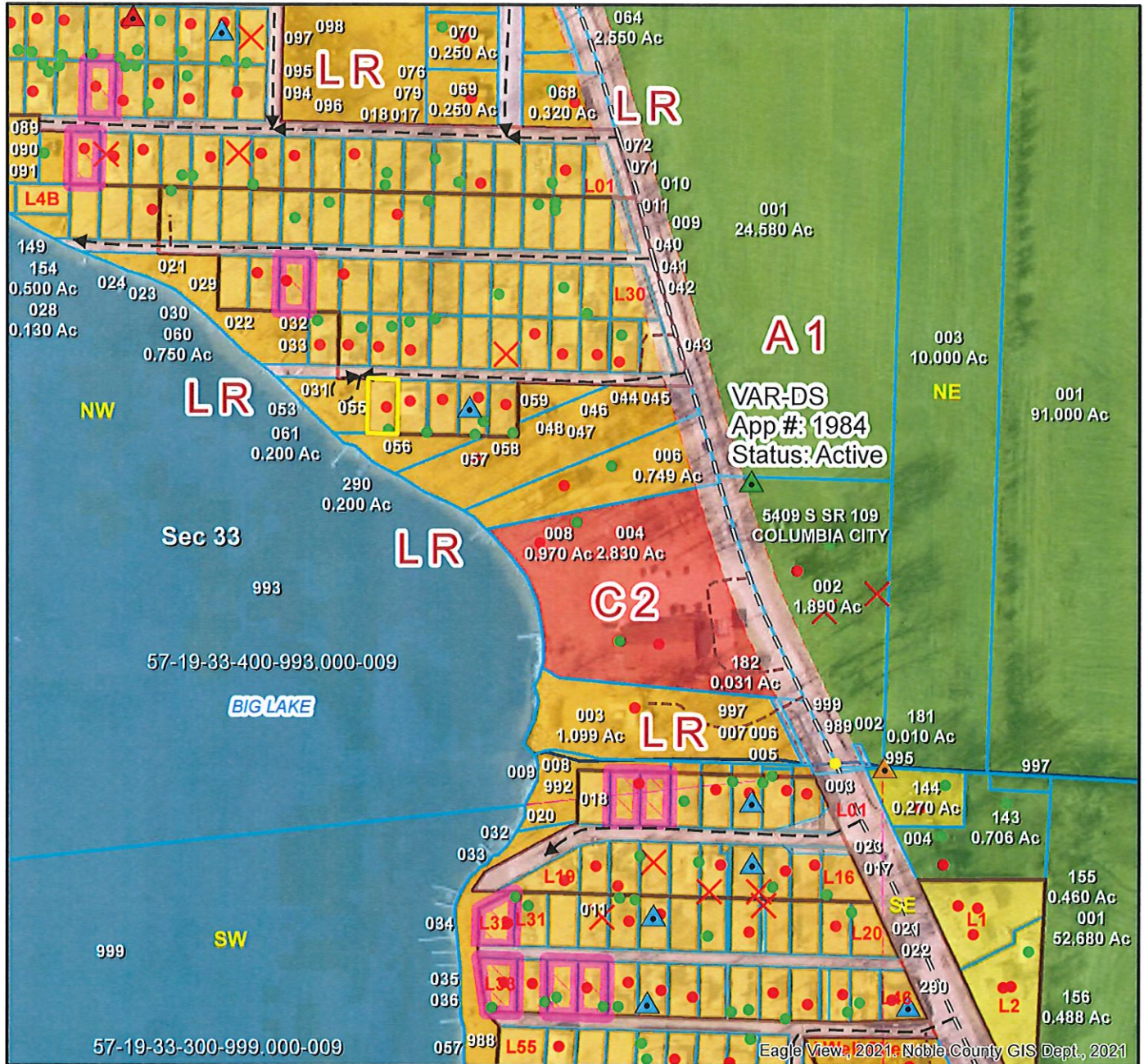
Williams Dev Variance 2314



Date Printed: Date: 10/6/2023



Map Scale: 1 inch = 250 feet



Outstanding Items due by: Prior to Application

Variance #: 2314

Variance Type: Development

Owner's Name: Michael Williams

A. Detailed site plan of the property involved

Applications involving new buildings must include all existing structure and proposed new structures along with distances to property lines. Details of Improvements should include: Size, dimensions, square footage, height, plans.

B. Complete Findings of Fact (as defined below)

FINDINGS OF FACT for a Development Standards Variance — per Indiana Code and the Unified Development Ordinance, it is the responsibility of the Petitioner, or their Representative, to address these Findings of Fact, affirming that their request will not be detrimental to nearby current, or future development in Noble County. It is the responsibility of the petitioner to assure the Board of Zoning Appeals of these findings of fact during your presentation. Failure to do so may result in denial of your request. Consult legal counsel for guidance as needed.

Please explain:

1. How approval of the variance will not be injurious to public health, safety, morals and general welfare of the community.

The new home constructed will be a single family home with hopes of becoming a year round residence. The existing home is in bad shape - decaying and mold in the crawl space. The floors are sinking.

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.

A new home will be constructed in place of existing home. The new home is 37' x 37' approximately 1400 square feet. The footprint of the new home will be less than the existing home.

3. The strict application of the ordinance will result in practical difficulties in the use of the property.

Owners are requesting a variance for the south west corner of the proposed house. With this variance it will provide an area for the proposed house as on the house plans.

PLOT PLAN

PREPARED FOR

MICHAEL L. & ROSE MARIE WILLIAMS

SITUATED IN THE PLAT OF FRUCHEY'S 2ND ADDITION TO BIG LAKE RESORT, NOBLE COUNTY, INDIANA.
THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT. SUBJECT TO PLAN COMMISSION APPROVAL.

DESCRIPTION

(Per Document Number 230800275)

FRUCHEY'S 2ND ADDITION BIG LAKE RESORT, LOT 42, NOBLE TOWNSHIP, NOBLE COUNTY, INDIANA

FLOOD HAZARD STATEMENT

The accuracy of any flood hazard data shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. Low-lying areas adjacent to Big Lake appear to be situated in Zone "AE", which is in a flood plain. The remainder of the surveyed tract appears to be situated in Zone "X", which is not in a flood plain, as said land plots by scale on Map Number 18113C0313D of the Flood Insurance Rate Maps for Noble County, Indiana, dated March 2, 2015.

ZONING REQUIREMENTS

Zoned: Lake Residential (LR) District

Minimum Front Yard Setback: 30 feet for primary and accessory structures

Minimum Side Yard Setback: 10% of lot width for primary structures
5 feet for accessory structures

Minimum Rear Yard Setback: 20 feet for primary structures
5 feet for accessory structures

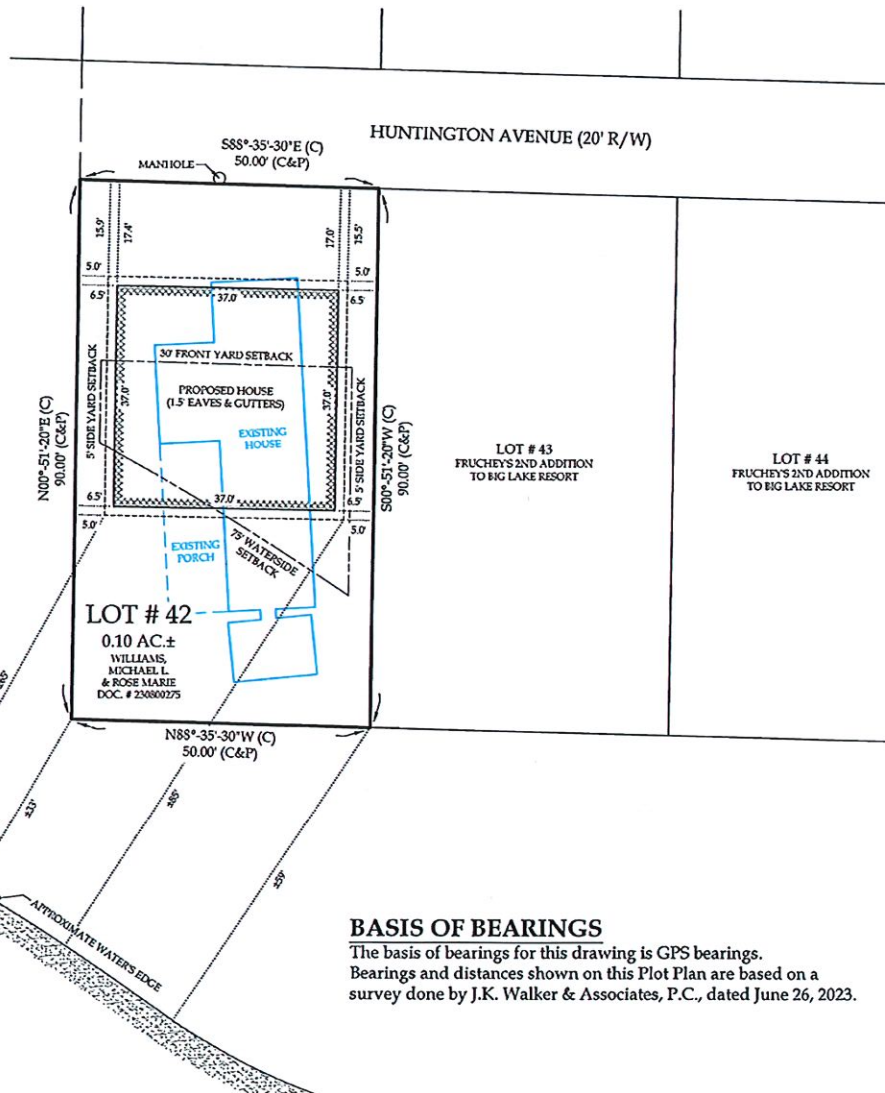
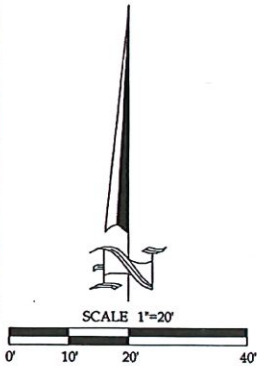
Minimum Waterside Setback: 75 feet for primary and accessory structures or average setback for adjacent structures, whichever is less
(Source: Noble County GIS and Noble County Unified Development Ordinance)

PROPERTY ADDRESS

3667 W Huntington Ave - 57
Columbia City, IN 46725

LEGEND

M = MEASURED
C = CALCULATED
P = PLAT
R = RECORDED



BASIS OF BEARINGS

The basis of bearings for this drawing is GPS bearings. Bearings and distances shown on this Plot Plan are based on a survey done by J.K. Walker & Associates, P.C., dated June 26, 2023.



WALKER & ASSOCIATES
EST. 1984

112 WEST VAN BUREN STREET
COLUMBIA CITY, IN 46725
Phone: (260) 244-3640
Fax: (260) 244-4640
www.walkersurveying.net
E-mail: mail@walkersurveying.net

LAND SURVEYING, CIVIL ENGINEERING,
& LAND PLANNING

LOT NUMBER 42 IN FRUCHEY'S 2ND ADDITION TO BIG LAKE RESORT,
NOBLE COUNTY, INDIANA

FOR:

WILLIAMS, MICHAEL L. & ROSE MARIE

SCALE: 1"=20'

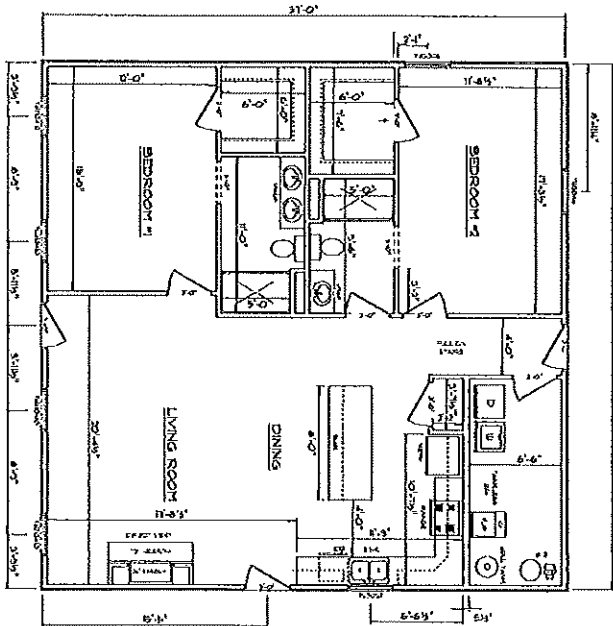
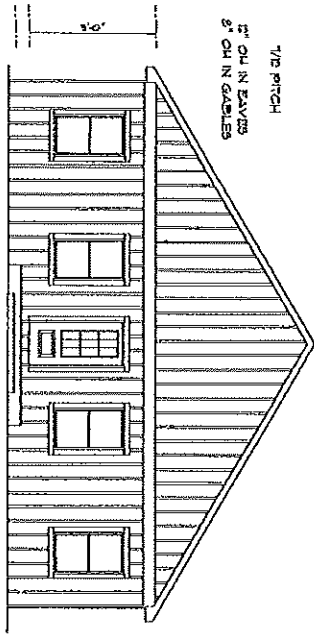
DRAWN BY: RDP

DRAWING NUMBER

DATE: 9-29-2023

PAGE: 1 OF 1

DH-148



NOTE: 3 1/2\"/>

SCALE: 1/4\"/>	DATE: SEPT. 13, 23	McCLURG BUILDERS	MICHAEL & ROSE WILLIAMS	<p>Steve Brown, designs</p>
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Subject **3667 W Huntington Ave**
From Teresa Tackett <teresa.tackett@nobleco.gov>
To <andy@mcclurgbuilders.com>
Cc Planning <planning@nobleco.gov>
Date 2023-08-31 13:50



-
- 2022 LETTER OF AUTHORIZATION.pdf(~82 KB)
 - 2.DEV STANDARDS VARIANCE FOF-petitioner.pdf(~32 KB)
-

Andy,

Attached are the Findings of Fact the Board of Zoning Appeals will base their decision on. I would encourage you to offer as much information per finding of fact statement as you can, giving somewhat of a preview of your petition. Your petition should be based on these findings; why you can't build based upon the ordinance standards and those comments should be based upon the parcel; not financial.

When you come in, bring the site plan that you will use to request the development variance. It appears as of now, you will only need a variance for the waterside setback. The "infill" that I have applied to the roadside setback will be 15' from the roads right of way (property line). If you feel you need more, that should be included at the time of the variance request. The "infill" of 15' is good for 6 months from today's date. Once you have a variance application on file, we will make sure to note the infill amount on that application as a point of reference for the board to see.

Call if you have questions. My staff is great and always willing to help ☺

Please respond to planning@nobleco.gov – this is a bulk email to make sure you are taken care of as quickly as possible.

Have a great day!

Teresa Tackett,
Plan Director/Zoning Administrator
Noble County, IN
(260) 636-7217
planning@nobleco.gov

Date and Time: 5/25/2023 10:05:16 AM Parcel ID: 12784 Report Printed By: kds

New Last Name: HOOVER FAMILY TRUST New First Name: _____

Tax Address: c/o: 108 S MAIN ST PENDLETON, IN 46064
Property Address: 3667 W HUNTINGTON AVE COLUMBIA CITY, IN 46725

COPY

Parcel Location and Legal Description: Accessor Parcel ID No.: 57-19-33-400-055.000-009 Ag Statement: _____
Twp: 33 Rng: 9 Sec: 33 Quad: 400 Parl: 055 Acreage: _____
Legal Description: FRUCHEY'S 2ND ADD BIG LAKE L42

Deed Info: Deed BK-PG: 071200173 Instrument Date: 11/28/2007 Per Survey: _____
Document Type: Q Taxation Date: 12/7/2007

Prev Last Name: HOOVER Prev First Name: MONT K & WANDA J

Proposed Project: _____

Zoning: LR Max. Lot Cov.: 50% Max. Bldg. Height: 35'/20' Min. Dwelling Unit Size: 960 sq. ft.

Primary/Accessory/Confined Feeding					
Setbacks	Centerline of Rd.	Edge of Road ROW	Side	Rear	Lake
UDO	N/A	30'/30'	10%/5'	20'/5'	75'/75'
Granted		15'			

Flood Hazard: Yes No Portion
Flood Map #: _____
Floodplain Ack No: _____
BFE: _____ FPG: _____
Benchmark: _____
Elev. Cert: _____
Flood Vent: _____

Special Ex. No(s): _____

Variance No(s): _____

Parcel Conformity: Conforming Combined Land Commit: _____

Notes: _____

BUSINESS ILP Date: _____ ILP #: _____ BusType _____
ILP: Bus Owner's Name: _____

SUBDIV:	MEMO
ADMIN:	_____
MINOR:	_____
MAJOR:	_____

Drainage Check: _____ Energy Certification: _____ Geo Thermal: Yes / No
Driveway Permit/Walver: _____ Foundation Drawings: _____ Open loop / Closed loop
Septic Permit/Walver: _____ Blueprints: _____
Est. Cost: _____ Propane Co.: _____
Contractors Name/Address/Phone #: _____ Electric Co.: _____

* 15' from R.O.W. - includes stairs/deck(etc) For New home
* Prove front Setback Prior to construction.

Plan Commission: [Signature]

Date: 5/25/23
good for 6 months (Nov. 27. 2023)

Fruchey's Addition NO 2 to Big Lake Resort
MICHAEL L & ROSE MARIE WILLIAMS
2140 E 200 S
HARTFORD CITY, IN 47348

ELIZABETH ARATA
3680 W HUNTINGTON AVE- 57
COLUMBIA CITY, IN 46725

B & T REAL ESTATE LLC
PO BOX 903
HUNTINGTON, IN 46750

WALTER BARNES
3687 W FRUCHEY DR- 57
COLUMBIA CITY, IN 46725

JACLYN K TRUST BARTON
1510 E 203RD ST
WESTFIELD, IN 46074

BIG LAKE HOLDINGS LLC
222 MIDDLEFIELD RD
BELLINGHAM, WA 98225

JEFFREY BOWSER
3610 W HUNTINGTON AVE- 57
COLUMBIA CITY, IN 46725

WILLARD K III CUPP
3688 W HUNTINGTON AVE- 57
COLUMBIA CITY, IN 46725

JEAN EMENHISER
7237 E LINCOLNWAY
COLUMBIA CITY, IN 46725

SCOTT D & MICHELE A EWING
0130 S 75 E
ALBION, IN 46701

ANTHONY FLETCHER
3697 GOSS RD- 57
COLUMBIA CITY, IN 46725

STUART D & ERIN C TRUST ETAL FREIMUTH
10825 S ORCHARD CREEK PL
FORT WAYNE, IN 46818

DARLENE L & STEVEN A HAGGENJOS
3590 W HUNTINGTON RD- 57
COLUMBIA CITY, IN 46725

BRYAN J & NANNETTE M HART
6555 E OLD TRAIL RD
COLUMBIA CITY, IN 46725

JESSE & PAMELA HIESTAND
3625 W HUNTINGTON AVE- 57
COLUMBIA CITY, IN 46725

BLAINE A KAYLOR
PO BOX 903
HUNTINGTON, IN 46750

LOT OWNERS FRUCHEYS 2ND ADDITION INC
3590 W HUNTINGTON AVE- 57
COLUMBIA CITY, IN 46725

SAMUEL E MCCARY
3657 W HUNTINGTON AVE- 57
COLUMBIA CITY, IN 46725

KENNETH & CATHY M PARKE
3605 W GOSS RD- 57
COLUMBIA CITY, IN 46725

DAVID T REX
3650 W FRUCHEY DR- 57
COLUMBIA CITY, IN 46725

MICHAEL D & MARIE D SHEETS
930 PEARSON ST
VAN WERT, OH 45891

ANTHONY T WILLIAMSON
3598 W HUNTINGTON AVE- 57
COLUMBIA CITY, IN 46725

300'
CHRISTOPHER M BLAISING
3700 W HUNTINGTON AVE- 57
COLUMBIA CITY, IN 46725

THOMAS L & BEVERLY S GOSS
5903 S WOODSTRAIL DR- 57
COLUMBIA CITY, IN 46725

GOSS GROCERY LLC
5418 S ST RD 109
COLUMBIA CITY, IN 46725

MARK A & CONNIE S HAARER
23270 COUNTY RD 28
ELKHART, IN 46517

NOBLE COUNTY BOARD OF ZONING APPEALS

Meeting Information:

County of Noble, Indiana

Where: Conference Room-Annex

SPECIAL EXCEPTION APPLICATION

Phone: (260) 636-7217

Date: Wednesday, December 6, 2023

Fax: (260) 636-6957

Time: 7:00:00 PM

Date Filed: 10/6/2023 Old Application #: Application #: 566

OWNER Last Name: WILSON First Name: MICHAEL E & JAYME L Phone #: (260) 312-7019 Mailing Address: 6640 E ST RD 8 City: KENDALLVILLE State: IN Zip: 46755

APPLIC Last Name: Same as above First Name: Phone #: Mailing Address: City: State: Zip:

SPECIAL EXCEPTION INFO: Physical Add/Loc: 6640 E SR 8 City: KENDALLVILLE State: IN Zip: 46755 Township: Allen Section: 19 Quadrant: 100 Parcel: 006 Acres: 16.18 Zoning: A1 Legal Descr: MID PT W2 NE4 Parcel ID Num: 57-09-19-100-006.000-003 Nature and Size of improvements now existing: single story house, 2 barns Detailed description of Special Exception: to allow for a 24'X21' accessory dwelling with a 12'x21' loft (over garage), and a 12'x21' attached garage, 36'x5' covered porch. Section Number of Ordinance: 2.03 Nature of uses surrounding proposed Special Exception: Agricultural / Residential Duration of Use: permanent

The above information, to my knowledge and belief, is true and correct.

This is to certify that \$ 250.00 was received 10/6/2023 for the Special Exception application fee. Applicant's/Agent's Signature: [Signature] Date: 10.6.23 Noble County Board of Zoning Appeals Date: 10/10/23

BOARD ACTION

Special Exception Approved or Denied: Date Petition Approved or Denied: If granted, subject to the following additional provisions: Transferable to future owners - No / Yes / NA: If denied, reasons:

OFFICE USE ONLY Comments: Re-examine Date:



Applicant Information

Special Exception 566

Applicant Michael E & Jayme L Wilson
 Location Section 19 of Allen Township, quadrant 100, parcel 006
 Address 6640 E SR 8 Kendallville, IN 46755
 Article 2.03 Zoning A1 Acreage 16.18+/-
 Request To allow for a 24'x21' accessory dwelling with a 12'x21' loft (over garage), and a 12'x21' attached garage, 36'x5' covered porch.

Physical RURAL RESIDENTIAL / AG

Characteristics

Surrounding Land Uses

North	RURAL RESIDENTIAL A1
East	AG – A1
South	AG – A1
West	AG – A1

Findings of Fact

1. The proposed special exception is consistent with the purpose of the zoning district and the Noble County Comprehensive Plan.
 - Page 38 4. Prioritize housing that best retains value through good design; land use changes and if the additional use is for family or as a rental, both would benefit the economy.
2. The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community.
 - The proposed use is located south of the home, with one neighbor to the west and one to the south.
3. The proposed special exception is in harmony with all adjacent land uses.
 - Applicant should address how the proposed new use would not affect adjacent properties.
4. The proposed special exception will not alter the character of the district.
 - UDO 2.03 – the request is permitted in A1 Zoning, by Special Exception. Members should review Article 5.04 to confirm the Accessory Dwelling Standards have been met.
5. The proposed special exception will not substantially impact property value in an adverse manner.
 - The closest adjoining home is 200+ feet away, (with a barn between the homes).

Comments: Staff is supportive of a rental or personal use, without regulation if the project meets the Accessory Dwelling Standards.

Proposed Commitments:

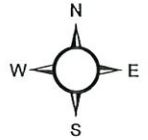
BZA Rule #3.12 Duration:

SPECIAL EXCEPTION: The granting of a special exception authorizes the use to run with the land unless conditions to the contrary are placed on the approval. If:

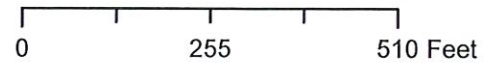
- A.) Construction of structures or occupancy of existing structures has not
- B.) Commenced within one (1) year of the date the Special Exception was granted by the Board of Zoning Appeals, the approval shall be null and void.

Final Recommendation

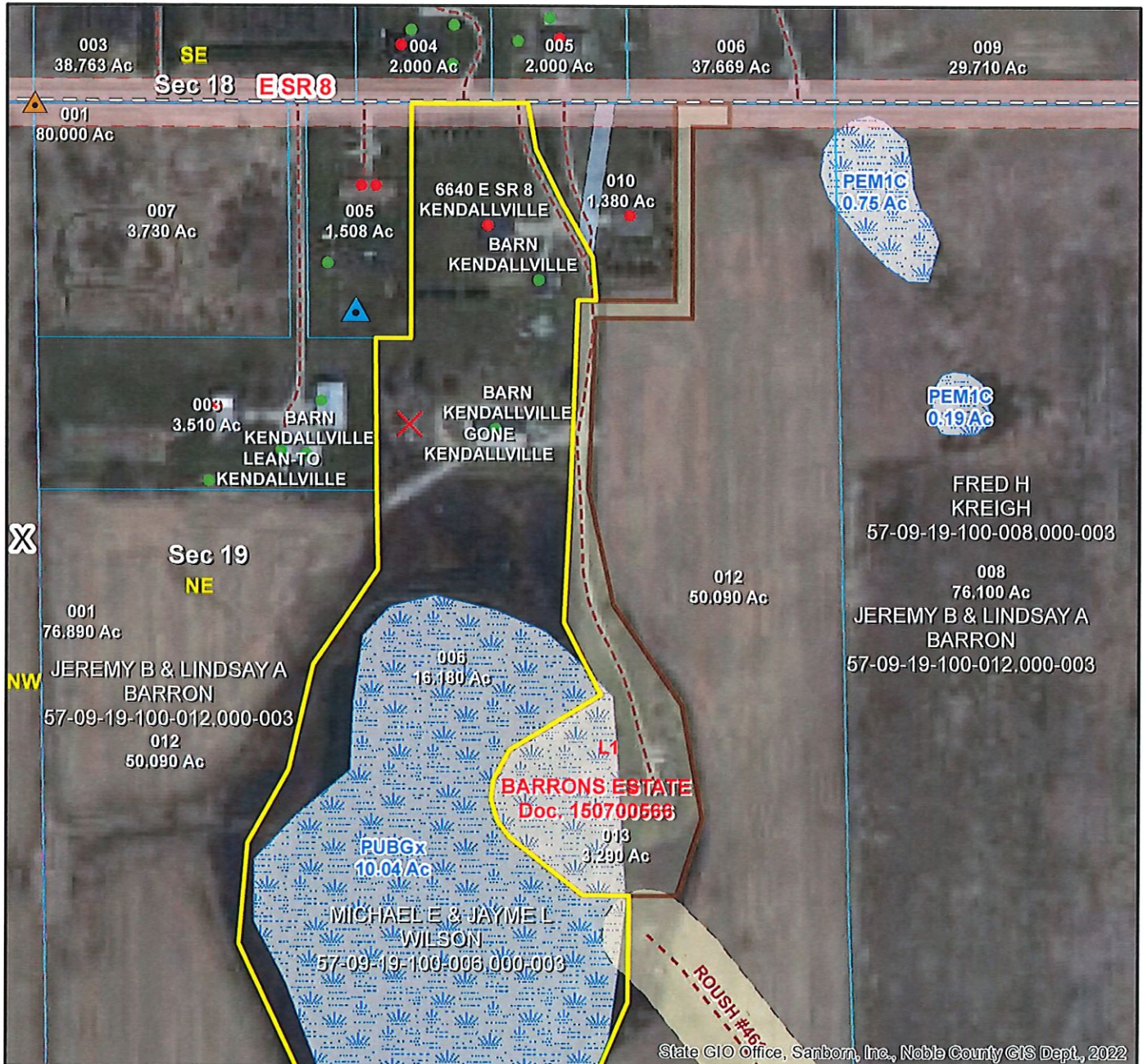
Wilson SE 566



Date Printed: Date: 10/10/2023

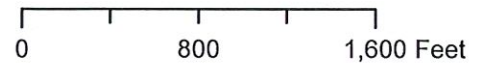
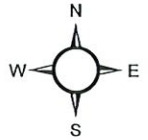


Map Scale: 1 inch = 250 feet

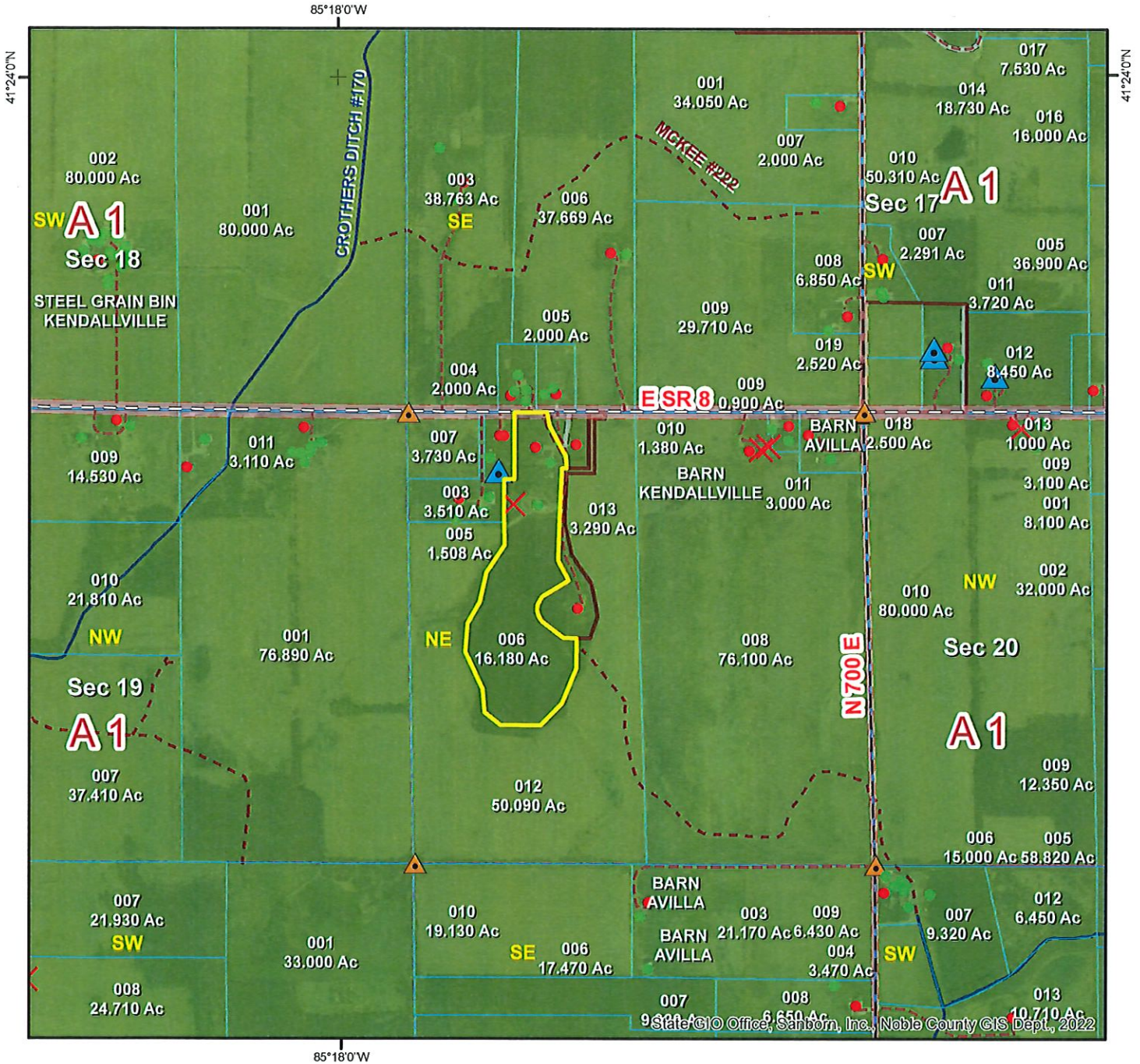


Wilson SE 566

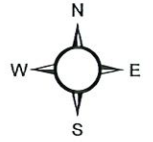
Date Printed: Date: 10/10/2023



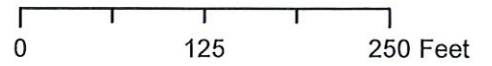
Map Scale: 1 inch = 833 feet



Wilson SE 566



Date Printed: Date: 10/10/2023



Map Scale: 1 inch = 125 feet



Outstanding Items due by: Prior to Application

Special Exception #:

Owner's Name: *Mike & Suzanne Wilson*

A. Detailed site plan of the property involved

Applications involving new buildings must include all existing structure and proposed new structures along with distances to property lines. Details of Improvements should include: Size, dimensions, square footage, height, plans.

B. Complete Findings of Fact (as defined below)

The following statements must be found to be true so that the Board of Zoning Appeals may grant your request. If any of the statements are not true or cannot be confirmed as true, your request, by law, will be denied. Consult legal counsel for guidance as needed.

1. The proposed special exception is consistent with the purpose of the zoning district and the Noble County Comprehensive Plan.

The proposed special exception to use the building as a permanent accessory dwelling is consistent with the purpose of the zoning district and the Noble County Comprehensive Plan.

2. The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community.

The permanent accessory dwelling will meet all the conditions necessary to ensure protection of the public health, safety, morals and general welfare of the community, as outlined in AD-01 Accessory Dwelling Standards.

3. The proposed special exception is in harmony with all adjacent land uses.

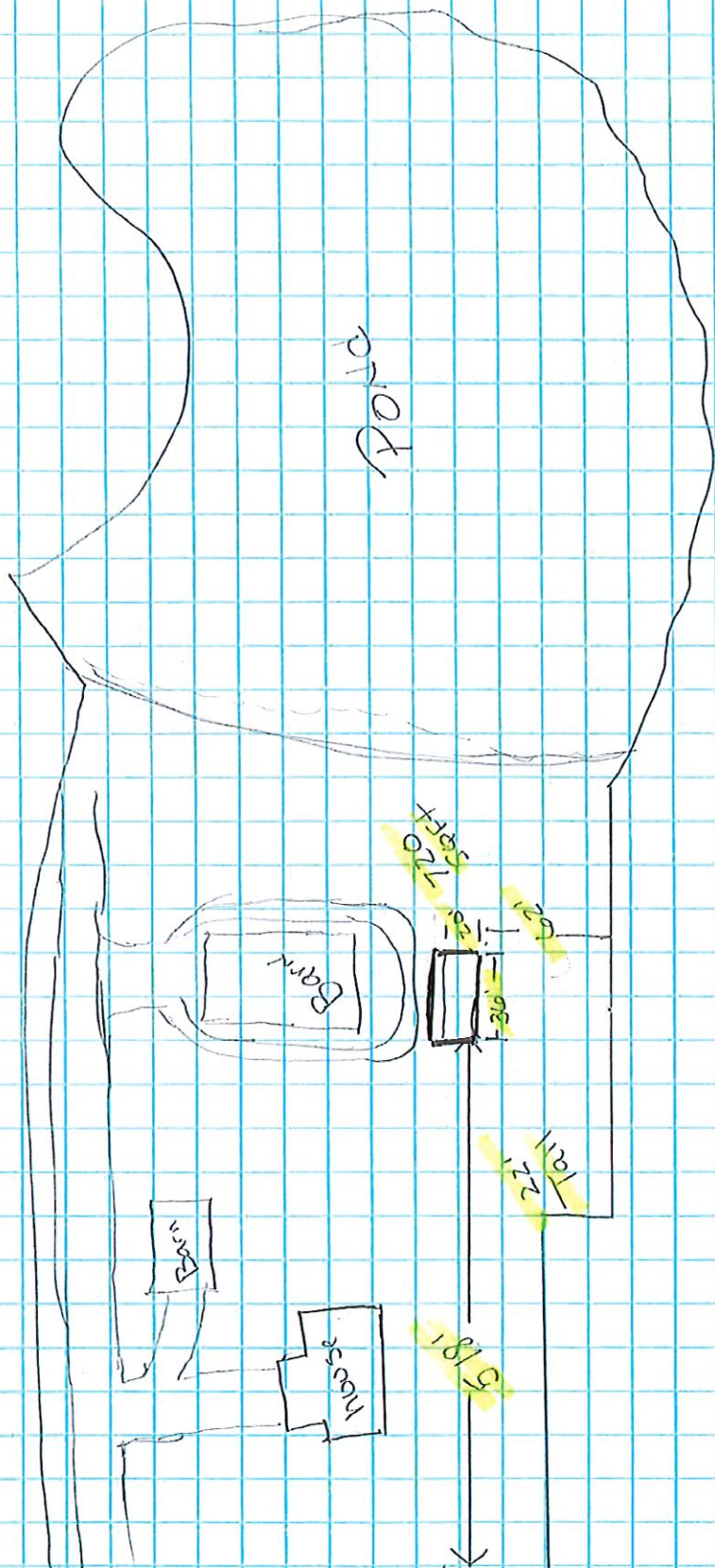
The proposed permanent accessory dwelling will be in harmony with all adjacent land uses.

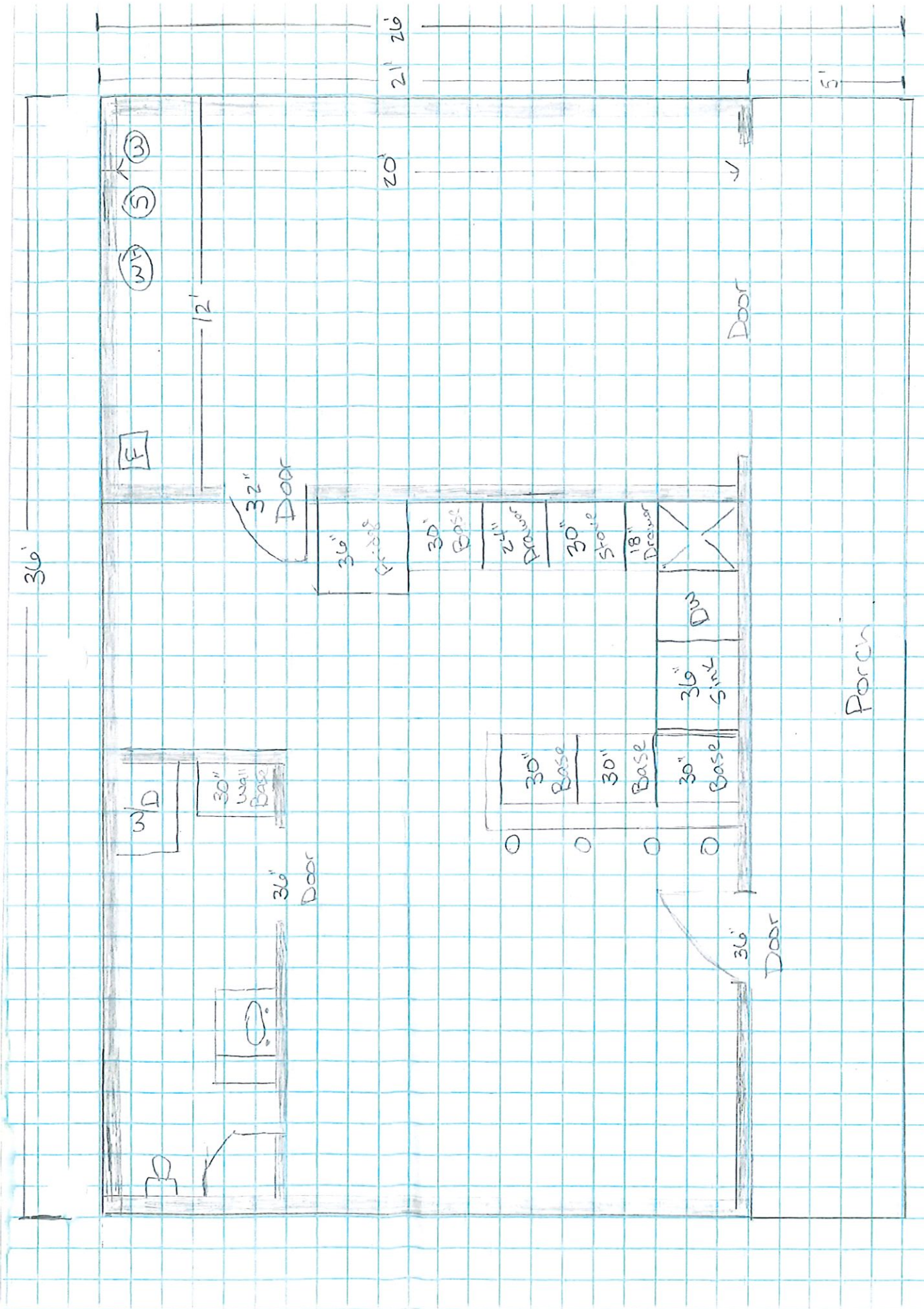
4. The proposed special exception will not alter the character of the district.

The proposed permanent accessory dwelling will maintain and not alter the character of the district.

5. The proposed special exception will not substantially impact property value in an adverse manner.

The proposed permanent accessory dwelling will not affect property value in an unfavorable or negative manner.





P.O.C.
Harrison Marker Found
(Flush) Good Cond
North Quarter Corner,
Section 19, Township 34
North, Range 11 East,
Allen Township,
Madison County, Indiana

Matthew Kline
Doc #200500329

Administrative Subdivision (Property Detail)

Tracts of land located in the Northeast Quarter of
Section 19, Township 34 North, Range 11 East, Allen Township,
Madison County, Indiana

H 89°53'52" E 419.95'

Matthew Kline
Doc #200500329

Rebar Weber
295' Easterly of
Retrod Rail Post,
On-Gr.

Retrod Rail Post (2)
Found (+4') Easterly of Rebar

H 89°53'52" E 559.78'

Retrod Rail Post Found
(+4') Good Cond
1' West of Section Line

Survey Linetype Legend

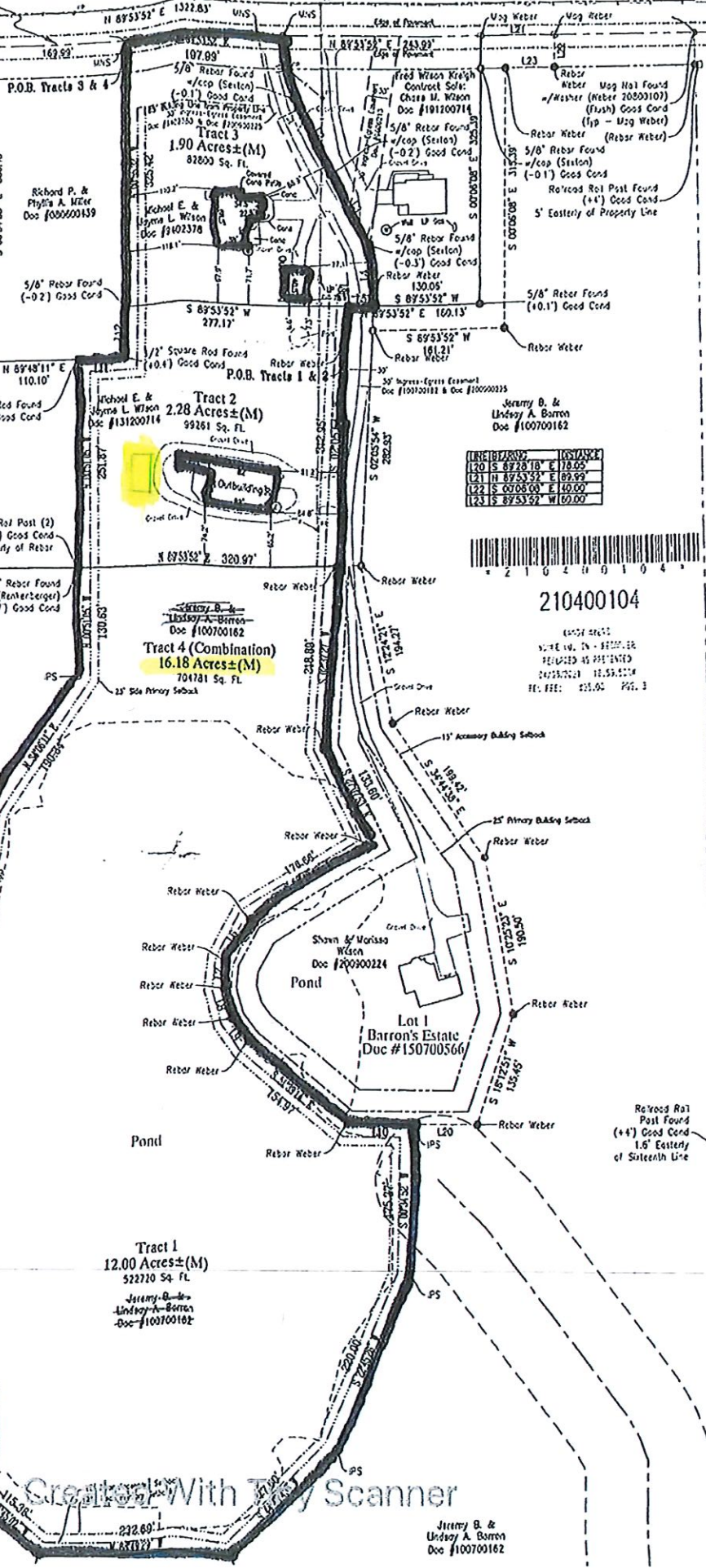
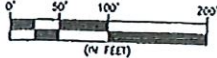
- Property/Boundary Line
 - Adjoining Property Line
 - Section Line
 - Sixteenth Line
 - Right-of-Way Line
 - Easement Line
 - Recorded Plat Line
 - Building Setback Line
 - Center Line
 - Overhead Electric Line
 - Edge of Pavement
 - Approximate Edge of Water
- Note: Symbols not found on this legend can be found in the title block legend.

LINE BEARINGS	LENGTH
L1 S 101°45'1" E 78.09'	
L2 S 26°55'06" E 102.27'	
L3 S 50°00'00" E 92.42'	
L4 S 04°18'00" E 72.98'	
L5 S 89°53'52" W 50.07'	
L6 S 28°42'46" W 57.32'	
L7 S 05°12'18" W 31.55'	
L8 S 16°45'21" W 36.90'	
L9 S 38°18'41" W 33.12'	
L10 S 87°28'18" E 78.05'	
L11 S 89°37'45" E 58.95'	
L12 N 02°02'31" E 61.36'	

Jeremy B. &
Lindsay A. Barron
Doc #100700162



SCALE: 1" = 100'
GRAPHIC SCALE



LINE BEARINGS	LENGTH
L20 S 82°28'18" E 78.00'	
L21 N 89°53'52" E 89.99'	
L22 S 02°08'00" E 40.00'	
L23 S 89°53'52" W 100.00'	



210400104

10/27/2015
10:28:18 AM
2015/10/27 10:28:18 AM
FILE: 210400104.PLS

Created With Topcon Scanner

Jeremy B. &
Lindsay A. Barron
Doc #100700162

North-South Sixteenth Line, Northeast Quarter, Section 19, Township 34 North, Range 11 East, Allen Township, Madison County, Indiana

SHAWN & MARISSA WILSON
6644 E SR 8
KENDALLVILLE, IN 46755

JEREMY B & LINDSAY A BARRON
5901 E 600 N
CHURUBUSCO, IN 46723

JOSEPH ANTHONY DOERFLEIN
6657 E ST RD 8
KENDALLVILLE, IN 46755

RANDALL K & FRANCES J JONES
6611 E ST RD 8
KENDALLVILLE, IN 46755

MATTHEW KLINE
6568 E ST RD 8
KENDALLVILLE, IN 46755

FRED KREIGH
6688 E ST RD 8
KENDALLVILLE, IN 46755

JERRY L & DEBORAH MCCORMICK
6725 E ST RD 8
KENDALLVILLE, IN 46755

RICHARD P ETAL MILLER
6634 E ST RD 8
KENDALLVILLE, IN 46755

KEVIN L & SARA E TRUST THOMAS
6565 E ST RD 8
KENDALLVILLE, IN 46755

MICHAEL E & JAYME L WILSON
6640 E ST RD 8
KENDALLVILLE, IN 46755