

MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 19TH DAY OF MARCH 2009 AT 9:00 A.M.
MEETING ROOM – DEPARTMENT OF PUBLIC SERVICES BUILDING
4230 ELKHART ROAD, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Board of Zoning Appeals was called to order by the Chairperson, Randy Hesser, with the following board members present: Meg Wolgamood, Robert Homan, Tom Lantz, and Doug Miller. Staff members present were: Robert Watkins, Plan Director; Larry Harrell, Zoning Administrator; Duane Burrow, Senior Planner; Robert Nemeth, Planner; Dan Piehl, Planner; Mick Slater, Code Enforcement Officer; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Homan/Lantz*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 19th day of February be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Lantz/Miller*) that the legal advertisements, having been published on the 7th day of March 2009 in the Goshen News and on the 9th day of March 2009 in The Elkhart Truth, be approved as read. A roll call vote was taken, and with a unanimous vote, the motion was carried.

4. A motion was made and seconded (*Miller/Lantz*) that the Board accepts the Zoning Ordinance and Subdivision Control Ordinance as evidence into the record and the motion was carried with a unanimous roll call vote.

5. A motion was made and seconded (*Homan/Lantz*) that the Board accepts the Staff Reports as evidence into the record. A roll call vote was taken and the motion was carried with a unanimous vote.

6. There were no postponements of business items.

7. The application of *IPW Farms (owner)* for a Use Variance to allow for relocation of an advertising sign on property located on the West side of SR 19, 1,141 ft. North of CR 48, common address of 69863 SR 19 in Locke Township, zoned A-1, came on to be heard.

Photos of the property were submitted to the Board by the staff [*attached to file as Staff Exhibit #1*].

Mr. Harrell presented the Staff Report/Staff Analysis, which is attached for review as *Case #20083335*.

There were 12 neighboring property owners notified of this request.

Steve Snyder, Attorney, 200 W. Main Street, Syracuse, explained he is present representing IPW Farms and Perma Advertising. Perma Advertising has maintained a sign on this property for years with the acquisition of the additional right-of-way by INDOT. The sign obviously had to be moved out of that required right-of-way and they are requesting that the sign be moved to the west to obtain the necessary setbacks. The sign will be the same size and will be constructed on site. The lease between IPW Farms and Perma Advertising will continue and all necessary state and local permits will be obtained at the time the sign is re-constructed.

Mr. Hesser asked if this will physically be the same sign and Mr. Snyder said yes, but the supporting posts have to be replaced.

Mr. Hesser indicated the site plan shows the sign in the southeast corner and asked if that's where it is now. Mr. Snyder said it was in the southeast corner and it will be moved on a straight line to the west to obtain the necessary setback in the new location.

Mrs. Wolgamood asked how long the sign has been there and Mr. Snyder said approximately 15 to 20 years because they are on their second renewal of a ten year lease.

Mr. Hesser said the questionnaire indicates that the State of Indiana has offered the sum of \$1,860 to compensate if they were to lose the sign. Mr. Snyder said the cost to move the sign is approximately \$1,350 and they provided another sum on top of that to come before the Board and obtain permission to move the sign. If the sign cannot be moved, then the compensation they would demand by the State would rise based on the lost revenue of that sign for the remainder of the lease terms.

Mrs. Wolgamood asked if the compensation was for Perma Advertising or IPW Farms. Mr. Snyder said the compensation was for Perma Advertising because they would be required to move the sign under the terms of the lease with IPW Farms.

Mr. Hesser asked if the compensation was for the re-location of the sign and not the loss of the sign and Mr. Snyder indicated that is correct.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation, a motion was made and seconded (*Hesser/Miller*) that the Board adopt the Staff Analysis as the Findings of the Board, and based upon these Findings, this request for a Use Variance to allow for relocation of an advertising sign be approved with all state and county permits and inspections to be obtained. The sign must be located as per site plan submitted. A roll call vote was taken and the motion was carried with the following results: Homan – yes; Wolgamood – no; Lantz – yes, Miller – yes; and Hesser – yes.

8. The application of ***Devon Witmer*** for a Special Use for warehousing and storing of cut limestone in an A-1 district (Specifications F - #44) on property located on the South side of CR 30, 2,000 ft. West of CR 13, common address of 24340 US 30 in Harrison Township, came on to be heard.

Photos of the property were submitted to the Board by the staff *[attached to file as Staff Exhibit #1]*.

Mr. Harrell presented the Staff Report/Staff Analysis, which is attached for review as *Case #20091233*.

There were 3 neighboring property owners notified of this request.

Devon Witmer, 24340 CR 30, Goshen, was present on behalf of this request. Mr. Witmer explained he is looking for a permanent location in Goshen to start up a business. He does not have enough sales at this time to do that and he is currently trying to build up his business. Currently, Mr. Witmer is using the proposed location as a staging area with the intent of finding a permanent location in Goshen this fall when the economy straightens up.

Mr. Hesser said the Special Use is only for warehousing and storing and asked if anything additional is required for the sawing. Mr. Harrell indicated the sawing would be permitted under warehousing and storing. The basic use would be the warehousing and storing of the limestone on site and cutting it to the sizes that are needed.

Mr. Hesser asked where the product is stored before it is sawed. The petitioner indicated most of the product is stored inside of the two buildings, but there are a few pieces stored outside. The building they have the saw in is approximately 25 x 30, so they are storing most of the limestone in that building. He indicated the limestone comes in sawed-in slabs, so they are individual smaller pieces. They are not handling two to three ton blocks and he indicated they come in bundles of six, eight, or ten, depending on their size. Mr. Witmer then splits the limestone down to the size that the builders can use.

The Board questioned what size the limestone is in when it comes in and what size the limestone is when it goes out. Mr. Witmer said most of the limestone is two and a quarter inch thick, which is commonly used on windows. The lengths will vary from six to eight feet with a height of six to twenty inches per slab.

Mr. Hesser asked where the finished product is stored after it is sawed. The petitioner said it is stored inside of a shed where the limestone is then shipped out or picked up by the customer.

The staff report is recommending approval with a condition of no outside storage at all. Mr. Hesser asked if that is something that can be done and Mr. Witmer said he would have to make room in another building in order to do that. The area they really work in outside of the building is a 50 x 50 area located behind the building. Everything they have stored outside sets behind that and there are about half a dozen pieces outside.

Mr. Homan asked the petitioner if he is currently employed by Old Fort Supply and he indicated yes. He questioned if the inventory is owned by Old Fort Supply and Mr. Witmer said yes. Mr. Homan asked if Old Fort Supply currently owns property in Goshen and the petitioner said no. When asked if Old Fort Supply owns Modern Masonry Supply, Mr. Witmer said no and indicated they are two separate companies. Fifteen years ago it was all one company, but they have split off from each other.

Mr. Witmer indicated he thinks he knows where the complaint came from, but he has checked with all of the neighbors and feels this business is very low key.

As far as deliveries, he has had product brought in by semis three times in the last five months. They may have two or three a week right now, but they are barely getting started.

Mr. Hesser asked if the building is enclosed while the sawing is going on and Mr. Witmer said they have double doors which stay open while operating. The petitioner indicated limestone is a soft material and it's almost like sawing lumber.

Mr. Miller asked if the items covered by a tarp are limestone pieces and the petitioner indicated no, that is farm equipment.

When questioned by Mr. Miller about the type of work being done, the petitioner indicated he only does straight cutting with no radius work.

Mrs. Wolgamood then questioned the buildings where the work is being done and Mr. Witmer pointed them out on the aerial photo. The building labeled "shop" on the site plan, which is towards the east side of the property, is where the saw is stored along with limestone material. The building towards the south is used for storage.

Mrs. Wolgamood indicated the site plan shows the storage building as a personal shed. Mr. Witmer said about half of it is, but that is the building he can clean out and store the rest of the material there.

Mrs. Wolgamood questioned if that is the building marked 29 x 30 and is immediately west of where the outside storage is and the petitioner said yes.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Homan said a complaint precipitated this issue. On the petitioners information under question #18, it states that they only need this for approximately one year and they will be looking for a location in Goshen when the economic situation gets a little stronger. Mr. Homan indicated he doesn't know when that will happen and the staff is recommending approval for one year. He feels the petitioner needs to understand that if this request is approved, it would be limited to one year and would not be dependent on when the economic situation gets better.

Mrs. Wolgamood then asked Mr. Miller how much dust this operation would create. Mr. Miller indicated anytime you saw masonry, a lot of fine dust is thrown into the air. Limestone is very soft and cuts fast, so the level of noise that it creates is far less than if you are cutting granite or hard-faced brick. If the petitioner is doing the work inside of a building, Mr. Miller feels the dust would be well confined within that space.

The Board examined said request, and after due consideration and deliberation, a motion was made and seconded (*Hesser/Miller*) that the Board adopt the Staff Analysis as the Findings of the Board, and based upon these Findings, this request for a Special Use for warehousing and storing of cut limestone in an A-1 district (Specifications F - #44) be approved with the following conditions imposed:

1. Approved for a period of one (1) year with no renewal.
2. No outside storage.
3. A turnaround must be provided on site to prevent any backing off of or onto the public highway.
4. All sawing to be within an enclosed building.
5. Hours of operation to be 8:00 a.m. to 5:00 p.m. with no Sunday operations.

A roll call vote was taken and the motion was unanimously carried.

9. The application of *West Edge School (buyer) and David D. Bontrager (seller)* for a Special Use for a school (Specifications F - #38) on property located on the North side of CR 26, 835 ft. West of CR 33 in Middlebury Township, zoned A-1, came on to be heard.

Mr. Harrell presented the Staff Report/Staff Analysis, which is attached for review as *Case #20091184*.

There were 15 neighboring property owners notified of this request.

David Bontrager Jr., 59723 CR 33, Middlebury, was present representing West Edge School. Mr. Bontrager explained they are currently at Pine Creek with too many pupils, which creates a problem with the teachers. They would like to branch off of the Pine Creek School to allow them to have more room.

Mr. Bontrager indicated the property has been split off on the east side, which he pointed out on the aerial photo. They just got their recorded deed yesterday, so everything is in the process.

Mr. Hesser said from an advertising perspective, it should be fine that the parcel that was split off is within the larger parcel that was advertised. Mr. Kolbus said yes, as long as you are less than what was advertised. He suggested clarifying that the school would be located on the eastern 285 ft. of the parcel.

Mr. Bontrager indicated the property is a little over three acres. The homeowner would rather cut his land off straight, which will allow the school to have more acreage than they really

need with hopes that the landowner behind the property would buy an acre off of them to pasture.

Mr. Hesser said it looks like the site plan top line is 270 ft. and the petitioner explained that they are 285 ft. in width and they are cutting it off straight all the way back.

Mr. Miller clarified the petitioner has indicated a ball diamond will be on the property with a back stop at 30 ft.

Mrs. Wolgamood asked if this school would be required to go to the State and Mr. Harrell indicated yes. She asked if he would need to submit an entire site plan showing everything and Mr. Harrell said yes. Mrs. Wolgamood suggested requesting a copy of that particular site plan for the file at the time of building permit issuance if this request were approved.

Mr. Harrell asked the petitioner if he has already applied for the State plans and Mr. Bontrager indicated the architect should be working on it. The petitioner said the county would require all of the state plans to be submitted.

Danny Yoder, 59730 CR 33, Middlebury, was present in favor of this request. Mr. Yoder explained his family is a member of Pine Creek School and they are full and would like to branch off. Their schools are approved by the State and they follow State guidelines. The seams are bursting and they are trying to find room to expand. He feels this would be the perfect location for a new school.

The public hearing was closed at this time.

Mrs. Wolgamood asked for a copy of the recorded deed to be included in the file.

Mr. Hesser asked if there are any concerns with putting a condition in respect to the hours of operation. When other schools have been before the Board, there are several conditions placed on their approvals. He said they could consider it for future consideration and fairness issues down the road. Mrs. Wolgamood indicated she would be willing to do that, but Mr. Hesser indicated he is fine with what the petitioner has presented.

Mrs. Wolgamood suggested striking the word "Amish" in the findings.

The Board examined said request, and after due consideration and deliberation, a motion was made and seconded (*Hesser/Lantz*) that this request for a Special Use for a school (Specifications F - #38) be approved based on the following findings:

1. Will be consistent with the spirit, purpose and intent of the Zoning Ordinance. Schools are permitted in A-1 zones with a Special Use granted by the Board of Zoning Appeals.
2. Will not cause substantial and permanent injury to the appropriate use of neighboring property. Schools tend to cause little disharmony in neighborhoods.
3. Will substantially serve the public convenience and welfare by providing a place of learning for area children.

The following conditions were imposed:

1. Approved for the eastern 285 ft. of the proposed parcel # 08-30-400-009.
2. All state and local permits and inspections to be obtained.
3. A copy of the site plan that is approved by the State is to be submitted for the file.
4. A copy of the recorded deed is to be submitted for the file.

After a unanimous roll call vote was taken, the motion was carried.

10. The application of *Royal and Elsie Rock* for an Appeal to allow for the construction of a second residence on a single zoning lot on property located on the North side of Sheri Lane, 750

ft. East of Circle Lane, common address of 22969 Sheri Lane in Osolo Township, zoned R-1, came on to be heard.

Photos of the property were submitted to the Board by the staff *[attached to file as Staff Exhibit #1]*.

Mr. Harrell presented the Staff Report/Staff Analysis, which is attached for review as *Case #20091175*.

There were 4 neighboring property owners notified of this request.

Royal Rock, 22969 Sheri Lane, Elkhart, was present on behalf of this request. Mr. Rock explained that he has developed and built homes in the neighborhood since 1963, including his current home which he has lived in for the last 26 years. The building in question is his woodworking shop, which he has converted into a living quarters because he is not able to do woodworking. He added a bathroom in the building and connected it to his septic tank. His plan is to have a place for a handy person to stay. He doesn't feel this request would be contrary to public interest. Mr. Rock is sure that the plans will not affect the properties in the neighborhood or same zone.

Whomever he decides to select to stay in the living quarters would have duties assisting him to keep his property well groomed, which he is accustomed to and having a difficult time doing himself at this point in his life. Mr. Rock would be sure to choose someone who is quiet, honest, and respectful. If any problems do arise, he will not hesitate in asking them to leave.

The circumstances and conditions that apply in this case that are unique is that he is the primary caregiver to his wife who has multiple sclerosis and is in total care. He is in need of a handy person to help maintain his property. The duties would include lawn care, garden care, orchard care, and snow removal in exchange for living quarters.

Mr. Rock explained that his intention is for him and his wife to not have to go into a nursing home. If this Appeal is granted and he is allowed to have a handy person, then it will be possible for Mr. Rock and his wife to live and maintain their home.

Mr. Homan then asked if the proposed building is attached to the existing septic system and Mr. Rock said yes, he received approval from the Health Department.

Mrs. Wolgamood asked if there is someone living there currently and Mr. Rock said no, he is waiting for the Appeal to get approved. She also asked how long ago he did the conversion and Mr. Rock said about six months ago. Until that time, he was using it as a woodworking shop.

Mr. Harrell then indicated that there is a caretaker who lives in the basement and takes care of his wife. Mr. Rock indicated he is present in the audience today.

Mr. Homan said this request is before the Board today because a complaint was received from one of the neighbors. The complaint indicated someone is already living there, but Mr. Rock said that is wrong. He has spoke to most of the neighbors and told them what he is doing and he is not trying to hide anything.

Mrs. Wolgamood asked the petitioner if he was aware that he lived in an R-1 zone when he converted the workshop into a residence and Mr. Rock said yes. He built houses around the neighborhood for a long time.

The Board then questioned if the caregiver who lives there is capable of doing all of the lifting and Mr. Rock said yes, she takes care of his wife.

Mr. Kolbus clarified that the person Mr. Rock is asking to live in the second residence would not take care of his wife. The person living in the second residence would be doing lawn care, garden care, etc.

Kelly Rock-Bowen, daughter of petitioners, 2138 Autumn Ridge Lane, Elkhart, was present in favor of this request. Ms. Rock-Bowen explained that when she thinks of a separate residence, she thinks of two houses on one lot with two separate utility lines. She said that is not the case here because it will still be an outbuilding that has been changed to have a bathroom. She indicated the building could be converted back into a woodshop. It doesn't have separate meters, so she doesn't see it as a separate residence.

Ms. Rock-Bowen said this would only be for as long as her parents want to stay in their home. She feels that with the right person, it could be done very well. Her dad has reviewed applicants for taking care of her mother, so he has the procedure down.

Mr. Homan asked the staff how the Ordinance defines a residence. Mr. Harrell said according to the Elkhart County Zoning Ordinance, it would include anything that has full living quarters in it. Once cooking facilities are put in along with a bedroom and bathroom, it is considered a residence.

The public hearing was closed at this time.

Mr. Homan said they don't typically grant these types of requests unless there is a hardship involved. He then asked if age is considered a hardship.

Mr. Lantz said one of the complaints was that a man was moving furniture and boxes to a pick-up truck. He feels that could be anything, but Mrs. Wolgamood said she feels they need to take Mr. Rock for his word. He has indicated that no one is living there now and the Board needs to determine if it's acceptable for someone to live there given the fact that Mr. Rock realized this was in an R-1 zone.

Mr. Hesser asked if the exceptional extraordinary conditions still pertain to the land as opposed to the owners and Mr. Kolbus said yes, it is a land use. Mr. Hesser doesn't feel that anything about the land would justify the need for an Appeal. He also pointed out that this is in a very populated area. If it were in a remote area where no one is around, it might have been looked at differently.

With respect to the maintenance of the property, Mr. Miller said they could put daytime requirements on the request. Mrs. Wolgamood indicated that could be an option, but it could be difficult to enforce.

Mr. Hesser feels that anyone in the same neighborhood who asked for the same thing should be granted the same thing.

Mrs. Wolgamood said problems come with age and she realizes he is trying to solve the problem of maintaining his lot, but he could hire someone from off-site to come in and do that work. She is not sure she could support having someone live there for those reasons because she's not sure they are the right reasons. There are also living quarters in the basement of the house as well.

The Board examined said request, and after due consideration and deliberation, a motion was made and seconded (*Homan/Hesser*) that the Board adopt the Staff Analysis as the Findings of the Board, and based upon these Findings, this request for an Appeal to allow for the construction of a second residence on a single zoning lot be denied. A roll call vote was taken and the motion was unanimously carried.

11. The application of **Melvin J. & Linda L. Bontrager** for an Appeal to allow for the construction of a second residence on a single zoning lot on property located on the South side of

US 20, 1,040 ft. West of CR 33, common address of 15452 US 20 in Middlebury Township, zoned A-1, came on to be heard.

Photos of the property were submitted to the Board by the staff *[attached to file as Staff Exhibit #1]*.

Mr. Harrell presented the Staff Report/Staff Analysis, which is attached for review as *Case #20091221*.

There were 6 neighboring property owners notified of this request.

Melvin Bontrager, 15452 US 20, Middlebury, was present on behalf of this request. Mr. Bontrager explained the reason he is asking for this request is for financial reasons. In April of 2008, he bought the proposed property for an income property and to provide chores for his eleven children. The house on the property is only 1,600 sq. ft. and his intentions were to apply for a permit to build a new house. The petitioner explained that the economy has gone down and he still owns two separate properties. He explained it is very tight in his house right now. The petitioner explained that he had someone who was interested in buying his current house, but he backed out on Monday. The bank indicated they weren't sure if the buyer could do it or not.

If Mr. Bontrager were to try and remove the house on the proposed parcel at this point, it would only add to his costs. He explained that he definitely wants the old house off the land in the future because it's an eyesore. He feels it's not even worth repairing due to the current condition the house is in. Mr. Bontrager indicated he is willing to discuss other options.

Mr. Hesser asked if the proposed house would be for his residence and Mr. Bontrager said yes.

Mr. Homan questioned if the older kids might move into the old home and the petitioner indicated possibly in the future if he can maintain it enough. He reassured the Board that it would not be rented and it would only be for his children to live in. Mr. Bontrager would like the house to be down within five to ten years.

Mr. Hesser asked what would happen if a person were living in the house and wanted to build a bigger house in the back. After the second house was finished, then the first one could be removed. Mr. Harrell indicated that has been done in the past where the petitioner can live in the old house until the new one is built and then the petitioner has a certain time period to get the old house torn down. That would still be considered an Appeal.

Mr. Bontrager said if he were to have a time frame set, he could work with that. He wants to build his new house, so he could work on tearing the old one down once the new one is built. He would like to have a span of time to get the old house torn down so he wouldn't have to hire someone in.

Mrs. Wolgamood explained at the beginning of Mr. Bontrager's presentation, he indicated that the reason he wants to maintain the current residence is for financial reasons. Mr. Bontrager said if he does not keep the old house standing, then the appraisal value is going to hurt him. He explained that everything relates back to financial issues.

Mr. Hesser asked how long they give the petitioner to tear down the old house once the new one is built. Mr. Harrell said usually three to six months because it takes a while. He explained that it also depends on the season and Mr. Bontrager said he could work with six months. Mr. Harrell said if the building is substantially down within six months, but isn't cleaned up yet, then he would be willing to work on a month by month basis.

Mr. Bontrager asked if the request were approved, then would it still be valid in 2010. Mr. Kolbus said the Board can put a time period on the request to get it accomplished if they choose to do so.

Mr. Homan asked if the petitioner could amend his application. Mr. Kolbus said the request is for an Appeal and if the Board were to grant it, then a condition could be placed stating that when the second house is completed, the petitioner has six months to complete the new house.

Mr. Miller asked the petitioner if he feels comfortable tearing the old house down in six months and Mr. Bontrager said yes. He has two older sons who are used to helping him out. The petitioner explained he has his own skid loader and he would do most of the work himself to try and save as much money as he can.

Mr. Miller asked if the house is on a basement and the petitioner said yes.

As explained by Mr. Miller, a building permit is only good for one year. He asked if that is long enough for the petitioner to construct a new residence and Mr. Bontrager said yes.

There were no remonstrators present.

The public hearing was closed at this time.

If the Board puts conditions on the request, he suggested they state that the construction of the new residence begin by the end of 2010 and that the old residence be torn down within six months of receiving the certificate of occupancy.

Mr. Kolbus questioned if the Board wants to put a time period on the request as to when it should be completed because there have been issues in the past. Mr. Homan said they could require that the permit be pulled by the end of 2010, the house be completed within one year, and the old structure be removed within six months of completion of the new house.

Mr. Homan feels this would not be contrary to public interest because it would help the petitioner build a new residence under the current circumstances. The request would not adversely affect the adjacent properties and it would be an exceptional circumstance because of the construction process and logistics of moving from one structure to another on the property with the agreement that the old structure be taken down. Literal enforcement does deny the applicant a place to live during the construction period.

Mr. Miller indicated he would support those findings.

Mr. Homan asked if the Board has any issues with that timing and Mr. Hesser feels the timing is very generous.

Mrs. Wolgamood explained that she would like the petitioner to be on record and accept the conditions the Board would like to impose.

The Board then asked the petitioner if the conditions were applied that he has to be in construction by the end of 2010, he would need to complete the house within one year of pulling the building permit, and he would need to remove the old home within six months of the completion of the new home, would that be acceptable. Mr. Bontrager said he understands the conditions and he feels they are acceptable.

The Board examined said request, and after due consideration and deliberation, a motion was made and seconded (*Homan/Wolgamood*) that this request for an Appeal to allow for the construction of a second residence on a single zoning lot be approved based on the following findings:

1. Will not be contrary to the public interest. Approving this request would help the petitioner build a new residence under the current circumstances.
2. Will not adversely affect other properties in the same zone or neighborhood. This is an exceptional circumstance due to the construction process and the logistics of moving

from one structure to another on the property with the agreement that the old structure be taken down.

3. That a literal enforcement of the provisions of the Ordinance would deny the applicant the necessary preservation and enjoyment of any substantial property rights possessed during the construction process.

The following conditions were imposed:

1. The building permit for the new home is to be taken out by the end of 2010 or sooner.
2. The house is to be constructed within one (1) year of the permit being issued.
3. Upon completion of the new home, the older residence is to be demolished within six (6) months with a demolition permit to be pulled.

After a unanimous roll call vote was taken, the motion was carried.

12. There were no items transferred from the Hearing Officer.

13. There were no audience items.

14. The staff item regarding *Special Use #19973794 for Jay Graber (Michiana Equipment Vinyl & Pro)* was presented by Mrs. Prough at this time. She explained that a Special Use permit was granted in October of 1997 for a fencing business. Since that time, they have received approval for a Planned Unit Development and the fencing business will be incorporated within that along with a chicken supply and poultry business. Therefore, they are requesting that the existing Special Use #19973794 be rescinded due to the fact that the business will now be operated under the Planned Unit Development.

A motion was then made and seconded (*Wolgamood/Miller*) that Special Use #19973794 for Jay Graber (Michiana Equipment Vinyl & Pro) be rescinded as presented by Mrs. Prough. The motion was carried with a unanimous roll call vote.

15. The meeting was adjourned at 10:09 a.m.

Respectfully submitted.

Kate A. Keil, Recording Secretary

Randy Hesser, Chairman

Tom Lantz, Secretary