

MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 18TH DAY OF FEBRUARY 2016 AT 8:30 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. Staff members present were: Chris Godlewski, Plan Director; Jason Auvil, Zoning Administrator; Mark Kanney, Planner; Liz Gunden, Planner; Deb Britton, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Tony Campanello, Roger Miller, Randy Hesser, Suzanne Weirick, Denny Lyon.

2. A motion was made and seconded (*Miller/Lyon*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 18 day of February 2016 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Miller/Weirick*) that the Board accepts the Zoning Ordinance and Staff Report materials as evidence into the record and the motion was carried with a unanimous roll call vote.

4. The application of ***Philip D. & Linda R. Philippsen*** for a 1 ft. Developmental Variance to allow for the construction of an attached garage 9 ft. from the South side property line (Ordinance requires 10 ft.) on property located on the East side of River Shore Estates, 350 ft. East of River Shore Lane, 1,616 ft. North of CR 16, being Lot 17 of River Shore, common address of 55892 River Shore Est. in Baugo Township, zoned R-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #55892River Shore Est-160108-1*.

There were five neighboring property owners notified of this request.

Philip Philippsen, 55892 River Shore Est, Elkhart, was present on behalf of this petition. In order to create additional space in his existing two-car garage, Mr. Philippsen stated his plans are to modify the size of the existing garage to a one-car stall. He went on to say he will then build a 26' addition onto his existing garage to accommodate two additional car stalls; totaling a three-car garage with additional storage from the existing space. Mr. Miller questioned if he will still be 20' away from neighbors. Mr. Philippsen stated that someone came out to look at the property and the garage will be at least 20' away from all neighbors. Mr. Lyon questioned if the petitioner has discussed the construction plans with his adjoining neighbors. Mr. Philippsen stated he discussed construction plans with his neighbors before beginning the petition process, and they were fine with it. Mr. Hesser questioned the site plan being to-scale, and stated the site plan looks like there is a gap between the North side of the new garage and the Southern side of the house. Mr. Philippsen went on to say that the end of their new garage will be 10' from the property line. There was further discussion regarding how far his proposed addition would be from property lines.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Tony Campanello that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a 1 ft. Developmental Variance to allow for the construction of an attached garage 9 ft. from the South side property line (Ordinance requires 10 ft.) be approved with the following conditions imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is taken out within 90 calendar days from the date of the grant and construction work completed within one year from the date of the issuance of the Building Permit (where required).
2. Approved in accordance with the site plan submitted (dated 1/8/16) and as represented in the Developmental Variance application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Tony Campanello, Roger Miller, Suzanne Weirick, Denny Lyon, Randy Hesser.

5. The application of **Beau Bradley Compton** for a Special Use for a home workshop/business for a home hair salon on property located on the East side of Shady Lane, 200 ft. South of Sturdy Oak Drive, 2,300 ft. West of Cassopolis Street (SR 19), being Lot 47 of Sturdy Oak 6th Sub., common address of 51020 Shady Lane in Osolo Township, zoned R-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #51020ShadyLn-160119-1*.

There were 24 neighboring property owners notified of this request.

Beau Compton, 51020 Shady Lane, Elkhart, was present on behalf of this petition. Mr. Compton explained he and his wife would like to have a home hair salon. He went on to say that the business will be conducted downstairs where they have a separate entrance and bathroom. He stated there will be no signs put on the property and all neighbors are welcoming of the idea. With one of the commitments being only four parking spaces, Mr. Miller questioned if they plan to create additional parking spaces. Mr. Compton confirmed they will utilize what they currently have and are not planning to do any construction. Mrs. Weirick stated one of the commitments imposed is related to the hours of operation being Monday thru Friday 9am-5pm, and occasionally on Saturday. Mr. Compton replied saying his wife will only accept appointments for an occasional wedding on Saturday. He also stated there will be no variations to the outside of the building.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser confirmed that the staff was satisfied with the site plan.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Suzanne Weirick that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a home hair salon be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitments were imposed:

1. Approved in accordance with the site plan submitted (dated 1/19/16) and as represented in the Special Use application.
2. Hours of operation to be Monday – Friday 9 am – 5 pm, occasionally Saturday.
3. Limited to one 4 sq. ft. sign.
4. Must maintain 4 parking spaces.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Tony Campanello, Roger Miller, Suzanne Weirick, Denny Lyon, Randy Hesser.

6. The application of *Daniel R. Pressler & Sondra K. Pressler* for a Special Use for an agricultural use for the keeping of beef cattle on a tract of land containing less than three acres on property located on the North side of US 6, 1,000 ft. East of CR 25, common address of 18055 US 6 in Jackson Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #18055US 6-160113-1*.

There were five neighboring property owners notified of this request.

Daniel Pressler, 18055 US 6, Syracuse, was present on behalf of this petition, and stated he would like to build a 40'x48' pole barn. As his son has expressed interest in 4-H calves, Mr. Pressler would like to not only raise the calves and sell them at the 4-H auction, but he has thought about raising a few calves for their own use. He went on to say that with this request he would like to raise two adult calves and two bucket calves. Mr. Hesser questioned if he has done this before. Mr. Pressler confirmed that they have not done this before with cattle. Mrs. Weirick questioned if there would be any need for Mr. Pressler to get a variance if they have three bucket calves and one adult calf for one year and one bucket calf and three adult calves the next year. Mr. Pressler stated based on the research he has done, you buy two calves at a time. He went on to say that he does not see them going over four calves at a time. Mr. Hesser stated there is no issue because they are not breeding calves. Mr. Hesser questioned the dimensions of the grazing area. Mr. Pressler stated it will be roughly 50'x50'. Mr. Miller questioned what kind of equipment he anticipates needing to clean. Mr. Pressler stated he has a small tractor.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser questioned the site plan and stated there are several things that are not to-scale. Mr. Lyon questioned what the parking area will be used for. Mr. Pressler stated it will be used for the convenience of turning trailers around as well as parking his camper. Mr. Hesser questioned if his proposed barn is one or two stories, which Mr. Pressler confirmed will be one story. Mr. Hesser went on to ask if he will be storing hay or just grain. Mr. Pressler stated he is unsure of how much roughage the animals will eat and that he envisioned grain feedings. He went on to say that there may be some barn storage as well.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Suzanne Weirick that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for an agricultural use for the keeping of beef cattle on a tract of land containing less than three acres be approved with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

2. A revised to-scale site plan to be submitted for approval by staff.

The following commitments were imposed:

1. Approved in accordance with the site plan to be submitted for staff approval and as represented in the Special Use application.

2. Limited to two bucket calves (one year or younger) and two market steers (two years or younger) concurrently.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Tony Campanello, Roger Miller, Suzanne Weirick, Denny Lyon, Randy Hesser.

7. As a staff item, Mr. Auvil presented the request for a minor change for Waypoint Community Church – 2007-2334, to allow for the construction of a pavilion shelter 50’x72’ in a different location near the church and to utilize existing parking.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Tony Campanello that the Board approve the request as a minor change.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Tony Campanello, Roger Miller, Suzanne Weirick, Denny Lyon, Randy Hesser.

8. A second staff item was presented by Mr. Auvil presented the request for rescission of a Special Use for Barry J. & Angie R. Taylor (buyers) and Slavic Church of Evangelical Christian-Baptist, Inc (seller), as the property purchase fell through.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Suzanne Weirick that the board approve the request for rescission.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Tony Campanello, Roger Miller, Suzanne Weirick, Denny Lyon, Randy Hesser.

9. Also, as a staff item, Chris Godlewski recognized Planning Assistant Laura Haslett and her retirement after 15 years of service for Elkhart County. He went on to introduce Sharon Delagrange as Laura Haslett’s replacement.

10. The application of **Mark P. Nugent, Ashley L. Frost and Michael E. Mayse (deceased), Jt Ten Full Rt Surv** for a Special Use for warehousing and storage of a commercial vehicle on

property located on the East side of CR 21, 553 ft. North of CR 104, common address of 52388 CR 21 in Washington Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #52388CR 21-151231-1*.

There were 13 neighboring property owners notified of this request.

Mark Nugent 52388 CR 21, Bristol, was present on behalf of this petition. Mr. Nugent stated he owns a business of running semi trucks under operator and needs a place to store his truck every night. He went on to say that he redesigned his driveway to allow him the ability to back in and out, as well as created room for a turnaround on the back part of his property. Mr. Miller stated his concern if the petition is approved would be the possibility of the petitioner storing more than one semi truck at a time, however the space provided in the site plan looks limited and Mr. Miller stated it should not be an issue.

Present in opposition was Ruth Swain, 52403 CR 21, Bristol. Mrs. Swain stated the toll road bridge is across the street and as he pulls out of his driveway, there is potential that he could pull out in front of someone because it is a blind drive. She went on to say that she filed a complaint because Mr. Nugent and the boyfriend of his mother-in-law have a business in the building along with the trucking company of which they are using as the primary business address across the street. She went on to say that the business is under Mark Nugent Trucking LLC. Mrs. Swain stated she is trying to stop the businesses within the neighborhood because the area is zoned Agriculture. She went on to say that she has been speaking with several of her neighbors, and they would like to petition against the businesses across the street as well. Mr. Hesser redirected the conversation stating the hearing is regarding parking a semi truck on the property. Mrs. Swan replied saying she is against parking the semi truck on his property because he has several trailers out back, and they are continuously working on things including additional semi trucks.

Mr. Nugent responded stating they do not have any other business besides his trucking company and there is no proof of any other business operating out of his property. He went on to say they have a lot of personal and recreational items stored in his pole barn. Mr. Hesser questioned storing other items on his property. Mr. Nugent explained he has a goose neck trailer that he pulls with his pickup truck for agricultural and personal use. He went on to say that he has few tractors and a skid loader that he does not use for business but personal and agricultural use only. Mr. Nugent stated he parks an additional gooseneck trailer in back of his property that belongs to his mother-in-law. Mr. Campanello confirmed that the trucking business is the only business he owns. Mr. Campanello also questioned what his thoughts were regarding the previous comment made about pulling out of his driveway onto a blind drive. Mr. Nugent responded stating all he can do is be very careful that there is no oncoming traffic when pulling out of his drive way. He went on to say he has removed several bushes in order to get more sight down the road. Mr. Lyon questioned how far his driveway is from the toll road. Mr. Nugent replied stating an estimate of 250'. Mr. Hesser stated the only thing that is being requested in this petition is a special use to store a commercial vehicle.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Tony Campanello that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for warehousing and storage of a commercial vehicle be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitments were imposed:

1. Approved in accordance with the site plan submitted (dated 12/31/15) and as represented in the Special Use application.
2. Limited to one semi tractor and trailer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Tony Campanello, Roger Miller, Suzanne Weirick, Denny Lyon, Randy Hesser.

11. The application of *Spa, Inc. (buyer) and Sandra Bontrager (seller)* for an amendment to an existing Special Use for a transitional living facility for women in an R-4/R-1 district to: change the owner and operator of the business of the business onsite; add addition Phases 1 through 3 and parking Phases 1 through 3 to the site plan; increase the number of women permitted from 16 to 20; increase the number of pickups/deliveries daily from 0 to 5; and increase the number of employees from 1 to 1 full-time and 8 part-time on property located on the North side of US 20, 1,000 ft. West of CR 15, common address of 23221 US 20 in Concord Township, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #23221US 20-160107-1*.

There were 23 neighboring property owners notified of this request.

Carrie Zickefoose, Executive Director of Spa, Inc. speaking on behalf of Sandra Bontrager, 23221 Old US 20 E, Elkhart, came on to be heard. Mrs. Zickefoose stated that Mrs. Bontrager opened her home 17 years ago to help women dealing with issues ranging from addiction to the emotional aftermath of sexual assault and depression. She went on to say Mrs. Bontrager began working with one woman, which then lead to several women, which then lead to volunteers, mentors, programming, curriculum, and committed financial support. She stated for 17 years this program has established itself and has grown into what it is today. Mrs. Zickefoose explained in 2003/2004, after Spa, Inc. had obtained their 501(c)(3) nonprofit status, they came before the board as they realized they were in need of a Special Use permit. At that time, the Special Use permit was placed in Sandra Bontrager's name as the owner of the home and founder of the ministry. Mrs. Zickefoose went on to say 17 years later, they are looking at the future of the organization and have realized that the Special Use permit will need to be attached to Spa Ministry Homes, the non-profit and not Sandra Bontrager, the founder. She restated that in the future they want to make sure they can always do what they have been doing. Mr. Hesser confirmed there should be no issue with being unable to continue in operating the organization. He also stated the petitioner should focus more on the need for the expansion.

Mrs. Zickefoose went on to explain how they have outgrown their current space as the home is only 1,500 sq. ft. and is located on four acres of land. She stated they had volunteers come in to transform the basement into sleeping quarters. With the growth of the organization,

Mrs. Zickefoose stated they have taken on additional homes; Hope House, Faith House, and an apartment for their administrative offices. As they have the support of the community, they would like to move their entire operation onto one property. Mrs. Zickefoose stated as they have too much growth and not enough space, and as part of Phase one Spa, Inc. would like to expand their residence in order to provide expanded bedrooms, living quarters, and kitchen to better accommodate the ladies within the program. As they see a great need in the community for the services they provide, they would like to be able to meet the need which would require working with additional women. Mrs. Zickefoose stated the way the house is placed on the four acre parcel; there is a lot of room to the East side where all of the expansion will take place. She stated their parking lot is also placed on the East. Mrs. Zickefoose restated Phase one and Phase two will better accommodate the women currently in the program and to provide additional space to work with more women in the future.

Mr. Hesser questioned the purpose and timeline for Phase two and Phase three. Mrs. Zickefoose replied stating that one of their board members, Tim Howard put together this plan of expansion. She went on to say she noticed he wrote down Phase three, but their current focus is Phase one and Phase two. Mrs. Zickefoose clearly defined what was entailed in Phase one and Phase two. Phase one is what they are doing right now; current women will move from the home into the newly expanded space, and the existing home will then become administrative offices. Phase two would not happen until approximately eight to ten years from now, however Phase two would be moving their women and children in transitional housing (currently staying in the Faith House and the Hope House) onto the property. Mrs. Zickefoose stated the goal for the next five years is Phase one, and then five to ten years from now they would like to introduce the Phase two. She went on to say that by accomplishing Phase two the additional apartment and houses would go away and they will then have everything consolidated to one location.

Mr. Hesser questioned if Phase one required the zoning change or if Phase two and Phase three is when the zone change is required. Mr. Auvil stated the rear of the property has a different zoning than the front. After staff discussion, Mr. Hesser asked Mrs. Zickefoose what she thought about the conditions and commitments that were proposed by the staff. She responded saying the only thing she heard was having Sandra living in the home was mentioned, and she went on to say that there is always someone living in the home as a house coordinator. She also stated in Phase two they will have house coordinators that will live onsite. Mr. Hesser replied stating it was in the original conditions, and not in the proposed conditions which require the North part of the property to be rezoned as this type of facility is not permitted in an R-1 zone. He went on to ask Mrs. Zickefoose's stance on that. Mrs. Zickefoose stated that as they are expanding onto that area with the zone change, her assumption is that the property would need to be rezoned to fit their needs. Mrs. Weirick questioned the commitment stating 30 women are permitted to live onsite at one time, she questioned if the head count includes the house coordinator in the total number allowed. Mrs. Zickefoose replied stating they consider the house coordinator into the total number allowed. When ensuring they are staying within the guideline provided by the staff, she stated they look at the maximum occupancy as a total number of beds and not dividing the coordinator, women, or children. Mrs. Zickefoose went on to say that Phase three should be disregarded as they are only interested in Phase one, and then five to ten years from now they would like to introduce Phase two.

Dorcas McCown, 56538 Meadow Wood Drive, Elkhart, representing Meadowood Free Methodist Church, came on to be heard in favor of the petition. Mrs. McCown stated she is a ministerial candidate and board member for the church for two years. She went on to say that the church is across the street from the Spa House and she was not aware they existed until six months ago. She also stated within that six month time frame she has seen all the good work that is being done. Mrs. McCown stated she has toured the Spa House and has had the opportunity to meet the women. As Meadowood Free Methodist Church can see their need for extra space, Mrs. McCown stated they have begun partnering with them and have offered the Spa House space in their church basement for an exercise class as well as additional rooms for counseling. She went on to say that as a neighbor and a partner with them, she can attest that good things are happening at the Spa House. Mrs. McCown explained that Spa had an annual fundraiser gala and she had the opportunity to hear amazing testimonies from the women that have gone through the program. She added that as a Chaplin for the Elkhart General Hospital and a volunteer at the Elkhart County Jail, the services they offer is a need in the community. She stated that this program will make a tremendous impact on the community and is very pleased to speak on behalf of Spa Homes.

Fawn Atkinson, 23241 Old US 20 E, Elkhart, came on to be heard. Mrs. Atkinson stated that Spa has been a wonderful help to people and while she is not against the petition, she does have concerns. She went on to say that she owns a business which is specially zoned with a parking lot comes right up to the property line. With Mrs. Zickefoose stating they plan to house children within the facility, Mrs. Atkinson explained for safety reasons she would like to see fencing installed along the entire West side of the property. She stated this will help keep playground balls and children from crossing over the property line and entering into the parking lot. She went on to say they originally had a few children, and now the need has grown. With the growth, Mrs. Atkinson expressed she wants to be confident that their area is protected in that children, balls, and toys are not coming along the West side property line. Mrs. Atkinson noted her property was entered into a "Zone 6" battle with the City of Elkhart regarding annexation of her property within city limits. She went on to explain her concerns regarding the Spa septic system, and the increased occupancy. Mrs. Atkinson was curious if they will need to have someone come out and inspect their property to see if a new septic system should be installed. With the increased occupancy, Mrs. Atkinson stated she is concerned how the daily traffic volume will be affected.

Thomas Atkinson, 23241 Old US 20 E, Elkhart, came on to be heard. Mr. Atkinson stated the ladies are success stories and the community is in need of what Spa has to offer. He went on to state his concerns with being located on a very dangerous highway which has had fatal accidents, numerous mailboxes destroyed, and vehicle rollovers that have come onto their property causing yard damage. He added the county needs to find a way to slow down the traffic as he is very concerned about the ladies safety. Mr. Atkinson also stated he is concerned about the danger with the egress being located so close to the curve.

Thomas Christophel, 56441 CR 15, Elkhart, came on to be heard. Mr. Christophel stated he recognizes the need for the type of the ministry they are doing, and what they are doing is very valuable. He went on to say the nature of what they are doing is not the issue; the issue is the nature of the neighborhood and the property. Mr. Christophel explained the letter he received states the increase of people from 16 to 20. During the presentation, Mr. Christophel

understood that it is actually an increase of 30 people. He went on to say he had come into the Elkhart County offices prior to the hearing and looked at the petitioner file to find the diagram listed an increase of 42 people. He is under the impression that a campus is being developed in a tightly packed residential area. Mr. Christophel added they are not only outgrowing their home, however they are outgrowing the neighborhood. He explained his concern is as they grow, the residential area is not the correct location this type of ministry should be located in.

Mrs. Zickefoose responded to the concerns that have been raised. She stated she is thankful for good feedback. She went on to say they have had a great relationship with all of the neighboring property owners and over a month ago, Mrs. Zickefoose and Mrs. Bontrager went door to door explaining their plans for expansion. Both Mrs. Zickefoose and Mrs. Bontrager spent a lot of time educating people as there were many neighbors who were unaware of the Spa House. Regarding the fencing concern, Mrs. Zickefoose stated they have existing fencing that runs along the back of the property and continues on toward the house area for safety purposes. She went on to say that they would consider extending the fencing.

Regarding the septic concern, Mrs. Zickefoose stated it is their desire to have an additional septic installed, and it is not their desire to have city water. She went on to say that they had their soil tested to see what the possibilities are and everything is looking good. Regarding the traffic concerns, Mrs. Zickefoose referenced their site plan and explained the driveway and entryway into the house will not change as they will only be creating additional parking spaces. Mrs. Zickefoose agreed with Mr. Atkinson in that traffic speeds are very fast given that it is a residential neighborhood.

Mrs. Zickefoose stated there will not be additional traffic coming in and out of the property. She went on to explain that the ladies who are in their first phase of treatment do not drive and are provided transportation. She explained if a woman has an appointment, there is a staff member or volunteer that accompanies her to act as an accountability partner. Mrs. Zickefoose stated that Phase two is a smaller program where the women will be able to drive and many of the women in Phase two do not have their children reside with them. She went onto say the increase in occupancy does not mean an increase in traffic. She added that she would like to stay focused on Phase one and Phase two and disregard Phase three.

Mr. Hesser questioned what she is looking for approval today. Mrs. Zickefoose stated she is looking for approval of Phase one and even though Phase two will not come for five to ten years, she would like to look at the approval of Phase two as well. Mrs. Weirick mentioned that the different phases can be removed from the documents. Mrs. Zickefoose stated she would like everyone to keep in mind that they have a four acre parcel where they currently have a 1,500 sq. ft. house. She explained the house is not a large house, and they are looking to add an addition onto the side of the house where there is a lot of land available. Mr. Miller stated one of the staff recommendations could be to remove Phase three from application. Mr. Kolbus questioned the timeline of when they expect the Phase one structure to be completed. Mrs. Zickefoose stated that it will be a few years out. She went on to say that they have already begun raising funds for the project; however they are looking for the approval of the board before they begin investing into their property. She added as a nonprofit, they strive to be good stewards of their donors' money. Mrs. Weirick referenced commitment number five, and stated that she has worked with multiple campaigns and does not see the renovation going up within the next three years. Mrs. Weirick suggested a slight alteration be made on the year period of renewal. Mr. Miller

suggested making it a five year period of renewal. Mrs. Weirick stated a five year renewal period is more reasonable because five years from now they should just be moving into the Phase one space. She went on to say that she is unsure there will be much to review aside from ensuring they have followed the permitting and coding process properly.

Mr. Hesser redirected the conversation and brought it back the hearing. Mr. Lyon questioned if Mrs. Zickefoose has checked with Environmental Health of Elkhart County in regards to the septic system. Mrs. Zickefoose stated they had a gentleman come out to check the septic and to do a soil check. She went on to say they had a new septic installed a few years ago and the size accommodates much more than what they have now. Mrs. Zickefoose stated that Phase one can operate off of the current septic and Phase two will require an additional septic.

The public hearing was closed at this time.

There was further discussion amongst the board members regarding the conditions and commitments imposed.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Suzanne Weirick that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for an amendment to an existing Special Use for a transitional living facility for women in an R-4/R-1 district to: change the owner and operator of the business of the business onsite; add addition Phases 1 through 3 and parking Phases 1 through 3 to the site plan; increase the number of women permitted from 16 to 20; increase the number of pickups/deliveries daily from 0 to 5; and increase the number of employees from 1 to 1 full-time and 8 part-time be approved with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. Revised site plan showing existing playground area and Phase one (1) parking and building only to be submitted for approval by staff.

The following commitments were imposed:

1. Approved for Phase one (1) building and parking only.
2. Approved in accordance with the revised site plan to be submitted for approval by staff and otherwise as represented in the Special Use application.
3. Facility to be registered with the local fire department, and the Health Department for septic, etc.
4. Facility to be inspected by the Elkhart County Building Department, and if necessary, brought into compliance with all State and local codes prior to operation and expansion of the facility.
5. No more than 20 residents permitted at one time.
6. Approved for a period of five (5) years with renewal before the Board of Zoning Appeals.
7. The North portion of the property (currently zoned R-1) must be rezoned to R-4 if the expansion crosses the R-1 zoning line.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Tony Campanello, Roger Miller, Suzanne Weirick, Denny Lyon, Randy Hesser.

12. The application of *AMMF Trustee Corporation (land contract holder) and David Farmald, (land contract purchaser)* for a Use Variance to allow for the construction of a second dwelling on a parcel on property located on the East side of CR 100, 376 ft. North of CR 52, common address of 71428 CR 100 in Locke Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #71428CR 100-160114-1*.

There were nine neighboring property owners notified of this request. 

Michael Hostetler, 70360 CR 3, Nappanee, was present representing the petitioner. Mr. Hostetler stated they would like to build a new house before demolishing the existing house and confirmed the existing house will be demolished within six months of the new house being completed. Mr. Hesser questioned if he Mr. Hostetler has looked over the staff report and if he is okay with the conditions and commitments that they have imposed. Mr. Hochstetler replied yes.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Suzanne Weirick that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Use Variance to allow for the construction of a second dwelling on a parcel be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

The following commitments were imposed:

1. Approved in accordance with the site plan submitted (dated 1/12/16) and as represented in the Use Variance application.
2. The existing residence must be removed within six months of completion of the new residence.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Tony Campanello, Roger Miller, Suzanne Weirick, Denny Lyon, Randy Hesser.

13. The request for minor change for Waypoint Community Church was previously heard as item #7 on page 4.

14. The request for rescission for Barry J. & Angie R. Taylor (buyers) and Slavic Church of Evangelical Christian-Baptist, Inc (seller) was previously heard as item #8 on page 4.

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

Respectfully submitted,

Amanda Denlinger, Recording Secretary

Randy Hesser, Chairman

Tony Campanello, Secretary