

MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 15TH DAY OF FEBRUARY 2018 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 Vice-Chairperson, Roger Miller. Staff members present were: Chris Godlewski, Plan Director; Matt Shively, Planner; Mae Kratzer, Planner; Duane Burrow; Planner, Deb Britton, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Tony Campanello, Roger Miller, Denny Lyon.

Absent: Joe Atha, Randy Hesser.

2. A motion was made and seconded (*Lyon/Campanello*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 18th day of January 2018 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Lyon/Campanello*) 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 **Edward A. Bails** for a 25 ft. lot width Developmental Variance to allow for the construction of a residence on property with 75 ft. road frontage (Ordinance requires 100 ft.) and for a 7 to 1 depth to width ratio Developmental Variance to allow for the construction of a residence on property located on the West side of CR 117, 1,400 ft. South of CR 18, in Jefferson Township, zoned A-1, came on to be heard.

Mr. Godlewski presented the Staff Report/Staff Analysis, which is attached for review as *Case #DV-0025-2018*.

There were six neighboring property owners notified of this request.

Edward Bails, 57775 CR 117, Goshen, was present for this request. Mr. Bails explained he currently lives on the parcel in front of the subject property. He continued saying he purchased both properties at the same time, with plans to build on the vacant parcel. He pointed out a 25 ft. strip of property on the North side of his current residence, which he plans to combine with that parcel. He explained that parcel's septic system is on the North side of the property, and the extra strip would allow room for a back-up system. He added he has no use for that property and adding it to the smaller parcel makes sense. Mr. Bails stated he plans to construct a ranch style house, with a drive to the South. Mr. Lyon asked the width of the remaining road frontage, and Mr. Bails responded 75 ft. Mr. Lyon clarified the Northern strip of frontage will be deeded with the smaller parcel. Mr. Bails explained he wanted Board approval before deeding them together.

****It should be noted Mr. Hesser arrives at this time****

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 25 ft. lot width Developmental Variance to allow for the construction of a residence on property with 75 ft. road frontage (Ordinance requires 100 ft.) and for a 7 to 1 depth to width ratio Developmental Variance to allow for the construction of a residence 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 180 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 1/16/2018) and as represented in the Developmental Variance application.

Vote: Motion passed (**summary:** Yes = 3, No = 0, Abstain = 1).

Yes: Tony Campanello, Roger Miller, Denny Lyon.

Abstain: Randy Hesser.

5. The application of **Terry Diener** for a Special Use for a ground mounted solar array on property located on the North side of CR 28, 2,470 ft. Southwest of CR 35, common address of 14411 CR 28 in Middlebury Township, zoned A-1, came on to be heard.

Mr. Godlewski presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0020-2018*.

There were 10 neighboring property owners notified of this request.

Betsy Salyer, Solar Energy Systems, 1952 W. Market St., Nappanee, was present representing the petitioners. Mrs. Salyer pointed out the solar array's proposed location on the aerial. She explained it will be placed 18 ft. from the East property line and exceed all other required setbacks.

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 Special Use for a ground mounted solar array 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 commitment was imposed:

1. Approved in accordance with the site plan submitted (dated 1/15/2018) and as represented in the Special Use application.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

6. The application of **Tamera D. & David R. Hoeflinger** for a Special Use for a home workshop/business for RV repair and storage on property located on the West side of CR 133, 1,400 ft. South of US 6, common address of 72283 CR 133 in Benton Township, zoned A-1, came on to be heard.

Mr. Godlewski presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0018-2018*.

There were 14 neighboring property owners notified of this request.

David Hoeflinger, 72283 CR 133, Syracuse, was present representing this petition. Mr. Hoeflinger stated he would like to run a new company from his property. He explained he constructed a 40x60 building last year, and his LLC/corporation is in place. He continued saying he worked in the RV industry for 34 years, and he sees a huge need for RV storage lots. Mr. Miller asked how many RVs he plans to store on the property. Mr. Hoeflinger then pointed out the existing building and proposed parking area on the aerial. He added he plans to store 100 to 150 RVs. He explained once the weather breaks he will fence in the property, and the lot will only be open from 6 a.m. to 5 p.m. He stressed RVs will not be moved outside of that time frame. He continued saying he will pick up most of the trailers. Mr. Hoeflinger stated the home workshop/business part of his request will entail conducting inspections of the RVs and completing the repairs manufactures do not have time to do. He explained the operation will benefit dealerships, because they will store RVs in need of repair until the parts come in. He went on to say it typically takes four to six weeks to receive the needed parts. Mr. Campanello asked if this operation will be a staging area for vehicles the manufacture cannot finish. Mr. Hoeflinger responded he will directly work with dealers to inspect specific units upon request. He added once inspections/repairs are complete he will return the RV to the manufacture for shipping. He explained the holding lot is for customer and daily pick-up by dealers. He added the lot could also utilized by transport companies who run out of space. Mr. Lyon asked if he spoke to any of his neighbors, and he responded yes. He added the neighbor in front of his property works for an RV transport company. Mr. Hesser questioned the storage lot and pointed out the application refers to a 200x200 lot, but the site plan shows a 200x836 lot. He went on to say Mr. Hoeflinger then pointed out a larger area on the aerial. He asked if he would like the entire parcel approved for RV storage, and Mr. Hoeflinger responded yes. He then request approval to store RVs on all of the non-wooded parts of his property. Mr. Hesser asked if that would require a revised site plan or re-notification. Attorney Kolbus responded re-notice is not necessary, but he will need a revised site plan. Mr. Hoeflinger stated he believes the site plan should already reflect his request. Mr. Miller asked what material he will use for parking. Mr. Hoeflinger responded the plan is to roll the property then lay down steel stag, because it is heavier than stone. Mr. Miller also asked the soil type. He responded he is unsure, because the ground is rented to a farmer. Mr. Miller mentioned he can see some low spots on the aerial. Mr. Hoeflinger pointed out a low area and mentioned a section of his property is swampy. He stressed the rest of the property does not have any water issues, and he pointed out their pond. Mr. Lyon mentioned the operation will be partially hidden from the road. Mr. Hoeflinger mentioned Dutchman owns the neighboring property off of SR 13. Mr. Campanello stated the Board has approved similar requests in the past with more detailed site plans. He stressed he would like to see a more professional site plan.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Campanello stated the neighbors are currently okay with this request, but he asked if a buffer should still be put in place. He mentioned several RV companies are required to place a buffer between residential areas, and he asked if one is required in this situation. Mr. Godlewski mentioned since this property and the adjacent ones are zoned A-1 no buffer is required. He added the Board can require a tree-line buffer, if they think it is necessary. Mr. Hesser asked Mr. Hoeflinger if he plans to install fencing around the entire storage area, and he responded yes. Mr. Hesser suggested a revised site plan be submitted showing the fence. Mr. Campanello mentioned the application requests approval to store up to 100 RVs, but he stated up to 150 RVs in his testimony. He stressed the number of RVs being stored should be clarified. Mr. Miller questioned security lighting. Mr. Hoeflinger responded he plans to install light post throughout the yard along with security cameras and an electric gate for entrance. Mr. Miller asked the placement of the gate, and he responded at the yard entrance. Mr. Hoeflinger then asked if he will need Board approval to park RVs in the front area of his property in the future. Attorney Kolbus responded yes, and Mr. Godlewski mentioned a site plan amendment would be required. Mr. Hesser questioned the request, because a home workshop business Special Use prohibits outside storage. Mrs. Kratzer explained a Special Use for a business can be approved with its associated outside storage. Mr. Hesser stressed a home workshop/business Special Use specifically prohibits outside storage. Mrs. Kratzer mentioned the request is to store RVs. Mr. Godlewski stated he believes this request is typical. Mr. Miller stressed before he can vote for approval of this request he would like to see a site plan showing lights, fence, ect. Mr. Campanello explained he does not believe a DPUD is needed, but he would like a commitment protecting the neighbors. He continued saying any problems can be addressed, if/when a complaint is received, but Mr. Hesser stressed the site plan should still be revised. Mr. Lyon asked Mr. Hoeflinger if he is willing to submit a revised site plan, and he responded yes. Attorney Kolbus mentioned the staff report states warehousing and storage is allowed by Special Use in an A-1 zone. He explained he believes the Special Use should have been a two part request for warehousing/storing and a home workshop/business, but both are allowed by Special Use. Mr. Hesser asked if this request can be approved as written, and Mr. Godlewski responded yes. Mr. Hesser then clarified a revised site plan should be submitted showing boundaries. Mr. Campanello asked how high he plans to install the lights, and how long they will remain on. Mr. Hoeflinger responded he plans to install security lights since the yard closes at 5 p.m. He added he will have solar powered lights installed on the fence posts around the perimeter. Mr. Miller stressed the lights must be pointed down, because the Board has had problems with lights shining into the neighbors' residences. Mr. Hoeflinger stated all lights will be pointed inward. Mr. Miller clarified that should be specified to avoid potential problems. He added he feels comfortable approving this request with the stipulation that a revised site plan be submitted. He explained it should show the type/location of fencing and lighting. He added he does not believe a buffer is necessary in addition to the fence, because the neighbors were not present in remonstrance. Mr. Campanello asked if approval runs with the property, and Mr. Godlewski responded yes. Mr. Lyon stated he does not see Mr. Hoeflinger moving away soon after investing in this operation. Mr. Hesser asked if a revised site plan approved by staff would be appropriate, and Mr. Miller responded yes. Mr. Lyon mentioned staff is aware of what the Board

is requiring on the site plan. Attorney Kolbus stated staff will speak to Mr. Hoeflinger regarding the revised site plan.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Denny Lyon 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 RV repair and storage 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. Petitioner must provide a revised site plan for staff approval showing the type of fencing/area it will enclose, number/location of parking spaces, and lighting that is to be directed down to not interfere with the neighbors.

The following commitments were imposed:

1. Approved in accordance with the site plan submitted (dated 2/15/18) and as represented in the Special Use application.
2. Limited to a maximum of 150 RV units.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

7. Mr. Godlewski presented the request for a minor change to a Use Variance/Developmental Variance for *Goshen Hospital Association Inc.* (DV-0256-2017) represented by JPR. He explained the request is for a site plan change to reduce the number of parking spots based on a smaller building footprint than originally approved. He added staff recommends approval as a minor change. Mr. Hesser clarified staff approved the number of spaces due to the use, number of employees, ect. Mr. Godlewski responded yes, and he added it is a very small property.

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 this request as a minor change.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

*****It should be noted Mr. Hesser recused himself and stepped down*****

8. The application of *Concord Community Schools* for an amendment to a Special Use for a school to replace a sign and for a Developmental Variance to allow for an electronic sign within 300 ft. of a residence on property located on the East side of CR 13, 2,000 ft. North of CR 18, common address of 57156 CR 13 in Concord Township, zoned R-1, came on to be heard.

Mr. Godlewski presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0021-2018.

There were 47 neighboring property owners notified of this request.

Nate Koontz, Director of Facilities for Concord Schools, 59040 Minute Man Way, was present representing this request. Mr. Koontz stated the school would like to replace their sign with a slightly larger one. He explained the display area will be located at approximately the same height as the existing sign with Concord East Side above it. Mr. Miller asked the sign location and stated he does not believe any neighbors will be negatively affected. Mr. Lyon questioned the affect on neighbors across the street from the proposed sign location. Mr. Koontz clarified their neighbors sit 20 to 30 ft. lower than the road elevation. He added the sign will be double-sided, and sit perpendicular to the road. Mr. Miller stressed a bright sign can sometimes cause problems in the evening, but he drove by the property and does not believe anyone will be affected. Mr. Godlewski asked if the sign will dim at night, and Mr. Koontz responded he is unsure. Mr. Miller mentioned the existing sign has been in place for a long time.

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** Tony Campanello, **Seconded by** Denny Lyon 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 a Special Use for a school to replace a sign and for a Developmental Variance to allow for an electronic sign within 300 ft. of a residence 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 commitment was imposed:

1. Approved in accordance with the site plan submitted (dated 1/15/2018) and as represented in the Special Use amendment and Developmental Variance applications.

Vote: Motion passed (**summary:** Yes = 3, No = 0, Abstain = 1).

Yes: Tony Campanello, Roger Miller, Denny Lyon.

Abstain: Randy Hesser.

Attorney Kolbus mentioned he believes most LED signs automatically dim at night. Mr. Campanello mentioned that area can be very dark, and Mr. Miller added the sudden brightness could startle drivers.

*****It should be noted that Mr. Hesser returned to the Board at this time*****

9. The application of **James E. & Inez R. Miller** for an amendment to a Special Use for a home workshop welding, fabrication, and repair business to allow for outside storage and employees, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed the total square footage in the primary structure on property located on the East side of CR 35, 1,825 ft. South of CR 14, common address of 56322 CR 35 in Middlebury Township, zoned A-1, came on to be heard.

Mr. Godlewski presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0022-2018*.

There were seven neighboring property owners notified of this request.

Mr. Miller questioned the need for a Developmental Variance to reduce outside storage, when part of the request is to allow it.

James Miller, 56322 CR 35, Middlebury, was present for this request. Mr. James Miller stated his original approval included a condition prohibiting outside employees. He continued saying he has a sixteen year old son who is skilled in this line of work, but he will at some point be married and living on a different property. Mr. James Miller added he would also like to expand his business. He explained his original plan was to add onto his welding shop, but he would now like to demo an existing building and construct a new shop at that location. He went on to say the existing shop will then be converted into an agricultural/personal storage building. He added 80% of his work is making horse stalls, and he currently stores the finished ones outside. He stressed he would like to store completed stalls in the proposed building. Mr. James Miller stated he has three sons who he is teaching the trade. Mr. Hesser asked what will be stored in the outside storage area noted on the site plan. Mr. James Miller responded he repairs farm equipment, and he will store it in that area. He explained the outside storage area is buffered with pine trees, and the farm equipment and trailers he is working on will be kept outside, not building supplies. Mr. Hesser clarified only equipment being worked on is kept outside not building supplies. Mr. James Miller mentioned he also converts air tanks into feeders and fire pits.

Floyd Otto, 56275 CR 35, the neighbor across the street, came on in favor of this request.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser stated the request asks for outside storage, but he is not sure that applies. Mr. Godlewski responded based on the petitioner's testimony, he feels not all of the storage classifies as agricultural. He went on to say staff believes the petitioner will still have outside storage, but the amount will be reduced with the new building. Mr. Miller mentioned original approval did not allow any outside storage or employees. Mr. Campanello added their outside storage is limited to the vehicles and equipment being worked on, because he plans to store his products inside. He continued saying equipment will only be stored on the property for a short time. Mr. Miller stressed it classifies as outside storage, but he believes the Board can approve it in this limited amount. Mr. Godlewski suggested all storage be confined to the area designated on the site plan. Mr. Miller added the petitioner is requesting approval to have outside employees, and Mr. Hesser stressed a home workshop/business typically allows up to two. Mr. Miller stressed no neighbors were present in remonstrance. Mr. Campanello asked if Mr. James Miller is including his son's future wife as an outside employee. He responded not necessarily, but his son will at some point move off of the property. Mr. Hesser clarified anyone not living on the property is considered an outside employee, but the Board typically allows two. Mr. Hesser suggested the Board discuss allowing outside storage for home workshop/business Special Use requests in the future, but he does not have a problem with allowing it for this request.

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 an amendment to a Special Use for a home workshop

welding, fabrication, and repair business to allow for outside storage and employees, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed the total square footage in the primary structure 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 commitment was imposed:

1. Approved in accordance with the site plan submitted (dated 1/16/2018) and as represented in the Special Use amendment and Developmental Variance applications.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

10. The application of *Jeffrey S. Sweazy* for a Use Variance to allow for an existing accessory structure without a residence and for a Use Variance for a catering business on property located on the South side of Greenwood Blvd., 330 ft. East of CR 13, common address of 23702 Greenwood Blvd. in Concord Township, zoned R-2, came on to be heard.

Mr. Godlewski presented the Staff Report/Staff Analysis, which is attached for review as *Case #UV-0023-2018*.

There were 35 neighboring property owners notified of this request.

Jeff Sweazy, 58660 CR 13, was present for this request and pointed out his property on the aerial. Mr. Sweazy explained the previous owner lived on a neighboring property and built the standalone storage building. He went on to say he cannot convert the structure into a residence, because the foundation is not up to code. He stated he is new to the catering business, and originally planned to operate his business from his residence, located just south of this property. However, he believes this is a better location for his small company. Mr. Sweazy clarified he is not sure how many customers he will have at this location. However, he will not sell anything on his property or cook outside. He went on to say he spoke to the neighbors, and he does not see any problems with his request. Mr. Sweazy stated he is currently using the building to store his hot rods and video games. He stressed no semi deliveries will take place on the property, and there will be no loud noises. He explained all orders will be picked-up by the customer or dropped off with his van. Mr. Miller questioned the smoker's location. Mr. Sweazy responded he will speak to Mr. Hoover from the Environmental Health Department after the hearing to get the requirements for a portable smoker. He explained he owns a Southern Pride smoker, and he described it as a stainless steel box on a trailer. Mr. Miller mentioned his concern is smoke, and Mr. Sweazy responded it produces less smoke than a fire place. He explained it only takes two to three pieces of wood, split smaller than fire wood. Mr. Hesser questioned the amount/disposal of waste, and Mr. Sweazy responded similar to a home. He added he will have some produce waste, but he will not cut his own meat. Mr. Hesser clarified a dumpster is not necessary, and he responded he will use a residential size trash can. He stated a well and septic need to be installed to operate his business on this property. Mr. Hesser asked if public water or sewer is available in the area, and Mr. Sweazy responded no. He continued saying the property is already connected to electric and gas. He added the property's address is 23702 Greenwood Blvd. Mr. Miller asked the number of employees, and he responded one or

two. He explained he will operate the business, and his wife may help. Mr. Hesser mentioned the questionnaire should be revised, because the property has no occupants. Mr. Sweazy stated he planned to add an apartment to the building for his manager, because it is 1,500 sq. ft. with plenty of room for one. However, he discovered the foundation is not under the frost line or up to residential code. He then explained he considered adding on an apartment to the back of the building, but he found it to be cost prohibited. Mr. Miller questioned the septic system, and Mr. Lyon stated the Environmental Health Department will handle that.

Mike Hoover, the food protection program supervisor for the Environmental Health Department, 4230 Elkhart Rd., Goshen, was present to speak on this petition. He stated Mr. Sweazy has been working with Bill Hartsuff and the Health Department on the septic system, and he has contacted IDEM for a well testing Variance. He mentioned in the future Mr. Sweazy may also have a mobile food unit. He explained the trailer will have a three-bay sink, hand sink, cooking equipment, ect. and will be used as a base of operations. He continued saying the trailer will be taken to the catering location and brought back to the building at night. He added overhead protection for loading and unloading will be required over the back door in addition to a way for proper disposal of the sewage into a septic system. Mr. Hesser clarified the Health Department will address any issues on their end. Mr. Sweazy stated he plans to keep any gray water in five gallon jugs for disposal. Mr. Hoover stressed due to the size of this operation a waste tank drained or pumped into the septic system will probably be required. Mr. Hoover added the trailer will be mobile, and he is not permitted to set up at this property on a permanent basis. He also mentioned the cooker producing smoke will be kept indoors, but he does not believe that will be a problem.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser noted a mistake was made in the questionnaire in regards to outside employees, but he is okay approving this request with two outside employees. Attorney Kolbus mentioned a condition in the staff report requires a one year, one time renewal, and he stressed that should be clarified. He explained it should be either a one year review by staff, or the petition is only approved for one year. Mr. Hesser also mentioned the request is for a Use Variance, which requires the most findings for approval. He continued saying a few comments are mentioned in the findings, but no condition or commitment was made to hold the owner to them. He explained Finding #2 states the owner will maintain the building's residential appearance, but no commitment is in place to enforce that. Attorney Kolbus responded it should be a commitment. Mr. Hesser stated he understands the property is peculiar, because the building does not meet residential code. He also added the questionnaire does not mention any signage. Mr. Sweazy stated Mr. Auvil advised him to maintain the residential appearance of the structure, and he stressed he will not change the building's appearance to commercial. Mr. Miller suggested a two year review, and Mr. Campanello stressed the petitioner will be under the Health Department's scrutiny. He stated he believes enforcement should be complaint driven. Mr. Miller agreed to not include a two year review with approval. Mr. Hesser suggested following Attorney Kolbus's advice and requiring a one year compliance review by staff.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller 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 an existing accessory structure without a residence and for a Use Variance for a catering business 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. Approved with a one year review by staff.

The following commitments were imposed:

1. Approved in accordance with the site plan submitted (dated 1/15/2018) and as represented in the Use Variance application.
2. The residential appearance of the property must be maintained.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

11. The staff item for Goshen Hospital Association, Inc. (DV-0256-2017) was previously heard as item #7 on page 5.

12. The meeting was adjourned at 9:30 A.M.

Respectfully submitted,

Laura Gilbert, Recording Secretary

Randy Hesser, Chairman

Tony Campanello, Secretary