

MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 18th DAY OF APRIL 2019 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; Duane Burrow; Planner, Deb Britton, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Joe Atha, Tony Campanello, Roger Miller, Randy Hesser.

Absent: Denny Lyon.

2. A motion was made and seconded (*Miller/Atha*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 21th day of March 2019 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Atha/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 **Luke P. Bailey** for a Special Use for a home workshop/business for a vehicle repair business on property located on the West side of CR 31, 2,730 ft. North of US 20, common address of 56523 CR 31 in Jefferson Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0164-2019*.

There were six neighboring property owners notified of this request.

Mr. Hesser stated he resides on the same road as this petition, but he is not within 300 ft. of the subject property. He added he does not have any financial interest, so he will not recuse himself.

Luke Bailey, 56523 CR 31, Goshen, the property owner was present for this request. Mr. Miller clarified the petitioner also resides on the subject property. Mr. Bailey stated he recently obtained his business license, and he planned to move operations to a different property. However, he continued that property fell through. He explained his request is to operate his business at the subject property for a year. He went on to say he understands there is history of a junk yard use on this property, but he ran derby cars in New Paris then for a good time. He stressed the derby cars were only for fun, not a business. He mentioned he kept vehicles on his property to use at the New Paris derby once a month. Mr. Bailey stated he considered installing a fence around the back yard if needed, but he has cleaned up most of the property. He continued saying he does have some items sitting on the property, but he is in the process of removing it. He explained the majority of what remains on the property is being stored for friends, and he is trying to contact everyone. He added he works a full-time job, but that will end at the beginning of next year. He stated he plans to operate this business full-time at that point. Mr. Miller questioned the petitioner's intent for the property. Mr. Bailey stated he plans to continue operating the business off of the property for another year, but he will clean it up. Mr.

Miller clarified the request is for a Special Use for a home workshop, and Mr. Hesser mentioned outside storage is not permitted. He then asked the number of vehicles currently stored outside. Mr. Bailey responded he is unsure how many are on the property, but at one point he had twenty. He continued saying he stores most of what he owns on different properties. Mr. Hesser request the petitioner address the prior complaints. Mr. Bailey responded he informed staff that he was not operating a business, and the vehicles were derby cars. He continued saying staff then left it alone, but they would re-inspect when complaints were filed. Mr. Hesser asked the use of the vehicles currently on the property. Mr. Bailey stated it depends on where the vehicles are parked. He explained the vehicles in front are being fixed, and those in the back are being stored for other people, who use his property as a storage lot. He added he does get behind causing vehicles to sit, and it is not ideal. He explained he drives a truck for Kercher's Orchard. He continued saying he originally started part-time, but he then went full-time when they lost some drivers. He stated he took a large pay cut working for Kercher's and repairing vehicles helps to balance that. He then asked if the Board will allow him to keep a certain number of vehicles. Mr. Campanello stressed he believes a year is a lot to ask in this situation, and he suggested allowing him six months. Mr. Bailey responded he would need to shut his business down after six months, because Kercher's will still need him for another year. Mr. Hesser suggested he begin searching for another location to operate the business. Mr. Bailey stated he has been looking, but \$5,000 a month is not affordable for him to open a shop. Mr. Campanello asked how many vehicles on the property run and move, and Mr. Bailey responded the majority run. He continued saying only two of the vehicles are inoperable, and those are back against the fence out of view. Mr. Campanello suggested he remove $\frac{3}{4}$ of the vehicles from the property. Mr. Bailey stressed he has removed some of the vehicles, but it has been difficult due to being so busy. He continued saying his trailer is stored at a different location, and he personally owns five, insured, registered, and plated vehicles. Mr. Campanello pointed out home workshop/businesses do not allow for any outside storage, and he finds it difficult to set a precedent for that. Mr. Atha stated he would like to see more vehicles removed from the property. Mr. Bailey offered to install a fence between the garage and shed to block the view from the road. Attorney Kolbus stated the vehicles still count as outside storage. Mr. Hesser added he can keep his personal vehicles on the property, but the rule on outside storage does not change with the installation of a fence. Mr. Bailey stated he was informed by staff that he could not have vehicles he purchases to resell on his property, because he had too many vehicles. Attorney Kolbus clarified vehicles for resale count as business vehicles, not personal vehicles. Mr. Atha added derby cars are not appropriate vehicles to store on the property, and Mr. Bailey responded they have been gone for a year or two.

Edward Diamond, 56234 CR 31, Goshen, was present in remonstrance and stated he has lived here for forty years. He stated he is concerned that the vehicles stored outside will decrease property values in the area. He added he is also concerned about fluids leaking into the ground from the vehicles. He asked where the antifreeze, motor oil, and transmission fluid goes, and he believes it is making its way into their water supply. He mentioned he counted 20+ vehicles in the yard when he drove past yesterday. He stressed he is against this request. He then clarified he does not have a problem with Mr. Bailey working on one or two vehicles at a time, but he does not understand the need to store 20+ vehicles on the property. Mr. Campanello asked his opinion on giving the petitioner a year to clean up the property, and Mr. Diamond responded he

believes a year is too long. He suggested thirty days as a more appropriate time frame, since this has been going on for years. He stressed this use needs to be stopped.

Mr. Bailey came back on and stated he keeps any vehicle fluids in plastic drums to be taken to a recycling facility. He added he also has a guy who burns the oil, so none of it goes into the ground. He stressed they can test his soil. He continued saying his well is right behind his garage, and he is not going to contaminate his children's drinking water. He mentioned he will remove the vehicles, if that is the issue. He went on to say a sweeper truck sat on the property for a while, and he apologized for that. He explained he does not typically work on larger vehicles, and it will not happen again. He again stressed he can remove the vehicles from the property. Mr. Miller stated home workshop/businesses allow inside work only, and the petitioner is limited to storing only personal vehicles outside.

The public hearing was closed at this time.

Mr. Campanello stated he is willing to give the petitioner a year to remove the extra vehicles from the property and allow two vehicles at a time for the business. He suggested allowing him six months to a year to relocate the business. Mr. Miller responded he would consider giving the petitioner a year, if this was his first notification of the violation. However, he continued it appears he had been notified multiple times. Mr. Hesser asked if the petition should be granted for six months or denied and the petitioner given six months to clean up the property. Mr. Auvil stated eight months would give the petitioner until December. He continued saying staff does not have a problem with the time frame, but they would prefer this be denied with a time frame to remove the vehicles rather than approved to avoid setting a precedence. He added a shorter time frame would be preferred, but until the end of December is acceptable. Mr. Hesser stated the Staff Report mentions the property is .56 acres, which he assumes is a legal non-conforming use. Mr. Auvil pointed out the minimum lot size for a residence in the county is 20,000 sq. ft., and this property meets that requirement. Mr. Hesser stressed the subject property is small for any commercial activity. Mr. Campanello stated the petitioner obtained his business license and started cleaning up the property. He then suggested giving the petitioner two to three months to remove all vehicles from the property except for his personal vehicles and two cars related to the business. Attorney Kolbus clarified, if the petition is denied, the owner cannot work on vehicles. Mr. Miller stressed he does not believe this property is large enough to operate a vehicle repair business. He continued saying he would be opposed to the request even if the owner came in with a clean slate requesting permission. Mr. Campanello stated he believes staff made a mistake by not resolving the problem in 2016 or 2017, and he would like to work with the petitioner. Mr. Hesser suggested denying the petition and giving the owner six months to remove the vehicles. Attorney Kolbus pointed out six months would give the petitioner until October, and if it ended during winter, weather is often used as an excuse for missing deadlines. He suggested they give the petitioner until the end of October to clean up the property, based on previous experiences. Mr. Miller clarified the county does not regulate personal vehicles, and Attorney Kolbus responded they must be licensed, operable, and not for resale. Mr. Atha stated he believes the petitioner needs time to find a new shop, but the vehicles should be removed. He continued saying he does not believe this is an appropriate area for a mechanics shop, but due to the situation he would allow time to remove the vehicles and find a new shop. He stressed the vehicles should be removed as soon as possible. Mr. Miller suggested the petitioner be given two months to remove the vehicles and six months to clean up the

property. He then suggested the petition be denied, and the petitioner given six months to clean up the property. Mr. Campanello stated he would like the petitioner to continue to money since he already has customers.

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

Motion: Action: Deny, 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 home workshop/business for a vehicle repair business be denied.

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

Yes: Joe Atha, Tony Campanello, Roger Miller, Randy Hesser.

The petitioner has six (6) months to clean up the property and remove all vehicles he does not personally own.

5. The application of *Kenneth J. Shaum & Arlene L. Shaum, Husband & Wife* for a Special Use for warehousing and storage of excavators, trucks, trailers, equipment, and supplies on property located on the West side of CR 11, 340 ft. North of CR 142, common address of 67361 CR 11 in Union Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0177-2019*.

There were 10 neighboring property owners notified of this request.

Charlie Zercher, Kindig & Sloat, 102 Heritage Pkwy. Nappanee, was present representing the petitioners. Mr. Zercher stated the petitioner's son has operated an excavating and landscaping business on site since 1998. He continued saying in 2008 or 2009 Mr. Shaum spoke to staff, and they told him the property was in compliance with no need for a Special Use. He explained when they remodeled their cabin; a complaint was made against a business being operated off of the property. He went on to say he understands a permit was issued for the second residence, and the warehousing and storage part of the complaint, now needs to be rectified. He added Mr. Shaum spoke to his neighbors, and they signed a petition in favor of the request. He then submitted a copy of the petition and an aerial view showing the residents who signed the petition [*Attached to file as Petitioner Exhibit #1*]. He pointed out a school on CR 142, who did not sign the petition, and a business northeast of the subject property, similar to the petitioner's operation. Mr. Miller clarified this request is only to approve warehousing and storage. Mr. Hesser request he explain how this use is legal non-conforming. Mr. Zercher responded the nature of the business has not changed since the petitioner's son spoke to staff regarding the need for a Special Use, and he was told it qualified as an agribusiness. He continued saying the business operator does not reside on the property, and the nature of the business may disqualify it as an agribusiness. He explained staff considered the property a legal non-conforming use back in 2008.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Atha stated he frequently drives past this property, and he was not aware of a business being operated off of the property. Attorney Kolbus pointed out the property has natural screening.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Joe Atha 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 excavators, trucks, trailers, equipment, and supplies 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. The request is approved in accordance with the site plan submitted (dated 3/18/19) and as represented in the Special Use application.

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

Yes: Joe Atha, Tony Campanello, Roger Miller, Randy Hesser.

6. The application of *David W. Shull & Valerie J. Shull, Husband & Wife* for a Special Use for a solar panel array on property located on the East side of CR 27, 675 ft. North of CR 50, common address of 70640 CR 27 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 #SUP-0163-2019*.

There were four neighboring property owners notified of this request.

Dustin Olis, Modern Mill Solar, 70640 CR 27, was present representing the petitioners. He submitted a copy of the site plan [*Attached to file as Petitioner Exhibit #1*] and the building plans [*Attached to file as Petitioner Exhibit #2*] to the Board. Mr. Hesser clarified the site plan matches the one submitted with the application. Mr. Miller mentioned the solar array appears to be out of view, and he asked if any trees need to be cut down for installation. Mr. Olis responded that is not necessary. Mr. Hesser asked staff, if a variance is required to allow the solar array 5 ft. from the property line, and Mr. Auvil responded deviations from the development standards are covered under the Special Use.

Dave Shull, 70640 CR 27, came on as the property owner. He stated they would like approval to install a solar panel array to help cut their energy costs. He continued saying this will provide electricity and something extra in their retirement. Mr. Hesser asked if he spoke to his neighbor to the north, and he responded yes. He continued saying his neighbor is not opposed to it, and he wants a line run to his residence.

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** Joe Atha 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 solar panel 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. The request is approved in accordance with the site plan submitted (dated 3/12/19) and as represented in the Special Use application.

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

Yes: Joe Atha, Tony Campanello, Roger Miller, Randy Hesser.

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

7. The application of *Elkhart Community School Building Corporation* for an amendment to an existing Special Use for an educational facility to allow for a free standing sign on property located on the South side of CR 10, 1,504 ft. West of Nappanee St., in Cleveland Township, zoned M-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0155-2019*.

There were 12 neighboring property owners notified of this request.

Marc Barfell, A One Signs and Graphics, 726 Middleton Run Rd., was present representing the petitioner. Mr. Barfell explained he was contracted by Schwartz Electric and Elkhart Community Schools to install a 4x8 LED sign on the property for the new school technology building. Mr. Atha stated his main concern was traffic exiting the driveway to the north. Mr. Barfell responded they install the signs as far back as possible to prevent obstructing the line of sight. He continued saying this sign will be three feet off of the ground, and he does not believe it will create a problem.

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** Joe Atha, **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 an existing Special Use for an educational facility to allow for a free standing sign 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. The request is approved in accordance with the site plan submitted (dated 3/5/19) and as represented in the Special Use Amendment application.

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

Yes: Joe Atha, Tony Campanello, Roger Miller.

Abstain: Randy Hesser.

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

8. The application of **Jacob J. Groff** for a Special Use for warehousing and storage of excavators, trucks, trailers, equipment, and supplies on property located 485 ft. East off of SR 13, 365 ft. South of SR 120, common address of 53068 SR 13 in York Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0179-2019*.

There were 13 neighboring property owners notified of this request.

Crystal Welsh, Abonmarche Consulting, 1009 S. 9th St., Goshen, was present representing the petitioner. She stated Mr. Groff resides on the property, and he is present to answer any questions. She added he communicated with the adjacent property owners, and she submitted a petition with signatures in favor of the request [Attached to file as *Petitioner Exhibit #1*]. She mentioned they agree with staff's recommendation for approval of the request.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser stated the petition has twelve signatures.

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

Motion: Action: Approve, **Moved by** Joe Atha, **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 Special Use for warehousing and storage of excavators, trucks, trailers, equipment, and supplies be approve 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. The request is approved in accordance with the revised site plan submitted (dated 3/19/19) and as represented in the Special Use application.

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

Yes: Joe Atha, Tony Campanello, Roger Miller, Randy Hesser.

9. The application of **Tri County Land Trustee Corporation (Land Contract Holder) & Wayne Miller (Land Contract Purchaser)** for a Special Use for building supplies/home improvements and garden supplies (land and aqua scaping) on property located on the South side of US 20, 2,230 ft. West of CR 35, common address of 14702 US 20 in Middlebury Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0176-2019*.

There were eight neighboring property owners notified of this request.

Wayne Miller, 14702 US 20, was present for this request and stated they would like to use this property to operate the construction side of the business. He continued saying their plan is to construct a retail store in a few years. He added he believes the Board has a copy of the submitted site plan. Mr. Campanello clarified the improvements shown on the site plan are proposed buildings. Mr. Wayne Miller explained one building will be used for the construction business, and the other for retail. Mr. Hesser asked how many acres he owns, and he responded they currently have 5.24 acres. Mr. Campanello confirmed the property is zoned A-1. Mr.

Hesser stated the application request a 6x8 sign, and Mr. Wayne Miller stated he has not purchased a sign yet. Mr. Campanello asked the sign size allowed. Mr. Auvil explained the size allowed is based on the parcel's road frontage, and Mr. Hesser clarified staff approves of a 6x8 sign. He added the proposed sign is double-sided. Attorney Kolbus pointed out the total size allowed takes into consideration both sides. Mr. Hesser clarified the petitioner is proposing a 6x8 double-sided sign, and Mr. Wayne Miller added that would be the maximum sign size. Mr. Hesser reiterated staff approves of the proposed sign. Mr. Auvil then pointed out US 20 will be expanded in this area, and the petitioner will lose part of his property. Mr. Wayne Miller responded they plan to take 1.24 acres, and four acres will remain. He continued saying the residence, barn, and long poultry building will all be demolished. He added once the buildings are removed, they may pursue rezoning the property. Mr. Hesser asked if a revised site plan is needed after the property change, and Attorney Kolbus pointed out the buildings to be removed are labeled on the site plan. Mr. Hesser clarified the property will no longer have a residence. Mr. Roger Miller asked if the driveway will be altered. Mr. Wayne Miller responded he plans to install a driveway to the left of the existing one, about 75 ft. from the property line. Mr. Campanello pointed out the new curb cut will need INDOT approval.

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** 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 Special Use for building supplies/home improvements and garden supplies (land and aqua scaping) 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. The request is approved in accordance with the site plan submitted (dated 3/18/19) and as represented in the Special Use application.

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

Yes: Joe Atha, Tony Campanello, Roger Miller, Randy Hesser.

10. The application of *Helmut H. McClure & Rosemary G. McClure, Husband & Wife* for a Use Variance to allow for the construction of a second dwelling on a parcel located on the South side of CR 4, 576 ft. East of CR 29, common address of 15860 CR 4 in York Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #UV-0127-2019*.

There were eight neighboring property owners notified of this request.

Helmut McClure, 15860 CR 4, Bristol, was present to extend his Use Variance for the third time. Mr. Campanello clarified the request is for a Use Variance to allow for a second dwelling, and he asked if the petitioner already received approval for a Variance. He asked if the request should be a renewal. Mr. Hesser clarified the request is to construct a new residence, and then remove the existing mobile home once it is completed. Mr. Atha asked how long he has

been constructing the residence, and he responded about 2.5 years. Mr. Atha also asked if he is close to completing it, and Mr. McClure responded yes. Mr. Atha then asked for a time line, and he responded he is hoping to complete it within the year. He explained it is a log-built home, and construction would be completed, if it was a typical residence. He then request approval of the Use Variance for 1.5 years. Mr. Campanello questioned when the building permit was pulled for the new residence, and Mr. McClure responded he believes in 2014. Mr. Campanello pointed out the Board does not have record of the history. Mrs. Britton then mentioned a Use Variance to allow for the construction of a second dwelling and a Developmental Variance to allow for the total square footage of accessory dwellings to exceed that of the primary structure were approved 2/20/14. Mr. Campanello asked if the primary structure will be demolished once the new one is completed, and Mr. Hesser pointed out the mobile home will be removed. Mr. Atha pointed out the mobile home is currently the primary structure. Mr. Campanello questioned the need for Board approval. Mrs. Britton pointed out the 2014 approval required the petitioner return to the Board, if the Certificate of Occupancy for the new residence and demolition of the existing residence have not been completed by 9/30/2015. She continued saying the petitioner returned in 2016 for renewal of an existing Use Variance for the construction of a second dwelling, and it was approved June, 2016. Attorney Kolbus asked if a time limit was imposed on the 2016 approval, and Mr. Campanello questioned, if the Board was informed that construction would be completed by a certain time. Mrs. Britton stated a condition was imposed on the 2016 approval that required construction be completed within two years of approval, which would extend until 6/20/18. Attorney Kolbus clarified approval expired, and the petitioner is here for a new request. Mr. Hesser pointed out the Developmental Variance was needed due to the size of the building, but the rules have changed to allow 200% storage. Mr. Campanello reiterated the petitioner is requesting an additional 1.5 years for construction, and he does not see a problem approving that.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser stated the petitioner is constructing the residence himself, and he understands that takes longer. He continued saying he does not have a problem approving the request for another 18 months. He then pointed out a condition is typically included with approval requiring the existing residence be removed within a certain amount of time, and he asked staff their recommendation for the time restriction. Mr. Atha responded he believes they typically allow six months. He asked if the petitioner resides in the camper shown in staff's pictures, and Mr. Godlewski pointed out the aerial shows a residence with an address. Mr. Hesser clarified the existing residence should be removed within six months of the issuance of the Certificate of Occupancy for the new residence. Mr. Campanello suggested approval of the request for two years.

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

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Joe Atha 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 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. The old residence must be demolished/removed within six (6) months of the issuance of the certificate of occupancy for the new residence.
3. Construction of new residence and demolition/removal of the existing residence to be completed within two (2) years of this date.

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 2/28/19) and as represented in the Use Variance application.

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

Yes: Joe Atha, Tony Campanello, Roger Miller, Randy Hesser.

Mr. Auvil stated the Staff Report will be revised to correct the history omission.

11. The application of **D.R.S. Co., LLC** for a Use Variance to allow for a parking lot on property located on the West side of Wysong St., 200 ft. South of Tarman Rd., common address of 19186 Wysong St. in Jackson Township, zoned R-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #UV-0166-2019*.

There were 16 neighboring property owners notified of this request.

Lauren Maxson, Yoder, Ainlay, Ulmer, & Buckingham, 130 N. Main St., Goshen, was present representing the petitioner along with Bob Steury, part owner of D.R.S. She then submitted a packet to the Board [Attached to file as *Petitioner Exhibit #1*]. She stated she would like to begin with some background and history of Veada, Inc. and then address any concerns regarding the Use Variance. She explained Bob Story owns 50% of D.R.S., and his brother Doug and him own Veada, Inc. She then addressed a map of the Veada campus, that was included in the packet submitted. She clarified the property is owned by D.R.S., and Veada Industries rents from them. Mr. Hesser reiterated both companies involved are under common ownership. Mrs. Maxson explained the reason for this request is employee parking, and she pointed out the main entrance to the Veada campus on the picture. She went on to say the drive is frequently used by trucks, and employees parked along the drive make it a tight turn. She then request that Mr. Steury give some history of Veada Industries in the community. She also explained the first three pages of the submitted packet are pictures of the Veada Campus, and the third one is the company when it began. Mr. Miller request she clarify the labeled lots use. Mrs. Maxson stated D.R.S. owns Lot P and E, and third parties own Lots A, B, C, and D. Mr. Hesser asked the closest east/west county road.

Robert Steury, 219 Edgar Rd., Goshen, was present and stated the subject property is south of CR 142. Mr. Campanello pointed out it is located just north of the Par More Golf Course. Mr. Steury stated he respects the Board members, and the time they take to evaluate the needs of the community. He explained his brother and him are second generation owners of their company that has been in existence for 51 years. He mentioned they came before the Board in 2014, because they needed room to park due to substantial growth. He continued saying the parcel south of the subject property was approved for parking in 2014. He stressed this request is needed, because their employees have to back out into the drive. He added this residence is no longer needed. He explained the tenants had resided in the house since 1994, but she has relocated. He stated moving employee parking onto the new lot will allow the trucks entering/exiting the property more room and eliminate the nuisance of people walking/backing

out in front of trucks. Mr. Hesser clarified D.R.S. owns the parking lot immediately south of the subject property zoned R-1. Mr. Steury stressed they have no desire to Rezone the property. Mr. Steury stated their 475 employees in 2014 have now grown to over 600 employees. He added their buildings have increased by 4,000 sq. ft., and they added remote production areas in Walkerton and Fort Wayne. He went on to say their business has operated here for a long time, and they strive to be respectable. He summarized they try to do the right thing for the right reasons, and their business has manufactured boat seats for years. He explained the Veada name was formed by combining his father's name Virgil with his mother's name Eada, and D.R.S. is from Doug & Robert Steury. Attorney Kolbus pointed out a few neighbors were present in remonstrance for the 2014 request, and he asked if he asked if the neighbors have any issues. Mr. Steury responded they installed a light in the existing parking lot about six months ago, and Mr. Walters, a neighboring property owner, informed him it was shining into his residence too early. He continued saying then put the light to a timer and resolved the problem. He added he spoke to each of the adjoining neighbors prior to this hearing. Mr. Hesser clarified New Paris is south of the subject property.

Mrs. Maxson came back on to address the site plan and Use Variance. She stated the displayed picture depicts the entrance/exit to Veada Industries and employee parking along the side. She added it is evident from the picture that the drive is tight, and a semi does not have much room for error. She continued saying employees park along the drive, because it is available space. She stressed their main concern is employee safety, and they would like to relocate the parking along the drive to Lot P. She went on to say that will open up the area for traffic and provide a safer environment for the employees. Mrs. Maxson then addressed the empty history section of the Staff Report. She explained D.R.S. came before the Board for a Special Use permit to use Lot E as employee parking in 2014, and they have not had any problems with the neighbors. She then pointed out Veada agreed at that time to not use Wysong St. as access for the parking lot, instead the lot will be accessed through the Veada Campus main entrance. She stressed they plan to do the same with Lot P. Mr. Miller asked how they plan to prevent employees from using Wysong St. Mrs. Maxson proposed installing a privacy fence, and she pointed out one was installed on their other lot. Mr. Hesser clarified traffic will be blocked from pulling out onto Wysong St. Mrs. Maxson then showed the Board a view of the employee parking they plan to move to Lot P as well as Lot E. She explained a privacy fence was installed along the eastern boarder of Lot E, and their plan is to continue that fence along Lot P. She stressed the use of the subject property will be limited to employee parking. She mentioned the Staff Report recommends the property be rezoned, but Veada is not interested in using it for anything other than employee parking. She continued saying a Use Variance would restrict the use to parking, but a Rezoning would open up the property to other uses. Mrs. Maxson then focused on the five standards that must be met to approve a Use Variance. She addressed the standard requiring the Use Variance not be injurious to the public health, safety, morals, or general welfare of the community. She stressed public safety is the reason for this request, because Veada is concerned with the safety of their employees due to the current parking situation. She added traffic on Wysong Street will not increase, and a privacy fence will be installed as a buffer. She also mentioned Mr. Steury spoke to the owners of properties A, B, C, & D, and they all signed in favor of the project. Mr. Hesser clarified the neighbors' signatures are included in the submitted materials. Mrs. Maxson then addressed the standard, which states

the use and value of the neighboring properties will not be affected in an adverse manner. She explained parking on Lot P will not affect the neighboring properties, because traffic will not increase on Wysong St., a six foot privacy fence will be installed, and the neighbors have not reported any issues with the existing lot. She added Lot P will not be permanently changed, other than demolishing the residence. She continued saying it will be a gravel lot and could be converted back into a residential use in the future. Mrs. Maxson stated the location of Lot P meets the standard requiring the need for the Use Variance to arise from a condition peculiar to the property. She explained Lot P abuts to the existing Veada Campus, and they need more parking for employees due to growth. She stressed Lot P's location is the reason for the Use Variance. She went on to say strict application of the Zoning Ordinance would constitute an unnecessary hardship, because Staff recommended the property be Rezoned to M-1. She explained Rezoning the property to M-1 would open up the use of Lot P, but approval of a Use Variance would limit it to parking. She stressed the resulting hardship would be on the neighboring properties, if the subject parcel is Rezoned to M-1. She then addressed the last standard, which requires the use not substantially interfere with the Elkhart County Comprehensive Plan. She stated one goal in the Comprehensive Plan is a sufficient transportation network with a focus on safety. She stressed the focus of this request is the safety of their employees, and this will not interfere with the Comprehensive Plan. Mrs. Maxson summarized the petitioner is trying to address safety concerns, and the surrounding property owners are in favor of this use. She request the Board approve this Use Variance. Mr. Hesser noted one neighbor mentioned a concern about employees smoking on Wysong St. Mrs. Maxson responded Veada addressed that concern and proposed a smoking area behind the fence on their property.

Mr. Steury came on and explained they tried to prohibit smoking on campus. However, they decided to address the neighbor's concern by setting up designated smoking areas. He explained they can prohibit smoking on the campus, but then they just move outside of that boundary to smoke. He stressed their goal is to achieve a mutual respect.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Miller stated this request appears to be expanding an existing use. He continued saying he does not want the property Rezoned to M-1, but he understands Staff's recommendation. Mr. Hesser stated he also understands Staff's concern, but the county will have more control over the property with a Use Variance as counsel pointed out. He explained his problem with Use Variance is meeting Finding #3, but he believes this property is peculiar due to the existing parking lot immediately to the South. Mr. Campanello also mentioned the truck traffic entering/exiting the property. Mr. Miller stated parking is currently all over the property, and he believes they need to consolidate it. Mr. Hesser suggested adding a requirement that the subject property be tied together with their other properties, and not sold separately. Mr. Campanello asked if approval in 2014 included the same Commitment, and Attorney Kolbus responded no. He continued saying pavement is not being placed on the property so it could return to a residential use. Mr. Hesser stressed he does not want this property sold to another company as a parking lot, and Mr. Campanello suggested approving the request for Veada Industries only. Mr. Hesser stated approval cannot be limited to a specific owner. He added he would prefer the Commitment be added, since the Board has done that before. Mr. Campanello

pointed out the parking lot is located on the Veada campus, and he does not believe the Commitment is necessary.

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

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Roger Miller that this request for a Use Variance to allow for a parking lot be approved based on the findings and conclusions of the Board:

1. The request will not be injurious to the public health, safety, morals, and general welfare of the community. This parking lot is needed for the safety of the employees. It will help alleviate traffic on side streets in the area.
2. The use and value of the area adjacent to the subject property would not be affected in a substantially adverse manner. The Board approved a parking lot on a neighboring property in 2014 with no negative impact on the neighboring property owners.
3. A need for the Use Variance does arise from a condition that is peculiar to the property involved. Truck traffic to/from the property is in close proximity to the currently employee parking. Approval of this request will allow for safer ingress/egress for truck traffic. The adjoining property to the south was previously approved for a parking lot in an R-1 zone.
4. Strict enforcement of the terms of the Zoning Ordinance would constitute an unnecessary hardship if applied to the subject property. Rezoning the property to M-1 would allow the property owner to use it in ways that could be injurious to the public.
5. The Use Variance does not interfere substantially with the Elkhart County Comprehensive Plan.

The following condition was 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. The request is approved in accordance with the site plan submitted (dated 3/13/19), the presentation at the April 18, 2019, Elkhart County Advisory Board of Zoning Appeals meeting, and as represented in the Use Variance application.

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

Yes: Joe Atha, Tony Campanello, Roger Miller, Randy Hesser.

12. The application of *Tony Wydajewski & Mark Zuchowski (Land Contract Holders) & Elkhart County Feral Cat Coalition, Inc. (Land Contract Purchaser)* for a Special Use for building supplies (pet shelters) on property located on the Southeast corner of CR 10 & CR 1, in Cleveland Township, zoned A-1, came on to be heard.

Petition moved to the end of the hearing, since Mr. Hesser will recues himself.

See item #14 on page 15.

13. The application of *Edd Banks & Lena F. Banks, Husband & Wife* for a Special Use for warehousing and storage of tree service trucks, garbage truck, and semi tractor and trailer on property located on the South side of CR 26, 1,508 ft. East of CR 1, common address of 29730 CR 26 in Baugo Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0723-2018*.

Donald Berger, Attorney from South Bend, 110 S. Taylor St., was present representing the petitioners. Mr. Berger stated the Staff Report does not address a few very salient points. He continued saying the application for a Special Use permit was done at the request of staff from the Code Enforcement Division of the Elkhart County Planning and Development Commission in a letter dated 5/30/18. He explained the letter stated they had problems with the way the Banks were operating their farm on CR 26, and it specifically states that upon inspection by their office on 5/29/18, that they found the complaint to be valid. He added the complaint states that the Banks were allegedly operating a tree service business on their property, which is located in an agricultural, A-1 zoning. He pointed out staff found that complaint to be valid. He then pointed out his problems with that statement, one being that there is no tree serve business. He went on to say the trees that they use/chop up are for the improvement of their own property, since it is similar to a lot of land in northern Indiana, when the rain comes down it muddies up. He stressed the Banks use the wood chips for themselves to develop a foundation for the roads, and they do not sell any of it. He mentioned someone down the street does sell wood, but it is not related to them. He went on to say they use all of the chips they have as a foundation for their roads/paths to make it easier for their vehicles to move about the property. He again stressed for whatever reason a letter dated 5/30/18 indicated that staff was inviting the Banks to file for a Special Use permit for a home workshop/business. He stressed the Banks are farmers in Elkhart County, and they simply want to run their business without any interference. He explained the county came to them and suggested they file for a Special Use permit, which they did, and it was reviewed and denied. He stressed the Banks are just trying to exists. He again explained by the initial complaint it seems that there was a tree service business, but there is no tree service business. Mr. Hesser clarified there is no request to store tree service trucks, and Mr. Berger request the statement be repeated. Mr. Hesser pointed out the staff report says that the Special Use includes storage of tree service trucks. Mr. Berger responded it references their tree service trucks for their own personal use, not for anybody else. He stressed they do not use it as a business, and any farm has vehicles to do the purpose of how they farm. Mr. Hesser clarified his argument is that the vehicles are simply for agricultural/personal use, and he questioned the garbage truck.

Pam Banks, 56610 Shore Ave., Elkhart, was present as the petitioner and stated the residence is actually her in-laws. She stated there were some tree trucks there, that they had removed. She stressed they do use the tree shavings for keeping their equipment out of the mud and from getting stuck when taking feedback, hay, and whatever they need and for parking area. Mr. Miller asked if the trees come from the property they own. Mrs. Banks stated they come from other places, and they also have wood piled that they use to heat their little shop that they use to repair their own stuff. Mr. Hesser pointed out the Special Use is not for a tree service business; it is for warehousing and storage of vehicles. He asked if tree service vehicles are on the property. Mrs. Banks responded the tree service vehicles were removed. Mr. Hesser clarified the tree service vehicles are not included in their request at this point. Mrs. Banks responded they addressed that issue. Mr. Hesser asked their counsel, if that is consistent with his understanding, and Mr. Berger responded yes. Mr. Hesser then questioned the garbage truck. Mrs. Banks responded her father-in-law owns the truck, and it is physically owned by the person

who lives there. She continued saying it is used to help bring in some income to provide for the farming. Mr. Campanello asked what they farm/produce. Mrs. Banks responded they have animals; cows, pigs, chickens, horses, ducks, and geese. Mr. Hesser asked if her father-in-law works for a specific garbage company. Mrs. Banks explained the garbage company is their own, and she is one of the owners. She added her father-in-law is also a part owner, because he owns the vehicle. She stated the pictures show multiple trucks, but only one truck is being used for the trash service. She continued saying the other one is identical to that one, but they are in the process of removing the bed of that truck since it broke down and cannot be used. However, they have not had the time or funds to remove that bed and put on a different style bed for hauling in hay or moving equipment around. She stressed they plan to use it to bring back processed hay to feed their animals. Mrs. Banks then address the semi and semi trailer that is owned by her brother, who lives on the property. She pointed out he only parks there on weekends 90% of the time. Mr. Berger clarified he is gone 90% of the time, and Mrs. Banks responded yes. She continued saying he is only there on the weekends for the majority of the time, and he does leave his trailer parked there in the wintertime. She continued saying the tractor is there during the day, and he sometimes runs just the semi truck. Mr. Hesser asked how much time they need to convert the garbage truck to an agricultural vehicle. Mrs. Banks responded they might need up to a year, if that. She continued saying they have another truck they have been working on, that they are just about finished with. She added the garbage truck was going to be their next project, but they have to make sure they have some other things moved around due to the size of the bed. She stressed they have to make sure they have everything in place to be able to cut that bed off and safely remove it. She mentioned they may have to use the semi trailer to help remove it from the premises. Mrs. Banks stated the semi also helps bring in income that helps support the farm.

Mr. Berger came back on and stated he thinks they are trying to show that this business is consistent one way or the other. He suggested it is consistent with the purposes of agriculture, which they maintained, before the Special Use was filed. He explained the letter from 5/30/18 came about inviting them to file for a Special Use permit application, which they did since the Banks wanted to be in compliance with whatever was necessary. He stressed their business does not cause any problems for any of their neighbors, and none of their neighbors are here. Mr. Hesser pointed out Mr. Berger has referred to them as farmers, but he has also mentioned a business. He asked if the petitioners have a business other than farming, and Mr. Berger responded no. He argued their business is farming. Mr. Hesser then mentioned the garbage truck business, which he believes is terminating. Attorney Kolbus pointed out the garbage truck business is not terminating. Mrs. Banks stated they are still running the trash service business, but it is just parking the trash truck there. Mr. Miller added they are parking a semi truck/trailer and garbage truck. Attorney Kolbus mentioned a second garbage truck is being converted into an agricultural vehicle. Mr. Berger pointed out the semi is basically only there on the weekends, because the person that lives there drives that vehicle for his business, which is away from the property. He continued saying the bottom line is they are looking for some direction, if the Special Use permit is not the way to go. He stressed this was an attempt by the Banks to try to be compliant with the wishes of the Zoning Board, and he added they are fine with, if there is some direction to be given to them. He stated the Banks felt they were compliant back in May of 2018. Mr. Hesser asked if they have a specific list of customers that they service weekly for the

garbage business or if it is only for special projects. Mrs. Banks responded it is weekly. Mr. Hesser clarified they pick the trash up and take it to the landfill.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser stated he is not sure where to go on this one, because the petitioners stated the tree service trucks are only for personal use, not for operating a tree service business. He continued saying that is no longer part of this request. He added the Commissioners have not changed the requirements in regards to semi tractors, and the Board has turned down a lot of them. He stressed that is the Commissioners' rule. He went on to say he would personally like to see them modify that somewhat, but they have not. He stated he does not see anything special or a reason to deviate from that rule with this request. He added it appears the petitioners are operating a garbage business from the property. Mr. Miller stated he does not believe that is a compliant, and he is unsure if building a storage facility for the vehicles would make any difference. Mr. Hesser responded it would still be a business, even if the vehicles were enclosed. Mr. Atha asked if this request should be a home workshop/business. Attorney Kolbus mentioned the Board has at times granted requests allowing the petitioners to store the semi tractor or other large trucks inside a building. Mr. Hesser clarified that is not being asked for with this request. Mr. Atha stressed the Board has denied similar requests. Mr. Berger asked to inquire, and Mr. Hesser pointed out the public hearing is closed but allowed him to ask a question. Mr. Berger asked if he heard the problem is that the garbage truck is not in a covered building, and it can be provided for, if that is the concern. Mr. Campanello added the semi truck would also need to be stored inside, and he mentioned semi trucks are seen sitting outside on A-1 properties when used for an agricultural business. However, he continued he does not see an agricultural business with the semi truck, and Mr. Miller agreed. He stated a lot of farmers haul hay ect. with their semis, which is an allowed farm use. Mr. Campanello pointed out he does not believe the Board has agreed to allow outside storage for a semi. Mr. Atha clarified approval is not needed if a semi is used for a farm, and Mr. Campanello added people can rent a spot to store semi trailers that are not used for an agricultural business. Mr. Hesser stressed this petition has been continued three times, and there may be a way to work this out with the Planning Department to make it compliant. However, he continued he does not believe it is up to the Board to work all of that out. He added what is before them is what has been proposed, and he is inclined to adopt the Staff Analysis and deny this request.

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

Motion: Action: Deny, 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 tree service trucks, garbage truck, and semi tractor and trailer be denied.

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

Yes: Joe Atha, Tony Campanello, Roger Miller, Randy Hesser.

Mr. Hesser clarified the request for the Special Use permit has been denied, and the petitioner will receive a denial letter from staff. Mr. Berger asked about the way the property was being operated before the Special Use was requested. Mr. Hesser stressed agricultural uses

are permitted, and they will need to discuss that with staff, if they have questions on what is allowed.

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

14. The application of *Tony Wydajewski & Mark Zuchowski (Land Contract Holders) & Elkhart County Feral Cat Coalition, Inc. (Land Contract Purchaser)* for a Special Use for building supplies (pet shelters) on property located on the Southeast corner of CR 10 & CR 1, in Cleveland Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0105-2019*.

Chris Bralick, 53290 CR 1, Elkhart, was present as the president of the Elkhart County Feral Cat Coalition. Mr. Atha asked if the coalition operates at any additional locations. Mrs. Bralick responded they contract out the shelter construction. She continued saying they purchased this three acre parcel last year for their operations, and they would like to construct shelters on the property. She added it will save them money, since they will no longer need to contract out work. Mr. Miller clarified everything will be enclosed, and he asked about cats on the property. Mr. Auvil pointed out the Special Use is to allow for the construction of cat shelters on this property, not a location to keep cats. Mr. Miller stated he understands the request, but he is not convinced cats will not show up. Mrs. Bralick stressed their organization is not a domestic adoption organization, and they strictly work with outdoor free-roaming cats. She explained the only time cats are in their possession is during transportation to and from a clinic to be spayed or neutered. She again stressed cats are not kept on the property. Mr. Atha request she explain their operation. Mrs. Bralick stated they help people who feed outdoor cats get them spayed, neutered, and vaccinated. She added afterwards they return them to the same location. Mr. Atha clarified they help keep the cats from reproducing. Mrs. Bralick reiterated their main mission is to control/reduce the feral cat population. Mr. Miller stated the shelters are assembled on the subject property. Mrs. Bralick submitted a picture of the shelters they construct *[Attached to file as Petitioner Exhibit #1]*. She stressed their request is to construct shelters on this property, inside the proposed building. She then explained a cat is pictured next to the shelter to represent its size, and it is approximately 20x20x10 high. Mr. Atha asked if the cats stay in the shelters after being fixed. Mrs. Bralick stated the cats typically only stay for one night, until they recover from the anesthesia. Mr. Auvil stressed cats will not be kept on the property. Mrs. Bralick explained they plan to construct a building on this property for their main operations, which has already been approved, and the cats will stay there for one night after surgery. She continued saying the Use Variance request is for an additional building to construct shelters. She mentioned they build shelters in addition to caring for the cats, because they see several animals outside without shelter. Mr. Miller clarified for the record the request is simply to construct shelters, and no cats will be kept in this building. Mr. Auvil explained the Zoning Ordinance does not have a specific Special Use for cat shelter construction, so they decided to use the Special Use for building supplies. Mr. Atha asked if the request should be a home workshop/business, and it was discovered that would apply if a residence was on the property.

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** Joe Atha 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 building supplies (pet shelters) 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. The request is approved in accordance with the site plan submitted (dated 2/18/19) and as represented in the Special Use application.

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

Yes: Joe Atha, Tony Campanello, Roger Miller.

Abstain: Randy Hesser.

15. The meeting was adjourned at 10:42 p.m.

Respectfully submitted,

Laura Gilbert, Recording Secretary

Randy Hesser, Chairman

Tony Campanello, Secretary