

**BZA MINUTES**  
**ELKHART COUNTY BOARD OF ZONING APPEALS MEETING**  
**HELD ON THE 21<sup>st</sup> DAY OF MAY 2020 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; Mae Kratzer, Planner; Doug Powers, Planner; Deb Britton, Administrative Manager; and James W. Kolbus, Attorney for the Board.

**Roll Call.**

**Present:** Ron Norman, Joe Atha, Roger Miller, Randy Hesser.

**Absent:** Tony Campanello, Denny Lyon.

2. A motion was made and seconded (*Atha/Miller*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 16<sup>th</sup> day of April 2020 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Miller/Atha*) 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 **Jeffrey G. Hershberger & Linda M. Hershberger, Husband & Wife** for a Special Use renewal for a motor cross track on property located on the North side of CR 4, 3,700 ft. East of CR 35, common address of 12897 CR 4 in York Township, zoned A-1, came on to be heard.

Mrs. Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0196-2020*.

There were eight neighboring property owners notified of this request.

Jeff Hershberger, 12897 CR 4, Middlebury, was present for this request. Mr. Miller asked if he has any concerns with the proposed conditions and commitments, and Mr. Hershberger responded no. He request that approval be for longer than two years, because it cost him \$200 each time to renew it, which he has done twice. Mr. Miller clarified the staff report recommends permanent approval of his request. Mr. Atha noted the commitment imposing a time limit included with previous approval is not included in the proposed commitments, meaning approval would be permanent. Mr. Hershberger reiterated this is the last Board of Zoning Appeals Meeting he will need to attend unless a problem arises. Mrs. Britton stressed this request has no expiration date. Mr. Hesser asked if the 4'x6' sign was included in the original approval. Mr. Hershberger responded he request the sign when he first came for approval. Mr. Atha stressed no events will take place at the property, and he questioned if he operates as a club that requires membership. Mr. Hershberger responded anyone using the track is required to sign a waiver and pay their riding fee at sign-in. Mr. Hesser mentioned the staff report refers to needing a revised site plan for staff approval, and he questioned what changed from previous approvals. Mrs. Kratzer responded staff would like to see the setbacks from the existing track to the edges of the property lines. Mr. Hershberger stated nothing has changed on his end. Mr. Atha clarified staff needs to see the track

and setbacks on the site plan. Mrs. Kratzer explained staff needs to see the setbacks from where the track is closest to the property lines.

There were no remonstrators present.

The public hearing was closed at this time.

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

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** 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 renewal for a motor cross track be approved with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A revised site plan must be submitted for approval by staff showing setbacks from the property lines to the track.

The following commitments were imposed:

1. The request is approved in accordance with the revised site plan to be submitted and the Special Use application.
2. Days and hours of operation to be seven (7) days per week, 10:00 a.m. to 8:30 p.m.
3. The number of riders be limited to twenty (20) on the track at one time.
4. Port-a-johns to be provided.
5. Riding area and driveway access to be dust controlled.
6. All motorized off-road vehicles for riding to be transported to the designated parking area with no riding of said vehicles on the driveway access.
7. The existing sign permitted to remain onsite.
8. Motocross track to be owner operated.
9. There will be no sanctioned race events on the track.

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

**Yes:** Ron Norman, Joe Atha, Roger Miller, Randy Hesser.

5. The application of *Helen E. Kallimani* for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres located on the Southwest side of CR 22, 1,195 ft. Southeast of CR 3, common address of 28872 CR 22 in Baugo Township, zoned A-1, came on to be heard.

Mrs. Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0226-2020*.

There were eight neighboring property owners notified of this request.

Helen Kallimani, 28872 CR 22, Elkhart, was present for this request. Mr. Miller asked if she already has the horses. Mrs. Kallimani responded she has owned horses her entire life, and she currently has a few smaller, movable sheds on the property for them. She explained her parents sold off part of the property, leaving less than three acres. She added she went out to measure the distances to her property lines after submitting her request, and she underestimated the number of feet to them. She went on to say the barn will be farther from the neighboring properties than she originally thought. Mr. Atha asked if the pasture is smaller than shown, and Mrs. Kallimani

responded it is actually larger. Mr. Atha then questioned waste disposal. Mrs. Kallimani responded she dumps it in an area located in the southeast corner of the property to slowly turn back into soil, because she does not have a spreader. Mr. Atha pointed out the approximate location on the aerial. Mr. Miller asked if she is okay with a commitment limiting the request to two horses and a pony. Mrs. Kallimani responded yes, because she does not believe her pasture could handle anymore. She went on to say she already supplements with forage, because the pasture is too small. She added she has taken precautions to keep the pasture has viable. She noted she plans to eventually have a pasture across the road where she owns 30 acres.

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 an agricultural use for the keeping of animals on a tract of land containing less than 3 acres be approved with the following condition imposed:

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 3/31/2020) and as represented in the Special Use application.
2. The use is limited to a maximum of two (2) horses and one (1) pony at any one time.

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

**Yes:** Ron Norman, Joe Atha, Roger Miller, Randy Hesser.

6. The application of ***Richard A. Mast & Rosetta F. Mast, Husband & Wife*** for an Amendment to an existing Special Use for a home workshop/business to allow for an addition to a residence on property located on the West side of SR 13, 1,280 ft. North of CR 40, common address of 65730 SR 13 in Clinton Township, zoned A-1, came on to be heard.

Mrs. Kratzer presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0257-2020*.

There were five neighboring property owners notified of this request.

Mr. Hesser clarified this request would not be needed, if the property did not have a Special Use.

Richard Mast, 65730 SR 13, Millersburg, was present for this request. Mr. Hesser noted the petitioner is simply constructing an addition onto his residence. Mr. Atha clarified the location of the addition. Mr. Miller asked staff, if they were okay with the site plan, and Mrs. Kratzer responded yes.

There were no remonstrators present.

The public hearing was closed at this time.

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

**Motion: Action:** Approve, **Moved by** 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 an Amendment to an existing Special Use for a home workshop/business to allow for an addition to 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. The request is approved in accordance with the site plan submitted (dated 4/13/2020) and as represented in the Special Use Amendment application.

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

**Yes:** Ron Norman, Joe Atha, Roger Miller, Randy Hesser.

7. Mr. Auvil stated last month staff provided the Board with updated application/questionnaire templates. He went on to say he will send the Board electronic copies of the documents, and he can also send them paper copies, if requested. He stressed staff would like to take action to make them official, and feedback is appreciated. He continued saying staff would like to know anything the Board would like to add or change in order to start utilizing the documents. He then explained to Mr. Norman that the current BZA forms are very old/dated, prompting staff to review them. He noted Doug Powers, planner, compiled the planning comments and then planning assistant, Laura and process writer, Danny, added in the planning assistant comments to create a new template. He noted the templates have been provided to the Board for feedback. He stressed this is a great project and much overdue. He reiterated he will send the documents electronically to the Board members, and he can also provide paper documents if needed. Mr. Atha stated he believes the forms look good, well laid out, and easy to read. He added he believes the petitioners will have an easier time completing them. Mr. Auvil added Attorney Kolbus reviewed the documents and gave his tentative approval. He explained the forms are part of the BZA's Rules of Procedure, and an official Board action is needed to update them. Mr. Hesser clarified the plan is to consider approval of the forms at the June BZA meeting.

Mr. Godlewski noted the IT Director was able to open the meeting online for remote access, and it was published in the agenda, county website, and department website.

8. The meeting was adjourned at 8:55 a.m.

Respectfully submitted,

---

Laura Gilbert, Recording Secretary

---

Randy Hesser, Chairman

---

Tony Campanello, Secretary