

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 16th DAY OF SEPTEMBER 2021 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: Jason Auvil, Zoning Administrator; Danny Dean, Planner; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Brian Dickerson, Tony Campanello, Roger Miller, Randy Hesser, Ron Norman.

2. A motion was made and seconded (*Dickerson/Miller*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 19th day of August 2021 be approved with the following corrections: Brian Dickerson's name needs changed on all pages. Also, on page 7 the motion should say a maximum of six hens and three roosters. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Miller/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 *Danielle Defrancisco (Buyer) & Lavon Yoder (Seller)* 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 South side of US 20, 2,045 ft. West of CR 23, common address of 19636 US 20 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-0640-2021*.

There were eight neighboring property owners notified of this request.

Danielle Defrancisco, 19636 US 20, Bristol, was present for this petition. She explained she closed on the property the day before and would like to have the majority of the lot be used as pasture for horses. She went on to explain she is boarding the horses at other barns, and it is expensive. She stressed she would like the opportunity to move her horses to her property and use the money saved, in not having to board, towards owning the horses and making improvements to the property. Mr. Campanello asked if there was enough room for pasture. Ms. Defrancisco responded she will make sure to have enough pasture, and the horses will have access to hay in a feeder. She continued saying the horses will have the option for grass or hay. Mr. Campanello asked her plan for manure disposal. Ms. Defrancisco responded she will get a company to haul out the manure, and it is picked up on a regular basis. She believes the company is called Green Source, and they will be recycling the manure. Mr. Hesser asked if her property was currently fenced or if she will have to do that before moving the horses onto the property. Ms. Defrancisco responded the property needs fencing.

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 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 (8/2/2021) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of two (2) adult horses and one (1) pony at any one time.

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

Yes: Brian Dickerson, Tony Campanello, Roger Miller, Ron Norman, Randy Hesser.

5. The application of ***Integrity Group Holding, LLC*** for a Special Use for resource extraction on property located on the North side of CR 28, 2,015 ft. East of CR 15, in Concord 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-0670-2021*.

There were 33 neighboring property owners notified of this request.

Julian Bontrager, 25270 CR 138, Goshen, was present for this petition. He stated he is looking to extract material and do some screening. He continued to explain he has to decide whether or not to get into washing, because it depends on how stone rich this pit will be. He stated he wants to take down the 2 existing barns and put in a new one, and the 80 ft. by 80 ft. shop on the site plan is for the shop and office space. He went on to say this isn't a complex project; it is just cleaning up what's there. He added he will make a pond out of it when the extraction is done. He then explained he has talked to a number of neighbors, and he proposed to put in a berm at the back of the property. However, he continued the neighbors in the back are opposed to a berm, because they don't want their view blocked and asked to not have berm. Mr. Campanello asked how many trucks a day will be going in and out of the property. Mr. Bontrager responded that is a tough question, as he doesn't know until he gets started. He stated this won't be the same scale of operation as other extraction locations in the area, because he doesn't want this to be a huge operation. He stressed he just wants this to be a family operation with his sons helping. Mr. Norman asked if the extraction points are in the area shown on the aerial. Mr. Bontrager responded mostly, but he isn't sure what previous owners have done. He noted he has found some buried items. He went on to explain that he will try and make an L-shape up along the back side but it will depend on what he finds once he gets started. Mr. Norman clarified on the aerial where the barns are located. Mr. Hesser asked about retail sales from location. Mr. Bontrager asked for clarification on that question. Mr. Miller explained the question is if someone would be allowed to drive in with a pick-up truck and purchase stone. Mr. Bontrager responded he hasn't made a hard decision on that, but he would likely allow it. He stressed that isn't his main emphasis with this business, as he grew up in excavating and understands it is tough to find materials. He continued to say there are

some companies he will service that have their own trucks that will come and load up on site, and he asked if that is considered retail, if the owner has 3-4 of his own trucks hauling stone. Mr. Miller asked if he was planning on selling to construction companies, not necessarily to the general public. Mr. Bontrager responded yes, his goal isn't to have the general public showing up. Mr. Hesser asked where the new building is being proposed. Mr. Bontrager showed on the aerial where he is proposing to put the building. Mr. Hesser asked for clarification on the site plan where it says new storage. Mr. Bontrager responded that is the proposed new shop building with office area. Mr. Dickerson asked if there will be any concrete crushing on the site. Mr. Bontrager responded yes, that will be behind the shop area for recycling. Mr. Dickerson clarified construction companies can bring in materials to be crushed, and he will sell that as recycled concrete. Mr. Bontrager responded yes. Mr. Campanello asked if crushing is a daily process or something that will accumulate until there is enough to crush. Mr. Bontrager responded it could be once a year or twice a year, but it makes sense to wait to bring in a crusher. Mr. Dickerson asked if he will have a crusher and screener on site for this process. Mr. Bontrager responded not for the concrete but for the gravel out back there will be one on site. Mr. Dickerson asked will he have a truck washer for debris with truck traffic coming in and out of the site. Mr. Bontrager responded he hadn't thought about a wash station before entering the road, but he wants to have a clean drive to ensure clean wheels are coming out from the site and not tracking sediment off the site. Mr. Dickerson stated there are options to put in automatic washes that spray the truck tires before leaving sites. Mr. Bontrager stated he knows of them and would like to have one, but they cost more than his site will be able to manage. Mr. Miller asked about the property to the south of the subject property, and if it was included in the proposed extraction site. Mr. Bontrager responded that property is part of the subject property as they are deeded as the same, but it will remain as it sits now, as a wooded area. Mr. Norman asked, once this is started, what are the plans for after the extraction is all done. Mr. Bontrager responded he will be turning this into a nice spot for campsites and fishing with a cleaned up pond. Mr. Norman asked if the woods will remain. Mr. Bontrager responded the woods will stay as he will only be impacting the open areas. Mr. Miller stated this is a low area, and asked if he will have to lower the water table. Mr. Bontrager responded no, he is 7 ft. above the water table and won't have to pump water or lower the water table. Mr. Dickerson asked if he was planning on fencing the site in. Mr. Bontrager responded there is no intent to fence it in, as the perimeter is bordered with trees except the road.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser stated he is surprised there are no objections from the subdivision from across the road. He asked for concerns about retail sales. Mr. Campanello stated he doesn't think the Board can mandate not having retail sales. Mr. Hesser responded no, the Board can't. Mr. Dickerson stated he doesn't think that is going to be an issue, as the preferred cliental is going to be commercial companies. Mr. Dickerson asked Staff, depending on how the Special Use permit reads, is there any prohibiting the petitioner from creating a mulching operation. Mr. Auvil responded the petitioner is asking for resource extraction, but he isn't sure if mulching falls outside the scope of what is being requested. Mr. Dickerson explained crushing of concrete isn't really resource extraction, but crushing is listed on the application. He stressed he wants to make sure the petitioner can't start taking in wood product and grinding that down creating dust. He continued to say that the county has had this issue before, and it has created some challenges. He noted he

wants to make sure the dust is maintained in some way, and no wood processing is being done on this site. Mr. Auvil stated that can be added as a commitment and, if the scope and scale of this project increases, the petitioner would have to come back to the Board for approval or do a DPUD. He continued to explain the petitioner is aware of this. Mr. Dickerson asked if the Board should be concerned about dust leaving the site. Mr. Campanello stated he believes soil and water would be involved with what is leaving the site on tires. Mr. Dickerson stressed he is more concerned about what will leave the site in the air, as wood or concrete being grinded causes layers of dust on vehicles and homes, during crushing operations. He went on to say he wants the neighbors to the south protected, and prevent complaint phone calls. Mr. Miller stated he would be in favor to limiting recycling to concrete only. Mr. Dickerson agreed, as the petitioner could always come back to discuss having other resources crushed, but for today's request there needs to be restraints in place to protect the neighboring property owners. Mr. Campanello asked the petitioner to come back up. Mr. Bontrager responded that he has no intention to get into the wood market. He stated his only push back to a condition of concrete only is that asphalt has similar characteristics to concrete, so he is asking that those two items be approved for recycling and crushing. Mr. Campanello stated asphalt is part of the normal excavation process as well. Mr. Dickerson asked when the crushing process is going on, if water will be added. Mr. Bontrager responded he would definitely make sure to water and protect his neighbors, as they have been nice and are good people. Mr. Dickerson stated the county needs resources, and it is a good business. Mr. Norman agrees with the concerns about dust, because winds come from the north and head towards the south neighbors. He added if a wind storm comes in while crushing, it could cause issues. Mr. Bontrager responded he doesn't want to cause issues, and, if storms come, they will crush on other dates without storms and winds. Mr. Dickerson stated there are restrictions in place for this type of business already, but he wanted to know the logic behind the process. Mr. Hesser asked if asphalt was no longer a concern.

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 resource extraction 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 (8/13/2021), the petitioner's testimony, and as represented in the Special Use application.
2. The request includes approval for concrete and asphalt recycling only, no wood processing is permitted on the real estate.

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

Yes: Brian Dickerson, Tony Campanello, Roger Miller, Ron Norman, Randy Hesser.

6. The application of *Lavon J. Borkholder & Katie M. Borkholder* 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 West side of CR 37, 1,600 ft. North of CR 44, common address of 67613 CR 37 in Benton 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-0681-2021*.

There were 10 neighboring property owners notified of this request.

Lavon Borkholder, 67613 CR 37, Millersburg, was present for this petition. He stated he is asking for 2 horses for transportation and to build a small barn behind the house for the horses and hay. Mr. Hesser clarified he is asking for 2 horses. Mr. Miller asked what he plans to do with the waste. Mr. Borkholder responded he will use some on his pasture, and the rest will go to his son's property for his pasture.

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 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 (8/16/2021) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of two (2) adult horses at any one time.

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

Yes: Brian Dickerson, Tony Campanello, Roger Miller, Ron Norman, Randy Hesser.

7. The application of *Bashor Orphanage Methodist Episcopal Church* for an Amendment to an existing Special Use for a social service establishment to allow for four new signs on property located on the Southeast corner of CR 15 & CR 30, common address of 62226 CR 15 in Harrison 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-0629-2021*.

There were 16 neighboring property owners notified of this request.

Randy Davis, 54635 Chalmers Dr., Osceola, was present representing Bashor Orphanage. He explained that Basher is asking to put more identification on the new facilities that were just completed. He continued saying there will also be a double face monument sign. Mr. Hesser clarified none of the signs are along the road. Mr. Davis stressed none of the signs are near the road at all and aren't visible from the road. Mr. Hesser clarified there is no new construction, as that was all done before.

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 an Amendment to an existing Special Use for a social service establishment to allow for four new signs 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 (7/28/2021) and as represented in the Special Use application.

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

Yes: Brian Dickerson, Tony Campanello, Roger Miller, Ron Norman, Randy Hesser.

8. The application of *James J. Sciba & Brenda A. Sciba, Husband & Wife* 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 West side of CR 21, 515 ft. North of CR 6, common address of 52905 CR 21 in Washington Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0678-2021*.

There were 11 neighboring property owners notified of this request.

Brenda Sciba, 52905 CR 21, Bristol, was present. She stated she would like to keep the animals, and she has had animals on this property for 32 years. She explained she never knew there was a problem with having less than 3 acres and agricultural animals. She continued to say they have been involved with 4-H for over 30 years. She went on to say her eldest son lives on the adjoining property to the south, and they help each other. She then explained her son rescued a mare, who was about to be put down, and she is now a beautiful mare. She stressed the vet said she would have passed away, if they wouldn't have stepped into care for her. She reiterated her hope is to allow her granddaughters to continue having access to the animals and participate in 4-H with them. Mr. Campanello asked why someone might have complained. Mrs. Sciba responded there was an issue 2 years ago, a new owner moved in across the street, and there have been issues with him. She added there was also a restraining order, and that would be the only person who may have complained. Mr. Campanello clarified her animals don't get out. Mr. Hesser asked about fencing around the property. Mrs. Sciba responded the animals are fenced in, but the house isn't fenced in. Mr. Hesser asked her to show on the aerial where the fenced in area is at. She showed on the aerial where the fenced in area is on the south side of the property, and there's a small fenced in area for the dog behind the house. Mr. Campanello stated that it is important to keep animals on site when doing 4-H, and over the years it seems they have been doing a good job of keeping the animals contained. Mr. Hesser clarified how many goats were being asked for, as the application asked for 15 goats. Mrs. Sciba responded that should be enough for breeding season and 4-H. Mr. Miller explained the quantity doesn't include babies, it is for adult animals only. Mrs. Sciba stressed that would be more than enough.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Campanello stated it appears to him that the petitioner has been a very good neighbor. Mr. Hesser suggested to stay with the 15 goats, as she said that would be enough after explaining that in breeding season the babies don't count towards the 15 goat limit.

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

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. The legal descriptions of both subject tracts must be recorded on a single deed.

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted 8/16/2021 and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of fifteen (15) goats, two (2) horses, and one (1) miniature horse at any one time.

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

Yes: Brian Dickerson, Tony Campanello, Roger Miller, Ron Norman, Randy Hesser.

9. The application of **Russell Tesser** for a Special Use for a home workshop/business for a food truck commissary and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the West side of Conn Ave., 575 ft. North of CR 10, common address of 54397 Conn Ave. in Osolo Township, zoned R-2, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0673-2021*.

There were 28 neighboring property owners notified of this request.

Russell Tesser, 54397 Conn Ave., Elkhart, was present for the petition. He explained his wife wants to start a commissary, and he needs a building to store the trailer as it will be for food. Mr. Campanello asked if the product will be made then taken to the vender. Mr. Tesser responded yes. Mr. Campanello asked if there will be any retail sales off of the property, and if there will be trucks coming in and out for deliveries of food or supplies. Mr. Tesser responded only his own food trucks. Mr. Campanello clarified that this isn't only a commissary, but a place where he will be staging, loading, and leaving with the truck. Mr. Tesser clarified his wife is the only employee. Mr. Campanello asked if they will get bigger. Mr. Tesser responded he hopes to get bigger. Mr. Hesser asked if the food truck was on property. It was clarified this is a food trailer not truck. Mr. Dickerson asked if this is an everyday operation or how many days a week. Mr. Tesser responded it will be 5 days a week. He went on to explain where he wants to put the building, is on the north side of the house not the south side. Mr. Dickerson asked if he started this business already. Mr. Tesser responded no, this is something new.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Campanello stated this seems like an odd place to have this business, but there are no objections. He added they will have to deal with the Environmental Health Department. Mr. Miller stated he doesn't see this making noise or pollution. He continued to say this should be limited to one vehicle. Mr. Campanello explained if he gets larger then he will have to come back to the Board for permission. Mr. Dickerson asked the petitioner if there is an intent to do break trucks and service factories. Mr. Tesser responded no, the truck is to be able to move to areas large enough to set up and do big luncheons, where his wife will cook in the trailer. Mr. Dickerson stated break and food trucks are offered, and he doesn't want to see this turned into 15 trucks coming in and out of his residence. Mr. Hesser clarified they would have to come back to ask for that if they change to more than one truck. He noted the trailer will be stored inside not outside. Mr. Norman asked if they will go to festivals. Mr. Tesser responded yes, anything where there are lots of people.

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 a home workshop/business for a food truck commissary 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 (8/16/2021) and as represented in the Special Use application.

Further, the motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right 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 issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (8/16/2021) and as represented in the Developmental Variance application.

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

Yes: Brian Dickerson, Tony Campanello, Roger Miller, Ron Norman, Randy Hesser.

10. The application of *Grace Bible Baptist Church of New Paris Indiana, Inc.* for an Amendment to an existing Special Use for a place of worship and school to allow for an electronic message center and for a Developmental Variance to allow for an electronic message center within 300 ft. of a residence on property located on the Southeast corner of CR 23 (Division St.) & 6th St., common address of 68080 CR 23 in Jackson Township, zoned R-2, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0651-2021*.

There were 62 neighboring property owners notified of this request.

Joel Walenbeck, 68080 CR 23, New Paris, was present representing the church. He stated the existing sign to be taken down, and the plan is to put a digital sign in the exact spot. He stressed the new sign will not take up any more space than is already currently being used.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Miller stated the State changed the night time requirements, and the signs are manufactured to not be as bright at night.

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 an Amendment to an existing Special Use for a place of worship and school to allow for an electronic message center 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 petitioner must provide a revised site plan for approval by staff showing the actual sign dimensions and setbacks from Division Street.

The following commitment was imposed:

1. The request is approved in accordance with the site plan to be submitted for staff approval and as represented in the Special Use Amendment application.

Further, the motion also included that a Developmental Variance to allow for an electronic message center within 300 ft. 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 issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The petitioner must provide a revised site plan for approval by staff showing actual sign dimensions and setbacks from Division Street.
3. The request is approved in accordance with the site plan to be submitted for staff approval and as represented in the Developmental Variance application.

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

Yes: Brian Dickerson, Tony Campanello, Roger Miller, Ron Norman, Randy Hesser.

11. The application of *Luke A. Miller & Velda Miller, Husband & Wife* for a Special Use for a home workshop/business for a wood working business, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a Developmental Variance to allow for 4 outside employees (Ordinance allows 2) on property located on the East side of CR 33, 2,400 ft. South of SR 4, common address of 62270 CR 33 in Clinton 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-0674-2021*.

There were five neighboring property owners notified of this request.

Harley Bontrager, 57342 CR 116, Middlebury, was present as the contractor for the petitioner. He explained that at this point they aren't planning on adding employees, but they wanted to make sure they will be allowed more employees in case they expand. He stated they are very tight in their work area and need more room. Mr. Campanello stated there isn't much more area to expand on at this location. Mr. Bontrager showed on the aerial where the expansion will go on the north side, and also showed where the motor room is located. Mr. Hesser asked how much use there is for parking spaces. Mr. Bontrager responded there isn't really a need for parking, and showed where the loading dock is on the aerial. He explained that the workers come on bikes. He stressed there aren't really customers coming to the shop. Mr. Hesser asked if there are semis coming to the property. Mr. Bontrager responded none that he is aware of; the product is just built on site, not finished out. Mr. Campanello stated there appears to be room to turn a semi around on the property if needed.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Campanello stated even though they don't need it right now, they are still asking for more employees. He asked should more employees be approved today or make them come back. Attorney Kolbus clarified more employees can be approved today.

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

Motion: Action: Approve, **Moved by** Tony Campanello, **Seconded by** Ron Norman 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 wood working business 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 (8/16/2021) and as represented in the Special Use application.

Further, the motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a Developmental Variance to allow for 4 outside employees (Ordinance allows 2) be approved with the following conditions imposed:

1. Variances from the developmental standards of the Zoning Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (8/16/2021) and as represented in the Developmental Variance application.

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

Yes: Brian Dickerson, Tony Campanello, Roger Miller, Ron Norman, Randy Hesser.

12. The application of *Devon E. Bontrager & Julie A. Bontrager, Husband & Wife* for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the South side of US 20, 1,335 ft. West of CR 43, common address of 11234 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-0675-2021*.

There were eight neighboring property owners notified of this request.

Devon Bontrager, 11234 US 20, Middlebury, was present. He explained he wants to build a shop/barn for his horses. He went on to say the barn will be 40 ft. x 60 ft. He explained 40 ft. x 20 ft. will be for the transportation horses, and 40 ft. x 40 ft. is for storage as he collects garden tractors that need to stay inside. Mr. Hesser clarified just 2 horses.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** 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 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 (8/16/2021) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of two (2) adult horses at any one time.

Further, the motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right 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 issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (8/16/2021) and as represented in the Developmental Variance application.

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

Yes: Brian Dickerson, Tony Campanello, Roger Miller, Ron Norman, Randy Hesser.

13. The application of *AMMF Trustee Corporation (Land Contract Holder) & Devon A. Hochstetler & Martina Kay Hochstetler, Husband & Wife (Land Contract Purchaser)* for a Special Use for a home workshop/business for a kitchen cabinet finishing shop and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the East side of CR 1, 1,660 ft. North of CR 50, common address of 70136 CR 1 in Locke Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0679-2021*.

There was one neighboring property owner notified of this request.

Charlie Zercher, Kindig & Sloat, 102 Heritage Parkway, Nappanee, was present representing the petitioner. He explained he is alone today as the petitioner couldn't leave his job. He continued saying the petitioner wants to operate a cabinet finishing home workshop in the current building. He went on to say they will stay within the 2 outside employees limit with hours Monday through Friday, 6am to 2pm, no weekends, no outdoor storage. He added there is room to drive semis in and out on the u-shape drive. He stressed deliveries are less than 8 a week as they get one to two kitchens dropped off per week to finish, and another kitchen isn't dropped off until a finished set is ready to be picked up. He stated the generator will have silencers. He noted the exhaust fans will run at low rpm's, so the sound shouldn't carry past the subject property. He continued to say the petitioner talked to the closest neighbor, and they have no objections. He reiterated the generator and exhaust fans will be installed by a contractor to ensure they don't create sound outside of the property. He stressed no new buildings or additions will be constructed. He noted the petitioner has a smaller house, a barn for agricultural use and one building for personal storage, that isn't part of the business. He showed on the aerial which building is being used for the business. Mr. Hesser asked to clarify an area on the aerial, and it was determined to be a shadow of a building, not another building. Mr. Campanello asked if the chemicals used are water-based. Mr. Zercher responded the chemicals are a poly-based finish, but he isn't sure how much is water-based. Mr. Miller asked about deliveries and pick-ups. Mr. Zercher responded to his understanding the customers will bring in the kitchens to be finished on trailers and then come back to pick it up, when it is done. He stressed there will be no retail sales or activities, just finishing kitchens that are already constructed.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Campanello stated the petitioner is going to have professional installations done on the exhaust fans.

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 Special Use for a home workshop/business for a kitchen cabinet finishing shop 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 (8/16/2021) and as represented in the Special Use application.

Further, the motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right 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 issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (8/16/2021) and as represented in the Developmental Variance application.

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

Yes: Brian Dickerson, Randy Hesser, Roger Miller, Ron Norman, Tony Campanello.

14. The application of *Gloworm LLC* for a Use Variance to allow for the placement of an accessory structure without a residence and for a 20 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the placement of an accessory structure 30 ft. from the centerline of the right-of-way on property located on the North side of North Shore Dr., 3,300 ft. East of SR 19, in Osolo Township, zoned R-2, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #UV-0683-2021*.

Mr. Miller asked why Staff is recommending approval of an accessory building with no house. Mr. Auvil explained the parcel is owned by property owner to the north and the accessory structure is used to maintain all the properties they own adjacent to this subject property. He continued to say it is a stand-alone parcel with an accessory structure.

There were 35 neighboring property owners notified of this request.

Michael Harding, was present representing the petitioner. He explained Patricia Linn is his mother-in-law, and she co-founded and owns Gloworm with her husband. He showed on the aerial where the subject property is located, and the other properties that have been purchased over the years by the petitioner. He stated Northshore Landings is a 28 lot subdivision that is now full, and that development was started 9 years ago. He showed on the aerial where a parking lot area is with a basketball and volleyball court, and where a building was moved for storage onto that property, which was done 30 years ago. He explained a year ago when the current shed was falling down, they replaced it with the new shed that is sitting there now. Mr. Hesser asked what building to the east side was. Mr. Harding responded that building has been torn down and is now just green space. He showed on the aerial where his daughter lives, and where his son owns property south of the subject property. He stressed the subject property is used for family events and parking. Mr. Hesser asked if the new shed is in the same spot or closer to road. Mr. Harding responded the new shed was placed closer to the road temporarily until it was placed in its current spot. He went on to explain he believed where the shed is placed now was in compliance, but someone called in a complaint. He noted it was found the shed was too close to the road. Mr. Hesser asked if what is being asked is to leave the shed in the current spot or put it back in the original spot. Mr. Harding responded the current spot is in violation, which is why he is here today. He stressed Gloworm is

comprised of 6 children, and in most situations there is general agreement the shed should go in the same area as the original shed. He explained it stores summer activity equipment. Mr. Norman asked why it couldn't be placed where it would be in compliance. Mr. Harding responded there was talk of putting in a basketball and volleyball court, but they started with the shed placement first. Mr. Norman clarified the shed would encroach on their future plans. Mr. Harding responded yes, this isn't just a one family thing as there are 28 grandchildren and 26 great grandchildren, and on any given holiday weekend there are 50-75 people out there playing and gathering for family time. He reiterated this is a family compound for their entire family to use year round, and approval would allow the shed to not interfere with future developmental plans. Mr. Hesser asked if the petitioner would have any objection to not selling this parcel unless it is sold with another parcel that has a residence. Mr. Harding responded this parcel will always be a part of Gloworm. Mr. Hesser clarified when accessory structures are approved without a residence that parcel is usually tied with the parcel that has a residence, because if the property gets sold separately to a third party, that creates an issue. Mr. Harding responded there was a little fear of that last year, as there was interest in the property and splitting up the Gloworm properties. He stressed that Gloworm will never sell off properties. Mr. Hesser stressed he has an issue with approving this without the subject parcel being tied to another parcel with a residence. Mr. Harding explained the subject property is deeded with another property to the south, and the house is really small, which is why they need more storage space. Mr. Miller clarified he could still sell the property across the street without legal changes, and that's his issue. He stressed he is confused as to why Staff recommended approval. Mr. Campanello stated this property has been used for a long time for tennis courts and other activities, all that is being asked for is this small shed. Mr. Miller stressed there hasn't been approval in the past specifically when the parcels are not deeded together. Mr. Hesser asked for clarification on the subject property being tied to another property. Mr. Harding responded it is deeded to the property to the south. Mr. Miller asked if they sold the property to the south, would the subject property go with that. Attorney Kolbus clarified the petitioner means they are titled in the name of Gloworm, however, the deed shows this is a stand-alone parcel that isn't on a combined deed with the lake parcel to the south

Jason Auvil came up. He asked the Board to keep in mind this is tied to the site plan, and this little shed is all they now could do. He went on to say that a letter was received by a remonstrator. He explained the letter was received by Staff on 9/9/21 from Jimmy and Karen Shackle, 25918 Quail Ridge Dr., and they were writing on behalf of a neighbor adjacent to the subject property. He read the letter, and then submitted the letter *[Attached to file as Staff Exhibit #1]*.

Mr. Harding came back up to respond to the letter. He showed where Gloworm owns another property near the subject property and stated the Board can see that the subject property is surrounded by Gloworm owned properties. He stressed the family is here for the long haul with no intent in the family structure of the 6 children to ever sell, unless it is within the family. Mr. Hesser stated the Board can't approve request for specific owners, as approval has to do with the land use. He continued saying this parcel needs to be tied to another parcel that is owned by another family member. He went on to say that if this is sold separately, not tied to another parcel, then this isn't a residential use. Mr. Campanello asked if that could be made a commitment. It was clarified that the petitioner's need to put the subject property on the same deed as another property owned by them that has a residence. Mr. Harding clarified the address to the property owned by Gloworm address is 25834 North Shore Dr. Mr. Campanello asked if the parcels had to be deeded

together now or after approval with the commitment that this will get deeded together. Mr. Hesser responded it will be a commitment that will have to be done. Mr. Harding stressed he could have the parcels deeded together today that wouldn't be an issue. Mr. Auvil clarified the properties have to be on one recorded deed. Mr. Harding stated there were issues in the past with one of the neighbors with dumping in the row of pine trees on the property and last year they told him that he couldn't do that anymore, which is where the complaint is most likely coming from. Mr. Miller stated even if all of the neighbors were in favor, the Board would still require the properties to be deeded together. Mr. Harding stressed variances have been approved all up and down North Shore Drive, and there hasn't been one issue with the neighbors on that road. Mr. Norman clarified which neighbor was concerned about the property values based on the letter writer. Mr. Harding stated he will work with Mr. Auvil then on the process of getting the proper deeds recorded to make sure this is in compliance.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** 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 the placement of an accessory structure without 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 commitments were imposed:

1. The request is approved in accordance with the site plan submitted (8/16/2021) and as represented in the Use Variance application.
2. The real estate and grantor's parcel, commonly known as 25834 North Shore Dr., must be tied together with a deed restriction that prohibits said parcels from being sold separately.

Further, the motion also included that a 20 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the placement of an accessory structure 30 ft. from the centerline of the right-of-way 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 issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (8/16/2021) and as represented in the Developmental Variance application.

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

Yes: Brian Dickerson, Tony Campanello, Roger Miller, Ron Norman, Randy Hesser.

15. The application of **Becky K. Campagna & Felicity J. Miller** for a 4 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of a detached garage 6 ft. from the north rear property line and for a Developmental Variance to allow for the total square footage

of accessory structures to exceed that allowed by right on property located on the Northwest corner of Banyan Cir., 745 ft. Northwest of River Manor Blvd., West of CR 13, common address of 23971 Banyan Cir. in Concord Township, zoned R-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DV-0666-2021*.

There were four neighboring property owners notified of this request.

Bobby Fisher, 23971 Banyan Cir., Elkhart, was present representing the petitioner. He explained that when he and his wife got married, he sold his lot that had a big pole barn on it, and now he has the garage full of everything and no room to park cars. He continued to explain this new barn would make room to move all the stuff from the garage into the barn in order to park in their garage again. He showed on the aerial where a portable shed is at. He stressed that portable shed will come down when he builds the new building. Mr. Hesser asked where the drainage and utility easement is located. Mr. Fisher responded he didn't know. Mr. Dean stated the easement runs along the entire north side of property. Mr. Hesser asked how wide that drainage is. Mr. Dean stated it comes down 20 feet off of the property line and expands the north boarder of the subject property. Mr. Fisher clarified he can't put the building 6 ft. off the property line then due to that easement. Mr. Dean responded that is correct, unless he replats his parcel. Mr. Campanello showed on the aerial where other barns and sheds are in the drainage easement sitting just as close, if not closer, than what the petitioner is asking to do. Mr. Fisher explained he was going to have the slab poured and make the building match the house so it blends in with the neighborhood. Mr. Campanello asked if the developer created the easement when the subdivision was created. Mr. Fisher responded he didn't know. Mr. Campanello asked if it is a dry easement. Mr. Dean responded he can't speak to what is physically there, but he can say what is shown on the plat. Mr. Hesser asked if the Board can change easements. Attorney Kolbus responded no, the Board can't change what is platted, and it would have to go through a Plat Commission Hearing. Mr. Hesser asked if the proposed building could be moved closer to the house. Mr. Fisher responded the neighbor's driveway is right on the property line and the corner will just barley leave room for them to go between the house and the new barn. Mr. Hesser asked if he moved it against the house and made it an addition would that work to be out of the easement. Mr. Norman asked what the distance between the house and proposed building will be. Mr. Fisher responded he didn't measure that and was waiting to see how close he could get to his property line. Mr. Miller asked if he shortened the building 10 ft., would he be able to make it without being in the easement. Mr. Campanello stated the Board can't design this for the petitioner at this time, and the Board has to either approve or deny the request.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser stated there are two options, as the Developmental Variance can't be done, and he would propose tabling the request to give petitioner time to make this work. Attorney Kolbus explained the Board could grant the square footage Developmental Variance, and the petitioner can work with Staff on the easement issue to build accordingly. Mr. Hesser clarified the Board would approve the square footage Developmental Variance but deny the setback Developmental Variance due to the encroachment. He continued then the petitioner can bring in a revised site plan to be approved by Staff. He clarified for the petitioner that the Board will vote and most likely approve the size variance, but they can't approve the placement as he will be on the easement.

Attorney Kolbus clarified he looked at the plat, and it is a 20 foot easement along the north property line.

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 4 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of a detached garage 6 ft. from the north rear property line be denied.

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

Yes: Brian Dickerson, Tony Campanello, Roger Miller, Ron Norman, Randy Hesser.

Motion: Action: Approve, Moved by Randy Hesser, **Seconded by** Brian Dickerson 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 Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right 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 issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the Building Permit (where required).
2. The petitioner must provide a revised site plan for approval by Staff showing the building outside of the drainage easement.
3. The request is approved in accordance with a revised site plan to be submitted for staff approval and as represented in the Developmental Variance application.

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

Yes: Brian Dickerson, Tony Campanello, Roger Miller, Ron Norman, Randy Hesser.

16. The application of *Traco LLC C/o Timothy Martin* for an 8 sq. ft. Developmental Variance (Ordinance allows 8 sq. ft.) to allow for an existing single-faced freestanding sign 16 sq. ft. in area and for a 1 ft. Developmental Variance (Ordinance allows 4 ft.) to allow for an existing single-faced freestanding sign 5 ft. in height on property located on the North side of CR 26, 1,685 ft. East of CR 9, in Concord Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DV-0671-2021*.

Mr. Hesser clarified there is no house on the subject property, just a barn. Mr. Campanello stated this property has been cleaned up nicely.

There were seven neighboring property owners notified of this request.

Tonya Martinez, 23814 Cole St., Elkhart, was present representing her mother for this request. Mrs. Martinez stated they would like to keep the sign. She stressed the events held on the property are just for family to go there and hang out, as her mother has 15 grandchildren and 19 great grandchildren. Mr. Hesser clarified this isn't a retail use, where they rent the space out. Mrs. Martinez responded no, it's just for their family to get together. She continued to say the sign was her father's dream to have a place for their family, and the sign is their family name. She explained it was her fault she forgot to come get a permit for the sign, but there is no retail use. She added

they are not trying to advertise anything. Mr. Miller asked what the sign says. Mrs. Martinez responded it says Ranch-Martinez, which is their family's name. Mr. Campanello asked if it was too close to the road. Mrs. Martinez responded no, the issue is the sign is too big, as it is 8 ft. long by 2 ft. tall. Mr. Campanello asked if the sign was put further from the road if that would clear up the issues. It was clarified that isn't the issue, and the problem is that the size of the sign is over the Zoning Ordinance allowance. Mrs. Martinez clarified no one lives there, and they bring in a generator for when they have gatherings.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Campanello stated they took a bad piece of property and cleaned it up beautifully.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Brian Dickerson that this request for an 8 sq. ft. Developmental Variance (Ordinance allows 8 sq. ft.) to allow for an existing single-faced freestanding sign 16 sq. ft. in area and for a 1 ft. Developmental Variance (Ordinance allows 4 ft.) to allow for an existing single-faced freestanding sign 5 ft. in height be approved based on the findings and conclusions of the Board:

1. Approval of the request will be not injurious to public health, safety, morals, or general welfare.
2. Approval of the request will not cause substantial adverse effect on neighboring property.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property.

The following commitments were imposed:

1. A variance from the development standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the grant and construction of work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (8/13/2021) as represented in the petitioner's testimony, and as represented in the Developmental Variance application.

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

Yes: Brian Dickerson, Tony Campanello, Roger Miller, Ron Norman, Randy Hesser.

17. The application of *Daniel W. Emmans* for a requested rescission of a Special Use for a home workshop/business for vehicle repair and service for failure to comply with condition(s) and/or commitment(s) imposed by the Board of Zoning Appeals on property located on the Southwest corner of SR 15 & State Line Rd., common address of 50779 SR 15 in Washington Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0322-2018*.

Mr. Auvil explained after repeated attempts to contact Mr. Emmans, no contact has been made.

There were no neighboring property owners notified of this request.

No petitioner was present.
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: Rescind, **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 requested rescission of a Special Use for a home workshop/business for vehicle repair and service for failure to comply with condition(s) and/or commitment(s) imposed by the Board of Zoning Appeals be rescinded.

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

Yes: Brian Dickerson, Tony Campanello, Roger Miller, Ron Norman, Randy Hesser.

18. The Staff Item for the rescission of the Special Use for Alonzo Ketchum was presented by Jason Auvil.

Mr. Auvil stated the property has changed ownership, and the current owner placed the home on a crawlspace. He noted it is now considered a permanent residence, so the Special Use is no longer needed.

Mr. Hesser asked if the petitioner is aware of this being rescinded. Mr. Auvil responded that is correct, and he is the one who requested this action.

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

Motion: Action: Rescind, **Moved by** Randy Hesser, **Seconded by** Tony Campanello that the request for a Special Use for a mobile home be rescinded at the request of the petitioner.

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

Yes: Brian Dickerson, Tony Campanello, Roger Miller, Ron Norman, Randy Hesser.

19. The meeting was adjourned at 10:51 A.M.

Respectfully submitted,

Danielle Richards, Recording Secretary

Randy Hesser, Chairman

Tony Campanello, Secretary