

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 19th DAY OF MAY 2022 AT 9:00 A.M.
MEETING ROOMS 104, 106, & 108 – ADMINISTRATION BUILDING
117 N. 2nd STREET, 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; Danny Dean, Planner; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Deb Cramer, David Miller, Randy Hesser, Ron Norman, Roger Miller.

Absent: Steve Warner.

2. A motion was made and seconded (*Norman/Roger Miller*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 21st day of April 2022 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Norman/Cramer*) 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 *Selig Investments LLC* 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 CR 138, 795 ft. East of US 33, common address of 16346 CR 138 in Elkhart 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-0204-2022*.

There were 24 neighboring property owners notified of this request.

Jason Miller, 16346 CR 138, Goshen, was present for this request. He explained he has had the horse for 1 year on the subject property, and he wasn't aware of the Zoning Ordinance. He went on to say he uses the horse, when he is not working, for transportation. Mr. Hesser asked if the subject property is a rental property. Mr. Jason Miller responded no it is not, it is an investment property for his father. Mr. Hesser asked who lives in the residence. Mr. Jason Miller responded his dad lives in the home.

Mr. Auvil read a letter from Darlene Wolski, 16328 CR 138, Goshen, who is in support of this request. [Attached to file as Staff Exhibit #1] She states she lives right next door to the subject property and has no issues with the horse. She continued to say having the horse brightens her day when she sees and hears the horse, and she enjoys having the horse nearby her home.

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 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 (3/28/2022) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of one (1) adult horse at any one time.

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

Yes: Deb Cramer, David Miller, Ron Norman, Roger Miller, Randy Hesser.

5. The application of *Tri Lakes Community Church, Inc.* for an Amendment to an existing Special Use for a place of worship to add property for a youth building on property located on the West side of CR 23, 1,640 ft. North of CR 2, common address of 50755 CR 23 in Washington 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-0251-2022*.

There were 22 neighboring property owners notified of this request.

No petitioner was present, moved to the end of the 8:00 A.M. time slot.

See item #8 on page 5.

6. The application of *Adam B. Graber Roth & Karen E. Graber Roth, Husband & Wife* for a Special Use for a ground-mounted solar array on property located on the Southwest side of Meadow Ridge Dr., 1,755 ft. Southeast of CR 21, common address of 64339 Meadow Ridge Dr. in Elkhart 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-0257-2022*.

There were 14 neighboring property owners notified of this request.

Rebecca Mitschelen, Solar Energy Systems, 8015 W 1350 N, Nappanee, was present representing the petitioner. She stated they are wanting to add a solar array without removing trees, which is why the ground-mounted option is being asked for instead of roof-mounted. She continued to say with the ground-mounted array they will only have to trim some trees, instead of taking trees down. She stressed most of the solar array will be blocked from the road, all wires will be trenched underground, and they will stay within the setbacks. Mr. Hesser asked what the field behind the subject property is used for. Mrs. Mitschelen responded she isn't sure, though she thinks it is just for agricultural use. Mr. Hesser asked if the parcel has restrictions from the Home Owners Association or any restrictive covenants. Mrs. Mitschelen responded not that she has been made aware of.

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** 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 ground-mounted solar array be approved with the following condition imposed:

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (4/11/2022) and as represented in the Special Use application.

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

Yes: Deb Cramer, David Miller, Ron Norman Roger Miller, Randy Hesser.

7. The application of **Joshua J. Weaver** 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 corner of Southwood Dr. & Midland Dr., common address of 54237 Southwood Dr. 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-0286-2022*.

There were 41 neighboring property owners notified of this request.

No petitioner was present at this time.

Mr. Auvil read a letter from Howard Holmes, 54211 Southwood Dr., Elkhart, in remonstrance with 29 neighboring signatures. *[Attached to file as Staff Exhibit #1]*. Mr. Holmes states he believes the property owner does not take care of animals, the chickens are getting out into the street, and they have one rooster that crows all day and night. He went on to say that the pig is an issue, and they feel that if someone wants a farm they should live in an A-1 zone, not an R-1 zone.

Ernest Livengood, 551 S. Locke, Nappanee, was present in remonstrance. He stated this has been a problem for a while, there is trash in the back yard with chicken poop all over. He submitted photos of the subject property *[Attached to file as Remonstrator Exhibit #1]*. He stressed this is not an agriculture situation. Mr. Auvil asked him if he owns the home. Mr. Livengood responded yes, it used to be his mother's. He added he was going to sell it to his daughter, but she bought a bigger house in the country. Mr. Hesser asked if he owns the home on the subject property. Mr. Livengood responded no, he owns the house on the street behind the subject property, on B Ct. It was clarified Mr. Livengood doesn't own the home that is the subject of the petition.

Duane Schwerha, 27741 A. Ct., Elkhart, was present in remonstrance. He stated he has lived in his home for almost 20 years, and the subject house is across the street from a burnt down house, that no one has done anything with. He went on to say on any given day he can see 5 feral cats and a dozen dogs all over the neighborhood. He added he is not for this petition because the property is being taken care of poorly. He noted he doesn't see this being kept clean with animals. He stressed that in the middle of the night he can hear the dogs. Mr. Roger Miller asked if the neighborhood dogs are specific to this property. Mr. Schwerha responded people pull up and just drop off cats all the time. Mr. Roger Miller asked what that has to do with this petition. Mr. Schwerha responded the animals run feral, and yesterday there were 11 cars in the front yard of the subject property blocking the corner. Additionally, he went on to say, last week there was an

old tire truck on the property, but it was cleaned up in the last couple weeks. He reiterated he is against this request, because all it has done is lower his property value.

Joshua Weaver, 54237 Southwood Dr., Elkhart, was now present for this request. He stated he has been working on cleaning up the property, but it is a work in progress. He continued to say the potbelly pig was beaten and abused when he rescued him, and he is now too big to be in the house. He went on to say he put him in the back yard. He added when the pandemic happened he decided to get a couple of chickens. He stressed he didn't realize he was breaking the rules, and he doesn't want to pull the plug on having the chickens. He went on to say he uses the eggs for food and donates the eggs to Susan's Kitchen, and when the chickens aren't laying eggs, his neighbor will cook them up for them to eat it. He stated he doesn't have any feral cats, there have never been 11 cars in his yard, and the box truck is gone as he needed the money. He stressed a couple of the chickens and the pig aren't hurting anyone, as there is a 6 ft. privacy fence and a chain link fence that keeps the pig on the property. Mr. Norman asked if the number of animals being asked for on the application is the amount of animals he is requesting. Mr. Weaver responded he put down what he currently has, but a few of them died. Further, he continued to say he now only has 2 meat birds that are too fat to fly, but the neighbor's chickens fly over the fence to his yard to eat and drink. However, he added he has 13-14 chickens with a couple of roosters. Mr. Norman asked if he is agreeable to 1 potbelly pig, 12 chickens, and no roosters. Mr. Weaver responded he is agreeable, though it may take a couple of days to get them all off of the property. Mrs. Cramer stated that he brought up there are chickens flying over the fence. She then asked for clarification on what chickens are flying over the fence. Mr. Weaver responded the chickens flying over the fence are his neighbors and they come to his house because he always has lots of food out for the chickens. He explained he feeds them bread from Jimmy John's along with apples and lettuce from Wendy's, and he has a wading pool.

The public hearing was closed at this time.

Mr. Hesser stated as far as the 12 chickens it is almost routine for the Board to approve, though the issue he is concerned most about is that this is a relatively small lot to contain the animals. He continued to say no one spoke about his animals not being contained. However, one of his concerns for allowing the chickens in a dense area has to do with land management, and he is very concerned about the photos from the Staff Report and that were submitted by a remonstrator. Mrs. Cramer stressed there shouldn't be any roosters at all. She asked if the Board should allow meat birds. Mr. Hesser responded chickens are chickens, whether they are meat birds or for eggs. Mrs. Cramer stated the 6 ft. fence should keep the chickens in, because they can't fly very well. Mr. Norman explained chickens can fly that high, and it depends on if the wings are clipped or not. Mr. Hesser stressed he is inclined to not allow the pig, though he understands it is a potbelly pig. Mr. Roger Miller stated the Board has approved pigs before in a residential area, but the restriction should be a period of a year to see if problems still exist. He went on to say one of the problems Mr. Weaver has, is that he is being too kind to the neighbor's chickens, and that's why they keep showing up. He continued to explain the neighbor's chickens, become his problem as they are on his property. Mrs. Cramer stated she doesn't know if this should be approved for one year, and she would agree to only allow for a 6 month period. Mr. Norman agreed 6 months is enough time to thin down to 12 chickens as well. Mrs. Cramer asked if potbelly pigs are usually house pigs. She went on to say if this one is outdoors then it is more a farm animal. Mr. Norman stated pigs aren't a small animal regardless. Further, he stated that if this was in a low density area

then maybe he could be agreeable to the pig, but it should be kept to 12 chickens and no roosters with 6 months to find a nice home for the pig. Mrs. Cramer agreed with Mr. Norman, but she didn't agree that he needs 6 months to get rid of the pig. Mr. Roger Miller stated the Board has approved pot belly pigs on a smaller lot in the past. Mrs. Cramer asked if that was a high density area. Mr. Roger Miller responded it was even denser than this area, yes. Mr. Hesser explained the one he can remember was on a similar sized lot, and it was a better maintained property than this one. Mr. Norman stressed the subject property is just shy of a quarter of an acre with chickens and dogs. Mr. Roger Miller stressed the Board just has to look at if he is allowed to have the pig and not look at if the house is kept up, as that isn't in question. He stressed he is against the pig being removed.

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

Motion: Action: Approve, **Moved by** Ron Norman, **Seconded by** Deb Cramer 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 petitioner has six (6) months to reduce the number of chickens down to twelve (12) on the property and to remove the potbellied pig.

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (4/18/2022) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of twelve (12) chickens at any one time, and no roosters.
3. Approved for a period of six (6) months. Any renewal shall require a new application and hearing before the Elkhart County Advisory Board of Zoning Appeals.

Vote: Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).

Yes: Deb Cramer, David Miller, Ron Norman, Randy Hesser.

No: Roger Miller.

8. The application of *Tri Lakes Community Church, Inc.* for an Amendment to an existing Special Use for a place of worship to add property for a youth building, previously heard as Item #5 on Page 2 was recalled at this time.

John Slabach, New Horizon Builders, 12634 CR 4, Middlebury, was present representing the petitioner. He explained this building will be for the youth of the church, with a couple of bathrooms to make it a nice area for them to hang out. Mr. Hesser asked if everything will be within the existing building footprint. Mr. Slabach responded yes. Mr. Hesser asked Staff if they are okay with the site plan. Mr. Auvil responded yes. Mr. Roger Miller clarified none of the buildings shown will be new. Mr. Slabach stressed the buildings are existing. Mr. Hesser asked for clarification for which building he is referring to on the site plan. It was clarified which building on the site plan they are putting the bathrooms in and using for youth.

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 an Amendment to an existing Special Use for a place of worship to add property for a youth building 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 (4/7/2022) and as represented in the Special Use Amendment application.

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

Yes: Deb Cramer, David Miller, Ron Norman, Roger Miller, Randy Hesser.

9. The application of *Old Order Mennonite Schools of Elkhart County* for an Amendment to an existing Special Use for a school to allow for an addition on property located on the East side of CR 7, 1,285 ft. North of CR 42, common address of 66744 CR 7 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-0271-2022*.

There were eight neighboring property owners notified of this request.

Naaman Martin, Chariman of the Old Order Mennonite Schools, 24635 CR 8, Goshen, was present for this request. He stated they want to add a 20 ft. x 48 ft. addition as the community is growing, and there is a need for more room for the children.

Aaron Imhoff, Co-Chairman of the Old Order Mennonite Schools, 68191 CR 19, New Paris, was present in support of this request. He stated he is in favor of continuing to give the children a better place to attend school.

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** Ron Norman, **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 school to allow for an addition 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.

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (4/14/2022) and as represented in the Special Use Amendment application.

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

Yes: Deb Cramer, David Miller, Ron Norman, Roger Miller, Randy Hesser.

10. The application of *Clinton Frame Mennonite Church, Inc.* for an Amendment to an existing Special Use for a place of worship to allow for a free-standing sign on property located on the East side of CR 35, 900 ft. North of CR 36, common address of 63846 CR 35 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-0277-2022*.

There were seven neighboring property owners notified of this request.

Stephanie Lehman, Sighntech Sign Services, 1508 Basher Rd., Goshen, was present representing the petitioner. She stated the petitioner's want to put in a new illuminated sign for promotion of the coffee shop, on the northeast parcel along CR 35 with a 50 ft. setback on the east side of the sidewalk. She went on to say that this will give people traveling along CR 35 a visual for the entrance of the coffee shop. Mr. Roger Miller asked whether or not they are replacing the current sign. Mrs. Lehman responded there isn't a current sign for the coffee shop. She continued saying there is a sign for the church on a different parcel, but that is staying. Mrs. Cramer clarified the sign is 50 ft. off the road. Mrs. Lehman responded the sign is 50 ft. from the centerline of the right-of-way, and instead of putting the sign in the grass median they thought it was best to place it where they are proposing to ensure it wasn't a visual safety issue for people entering, exiting, or walking down the side walk.

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** Ron Norman, **Seconded by** Deb Cramer 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 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 (4/18/2022) and as represented in the Special Use Amendment application.

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

Yes: Deb Cramer, David Miller, Ron Norman, Roger Miller, Randy Hesser.

11. The application of *Scott A. Phillips & Ora R. Phillips (Deceased), Husband & Wife* for a Special Use for a cemetery on property located on the West side of CR 7, 1,045 ft. South of CR 20 (Mishawaka Rd.), common address of 58119 CR 7 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 #SUP-0274-2022*.

There were nine neighboring property owners notified of this request.

Scott Phillips, 58119 CR 7, Elkhart, was present for this request. He explained he wants to move his wife to their home where she can be buried with family. Mr. Hesser asked if there will be a specific area for the cemetery and burial plots. Mr. Dean stated it is all the way on the back part of the property. Mr. Hesser asked if it was limited to the area shown on the site plan. Mr. Dean responded yes. Mrs. Cramer asked how far away from the property line the cemetery is going to be placed. Mr. Phillips responded there is nothing set in stone, and he can move the burial sites wherever needed to maintain the rules. Attorney Kolbus asked if the site plan shows the distance, as the Board's copy is cut off. Mrs. Gilbert responded it doesn't show an exact distance, but the site plan shows a 2 ft. to 3 ft. earth mound behind the cemetery site. Mr. Norman asked if there was a required setback for a cemetery. Mr. Auvil responded no. Mr. Phillips explained they put in a roadway back to the cemetery site, and it was made to look like a nice park area.

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** Ron Norman, **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 cemetery 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 (4/14/2022) and as represented in the Special Use application.

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

Yes: Deb Cramer, David Miller, Ron Norman, Roger Miller, Randy Hesser.

12. The application of *Mathew S. Miller & Linda Sue Miller, Husband & Wife* for a Special Use for a home workshop/business for a pallet business on property located on the South side of CR 46, 2,895 ft. West of CR 1, common address of 30556 CR 46 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-0259-2022*.

There were eight neighboring property owners notified of this request.

Mathew Miller, 30556 CR 46, Wakarusa, was present for the request. Mr. Roger Miller asked whether or not the business will be powered by generators. Mr. Mathew Miller responded approximately a 75 KW generator will power the business. Attorney Kolbus stated on the site plan it shows the generator being in a building. Mr. Roger Miller stated the Board has previously discussed sound abatement and asked if that is something he is working on in regards to the noise of the generator. Mr. Mathew Miller responded the generator will be inside a structure on the southeast corner out of sight and hearing range. Mr. Hesser asked if he needs 2 part time employees. Mr. Mathew Miller responded yes, they are his sons. Mr. Roger Miller asked if they

live with him. Mr. Mathew Miller responded yes as of now they do, and he has no intentions of having more employees. Mr. Hesser clarified there are no outside employees.

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** Ron Norman, **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 pallet business be approved with the following conditions imposed:

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (4/11/2022) and as represented in the Special Use application.

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

Yes: Deb Cramer, David Miller, Ron Norman, Roger Miller, Randy Hesser.

13. The application of *Elkhart County Parks & Recreation Board* for a Special Use for outdoor recreation (county park) on property located on the South side of CR 12, South end of CR 37, 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-0261-2022*.

There were 63 neighboring property owners notified of this request.

Mr. Auvil noted that unfortunately, the property is a large property that has multiple zonings designations, and one of those zonings doesn't allow for a Special Use for Outdoor Recreation. He continued to say a Special Use for a county park is permitted in all the zoning districts on the subject property, however it was published in the newspaper as a Special Use for outdoor recreation and county park. He stressed the result letter should say for a county park and not outdoor recreation, because recreation is not allowed in one of the zonings on the property. Additionally, he added he is comfortable with this being allowed to move forward, since it was published as both a park and outdoor recreation. Mr. Roger Miller asked if the petition is asking for softball diamonds, soccer fields, or anything extensive to be considered recreation. Mr. Auvil responded no it is not. Mr. Roger Miller asked if calling this a county park will need to be noted in the motion. Mr. Auvil responded correct.

Ronda Decaire, 211 W. Lincoln, Goshen, was present for this request. She stated they want to develop Corson Riverwoods County Park as the land was donated to the county by Tom Corson. She continued to say their mission isn't to build softball diamonds and soccer fields; that's more of the mission for city parks. Additionally she added they want to create a trail, parking lot, and 4 to 5 small playground pods along the trail that would feature a bumblebee or a butterfly for children to climb on. She continued saying eventually, in phase 2, they would like to add a shelter, because as of now there will only be a restroom on site. She noted they are limited to what they can do as this property is in a flood plain.

Mr. Auvil read a letter from Aaron and Danielle Richards, 55186 CR 8, Middlebury, in support of this request. *[Attached to file as Staff Exhibit #1]*. Mrs. Richards stated they believe this to be the best use of this land to preserve wildlife, these type of amenities are needed in Elkhart County, and are appreciated to provide opportunities for the community. She continued to say this would provide an opportunity for schools to have field trips and provide quality outdoor family time.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** 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 county park 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 (4/12/2022) and as represented in the Special Use application.

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

Yes: Deb Cramer, David Miller, Ron Norman, Roger Miller, Randy Hesser.

14. The application of *Raymond Todd Hines & Charlotte Hines, Husband & Wife* for a Special Use for an agricultural use for the keeping of animals on property located on the South side of CR 18, 825 ft. East of CR 13, common address of 23596 CR 18 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 #SUP-0264-2022*.

There were 26 neighboring property owners notified of this request.

Raymond Hines, 23540 CR 18, Elkhart, was present for this request. He explained the original Special Use was approved in 2013 and was attached to his current residence that he is in the process of selling. Mr. Hesser asked if he is trying to add the residence or delete the residence. Mr. Hines responded he is trying to add it to the new residence he bought, and the use of the property will not change at all. Mr. Hesser asked if the old Special Use excluded the property to the west when it was approved. Mr. Hines responded correct, and the house on the northwest corner is the house he lives in now. It was clarified which house was a part of the current petition. Mr. Hines stated he was also requesting a permit to build a new structure on the subject property. Mr. Roger Miller stated a Developmental Variance isn't a part of this petition, this is just for the keeping of animals. Mr. Hesser asked what the second structure will be used for. Mr. Hines responded the barn will be for equipment for the farm. Mr. Hesser explained if the structure is built within the Zoning Ordinance then he doesn't need permission for extra space. It was clarified that the new building would be agricultural use, and no Developmental Variance is needed as agricultural buildings are allowed by the Special Use on the subject 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** Randy Hesser, **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 an agricultural use for the keeping of animals 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 (4/26/2022) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of five (5) adult horses at any one time.

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

Yes: Deb Cramer, David Miller, Ron Norman, Roger Miller, Randy Hesser.

15. The application of *Susan R. Rader & Chad Scott Pierce* for a Special Use for a ground-mounted solar array on property located on the South side of CR 40, 515 ft. West of CR 33, common address of 15094 CR 40 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-0266-2022*.

There were 15 neighboring property owners notified of this request.

Chad Pierce, 15094 CR 40, Goshen, was present for the request. He explained he would like to have a post-mounted solar array to help with the bills. Mr. Hesser asked where the solar array will be placed on the subject property. It was clarified where the array would go on the site plan.

Steve Bollock, 72471 CR 133, Syracuse, was also present in support of this request. He stated he is helping Mr. Pierce put the solar array in through the NIPSCO process, as he has been through it before when he put solar arrays on his property. He asked if they had to wait to get the building permit, and how much longer after this, if this gets approved, can they get the building permit. Mr. Godlewski responded he will discuss after the meeting with them how the permit process works.

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** 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 ground-mounted solar array be approved with the following condition imposed:

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (4/13/2022) and as represented in the Special Use application.

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

Yes: Deb Cramer, David Miller, Ron Norman, Roger Miller, Randy Hesser.

16. The application of *Glen D. Harshberger & Rebecca Sue Harshberger, Husband & Wife* for an Amendment to an existing Special Use for a home workshop/business for welding and assembly to allow for an aluminum boat fabricating business, for a Developmental Variance to allow for 3 outside employees (Ordinance allows 2), 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 CR 9, 1,100 ft. South of US 6, common address of 72729 CR 9 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-0282-2022*.

There were three neighboring property owners notified of this request.

Charlie Zercher, Kindig & Sloat, 102 Heritage Parkway, was present representing the petitioner. He explained the Amendment to the Special Use originated when the petitioner expanded from doing windows and doors to aluminum boats, and needed a Zoning Certificate for the sale of boats. He continued to say they also do some dog kennels, dog playsets, and clothes lines, but the main change is the aluminum boats. Further, he went on to say the hours of operations and employees also changed slightly since the original Special Use was approved. He noted the employees are children that live on site, but there is the potential future change of the children moving off site. Additionally, he stated in 2016 there was a petition to build the new structure to the west side of the subject property, and at that time that was for personal use, not business use, but now that the business has expanded they need to include that building in the Special Use. He stressed there wasn't a need for a Developmental Variance back in 2016 for the buildings, however there was a miscalculation, or the site plan was incorrect, which is how the need for the Development Variance was missed. Mr. Roger Miller asked if there will be any heavy equipment or stamping. Mr. Zercher responded no. Mr. Hesser asked if there will be any outside storage. Mr. Zercher responded no.

Glen Harshberger, 72729 CR 9, Nappanee, was present for this request. He explained the only time there will be a need for outside storage will be if the project is done and waiting on the customer to come and pick it up. He stressed he doesn't like having aluminum sitting outside because of oxidation issues. Mr. Norman asked what size boats he is building. Mr. Harshberger responded smaller fishing boats and flat bottom boats. He went on to explain these are custom orders, as they are not just building boats to have them sitting around waiting for sale. He explained his son made one for himself and when people saw it they wanted him to make them one as well. Mrs. Cramer asked about the possibility of an employee moving off the property. Mr. Zercher responded currently there are 3 employees, two sons and a daughter, one son lives off of the property. He continued saying they are asking for the additional employees from 2 outside employees to 3, due to the future idea that the other son may one day move off of the property after he gets married.

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 an Amendment to an existing Special Use for a home workshop/business for welding and assembly to allow for an aluminum boat fabricating 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 (4/18/2022) and as represented in the Special Use Amendment application.

Further, the motion also included that a Developmental Variance to allow for 3 outside employees (Ordinance allows 2) and 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. 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 (4/18/2022) and as represented in the Developmental Variance application.

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

Yes: Deb Cramer, David Miller, Ron Norman, Roger Miller, Randy Hesser.

17. The application of *Gonzalo Garcia & Maria J. Garcia, Husband & Wife (Buyers) & Devon Lehman & Neda Fern Lehman, Husband & Wife (Sellers)* for a Special Use for a home workshop/ business for an auto repair business, for a Special Use for warehousing of semi-trailers and cars, 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 27, 1,460 ft. North of CR 126, common address of 60226 CR 27 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-0285-2022*.

There were eight neighboring property owners notified of this request.

Devon Lehman, 60318 CR 27, Goshen, was present for this request. He stated he is looking to continue with the auto-repair body shop business, and there was a complaint called in about his building that burned down. He went on to say the building that burnt down was a part of the semi business, though that won't be rebuilt. Additionally, he added the son of Mr. Gonzalo, who's buying the subject property, lives on site and Mr. Gonzalo wants to build a new residence on the back part of the property. He continued to say Mr. Gonzalo drives a semi, and the request is for

him to be able to park his semis and trailer when he lives there. Mr. Hesser asked Staff if that will create issues. Mr. Dean responded no, as that is shown on the site plan. Mr. Hesser asked what is different from what has already been approved. Mr. Lehman responded they were approved for storing of RV's, but they will no longer store RV's on the property. He noted they weren't approved for storing of semis and trailers. Mr. Hesser asked if this is approved, would the Special Use for storing of RV's need to be rescinded. Attorney Kolbus stated yes, the Board will make it part of the motion. Mr. Lehman explained where the RV's were parked is the same location as where the semis and trailers will be parked as shown on the site plan.

Mr. Auvil submitted multiple emails *[Attached to file as Staff Exhibit #1]*. He then read an email from Roger Taylor, 60066 CR 27, Goshen, in remonstrance. He stated he is opposed to having a paint/body shop in the neighborhood, because there has been traffic going in and out all hours day and night with increased semi traffic. He continued to say that the semis are doing damage to yards when turning around in neighbor's yards, and there is loud breaking during the night. He added the smell of paint and lacquer is also an issue.

Mr. Auvil read an email from Steve and Joan Petersen, 59476 CR 27, Goshen, in remonstrance. They state they are concerned with the increase of traffic, the semis are causing noise and driving at high speeds. They continue to stress that CR 27 is not intended to handle the large trucks with the buggies and tractors that travel on the road, as well as it does not look appealing with all the numerous vehicles that are on the property.

Mr. Auvil read an email from Donald and Colleen Prough, 59477 CR 27, Goshen, in remonstrance. They state they are generally in favor of home workshop/businesses, but they are not in favor of this location for this commercial business, as CR 27 is not wide enough, or appropriate, for these trucks.

Mr. Auvil read a letter from Tom and Pat Mast, 59920 CR 27, Goshen, in remonstrance. They feel this neighborhood is for the 2nd generation farms and agricultural uses, and not appropriate for noise and noise pollution. They continue to say they feel the petitioners are not in compliance and will not do what they are asking for in the petition. They stress the property has already had fires, and they are not sure what's been approved versus what hasn't been approved. They ask if this gets approved, they would like to see limitations set and see those get strictly enforced. Additionally, they ask what is being done with the oils and paints, as they don't want them to go into the ground water.

Mr. Auvil read a letter from Gary and Nikki Zimmerman, 59982 CR 27, Goshen, in remonstrance. They state the same concerns as the previous letter. They state they don't believe this is an appropriate area, concerned about vehicle and semi traffic, as well as the road concerns.

Tom Mast, 59920 CR 27, Goshen, was present in remonstrance. He asked what semi-trucks have to do with a body shop. He explained he is tired of what goes on all hours of the night and day, along with all of the junk that is left all over, and there is no respect for the neighbors. He

continued to say there is now a body shop at 60270 CR 27 in addition to the subject property. Additionally, he stated they have been operating without permits or permission, and if they get permission for the body shop what's to stop them from doing more than what is approved as they have been doing more all along. He stressed this all started as a small saw mill and has done nothing but escalate. He stressed it is not the neighbor's responsibility for them to pay for this to go on when this can be done in an area that is zoned properly.

Nikki Zimmerman, 59982 CR 27, Goshen, was present in remonstrance. She explained she sent in a letter, but wanted to speak on the whole situation of the semis. She noted the request it says warehousing of trailers, but they are constantly coming in and out all day and night. She asked what are they hauling in and out, or why are they running all day. She continued to say as soon as the semis get to the top of the hill by their home they hit the J-brakes, and it causes lots of noise that isn't respectful. Furthermore, she stated when the fire happened this business stopped and was run out of the Lehman's business that is on a different property which is zoned commercial. She asked why can't it stay there. She asked who will regulate this, if it gets approved, and what is going to go on in the body shop. She stressed there have been tow trucks bringing in wrecked cars, at one time there were 30 cars sitting around waiting to be worked on, and it looks more like a salvage yard. She went on to say this has been operating for a year without permission, so the neighbors already know how this is going to go. Additionally, she added they are doing test drives down the road at high rates of speed leaving black marks up and down the road. She reiterated the neighbors feel this will become a bigger issue if this gets approved, and the County is under staffed and not able to go out and make sure they are in compliance. She stressed she understands if there is a complaint to file one, but in her opinion, these types of businesses need to stay in the commercially zoned areas.

Devon Lehman came back on to respond. He explained there was semi-truck and trailer repair happening at this property before, but that has all stopped and the only semis and trailers they are asking for is for the keeping of Mr. Gonzalo's trucks on the property. Mr. Hesser asked how many trucks. Mr. Lehman responded 2 trucks but they are asking for 5 just in case Mr. Gonzalo gets more drivers, and this won't be an everyday coming and going because he is out on long trips. He stated he understands there was a lot of semi traffic coming down the road, but that was before and isn't going to happen now that the building burnt down. Mr. Hesser asked what

type of RV's were stored. Mr. Lehman responded the brand new towable RV's. Mr. Hesser asked what size and how many. Mr. Lehman responded he was limited to 24 RV's and they were all different sizes. He continued to say all the cars have been cleaned up and now they are only asking for 12 cars. Mr. Hesser asked what the hours of operation will be. He stated that on their application they stated their hours of operation will be 7 a.m. to 5 p.m. Monday through Saturday, but there have been comments that the hours have been beyond those. He stressed they must operate only within the hours that are approved. Mrs. Cramer asked if they are wanting to change from a body repair shop to auto repair. Mr. Lehman responded no they want to do both. Mr. Hesser stated the body work was previously approved in 2016. Mr. Norman asked if the bulk plastic beads are for blasting. Mr. Lehman responded no, that is for his recycling operation at State Road 15 and US 20 and some of the plastic was stored on the subject property before it was shipped out. He continued to say he thought the plastic was all taken out years ago. He stressed the only thing that will be on the subject property will be the body shop and the parking of the semis and trails for the owner. Mr. Hesser asked what the operations are that are happening on the adjoining property on 60270 CR 27. He continued to say there were a couple of references from neighbors that there was painting operations going on at that property. Mr. Lehman responded yes, there are repairs going on for vehicles. Mr. Hesser clarified that isn't a part of this request, so that isn't approved for that purpose. Mr. Lehman stated the way he understands is that Mr. Gonzalo was only working on his own personal vehicles. Mr. Norman clarified that Garcia Gonzalo is not a part of Mr. Lehman's operations. Mr. Norman asked if they have proper permits for the painting of cars through IDEM. Mr. Lehman responded no, he wasn't aware he needed permits through IDEM. Mr. Hesser asked whether or not the semi traffic will be different than what was happening for the RV storage. Mr. Lehman responded they were coming in all hours of the day and night, because the RV manufacture needed the RVs off their lots by the end of the month. He continued to say with regards to the semi and trailer repairs, which were repairs needed at the end of a trip, the trucks would pull in and park for the night if it was after closing time. Mr. Roger Miller stated they put on the application they wanted to be a service to the local community. He asked if they were planning on doing more service work. Mr. Lehman responded the service work is just for the body shop. Mr. Roger Miller stated they aren't asking for a limited amount of parking for the trucks and trailers, though what was stated was as soon as Mr. Gonzalo gets more drivers there will be more

semis coming in. Mrs. Gilbert stated the site plan shows parking for 5 semis and 12 cars. There was clarification about how many trucks and cars were being asked for on this petition. Mr. Hesser asked if the semi business is different from the home workshop/business. Mr. Dean responded warehousing is eligible to be a primary use and there's not an employee. Mr. Hesser stated warehousing is storing and not operating of a trucking business. Mrs. Cramer asked what the does warehousing cover. Mr. Dean explained in the Zoning Ordinance the title of this use would be warehousing and freight. Mrs. Cramer asked what they do with the waste of oils and fluids. Mr. Lehman responded Crystal Clean takes the oil. Mr. Hesser asked Mr. Roger Miller if his question about parking was answered. Mr. Roger Miller responded no, in one sentence he says Mr. Gonzalo only has this many semis but then the next sentence they are saying that they may want more trucks coming in if they get more employees. He continued to say he's afraid there will be more trucks coming in and concerned on how this will get limited if they hire more drivers. Mrs. Cramer asked how much is this changed from a home workshop to being a commercial business. Mr. Auvil explained the homework shop is tied to the auto repair request and then there is the Special Use for warehousing and storage of semis as they are separate Special Uses, though it can be its own primary use. He went on to note in the Staff Report the minor subdivision was approved, as they want to put in a house as well as keep the dwelling that's in the current structure. Mr. Norman clarified where the living area in the building is as the 40 ft. by 40 ft. area on the site plan. Mrs. Cramer asked if the 120% above the allowed by right for square footage of the buildings, will cover the new buildings, and would it include the new house. Mr. Auvil responded he believes it would include the house. Mr. Roger Miller stated his major concern is the semis going down CR 27, because CR 27 isn't big enough to handle a lot of semi traffic. Mr. Auvil clarified they have 2 semis and are requesting up to 5 semis. Mr. Lehman stressed he understands the complaint about the j-brakes and they didn't have control over that happening when it was customers coming in, but in Mr. Gonzalo's own trucks they can be controlled and not allow to use the j-brake. Mr. Hesser asked if the 5 trucks are separate from the storage or are they included in storage of trucks. Mr. Lehman responded the semis and trailers would all be the ones that are driven up and down the road and just to be parked at the subject property. Mr. Hesser asked if they are taking up any more space than the RV's did before. Mr. Lehman responded no. Mr. Norman stated his concern is the body shop it's self because when a paint business is being run then IDEM needs to be involved.

He continued to say approval through IDEM does apply to the spirit, intent, and use of the land, and a remonstrator already stated they can smell lacquer, therefore that is a concern if they aren't following IDEM rules. Mr. Hesser stated the auto repair was already approved years ago and if this gets approved, it doesn't mean they are in compliance with other laws and regulations. He asked if the change in the Staff Report was just taking out the accessory building on number 4. Mr. Auvil responded yes, Staff discovered the residential dwelling unit in the one building did have a building permit. Mr. Hesser asked what Staff meant by needing a revised site plan showing the final residential outcome. Mr. Auvil responded there's a subdivision, which has been approved, and Staff needs to know where the final placement of the new residence will be on the property.

The public hearing was closed at this time.

Mr. Roger Miller stressed if he does what he says then that's fine but his concern is there will be semis running up and down the road. Mr. Norman stated the lot needs cleaned up as well. Mrs. Cramer stated the application asks for 12 cars. Mr. Hesser stressed if they aren't in compliance then the neighbors are within their rights to file complaints.

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 an auto repair business, for a Special Use for warehousing of semi-trailers and cars 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 Staff approval showing the final residential outcome.
3. The petitioner must demonstrate that the revised site plan meets residential developmental standards for two residences on one property zoned A-1 with 3.96 acres.

The following commitment was imposed:

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

Further, the motion also included that a for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed 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 revised site plan to be submitted for staff approval and as represented in the Special Use Amendment application.

The Special Use for warehousing of RV's was acted upon as follows: RESCINDED at the request of the petitioner.

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

Yes: Deb Cramer, David Miller, Ron Norman, Roger Miller, Randy Hesser.

18. The application of *Joas Yoder & Lillian Yoder, Husband & Wife* for an Amendment to an existing Special Use for a home workshop/ business for a steel fabrication shop to allow for an addition to an existing building 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 43, 1,400 ft. South of CR 14, common address of 56006 CR 43 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-0284-2022*.

There were nine neighboring property owners notified of this request.

Crystal Welsh, Abonmarche Consultants, 303 River Race Dr., Goshen, was present representing the petitioner. She stated the site plan they submitted had the building incorrectly placed, and submitted a new corrected site plan [*Placed in file as Petitioner Exhibit #1*]. She went on to say the building size is the same, but it was supposed to run north to south. Additionally, she stated the building will provide more space for indoor storage and elbow room for employees that are working on site, though not adding additional employees. Mr. Roger Miller stated Pumpkin Vine Trail runs to the north and doesn't cause any issues.

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 an Amendment to an existing Special Use for a home workshop/ business for a steel fabrication shop to allow for an addition to an existing building 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 (4/18/2022) and as represented in the Special Use Amendment application.

Further, the motion also included that 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 request is approved in accordance with the site plan submitted (4/18/2022) and as represented in the Developmental Variance application.

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

Yes: Deb Cramer, David Miller, Ron Norman, Roger Miller, Randy Hesser.

19. The meeting was adjourned at 11:16 A.M.

Respectfully submitted,

Danielle Richards, Recording Secretary

Randy Hesser, Chairman

Ron Norman, Secretary