

AGENDA

ELKHART COUNTY BOARD OF ZONING APPEALS

APRIL 18, 2024

9:00 A.M.

ADMINISTRATION BUILDING
MEETING ROOMS 104, 106, & 108
117 N. 2nd STREET, GOSHEN, INDIANA

Call to Order

Roll Call

Approval of Minutes of the last regular meeting of the Elkhart County Board of Zoning Appeals held on the 21st day of March 2024.

Elkhart County Zoning Ordinance and Staff Report materials are to be entered as evidence for today's hearings.

SPECIAL USES

9:00 A.M. (WARNER)

- A. Petitioner: ***Robert Conradson*** **(Page 11)**
 Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.
 Location: South side of Lamplighter Ln., 190 ft. West of Country Acres Dr., 790 ft. South of CR 4, common address of 27328 Lamplighter Ln. in Osolo Township, zoned R-1. SUP-0099-2024
- B. Petitioner: ***Juana A. Sanchez*** **(Page 12)**
 Petition: for a Special Use for a home workshop/business for a lawn care business.
 Location: North side of CR 108, 4,065 ft. West of CR 3, common address of 29499 CR 108 in Cleveland Township, zoned A-1. SUP-0139-2024
- C. Petitioner: ***Lowell M. Bontrager & Joan K. Bontrager, Husband & Wife*** **(Page 13)**
 Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.
 Location: North side of CR 108, 2,450 ft. West of CR 131, common address of 15697 CR 108 in York Township, zoned A-1. SUP-0148-2024
- D. Petitioner: ***Pathway Assembly of God Church of the Assemblies of God of Middlebury, Indiana Inc.*** **(Page 14)**
 Petition: for an Amendment to an existing Special Use for a place of worship to allow for a building addition.
 Location: North side of US 20, 1,500 ft. West of Northridge Dr., common address of 13805 US 20 in Middlebury Township, zoned A-1. SUP-0172-2024

9:30 A.M. (CRAMER)

- E. Petitioner: ***James W. Ragan & Annette C. Ragan, Husband & Wife*** (Page 15)
Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.
Location: South side of Walerko Dr., 1,135 ft. West of CR 5, common address of 29340 Walerko Dr. in Cleveland Township, zoned A-1. SUP-0159-2024
- F. Petitioner: ***Kirill S. Volnykh*** (Page 16)
Petition: for a Special Use for warehousing of commercial vehicles and for a Special Use for a home workshop/business for an auto repair business.
Location: Northwest corner of CR 38 & CR 17, common address of 22043 CR 38 in Harrison Township, zoned A-1. SUP-0160-2024
- G. Petitioner: ***Everett J. Paalman, Sr., and his successors, as Trustee of the Everett J. Paalman, Sr. Trust*** (Page 17)
Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.
Location: East side of Oak Tree Ln., 1,130 ft. Northwest of CR 19, common address of 50858 Oak Tree Ln. in Washington Township, zoned R-1. SUP-0166-2024

SPECIAL USES/ DEVELOPMENTAL VARIANCES

- H. Petitioner: ***Lyle Lehman & Linda Lehman, Husband & Wife*** (Page 18)
Petition: for a Special Use for a home workshop/business for a welding business, for a 5 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing accessory structure 70 ft. from the centerline of the right-of-way of CR 14, for a Developmental Variance to allow for 4 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.
Location: Southwest corner of CR 43 & CR 14, common address of 55883 CR 43 in Middlebury Township, zoned A-1. SUP-0141-2024

- J. Petitioner: ***Tall Oaks MHC, LLC*** (Page 19)
Petition: for a Special Use for a mobile home park, for a 34 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for existing mobile homes 48 ft. from the centerline of the right-of-way of East County Line Rd., for a 37 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for new mobile homes 38 ft. from the centerline of the right-of-way of East County Line Rd., for a 45 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for existing and new mobile homes 30 ft. from the centerline of the right-of-way of CR 4, for a 30 ft. Developmental Variance (Ordinance requires 30 ft.) to allow for existing mobile homes 0 ft. from the west side property line, for a 30 ft. Developmental Variance (Ordinance requires 30 ft.) to allow for existing mobile homes 0 ft. from the rear property line, and for a 37 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing accessory structure 38 ft. from the centerline of the right-of-way of East County Line Rd.
Location: Northwest corner of CR 4 & East County Line Rd., common address of 10039 CR 4 in York Township, zoned R-2. SUP-0112-2024

TABLED

- K. Petitioner: ***Aaron Lee Weaver & Mary Jane Weaver, Husband & Wife*** (Page 20)
Petition: for a Special Use for warehousing of a commercial vehicle & for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
Location: West side of CR 127, 745 ft. South of CR 48, common address of 70151 CR 127 in Jackson Township, zoned A-1. SUP-0072-2024

APPEAL FROM THE HEARING OFFICER'S DECISION

- L. Petitioner: ***Tri-County Land Trustee Corporation (Land Contract Holder) & Marcus W. Miller & Ruth Ann Miller, Husband & Wife (Land Contract Purchasers)*** (Page 21)
Petition: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement on proposed lot 2.
Location: Southwest side of the easement, South of CR 4, 1,700 ft. East of CR 29, common address of 15638 CR 4 in York Township, zoned A-1. DV-0073-2024

STAFF/BOARD ITEMS (time of review at the discretion of the Board of Zoning Appeals)

ADJOURNMENT

The Elkhart County Board of Zoning Appeals is meeting on Thursday, April 18, 2024, at **9:00 a.m.** in Rooms 104, 106, & 108 of the Administration Building, Goshen, Indiana. Pursuant to advice of the Indiana Public Access Counselor, general public comment will not be permitted at this public meeting on non-public hearing matters. To the extent you wish to make comment remotely during any public hearings scheduled during this public meeting, please call (574) 971-4678 to learn how to remotely submit your public comment for the public hearing. The public is encouraged to attend the meeting remotely by going to www.elkhartcountyplanninganddevelopment.com at **9:00 a.m.** on April 18, 2024. If you have further questions regarding how to remotely attend the public meeting please call (574) 971-4678.

<https://elkhartcountyin.webex.com/elkhartcountyin/j.php?MTID=mbb02709b73824cc9d67f2b786f288815>

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 21st DAY OF MARCH 2024 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: Mae Kratzer, Plan Director; Jason Auvil, Zoning Administrator; Adam Coleson, Planner; and James W. Kolbus, Attorney for the Board.

Roll Call.

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

Absent: David Miller, John Gardner.

2. A motion was made and seconded (*Norman/Warner*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 15th day of February 2024 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Miller/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 *Todd C. Lederman & Cynthia J. Lederman, Husband & Wife (Land Contract Holders) & Curtis J. Bontrager & Melody J. Bontrager, Husband & Wife (Land Contract Purchasers)* for Special Use for an existing garden supplies business on property located on the West side of CR 39, 3,315 ft. North of CR 10, common address of 00000 CR 39 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-0001-2024*.

There were 11 neighboring property owners notified of this request.

Curtis Bontrager, 53899 CR 39, Middlebury, was present for this request. He stated he is the one buying the property on land-contract from Lederman's, and he is the owner of Dogwood Hills Tree Farm. He stressed there have been no complaints from neighbors, he maintains a clean and well-kept farm, and he just needs more storage. He went on to say he believes this will be a benefit to the community, as he brings in money from all over the mid-west from sales of trees. He added he also employs people from the local area. Mr. Hesser clarified that the only new construction he is going to be doing is in the northwest corner. Mr. Bontrager stated that is correct; he isn't going to run electricity, just needs more storage space. Mr. Hesser asked if he had a chance to review the Staff Report. Mr. Bontrager responded he did. Mr. Hesser stated there is a lot of clean-up for the rescissions and revisions. He asked if Mr. Bontrager understood everything. Mr. Bontrager responded he didn't understand the need for the building permit on the existing residence. Mr. Auvil explained there is no record of the residence ever being built through the building permit process. Mr. Bontrager stated the house was built back in 1994 or 1996. He asked if there will be inspections involved with the building permit. Mr. Auvil responded the building inspector will come in and check to see if everything is to code. He went on to say this is more of a preventative action, to protect the County and the homeowner. Mr. Bontrager asked if the permit

is just for the residential portion of the building or for the entire shop. He continued to say the shop has been there for a long time as well. Mr. Auvil responded the permit would just be for the residential portion.

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** Steve Warner 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 existing garden supplies business be approved with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A subdivision is required for the Special Use property on the west side of CR 39. A subdivision is required for the Special Use property on the east side of CR 39 if any development occurs.
3. A building permit is required for the residential apartment.

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 3/1/2024) and as represented in the Special Use application.

Further, the motion also included that Special Use 94-3053 be rescinded at the request of Staff. The excavation business has been out of operation since no later than 2017, and the tree farm has been in operation only under an amendment to the excavation business Special Use.

Further, the motion also included that Special Use SUP-0643-2016 be rescinded at the request of Staff. The sole purpose of this Special Use was to move the tree farm to the east side of CR 39, build a structure for office and storage, and add equipment and customer parking. No business activity was moved to the east side of CR 39.

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

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

5. The application of *St. Mary's Orthodox Church, Inc.* for an amendment to an existing Special Use for a place of worship to allow for the construction of a new building on property located on the West side of CR 33, 820 ft. South of CR 38, common address of 65159 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-0067-2024*.

There were nine neighboring property owners notified of this request.

Crystal Welsh, Abonmarche, 303 River Race Dr., Goshen, was present representing the petitioner. She stated the request is for an existing place of worship, and they are looking to do some expansion and site plan improvement, all of which they believe to be good things. She continued to say there are floor plans included in the petition that was submitted. She asked if there was a condition about getting a permit within six months. Mr. Auvil explained that the condition

for an Improvement Location Permit to be issued within six months is for Developmental Variances and not for Special Uses. Mrs. Welsh stressed she is happy to hear that won't be an issue, because she was going to be asking for an extension if it was a condition. She continued to say the church is working on getting fundraisers in place to raise money for this expansion, and they are working with the State of Indiana for the septic expansion. Mr. Hesser stated the floor plan was not included in the petition packet, and if the site plan changes from what is being proposed today, then they will need to talk to the Staff and make sure a minor change isn't needed.

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** 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 an amendment to an existing Special Use for a place of worship to allow for the construction of a new 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 (dated 2/12/2024) and as represented in the Special Use Amendment application.

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

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

6. The application of ***Brent M. Plummer & Heather A. Plummer, Husband & Wife*** for a Special Use for a home workshop/business for a barbershop on property located on the East end of North Fork Ln., 445 ft. North of Charla Ln., East of Ash Rd., common address of 54540 North Fork Lane in Cleveland Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0034-2024*.

There were 14 neighboring property owners notified of this request.

Brent and Heather Plummer, 54540 North Fork Lane, Osceola, were present for this request. He stated they have lived at the residence for 22 years, and he has been a barber for 30 years. He went on to say his uncle is retiring, and moving the business to his property seemed like it would work best for him. He continued to explain he sees 10 clients a day, works 4 days a week, and his hours are 8 a.m. to 4 p.m. Mr. Miller asked if he would work Tuesday through Friday. Mr. Plummer responded that is correct. Mr. Hesser clarified there are no covenants in their subdivision preventing him from doing this business in their home. Mrs. Plumber stated in regard to the revised site plan for the off-street parking, they are planning on using their driveway, as they will only have one car at a time. She asked if it is still a requirement to have a revised site plan showing parking, if they won't be using the street for parking. Mr. Auvil responded yes, the parking area still needs to be shown on the site plan, and they can take the site plan they have currently and just label the parking on the driveway. He continued to say that Staff was unsure of where the parking was going to be located, which is why they asked for a revised site plan. Mr. Plummer stressed

they debated parking as well but since they will only have one client every 45 minutes, so they decided that they can utilize their driveway for the parking area. Mr. Hesser asked if the sidewalk needed to be shown on the revised site plan as well. Mr. Auvil responded no. Mr. Plummer stated they have applied for a variance with the Surveyor's office from the 75 feet from the top of the ditch requirement and that has been approved to 40 feet.

Alecia Conrad, 54580 North Fork Lane, Osceola, was present in support. She stated she lives southeast of the Plummer's, and she has no problems with them. She stressed she has lived in her home for 31 years, and she is envious of their property. She mentioned they always let the neighbors know if they are going to have a party or anything. She continued to say she has no issues with the business on the property.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** 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 a home workshop/business for a barbershop 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 off-street parking for the Special Use.

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 application.

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

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

7. The application of *Harrison Christian School Corporation* for a Special Use for an existing school to allow for a recreation building and for a Special Use for indoor recreation (wedding & event venue) on property located on the East side of CR 11, 790 ft. North of CR 38, common address of 64784 CR 11 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-0058-2024*.

There were 5 neighboring property owners notified of this request.

Timothy Martin, 64670 CR 9, Goshen, was present representing the petitioner. He stated they just want to add a building for the youth and for the church. Mr. Hesser asked if the parking lot was paved or gravel. Mr. Martin responded it will be paved.

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** 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 existing school to allow for a recreation building and for a Special Use for indoor recreation (wedding & event venue) be approved with the following condition imposed:

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 2/8/2024) and as represented in the Special Use application.

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

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

8. The application of *Javier Soto* for a Special Use for a home workshop/business for a construction business & 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 North side of CR 6, 1,050 ft. West of CR 11, common address of 25201 CR 6 in Osolo 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-0050-2024*.

There were 14 neighboring property owners notified of this request.

Javier Soto, 25201 CR 6, Elkhart, was present for this request. He stated he has a construction company, he needs a place to store his equipment, and he wants to build a 30 ft. by 60 ft. building outback to keep his equipment inside. He went on to say he doesn't have room for his material. Mr. Hesser asked if any of his business would be conducted on site. Mr. Soto responded no, he just stores his material and equipment on his property. Mr. Hesser stated there is history on the property of burning trash and junk on the property. He asked if all of that had been cleaned up. Mr. Soto responded that is correct. Mr. Hesser asked what the area to the north of the subject property is used for. Mr. Soto responded it is all commercial properties. He continued to say it is a lot of industrial and commercial buildings. Mr. Hesser stated one of the main concerns from Staff is the access for the commercial vehicles getting onto his property. He asked if that would be an issue and if he will be able to get his vehicles to the back of his lot without causing issues to the neighboring property. Mr. Soto responded that won't be an issue as he has about 30 feet between his garage and his neighbor's house. He went on to say his trailers are only 7 feet wide, and he has an F-250 that can fit as well. He stressed he has plenty of room to get to the back of his property on both sides of his house. Mr. Hesser asked if his driveway is on the east side of the property. Mr. Soto responded that is correct. Mr. Hesser asked if the driveway goes all the way to the back garage. Mr. Soto responded he doesn't have one right now, but he will have one soon. Mr. Norman asked if there was concrete parking on the east side of the building. Mr. Soto responded yes. He showed on the aerial where the concrete parking is located around his garage. Mr. Warner asked how he is planning on disposing of his scrape material. Mr. Soto responded he normally takes his scrape material to either the landfill or recycles the concrete blocks. Mrs.

Cramer asked if he plans on removing the shed behind the garage. Mr. Soto responded he has a couple of little things in that shed will be taking that down, but it has to stay up until his new building is built. Mr. Hesser asked how many feet are between the garage and the neighbor's house. Mr. Soto responded he has about 20-25 feet, though possibly a little more than that, and he has at least a 20-foot driveway. He went on to say there is a little overhang where the garage is on the east side, but there is about 12 feet clearance and on the west side there is about 15 feet clearance. Further, he stated he put fencing up on that side to help the neighbors not see his equipment. Mr. Miller stated the site plan shows there is 20 feet between the garage and the neighbor's property. Mr. Soto stressed a 16-foot driveway is more than enough to get a truck and trailer through there. Mr. Norman asked if this property is on well and septic or city sewer. Mr. Soto responded well and septic, though he is not going to use plumbing in his new building. Mr. Norman stated the site plan seems to indicate that the new building will not encroach the field system for his well or septic. Mr. Soto stressed that his new building will not be near his field system. Mr. Hesser asked Staff, if this were approved, what conditions and commitments would they like to see added. Mr. Auvil responded the standard Developmental Variance conditions, with the 180 calendar days to issue the Improvement Location Permit. He stressed Staff was really concerned about the access to the property, though there are no remonstrators present. Mr. Miller asked what the minimum width for the drive to the back part of the property would be. Mr. Hesser asked if Staff would want a revised site plan. Mr. Auvil responded the current site plan shows 20 feet, though without someone going out and verifying that is accurate. He added 20 feet would be more than adequate. He continued to say the standard conditions and commitments would be sufficient for Staff, if this were to be approved. Attorney Kolbus stressed that Staff knows what the standard language is for the conditions and commitments for the Special Use. Mr. Norman asked what equipment Mr. Soto has on his property. Mr. Soto responded he has a 12-foot skid loader that is only 5 feet wide and his trailer, but he backs that into the property.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser stated there are no remonstrators present, this does back up to an industrial park area, and it sounds as though the trash has been taken care of for a few years now. Mr. Auvil stated because this building is going over what is allowed by right that the condition of no outside storage be added. Mr. Hesser stated that is a standard for home workshops. Mr. Norman stated it appears looking at the properties along this area that Mr. Soto has really added to the curb appeal to his property compared to the others. Mr. Miller stressed this backs up to an M-1 zone, and he agrees there needs to be a stipulation of no outside storage. Mr. Warner asked if hours of operation have been specified. Mr. Hesser responded the application stated the hours were 8 a.m. to 5 p.m.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Ron Norman that this request for a Special Use for a home workshop/business for a construction business be approved, based on the findings and conclusions of the Board:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of the neighboring property.

3. The Special Use will substantially service the public convenience and welfare.

The following condition was imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment 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 in accordance with the site plan submitted (dated 02/05/2024) and as represented in the Special Use application.
2. No outside storage related to the home workshop/business is permitted.

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 taken out within 180 calendar days from the date of the grant and construction work is completed within one year from the date of the issuance of the Building Permit.
2. The request is in accordance with the site plan submitted (dated 02/05/2024) and as represented in the Developmental Variance application.

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

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

8. The application of *Jennifer M. Smith, formerly known as Jennifer M. Kveton* for an amendment to an existing Special Use for a home workshop/business for dog grooming to allow for the construction of a new building for a Special Use for a kennel & 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 1,220 ft. East of CR 29, common address of 16504 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-0074-2024*.

There were six neighboring property owners notified of this request.

Jennifer Smith, 16504 US 20, Goshen, was present for this request. She stated she has a grooming business, and the natural progression of that is a kennel and boarding facility. She continued saying to do that she will need to put up another building. Mr. Hesser asked if she has seen the Staff Report, and if she understood what they were asking for from her in that report. Mrs. Smith responded she has and she does understand. Mr. Hesser asked if she has any issues with the conditions and commitments. Mrs. Smith responded she does not. Mr. Hesser stated there is something not to scale on the site plan, and he believes it is the new structure. Mrs. Smith stated she has approximately 120 feet from the new structure to the road, and it is going to be connected to the existing structure. Mr. Hesser explained she will need a revised site plan that is more to scale to alleviate the Staff's concerns. Mrs. Smith asked if the fencing on the west side of her property can go to the property line or if she needs to offset it by a foot in order to maintain both sides. Mr. Auvil responded the County does not have standards for fencing and does not issue permits for fencing. Further, he explained that Staff will advise people to know where their property lines are

located and to give adequate space for maintenance and construction of the fence in order to not trespass onto neighboring properties. Attorney Kolbus stressed there is no setback for 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** 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 dog grooming to allow for the construction of a new building, for a Special Use for a kennel, 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 correct dimensions of the existing accessory structure (28'×40').

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 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 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: Deb Cramer, Steve Warner, Ron Norman, Roger Miller, Randy Hesser.

9. The application of *Aaron Lee Weaver & Mary Jane Weaver, Husband & Wife* for a Special Use for warehousing of a commercial vehicle & 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 127, 745 ft. South of CR 48, common address of 70151 CR 127 in Jackson Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0072-2024*.

There were five neighboring property owners notified of this request.

Mr. Miller asked what it means that the complaints were closed. Mr. Auvil responded it means that the situations were addressed, generally the junk cars, trash, etc. were proven to be titled, able to move, or taken off the property. He continued to explain when complaints are made about commercial vehicles on residential property, such as in this case, one of the actions that

needs to happen is they need to find a path of remedy, and one of those paths is applying for the Special Use and/or a Developmental Variance. Attorney Kolbus stressed the commercial vehicles are clearly on the property in the Staff photos.

There was no petitioner present at this time.

Terry Norris, 17040 CR 48, Syracuse, was present in remonstrance. He submitted a packet with photographs as a petition against this request [Attached as Remonstrator Exhibit #1]. He stated four main concerns with this request being allowed, first the negative impact on property value due to the lowered desirability of the sale of the property. He continued to say the back of their home faces directly to where the Weavers have their trucks parked and they continue to violate the Zoning Ordinance. He stressed as of Monday, there were four trailers, a semi-truck, and a semi-dump truck on the property. He stressed there is an extreme amount of noise in the mornings when the trucks are started, as well as vibrations into their home from the trucks running. Further, he stated he doesn't believe it is just Mr. Weaver's trucks that are coming and going from the subject property, as there are other people bringing their trucks onto the property as well. He went on to say the one truck says Graber Transit on it with a different DOT number on it than the Weaver's DOT number. He reiterated they are constantly moving things on and off the property to scrap them out or having other people bring their trucks and vehicles to sit on the property. He stressed this operation is more than just having one or two vehicles being parked on the property for personal use. He stressed nothing good will come out of approving this request.

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

Motion: Action: Table, **Moved by** Randy Hesser, **Seconded by** Deb Cramer that this request for a Special Use for warehousing of a commercial vehicle & for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be tabled until the April 18, 2024 Advisory Board of Zoning Appeals Meeting due to the absence of the petitioner.

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

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

10. The application of **Wayne E. Borkholder & Irene Borkholder, Husband & Wife** for a Use Variance to allow for the reconstruction of a second dwelling on a single zoning lot & for a Special Use for a home workshop/business for a powder coating business on property located on the East side of CR 100, 1,335 ft. South of CR 52, common address of 71784 CR 100 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-0059-2024*.

There were 18 neighboring property owners notified of this request.

John Beachy, 8611 W 750 N, Etna Green, was present representing the petitioners. He stated they want to tear down part of the existing house and build a new area with the same footprint. He went on to say the residences were built prior to the Zoning Ordinance being in place, and the placement of the houses would make it very difficult to subdivide the property. He continued to say as far as the Special Use for the powder coating business, it is in the back building away from the road by about 200 feet. However, he stated in the fall there is a plan in place to move the business into another building that is located on US 6. Mr. Hesser asked after this fall

there is no need for powder coating on the property. Mr. Beachy responded that is correct. Attorney Kolbus stated the Board might want to consider a one-year time limit then, if they approve the Special Use. Mr. Hesser stated that was what he was thinking. He asked, if the part that is being rebuilt is a residence. Mr. Beachy responded yes; it is a residence. Mr. Hesser clarified the primary issue the Board is dealing with is the two residences being on the property since the early 1900's. He asked what products are being powdered coated. Mr. Beachy responded the products are for Gen Y Hitch. He explained the hitches get built, then brought over to the subject property to be powder coated, and then they are taken back to Gen Y Hitch. He stressed that to his knowledge that is the only company Mr. Borkholder works for, and it is not custom work. Mr. Hesser asked if the hitches are stored outside. Mr. Beachy responded yes. Mr. Hesser stated with a home workshop, outside storage is not permitted. He asked Staff if that is a concern. He asked Mr. Beachy how long are the hitches stored outside. Mr. Beachy responded probably a couple of days. Mrs. Cramer asked how many hitches at a time would be outside. Mr. Beachy responded possibly 5-10 skids at a time. Mr. Hesser stated there is a reference to excavating equipment on the application. He asked if he could speak to that at all. Mr. Auvil explained that is for the tearing down and rebuilding of the residence. Mr. Norman asked if the power source is from a generator, and if it will be run at 6 a.m. Mr. Beachy responded yes, and it will be inside its own building behind another building.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser stated that outside storage is his biggest concern. However, he continued based on the representation he is inclined to allow this since it is only going to be running for less than a year. Mr. Miller stated he believes there is plenty of room, and there is no one here complaining about the work happening on the property.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Steve Warner 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 reconstruction of a second dwelling on a single zoning lot be approved with the following condition imposed:

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 02/09/2024) and as represented in the Use Variance application.

Further, the motion also included that a Special Use for a home workshop/business for a powder coating 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 commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 02/09/2024) and as represented in the Special Use application.
2. Approved for a period of one (1) year; any renewal shall be before the Elkhart County Advisory Board of Zoning Appeals.

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

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

13. The meeting was adjourned at 10:11 a.m.

Respectfully submitted,

Janelle Tidd, Recording Secretary Signed for by Danielle Richards

Randy Hesser, Chairman

Ron Norman, Secretary

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 18, 2024

Transaction Number: SUP-0099-2024.

Parcel Number(s): 20-02-19-203-010.000-026.

Existing Zoning: R-1.

Petition: For a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.

Petitioner: Robert Conradson.

Location: South side of Lamplighter Ln., 190 ft. west of Country Acres Dr., 790 ft. south of CR 4, in Osolo Township.

Site Description:

- Physical Improvement(s) – Residence, shed.
- Proposed Improvement(s) – Chicken coop.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. A Special Use for an agricultural use is allowed in the R-1 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. The request is self-limited to 4 hens that will be kept behind an existing privacy fence.
3. The Special Use will substantially serve the public convenience and welfare by allowing a hobby opportunity and food source.

BZA Staff Report (Continued)

Hearing Date: April 18, 2024

Staff recommends **APPROVAL** with the following condition(s) 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.

Staff recommends **APPROVAL** with the following commitment(s) imposed:

1. The request is approved in accordance with the site plan submitted 2/21/2024 and as represented in the Special Use application.
2. The agricultural use is limited to 4 chickens, no roosters.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building
4230 Elkhart Road, Goshen, Indiana, 46526
Phone - (574) 971-4678
Fax - (574) 971-4578

Special Use - Non Mobile Home

Date: 02/21/2024 Meeting Date: April 18, 2024
Board of Zoning Appeals Public Hearing Transaction #: SUP-0099-2024

Description: for a Special Use for an agricultural use for keeping of chickens on a tract of land containing less than 3 acres.

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Robert Conradson	Robert Conradson
27328 Lamplighter Lane	27328 Lamplighter Lane
Elkhart, IN 46514	Elkhart, IN 46514

Site Address: 27328 Lamplighter Lane
ELKHART, IN 46514

Parcel Number: 20-02-19-203-010.000-026

Township: Osolo
Location: SOUTH SIDE OF LAMPLIGHTER 1,075 FT. SOUTH OF CR 4.

Subdivision: Lot #

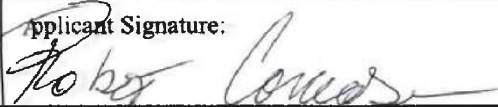
Lot Area: 0.34 Frontage: 100.00 Depth: 150.00

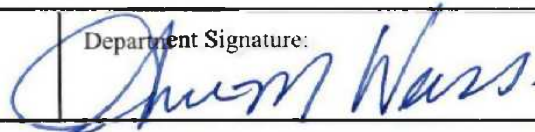
Zoning: R-1 NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: 2/21/24-RESIDENTIAL BREAK DOWN, SEE ATTACHED SHEET.
CODE-0340-2021, EHSC-2021-0600, CODE-0198-2021, COMP-2021-0565, COMP-2021-0339, COMP-2019-0474. AW

Applicant Signature:


Department Signature:


February 21, 2024 12:52 pm

SUP-0099-2024

Application

Site address: 20-02-19-203-010.000-026.
Parcel number(s): 27328 LAMPLIGHTER LN.

Current property owner

Name: Rob CONRADSON
Address: 27328 Lamplighter Ln
Phone: 270-901-9806 Email: CONRAD7853@aol.com

Other party Agent Buyer Land contract purchaser Lessee

Name: _____
Address: _____
Phone: _____ Email: _____

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: Rob Conradson

Staff Use Only

Description: for a Special Use for an agricultural use for Keeping of Chickens on a tract of land containing less than 3 acres.

Parcel creation date: _____

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N (S) E W corner (side) end of LAMPLIGHTER
1,075 ft. N (S) E W of CR 4
in OSAGO. Township

Frontage: 100 FT. Depth: 150 FT. Area: 0.344 acres

Subdivision and lot number, if applicable: COUNTRY ACRES SEC 5 LOT 86.

Present use: RESIDENTIAL.

Special Use — Questionnaire

Name: Robert Conradson

1) Tell us what you want to do. I would like to have (4) small silky chickens for my FATHER-IN-LAW last Request These would be for his GRAND KIDS AND SO THAT HE

2) Tell us why this activity won't hurt your neighbors or the community. we will only have these hens enough so that his wife/DAUGHTER can see his last wish. When she passes the chickens will go to his GRANDSON'S HOUSE IN MICHIGAN

3) Is there a subdivision covenant that says you can't do this activity? Y N
If yes, does the subdivision have an active homeowners' association? Y N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
Tell us what will create those things. _____

Tell us how you'll reduce the impact of those things on neighbors. _____

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. IN A PRIVACY fence YARD AND W A CO-OP

6) Does the property need well and septic? Well: Y N Septic: Y N
Does the property need a new septic system? Y N
If a new septic system is needed, did the Health Department say there's enough space for it? Y N

7) Will the activity use buildings or additions? Y N If yes, fill out below.
Building or addition 1 Existing? Y N Size and height to the peak: 6FT X 30IN X 30IN. 3 1/2 FT TO PEAK.
Tell us what you'll use it for. CHICKEN COOP. RAC INT.

Building or addition 2 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____

Building or addition 3 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____

8) Does this application include animals? Y N
If yes, tell us what kind and how many of each. 4 silky Hen chickens

Next page ➡

Special Use — Questionnaire

9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? Y N If yes, fill out below.

How many employees do you have now? Full time: _____ Part time: _____

How many employees do you want? Full time: _____ Part time: _____

How many of the employees won't live onsite? _____

What will be the days and hours of operation on this property? _____

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

Will there be outside storage or display areas on this property? Y N

If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

Approximately how many customers (clients, guests, students, members) will be on this property per day? _____

Will there be pickups or deliveries on this property? Y N If yes, fill out below.

Tell us how often. _____

Tell us the kind of vehicles used. _____

Does the application include signs? Y N If yes, fill out below.

Sign 1 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 3 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

10) Tell us anything else you want us to know. ON MEMORIAL DAY 2023 WHEN I

GOT HOME FROM WORK MY IN-LAW AND WIFE AND

I WERE SITTING IN THE BACKYARD AND HE WAS

TALKING ABOUT GETTING A SMALL CHICKEN COOP

WITH 24 CHICKENS FOR THE GRAND KIDS. HE PASSED

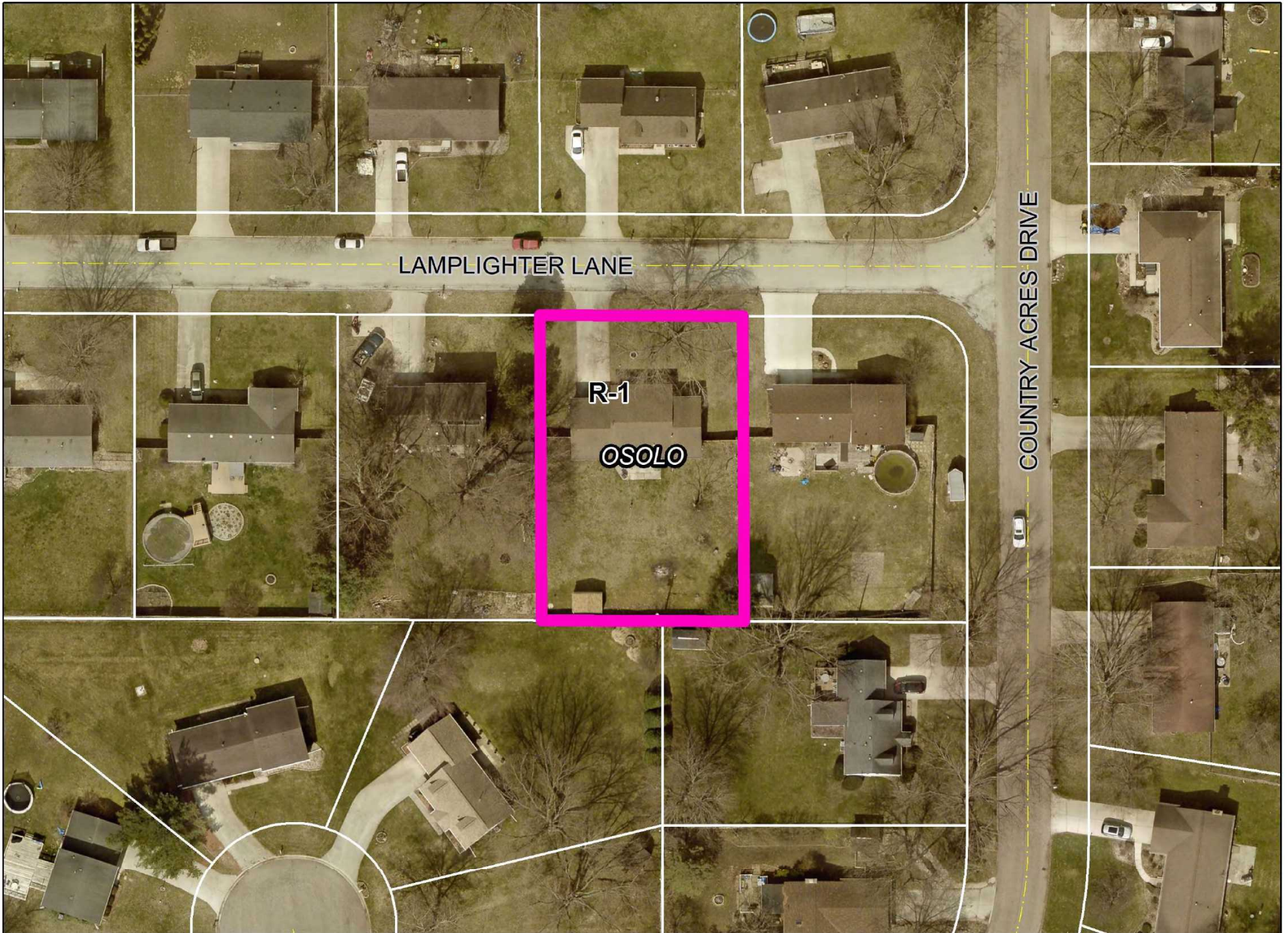
(3) HOURS LATER OF A MASSIVE HEART ATTACK.

MY MOTHER-IN-LAW WHO ~~IS~~ HAS DEMENTIA AND NOT

DOING WELL HAS BEEN TALKING ABOUT THAT

NIGHT.





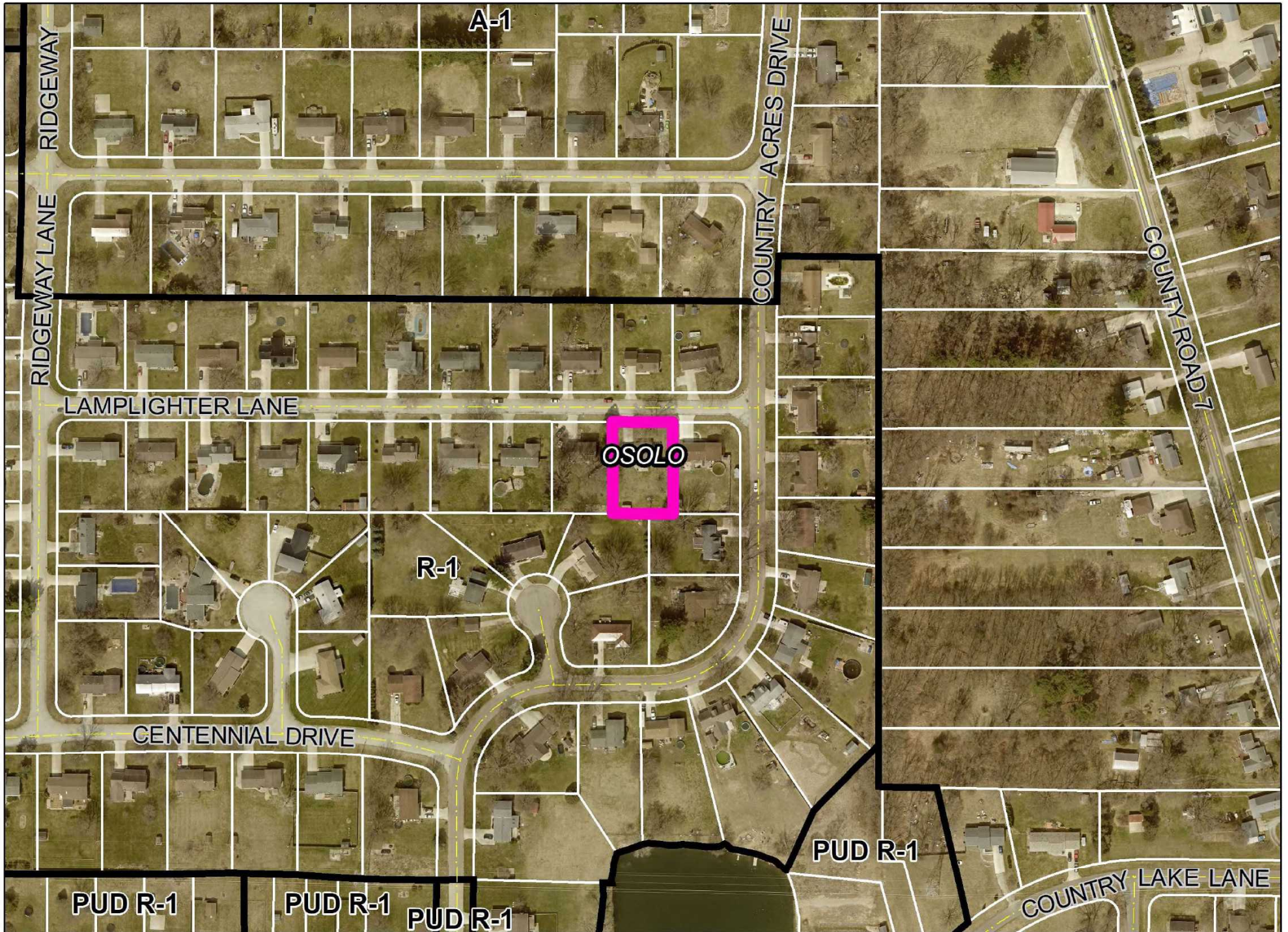
LAMPLIGHTER LANE

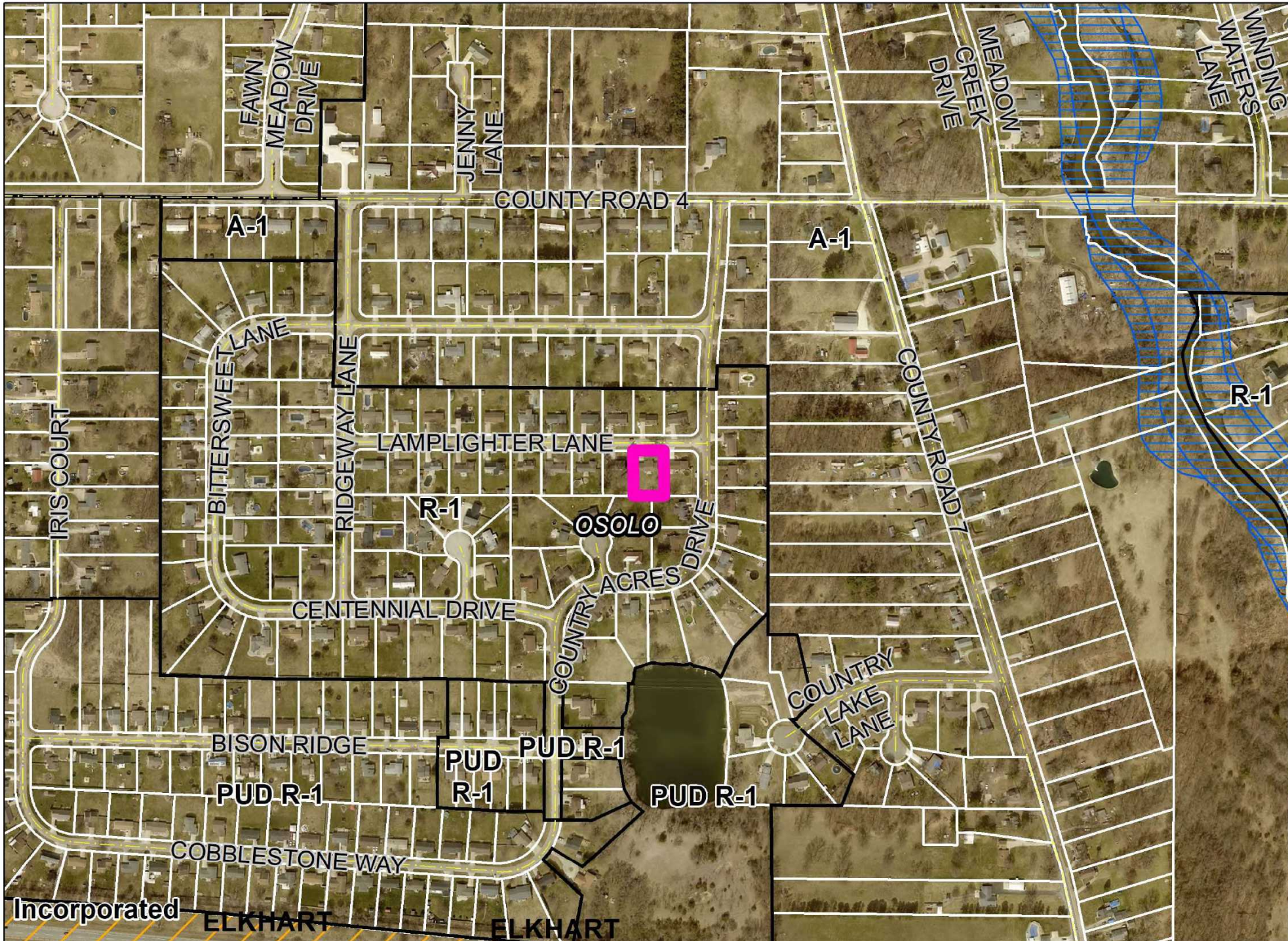
R-1

OSOLO

COUNTRY ACRES DRIVE









Subject property



Facing west



Facing east



Facing north across Lamplighter Ln.

Lamp Lighter Lane

FEB 21 2021

27328

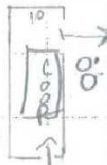
REVISED
4-1-24
BSD

DRIVE



House

← 25 →



COOP
30" wide
x
72" LONG

10 ft. x 10 ft.
fence
enclosure (N7S)
BSD
4-1-24

SHED

10

PRIVACY FENCE ON PROPERTY LINE

Rob CONRADSON

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 18, 2024

Transaction Number: SUP-0139-2024.

Parcel Number(s): 20-01-35-179-015.000-005.

Existing Zoning: A-1.

Petition: For a Special Use for a home workshop/business for a lawn care business.

Petitioner: Juana A. Sanchez.

Location: North side of CR 108, 4,065 ft. west of CR 3, in Cleveland Township.

Site Description:

- Physical Improvement(s) – Residence, detached garage.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **May 11, 2022** – A complaint was made about 2 RVs with people living in them. (Closed, could not verify.)
- **June 16, 2022** – Complaints were made about trash and debris on trailers in the yard and removal and exposure of the back of the house. (Trash and debris closed, removal and exposure open.)
- **October 28, 2022** – A complaint was made about trash and debris in a hole in the yard. (Closed, property sold.)
- **February 6, 2023** – A complaint was made about running a landscaping business out of the accessory building. (Closed, Special Use application filed.)
- **February 7, 2023** – A complaint was made about trash in the yard. (Closed for compliance.)
- **March 16, 2023** – The BZA approved a Special Use for a lawn care business and a Developmental Variance to allow 5 outside employees. The commitment (condition 1) and the revised site plan (condition 2) were never submitted.
- **December 6, 2023** – A complaint was made about running an auto repair business. (Closed, could not verify.)

Staff Analysis:

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. A Special Use for a home workshop/business is allowed in the A-1 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 2-acre parcel in a moderately dense residential area, and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by allowing for a local lawn care business.

BZA Staff Report (Continued)

Hearing Date: April 18, 2024

Staff recommends **APPROVAL** with the following condition(s) 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 vegetation for buffering, the sign location, and the centerline of CR 108.
3. No business operations may start until the house is occupied by the petitioner.

Staff recommends **APPROVAL** with the following commitment(s) 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 application.
2. The sign is limited to two (2) foot by three (3) foot in size.
3. Approved for a period of one (1) year; any renewal shall be before the Elkhart County Advisory Board of Zoning Appeals.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building
4230 Elkhart Road, Goshen, Indiana, 46526
Phone - (574) 971-4678
Fax - (574) 971-4578

Special Use - Non Mobile Home

Date: 03/11/2024 Meeting Date: April 18, 2024 Transaction #: SUP-0139-2024
Board of Zoning Appeals Public Hearing

Description: for a Special Use for a home workshop/business for a lawn care business

Contacts: Applicant Juana A. Sanchez
29499 County Road 108
Elkhart, IN 46514
Land Owner Juana A. Sanchez
29499 County Road 108
Elkhart, IN 46514

Site Address: 29499 County Road 108
ELKHART, IN 46514

Parcel Number: 20-01-35-179-015.000-005

Township: Cleveland
Location: NORTH SIDE OF CR 108, 4,065 FT. WEST OF CR 3

Subdivision: Lot #

Lot Area: 2.00 Frontage: 132.00 Depth: 660.00

Zoning: A-1 NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE SUP-0074-2023: FOR A SPECIAL USE FOR A HOME WORKSHOP/BUSINESS FOR A LAWN CARE BUSINESS, FOR A DEVELOPMENTAL VARIANCE TO ALLOW FOR 5 OUTSIDE EMPLOYEES (ORDINANCE ALLOWS 2) AND FOR A 33 FT. DEVELOPMENTAL VARIANCE (ORDINANCE REQUIRES 75 FT.) TO ALLOW FOR AN EXISTING RESIDENCE 42 FT. FROM THE CENTERLINE OF THE RIGHT-OF-WAY.

SEE CODE 0090-2016 TRASH ALL OVER YARD. BP CASES ARE CLOSED.

SEE CODE 0133-2016 Construction debris throughout property.

SEE CODE 0255-2016 Trash, tall grass, fence close to the road.

SEE CODE 0152-2017 Trash & junk in yard.

SEE CODE 0198-2017 Int. remodel w/o permit. Living in gutted house.

SEE CODE 0499-2017 Trash & debris.

SEE CODE 0529-2017 Person is living in motorhome.

SEE CODE 0385-2018 Grass over 2" tall.

SEE CODE 0236-2020 TALL GRASS & JUNK IN YARD.

SEE CODE 0176-2022 2 RV'S ON PROPERTY WITH PEOPLE LIVING IN THEM.

SEE CODE 0541-2023 People living in campers (code case 0176-2022) violation letter sent by Kierstin. Complainant stated there are no bathrooms or running water. (Code case#0288-2022 and #0289-2022).

THE PREVIOUS VARIANCES WERE APPROVED AND DON'T NEED TO BE REAPPROVED.

PARCEL CREATED 3/1/1962, NO SUBDIVISION REQUIRED.

Applicant Signature:

Department Signature:

Juana Sanchez

March 11, 2024 9:36 am

Application

Site address: 29499 CR 108

Parcel number(s): 20-01-35-179-015

Current property owner

Name: Juana Sanchez

Address: 29499 county Road 108 ELKHART IN 46514

Phone: 574-370-0964 Email: _____

Other party

- Agent
- Buyer
- Land contract purchaser
- Lessee

Name: _____

Address: _____

Phone: _____ Email: _____

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: Juana Sanchez

Staff Use Only

Description: for a Special Use for a home workshop/business for a lawn care business

Parcel creation date: 3-1-1962

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: (N) S E W corner (side) end of CR 108

4065 ft. N S E (W) of CR 3

In Cleveland Township

Frontage: 132 Depth: 660 Area: 2 acres

Subdivision and lot number, if applicable: _____

Present use: Residential

Special Use — Questionnaire

Name: _____

1) Tell us what you want to do. Store lawn equipment, riding lawn mowers, push mowers, weed eaters for lawn service business

2) Tell us why this activity won't hurt your neighbors or the community. There is an existing structure which it blend, with sounding area & also propose for new Privacy fence, etc.

3) Is there a subdivision covenant that says you can't do this activity? Y N
If yes, does the subdivision have an active homeowners' association? Y N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
Tell us what will create those things. _____

Tell us how you'll reduce the impact of those things on neighbors. Beautify landscape w/ plants, flowers, shrubs, trees, & privacy fence

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. Placed above property line

6) Does the property need well and septic? Well: Y N Septic: Y N
Does the property need a new septic system? Y N Has existing
If a new septic system is needed, did the Health Department say there's enough space for it? Y N

7) Will the activity use buildings or additions? Y N If yes, fill out below.
Building or addition 1 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. Main House 2/3 story 3,000 sq'
Building or addition 2 Existing? Y N Size and height to the peak: Pole barn
Tell us what you'll use it for. 20' x 40' / Peak Ht. 16'
Building or addition 3 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____

8) Does this application include animals? Y N
If yes, tell us what kind and how many of each. _____

Special Use — Questionnaire

9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? Y N If yes, fill out below.

How many employees do you have now? Full time: 4 Part time: _____

How many employees do you want? Full time: _____ Part time: 2 to 4 5

How many of the employees won't live onsite? 5 when needed

What will be the days and hours of operation on this property? _____

Mon - Sat. 7:00 AM - 5:00 PM

How many parking spaces do you have now? 8

How many parking spaces do you want? _____

Will there be outside storage or display areas on this property? Y N

If yes, tell us what will be stored outside or displayed. Parking of Lawn

Trailer

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

Approximately how many customers (clients, guests, students, members) will be on this property per day?

0

Will there be pickups or deliveries on this property? Y N If yes, fill out below.

Tell us how often. _____

Tell us the kind of vehicles used. _____

Does the application include signs? Y N If yes, fill out below.

Sign 1 Dimensions (length and width). 6' x 6'

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 3 Dimensions (length and width). _____

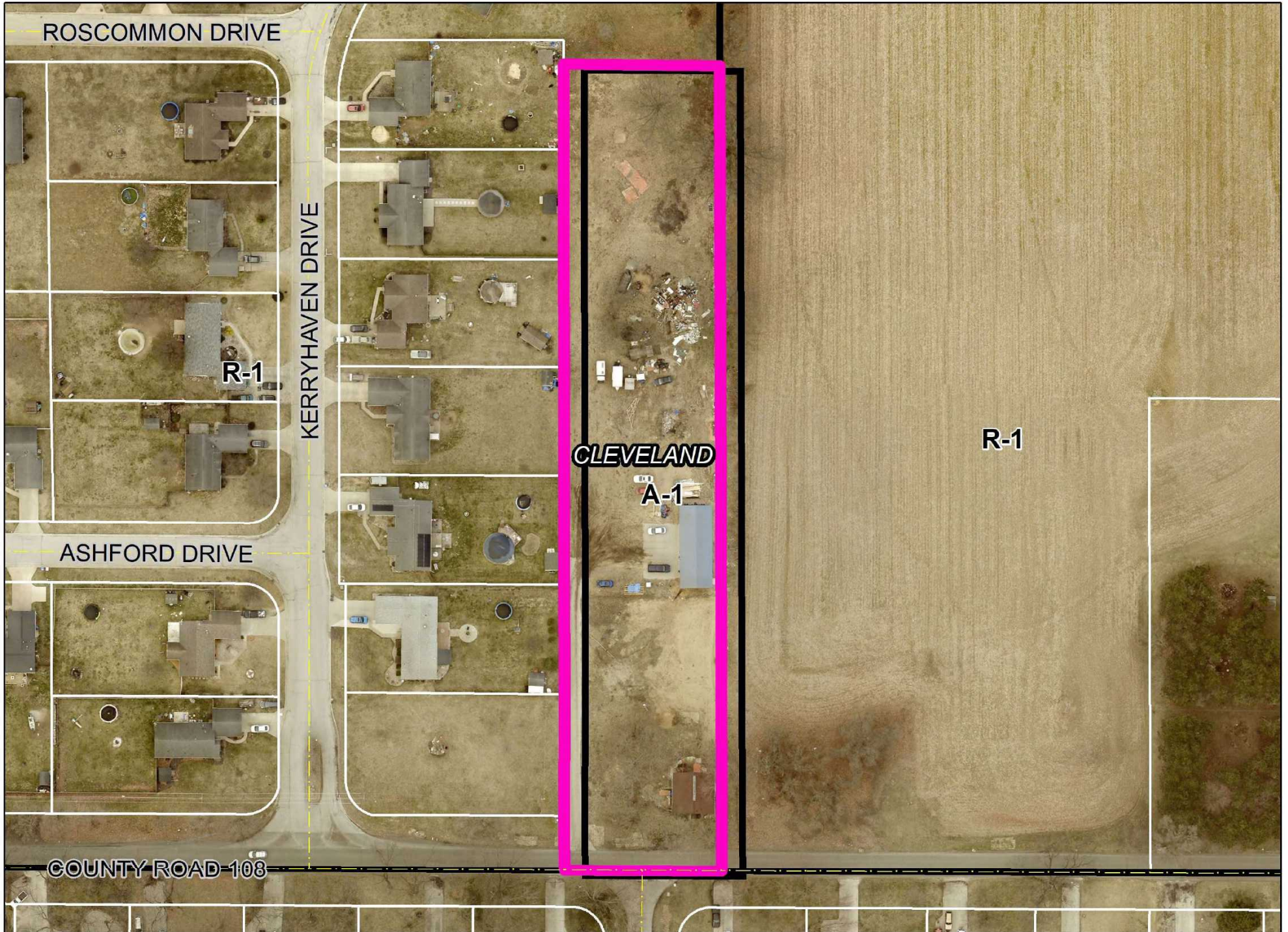
Existing? Y N Double faced? Y N

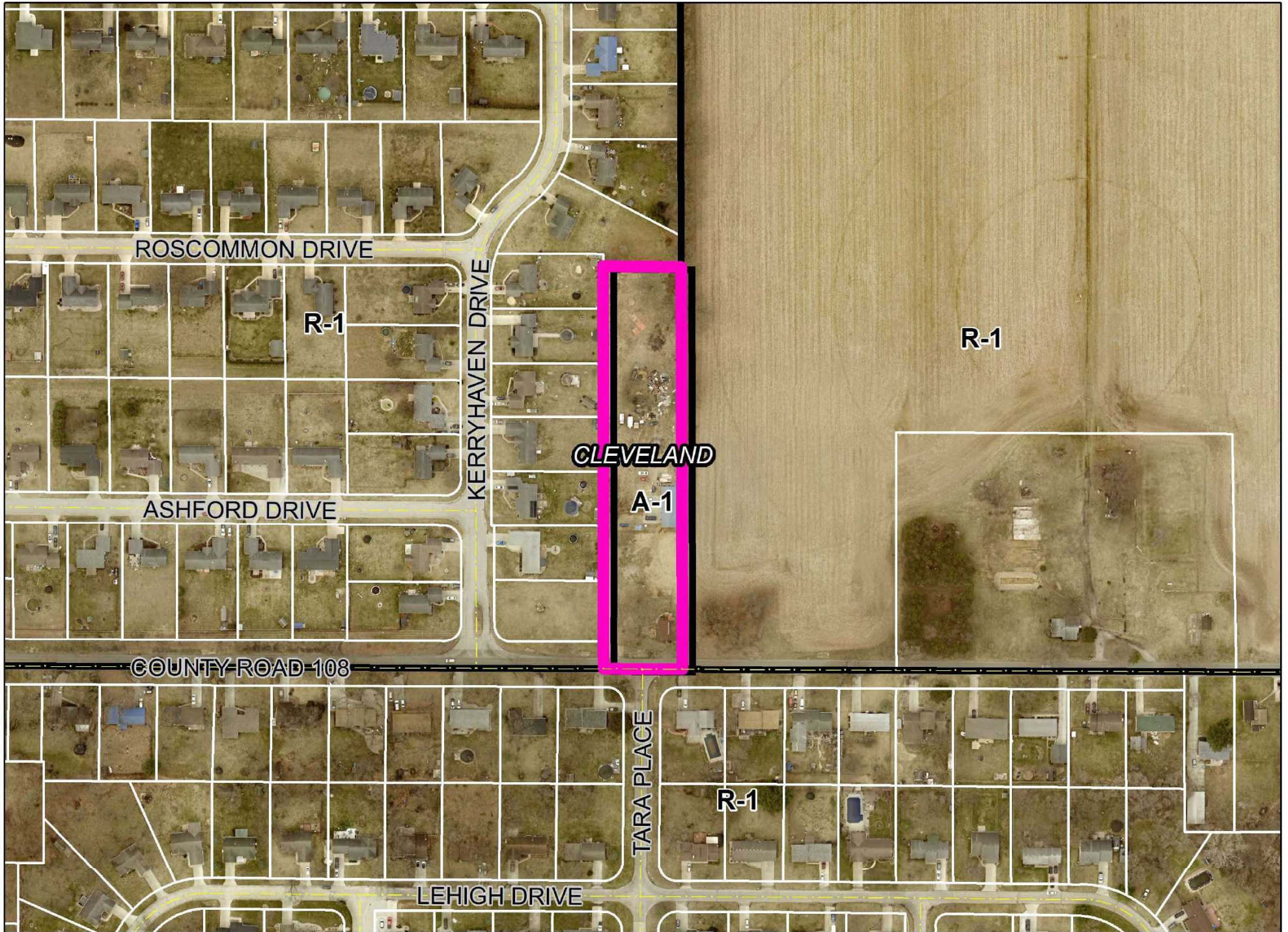
Electronic message board? Y N If no, lighted? Y N

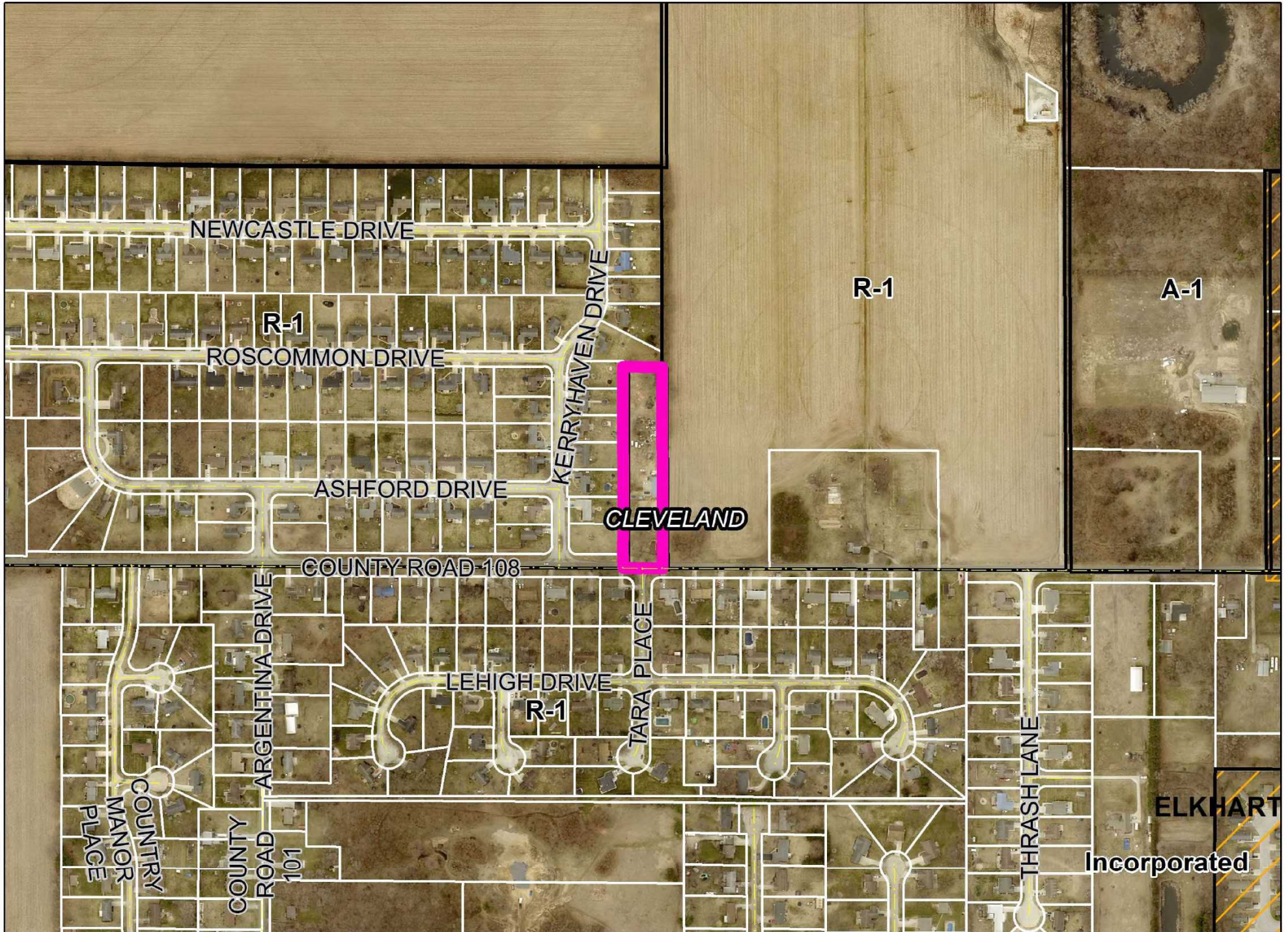
Freestanding? Y N Wall mounted? Y N

10) Tell us anything else you want us to know. May use a

2' x 3' stick sign









Subject Property



Subject property, rear



Facing east



Facing west



Facing south across CR 108

MAR 11 2024

3/11



6 FT Present Wood Fence

wall climbing vines

Parking Lot
~~PARTIAL~~ Lot

office

BARN

Bathroom

well

NO DOORS

gate

fence

New Garage

Kitchen Stairs

Old House
Sala living room

Room

fence link

40

* * * * *

○ ○

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 18, 2024

Transaction Number: SUP-0148-2024.

Parcel Number(s): 20-04-30-300-010.000-032.

Existing Zoning: A-1.

Petition: For a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.

Petitioner: Lowell M. Bontrager & Joan K. Bontrager, Husband & Wife.

Location: North side of CR 108, 2,450 ft. west of CR 131, in York Township.

Site Description:

- Physical Improvement(s) – Residence, barns.
- Proposed Improvement(s) – Barn.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- **March 15, 2001** – The BZA approved an appeal for the amount of accessory storage to exceed what was allowed (the north building was the subject of the appeal).

Staff Analysis:

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. A Special Use for an agricultural use is allowed in the A-1 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This 2.5-acre parcel is surrounded by other large-parcel homesites and densely wooded area to the north.
3. The Special Use will substantially serve the public convenience and welfare by providing for transportation and a local food source.

BZA Staff Report (Continued)

Hearing Date: April 18, 2024

Staff recommends **APPROVAL** with the following condition(s) 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 a fenced pasture and chicken area.

Staff recommends **APPROVAL** with the following commitment(s) 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 application.
2. The agricultural use is limited to 3 horses and 10 chickens, no roosters.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building
4230 Elkhart Road, Goshen, Indiana, 46526
Phone - (574) 971-4678
Fax - (574) 971-4578

Special Use - Non Mobile Home

SUP-0148-2024

Date: 03/12/2024 Meeting Date: April 17, 2024 Transaction #: SUP-0148-2024
Board of Zoning Appeals Public Hearing

Description: for a Special Use for an agricultural use for the keeping of animals (on a tract of land containing less than 3 acres)

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Lowell M & Joan K Bontrager H & W 15697 County Road 108 Bristol, IN 46507	Lowell M & Joan K Bontrager H & W 15697 County Road 108 Bristol, IN 46507

Site Address: 15697 County Road 108
BRISTOL, IN 46507

Parcel Number: 20-04-30-300-010.000-032

Township: York
Location: NORTH SIDE OF CR 108, 2,450 FEET WEST OF CR 131

Subdivision: Lot #

Lot Area: Frontage: Depth:

Zoning: A-1, A-1 NPO List:

Present Use of Property: RESIDENTIAL DWELLING

Legal Description:

Comments: PARCEL CREATION DATE 3-1-69

Applicant Signature:
x Lowell Bontrager

Department Signature:
Elizabeth Starn

Application

Site address: 15697 CR108 Bristol IN 46507

Parcel number(s): 20-04-36800-010.000-032

Current property owner

Name: Lowell Bontager

Address: 15697 CR108 Bristol IN 46507

Phone: 574-849-6833 Email: N/A

Other party Agent Buyer Land contract purchaser Lessee

Name: _____

Address: _____

Phone: _____ Email: _____

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: Lowell Bontager

Staff Use Only

Description: _____

Parcel creation date: _____

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N S E W corner side end of _____ ,
_____ ft. N S E W of _____ ,
in _____ Township

Frontage: _____ **Depth:** _____ **Area:** _____ acres

Subdivision and lot number, if applicable: _____

Present use: _____

Developmental Variance — Questionnaire

Name: Lowell Bontager

1) Tell us what you want to do. Build a barn for horses, hay storage

2) Tell us why you can't change what you're doing so you don't need a variance. I don't have enough square footage in my house. Not enough acreage for ag permit.

3) Tell us why the variance won't hurt your neighbors or the community. It will be a better and safer environment for all livestock and equipment.

4) Does the property need well and septic? Well: Y N Septic: Y N
Does the property need a new septic system? Y N
If a new septic system is needed, did the Health Department say there's enough space for it? Y N

5) Does the application include variances to allow for buildings or additions? Y N If yes, fill out below.

Building or addition 1 Size and height to the peak: 36x40 18ft
Tell us what you'll use it for. Horse barn, hay storage, ag

Building or addition 2 Size and height to the peak: _____
Tell us what you'll use it for. _____

Building or addition 3 Size and height to the peak: _____
Tell us what you'll use it for. _____

6) Does the application include a variance for a residence on property with no road frontage? Y N
If yes, fill out below.

Is the easement existing? Y N If the easement is existing, is it recorded? Y N
Tell us who owns (will own) the land under the easement. _____
Tell us how many parcels will use the easement. _____

7) Does the application include variances for signs? Y N If yes, fill out below.

Sign 1 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N

Sign 3 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N

8) Does the application include a variance for parking spaces? Y N
If yes, tell us how many total there will be. _____

9) Tell us anything else you want us to know. _____

SUP-0148-2024





A-1

COUNTY ROAD 108

YORK

A-1







Subject property



Subject property, pasture



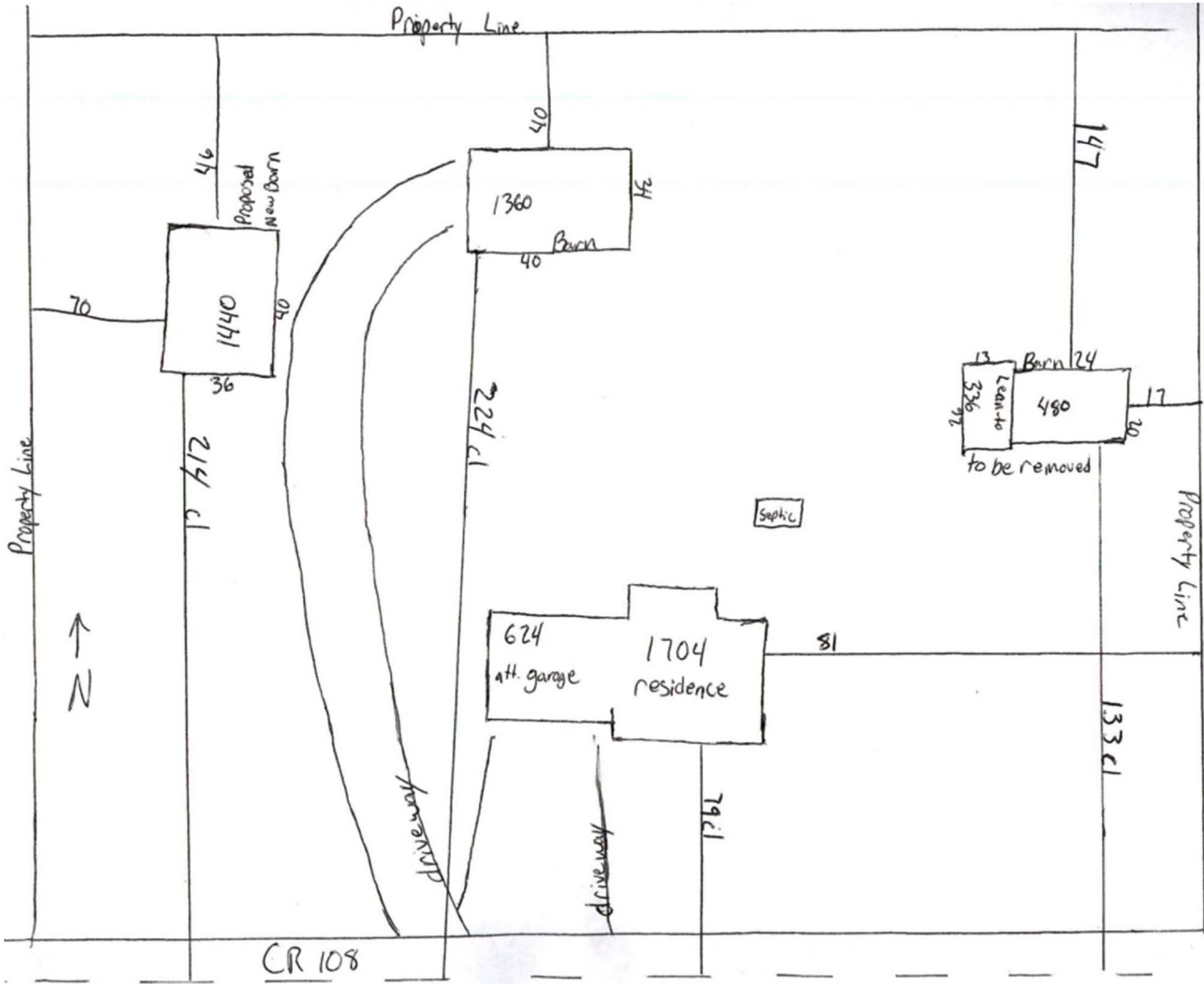
Facing east



Facing west



Facing south across CR 108



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 18, 2024

Transaction Number: SUP-0172-2024.

Parcel Number(s): 20-08-09-351-005.000-034, 20-08-09-351-008.000-034, 20-08-09-351-009.000-034.

Existing Zoning: A-1.

Petition: for an Amendment to an existing Special Use for a place of worship to allow for a building addition.

Petitioner: Pathway Assembly of God Church of the Assemblies of God of Middlebury, Indiana Inc.

Location: North side of US 20, 1,500 ft. West of Northridge Dr., in Middlebury Township.

Site Description:

- Physical Improvement(s) – Church.
- Proposed Improvement(s) – Addition
- Existing Land Use – Church.
- Surrounding Land Use – Mixed use.

History and General Notes:

- **December 20, 2001** – The BZA approved a Special Use for a church, an appeal to allow the construction of a church on property served in part by an access easement, and a 69 ft. lot-width
- **April 18, 2002** – The BZA approved a site plan amendment to the existing Special Use to allow a new sign and temporary RVs for church construction workers.
- **August 18, 2005** – The BZA approved an amendment to the existing Special Use to allow a for an addition.
- **December 15, 2022** – The BZA approved an amendment to the existing Special Use to allow for an additional signs.

Staff Analysis:

Staff finds that:

1. The Special Use Amendment will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. This is an existing Special Use for a place of worship.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 6.62-acre property in a mixed-use area, and the property will remain a place of worship.
3. The Special Use Amendment will substantially serve the public convenience and welfare by allowing an addition to the existing facility.

BZA Staff Report (Continued)

Hearing Date: April 18, 2024

Staff recommends **APPOVAL** with the following condition(s) 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.

Staff recommends **APPROVAL** with the following commitment(s) imposed:

1. The request is approved in accordance with the site plan submitted 3/20/2024 and as represented in the Special Use application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use - Non Mobile Home

SUP-0172-2024

Date: 03/18/2024

Meeting Date:

April 18, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0172-2024

Description: for an Amendment to an existing Special Use for place of worship to allow for a building addition.

Contacts: Applicant

Abonmarche Consultants
303 River Race Dr. Suite 206
Goshen, IN 46526

Authorized Agent

Abonmarche Consultants
303 River Race Dr. Suite 206
Goshen, IN 46526

Land Owner

Pathway Assembly Of God
Church Of The Assemblies Of
God Of Middlebury, Indiana
Inc.
13805 Us 20
Middlebury, IN 46540

Site Address: 13805 Us Highway 20
MIDDLEBURY, IN 46540

Parcel Number: 20-08-09-351-005.000-034
20-08-09-351-008.000-034
20-08-09-351-009.000-034

Township: Middlebury

Location: NORTH SIDE OF US 20, 1,500 FEET WEST OF NORTHRIDGE DRIVE

Subdivision:

Lot #

Lot Area: 6.62 Frontage: 409.00 Depth: 399.00

Zoning: A-1

NPO List:

Present Use of Property: PLACE OF WORSHIP

Legal Description:

Comments: PARCEL CREATION DATE 8/17/1985
SPECIAL USE SUP-0839-2022-APPROVED ON 12/20/2022.
SPECIAL USE-20014466- APPROVED ON 12/20/01
SPECIAL USE-2001/608 APPROVED ON 4/18/2002
SPECIAL USE-20052939- APPROVED ON 8/18/2005

Applicant Signature:

Department Signature:

Special Use — Questionnaire

Name: Pathway Assembly Of God Church

1) Tell us what you want to do. Construct a building addition to create a new worship space with up to 600 seats

2) Tell us why this activity won't hurt your neighbors or the community. This is an existing church with no on-going issues or concerns from the neighbors or community.

3) Is there a subdivision covenant that says you can't do this activity? If yes, does the subdivision have an active homeowners' association?

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Tell us what will create those things. Tell us how you'll reduce the impact of those things on neighbors.

5) Will there be buffering (fences, trees, shrubs, mounds)? If yes, tell us about it.

6) Does the property need well and septic? Does the property need a new septic system? If a new septic system is needed, did the Health Department say there's enough space for it?

7) Will the activity use buildings or additions? Building or addition 1 Existing? Building or addition 2 Existing? Building or addition 3 Existing?

8) Does this application include animals? If yes, tell us what kind and how many of each.

Special Use — Questionnaire

9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? Y N If yes, fill out below.

How many employees do you have now? Full time: 3 Part time: 4

How many employees do you want? Full time: 3 Part time: 4

How many of the employees won't live onsite? All

What will be the days and hours of operation on this property? Mon-Thurs 8am-4pm, Sunday 8am-1pm

How many parking spaces do you have now? 121 plus 6 Handicap

How many parking spaces do you want? 240 total

Will there be outside storage or display areas on this property? Y N

If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

Approximately how many customers (clients, guests, students, members) will be on this property per day?

Mon-Thurs approximately 5...Sunday currently 350

Will there be pickups or deliveries on this property? Y N If yes, fill out below.

Tell us how often. Monday - Thursday once or twice a day FedEx, UPS, Amazon

Tell us the kind of vehicles used. Small delivery vehicles

Does the application include signs? Y N If yes, fill out below.

Sign 1 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

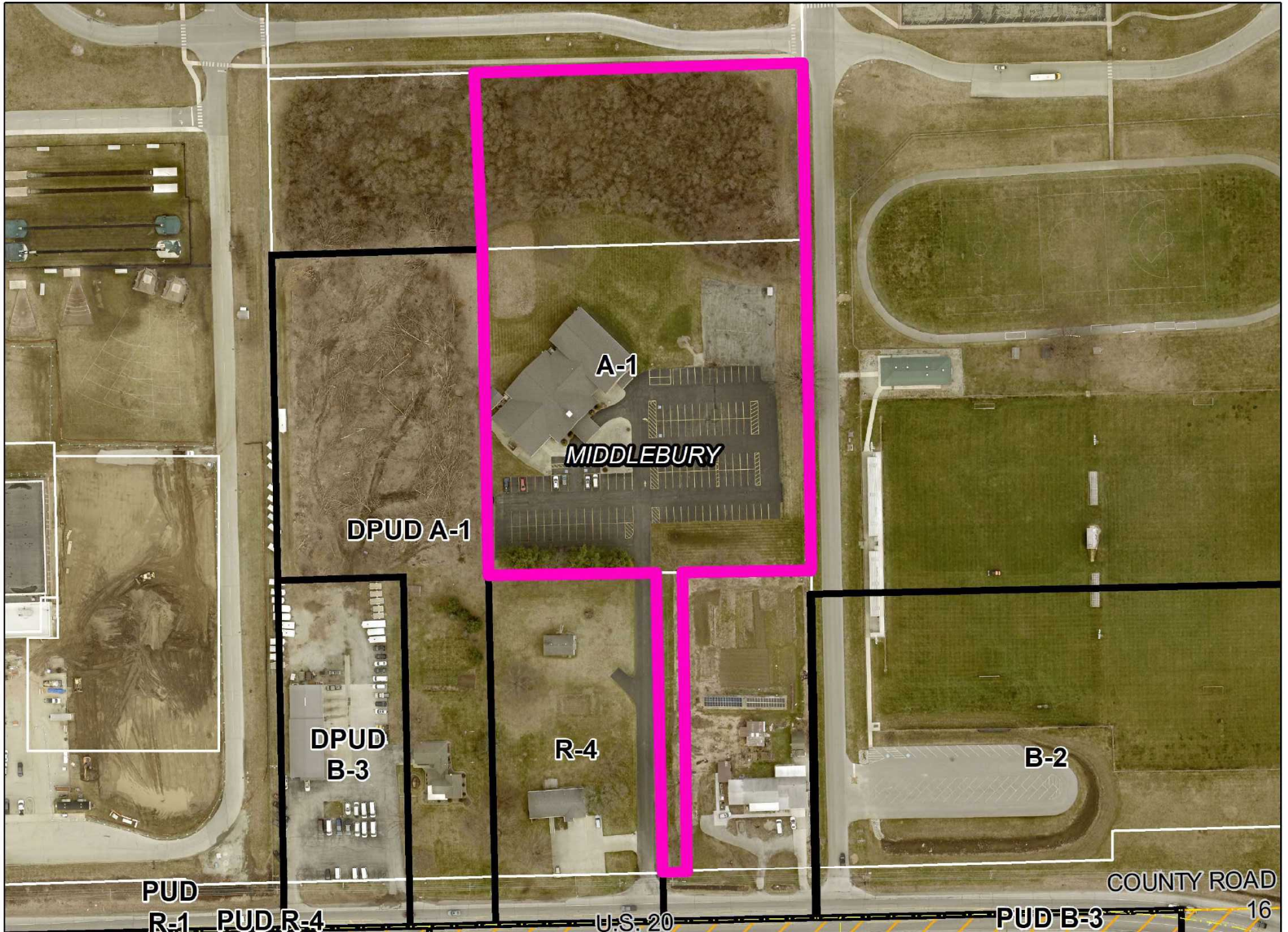
Sign 3 Dimensions (length and width). _____

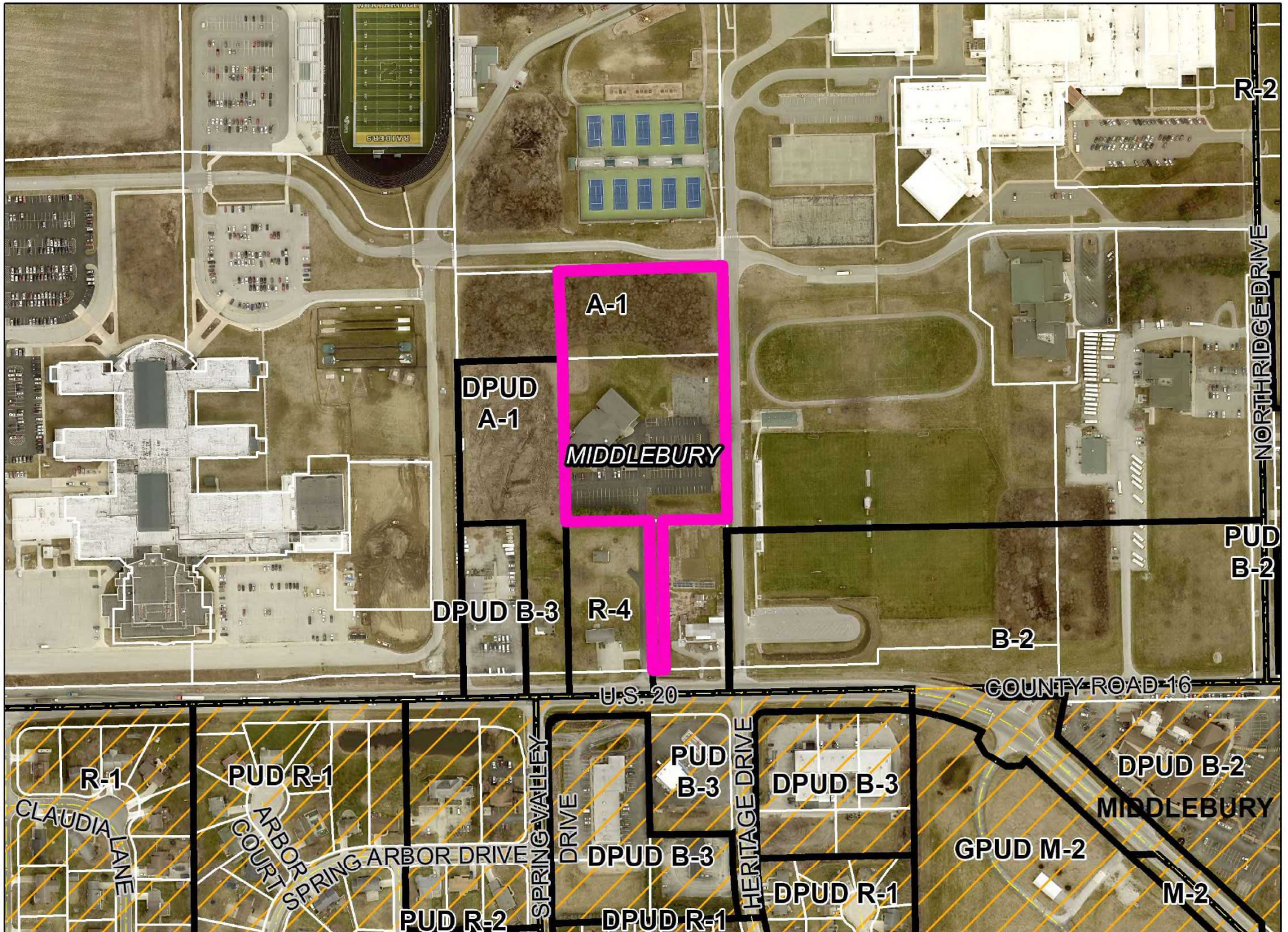
Existing? Y N Double faced? Y N

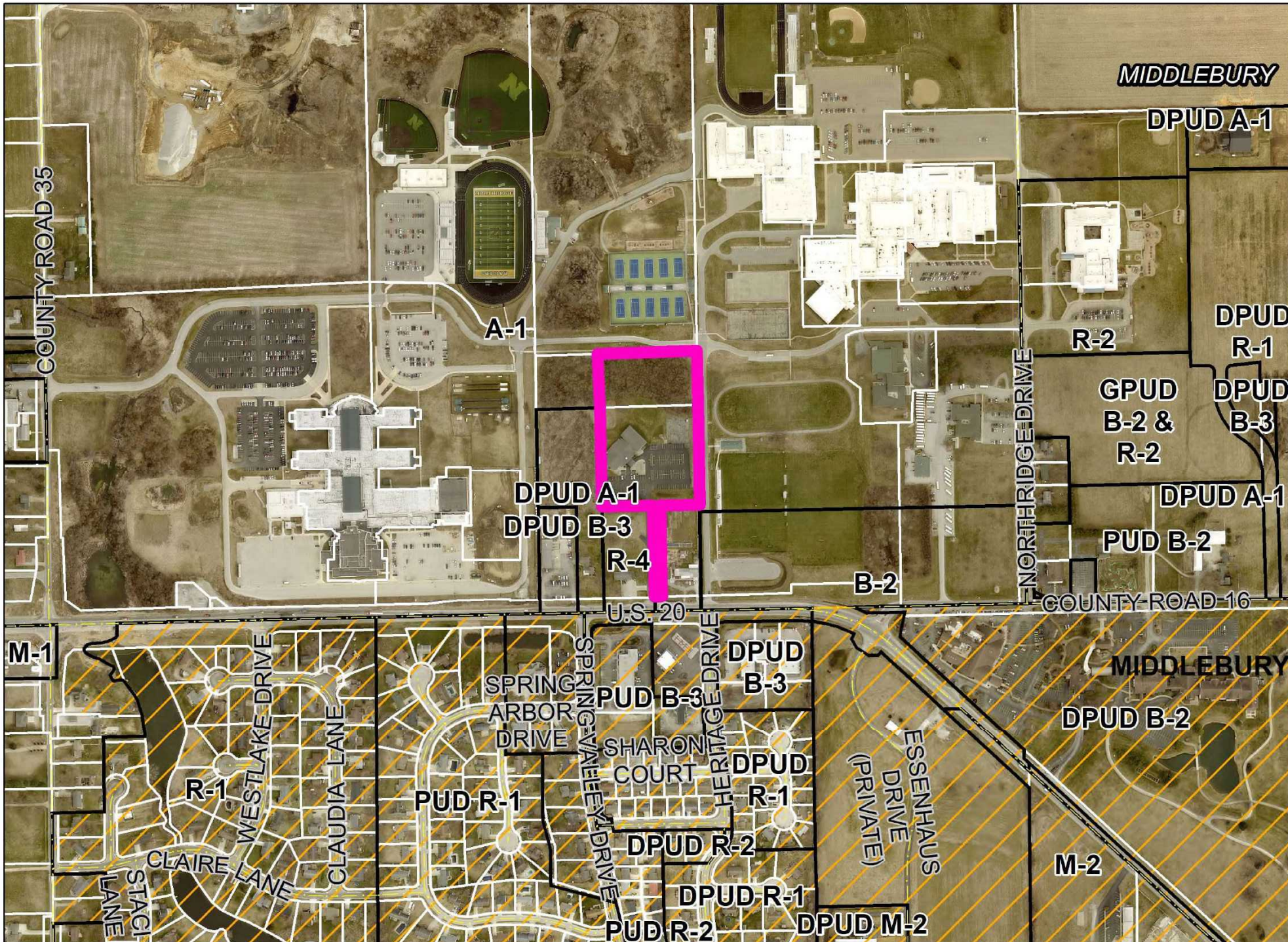
Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

10) Tell us anything else you want us to know. _____









Looking north toward subject property



Looking south



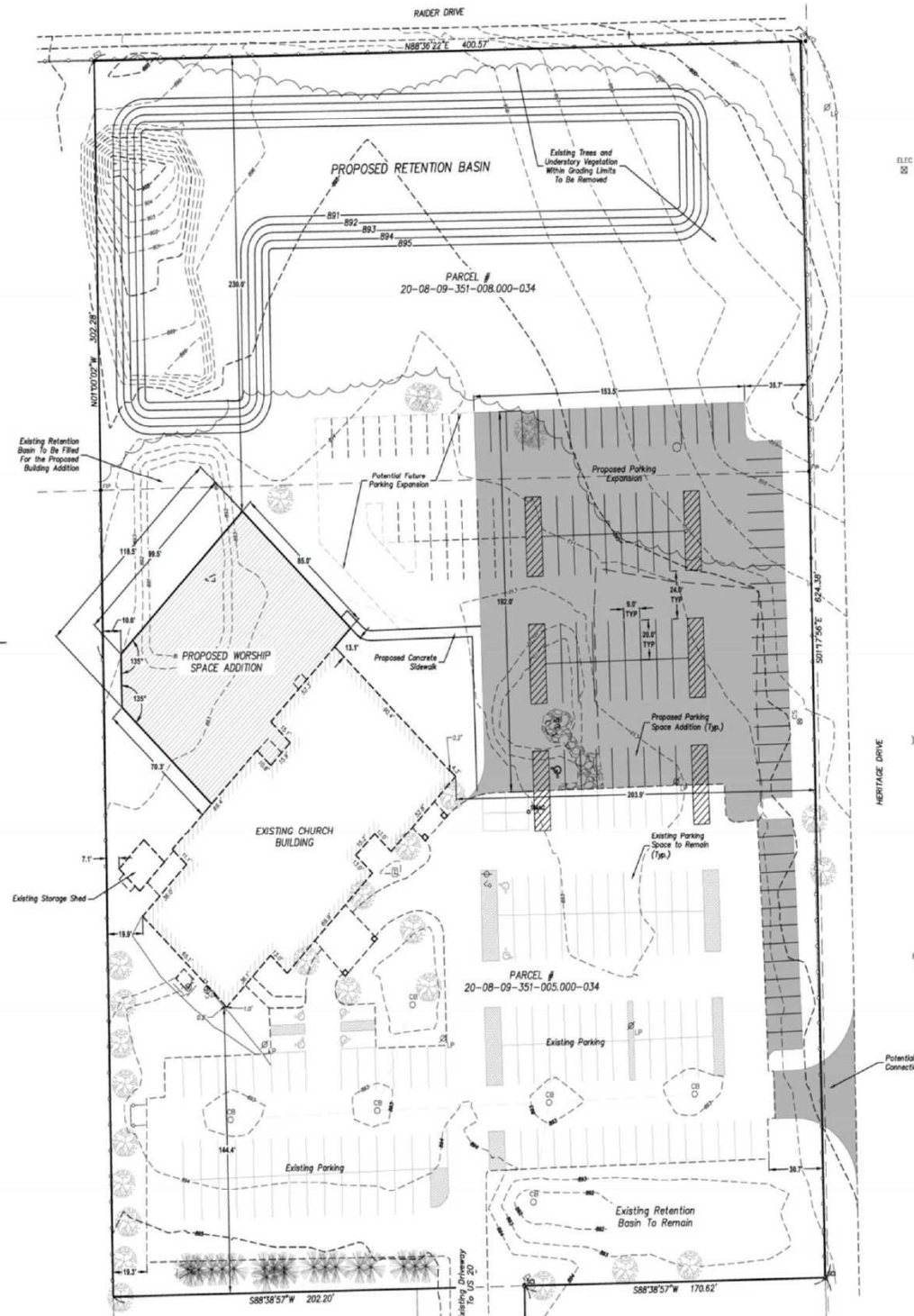
Looking east



Looking west



OVERALL SITE PLAN
(1" = 100')



GENERAL NOTES

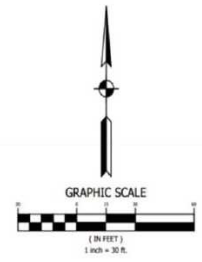
1. Current Zoning: A-1 Agricultural District
Existing and Proposed Land Use: Church
2. The project site is currently served by Town of Middlebury sanitary sewer and water.
3. Setbacks shall conform to Elkhart County Zoning Ordinance unless the proper variances have been approved.
4. Proposed parking areas shall be privately owned.
5. All landscape, site lighting, and ground/building signage shall be in accordance with the Elkhart County Zoning Ordinance unless the proper variances have been obtained.

PARKING CALCULATIONS

Proposed Main Assembly Area Seating: 500 Chairs
 Parking Requirement: 1 Space / 4 Seats in Main Area of Assembly
 500 Chairs / 4 = 148 Spaces
 Parking Provided: 124 Existing Spaces (Including 6 Handicap Spaces)
 90 Proposed Spaces (Including 1 Handicap Space)
 Total: 219 Spaces
 Potential Future Parking: 26 Spaces

Existing Fire Hydrant

ELEC
00



PROJECT: _____
 SHEET TITLE: _____
 DRAWN BY: **TE**
 DESIGNED BY: **TE**
 PM REVIEW: **TE**
 QA/QC REVIEW: **BM**
 DATE: **3/20/2024**
 SEAL: _____

SIGNATURE: _____
 DATE: _____

HARD COPY IS INTENDED TO BE 24" x 36" WHEN PLOTTED. SCALES INDICATED AND GRAPHIC QUALITY MAY NOT BE ACCURATE FOR ANY OTHER SIZES.

SCALE:
 HORIZ: 1" = 30'
 VERT: _____

AD JOB #
24-0174
 SHEET NO.

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 18, 2024

Transaction Number: SUP-0159-2024.

Parcel Number(s): 20-01-14-404-002.000-005.

Existing Zoning: A-1.

Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.

Petitioner: James W. Ragan & Annette C. Ragan, Husband & Wife.

Location: South side of Walerko Dr., 1,135 ft. West of CR 5, in Cleveland Township.

Site Description:

- Physical Improvement(s) – Residence and accessory structure.
- Proposed Improvement(s) – Chicken coop & run
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- The size of structures for the chickens, including the chicken coop & run do not require a building permit.

Staff Analysis:

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. A Special Use for an agricultural use is allowed in the R-1 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 0.49-acre lot in a moderately dense residential area, and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing a local hobby opportunity and food source.

BZA Staff Report (Continued)

Hearing Date: April 18, 2024

Staff recommends **APPROVAL** with the following condition(s) 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.

Staff recommends **APPROVAL** with the following commitment(s) imposed:

1. The request is approved in accordance with the site plan submitted 3/14/2024 and as represented in the Special Use application.
2. The agricultural use is limited to 6 chickens, no roosters.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building
4230 Elkhart Road, Goshen, Indiana, 46526
Phone - (574) 971-4678
Fax - (574) 971-4578

Special Use - Non Mobile Home

Date: 03/14/2024 Meeting Date: April 18, 2024
Board of Zoning Appeals Public Hearing Transaction #: SUP-0159-2024

Description: for a Special Use for an agricultural use for the keeping of chickens on a tract of land containing less than 3 acres

Contacts: <u>Applicant</u>	<u>Land Owner</u>
James W & Annette C Ragan H&W 29340 Walerko Dr. Elkhart, IN 46514	James W & Annette C Ragan H&W 29340 Walerko Dr. Elkhart, IN 46514

Site Address: 29340 Walerko Drive
ELKHART, IN 46514

Parcel Number: 20-01-14-404-002.000-005

Township: Cleveland
Location: SOUTH SIDE OF WALERKO DR., 1,135 FT. WEST OF CR 5

Subdivision: Lot #

Lot Area: 0.49 Frontage: 72.00 Depth: 249.15

Zoning: A-1 NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: BR-1586-2021, ELEC-R-2373-2021 ALL COMPLETED PERMITS. AW

Applicant Signature:
Annette Ragan

Department Signature:
Amber M Weiss

Application

Site address: 29340 Walerko Dr. (Lots 30+31)

Parcel number(s): ~~20-01-14-404-001-000-005~~; 20-01-14-404-002-000-005

Current property owner

Name: James W. Ragan and Annette C. Ragan husband and wife

Address: 29340 Walerko Dr.

Phone: 815-721-3365

Email: annette.ragan@comcast.net

Other party

- Agent
- Buyer
- Land contract purchaser
- Lessee

Name: _____

Address: _____

Phone: _____ Email: _____

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent:

Annette C Ragan

Staff Use Only

Description: _____

Parcel creation date: N/A.

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: N/A.

Location: N (S) E W corner (side) end of WALERKO DR.
1,135 ft. N S E (W) of CR 5
in CLEVELAND Township

Frontage: 72 Depth: 249.15 Area: 0.494 acres

Subdivision and lot number, if applicable: WALERKO'S WHISPERING ACRES SECOND LOTS 30+31.

Present use: RESIDENTIAL.

Special Use — Questionnaire

Name: Annette Ragan

1) Tell us what you want to do. Raise a small flock of chickens for eggs and enjoyment.

2) Tell us why this activity won't hurt your neighbors or the community. My chickens would be contained in a coop and a run. They are relatively ~~quite~~ quiet and docile. They provide food (eggs), pest control and fertilizer for my garden. (After composting)

3) Is there a subdivision covenant that says you can't do this activity? Y N
 If yes, does the subdivision have an active homeowners' association? Y N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
 Tell us what will create those things. Around the coop there would be some noise and possibly some odor.
 Tell us how you'll reduce the impact of those things on neighbors. The coop would be far enough away from neighbors and cleaning can control the odor.

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
 If yes, tell us about it. There is a fence with the neighbors on the east and a tree line between the neighbors to the west. There is a field behind us on the south side.

6) Does the property need well and septic? Well: Y N Septic: Y N
 Does the property need a new septic system? Y N
 If a new septic system is needed, did the Health Department say there's enough space for it? Y N

7) Will the activity use buildings or additions? Y N If yes, fill out below.
Building or addition 1 Existing? Y N Size and height to the peak: 55" L x 44.5" W x 54.5" H.
 Tell us what you'll use it for. Chicken Coop (on wheels)

Building or addition 2 Existing? Y N Size and height to the peak: 6.5' x 3.5' x 37.5"
 Tell us what you'll use it for. Chicken Run

Building or addition 3 Existing? Y N Size and height to the peak: _____
 Tell us what you'll use it for. _____

8) Does this application include animals? Y N
 If yes, tell us what kind and how many of each. Chicken hens only, 4-6

Next page ➡

Special Use — Questionnaire

9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? Y N If yes, fill out below.

How many employees do you have now? Full time: _____ Part time: _____

How many employees do you want? Full time: _____ Part time: _____

How many of the employees won't live onsite? _____

What will be the days and hours of operation on this property? _____

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

Will there be outside storage or display areas on this property? Y N

If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

Approximately how many customers (clients, guests, students, members) will be on this property per day? _____

Will there be pickups or deliveries on this property? Y N If yes, fill out below.

Tell us how often. _____

Tell us the kind of vehicles used. _____

Does the application include signs? Y N If yes, fill out below.

Sign 1 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 3 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

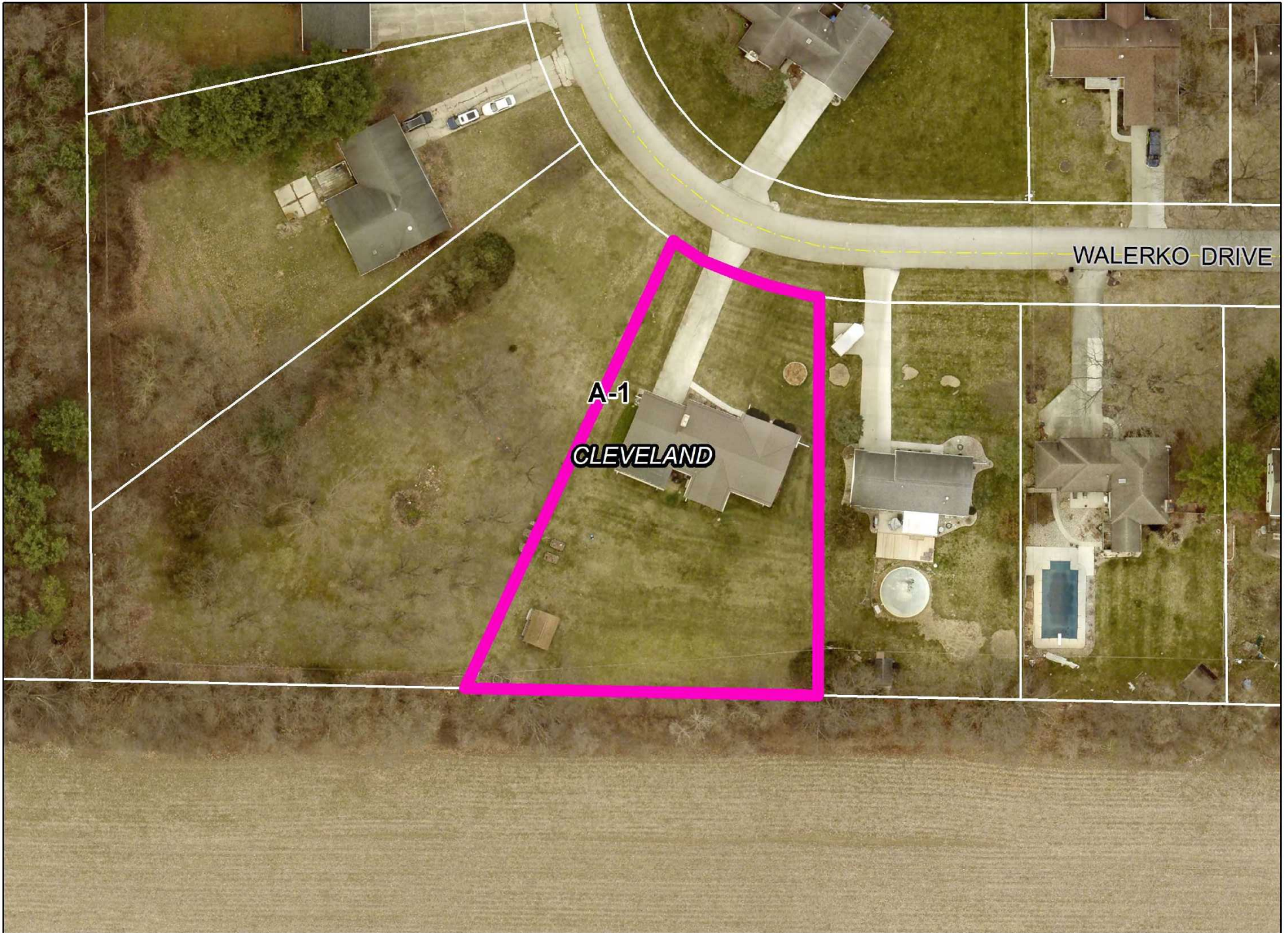
Electronic message board? Y N If no, lighted? Y N

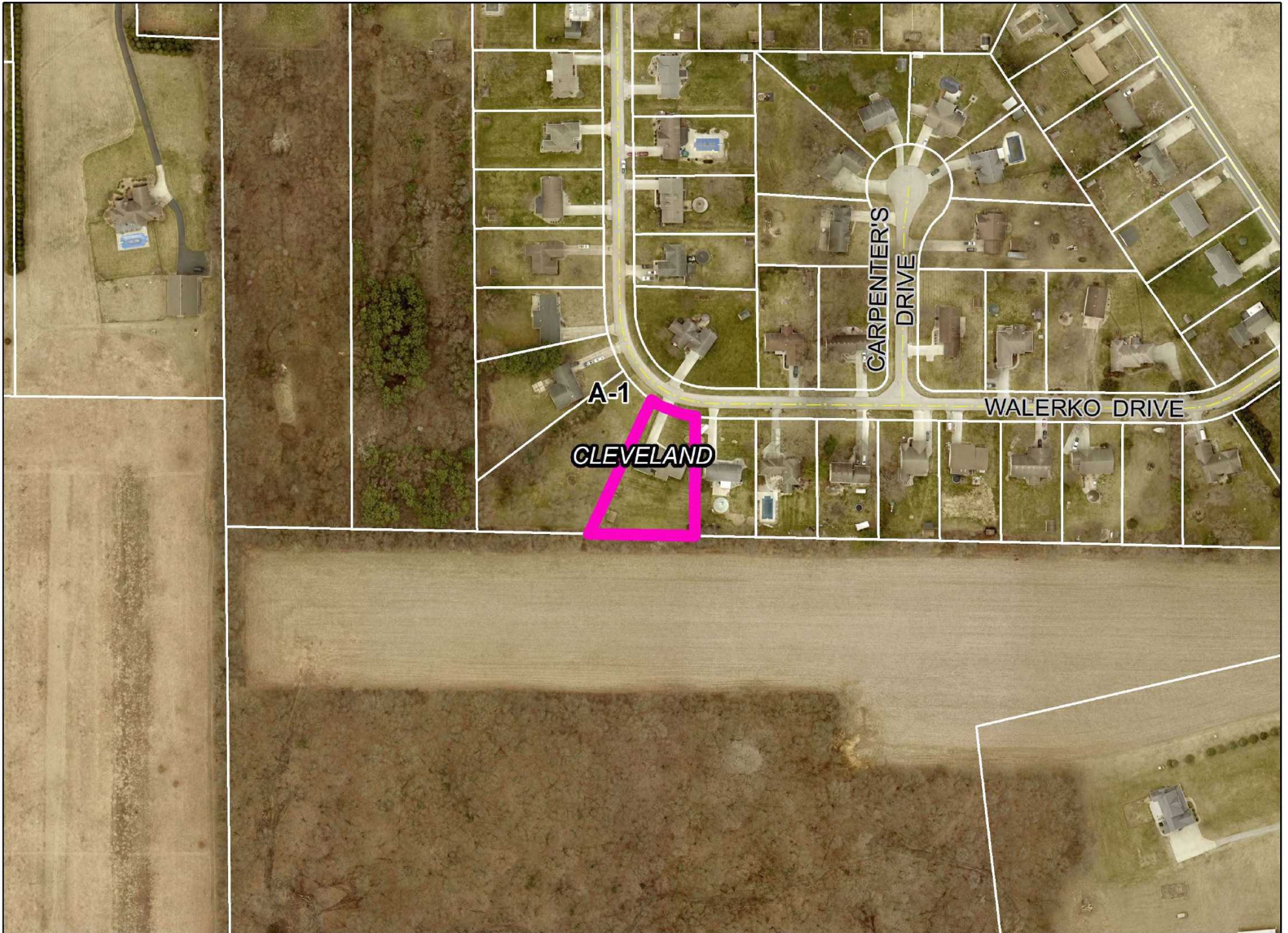
Freestanding? Y N Wall mounted? Y N

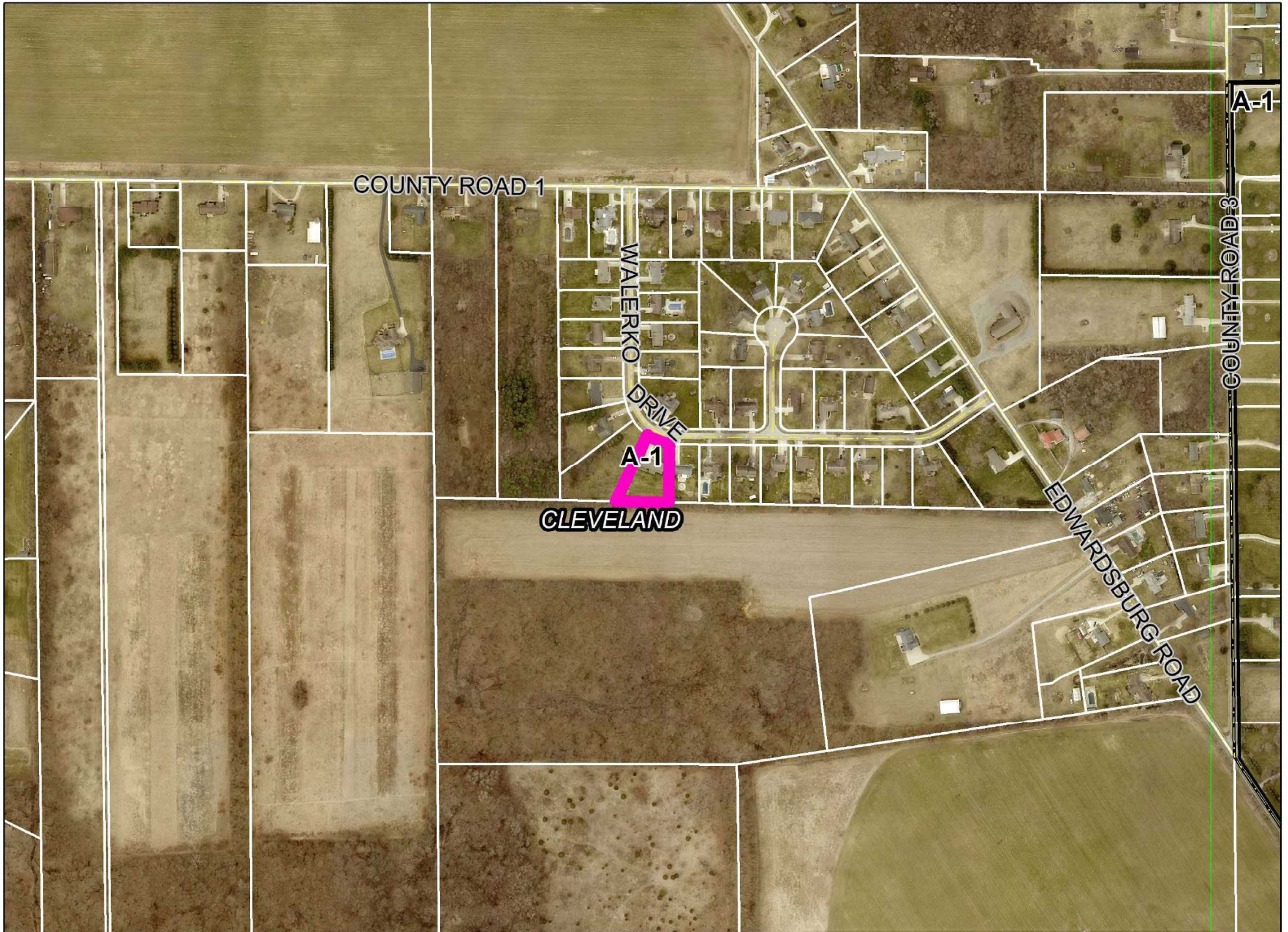
10) Tell us anything else you want us to know. Chickens are awesome.

I don't want smelly pets at my house, so they will be cared for.

SUP-0159-2024









Looking south toward subject property



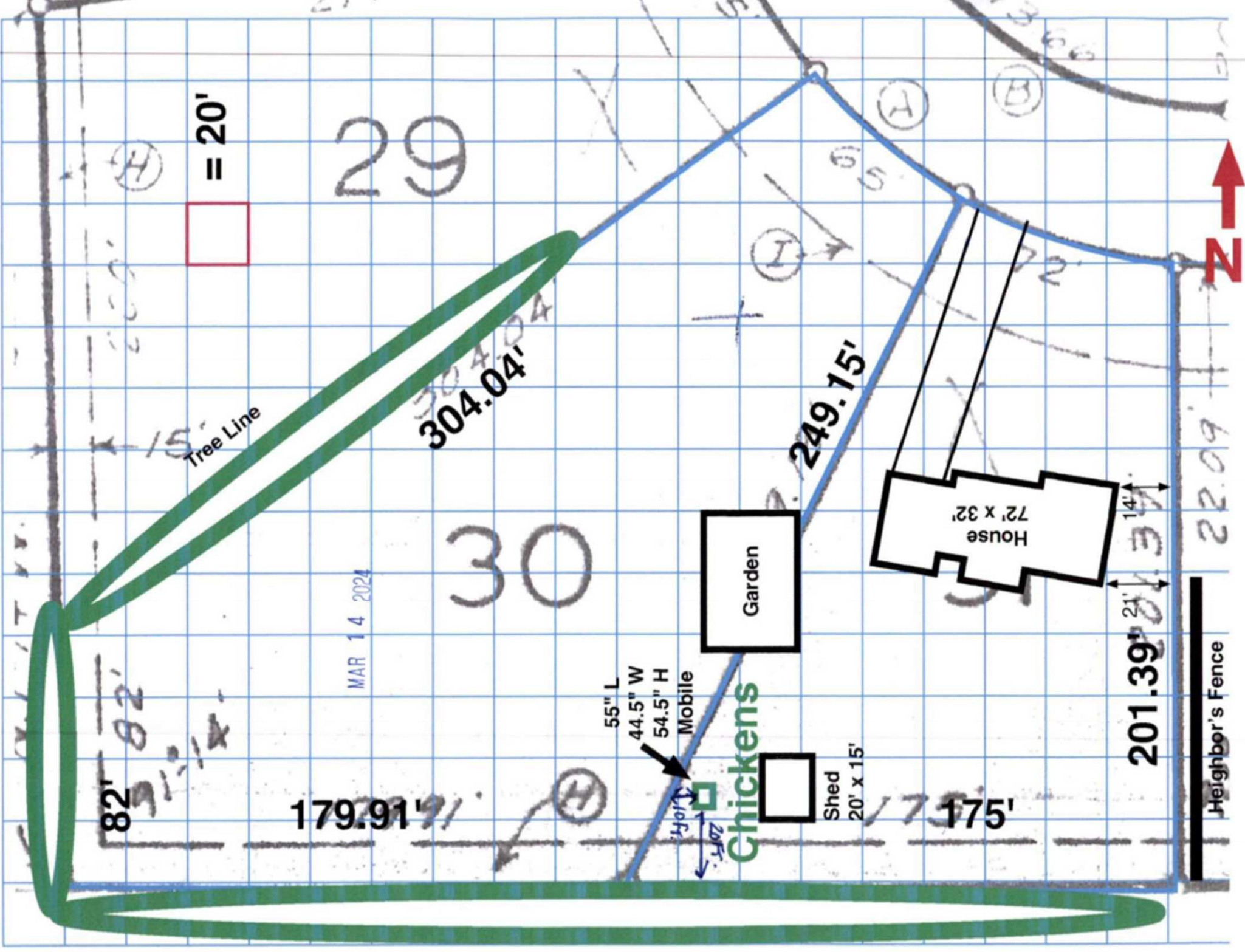
Looking north



Looking west



Looking east



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 18, 2024

Transaction Number: SUP-0160-2024.

Parcel Number(s): 20-10-24-400-052.000-016.

Existing Zoning: A-1.

Petition: for a Special Use for warehousing of commercial vehicles and for a Special Use for a home workshop/business for an auto repair business.

Petitioner: Kirill S. Volnykh .

Location: Northwest corner of CR 38 & CR 17, in Harrison Township.

Site Description:

- Physical Improvement(s) – Residential and accessory structure.
- Proposed Improvement(s) – Accessory structure.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Agricultural, residential, commercial

History and General Notes:

- 1/9/2024 – A code complaint for trash (CODE-0006-2024)
- 1/9/2024 – A code complaint for junk cars (CODE-0007-2024)
- 1/9/2024 – A code complaint for running a car repair business (CODE-0008-2024)
- The Special Use for warehousing is for a 35 ft. car-hauling trailer.

Staff Analysis:

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. Special Uses for warehousing & storage and home workshop business are allowed in the A-1 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 0.59-acre parcel in a low-density residential and agricultural area, adjacent to a mixed-use area and the major intersection of CR 17 & CR 38. The small size of parcel will limit the scope of special use activities that can occur on the property.
3. The Special Use will substantially serve the public convenience and welfare by allowing for a local car repair and storage business.

BZA Staff Report (Continued)

Hearing Date: April 18, 2024

Staff recommends **APPROVAL** with the following condition(s) 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.

Staff recommends **APPROVAL** with the following commitment(s) imposed:

1. The request is approved in accordance with the site plan submitted 3/14/2024 and as represented in the Special Use application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use - Non Mobile Home

SUP-0160-2024

Date: 03/14/2024

Meeting Date:

April 18, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0160-2024

Description: for a Special Use for warehousing of commercial vehicles and special use for a home workshop/business for an auto repair business

Contacts: Applicant

Kirill S Volnykh
22043 County Road 38
Goshen, IN 465267278

Land Owner

Kirill S Volnykh
22043 County Road 38
Goshen, IN 465267278

REVISED
3-29-24

Site Address: 22043 County Road 38
GOSHEN, IN 46526

Parcel Number:

20-10-24-400-052.000-016

Township: Harrison

Location: NORTHWEST CORNER OF CR 38 AND CR 17

Subdivision:

Lot #

Lot Area:

0.59

Frontage:

296.93

Depth:

107.62

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 7-3-90
CODE CASES: 008-2024, 006-2024, 007-2024

Applicant Signature:

Department Signature:

Special Use — Questionnaire

Name: Kirill Volnykh

1) Tell us what you want to do. Minor auto-repair business | car cleaning +
warehousing car trailer.

2) Tell us why this activity won't hurt your neighbors or the community. It is just going
to be on my property, all cars start and drive, will
be parked in my driveway.

3) Is there a subdivision covenant that says you can't do this activity? Y N
If yes, does the subdivision have an active homeowners' association? Y N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
Tell us what will create those things. _____

Tell us how you'll reduce the impact of those things on neighbors. _____

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. _____

6) Does the property need well and septic? Well: Y N Septic: Y N
Does the property need a new septic system? Y N
If a new septic system is needed, did the Health Department say there's enough space for it? Y N

7) Will the activity use buildings or additions? Y N If yes, fill out below.

Building or addition 1 Existing? Y N Size and height to the peak: 26' x 40' x 13'

Tell us what you'll use it for. Storage of 4-wheeler, boat, bikes, vehicles

Building or addition 2 Existing? Y N Size and height to the peak: _____

Tell us what you'll use it for. _____

Building or addition 3 Existing? Y N Size and height to the peak: _____

Tell us what you'll use it for. _____

8) Does this application include animals? Y N
If yes, tell us what kind and how many of each. _____

Next page ➡

Special Use — Questionnaire

9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? Y N If yes, fill out below.

How many employees do you have now? Full time: none Part time: none

How many employees do you want? Full time: none Part time: none

How many of the employees won't live onsite? _____

What will be the days and hours of operation on this property? Part time hours after work + some weekends

How many parking spaces do you have now? 23-26

How many parking spaces do you want? 23-26

• Will there be outside storage or display areas on this property? Y N

If yes, tell us what will be stored outside or displayed. cars

• Will there be retail sales on this property? Y N

If yes, tell us what will be sold. cars

• Approximately how many customers (clients, guests, students, members) will be on this property per day?

2 monthly

Will there be pickups or deliveries on this property? Y N If yes, fill out below.

Tell us how often. Once a week

Tell us the kind of vehicles used. Dodge ram w/ gooseneck trailer, 35ft

Does the application include signs? Y N If yes, fill out below.

Sign 1 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

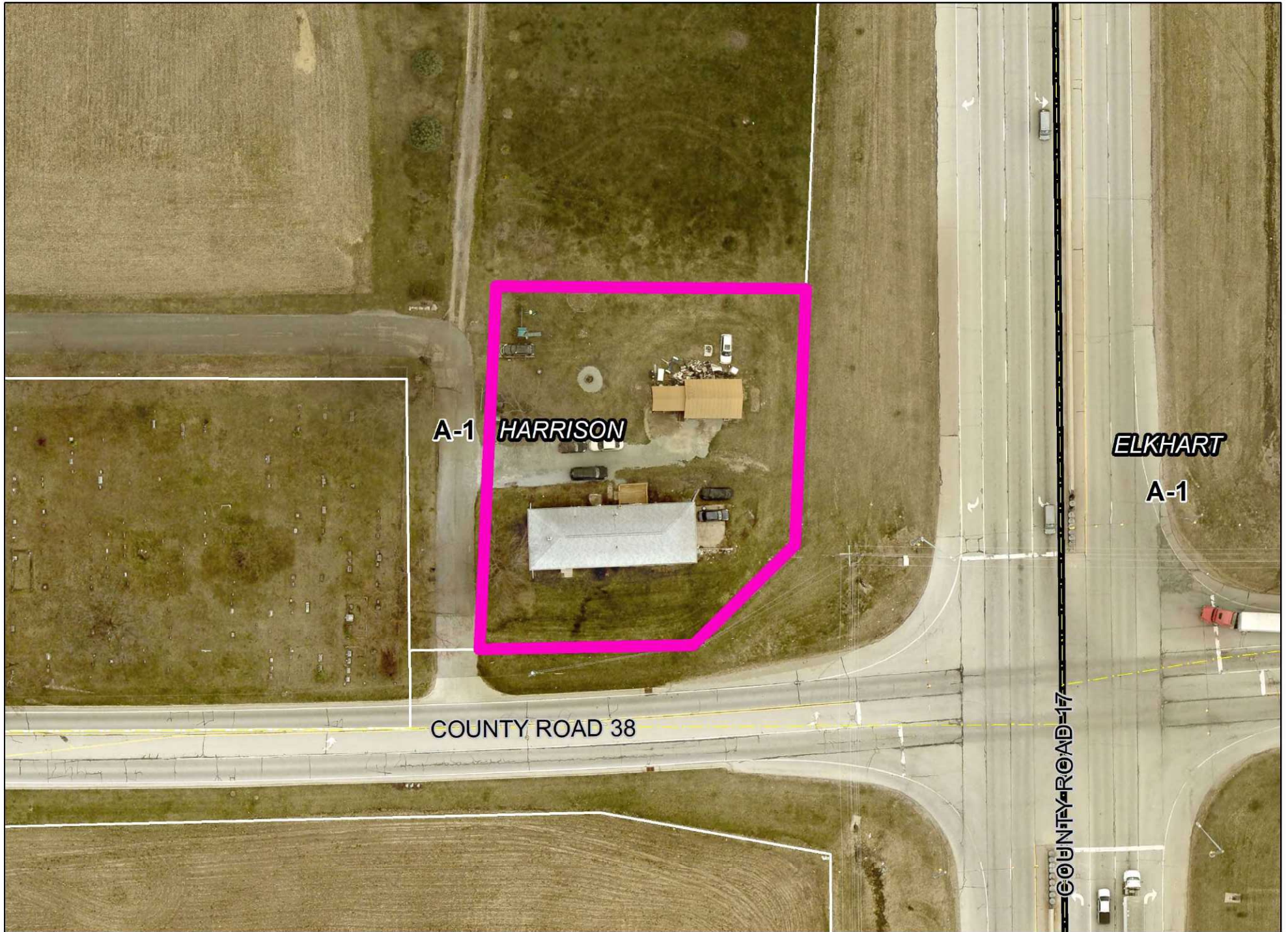
Sign 3 Dimensions (length and width). _____

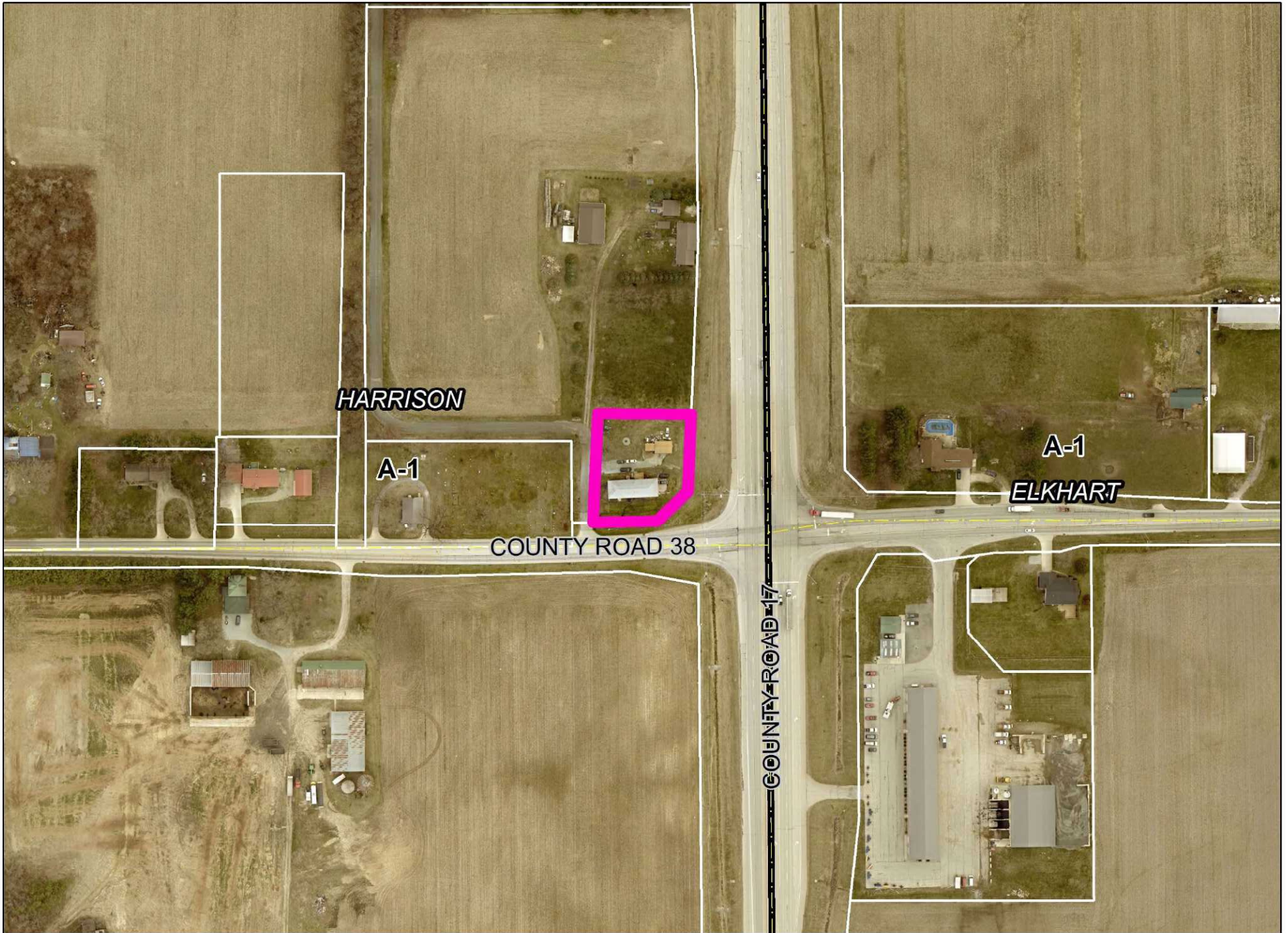
Existing? Y N Double faced? Y N

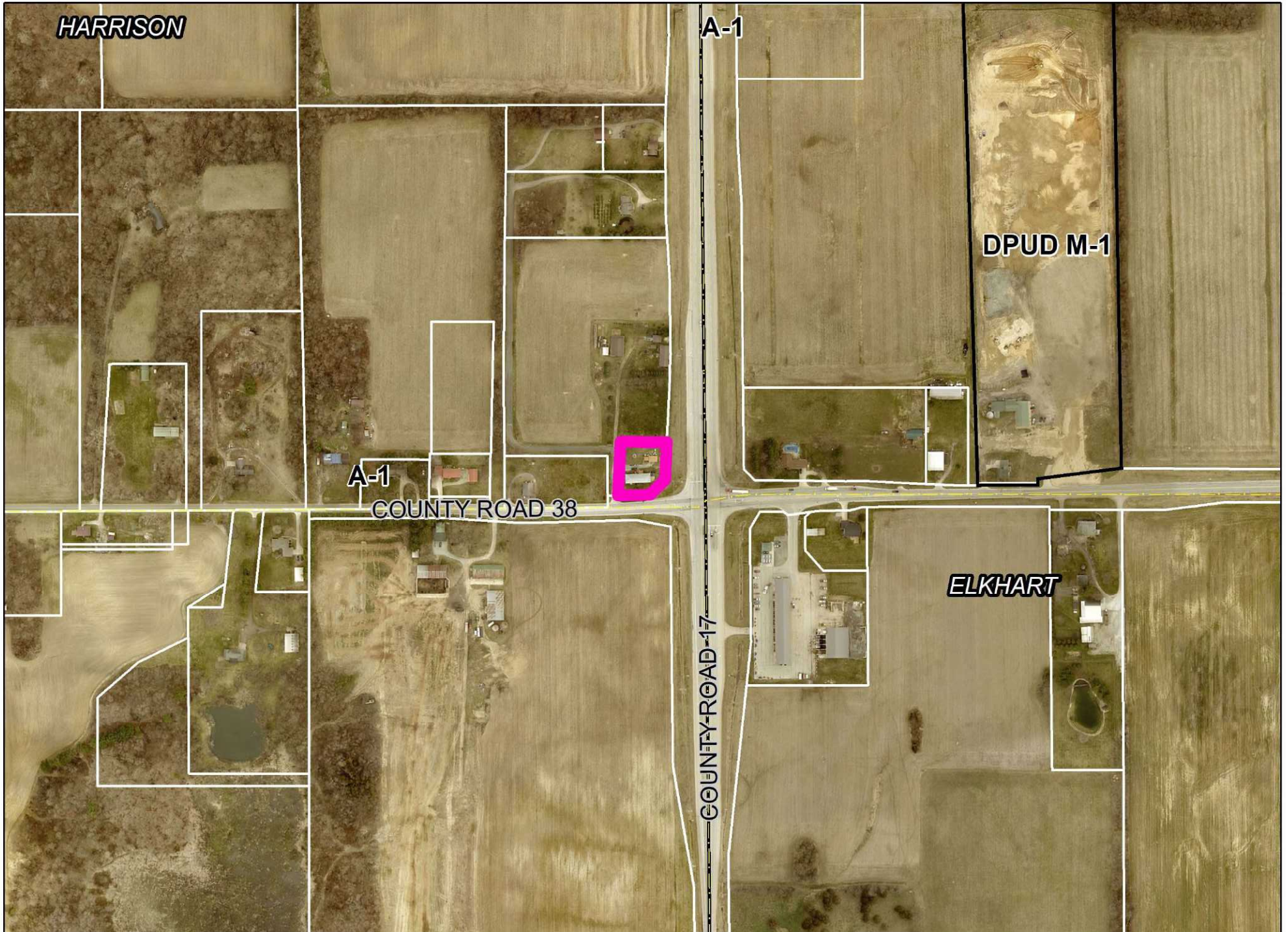
Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

10) Tell us anything else you want us to know. I have a full time job, this is more like a hobby. We also help a lot of the Ukrainian and Russian parolees + asylum seekers get cars.

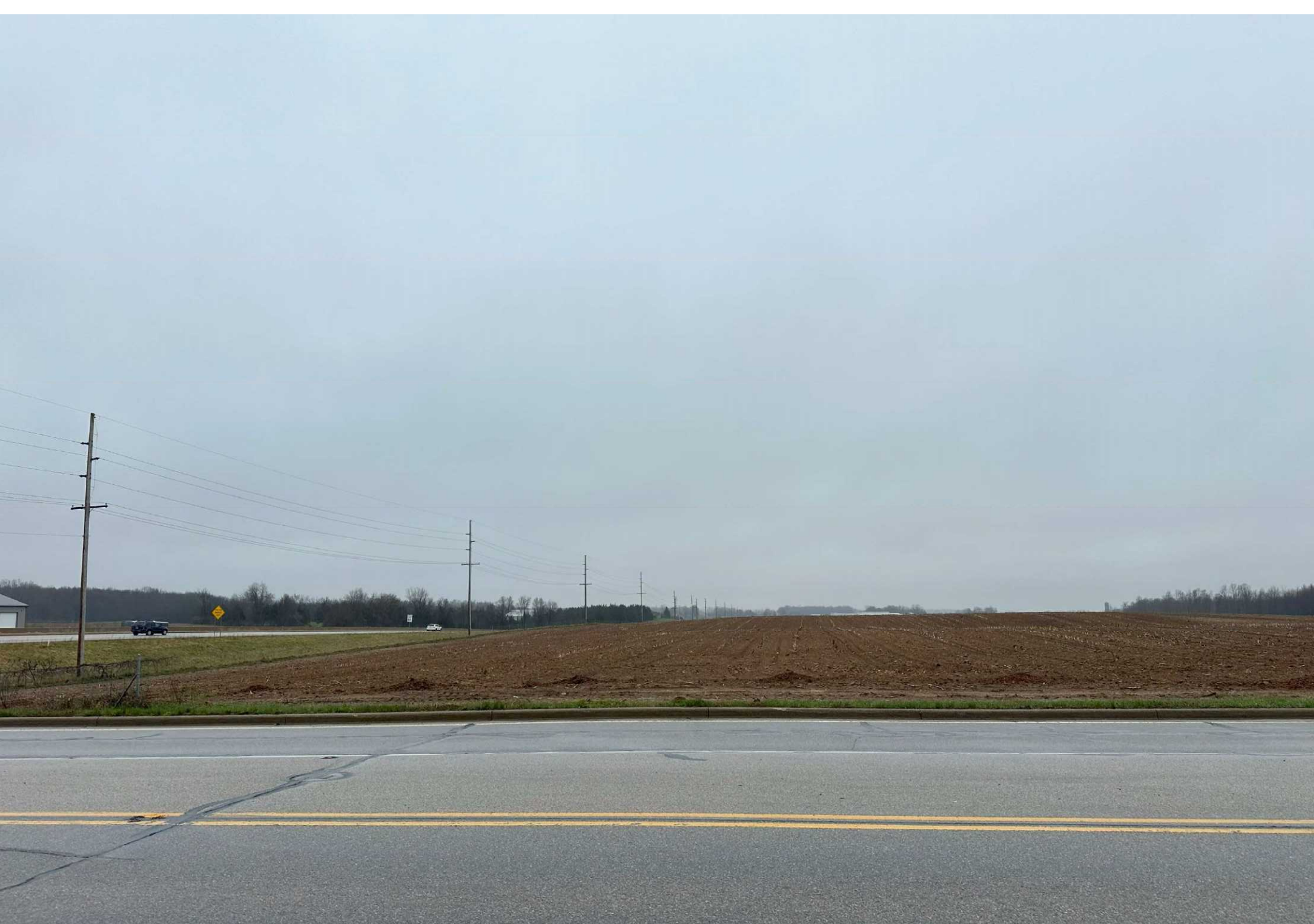








Looking north toward subject property



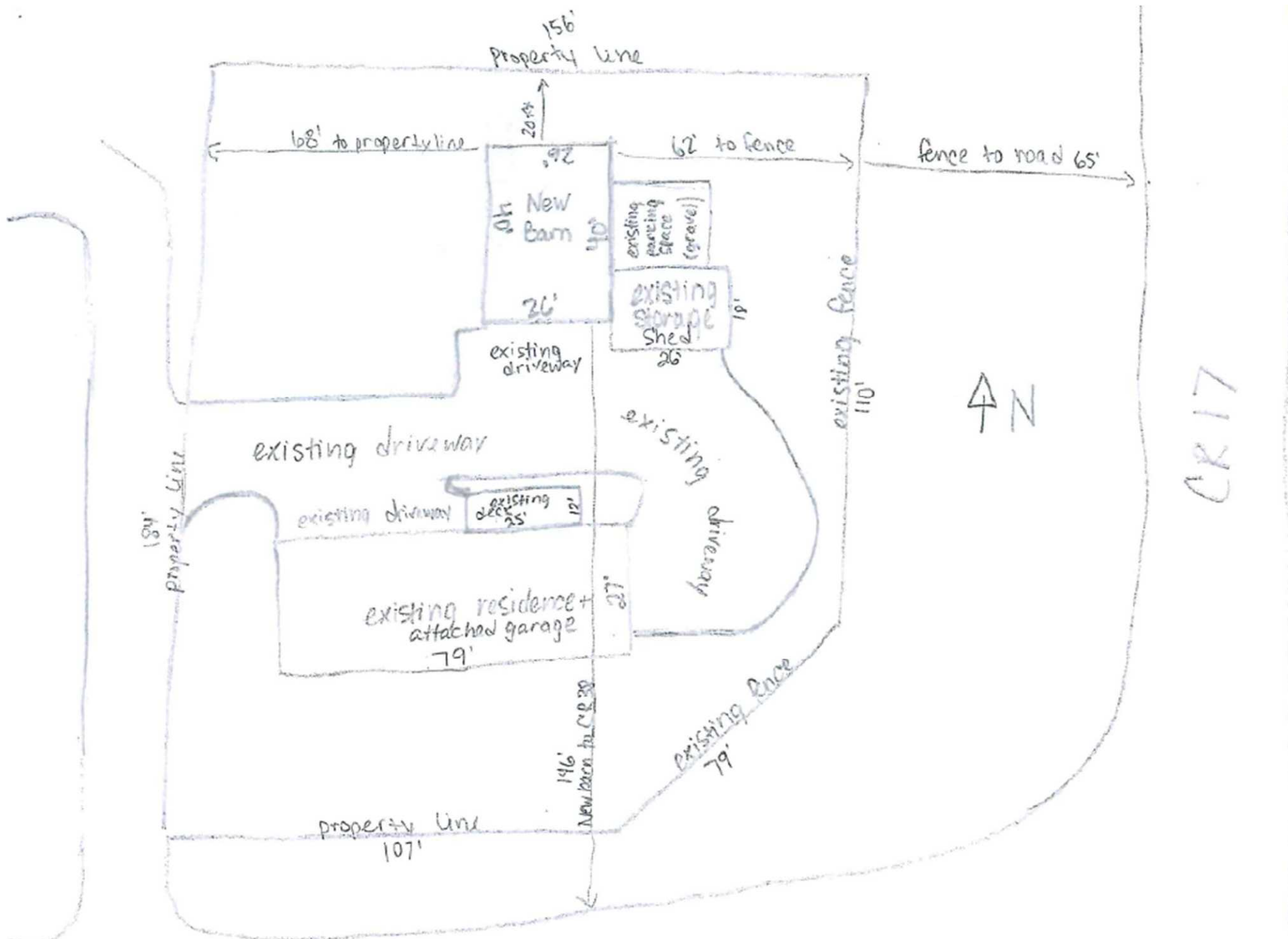
Looking south



Looking east



Looking west



CR 38

CR 17

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 18, 2024

Transaction Number: SUP-0166-2024.

Parcel Number(s): 20-03-07-477-004.000-030, 20-03-07-477-005.000-030.

Existing Zoning: R-1.

Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.

Petitioner: Everett J. Paalman, Sr., and his successors, as Trustee of the Everett J. Paalman, Sr. Trust.

Location: East side of Oak Tree Ln., 1,130 ft. Northwest of CR 19, in Washington Township.

Site Description:

- Physical Improvement(s) –Residence.
- Proposed Improvement(s) – Chicken Coop.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, agricultural

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. The keeping of animals is allowed in an R-1 zone with a special use.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. The area containing chickens will have a buffer to neighboring residences.
3. The Special Use will substantially serve the public convenience and welfare by allowing for hobby activities and a local source of food.

BZA Staff Report (Continued)

Hearing Date: April 18, 2024

Staff recommends **APPROVAL** with the following condition(s) 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 showing the coop out of the drainage easement.

Staff recommends **APPROVAL** with the following commitment(s) 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 application.
2. The agricultural use is limited to 5 chickens, no roosters.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building
4230 Elkhart Road, Goshen, Indiana, 46526
Phone - (574) 971-4678
Fax - (574) 971-4578

Special Use - Non Mobile Home

Date: 03/15/2024

Meeting Date:

April 18, 2024

Transaction #: SUP-0166-2024

Description: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres

Contacts: Applicant

Land Owner

Everett J. Paalman, Sr Trust
50858 Oak Tree Lane
Bristol, IN 46507

Everett J. Paalman, Sr Trust
50858 Oak Tree Lane
Bristol, IN 46507

Site Address: 50858 Oak Tree Lane
BRISTOL, IN 46507

Parcel Number: 20-03-07-477-004.000-030
20-03-07-477-005.000-030

Township: Washington

Location: EAST SIDE OF OAK TREE LN, 1,130 FT. NORTHWEST OF CR 19

Subdivision: SHADY OAKS SECOND

Lot # 40

Lot Area: 0.73 Frontage: 184.00 Depth: 180.00

Zoning: R-1

NPO List:

Present Use of Property: RESIDENTIAL

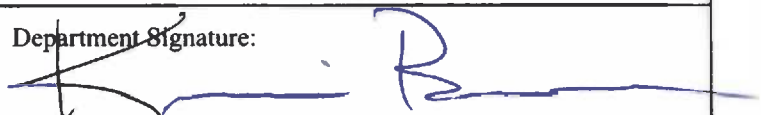
Legal Description:

Comments:

Applicant Signature:



Department Signature:



March 15, 2024 1:49 pm

SUP-0166-2024

Application

Site address: 50858 Oaktree Lane Bristol Indiana 46507

Parcel number(s): 20-03-07-472-005, 20-03-07-477-004
356 378

Current property owner

Name: Everett Paalman SR

Address: 50858 Oaktree Lane Bristol Indiana 46507

Phone: 574-370-5963 Email: EJPr@qol.com

Other party

Agent Buyer Land contract purchaser Lessee

Name: _____

Address: _____

Phone: _____ Email: _____

By signing below, I understand that if my application is approved, there may be conditions that will have to be met before approval is final and building permits can be started. I also understand that the conditions may include a commitment that the property owner is responsible for completing and returning.

Signature of current property owner or authorized agent: Everett Paalman SR

Staff Use Only

Description: _____

Parcel creation date: _____

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N S (E) W corner (side) end of Oak Tree Ln
1,130 ft. (N) (S) (E) (W) of CR 19
in Washington Township

Frontage: 184 Depth: 180 Area: .734 acres

Subdivision and lot number, if applicable: Shady Oaks Second Lot 40

Present use: Residential

Special Use — Questionnaire

Name: Everest Paalman Sr

1) Tell us what you want to do. I want to Buy Chickens to get eggs

2) Tell us why this activity won't hurt your neighbors or the community. Nothing running loose

3) Is there a subdivision covenant that says you can't do this activity? Y N
If yes, does the subdivision have an active homeowners' association? Y N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
Tell us what will create those things. _____
Tell us how you'll reduce the impact of those things on neighbors. _____

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. to keep Predators out

6) Does the property need well and septic? Well: Y N Septic: Y N
Does the property need a new septic system? Y N
If a new septic system is needed, did the Health Department say there's enough space for it? Y N

7) Will the activity use buildings or additions? Y N If yes, fill out below. 4.4ft x 52ft (8.6ft tall)
Building or addition 1 Existing? Y N Size and height to the peak: 53" x 62" x 103" for Coop
Tell us what you'll use it for. Chicken COOP / run the Deck Dimensions is 144"
Building or addition 2 Existing? Y N Size and height to the peak: _____ 74 1/2 inches
Tell us what you'll use it for. _____
Building or addition 3 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____

8) Does this application include animals? Y N
If yes, tell us what kind and how many of each. Hens and 5 of them. Still have not Purchased Yet.

Next page ➡

Special Use — Questionnaire

9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? Y N If yes, fill out below.

How many employees do you have now? Full time: _____ Part time: _____

How many employees do you want? Full time: _____ Part time: _____

How many of the employees won't live onsite? _____

What will be the days and hours of operation on this property? _____

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

Will there be outside storage or display areas on this property? Y N

If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

Approximately how many customers (clients, guests, students, members) will be on this property per day? _____

Will there be pickups or deliveries on this property? Y N If yes, fill out below.

Tell us how often. _____

Tell us the kind of vehicles used. _____

Does the application include signs? Y N If yes, fill out below.

Sign 1 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

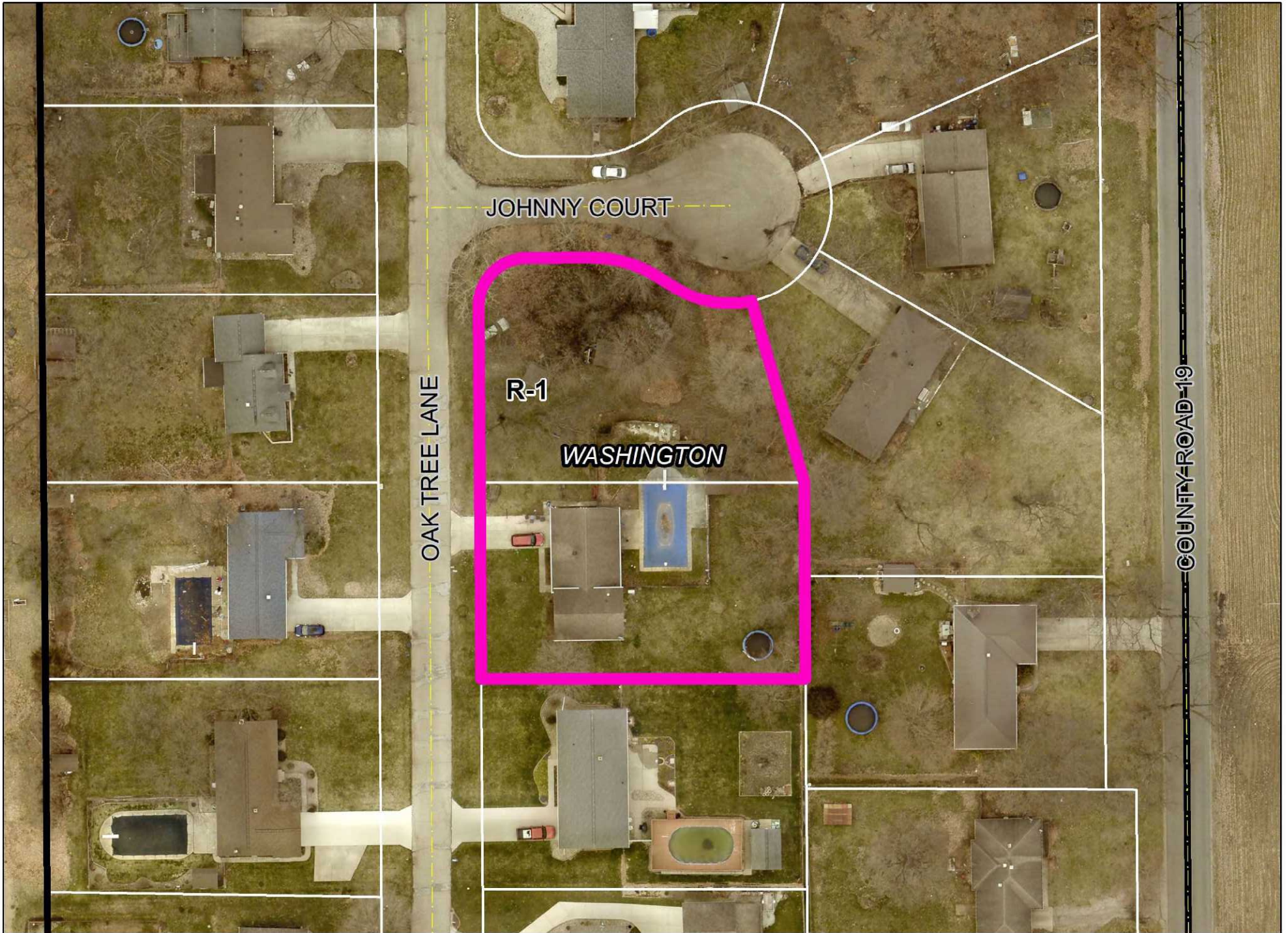
Sign 3 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

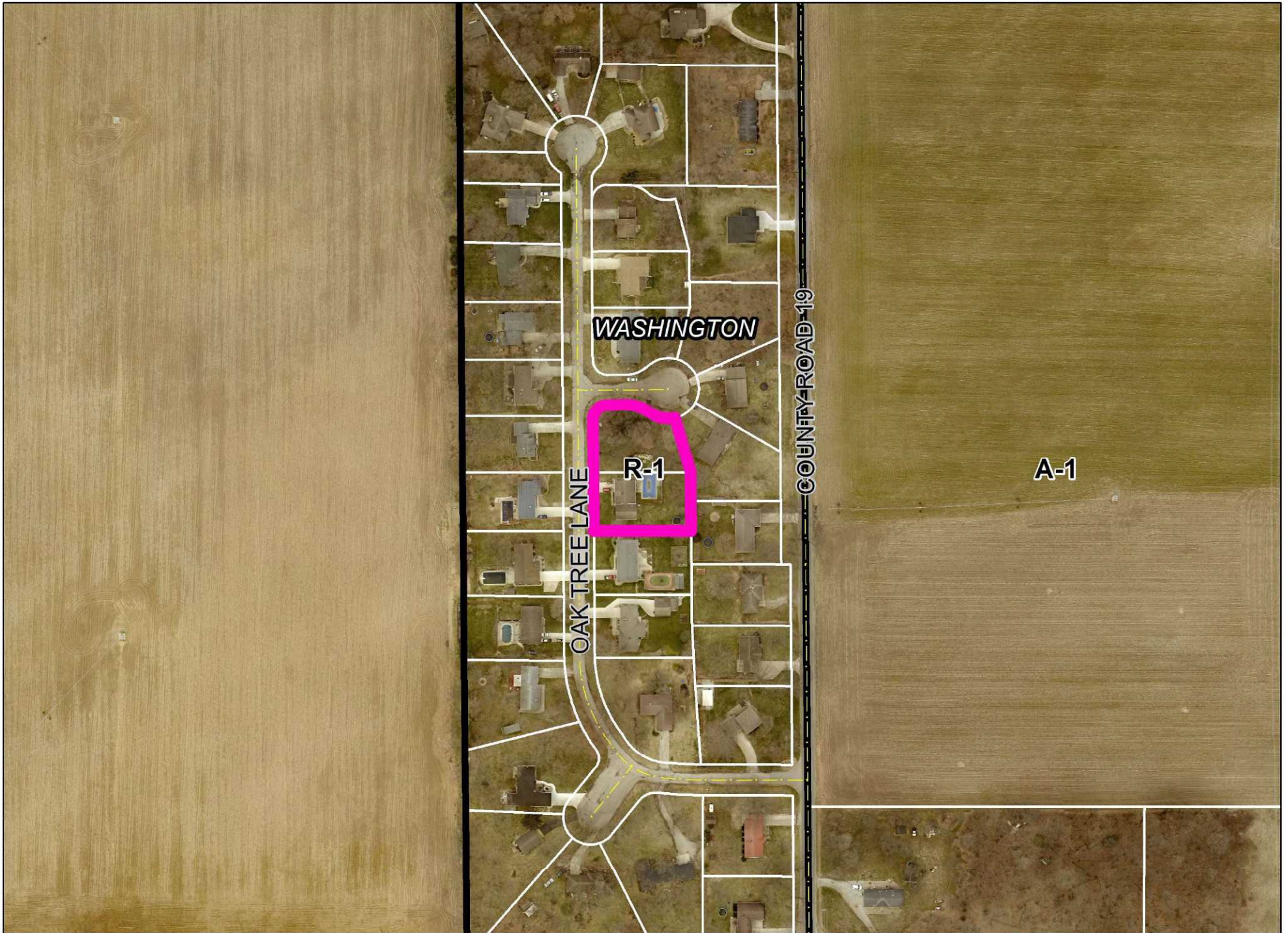
Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

10) Tell us anything else you want us to know. _____



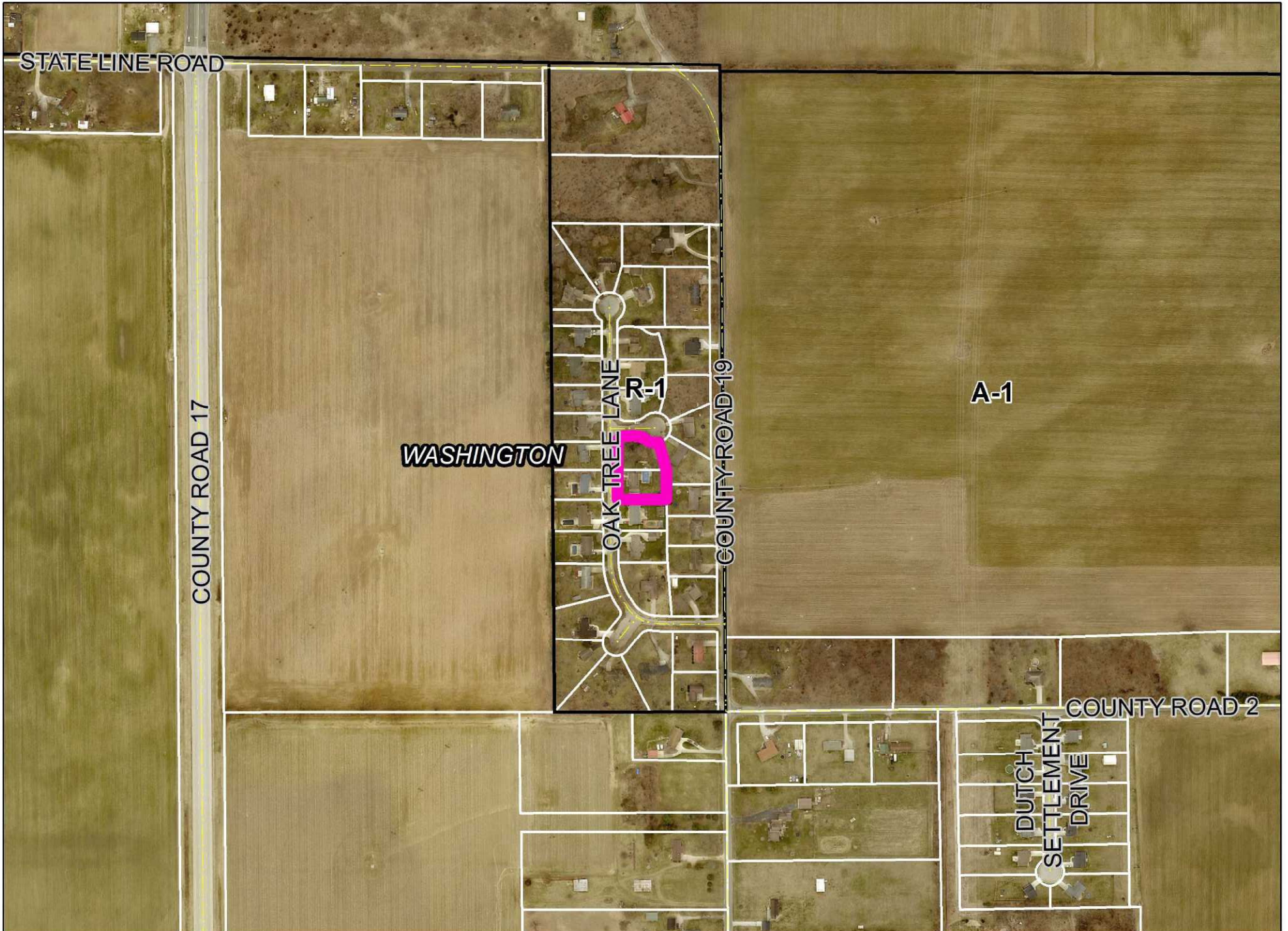
SUP-0166-2024



2021 Aerials

1 inch = 200 feet







Subject Property



Looking south



Looking west



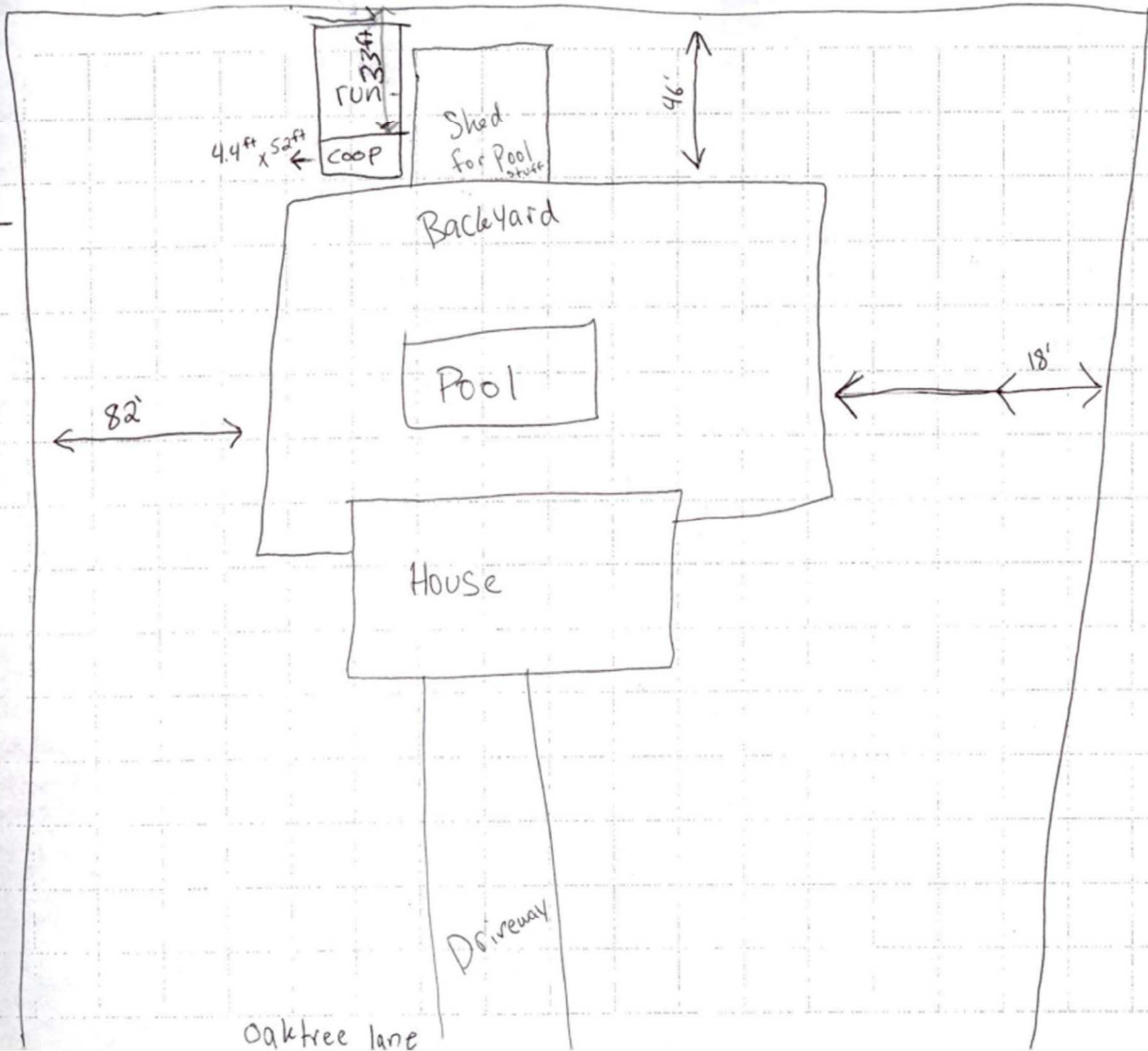
Looking south



Subject Property

Johnny crt

MAR 15 2024



Oaktree lane

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 18, 2024

Transaction Number: SUP-0141-2024.

Parcel Number(s): 20-08-01-300-012.000-034, 20-08-01-300-035.000-034.

Existing Zoning: A-1.

Petition: for a Special Use for a home workshop/business for a welding business, for a 5 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing accessory structure 70 ft. from the centerline of the right-of-way of CR 14, for a Developmental Variance to allow for 4 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.

Petitioner: Lyle Lehman & Linda Lehman, Husband & Wife.

Location: Southwest corner of CR 43 & CR 14, in Middlebury Township.

Site Description:

- Physical Improvement(s) – Residence, accessory structures.
- Proposed Improvement(s) – addition to accessory structure.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- None.

Staff Analysis:

For a Special Use for a home workshop/business for a welding business, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. A home workshop/business is allowed by special use in the A-1 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. The business will be conducted indoors away from neighboring residences.
3. The Special Use will substantially serve the public convenience and welfare by providing a local welding company.

BZA Staff Report (Continued)

Hearing Date: April 18, 2024

Staff recommends **APPROVAL** with the following condition(s) 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.

Staff recommends **APPROVAL** with the following commitment(s) imposed:

1. The request is approved in accordance with the site plan submitted 03/11/24 and as represented in the Special Use application.

For a 5 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing accessory structure 70 ft. from the centerline of the right-of-way of CR 14, for a Developmental Variance to allow for 4 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, staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The visibility on County Road 43 is not impeded by the existing accessory structures.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The accessory structures are existing and there have not been any complaints for the property. There is parking available for multiple employees.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The variance allows for adequate space to run the business and provide indoor storage.

Staff recommends **APPROVAL** with the following condition(s) 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 03/11/2024 and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

SUP-0141-2024

Special Use - Non Mobile Home

Date: 03/11/2024

Meeting Date: April 18, 2024
Board of Zoning Appeals Public Hearing

Transaction #: SUP-0141-2024

Description: for a Special Use for a home workshop/business for a welding business, for a 5 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing building 70 ft. from the centerline of the right-of-way of CR 14, for a Developmental Variance to allow for 4 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

<u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
J & L Bontrager Construction 59811 Cr 37 Middlebury, IN 46540	J & L Bontrager Construction 59811 Cr 37 Middlebury, IN 46540	Lyle Lehman & Linda Lehman, Husband & Wife 55883 Cr 43 Middlebury, IN 46540

Site Address: 55883 County Road 43
MIDDLEBURY, IN 46540

Parcel Number: 20-08-01-300-012.000-034
20-08-01-300-035.000-034

Township: Middlebury
Location: SOUTHWEST CORNER OF CR 14 & CR 43

Subdivision: Lot #

Lot Area: 6.19 Frontage: 977.00 Depth: 594.16

Zoning: A-1 NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: DV 94-1602, SU-76-724
RESIDENTIAL BREAK DOWN HOUSES 3,723 SQFT X 200% = 7,446 SQFT MINUS MISC BUILDINGS FOR PERSONAL STORAGE 4,082 SQFT MINUS AG BARN TO HOMEWORKSHOP -2,840 SQFT = 1,242 SQFT OF BUILDABLE STORAGE MINUS NEW ADDITION TO SHOP 3,360 SQFT = -2,118 SQFT OF LEFT OVER BUILDABLE AREA.
THE SIGN WILL BE WALL MOUNTED ON FRONT OF BUILDING PER APPLICANT

Applicant Signature:

Department Signature:

Special Use — Questionnaire

Name: _____

1) Tell us what you want to do. Special use for Welding Shop- Home Workshop

2) Tell us why this activity won't hurt your neighbors or the community. Should not Have Noise Leaving Property / Will Put up Privacy Fence along west Side

3) Is there a subdivision covenant that says you can't do this activity? Y N
If yes, does the subdivision have an active homeowners' association? Y N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
Tell us what will create those things. Very Minimal Noise from Shop
Tell us how you'll reduce the impact of those things on neighbors. Privacy Fence / and or Privacy trees

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. shrubs + Fence

6) Does the property need well and septic? Well: Y N Septic: Y N
Does the property need a new septic system? Y N
If a new septic system is needed, did the Health Department say there's enough space for it? Y N

SAME BUILDINGS

Will the activity use buildings or additions? Y N If yes, fill out below. EXISTING.

Building or addition 1 Existing? Y N Size and height to the peak: 40x67 17' peak.
Tell us what you'll use it for. Welding Shop

Building or addition 2 Existing? Y N Size and height to the peak: 30x50 27' peak.
Tell us what you'll use it for. _____

Building or addition 3 Existing? Y N Size and height to the peak: 10x16 Lean
Tell us what you'll use it for. on side of existing for Generator

8) Does this application include animals? Y N
If yes, tell us what kind and how many of each. _____

Next page ➡

Special Use — Questionnaire

9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? Y N If yes, fill out below.

How many employees do you have now? Full time: 2 Part time: 1

How many employees do you want? Full time: 4 Part time: _____

How many of the employees won't live onsite? 4

What will be the days and hours of operation on this property? 5:00 AM to 3:00 PM.

How many parking spaces do you have now? N.A.

How many parking spaces do you want? N.A.

Will there be outside storage or display areas on this property? Y N

If yes, tell us what will be stored outside or displayed. only outside storage for Manufactured Items ready for Pickup

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

Approximately how many customers (clients, guests, students, members) will be on this property per day?

N.A. no Customers all Fax or email orders

Will there be pickups or deliveries on this property? Y N If yes, fill out below.

Tell us how often. Once per day

Tell us the kind of vehicles used. straight truck + pickup ~~truck~~ Semi Del. once per wk.

Does the application include signs? Y N If yes, fill out below.

Sign 1 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 3 Dimensions (length and width). _____

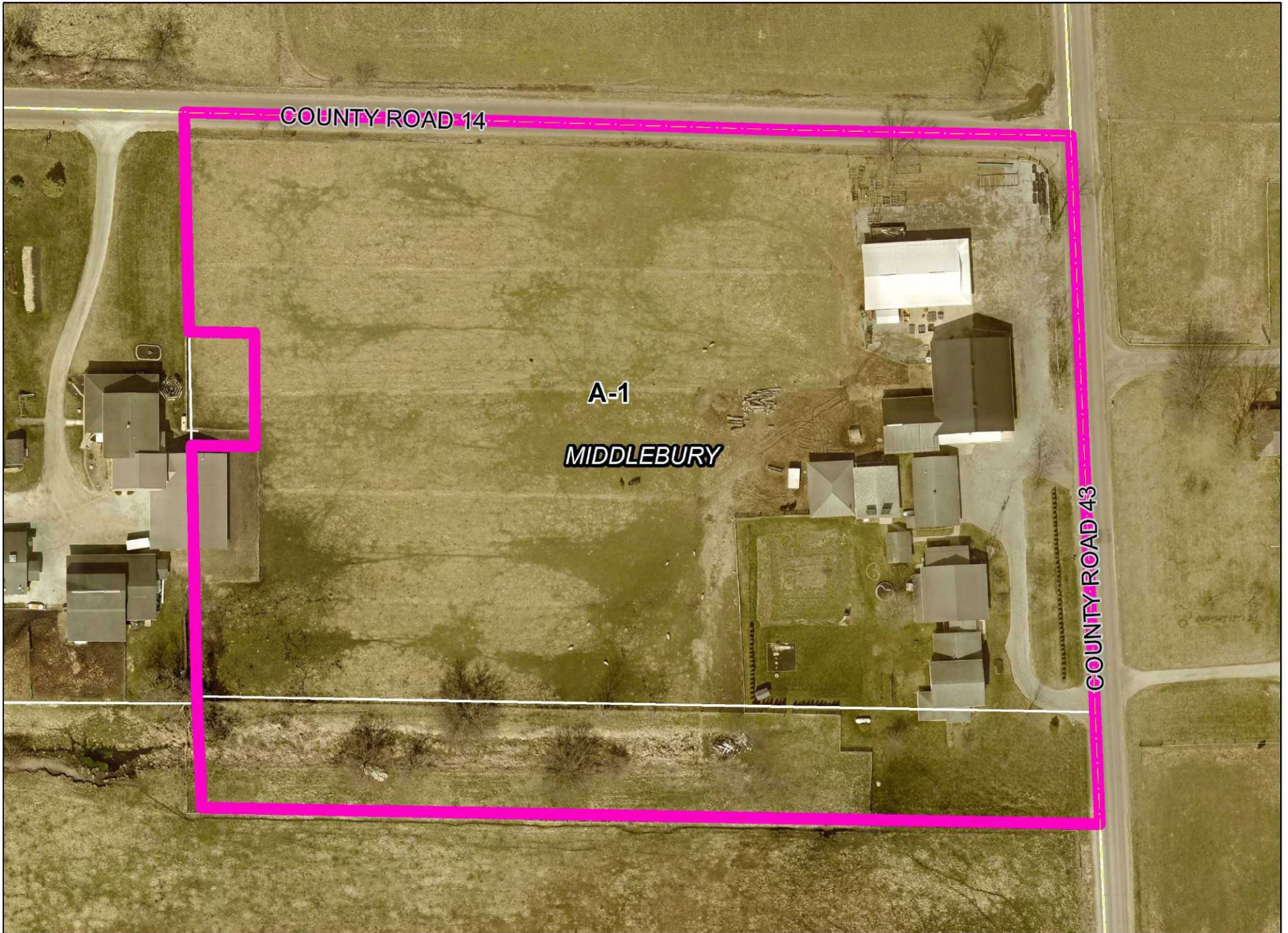
Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

10) Tell us anything else you want us to know. Lyle is raising his family on a small Country home. Bought a welder + started welding Misc. Farm products for Neighbors. Now is Full time + Has 2 employees. Wants to add on + Have 4 employees

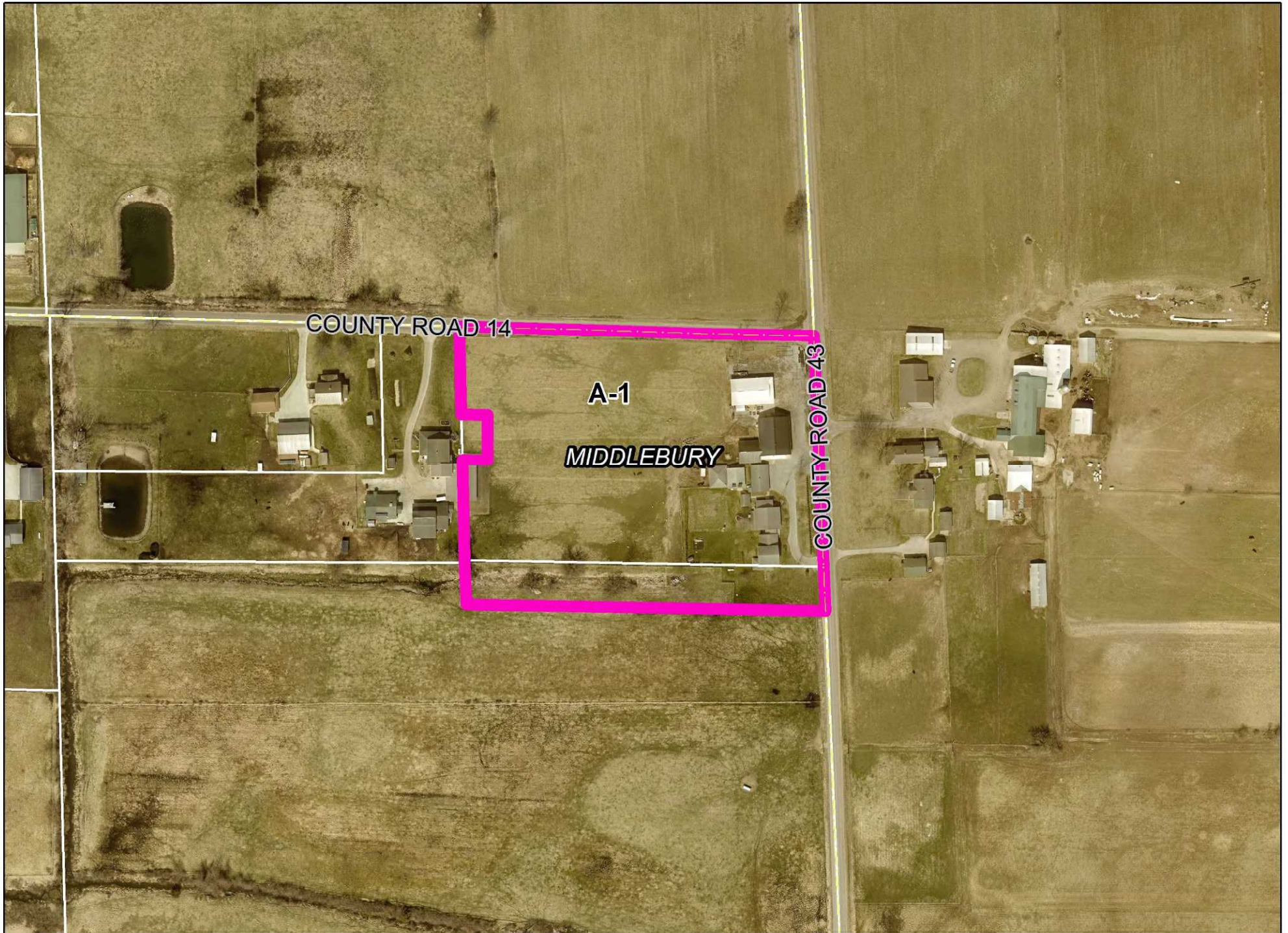
SUP-0141-2024

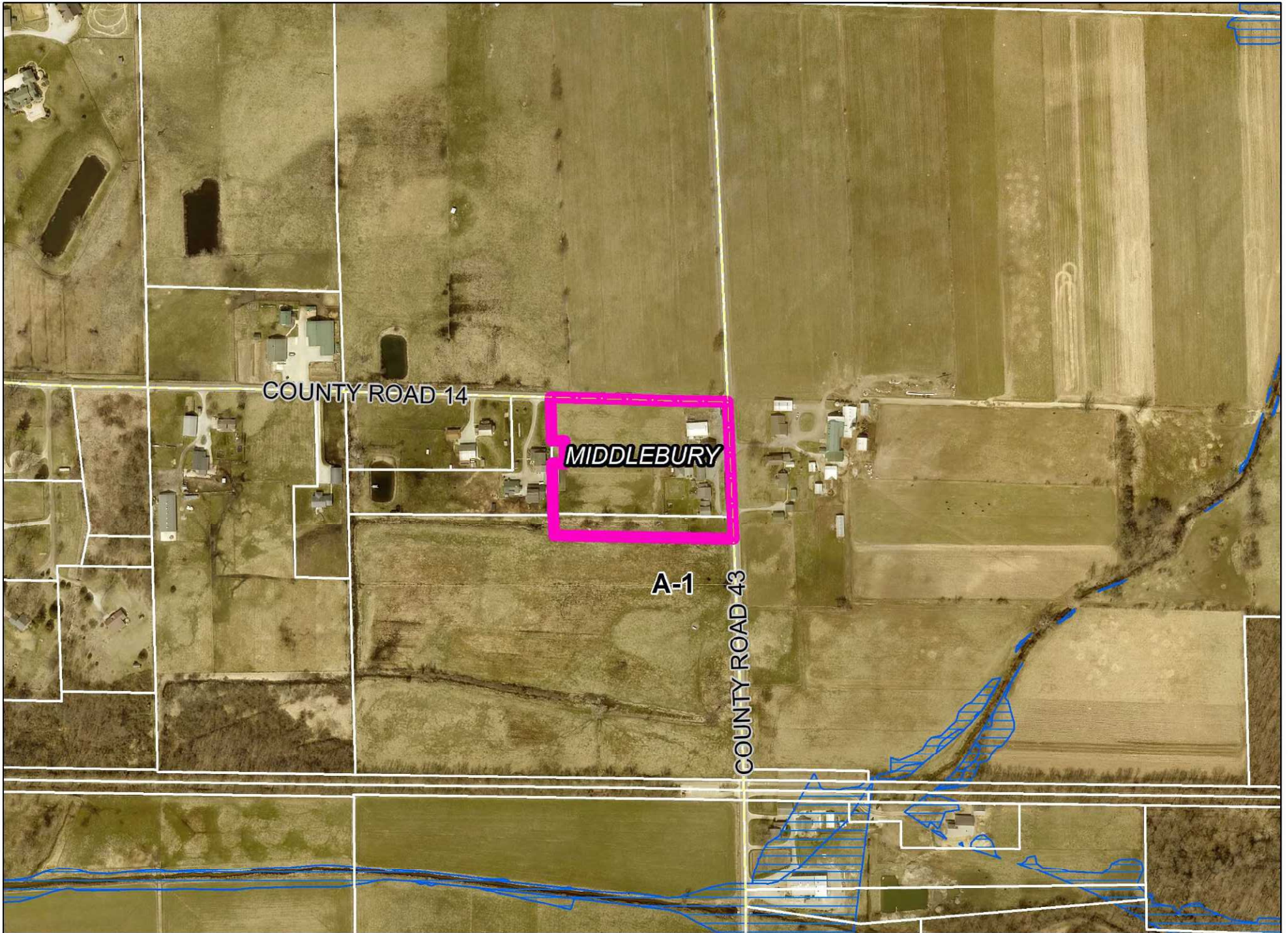


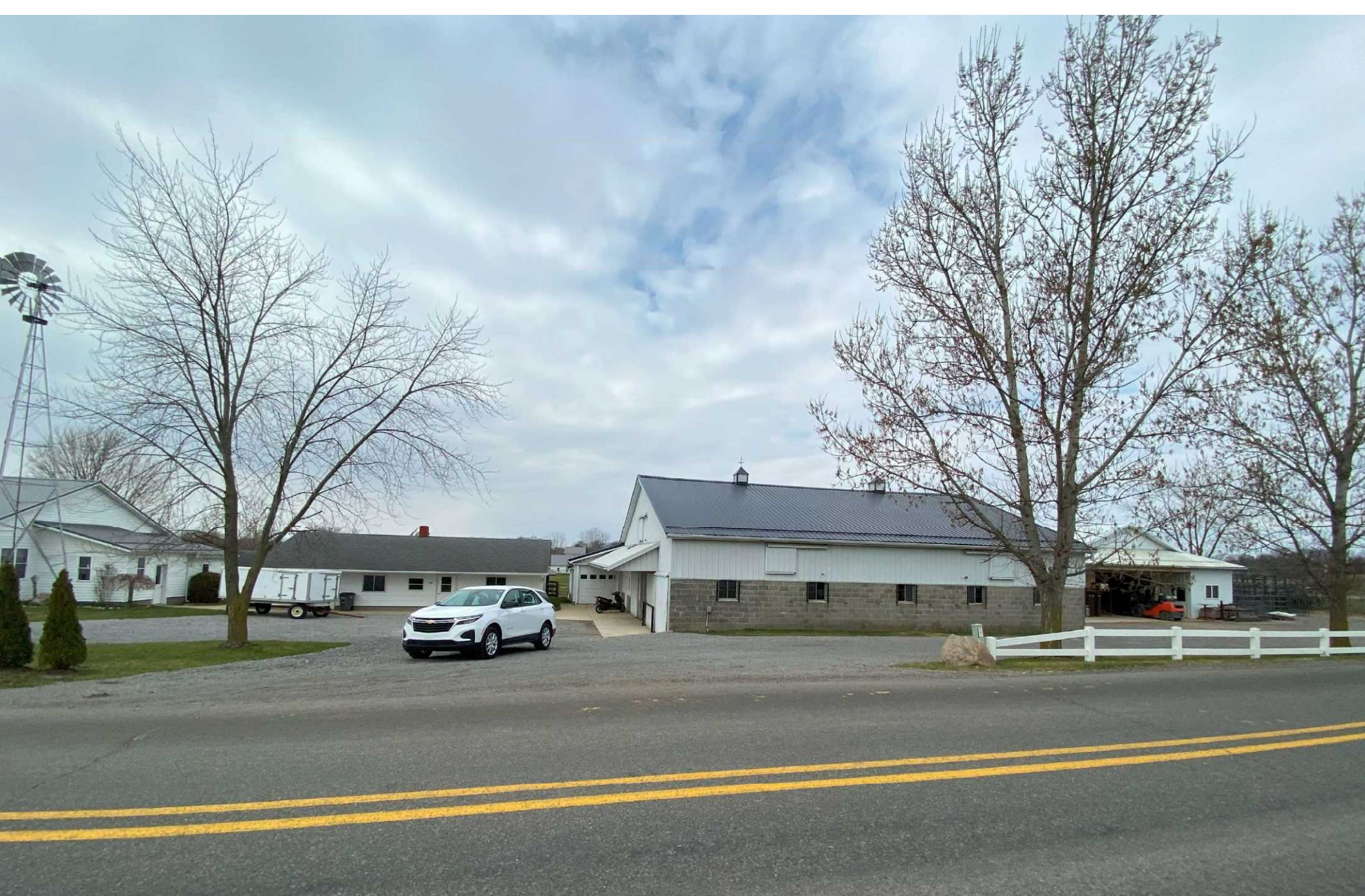
2021 Aerials

1 inch = 80 feet









Subject Property



Looking south

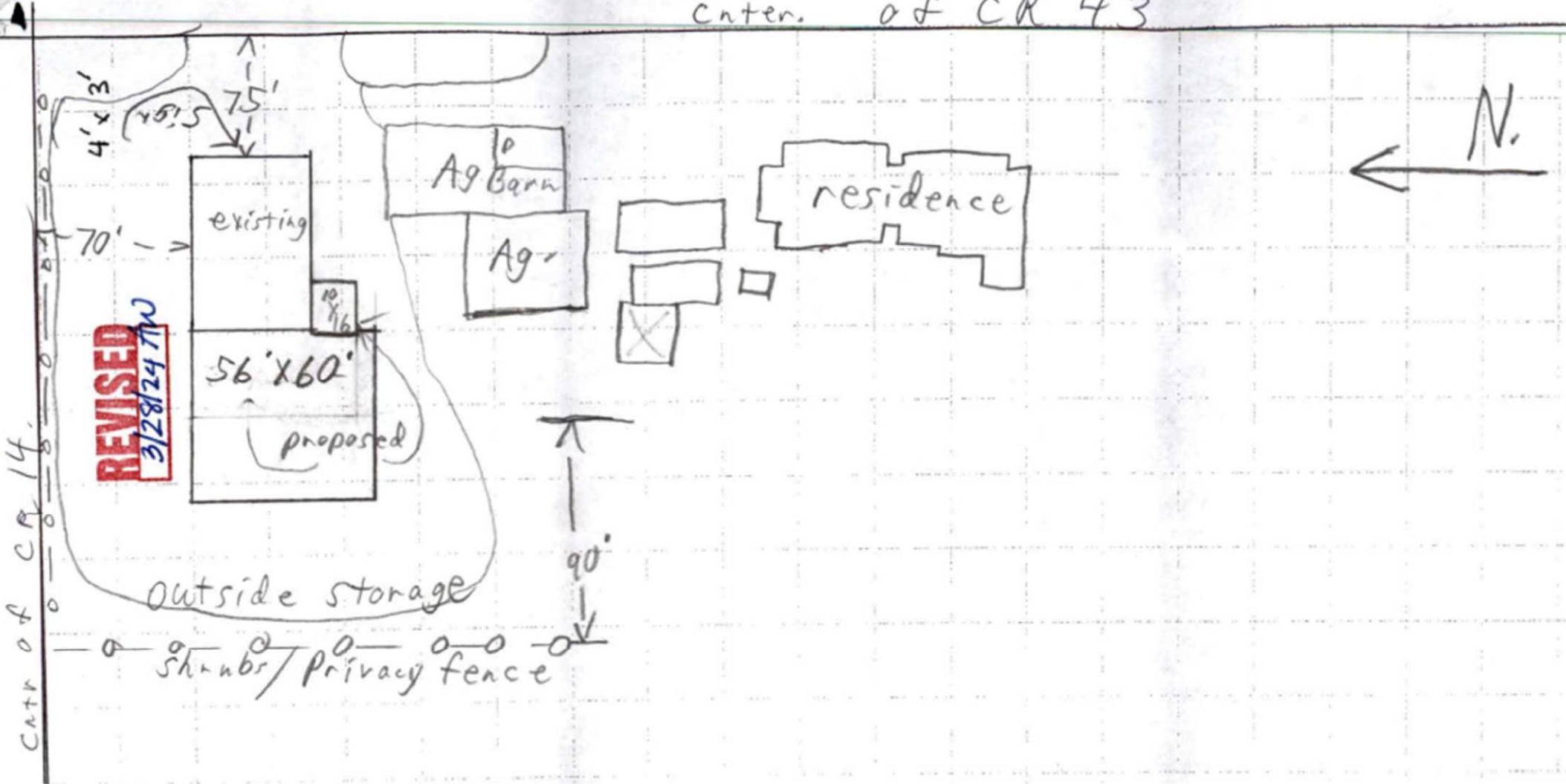


Looking north



Looking east

Center of CR 43



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 18, 2024

Transaction Number: SUP-0112-2024.

Parcel Number(s): 20-04-13-480-004.000-032.

Existing Zoning: R-2.

Petition: for a Special Use for a mobile home park, for a 34 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for existing mobile homes 48 ft. from the centerline of the right-of-way of East County Line Rd., for a 37 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for new mobile homes 38 ft. from the centerline of the right-of-way of East County Line Rd., for a 45 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for existing and new mobile homes 30 ft. from the centerline of the right-of-way of CR 4, for a 30 ft. Developmental Variance (Ordinance requires 30 ft.) to allow for existing mobile homes 0 ft. from the west side property line, for a 30 ft. Developmental Variance (Ordinance requires 30 ft.) to allow for existing mobile homes 0 ft. from the rear property line, and for a 37 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing accessory structure 38 ft. from the centerline of the right-of-way of East County Line Rd..

Petitioner: Tall Oaks MHC, LLC.

Location: Northwest corner of CR 4 & East County Line Rd., in York Township.

Site Description:

- Physical Improvement(s) – Mobile homes, office.
- Proposed Improvement(s) – New mobile homes.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **July 14, 2017** – A code case for structural repairs without a permit was opened.
- **October 16, 2019** – A similar Developmental Variance was denied.
- **February 13, 2019** – Multiple demolition permits were given for mobile homes, with multiple more following after this date.

Staff Analysis:

For a Special Use for a mobile home park, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. A mobile home park is allowed by Special Use in the R-2 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 4.09-acre property in a lake neighborhood, and the property will

be redeveloped residentially. The existing mobile homes have been removed and will be replaced with brand-new units.

3. The Special Use will substantially serve the public convenience and welfare by redeveloping an existing old and blighted mobile home park into a new mobile home park.

Staff recommends **APPROVAL** with the following condition(s) 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.

Staff recommends **APPROVAL** with the following commitment(s) imposed:

1. The request is approved in accordance with the site plan submitted 02/29/2024 and as represented in the Special Use Application

For a 34 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for existing mobile homes 48 ft. from the centerline of the right-of-way of East County Line Rd., for a 37 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for new mobile homes 38 ft. from the centerline of the right-of-way of East County Line Rd., for a 45 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for existing and new mobile homes 30 ft. from the centerline of the right-of-way of CR 4, for a 30 ft. Developmental Variance (Ordinance requires 30 ft.) to allow for existing mobile homes 0 ft. from the west side property line, for a 30 ft. Developmental Variance (Ordinance requires 30 ft.) to allow for existing mobile homes 0 ft. from the rear property line, and for a 37 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing accessory structure 38 ft. from the centerline of the right-of-way of East County Line Rd., staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The visibility on the corner of County Road 4 and East County Line Road will not be affected.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The placement of new mobile homes will be better than the current configuration.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The corner lot setbacks limits the placement of the mobile homes and would not accommodate a park.

Staff recommends **APPROVAL** with the following condition(s) 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 02/29/2024 and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use - Non Mobile Home

Date: 02/29/2024	Meeting Date: April 18, 2024	Transaction #: SUP-0112-2024
	Board of Zoning Appeals Public Hearing	

Description: for a Special Use for a mobile home park, for a 34 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for existing mobile homes 48 ft. from the centerline of the right-of-way of East County Line Rd., for a 37 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for new mobile homes 38 ft. from the centerline of the right-of-way of East County Line Rd., for a 45 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for existing and new mobile homes 30 ft. from the centerline of the right-of-way from CR 4, for a 30 ft. Developmental Variance (Ordinance requires 30 ft.) to allow for existing mobile homes 0 ft. from the west side property line, for a 30 ft. Developmental Variance (Ordinance requires 30 ft.) to allow for existing mobile homes 0 ft. from the rear property line, and for a 37 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing accessory structure 38 ft. from the centerline of the right-of-way of East County Line Rd.

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Tall Oaks Mhc Llc	Tall Oaks Mhc Llc
Po Box 103	Po Box 103
Winamac, IN 46996	Winamac, IN 46996

Site Address: 10039 County Road 4 MIDDLEBURY, IN 46540	Parcel Number: 20-04-13-480-004.000-032
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Township: York
Location: NORTHWEST CORNER OF CR 4 & EAST COUNTY LINE RD., 5,895 FT. EAST OF SR 13

Subdivision: TALL OAKS MOBILE HOME PARK	Lot #
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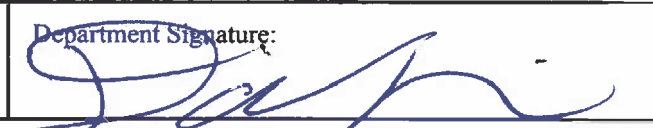
Lot Area: 4.08	Frontage: 780.00	Depth: 467.00
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Zoning: R-2	NPO List:
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Present Use of Property: MOBILE HOME PARK

Legal Description:

Comments: NO PREVIOUS SPECIAL USE HAS BEEN FOUND.
12 DEMO PERMITS WERE ISSUED IN FEBRUARY, 2024 FOR REMOVING MOBILE HOMES, THERE ARE 2 MORE TO FOLLOW.
PARCEL CREATED 3/1/1962
SEE DENIED DEVELOPMENTAL VARIANCE DV-0693-2019: for a 48 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for new & existing mobile homes 27 ft. from the centerline of the right-of-way of East County Line Rd., for a 50 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for existing mobile homes 25 ft. from the centerline of the right-of-way of CR 4, for a 30 ft. Developmental Variance (Ordinance requires 30 ft.) to allow for existing mobile homes 0 ft. from the west side property line, and for a 30 ft. Developmental Variance (Ordinance requires 30 ft.) to allow for existing mobile homes 0 ft. from the rear property line
SEE CODE CASES:
CODE-0884-2023:LIVING IN AN RV ON TOP OF A TRAILER AND LIVING IN AN RV IN THE BARN
CODE-0883-2023:TRASH EVERYWHERE
CODE-0058-2019:PLACED MOBILE HOME IN TALL OAKS MOBILE HOME PARK WITHOUT A PERMIT. MAY NOT MEET SETBACK REQUIREMENTS. PLACED MOBILE HOME ALONG EAST COUNTY LINE ROAD.

Applicant Signature: 	Department Signature: 
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Special Use — Questionnaire

Name: Tall Oaks MHC LLC - Frank Sheppard

- 1) Tell us what you want to do. We would like to bring in brand new singlewide manufactured homes that will be manufactured by Clayton Homes of Wakarusa. We have removed 14 homes over that were all 40-50+ years old and would like to replace them all with brand new, energy efficient, manufactured homes.
- 2) Tell us why this activity won't hurt your neighbors or the community. This transformation of the manufactured home community will help the neighbors as we sell (not rent) each of the brand new homes at a price point that helps provide affordable housing (\$70k-\$90k).
- 3) Is there a subdivision covenant that says you can't do this activity? Y N
If yes, does the subdivision have an active homeowners' association? Y N
- 4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
Tell us what will create those things. _____

Tell us how you'll reduce the impact of those things on neighbors. _____

- 5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. _____

- 6) Does the property need well and septic? Well: Y N Septic: Y N
Does the property need a new septic system? Y N
If a new septic system is needed, did the Health Department say there's enough space for it? Y N
- 7) Will the activity use buildings or additions? Y N If yes, fill out below.
Building or addition 1 Existing? Y N Size and height to the peak: Various based on site.
Tell us what you'll use it for. Brand new manufactured homes on sites 5, 19, 25, 26.
Building or addition 2 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____
- 8) Does this application include animals? Y N
If yes, tell us what kind and how many of each. _____

Next page ➡

Special Use — Questionnaire

9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? Y N If yes, fill out below.

How many employees do you have now? Full time: _____ Part time: _____

How many employees do you want? Full time: _____ Part time: _____

How many of the employees won't live onsite? _____

What will be the days and hours of operation on this property? _____

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

Will there be outside storage or display areas on this property? Y N

If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. We have obtained an Indiana Auto Dealers license for this location through the Indiana Secretary of State and plan to sell manufactured homes from this location.

Approximately how many customers (clients, guests, students, members) will be on this property per day? With new inventory, we anticipate setting appointments 2x per week with roughly 5-10 per week.

Will there be pickups or deliveries on this property? Y N If yes, fill out below.

Tell us how often. _____

Tell us the kind of vehicles used. _____

Does the application include signs? Y N If yes, fill out below.

Sign 1 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 3 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

10) Tell us anything else you want us to know. We believe this project will greatly enhance the appearance of the Tall Oaks MHC and plan to invest into the community as we turn over other units.

SUP-0112-2024



YORK

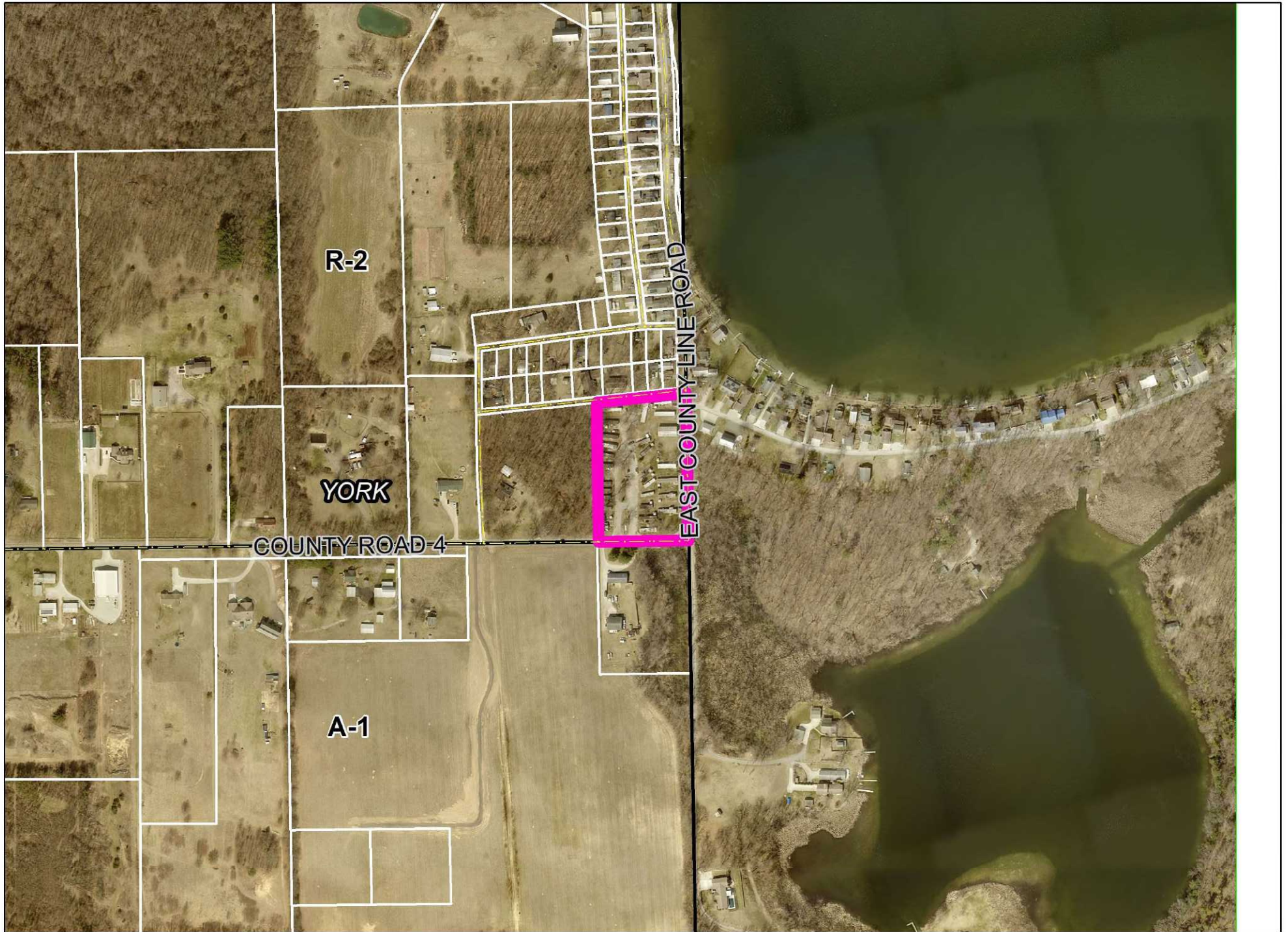
R-2

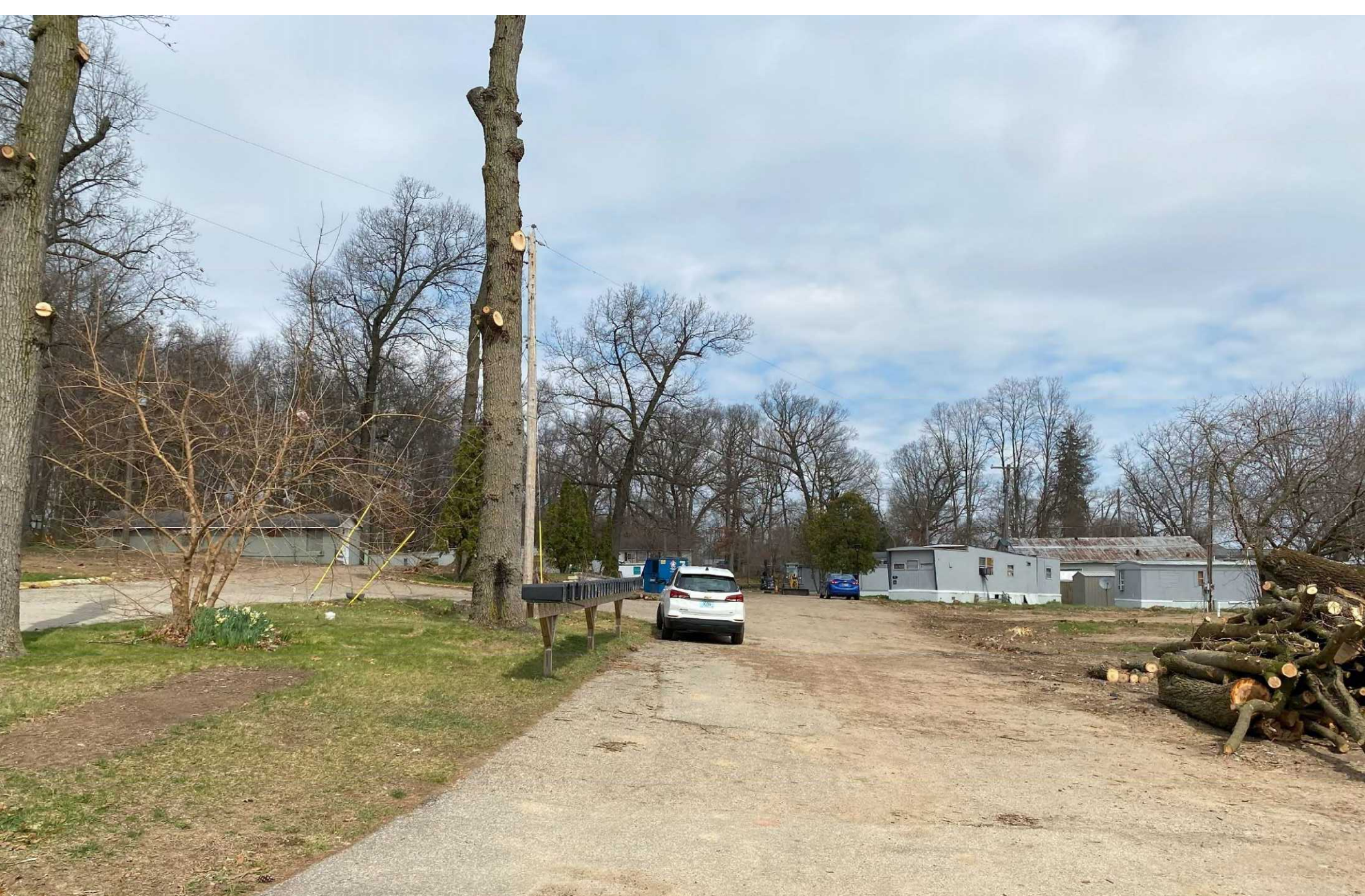
COUNTY ROAD 4

A-1

EAST COUNTY LINE ROAD







Subject Property



Looking west



Looking North



Subject Property



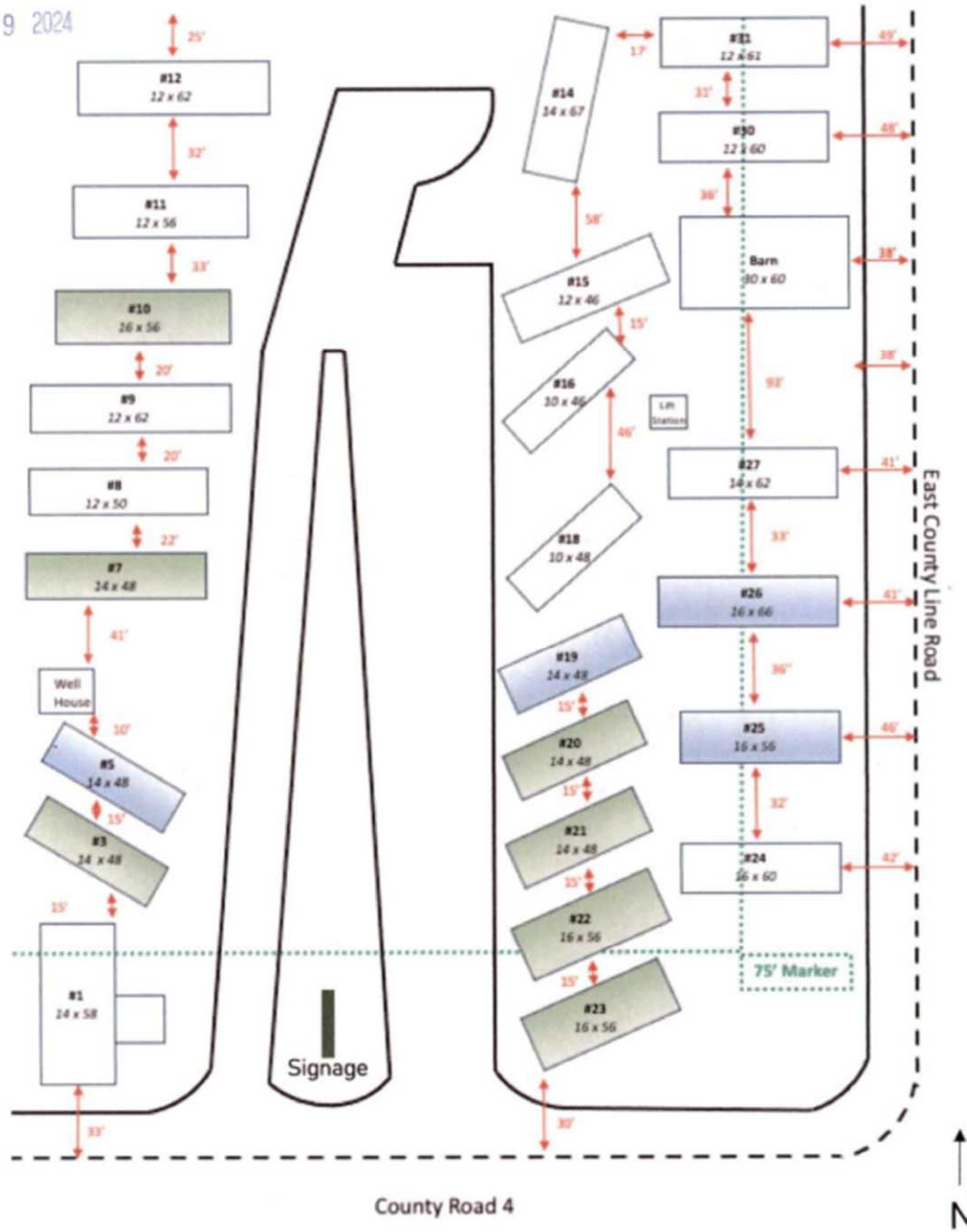
Looking south



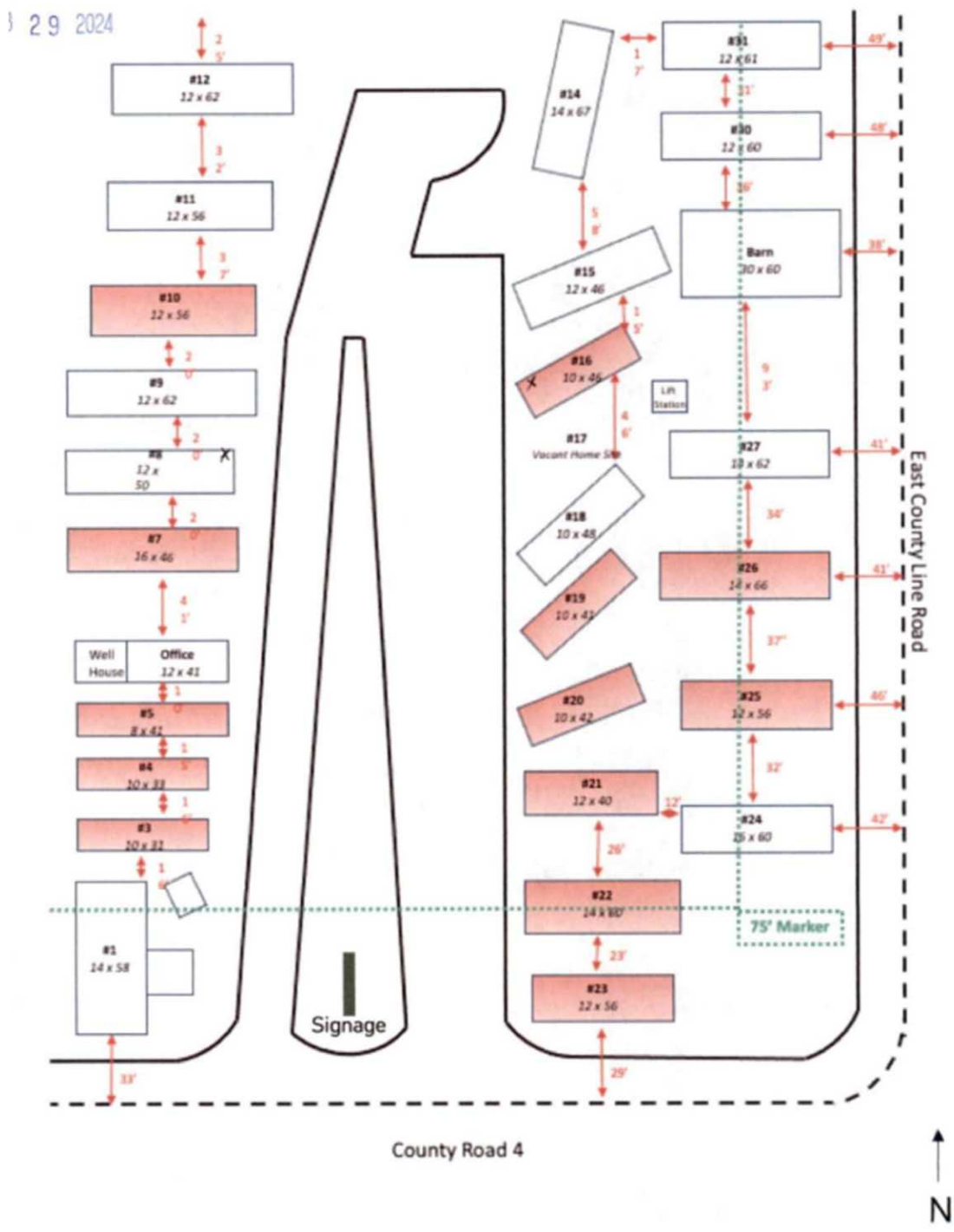
Subject Property

- 4 brand-new homes to be brought in spring/summer 2024
 - Highlighted in blue below
- 12 brand-new manufactured homes to be added over 3-year period
- Existing resident homes to be removed as vacated

FEB 29 2024



- 14 mobile homes removed with 30 days of ownership
- Existing resident homes to be removed as vacated



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 18, 2024

Transaction Number: SUP-0072-2024.

Parcel Number(s): 20-15-23-226-008.000-018.

Existing Zoning: A-1.

Petition: for a Special Use for warehousing of a commercial vehicle & for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right .

Petitioner: Aaron Lee Weaver & Mary Jane Weaver, Husband & Wife.

Location: West side of CR 127, 745 ft. South of CR 48 , in Jackson Township.

Site Description:

- Physical Improvement(s) – Residence, accessory structures.
- Proposed Improvement(s) – Accessory structures.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- 1/29/24 – A complaint made for running a scrap yard and semi-truck parking was closed.
- 1/10/24 – A complaint made for junk and abandoned vehicles was closed.
- 3/21/24 – The BZA tabled this petition.

Staff Analysis:

For a Special Use for warehousing of a commercial vehicle, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. Warehousing is allowed by special use in an A-1 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. The property is 3 acres and the petitioner is asking to store 2 commercial truck on his property.
3. The Special Use will substantially serve the public convenience and welfare by providing for a local transportation service.

BZA Staff Report (Continued)

Hearing Date: April 18, 2024

Staff recommends **APPROVAL** with the following condition(s) 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.

Staff recommends **APPROVAL** with the following commitment(s) imposed:

1. The request is approved in accordance with the site plan submitted 02/12/2024 and as represented in the Special Use application.

For a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 1516 sq. ft. over what is allowed, and the proposed building will observe the correct setbacks to County Road 127.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The property is in a residential and agricultural area and the property will remain residential in character.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The proposed accessory structure will allow for the storage of the commercial vehicles.

Staff recommends **APPROVAL** with the following condition(s) imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 1 year 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 02/12/2024 and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building
4230 Elkhart Road, Goshen, Indiana, 46526
Phone - (574) 971-4678
Fax - (574) 971-4578

Special Use - Non Mobile Home

SUP-0072-2024

Date: 02/12/2024 Meeting Date: March 21, 2024
Board of Zoning Appeals Public Hearing Transaction #: SUP-0072-2024

Description: for a Special Use for warehousing and storage of commercial vehicles and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Aaron Lee Weaver & Mary	Aaron Lee Weaver & Mary
Jane Weaver, Husband & Wife	Jane Weaver, Husband & Wife
70151 Cr 127	70151 Cr 127
IN SYRACUSE	IN SYRACUSE

Site Address: 70151 Cr 127 SYRACUSE, IN 46567	Parcel Number: 20-15-23-226-008.000-018
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Township: Jackson
Location: WEST SIDE OF CR 127, 745 FT. SOUTH OF CR 48

Subdivision:	Lot #
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Lot Area: 3.08	Frontage: 292.01	Depth: 436.32
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE IN COMPLIANCE CODE CASE CODE-0885-2023: RUNNING A SCRAP YARD & SEMI TRUCK PARKING
SEE IN COMPLIANCE CODE CASE CODE-0897-2023: JUNK & ABANDONED
PARCEL CREATED 5/13/2005 NO SUBDIVISION REQUIRED

Applicant Signature:


Department Signature:


Special Use — Questionnaire

Name: Aaron Weaver

1) Tell us what you want to do. I want to be able to park my trucks 2 in my own driveway

2) Tell us why this activity won't hurt your neighbors or the community. No danger or harm to anyone

3) Is there a subdivision covenant that says you can't do this activity? Y N
If yes, does the subdivision have an active homeowners' association? Y N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
Tell us what will create those things. Nothing but a truck running occasionally
Tell us how you'll reduce the impact of those things on neighbors. _____

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. There is a woods to the North Neighbor Terry and my house and pine tree's between the neighbor to the south of us William

6) Does the property need well and septic? Well: Y N Septic: Y N
Does the property need a new septic system? Y N
If a new septic system is needed, did the Health Department say there's enough space for it? Y N

7) Will the activity use buildings or additions? Y N If yes, fill out below.
Building or addition 1 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 2 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____

8) Does this application include animals? Y N
If yes, tell us what kind and how many of each. _____

Next page ➡



Special Use — Questionnaire

9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property? Y N If yes, fill out below.

How many employees do you have now? Full time: 1 Part time: _____

How many employees do you want? Full time: 1 Part time: _____

How many of the employees won't live onsite? 0

What will be the days and hours of operation on this property? Summer's I usually leave by 6 A.M. and usually home by 5 pm.

How many parking spaces do you have now? 2

How many parking spaces do you want? 2

Will there be outside storage or display areas on this property? Y N

If yes, tell us what will be stored outside or displayed. My truck's till i get a shop put up which im planning to do in the next year or 2

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

Approximately how many customers (clients, guests, students, members) will be on this property per day?

0

Will there be pickups or deliveries on this property? Y N If yes, fill out below.

Tell us how often. _____

Tell us the kind of vehicles used. _____

Does the application include signs? Y N If yes, fill out below.

Sign 1 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 3 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

10) Tell us anything else you want us to know. _____

Developmental Variance — Questionnaire

Name: Aaron Weaver

1) Tell us what you want to do. I would like to build a 60x70 pole building to park my trucks inside as well as maintaining them

2) Tell us why you can't change what you're doing so you don't need a variance. I have no desire to buy another piece of property just to have a place to park my trucks

3) Tell us why the variance won't hurt your neighbors or the community. I can't see how it would not more noise than a truck running occasionally

4) Does the property need well and septic? Well: Y N Septic: Y N

Does the property need a new septic system? Y N

If a new septic system is needed, did the Health Department say there's enough space for it? Y N

5) Does the application include variances to allow for buildings or additions? Y N If yes, fill out below.

Building or addition 1 Size and height to the peak: _____

Tell us what you'll use it for. _____

Building or addition 2 Size and height to the peak: _____

Tell us what you'll use it for. _____

Building or addition 3 Size and height to the peak: _____

Tell us what you'll use it for. _____

6) Does the application include a variance for a residence on property with no road frontage? Y N

If yes, fill out below.

Is the easement existing? Y N If the easement is existing, is it recorded? Y N

Tell us who owns (will own) the land under the easement. _____

Tell us how many parcels will use the easement. _____

7) Does the application include variances for signs? Y N If yes, fill out below.

Sign 1 Dimensions (length and width): _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width): _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

Sign 3 Dimensions (length and width): _____

Existing? Y N Double faced? Y N

Electronic message board? Y N If no, lighted? Y N

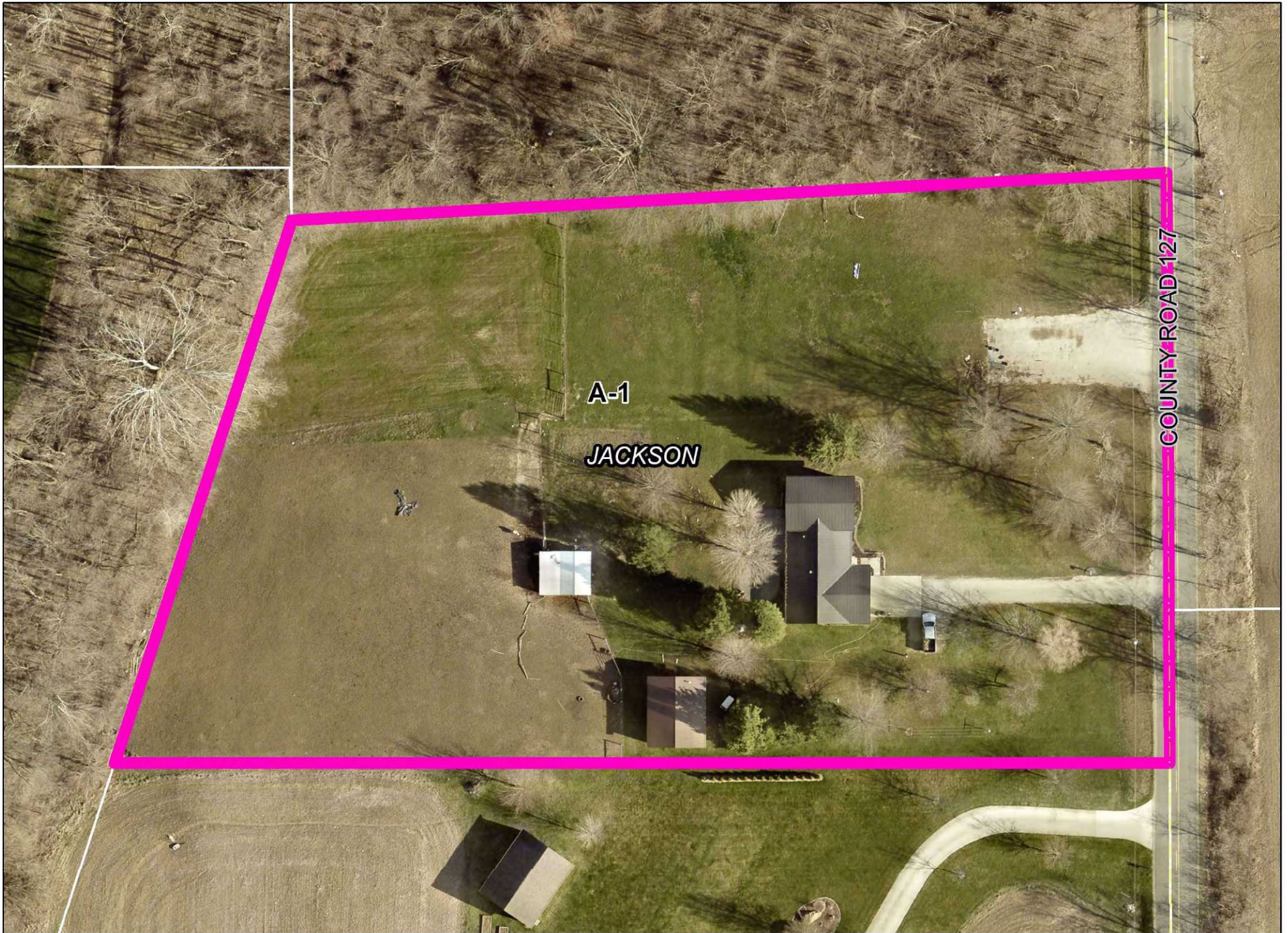
Freestanding? Y N Wall mounted? Y N

8) Does the application include a variance for parking spaces? Y N

If yes, tell us how many total there will be. _____

9) Tell us anything else you want us to know. _____

SUP-0072-2024

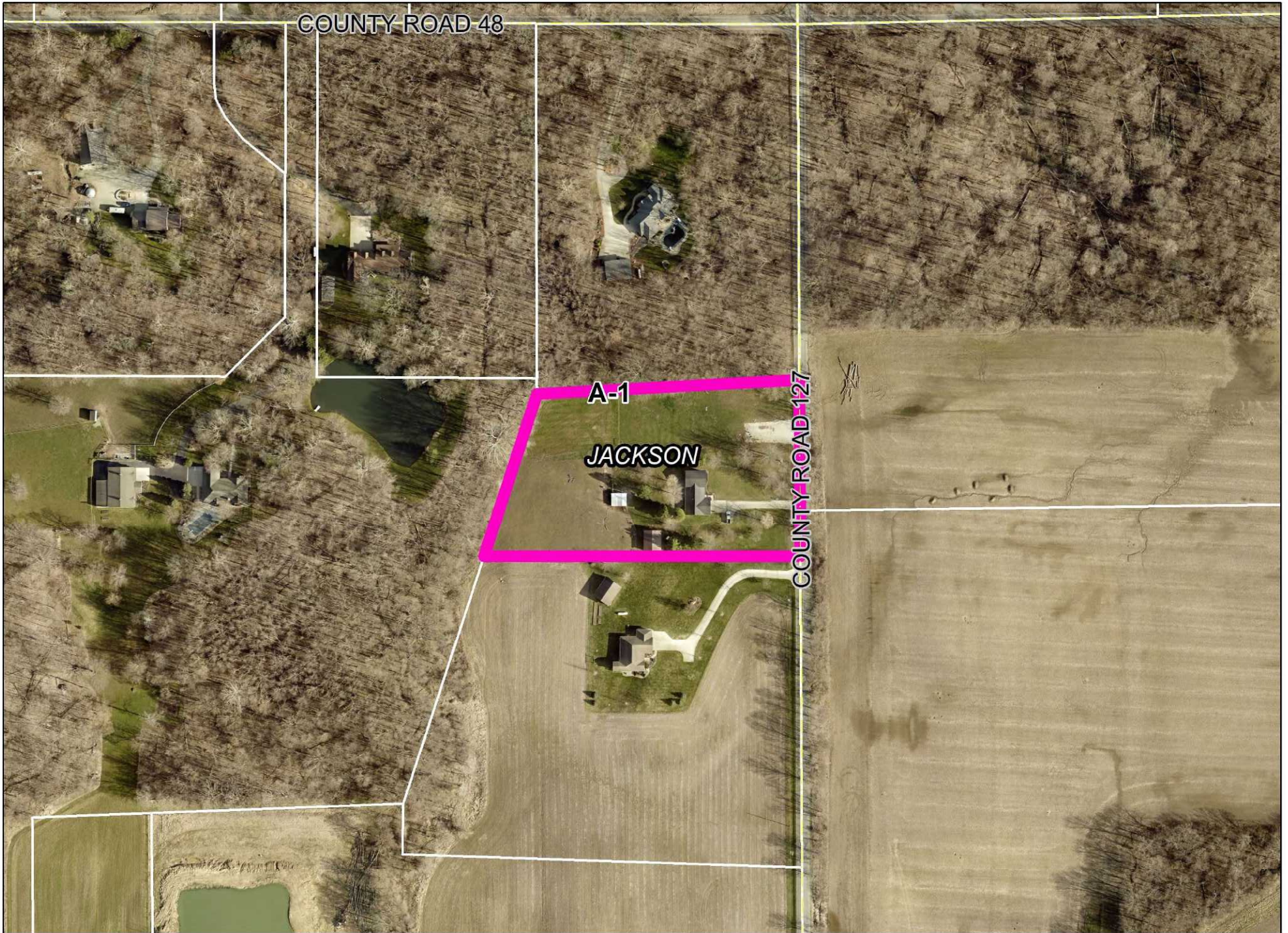


2021 Aerials

1 inch = 60 feet



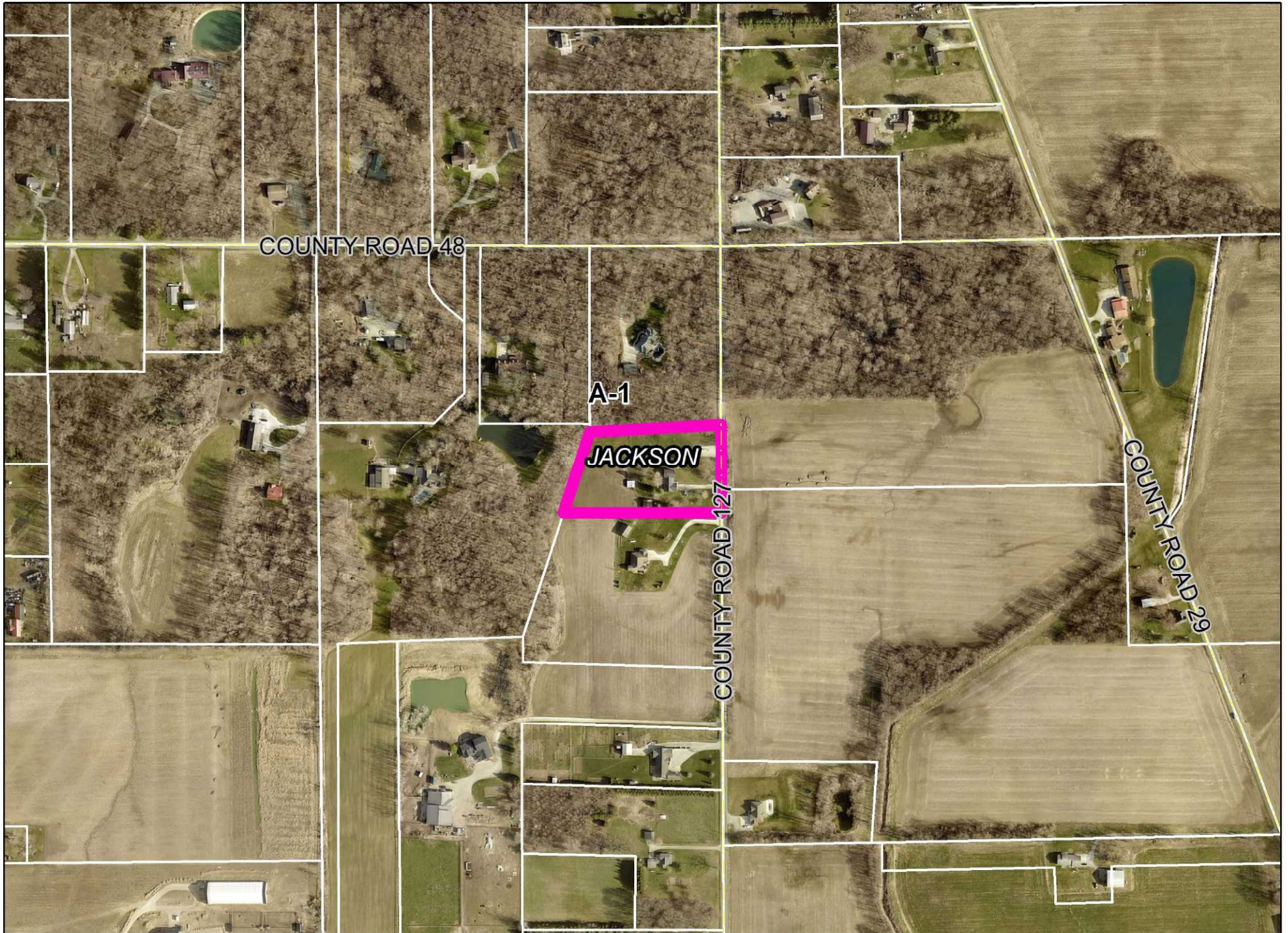
SUP-0072-2024



2021 Aerials

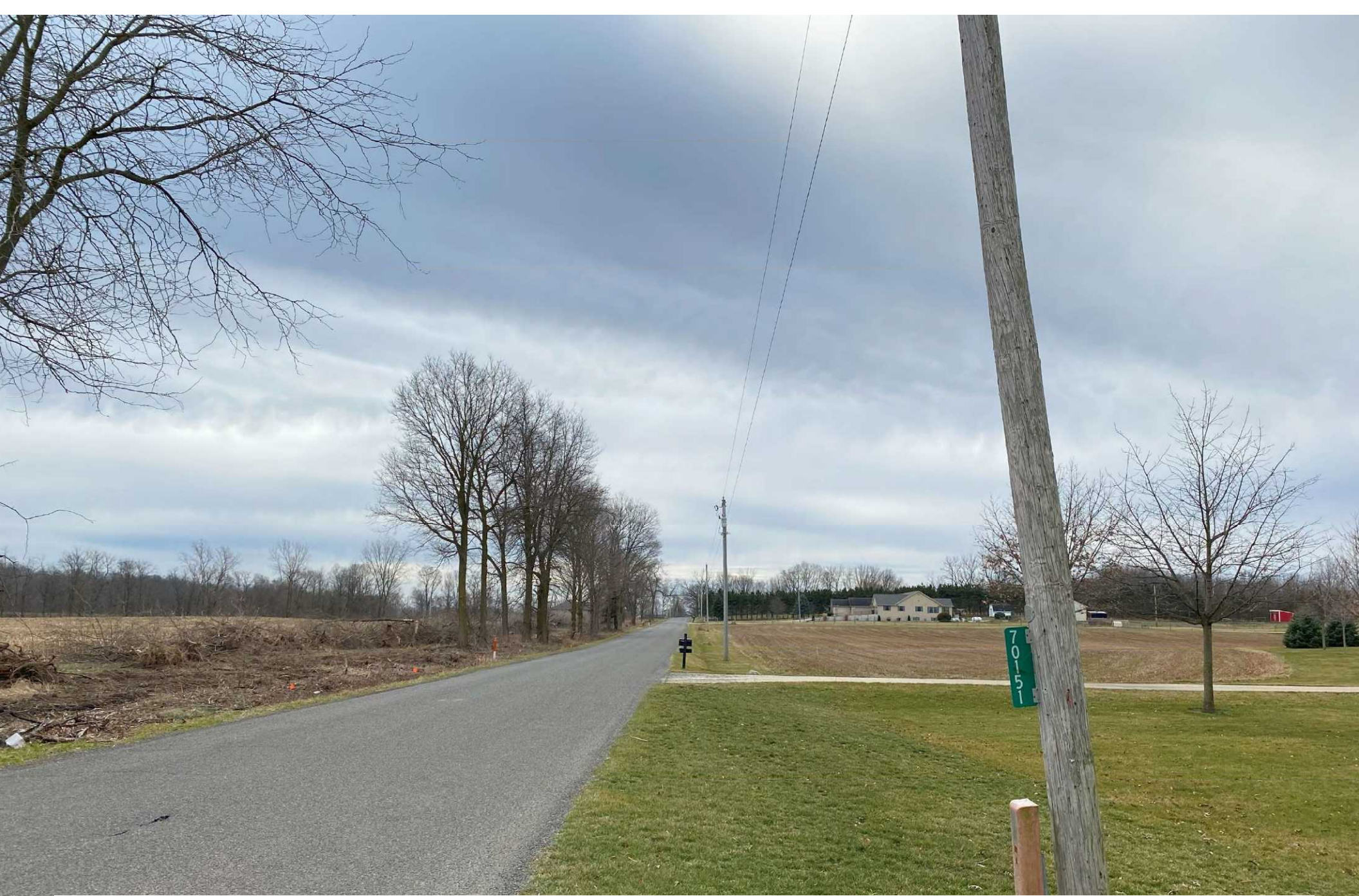
1 inch = 200 feet







Subject Property



Looking west



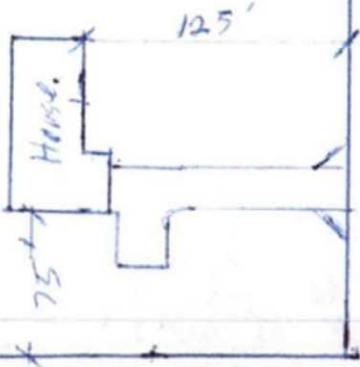
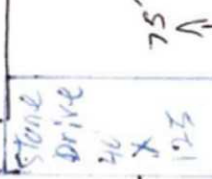
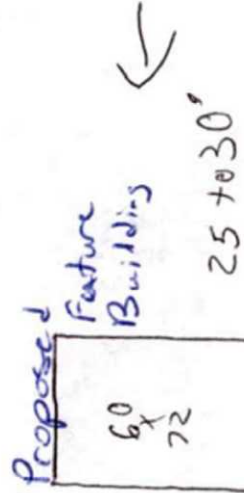
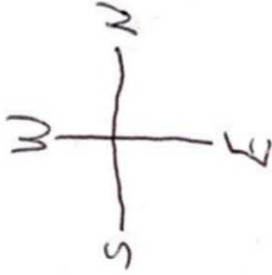
Looking east



Looking south

520

200 FT



300' Front yard

520'

1" = 100'

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 18, 2024

Transaction Number: DV-0073-2024.

Parcel Number(s): Part of 20-04-19-126-003.000-032.

Existing Zoning: A-1.

Petition: For a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement on proposed lot 2.

Petitioner: Tri-County Land Trustee Corporation (Land Contract Holder) & Marcus W. Miller & Ruth Ann Miller, Husband & Wife (Land Contract Purchasers).

Location: Southwest side of the easement, south of CR 4, 1,700 ft. east of CR 29, in York Township.

Site Description:

- Physical Improvement(s) – Residence, barns, accessory structures, solar array.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **December 15, 2022** – The BZA approved a Special Use for a home workshop/business for a storage barn business and a 7:1 Developmental Variance to allow construction of a residence.
- **March 20, 2024** – The Hearing Officer approved the current Developmental Variance.
- **March 26, 2024** – An appeal from the decision was filed.
- **April 11, 2024** – The Plat Committee will consider a 2-lot minor subdivision to be known as Peaceful Meadow.

Staff Analysis:

Staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. If easement access is allowed, no new driveway on CR 4 will be required.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The subdivision will result in only one new residence in a low-density residential and agricultural area.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The parent parcel has limited road frontage despite its size, and easement access is the safest basis for supporting the petitioners' right to subdivide.

BZA Staff Report (Continued)

Hearing Date: April 18, 2024

Staff recommends **APPROVAL** with the following condition(s) 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 2/12/2024 and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building
4230 Elkhart Road, Goshen, Indiana, 46526
Phone - (574) 971-4678
Fax - (574) 971-4578

DV-0073-2024

Developmental Variance - Developmental Variance

Date: 02/12/2024 Meeting Date: March 20, 2024
Board of Zoning Appeals Public Hearing Transaction #: DV-0073-2024

Description: for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement

Contacts: Applicant	Contract Purchaser	Land Owner	Private Surveyor
Advanced Land Surveying Of Northern Indiana, Inc. 17120 County Road 46 New Paris, IN 46553	Marcus W. Miller & Ruth Ann Miller, Husband & Wife 51425 County Road 29 Bristol, IN 46507	Tri-County Land Trustee Corporation (Land Contract Holder) 61554 Cr 43 Goshen, IN 46528	Advanced Land Surveying Of Northern Indiana, Inc. 17120 County Road 46 New Paris, IN 46553

Site Address: 15638 County Road 4
BRISTOL, IN 46507

Parcel Number: 20-04-19-126-003.000-032

Township: York
Location: SOUTH SIDE OF CR 4, WEST OF CR 131, 1440 FEET EAST OF CR 29

Subdivision: Lot #


Lot Area: 19.45 Frontage: 120.00 Depth: 1,768.00

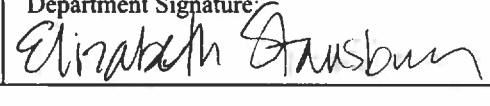
Zoning: A-1 NPO List:

Present Use of Property: RESIDENTIAL DWELLING & AG

Legal Description:

Comments: SUP-0845-2022- HOME WORK AND 7:1- NEEDS COMMITMENT RETURNED WITH SIGNATURES
BR-0087-2023 DIESEL STORAGE SHED- NEEDS RENEWED
BA-2278-2022 CALF BARN- NEEDS RENEWED
BR-0086-2023 ACCESSORY BUILDING- NEEDS RENEWED
BR-0085-2023 SINGLE FAMILY RESIDENCE NEEDS RENEWED
BA-2276-2022- JUST RENEWED 2/2024- NO INSPECTION COMPLETED
RONNIE JUSTICE WILL BE SUBMITTED A 2-LOT MINOR SUB. ONE LOT WILL HAVE THE EXISTING RESIDENCE ON IT AND ONE LOT WILL BE VACANT FOR THE TIME BEING.
PARCEL CREATION DATE IS PENDING DUE TO THE SPLIT
CURRENT PARCEL CREATION DATE IS 6/1/81
ES 2/12/2024

Applicant Signature:


Department Signature:


Developmental Variance — Questionnaire

Name: MARCUS W. and RUTH ANN MILLER

1) Tell us what you want to do. Do a minor subdivision to split property into 2 parcels.
lot 1 will be a vacant lot with 6.26 acres and lot 2 will be 13.16 acres with house - No road frontage

2) Tell us why you can't change what you're doing so you don't need a variance. _____
I have 2 interested parties in the property and only 135 feet of road frontage

3) Tell us why the variance won't hurt your neighbors or the community. the area is residential and agricultural with large lots in the area and the residencies will be far from county road 4

4) Does the property need well and septic? Well: Y N Septic: Y N
Does the property need a new septic system? Y N
If a new septic system is needed, did the Health Department say there's enough space for it? Y N

5) Does the application include variances to allow for buildings or additions? Y N If yes, fill out below.
Building or addition 1 Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 2 Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Size and height to the peak: _____
Tell us what you'll use it for. _____

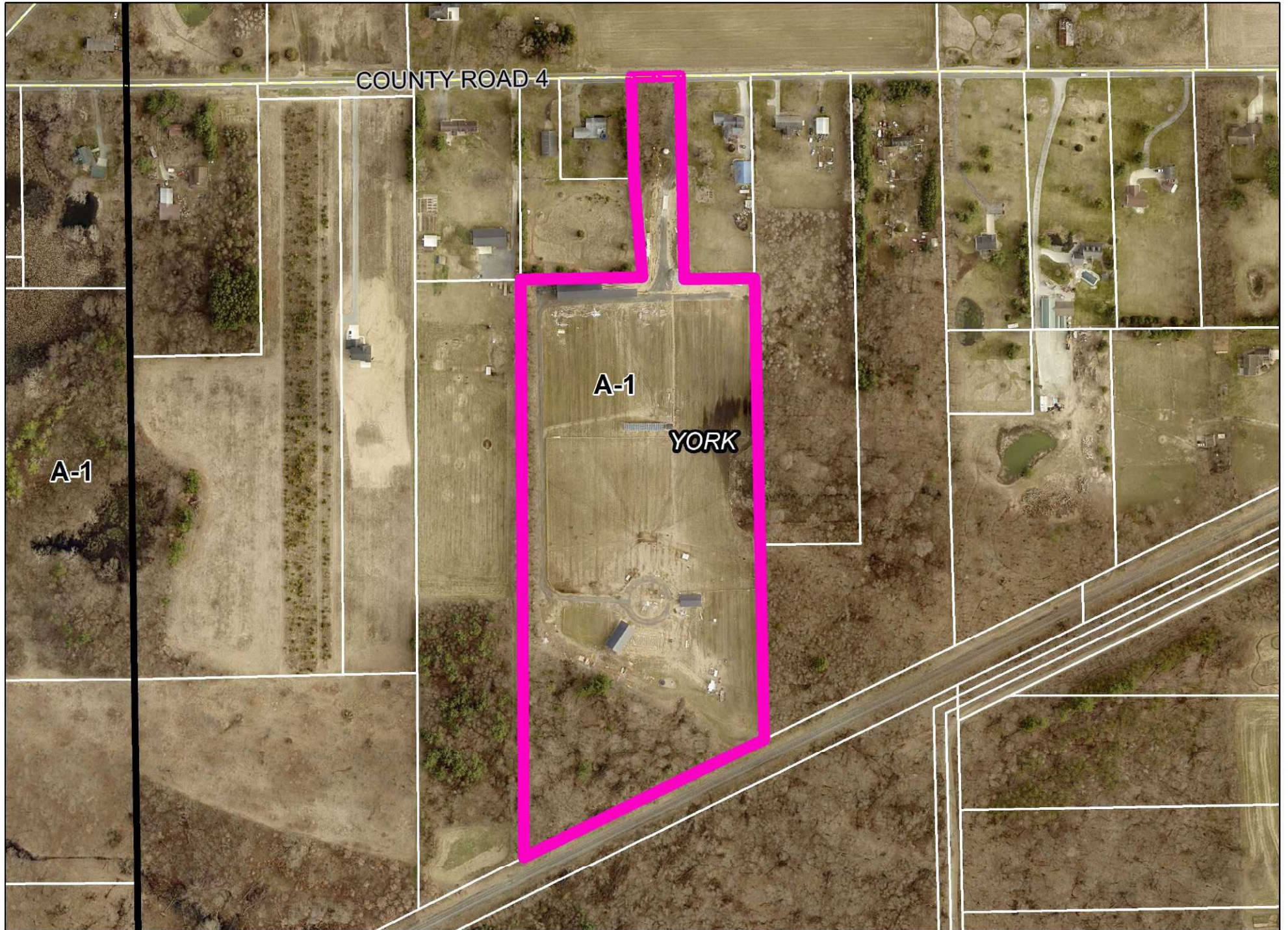
6) Does the application include a variance for a residence on property with no road frontage? Y N
If yes, fill out below.
Is the easement existing? Y N If the easement is existing, is it recorded? Y N
Tell us who owns (will own) the land under the easement. buyer of lot number 1
Tell us how many parcels will use the easement. 2

7) Does the application include variances for signs? Y N If yes, fill out below.
Sign 1 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N
Sign 2 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N
Sign 3 Dimensions (length and width): _____
Existing? Y N Double faced? Y N
Electronic message board? Y N If no, lighted? Y N
Freestanding? Y N Wall mounted? Y N

8) Does the application include a variance for parking spaces? Y N
If yes, tell us how many total there will be. _____

9) Tell us anything else you want us to know. Lot 1 will be checked for well and septic through the Minor subdivision process. lot 2 has existing home and septic

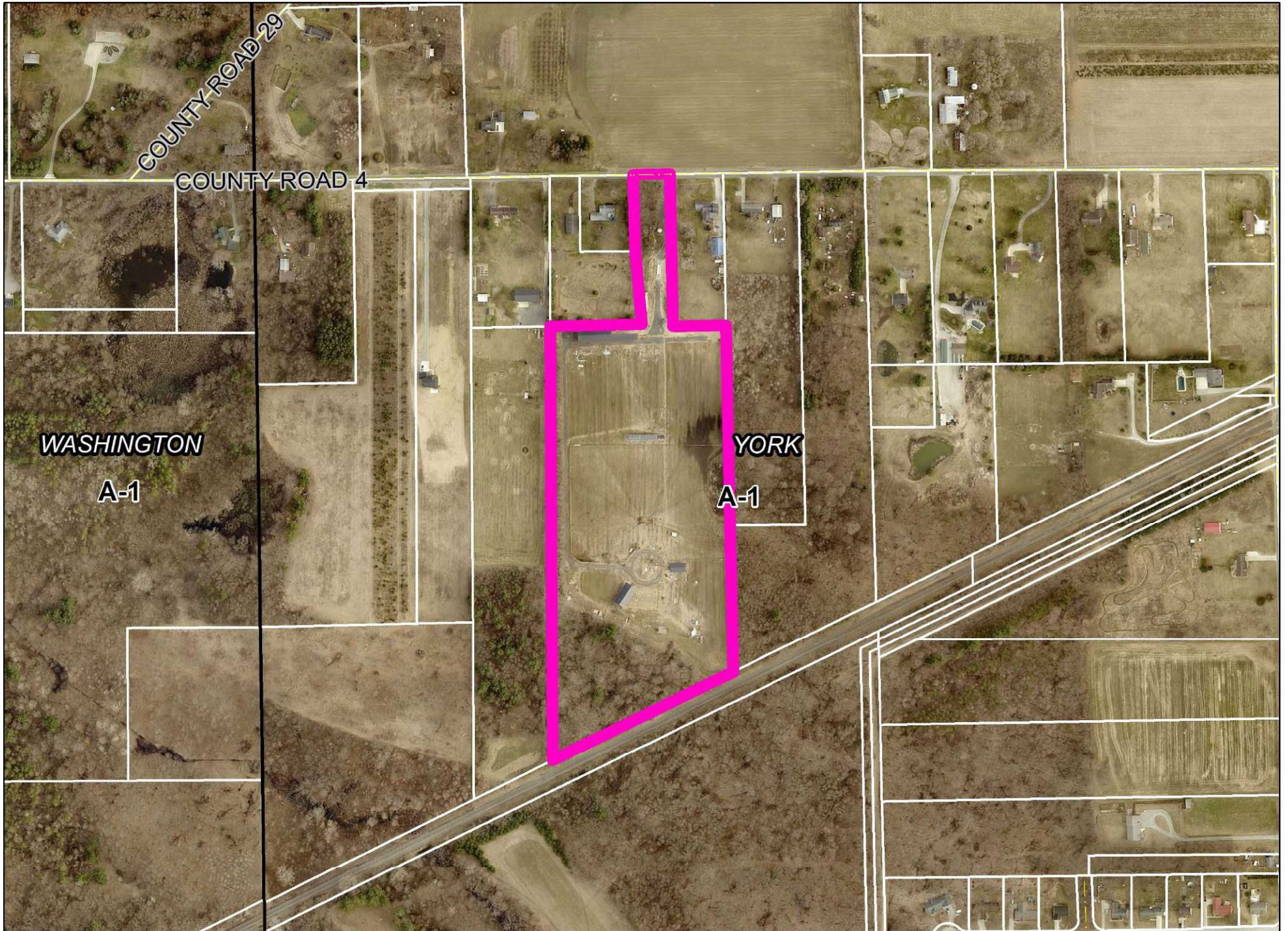
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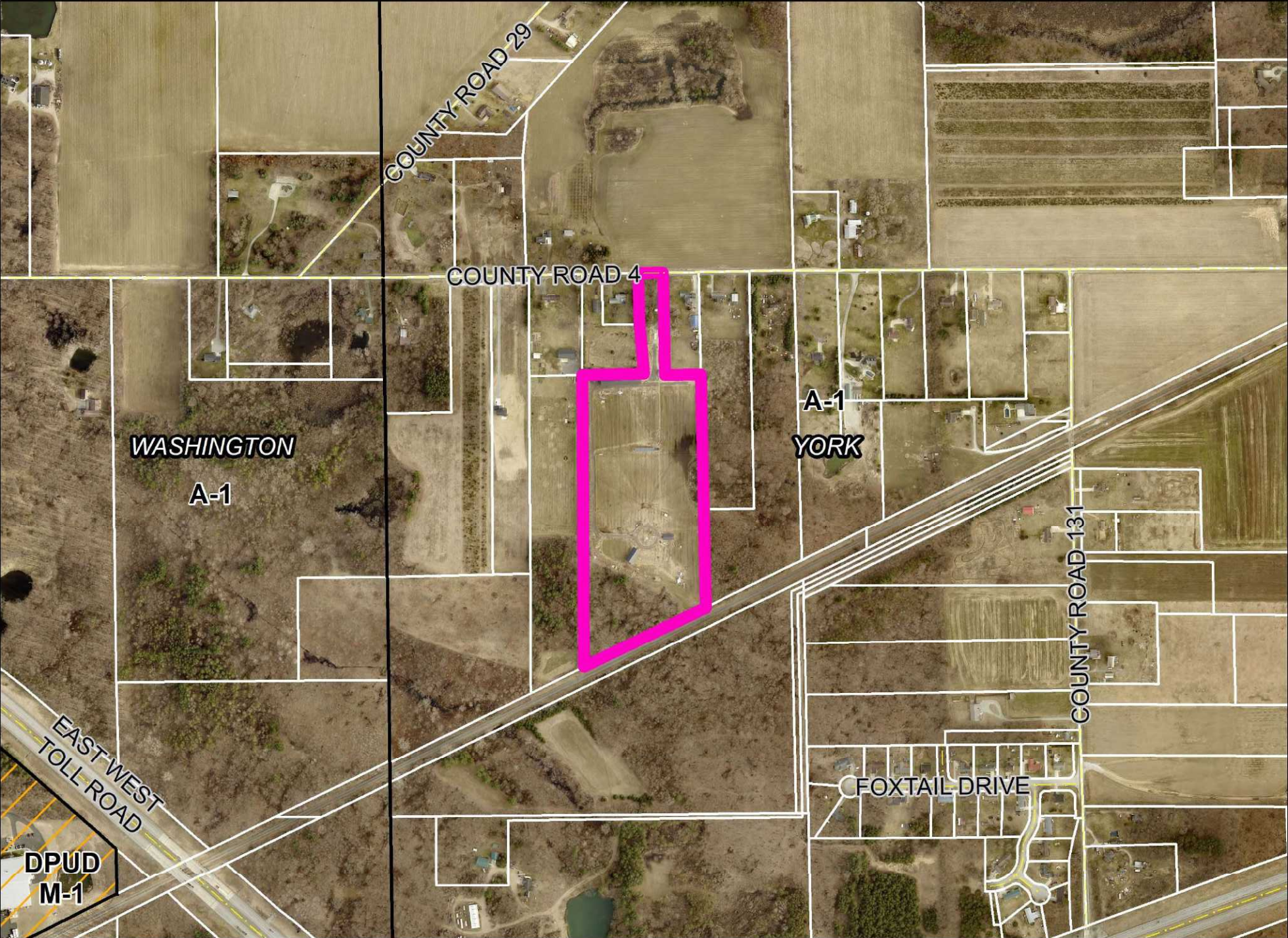


2021 Aerials

1 inch = 300 feet









Entrance to subject property



Looking southwest from end of entrance



Looking north across CR 4



Looking east



TROVER'S
CONSTRUCTION LLC
260-701-1165

Looking west

