

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 15th DAY OF FEBRUARY 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, Randy Hesser, Ron Norman, Roger Miller.

Absent: David Miller.

2. A motion was made and seconded (Warner/Cramer) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 18th day of January 2024 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (Warner/Miller) 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 *Justin Skinner* for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres and for a 2.5 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for an existing chicken coop 7.5 ft. from the rear property line on property located on the South side of Lamplighter Ln, 285 ft. West of County Acres Dr., South of CR 4, common address of 27346 Lamplighter Ln. 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-0028-2024*.

There were 30 neighboring property owners notified of this request.

Justin Skinner, 27346 Lamplighter Ln., Elkhart was present for this request. He submitted a letter from his neighbor to the board [Attached to file as *Petitioner Exhibit #1*]. He stated he wants to keep the chickens for food, not for any financial benefit. Mr. Hesser asked what the 2 ft. by 4 ft. sign requested would advertise. Mr. Skinner responded that he wants the yard sign to sell any excess eggs. Mr. Hesser asked how many chickens are currently on the property. Mr. Skinner stated there are currently 16 to 18 chickens. Mr. Miller asked if 16 to 18 chickens is what is requested on the petition. Mr. Skinner said he requested 20 chickens. Mr. Hesser stated that 12 is what the board typically approves for similar properties. He then asked if there is a homeowner's association or any neighborhood regulations against having animals. Mr. Skinner said no and noted that some of his neighbors have ducks and chickens. Mr. Miller asked if the fence goes around the entire perimeter of the back of the property. Mr. Skinner said yes. Mr. Hesser asked Mr. Skinner if he understood that the recommendation given by staff is that the chicken coop be moved 7.5 ft. from the rear property line, out of the easement. Mr. Skinner responded yes. Mr. Miller asked how the

waste is disposed of. Mr. Skinner replied that they use it for compost on their garden. Mr. Norman asked if the chicken coop is portable to move it out of the easement. Mr. Skinner responded yes.

Deborah Royer 52206 Country Acres Court was present in remonstrance. She stated that she lives behind the petitioner and is very against having roosters in the neighborhood. However, she continued she does not mind chickens much unless they get out of hand. Mr. Norman asked if Mrs. Royer hears roosters early in the morning. Mrs. Royer said yes, and she could also hear them all day. She also said she is worried about the chickens stinking in the summer and would like them to be sanitized.

Justin Skinner came back on to speak. He stated the chicken coop has been there since last summer, and it did not stink. He said he already plans to get rid of the roosters.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres be approved with the following 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 7.5 ft rear setback.

The following commitments were 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 a maximum of twelve (12) chickens at any one time, no roosters.

Further, the motion also included a 2.5 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for an existing chicken coop 7.5 ft. from the rear property line 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, Randy Hesser, Roger Miller, Ron Norman, Steve Warner.

5. The meeting was adjourned at 9:13 a.m.

Respectfully submitted,

Janelle Tidd, Recording Secretary

Randy Hesser, Chairman

Ron Norman, Secretary