

9:30 A.M. (NORMAN)

- E. Petitioner: ***Roy M. Kinsinger*** **(Page 15)**
Petition: for a renewal of a Special Use for a home workshop/business for a small engine repair business.
Location: Northeast side of Nelson Ln, 45 ft. south of Isaac Dr., East of CR 31, common address of 67620 Nelson Ln. in Benton Township, zoned A-1. SUP-0395-2024
- F. Petitioner: ***Alyssa A. Al-Ugaili*** **(Page 16)**
Petition: for a Special Use for an agricultural use for the keeping of animals on tract of land containing less than 3 acres.
Location: East side of Mars Dr., 150 ft. South of Lantz Blvd., 305 ft. East of CR 3, common address of 56514 Mars Dr. in Baugo Township, zoned R-2. SUP-0411-2024
- G. Petitioner: ***Waypoint Community Church*** **(Page 17)**
Petition: for an Amendment to an existing Special Use for a place of worship to allow for a new building and wall sign.
Location: West side of CR 29, 600 ft. North of US 20, common address of 56893 CR 29 in Jefferson Township, zoned A-1. SUP-0387-2024

SPECIAL USE / DEVELOPMENTAL VARIANCES

- H. Petitioner: ***Tina E. Curtis*** **(Page 18)**
Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, for a special use for a roadside stand, and for a 22 ft. lot-width Developmental Variance (Ordinance requires 100 ft.) to allow for an existing residence.
Location: North side of CR 18, 535 ft. East of CR 1, common address of 29897 CR 18 in Baugo Township, zoned A-1. SUP-0361-2024

10:00 A.M. (HESSER)

- I. Petitioner: ***Kevin D. Stutzman*** **(Page 19)**
Petition: for Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a 35 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of a detached accessory structure 85 ft. from the centerline of the right-of-way.
Location: West side of SR 13, 650 ft. North of CR 24, common address of 59395 SR 13 in Middlebury Township, zoned A-1. SUP-0390-2024

USE VARIANCE/DEVELOPMENTAL VARIANCE

J. Petitioner: *Mikel P. Wendel* (Page 20)
Petition: for a Use Variance to allow for the construction of an accessory structure on property without a residence and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
Location: Northeast side of CR 22, 2,170 ft. Northwest of CR 1, in Baugo Township, zoned A-1.

UV-0372-2024

TABLED

K. Petitioner: *Jose Antonio Garcia-Hernandez & Marisol Peredia* (Page 21)
Petition: for a requested rescission of a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres for failure to comply with the condition(s) and/or commitment(s) imposed by the Board of Zoning Appeals.
Location: South side of State Line Rd., 4,590 ft. West of CR 15, common address of 23176 State Line Rd. in Osolo Township, zoned A-1. SUP-0040-2023

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

- *Minor Change-Special Use-Andrew G. & Susie Martin, Husband and Wife (SUP-00841-2021) – request for a minor change to a Special Use for a home workshop/business for a meat processing business to allow for an addition.*

ADJOURNMENT

The Elkhart County Board of Zoning Appeals is meeting on Thursday, July 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 July 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 Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 18, 2024

Transaction Number: SUP-0355-2024.

Parcel Number(s): 20-02-36-106-039.000-026, 20-02-36-106-040.000-026.

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: Jonathon A. Ramirez.

Location: South side of Bainbridge Dr., 125 ft. West of CR 15, in Osolo Township.

Site Description:

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

History and General Notes:

- **April 23, 2024** – A complaint was received regarding chickens on the property in an R-1 zone (CODE-0257-2024).

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 0.50-acre property in a moderately dense residential and agricultural area, and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by allowing a hobby opportunity and food source.

BZA Staff Report (Continued)

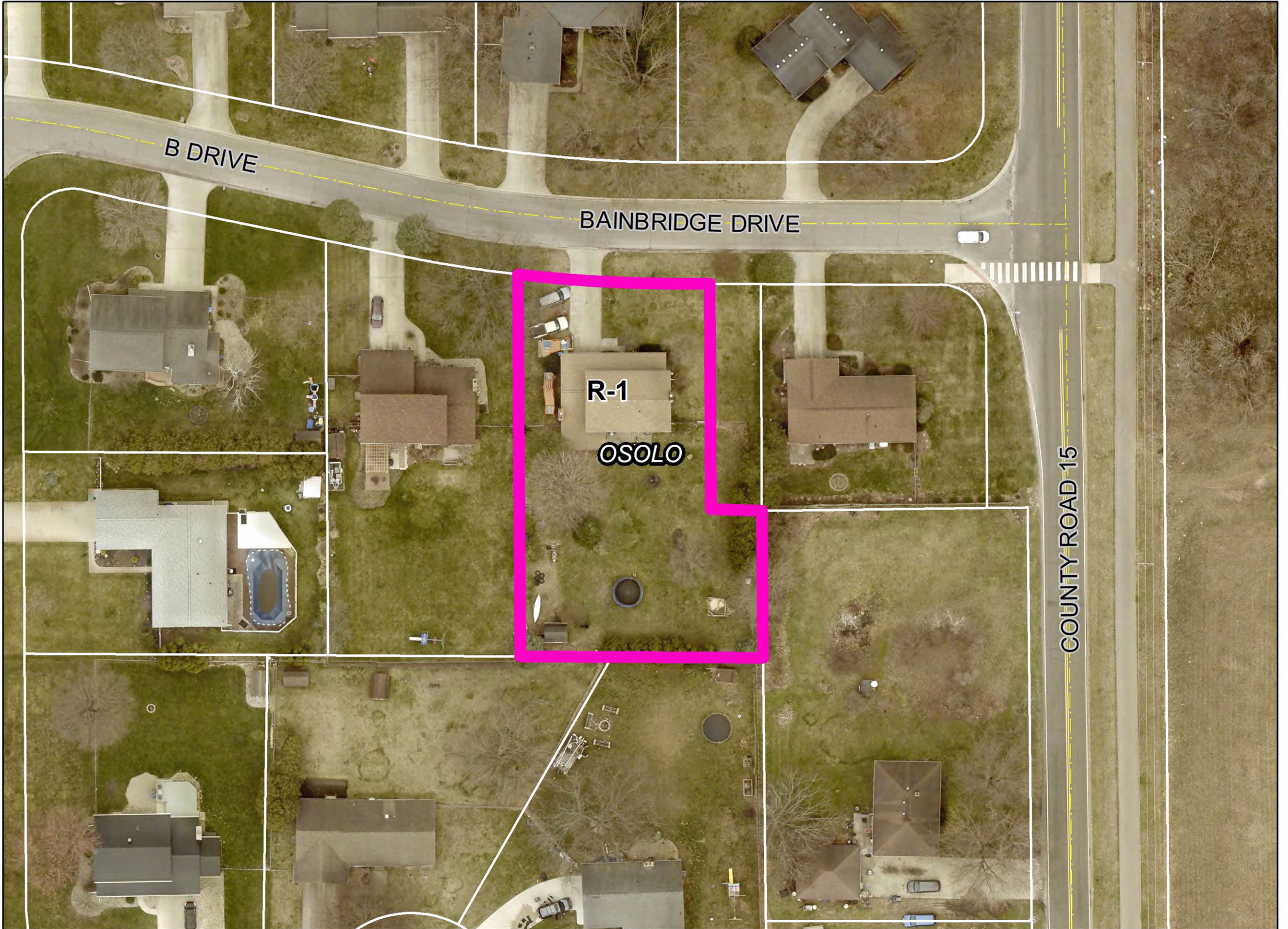
Hearing Date: July 18, 2024

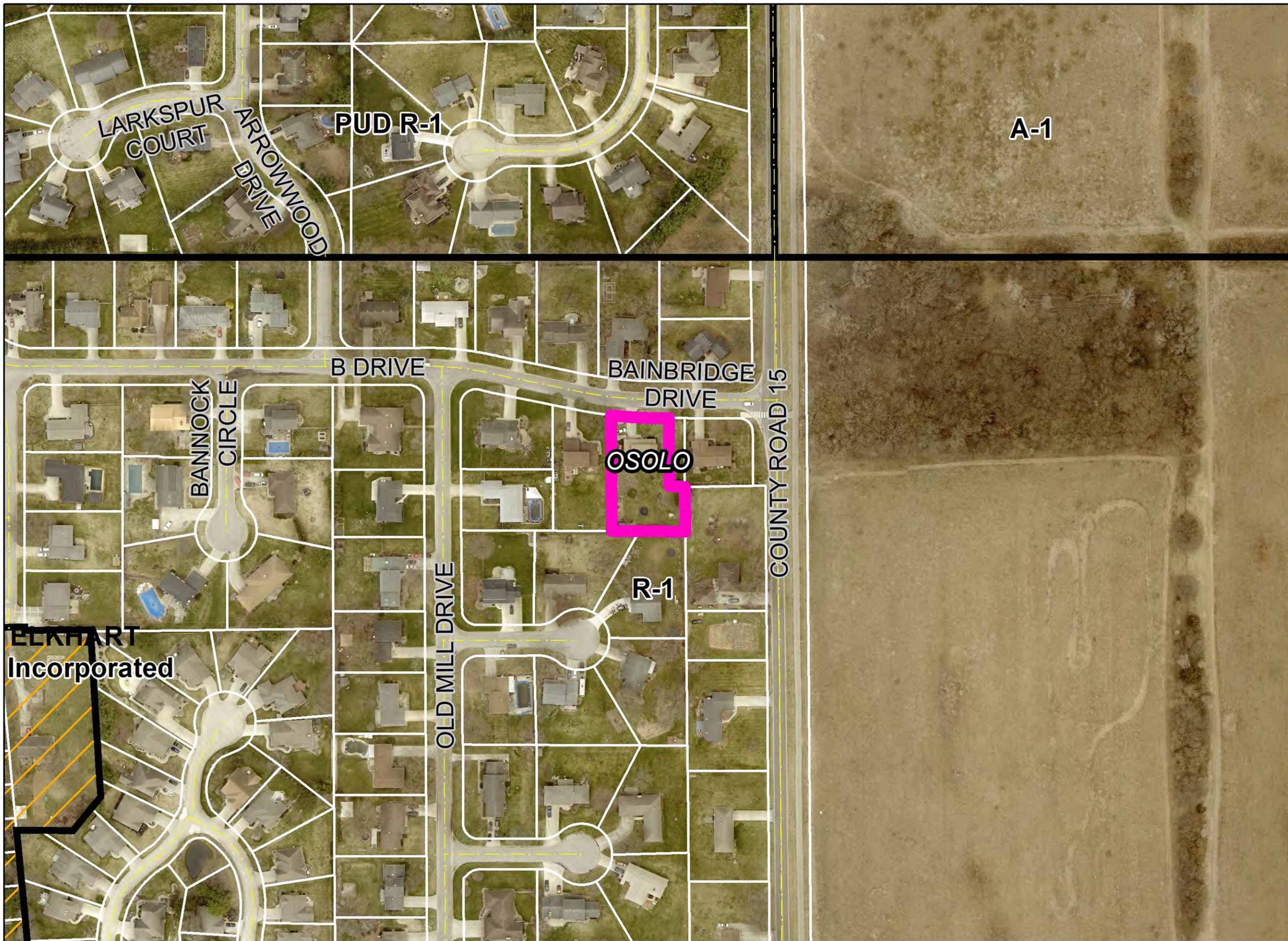
Staff recommends **APPROVAL** with the following condition(s) imposed:

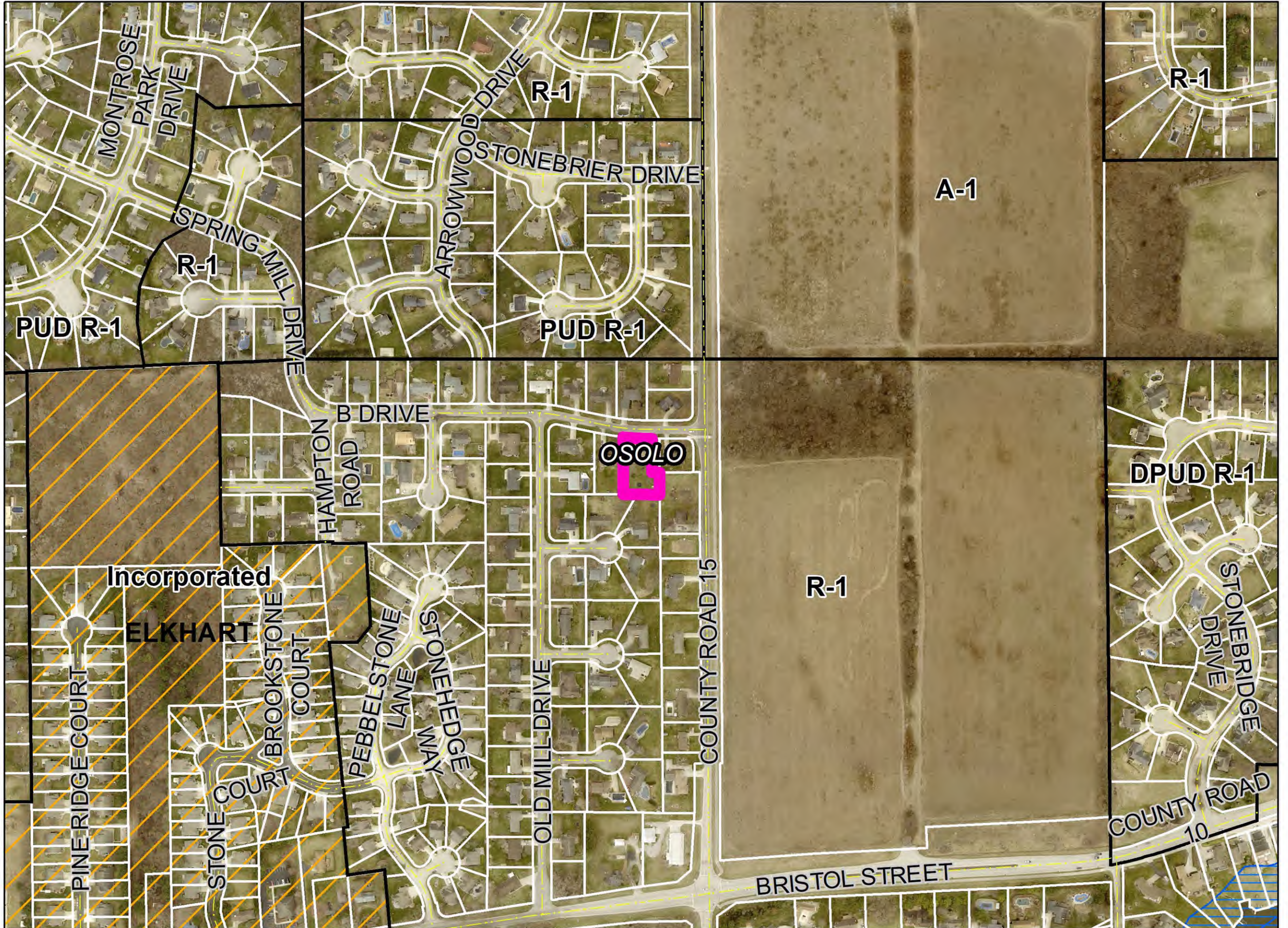
1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

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

1. The request is approved in accordance with the site plan submitted 5/21/2024 and as represented in the Special Use application.
2. The request is limited to twelve (12) chickens, no roosters at any one time.









Looking south towards subject property



Looking north



Looking east



Looking west

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-0355-2024

Date: 05/21/2024

Meeting Date:

July 18, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0355-2024

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

Jonathon A. Ramirez
22792 Bainridge Dr
Elkhart, IN 46514

Land Owner

Jonathon A. Ramirez
22792 Bainridge Dr
Elkhart, IN 46514

Site Address: 22792 Bainbridge Drive
ELKHART, IN 46514

Parcel Number: 20-02-36-106-039.000-026
20-02-36-106-040.000-026

Township: Osolo

Location: SOUTH SIDE OF BAINBRIDGE DR., 215 FT. WEST OF CR 15

Subdivision: OLD MILL ESTATES IV

Lot # 35

Lot Area: 0.50 Frontage: 120.00 Depth: 188.05

Zoning: R-1

NPO List: 07/01/2024

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE CODE CASES:
0257-2024 - CHICKENS IN AN R-1 ZONE
0742-2023 - PARKING IN GRASS (IN COMPLIANCE)
0743-2023 - PALLETS IN YARD (IN COMPLIANCE)
RESIDENCE = 2,883 SQ FT X 110% = 3,171 SQ FT, MINUS 506 (GARAGE), AND 80 (SHED) LEAVES 2,585 SQ FT
AVAILABLE FOR PERSONAL STORAGE.

Applicant Signature:

Department Signature:

Application

Site address: 22792 Bainbridge Dr

Parcel number(s): 02-36-106-039-028 20-02-36-106-039.000-026

Current property owner

Name: Jonathan Ramirez

Address: 22792 Bainbridge Dr

Phone: (574) 904-0760 Email: Oneinssanebiker@yahoo.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: 

Staff Use Only

Description: FOR A SPECIAL USE FOR AN AGRICULTURE USE FOR KEEPING CHICKENS ON A TRACT OF LAND LESS THAN 3 ACRES.

Parcel creation date: N/A

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: SEE ATTACHED SHEET.

Location: N S E W corner side end of BAINBRIDGE DR.
125 ft. N S E W of CR 15
in OSOLO Township

Frontage: 120 FT. Depth: 188.05 FT. Area: .503 acres Lot 34.

Subdivision and lot number, if applicable: OLD MILL ESTATES IV Lot 35.

Present use: RESIDENTIAL.

Special Use — Questionnaire

Name: Jonathan Ramirez

1) Tell us what you want to do. Raise Chickens

2) Tell us why this activity won't hurt your neighbors or the community. Neighbors enjoy the birds say they like to hear them

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. Chickens make noise like many birds
Tell us how you'll reduce the impact of those things on neighbors. Work with them as problems or concerns arise

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. Small fruit trees / Blueberry bushes

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: 8'4" X 8'4" H 8'6"
Tell us what you'll use it for. Coop & run
Building or addition 2 Existing? Y N Size and height to the peak: 8'2" X 10'2" H 8'8"
Tell us what you'll use it for. Flock introduction, isolation, observation
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. Chickens 24

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

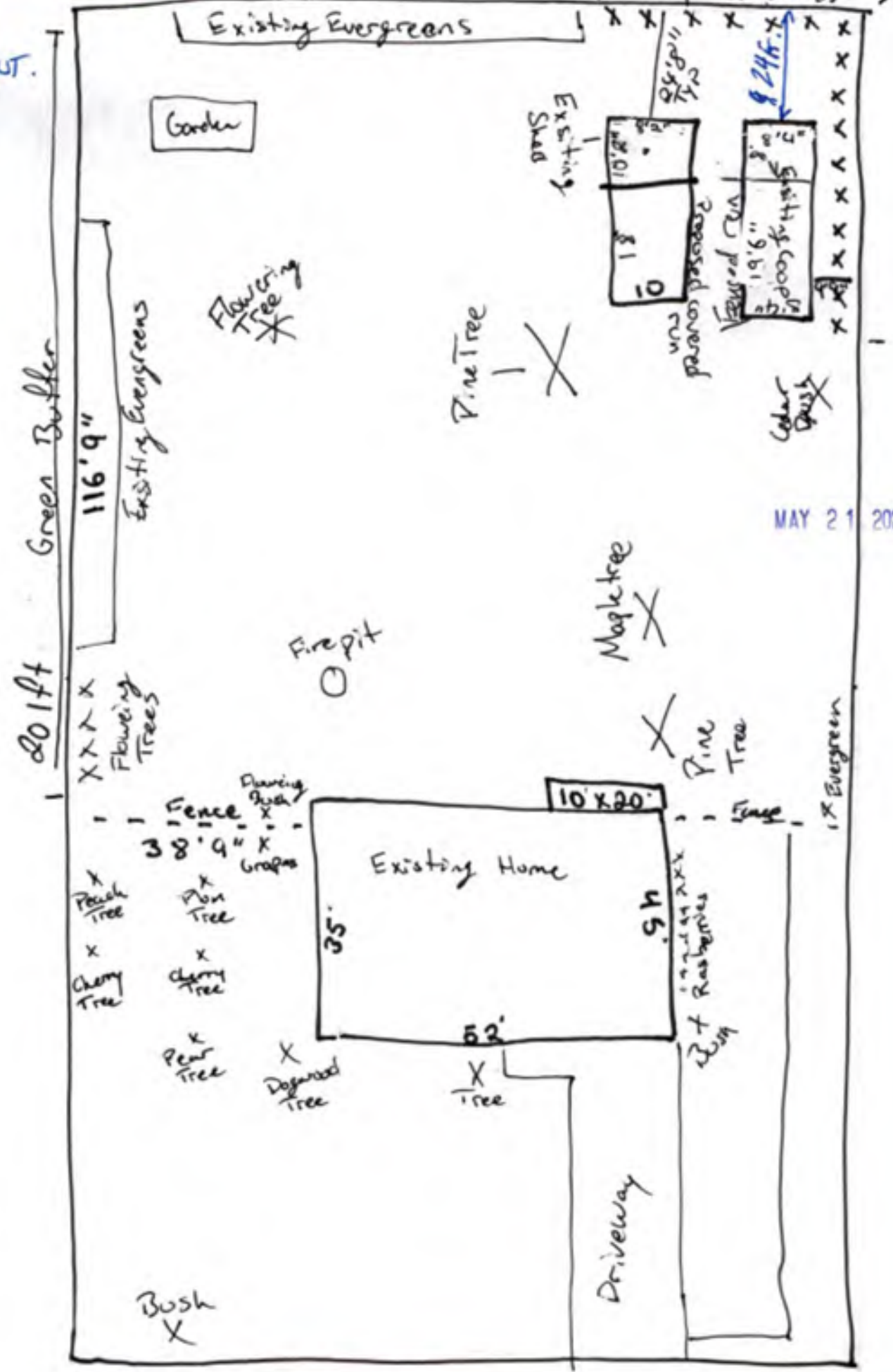
Freestanding? Y N Wall mounted? Y N

- 10) Tell us anything else you want us to know. These chickens are treated like pets with love and affection

10 FT. UTILITY EASEMENT.

115 ft

Proposed Bushes



MAY 21 2024

2 →

Banbridge Dr

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 18, 2024

Transaction Number: SUP-0360-2024.

Parcel Number(s): 20-01-14-276-001.000-005.

Existing Zoning: A-1.

Petition: For a Special Use for a roadside stand.

Petitioner: Michele P. Chaney & Rick A. Chaney, Sr., Wife & Husband.

Location: East side of CR 5, 400 ft. North of CR 1, in Cleveland Township.

Site Description:

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

History and General Notes:

- **May 1, 2024** – A complaint was received regarding the selling of objects (year-round yard sale) on the property (CODE-0278-2024).

Staff Analysis:

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a roadside stand 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 1.06-acre property in a low density residential and agricultural 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 source of flowers, produce, and craft items

BZA Staff Report (Continued)

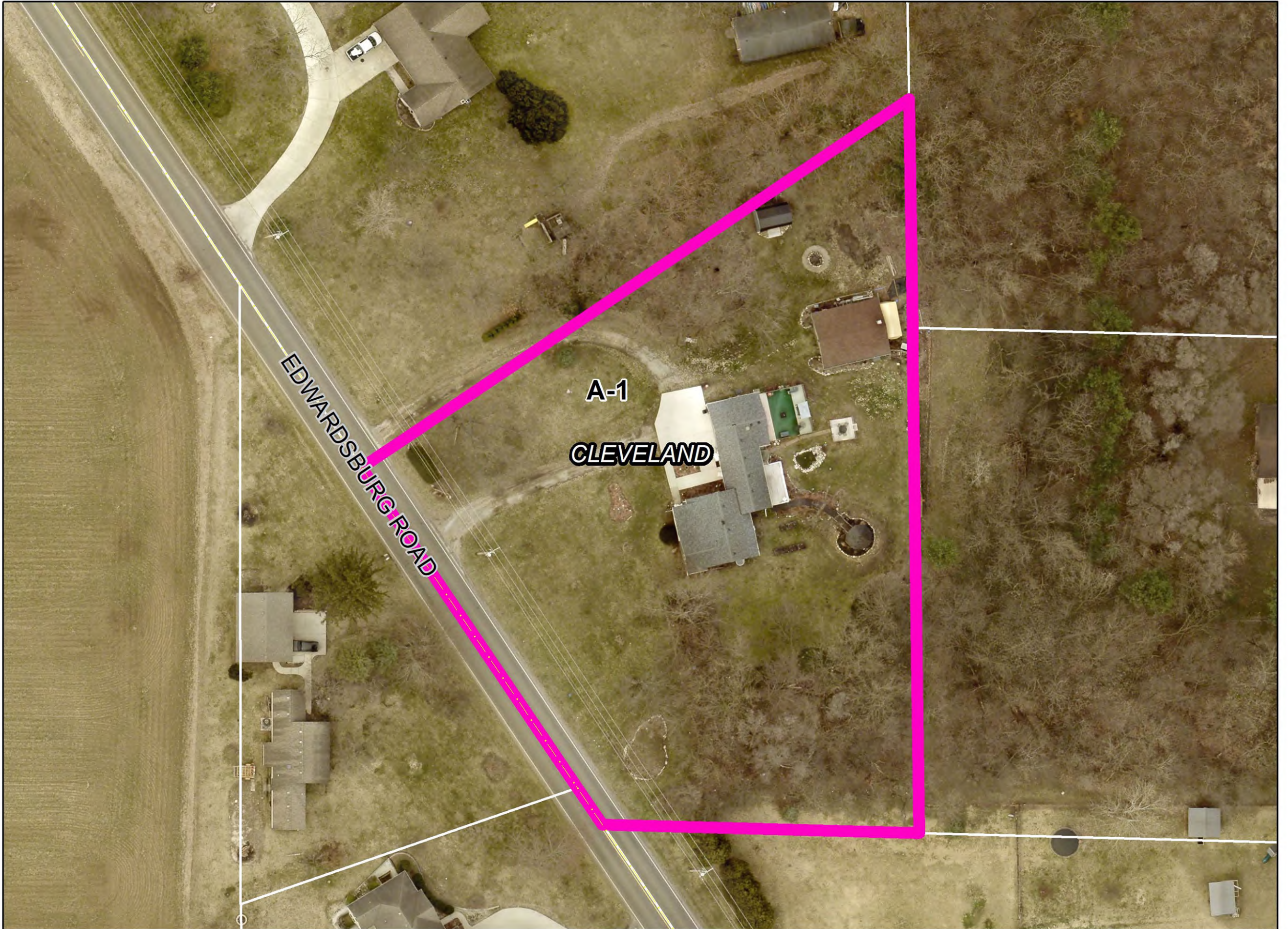
Hearing Date: July 18, 2024

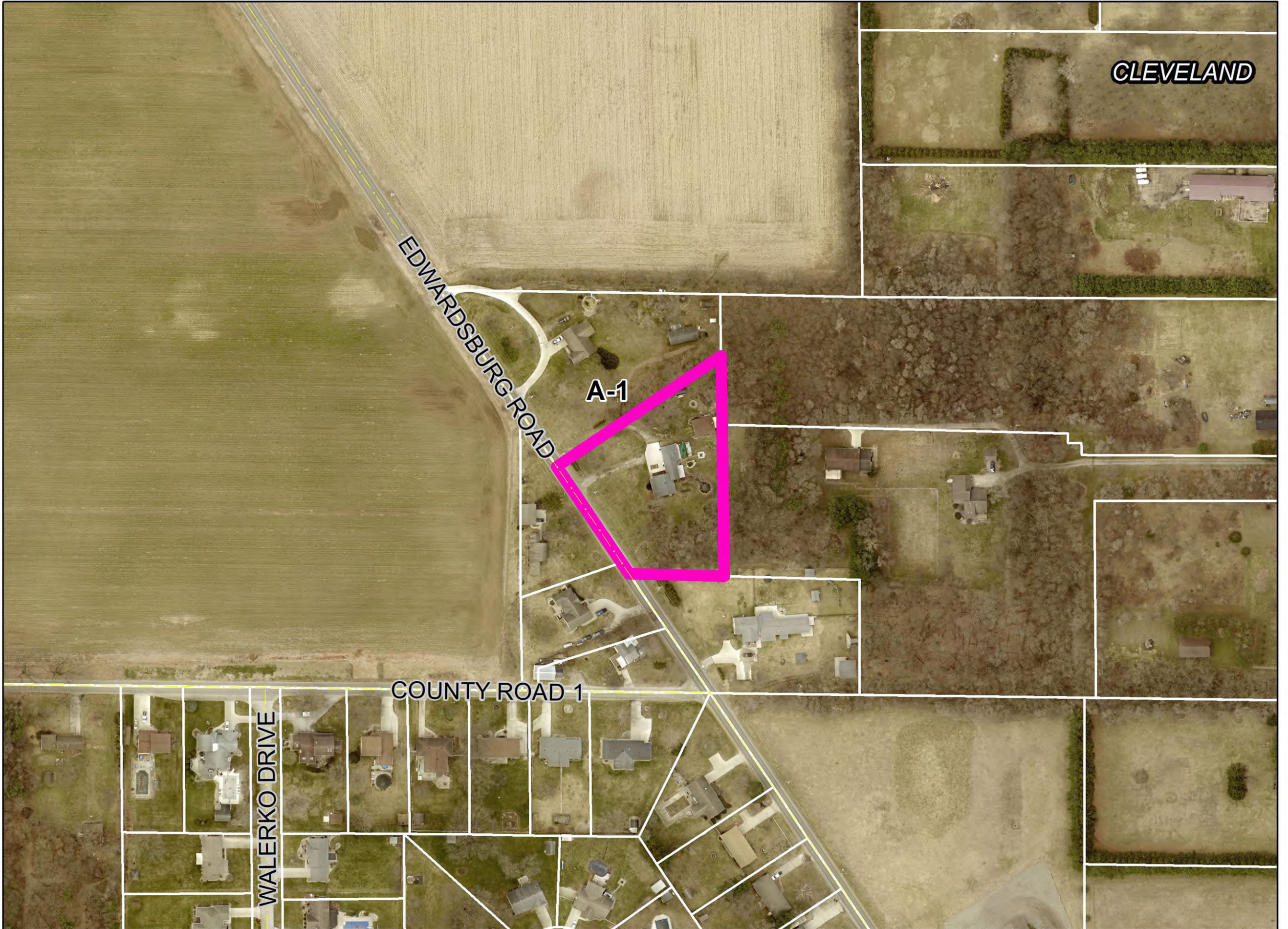
Staff recommends **APPROVAL** with the following condition(s) imposed:

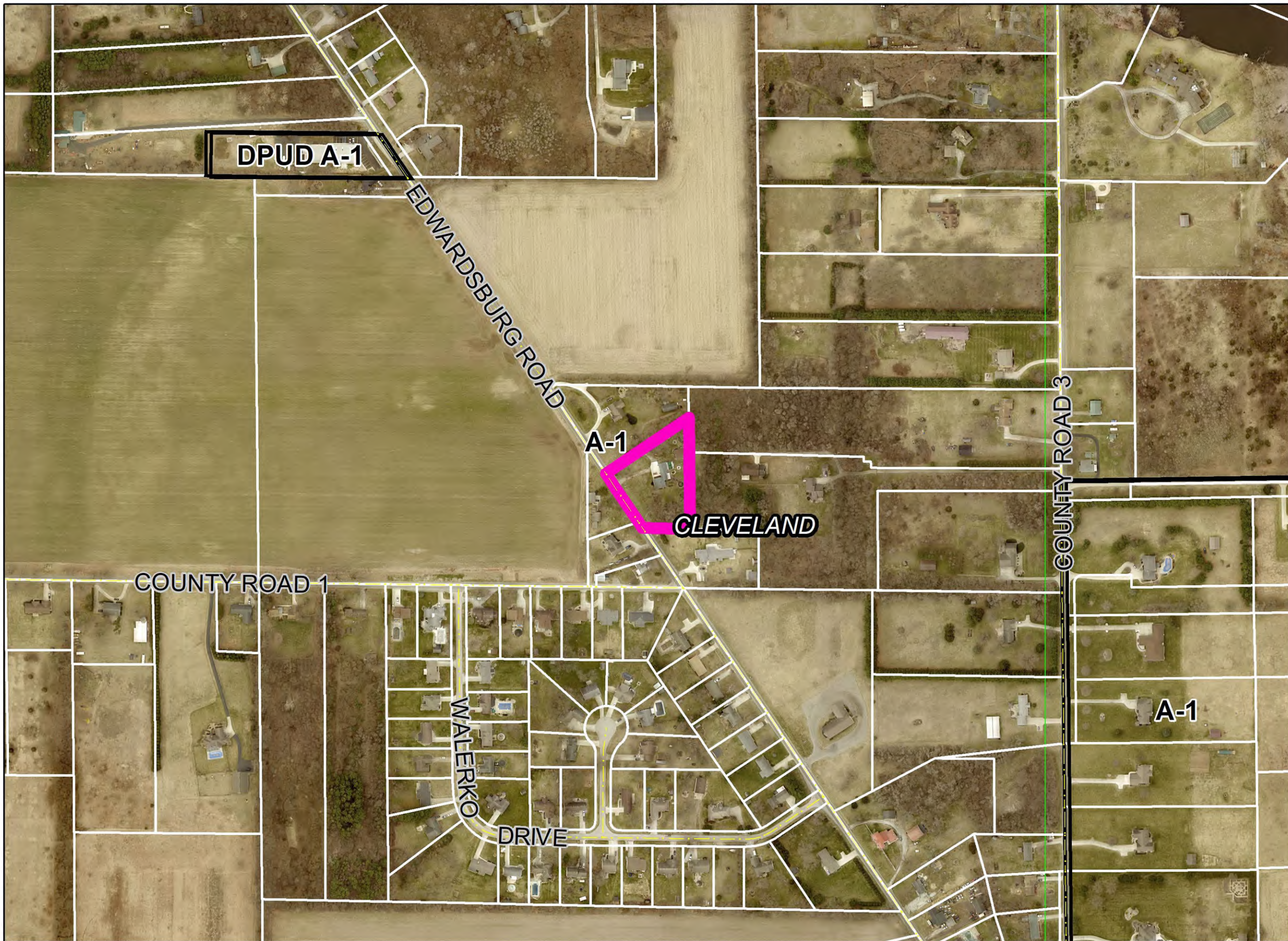
1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

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

1. The request is approved in accordance with the site plan submitted 5/24/2024 and as represented in the Special Use application.









Looking east towards subject property



Looking west



Looking north



Looking south

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-0360-2024

Date: 05/24/2024

Meeting Date:

July 18, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0360-2024

Description: FOR A SPECIAL USE FOR A ROADSIDE STAND

Contacts: Applicant

Land Owner

Michele P. Chaney & Rick A.

Michele P. Chaney & Rick A.

Chaney Sr W&H

Chaney Sr W&H

51444 Cr 5

51444 Cr 5

Elkhart, IN 46514

Elkhart, IN 46514

Site Address:

51444 County Road 5
ELKHART, IN 46514

Parcel Number:

20-01-14-276-001.000-005

Township:

Cleveland

Location:

EAST SIDE OF CR 5, 400 FT NORTH OF CR 1,

Subdivision:

Lot #

Lot Area:

1.06

Frontage:

221.03

Depth:

164.80

Zoning:

A-1

NPO List:

07/01/2024

Present Use of Property:

RESIDENTIAL

Legal Description:

Comments:

PARCEL CREATION DATE 3-1-1962

CODE COMPLAINT: CODE-0278-2024

ADAM COLESON-PLANNER REVIEW THIS SPECIAL USE FOR ACCURACY ON 5/24/2024

NO SUBDIVISION NEEDED FOR THIS PROPERTY

Applicant Signature:

Department Signature:

Application

Site address: 51444 CR5 ELKHART

Parcel number(s): 20-01-14-276-001.000-005

Current property owner

Name: Ricky A. & Michele P. Chaney

Address: 51444 CR5 ELKHART

Phone: 574 327-6738 Email: RCHANNEY54@Gmail.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: Ricky A. Chaney

Staff Use Only

Description: for a special use for a roadside stand

Parcel creation date: 3-1-62

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 County road 5,
400 ft. (N) S E W of county road 1,
in _____ Township

Frontage: 221.03 Depth: 164.6 Area: 1.057 acres

Subdivision and lot number, if applicable: _____

Present use: residential

Special Use — Questionnaire

Name: Ricky A Chaney

1) Tell us what you want to do. SELL FLOWERS, produce, pumpkins & HOME MADE
ITEMS

2) Tell us why this activity won't hurt your neighbors or the community. NO NOISE, OUR
NEIGHBORS ARE NOT CLOSE ENOUGH TO BE A BOTHER

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. TREES & SHRUBS SURROUND OUR HOUSE

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: _____ 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? VARIOUS 10-7pm 9-5

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?

5-6

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). 3x3 ~~4x4~~

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). 4x4

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 24 2024

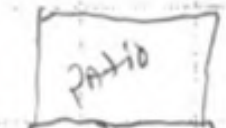
1251.83 ft

5/24/24
AL

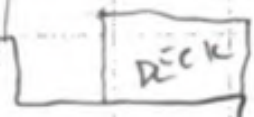
WOODS



WORK SHOP



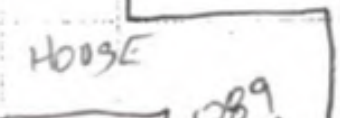
PATIO



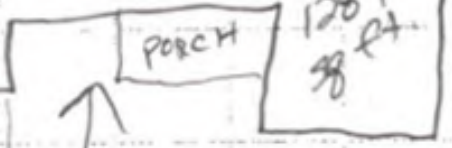
DECK



GARAGE



HOUSE



PORCH

1289
38 ft

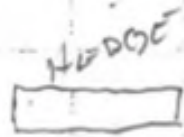


PAVING PAD

place where
flowers will be sold!

DRIVEWAY

DRIVEWAY



HEDGE

150 x 1

WOODS

WOODS



CR 5

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 18, 2024

Transaction Number: SUP-0362-2024.

Parcel Number(s): 20-02-28-276-031.000-026.

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: Ramon A. Portillo.

Location: Northwest corner of Shawn Dr. & CR 11, in Osolo Township.

Site Description:

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

History and General Notes:

- **April 11, 2024** – A complaint was received regarding chickens, turkeys, and rooster(s) on the property in an R-1 zone (CODE-0218-2024).

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 0.42-acre property in a moderately mixed-use area, and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by allowing a hobby opportunity and food source.

BZA Staff Report (Continued)

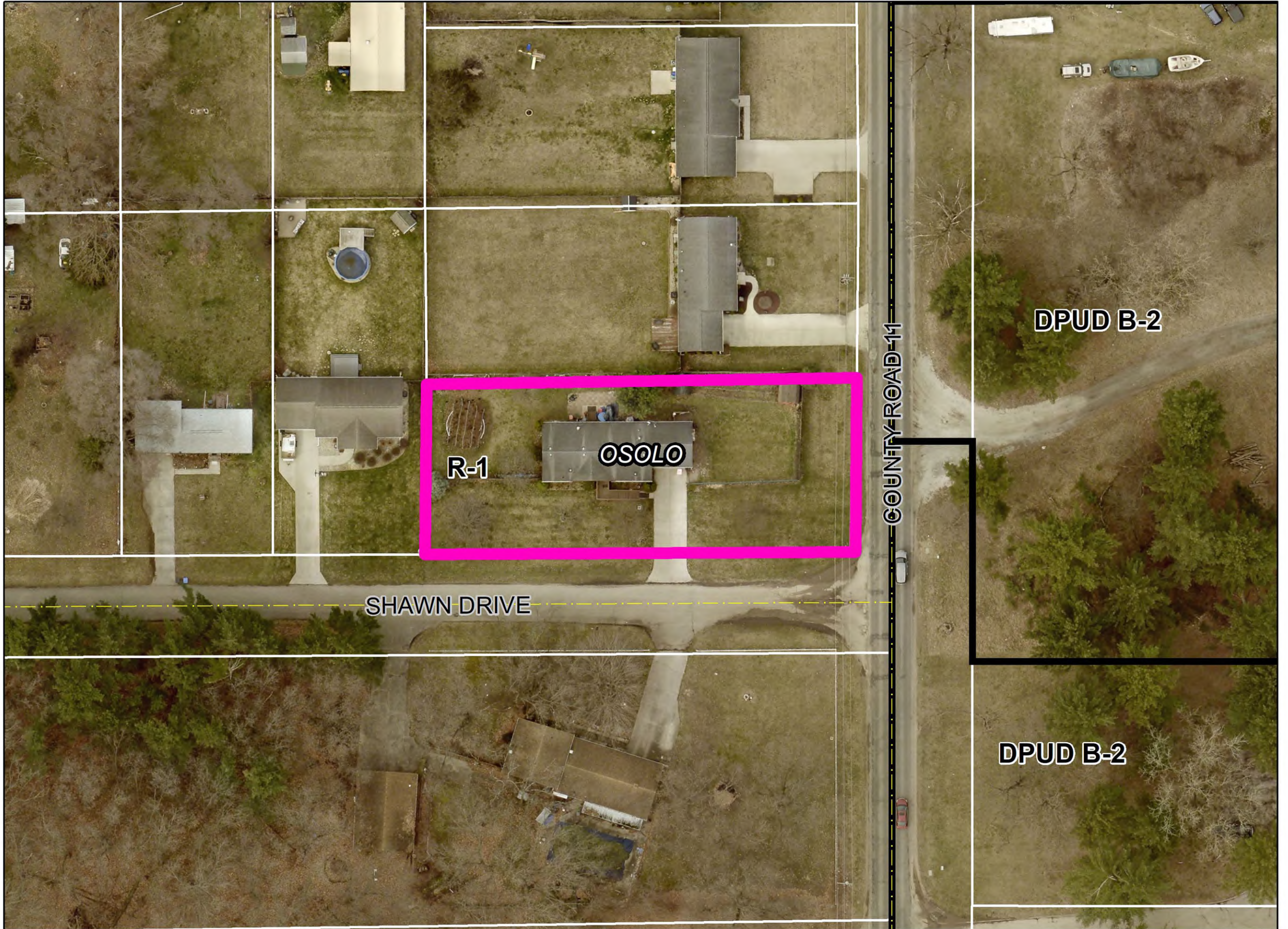
Hearing Date: July 18, 2024

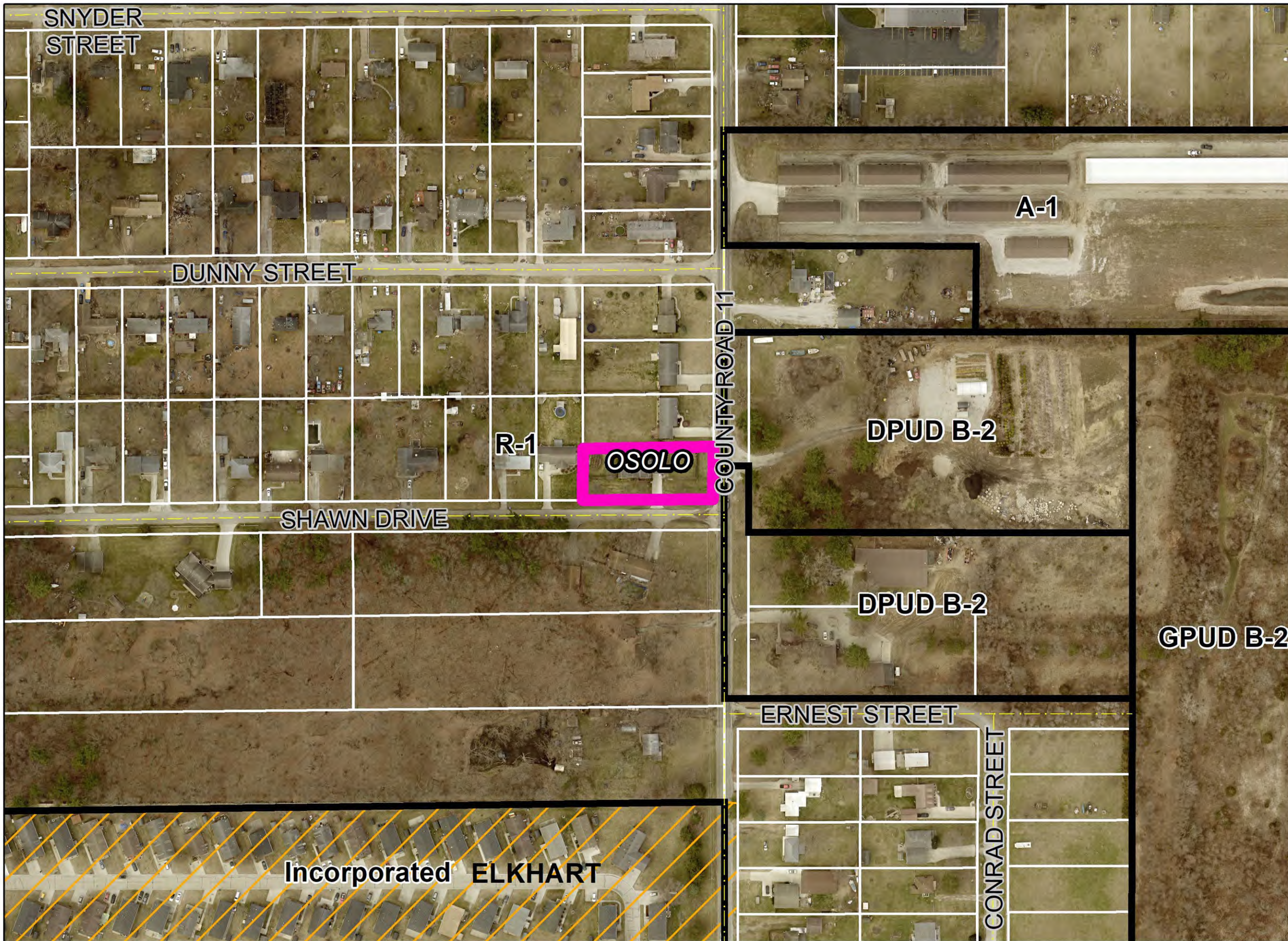
Staff recommends **APPROVAL** with the following condition(s) imposed:

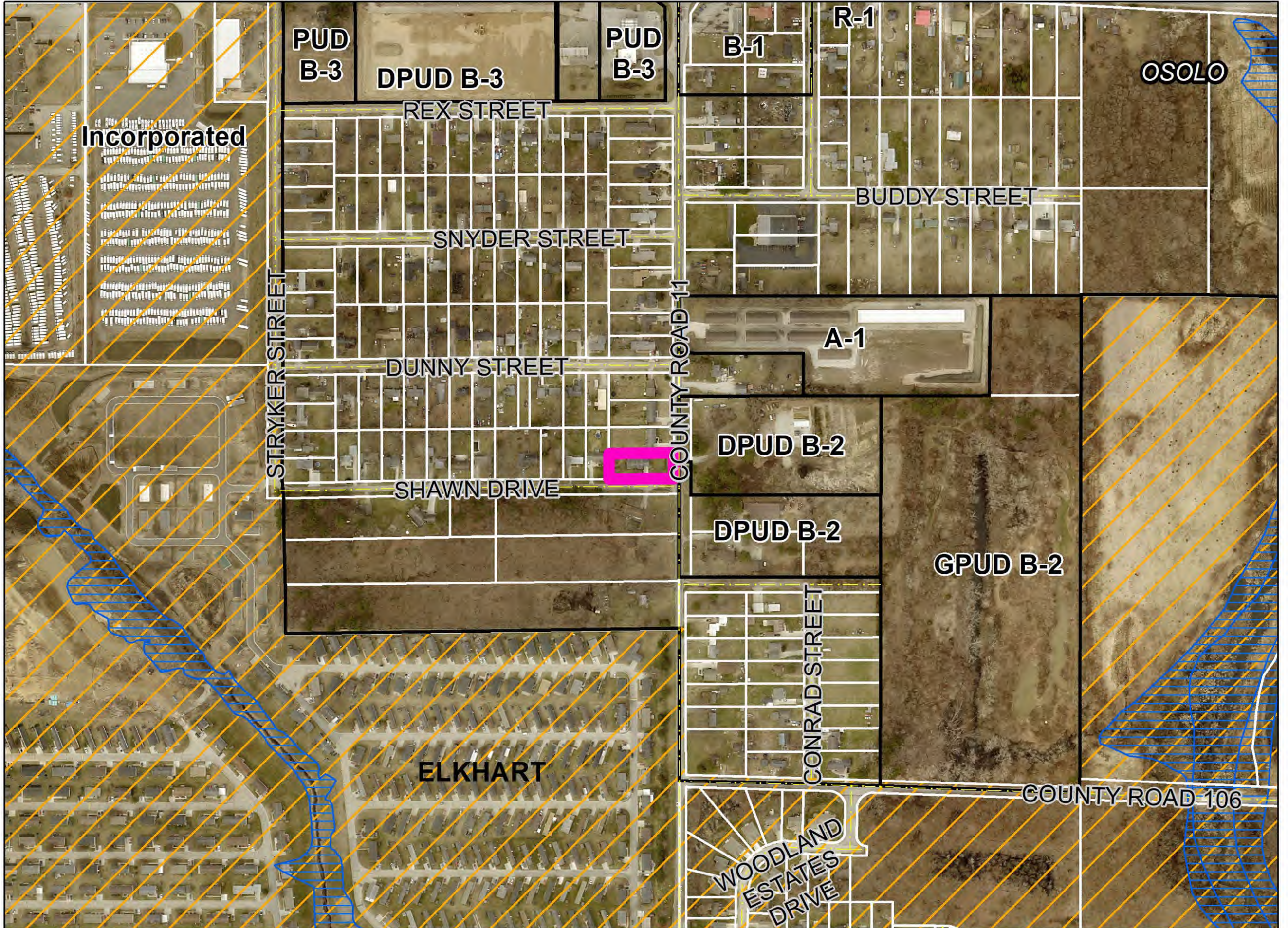
1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A revised site plan must be submitted for staff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

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 request is limited to twelve (12) chickens, no roosters at any one time.









Looking north toward subject property



Looking south



Looking east



Looking west

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-0362-2024

Date: 05/24/2024

Meeting Date:

July 18, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0362-2024

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

Ramon A. Portillo

25023 Shawn Dr

Elkhart, IN 465145302

Land Owner

Ramon A. Portillo

25023 Shawn Dr

Elkhart, IN 465145302

Site Address:

25023 Shawn Drive

ELKHART, IN 46514

Parcel Number:

20-02-28-276-031.000-026

Township: Osolo

Location: NORTHWEST CORNER OF SHAWN DR. AND CR 11

Subdivision:

BERRY'S 3RD SD

Lot # 117

Lot Area:

0.42

Frontage:

207.02

Depth:

87.50

Zoning:

R-1

NPO List:

07/01/2024

Present Use of Property:

RESIDENTIAL

Legal Description:

Comments: SEE CODE#0218-2024 FOR CHICKENS, ROOSTERS & TURKEYS. PROPERTY OWNER STATES ROOSTERS ARE GONE.

Applicant Signature:

Department Signature:

Application

* Site address: 25023 Shawn Dr. Elkhart, In 46514

Parcel number(s): 20-02-28-274-031-000-026

Current property owner

Name: Ramon Portillo

Address: 25023 Shawn Dr Elkhart In 46514

Phone: 574-370-1599

Email: hunterportillo52@gmail.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:

Ramon Portillo

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 Osalo Township

Frontage: 207.02 Depth: 87.5 Area: .418 acres

Subdivision and lot number, if applicable: _____

Present use: _____

Special Use — Questionnaire

Name: Ramon Tortillo

1) Tell us what you want to do. I would like to have a small amount of chickens, I have already gotten rid of all the Roasters,

2) Tell us why this activity won't hurt your neighbors or the community. I have a fence yard and their only chickens.

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. At time they do produce odors, I will dispose the chicken feces in

Tell us how you'll reduce the impact of those things on neighbors. By removing chicken feces weekly will remove much of the odor.

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N

If yes, tell us about it. I have a fence in yard where my chicken will be kept in,

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: 10'

Tell us what you'll use it for. Chicken Coop.

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

Tell us what you'll use it for. _____

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

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. Chickens the max allowed

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? 1

How many parking spaces do you want? 1

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?

visit me, N/A My family comes and

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). N/A

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). N/A

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). N/A

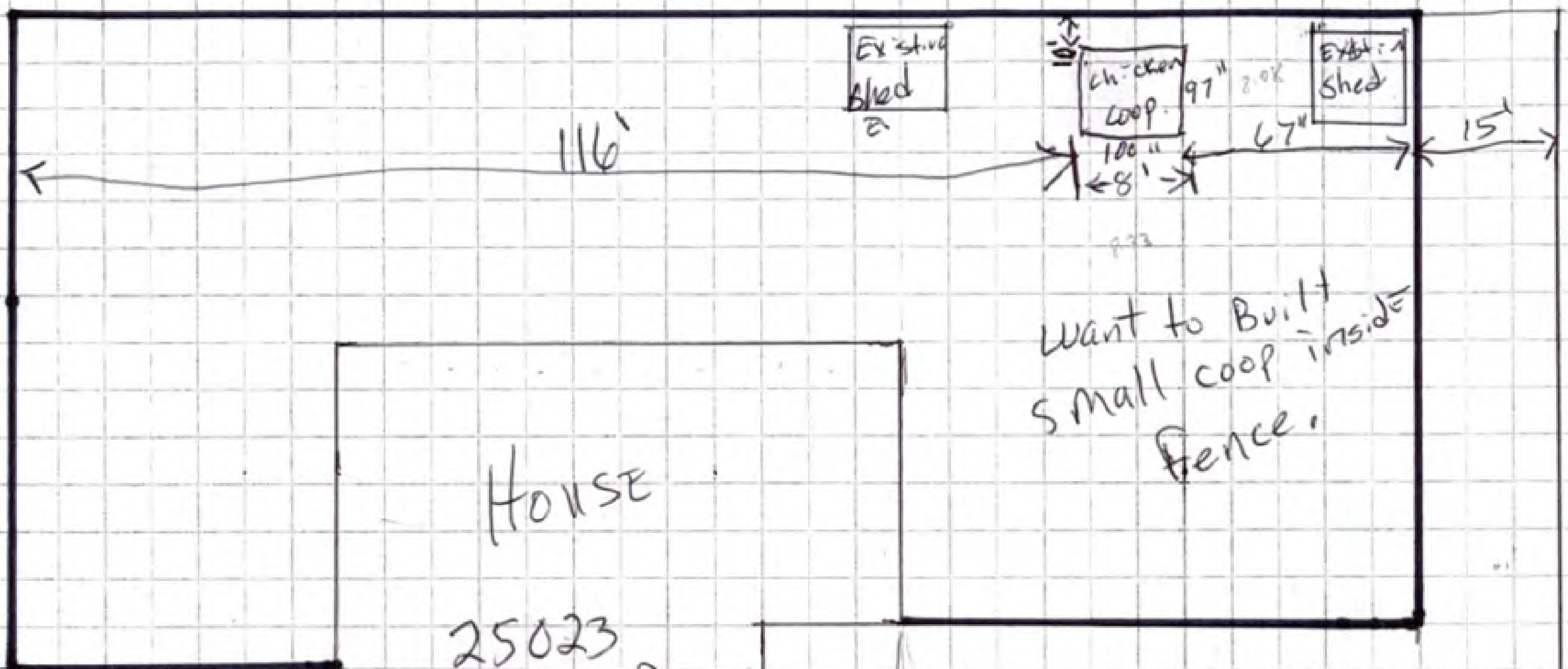
Existing? Y N Double faced? Y N

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. It been a nesessary to keep

my chicken for the eggs & poultry. The prizes are high.



25023
Shawn Drive

County RD 11

MAY 24 2024

Shawn Dr.

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 18, 2024

Transaction Number: SUP-0389-2024.

Parcel Number(s): 20-15-30-101-001.000-018, 20-15-30-101-003.000-018.

Existing Zoning: A-1.

Petition: for a Special Use for a cemetery.

Petitioner: John R. Kuhns.

Location: East side of CR 17, 2,350 ft. North of CR 52, in Jackson Township.

Site Description:

- Physical Improvement(s) – Residence, barns, pool.
- Proposed Improvement(s) – Cemetery.
- Existing Land Use – Residential, agricultural.
- 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. A Special Use for a cemetery 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 29.98-acre property in a low-density residential and agricultural area, and part of the property will be used for a cemetery.
3. The Special Use will substantially serve the public convenience and welfare by providing additional local burial plots.

BZA Staff Report (Continued)

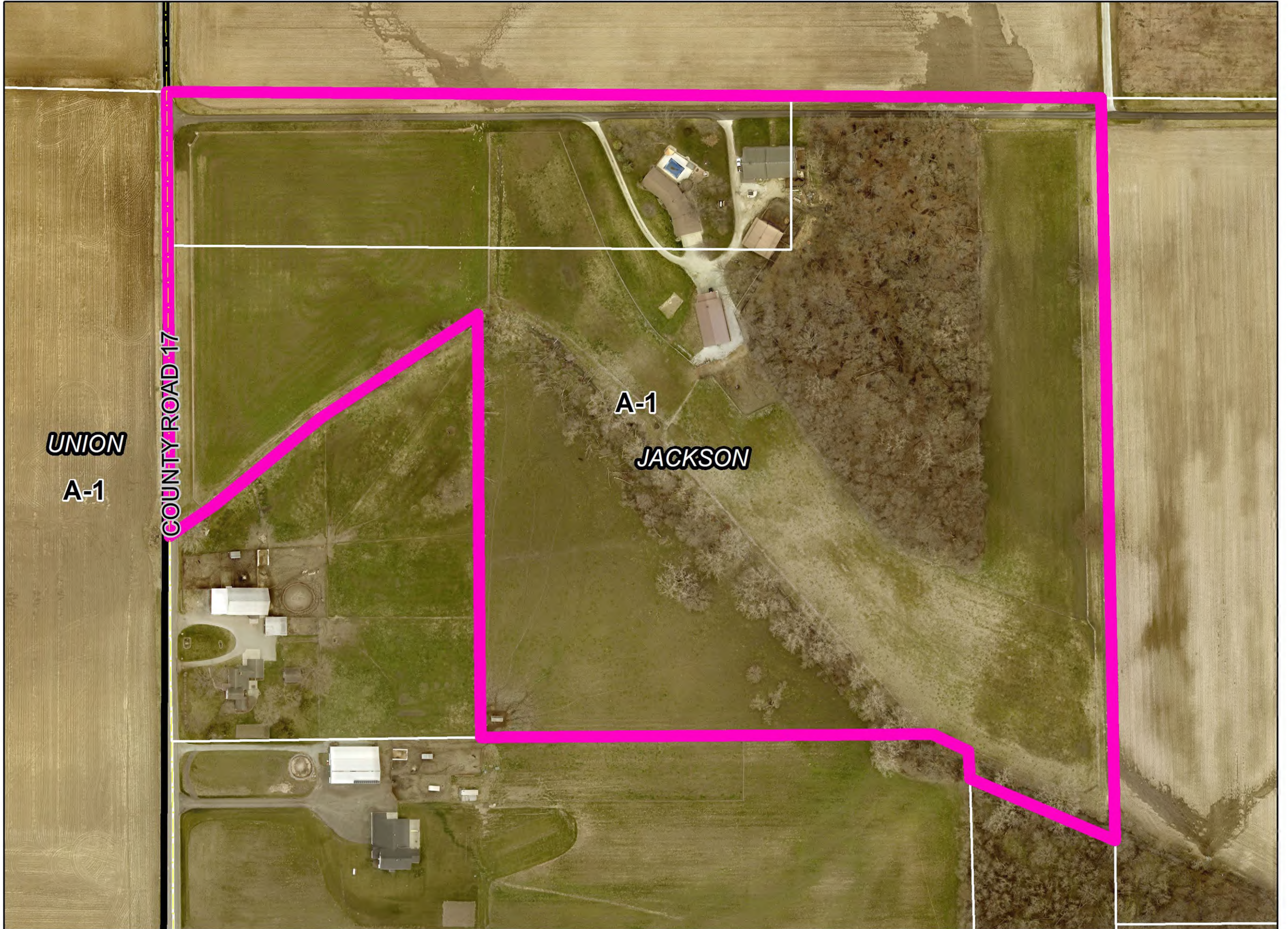
Hearing Date: July 18, 2024

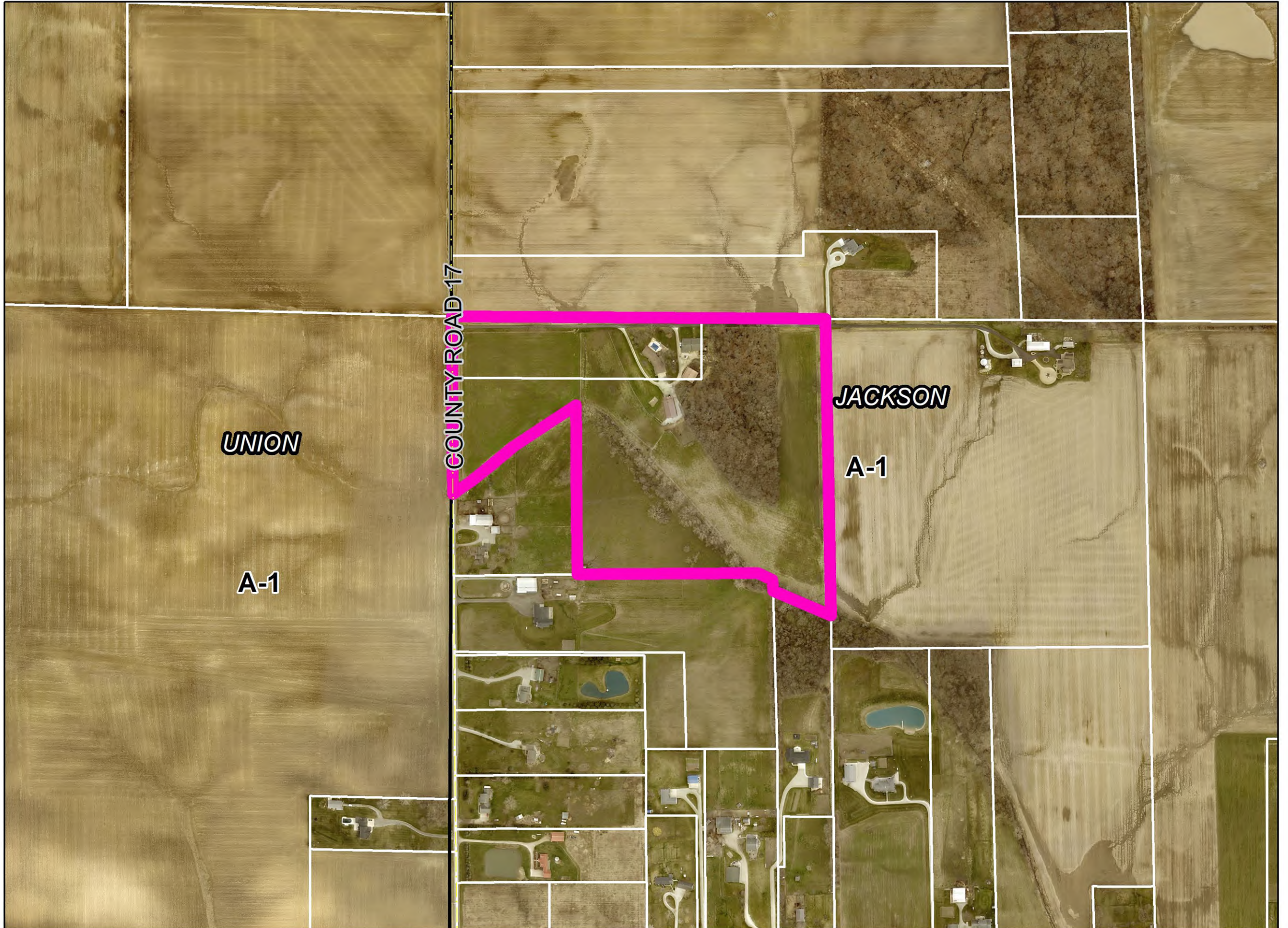
Staff recommends **APPROVAL** with the following condition(s) imposed:

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 correct measurements from all structures to all property lines and clearly showing the location of the cemetery area.
3. A recorded deed with the correct legal description for the property is required.

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.







Looking south toward subject property



Looking north



Looking east



Looking west

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-0389-2024

Date: 06/04/2024

Meeting Date:

July 18, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0389-2024

Description: for a Special Use for a cemetery

Contacts: Applicant

John R. Kuhns

71014 County Road 17

New Paris, IN 46553

Land Owner

John R. Kuhns

71014 County Road 17

New Paris, IN 46553

Site Address: 71014 County Road 17
NEW PARIS, IN 46553

Parcel Number: 20-15-30-101-001.000-018
20-15-30-101-003.000-018

Township: Jackson

Location: EAST SIDE OF CR 17, 2,350 FT. NORTH OF CR 52

Subdivision:

Lot #

Lot Area: 29.98 Frontage: 253.75 Depth: 1,030.00

Zoning: A-1

NPO List: 07/01/2024

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: DEED 2021-25613 NEEDS TO HAVE AN EXCEPTION ADDED TO IT OF THE SOUTH 100 FT STRIP - PER DANNY
6/4/2024
PARCEL 20-15-30-101-001 (6 ACRES) CREATED 1/25/1994
PARCEL 20-15-30-101-003 (23.68 ACRE) CREATED 9/23/2021
POOL PERMIT #BR-0592-2019 NEEDS ELECTRICAL INSPECTIONS

Applicant Signature:

Department Signature:

Application

Site address: 71014 CR 17 NEW PARIS, IN

Parcel number(s): 20-15-30-101-003 23.68 9/23/21 46553

Current property owner

Name: John R. Kuhns 20-15-30-101-001 1/25/94 6 acres

Address: 71014 CR 17 NEW PARIS, IN 46553

Phone: 574-209-2133 Email: jrkuhnsolutions@MADISON, MS

Other party Agent Buyer Land contract purchaser Lessee

Name: NONE

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: 

Staff Use Only

Description: _____

Parcel creation date: see above

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 CR 17,
2,520 ft. N S E W of CR 52,
in Jackson Township

Frontage: 263.75 **Depth:** 1030 **Area:** 29.98 acres

Subdivision and lot number, if applicable: _____

Present use: Residential

Special Use - Questionnaire

Name: John R. Kubas JRK CEMETARY

1) Tell us what you want to do. A Small Family CEMETARY
10-12 - GRAVE PLOTS

2) Tell us why this activity won't hurt your neighbors or the community. THERE WILL BE
NO PUBLIC ACCESS THIS WILL BE
A SMALL QUIET CEMETARY

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: _____
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. _____

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: 0 Part time: _____

How many employees do you want? Full time: 0 Part time: _____

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

What will be the days and hours of operation on this property? NONE

How many parking spaces do you have now? 4-5

How many parking spaces do you want? 4-5

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

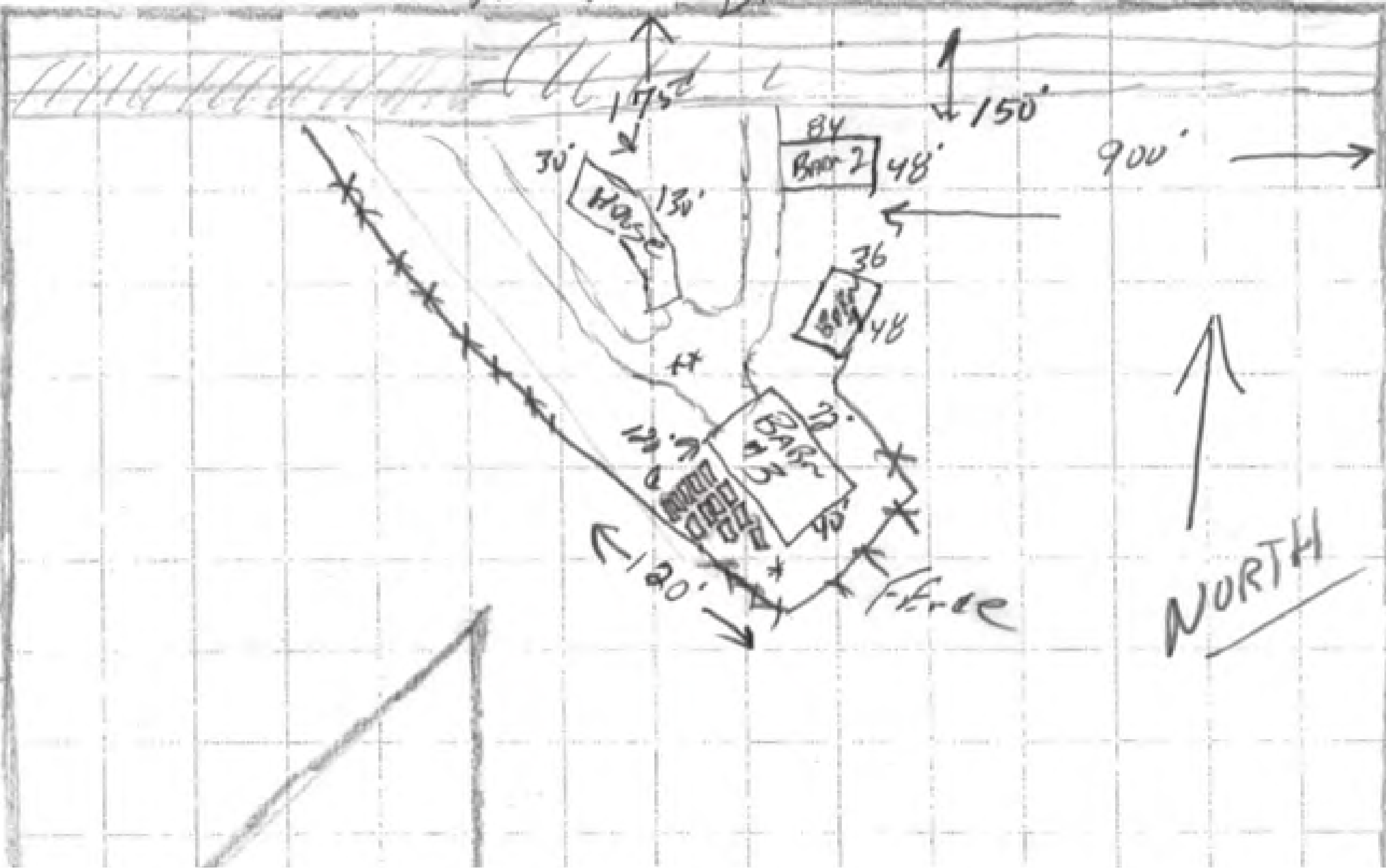
Electronic message board? Y N If no, lighted? Y N

Freestanding? Y N Wall mounted? Y N

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

COUNTY ROAD 17

11500' 11500'



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 18, 2024

Transaction Number: SUP-0395-2024.

Parcel Number(s): 20-16-06-301-026.000-003.

Existing Zoning: A-1.

Petition: for a renewal of a Special Use for a home workshop/business for a small engine repair business.

Petitioner: Roy M. Kinsinger.

Location: Northeast side of Nelson Ln., 45 ft. South of Isaac Dr., East of CR 31, in Benton Township.

Site Description:

- Physical Improvement(s) – Residence, accessory structures.
- Proposed Improvement(s) – Addition to attached garage.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- **March 23, 2024** – A complaint was received regarding a business being run without a Special Use (CODE-0158-2023).
- **June 15, 2023** – A Special Use for a home workshop/business for small engine repair was granted for a period of one year.
- **May 14, 2024** – A complaint was received regarding a business being run with outside storage (CODE-0323-2024).

Staff Analysis:

Staff finds that:

1. The Special Use will not be consistent with the spirit, purpose, and intent of the Development Ordinance. This Special Use had a commitment for no outdoor storage, which was not observed.
2. The Special Use will cause substantial and permanent injury to the appropriate use of neighboring property. There have been verified complaints regarding outside storage of lawn mowers and equipment since approval of the Special Use.
3. The Special Use will not substantially serve the public convenience and welfare because of noncompliance.

Staff recommends **DENIAL**.









Subject property



Facing southeast



Facing west



Facing southwest

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-0395-2024

Date: 06/11/2024 Meeting Date: July 18, 2024
Board of Zoning Appeals Public Hearing Transaction #: SUP-0395-2024

Description: for a renewal Special Use for a home workshop/business for a SMALL ENGINE REPAIR BUSINESS

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Roy M. Kinsinger	Roy M. Kinsinger
67620 Nelson Lane	67620 Nelson Lane
Goshen, IN 46526	Goshen, IN 46526

Site Address: 67620 Nelson Ln GOSHEN, IN 46526	Parcel Number: 20-16-06-301-026.000-003
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Township: Benton
Location: NORTHEAST SIDE OF NELSON LANE, 45 FT. SOUTH OF ISAAC, EAST OF CR 31

Subdivision: FAIRFIELD SUBDIVISION SECTION 2	Lot # 6
--	---------

Lot Area: 0.77	Frontage: 99.40	Depth: 200.00
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Zoning: A-1	NPO List: 07/01/2024
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE CODE 0158-2023, CODE 0323-2024, SUP-0249-2023
*BLUE PRINCE 19994471

Applicant Signature:

Department Signature:

Application

Site address: 67620 Nelson Lane Goshen Indiana, 46526

Parcel number(s): 20-16-06-301-026-000-003

Current property owner

Name: Roy M Kinsinger

Address: 67620 Nelson Lane Goshen Indiana 46526

Phone: 574-606-3760 Email: roymkinsinger@gmail.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: Roy m kinsinger

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: 22.4 Depth: 200 Area: .767 acres

Subdivision and lot number, if applicable: _____

Present use: _____

Special Use — Questionnaire

Name: Roy M Kinsinger

1) Tell us what you want to do. Approval for a period of one (1) year, any renewal shall be before the Elkhart County Advisory Board of Zoning Appeals.

I also would like to be able to sell a few mowers a month. So along to have it sitting out by the road.

2) Tell us why this activity won't hurt your neighbors or the community. because if i get approved I want to extend the Shop so that I don't have to have any outside storage

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. Just lawnmowers or weed eaters or chainsaws when I start them up the check if everything works

Tell us how you'll reduce the impact of those things on neighbors. by not making too much noise after 7:30 a.m.

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: 20x30x12

Tell us what you'll use it for. working on small engines

Building or addition 2 Existing? Y N Size and height to the peak: 12x14x14

Tell us what you'll use it for. Storage

Building or addition 3 Existing? Y N Size and height to the peak: 10x20x12

Tell us what you'll use it for. for extending the existing Shop to have more room for work on small engines

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? any time after 8AM - 7D
7:30 P.M.

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. mower that I buy to fix an sell

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

Approximately 1 or 2 customers a week or so. I do most of the pickup and drop off

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

Tell us how often. For now 1 once or twice a week

Tell us the kind of vehicles used. Pickup trucks with trailer or just pickup truck

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

Sign 1 Dimensions (length and width). 2' x 2'

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). _____

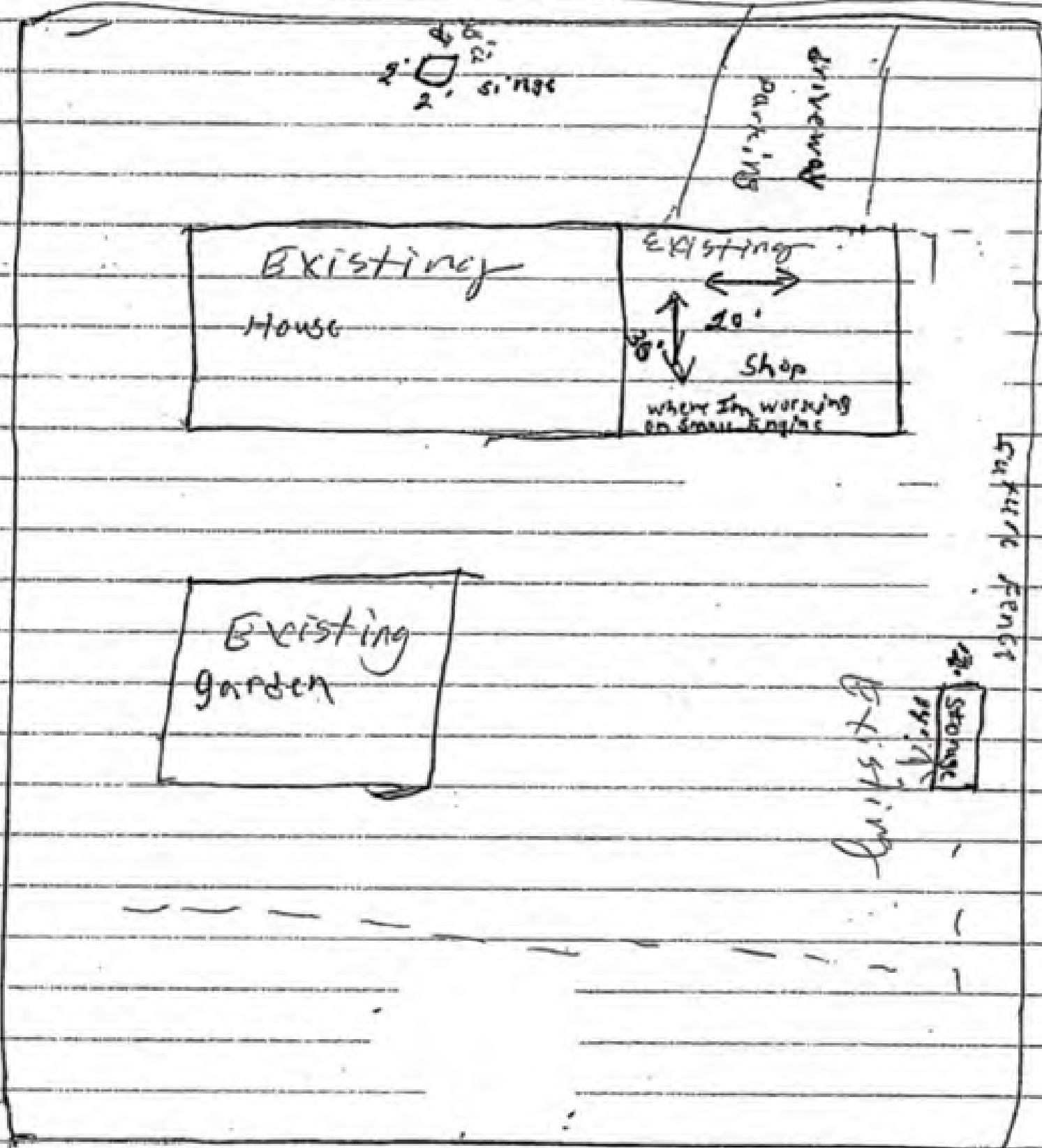
Existing? Y N Double faced? Y N

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. my planning is too do the addition within a year if finance allows it. If I get approved I will try my best not to have any outside storage

SW



SE

NW

CUTLINE FENCE

Existing House

Existing

20'

Shop

WASH IN WASHING ON SMALL ENGINE

Existing Garden

Existing Storage

NE

5.22.24
67620 Nelson Lane
Goshen, IN 46526
Pictures by Kierstin Dominguez



5.22.24
67620 Nelson Lane
Goshen, IN 46526
Pictures by Kierstin Dominguez



5.22.24
67620 Nelson Lane
Goshen, IN 46526
Pictures by Kierstin Dominguez



6.24.24
67620 Nelson Lane
Goshen, IN 46526
Pictures by Kierstin Dominguez



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 18, 2024

Transaction Number: SUP-0411-2024.

Parcel Number(s): 20-05-12-303-002.000-001.

Existing Zoning: R-2.

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

Petitioner: Alyssa A. Al-Ugaili.

Location: East side of Mars Dr., 150 ft. South of Lantz Blvd., East of CR 3, in Baugo Township.

Site Description:

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

History and General Notes:

- **June 24, 2019** – A complaint was received regarding roosters, chickens, and ducks on property with less than 3 acres (CODE-0236-2019).
- **January 19, 2023** – A complaint was received regarding junk in the yard (CODE-0035-2023).

Staff Analysis:

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for agricultural use for the keeping of animals on a tract of land containing less than 3 acres is allowed 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 0.15-acre property 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 duck eggs and hobby opportunities.

BZA Staff Report (Continued)

Hearing Date: July 18, 2024

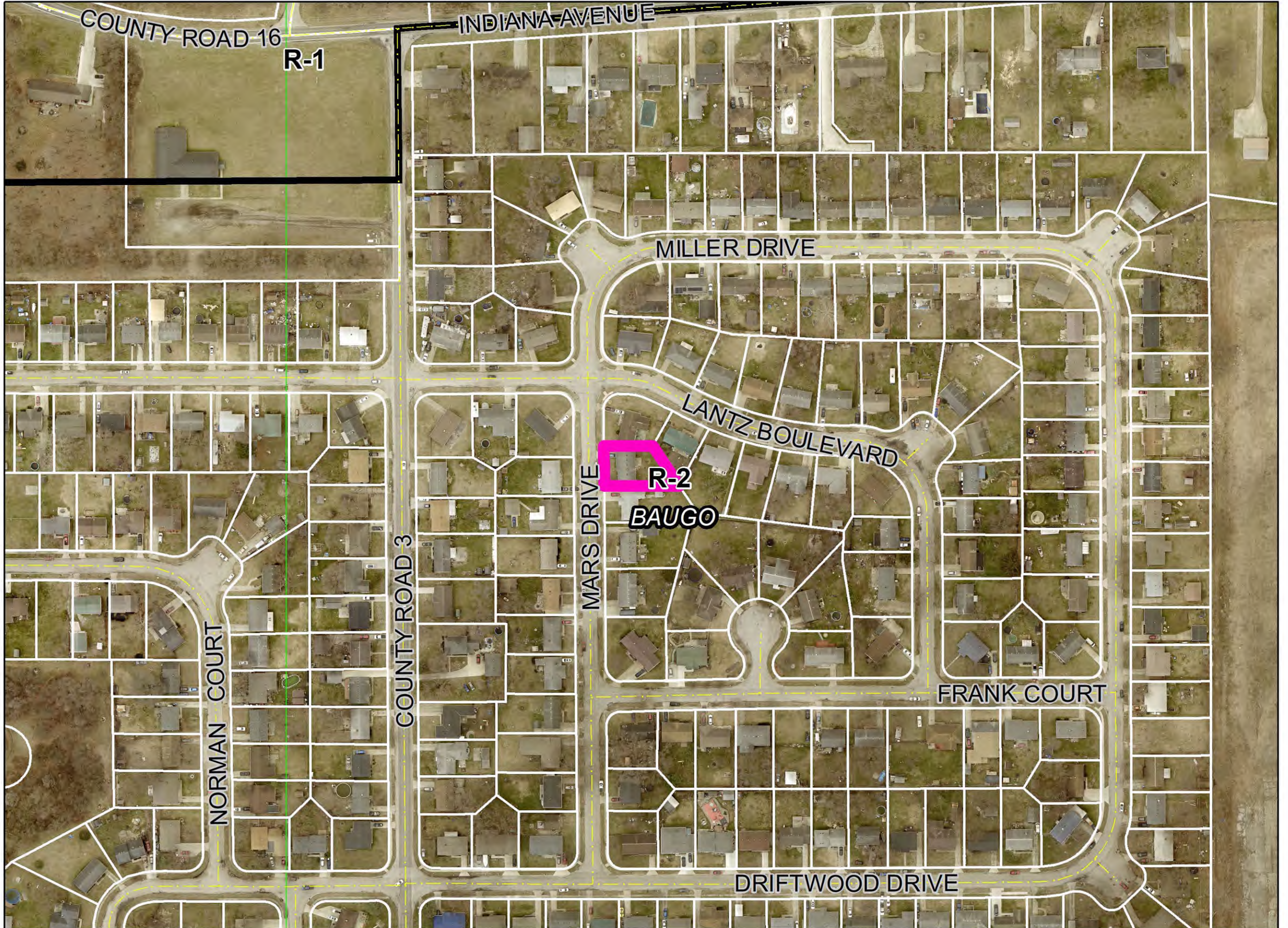
Staff recommends **APPROVAL** with the following condition(s) imposed:

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 larger scale and all setbacks.

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 request is limited to a maximum of six (6) ducks at any one time.





COUNTY ROAD 16

R-1

INDIANA AVENUE

MILLER DRIVE

LANTZ BOULEVARD

MARS DRIVE

R-2

BAUGO

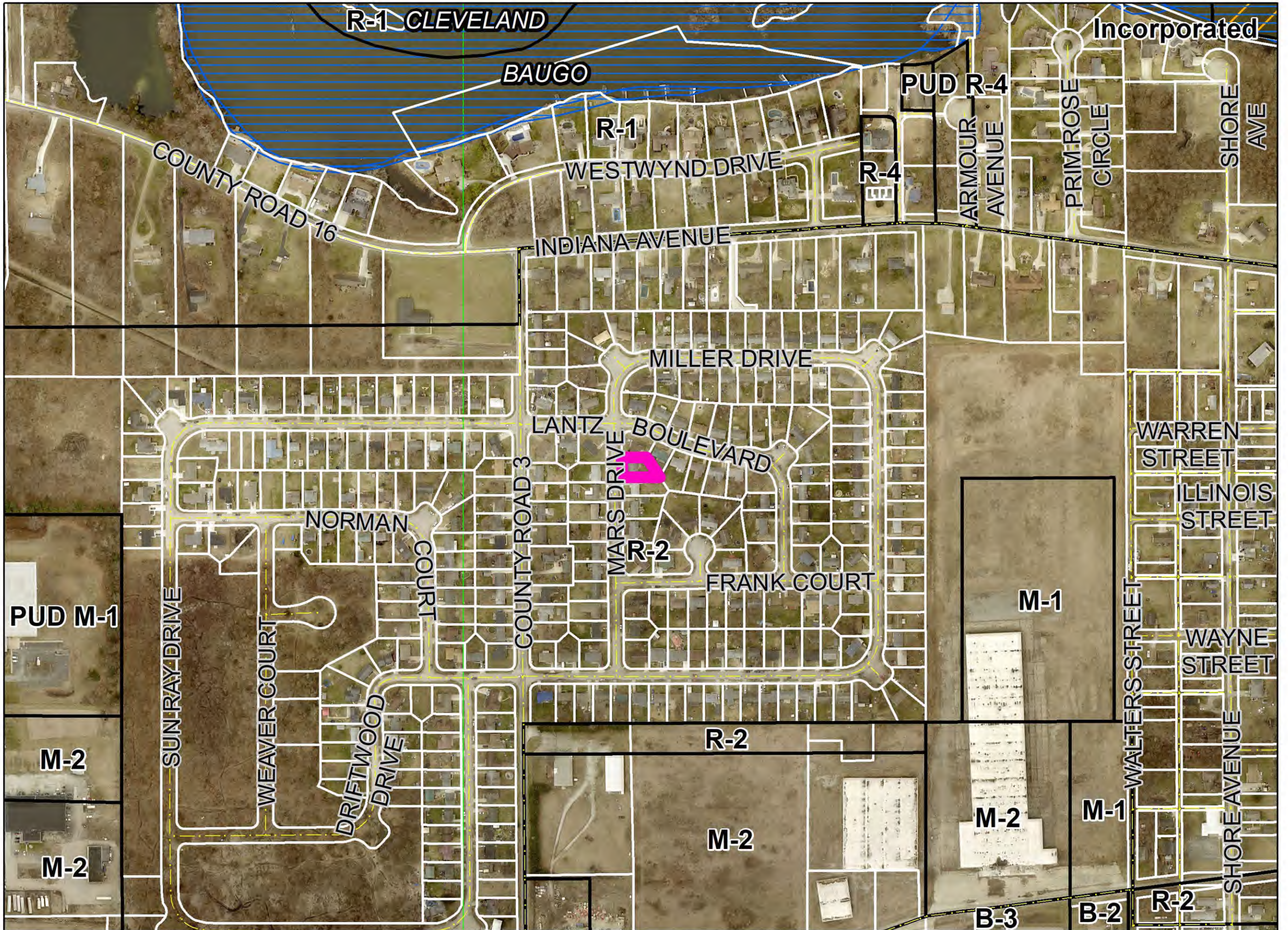
NORMAN COURT

COUNTY ROAD 3

FRANK COURT

DRIFTWOOD DRIVE







Subject property



Facing north



Facing south



Facing west

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-0411-2024

Date: 06/17/2024 Meeting Date: July 18, 2024
Board of Zoning Appeals Public Hearing Transaction #: SUP-0411-2024

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: <u>Applicant</u>	<u>Land Owner</u>
Alyssa A. Al-Ugaili	Alyssa A. Al-Ugaili
56514 Mars Dr.	56514 Mars Dr.
Elkhart, IN 46516	Elkhart, IN 46516

Site Address: 56514 Mars Dr ELKHART, IN 46516	Parcel Number: 20-05-12-303-002.000-001
--	---

Township: Baugo
Location: EAST SIDE OF MARS DR, 150 FT SOUTH OF LANTZ BLVD, 305 FT EAST OF CR 3

Subdivision: EL PACO MANOR	Lot # 59
----------------------------	----------

Lot Area: 0.15 Frontage: 65.00 Depth: 82.46

Zoning: R-2	NPO List: 07/01/2024
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: LOT 59 AND LOT 60 ARE REVERSED ON SUBDIVISION PLAT

Applicant Signature:

Department Signature:



Application

Site address: 56514 Mars Dr Elkhart IN 46516

Parcel number(s): _____

Current property owner

Name: Alyssa Ann Al-Ugaili

Address: 56514 Mars Dr Elkhart IN 46516

Phone: 5748494425 Email: alysaalugaili3@gmail.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: 

Staff Use Only

Description: Aq

ADP

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 Mars Dr, 150 ft S of Lantz
305 ft. N S (E) W of CR 3
in Baugo Township

Frontage: 65 Depth: 82.46 Area: .151 acres

Subdivision and lot number, if applicable: El Paso Manor Lot 59

Present use: Residential

Special Use — Questionnaire

Name: Alyssa Ann Al-Ugaili

1) Tell us what you want to do. Raise ducks for eggs

2) Tell us why this activity won't hurt your neighbors or the community. noise created is no louder than the birds and train

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. ducks will make slight noise
Tell us how you'll reduce the impact of those things on neighbors. Coop to muffle sounds when not home or at night

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. Garden fence 3ft ht to keep enclosed.

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: 3ft x 6ft x 6ft
Tell us what you'll use it for. Use for a duck Coop
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. Ducks quantity of 6 they are currently hatchlings.

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: 0 Part time: _____

How many employees do you want? Full time: 0 Part time: _____

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

What will be the days and hours of operation on this property? 0

How many parking spaces do you have now? 0

How many parking spaces do you want? 0

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?

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. _____

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 18, 2024

Transaction Number: SUP-0387-2024.

Parcel Number(s): 20-07-12-351-001.000-019.

Existing Zoning: A-1.

Petition: for an Amendment to an existing Special Use for a place of worship to allow for a new building and wall sign.

Petitioner: Waypoint Community Church.

Location: West side of CR 29, 600 ft. North of US 20, in Jefferson Township.

Site Description:

- Physical Improvement(s) – Church facilities, accessory structure.
- Proposed Improvement(s) – Addition to the Church.
- Existing Land Use – Church.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **July 19, 2007** – BZA approved a Special Use for a church (Specifications F - #48).
- **April 21, 2011** – BZA approved an amendment to an existing Special use for a church to allow for the construction of a pavilion (Specifications F-#48).
- **February 18, 2016** – BZA approved a minor change to allow for the pavilion to be constructed in a different location.
- **June 16, 2016** – BZA determined that this request was a major change.
- **July 21, 2016** – An Amendment to an existing Special Use for a church to include outdoor recreational uses; playground, soccer fields, softball fields, and other recreational areas was granted.

Staff Analysis:

Staff finds that:

1. The Special Use Amendment will be consistent with the spirit, purpose, and intent of the Development Ordinance. This is an existing Special Use for a place of worship, and the new addition will allow for more room for future classrooms, offices, and a gym area.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 34.72-acre parcel in a low-density residential and agricultural area, and the property will remain a campus for a place of worship.

BZA Staff Report (Continued)

Hearing Date: July 18, 2024

3. The Special Use Amendment will substantially serve the public convenience and welfare by adding amenities and facilities to an existing place of worship.

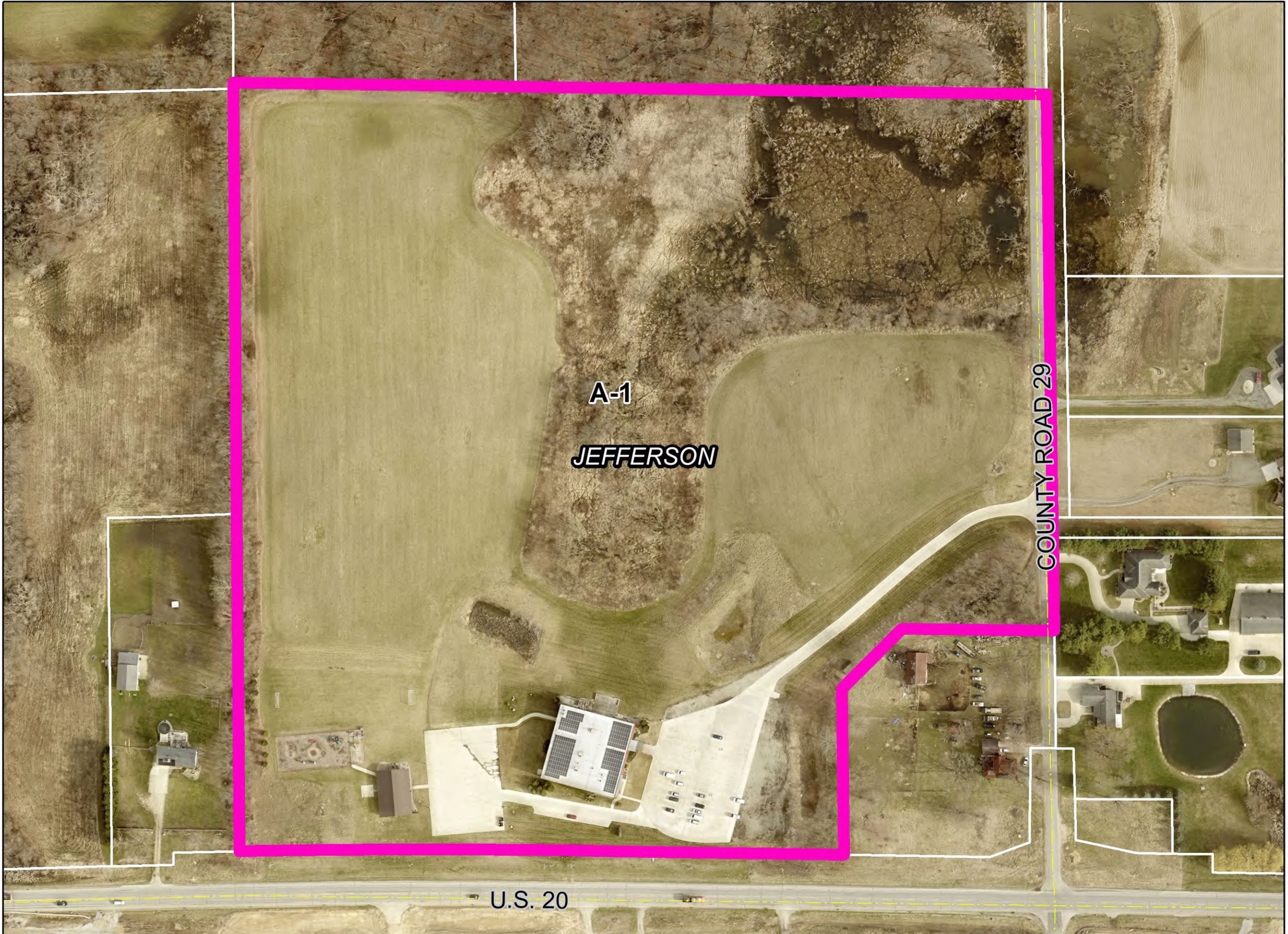
Staff recommends **APPROVAL** with the following condition(s) imposed:

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 06/04/2024 and as represented in the Special Use Amendment application.

SUP-0387-2024



A-1

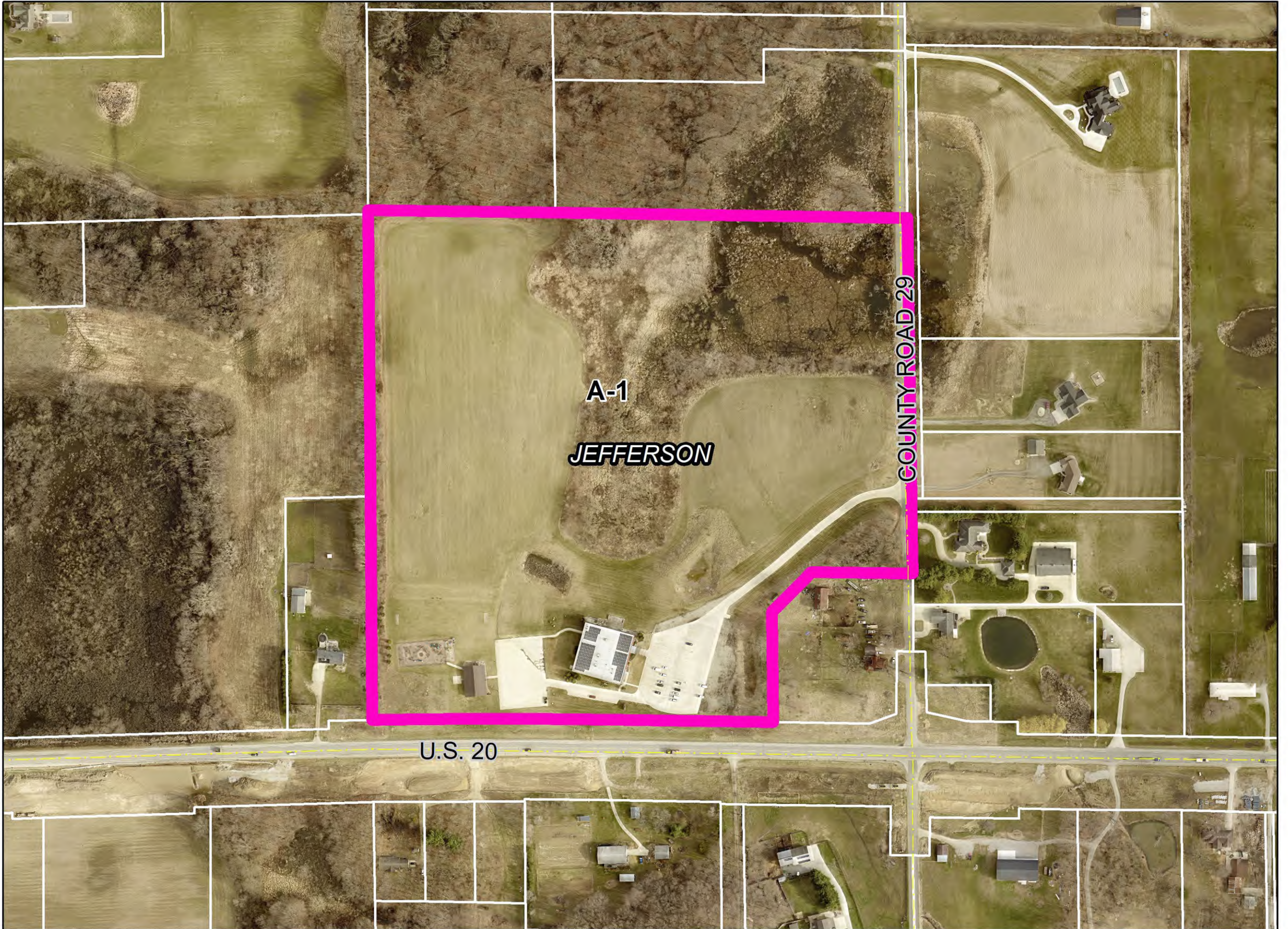
JEFFERSON

COUNTY ROAD 29

U.S. 20



SUP-0387-2024



A-1
JEFFERSON

COUNTY ROAD 29

U.S. 20







Subject property



Looking south



Looking north



Looking east

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 Amendment - Non Mobile Home

SUP-0387-2024

Date: 06/04/2024

Meeting Date:

July 18, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0387-2024

Description: for an Amendment to an existing Special Use for a place of worship to allow for a new building and for a wall sign

Contacts: Applicant

Land Owner

Waypoint Community Church
P.O. Box 51
Middlebury, IN 46540

Waypoint Community Church
P.O. Box 51
Middlebury, IN 46540

Site Address: 56893 County Road 29
GOSHEN, IN 46528

Parcel Number:

20-07-12-351-001.000-019

Township: Jefferson

Location: WEST SIDE OF CR 29, 600 FEET NORTH OF US 20

Subdivision:

Lot #

Lot Area:

34.72

Frontage:

880.00

Depth:

870.29

Zoning: A-1

NPO List: 07/01/2024

Present Use of Property: CHURCH

Legal Description:

Comments: PARCEL CREATED 7/23/04
SEE SPECIAL USE #20072334 FOR CHURCH, APPROVED 7/19/2007, AMENDED SPECIAL USE FOR PAVILION #20-110321-1 APPROVED 4/21/2011, AND FOR A SPECIAL USE AMENDMENT #SUP-0309-2016 FOR OUTDOOR REC AREA, APPROVED 7/21/2016
PERMIT #BC-1065-2021 NEEDS TO HAVE STRUCTURAL FINAL INSPECTION

Applicant Signature:

Department Signature:

Application

Site address: 56893 C.R. 29, GOSHEN, IN 46528
Parcel number(s): 20-07-12-351-001.000-019, 20-07-12-300-015.000-019


Current property owner

Name: MIDDLEBURY Community Church LLC
Address: 56893 C.R. 29, GOSHEN IN 46528
Phone: 574-825-3600 Email: Admin@waypointcommunity.com

Other party Agent Buyer Land contract purchaser Lessee

Name: BLAIR CARLSTROM
Address: 56893 C.R. 29, GOSHEN, IN 46528
Phone: 574-612-0618 Email: blair@waypointcommunity.com

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: 

Staff Use Only

Description: for an Amen to ex su for a church to allow for the addition for a new building, and for a ^{BB} DV (ord allows 32 ft) to allow for a sign 100sq ft in size,

Parcel creation date: 7/23/04

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: ~~N~~ S E W corner side end of CR 29
_____ ft. N S E W of _____
in Jefferson Township

Frontage: ~~241.37~~ 880 Depth: 870.29 Area: 34.716 acres

Subdivision and lot number, if applicable: _____

Present use: _____

Special Use — Questionnaire

Name: BLAIR CARLSTROM

1) Tell us what you want to do. We would to add onto our building, The addition would be mostly space for a gym but would also have unfinished space for future classrooms & offices.

2) Tell us why this activity won't hurt your neighbors or the community. We are simply Adding space to do more of what we are currently doing. We are NOT causing harm now. We operate a daycare starting at 6am and have Youth & Sports till 10pm. The hours will NOT expand. How many we serve will expand.

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. MAYBE NOISE, Increased traffic likely & on occasion outdoor music.

Tell us how you'll reduce the impact of those things on neighbors. This building would be positioned pretty far from neighbors, we have times where outdoor loud music is restricted and would continue to follow those guidelines, Generally no loud music after 9pm.

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. Those were installed when we built the pavilion and the trees have grown well to create a barrier to the west.

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: 12,000 sq ft
Tell us what you'll use it for. 27' highest EVE 5000sq ft on Second Floors
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. _____

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: 18 Part time: 7

How many employees do you want? Full time: 18 Part time: 8

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

What will be the days and hours of operation on this property? Sun 5am-9pm

Mon-Fri 6am-10pm Sat 8am-9pm

How many parking spaces do you have now? 158

How many parking spaces do you want? 158

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?

Sun - 400+ Mon, Tues, Thur 100 Wed 200 FRI 100 SAT 30

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

Tell us how often. Daily

Tell us the kind of vehicles used. Mostly Amazon Delivery, Yearly - Semi's to deliver food or occasionally construction materials,

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

Sign 1 Dimensions (length and width). 10' x 10'

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. _____

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 18, 2024

Transaction Number: SUP-0361-2024.

Parcel Number(s): 20-05-14-351-008.000-001.

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, for a Special Use for a roadside stand, and for a 22 ft. lot-width Developmental Variance (Ordinance requires 100 ft.).

Petitioner: Tina E. Curtis.

Location: North side of CR 18, 535 ft. East of CR 1, in Baugo Township.

Site Description:

- Physical Improvement(s) – Residence, barn, chicken coop.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **April 29, 2024** – A complaint was received regarding chickens on the property with less than 3 acres in the A-1 zone (CODE-0268-2024).
- The site plan and petition mention goats and pigs. However no number of goats and pigs was provided, and the timing and amount need to be determined by the BZA.

Staff Analysis:

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 Special Use for a roadside stand, staff finds that:

1. The Special Uses will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. Special Uses for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres and a roadside stand are allowed in the A-1 zone.
2. The Special Uses will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 1.01-acre property in a low-density residential area, and the property will remain residential in character.
3. The Special Uses will substantially serve the public convenience and welfare by allowing hobby opportunities and a local food source.

BZA Staff Report (Continued)

Hearing Date: July 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:

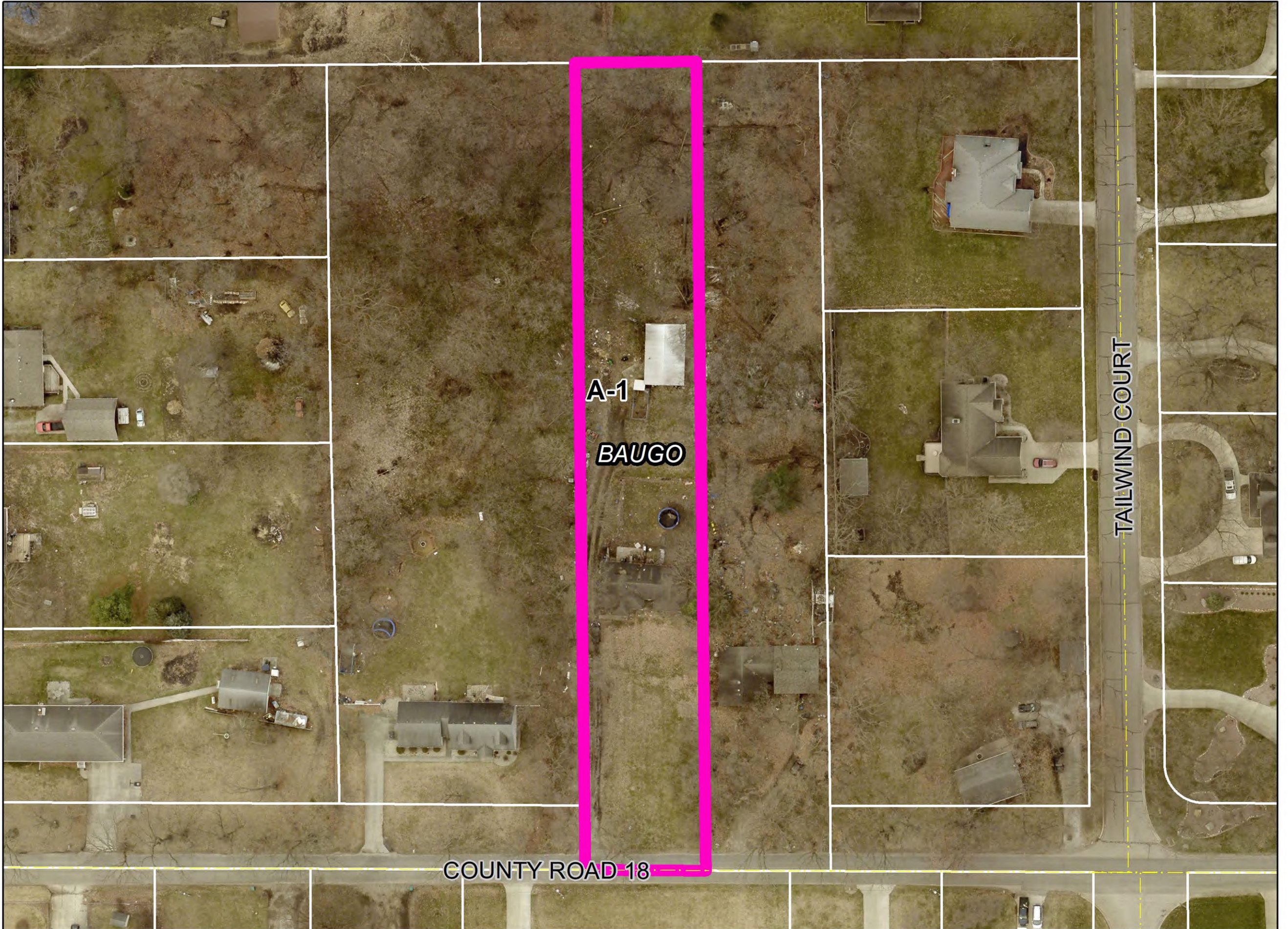
1. The request is approved in accordance with the site plan submitted 5/24/2024 and as represented in the Special Use application.
2. The request is limited to twelve (12) chickens, two (2) ducks, no roosters at any one time.
3. The proposed roadside stand must be out of the right-of-way.

For a 22 ft. lot-width Developmental Variance (Ordinance requires 100 ft.), staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. This is an existing residential property.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 1-acre property in a moderately dense residential area, and the property will remain residential.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. A lot width of 78 ft. is adequate in a moderately dense residential and agricultural area.

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

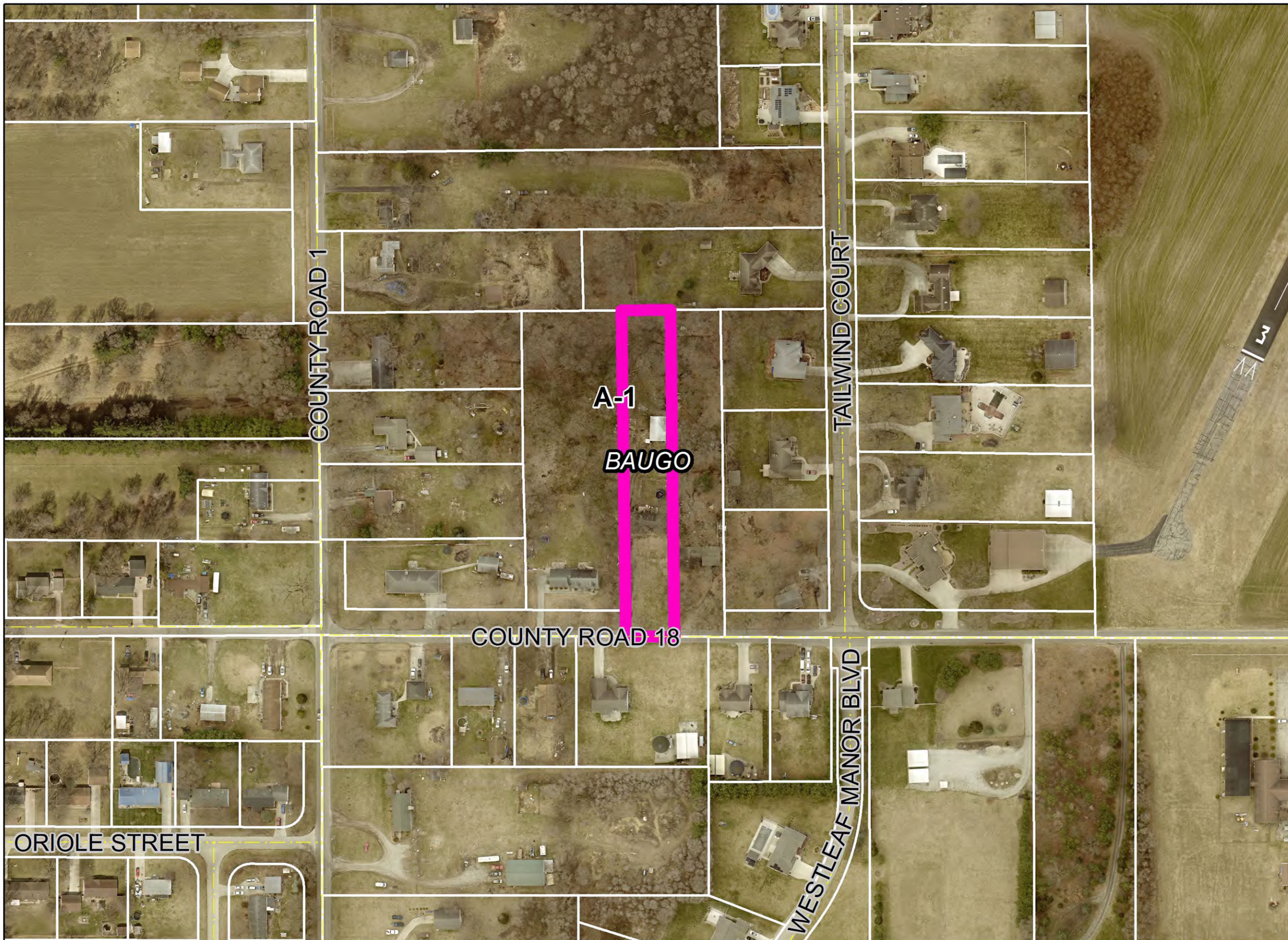
1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 5/24/2024 and as represented in the Developmental Variance application.

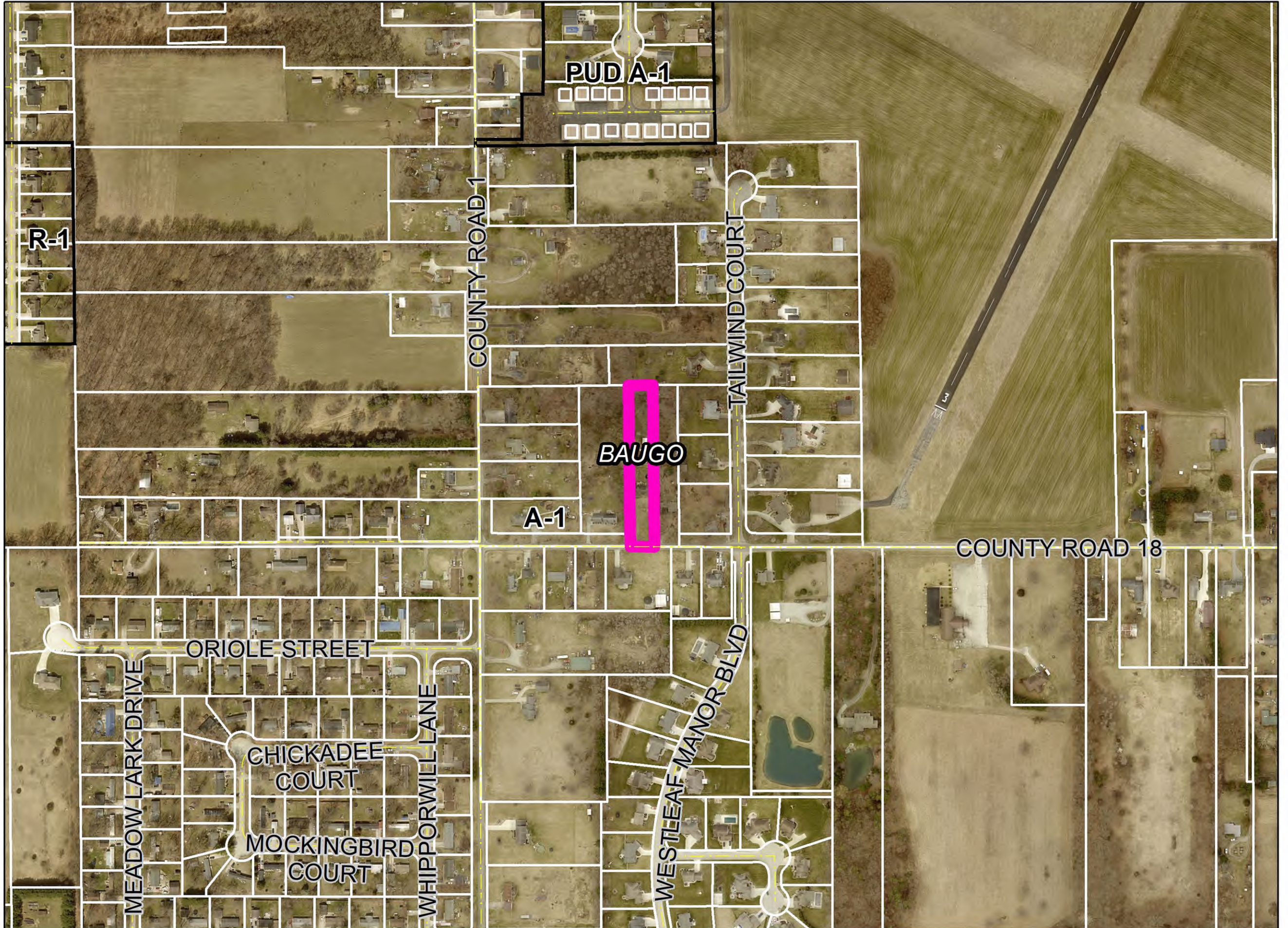


A-1
BAUGO

TAILWIND COURT

COUNTY ROAD 18







Looking north towards subject property



Looking south



Looking east



Looking west

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-0361-2024

Date: 05/24/2024

Meeting Date:

July 18, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0361-2024

Description: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, for a Special Use for a roadside stand, and for a 22 ft. lot-width Developmental variance (Ordinance requires 100 ft.) to allow for an existing residence.

Contacts: Applicant

Tina E. Curtis

29897 Cr 18

Elkhart, IN 46517

Land Owner

Tina E. Curtis

29897 Cr 18

Elkhart, IN 46517

Site Address:

29897 County Road 18

ELKHART, IN 46517

Parcel Number:

20-05-14-351-008.000-001

Township:

Baugo

Location:

NORTH SIDE OF CR 18, 535 FT EAST OF CR 1

Subdivision:

Lot #

Lot Area:

1.01

Frontage:

78.00

Depth:

509.00

Zoning:

A-1

NPO List:

07/01/2024

Present Use of Property:

RESIDENTIAL

Legal Description:

Comments: RESIDENTIAL DWELLING AREA 1,253 SQFT X 110% = 1,378.3 SQFT MINUS BARN 960 SQFT, COOP 20 SQFT = 398.3 SQFT OF BUILDABLE STORAGE SPACE MINUS N/A = 398.3 SQFT. OF LEFT-OVER BUILDABLE AREA. UPON FURTHER INVESTIGATION AFTER LANDOWNER LEFT, SHOULD THIS PROPERTY HAVE A DV FOR NOT ENOUGH ROAD FRONTAGE. AW

Applicant Signature:

Department Signature:

Application

Site address: 29897 County Rd 18, Elkhart IN 46517

Parcel number(s): 20-05-14-351-008 000-001

Current property owner

Name: Tina Curtis

Address: 29897 County Rd 18 Elkhart IN 46517

Phone: 574-903-4648

Email: laughtulokn2@gmail.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: Tina Curtis

Staff Use Only

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

Parcel creation date: 3/11/62

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: SEE ATTACHED SHEET.

Application

Site address: _____

Parcel number(s): _____

Current property owner

Name: _____

Address: _____

Phone: _____ 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: _____

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 CR 18
535 ft. N S E W of CR 1

in BAUGO Township

Frontage: 78 FT. Depth: 509 FT. Area: 1.01 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL.

Special Use — Questionnaire

Name: Tina Curtis

1) Tell us what you want to do. Raise chickens, ducks, goat, & pig (goat & pig in future)

2) Tell us why this activity won't hurt your neighbors or the community. The animals are for food. I sell my eggs, goats will be for milk & soap, the pig will be for food.

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. a small amount of noise from chickens singing.
Tell us how you'll reduce the impact of those things on neighbors. there are trees surrounding my property acting as noise buffer

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. property is surrounded by woods with trees on 3 sides

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: 6'x4'x4' coop
Tell us what you'll use it for. house chickens - chicken coop
Building or addition 2 Existing? Y N Size and height to the peak: 20'x40'x20' pole barn
Tell us what you'll use it for. house goat & pig in the future
Building or addition 3 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____

Special Use — Questionnaire

Name: _____

1) Tell us what you want to do. _____

2) Tell us why this activity won't hurt your neighbors or the community. _____

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: _____
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. 24 hens, 2 ducks, 1 rooster

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: 0 Part time: 0

How many employees do you want? Full time: 0 Part time: 0

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

What will be the days and hours of operation on this property? None

How many parking spaces do you have now? 7

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. Small 4'x2' stand in the back by the large oak tree and front

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?

maybe 1 or 2 a 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). 2'x2' at the stand out front

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

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

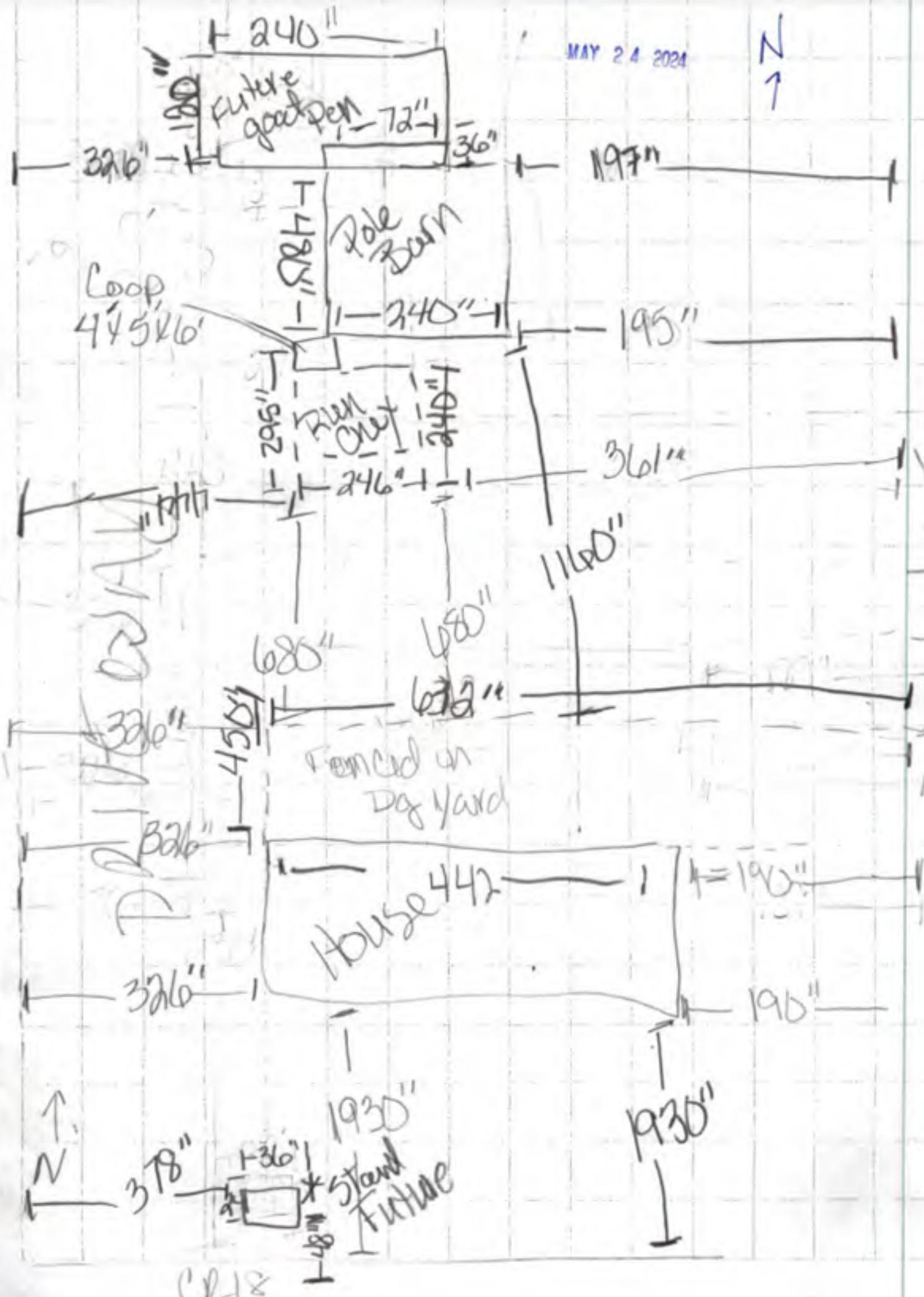
10) Tell us anything else you want us to know. I have had chickens for 8 years.

I sell my eggs to a Clint base-family, friends & co-workers and I deliver the eggs as of now.

The complaint was about 2 wild chickens that showed up near our houses 4 weeks ago.

MAY 24 2024

N
↑



N
↑

0218

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 18, 2024

Transaction Number: SUP-0390-2024.

Parcel Number(s): 20-08-27-100-006.000-034.

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, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a 35 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of a detached accessory structure 85 ft. from the centerline of the right-of-way.

Petitioner: Kevin D. Stutzman.

Location: West side of SR 13, 650 ft. North of CR 24, in Middlebury Township.

Site Description:

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

History and General Notes:

- None.

Staff Analysis:

For a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres 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 1.00-acre parcel in a low-density residential and agricultural area, and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing local transportation options.

BZA Staff Report (Continued)

Hearing Date: July 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:

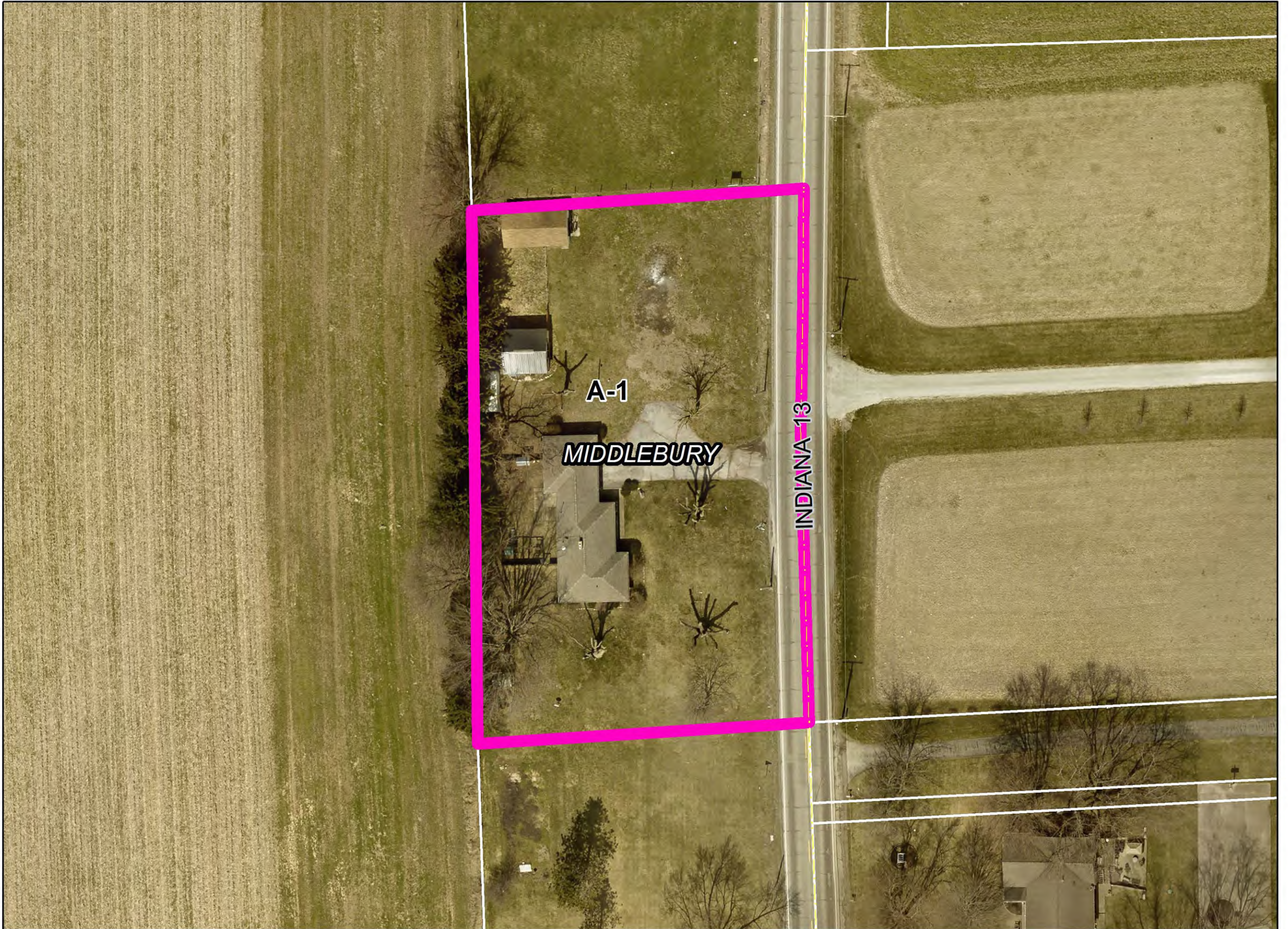
1. The request is approved in accordance with the site plan submitted 06/04/2024 and as represented in the Special Use application.
2. The request is limited to a maximum of two (2) adult horses at any one time.

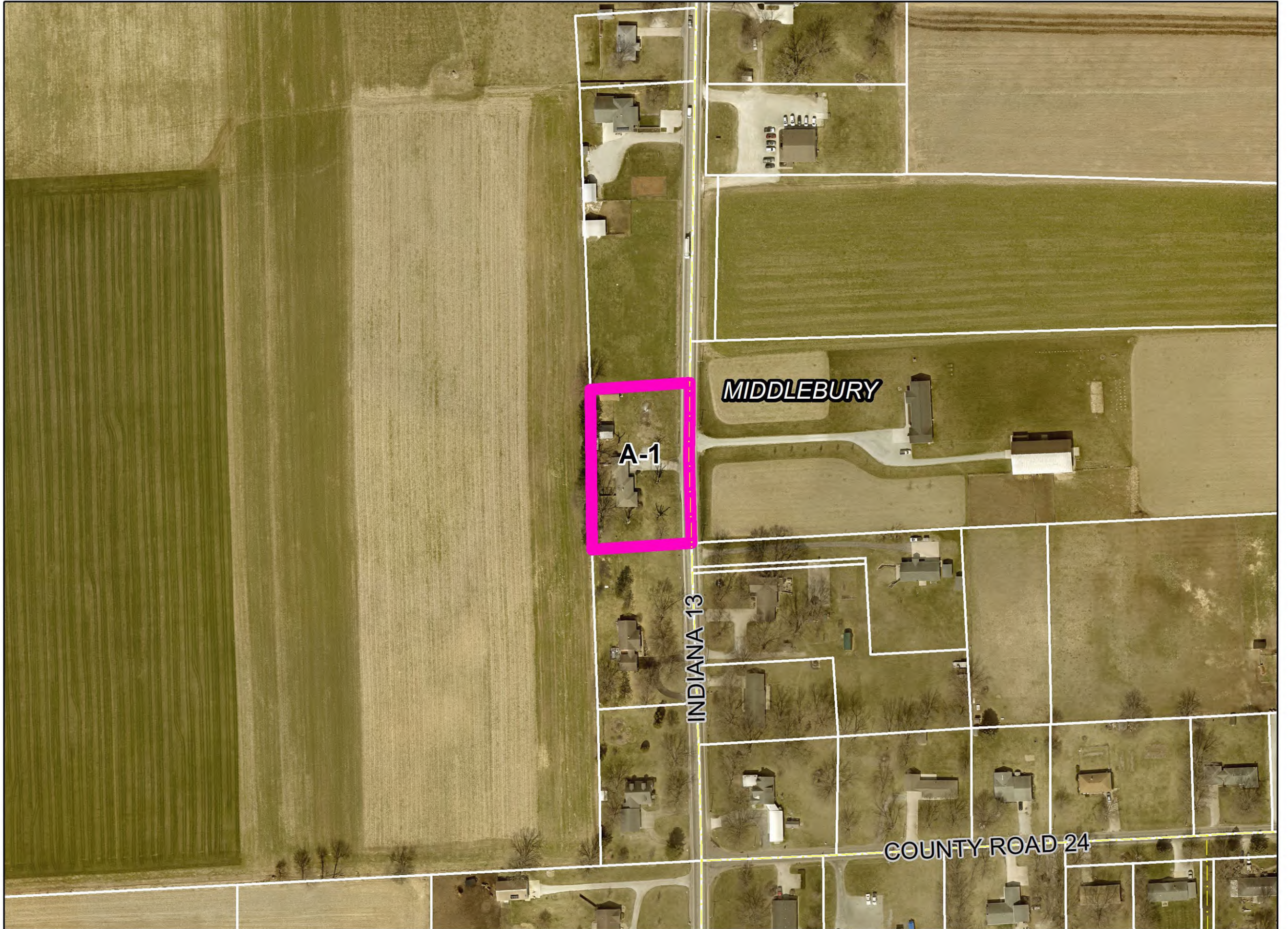
For a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 35 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of a detached accessory structure 85 ft. from the centerline of the right-of-way, staff finds that:

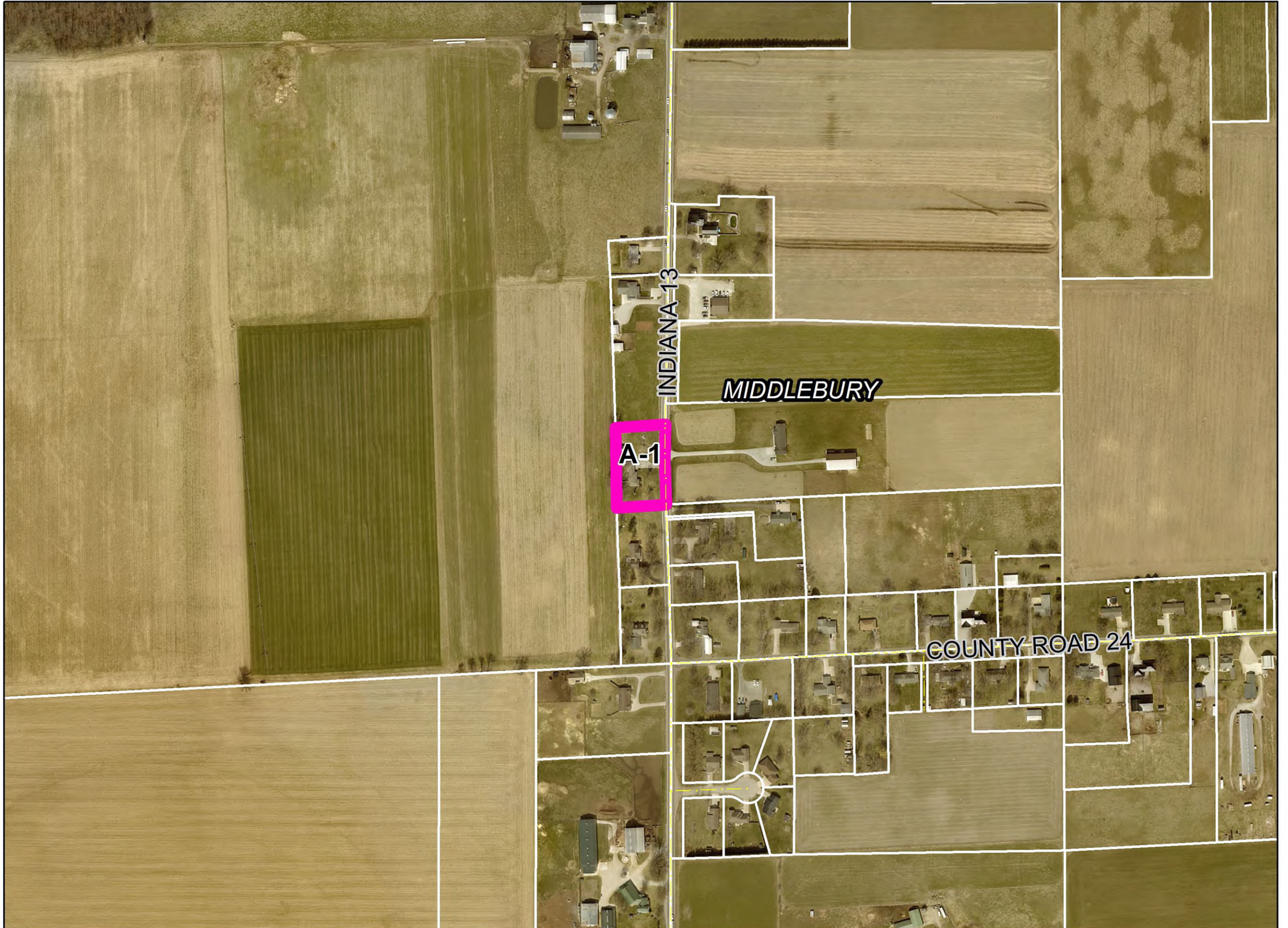
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 858 sq. ft. over what is allowed, and the proposed structure will not hinder sight distance on SR 13.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The property is in a low-density residential and agricultural area and the property will remain residential and agricultural in character.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The proposed structure would eliminate the need for outside storage.

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

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 06/04/2024 and as represented in the Developmental Variance application.









Subject property



Subject property facing north



Facing south



Facing north



Facing east

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-0390-2024

Date: 06/04/2024

Meeting Date:

July 18, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0390-2024

Description: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, for a for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a 35 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of a detached accessory structure 85 ft. from the centerline of the right-of-way

Contacts: Applicant

Kevin D. Stutzman

59395 State Rd 13

Middlebury, IN 46540

Land Owner

Kevin D. Stutzman

59395 State Rd 13

Middlebury, IN 46540

Site Address: 59395 State Road 13
MIDDLEBURY, IN 46540

Parcel Number: 20-08-27-100-006.000-034

Township: Middlebury

Location: WEST SIDE OF SR 13, 650 FT. NORTH OF CR 24

Subdivision:

Lot #

Lot Area: 1.00 Frontage: 264.43 Depth: 144.00

Zoning: A-1

NPO List: 07/01/2024

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 3/1/1962
RESIDENCE = 1,146 SQ FT X 110% = 1,260 FT, MINUS 400 (SHED), 450 (DETACHED GARAGE), 528 (ATTACHED GARAGE), 140 (SHED) AND HALF OF PROPOSED BUILDING (1/2 AG, 1/2 PERSONAL STORAGE 30 X 40) = 600 SQ FT FOR AN OVERAGE OF 858 SQ FT.

Applicant Signature:

Department Signature:

Application

Site address: 59395 State Road 13 Middlebury IN 46540

Parcel number(s): _____

Current property owner

Name: Kevin Stutzman

Address: 59395 State Road 13 Middlebury IN 46540

Phone: 260-214-1677 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: Kevin Stutzman

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: _____

Special Use — Questionnaire

Name: Kevin Stutzman

1) Tell us what you want to do. I want to have horses on less than 3 acres

2) Tell us why this activity won't hurt your neighbors or the community. I have no neighbors that are bothered by horses.

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: 30x40 - 19' 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. 2 horses.

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. _____

Application

Site address: 59395 State Road 13 Middlebury IN 46540
Parcel number(s): 20-08-27-100-006

Current property owner

Name: Kevin Stutzman
Address: 59395 State Road 13 Middlebury IN 46540
Phone: 260-214-1677 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: Kevin Stutzman

Staff Use Only

Description: _____

Parcel creation date: ~~3-1-62~~ 3-1-1962

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: See attached

Location: N S E W corner side end of SR 13,
650 ft. N S E W of CR 24,
in Middlebury Township

Frontage: 264.43 Depth: 144 Area: 1 acres

Subdivision and lot number, if applicable: —

Present use: Residential

Developmental Variance — Questionnaire

Name: Kevin Stutzman

1) Tell us what you want to do. I want to build a barn for my horses, hay storage etc. and have room for storage as in bikes, lawn mower ect.

2) Tell us why you can't change what you're doing so you don't need a variance. I have approximately 1160' from the middle of the road to the back end of my property.

3) Tell us why the variance won't hurt your neighbors or the community. It shouldn't obstruct or hinder them in any way.

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

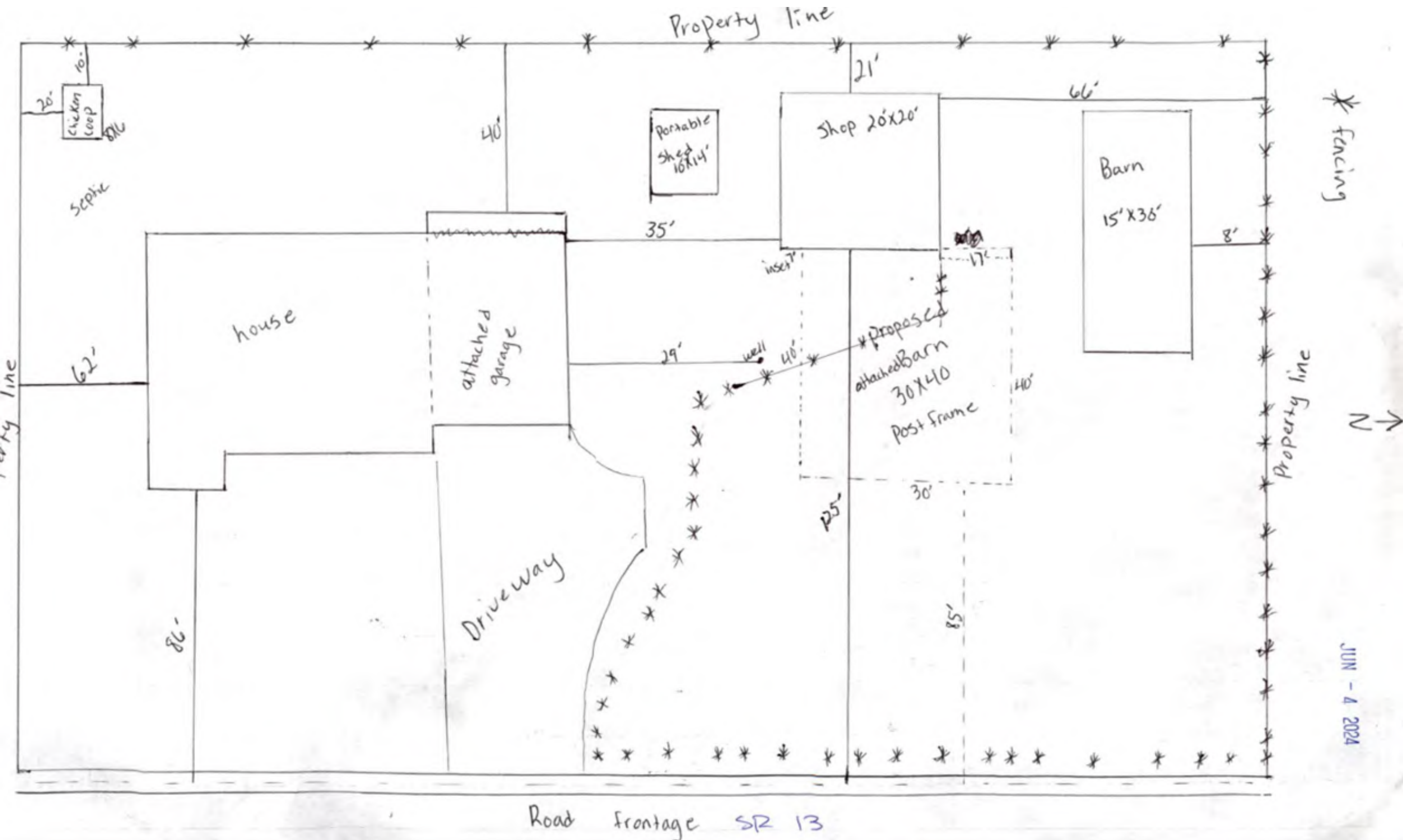
5) Does the application include variances to allow for buildings or additions? Y N If yes, fill out below.
Building or addition 1 Size and height to the peak: 30' X 40' by 19' at peak
Tell us what you'll use it for. barn + storage
Building or addition 2 Size and height to the peak: _____
Tell us what 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. _____



JUN - 4 2024

Road frontage SR 13

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: July 18, 2024

Transaction Number: UV-0372-2024.

Parcel Number(s): 20-05-22-201-003.000-001.

Existing Zoning: A-1.

Petition: For a Use Variance to allow for the construction of an accessory structure on property without a residence and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Petitioner: Mikel P. Wendel.

Location: Northeast side of CR 22, 2,170 ft. Northwest of CR 1, in Baugo Township.

Site Description:

- Physical Improvement(s) – None.
- Proposed Improvement(s) – Accessory Structure.
- Existing Land Use – Vacant.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- None.

Staff Analysis:

For a Use Variance to allow for the construction of an accessory structure on property without a residence, staff finds that:

1. The request will not be injurious to the public health, safety, morals, and general welfare of the community. The proposed structure will be used for accessory residential storage.
2. The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner. The subject property is 1.00 acre in a low-density residential and agricultural area, and the property will remain residential in character.
3. A need for the Use Variance does arise from a condition that is peculiar to the property involved. It would be difficult to place the accessory structure on the main parcel due to the existing septic area and need for septic reserve area.
4. Strict enforcement of the terms of the Development Ordinance would not constitute an unnecessary hardship if applied to the subject property. Without the benefit of the Use Variance, the proposed accessory structure could not be built.
5. The Use Variance does not interfere substantially with the Elkhart County Comprehensive Plan.

BZA Staff Report (Continued)

Hearing Date: July 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 recorded deed must be submitted that combines 20-05-22-253-002.000-001 and 20-05-22-201-003.000-001.
3. A revised site plan must be submitted for staff approval showing the above parcels.

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

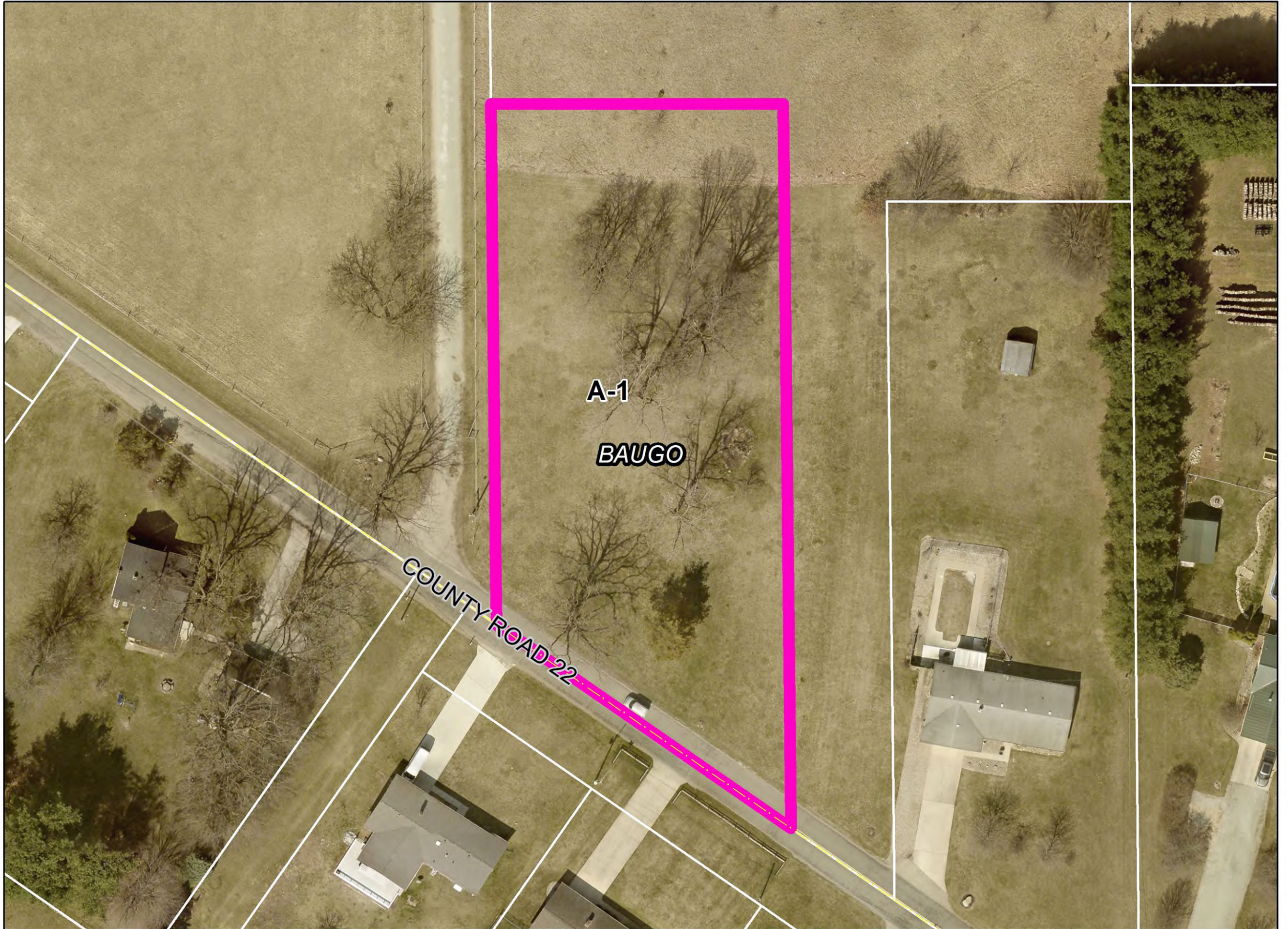
1. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Use Variance application.
2. The proposed structure must remain a residential accessory structure.

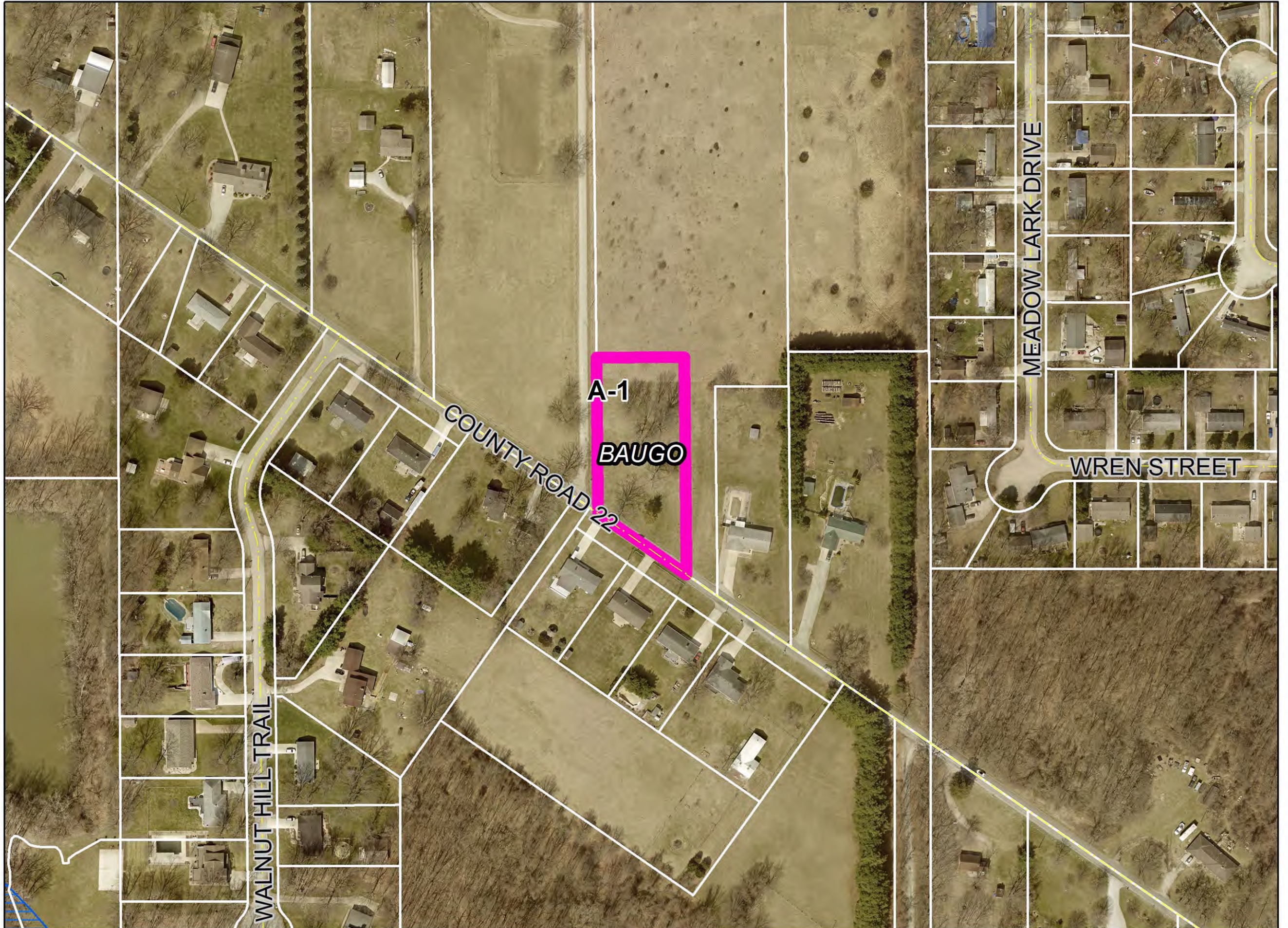
For a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, staff finds that:

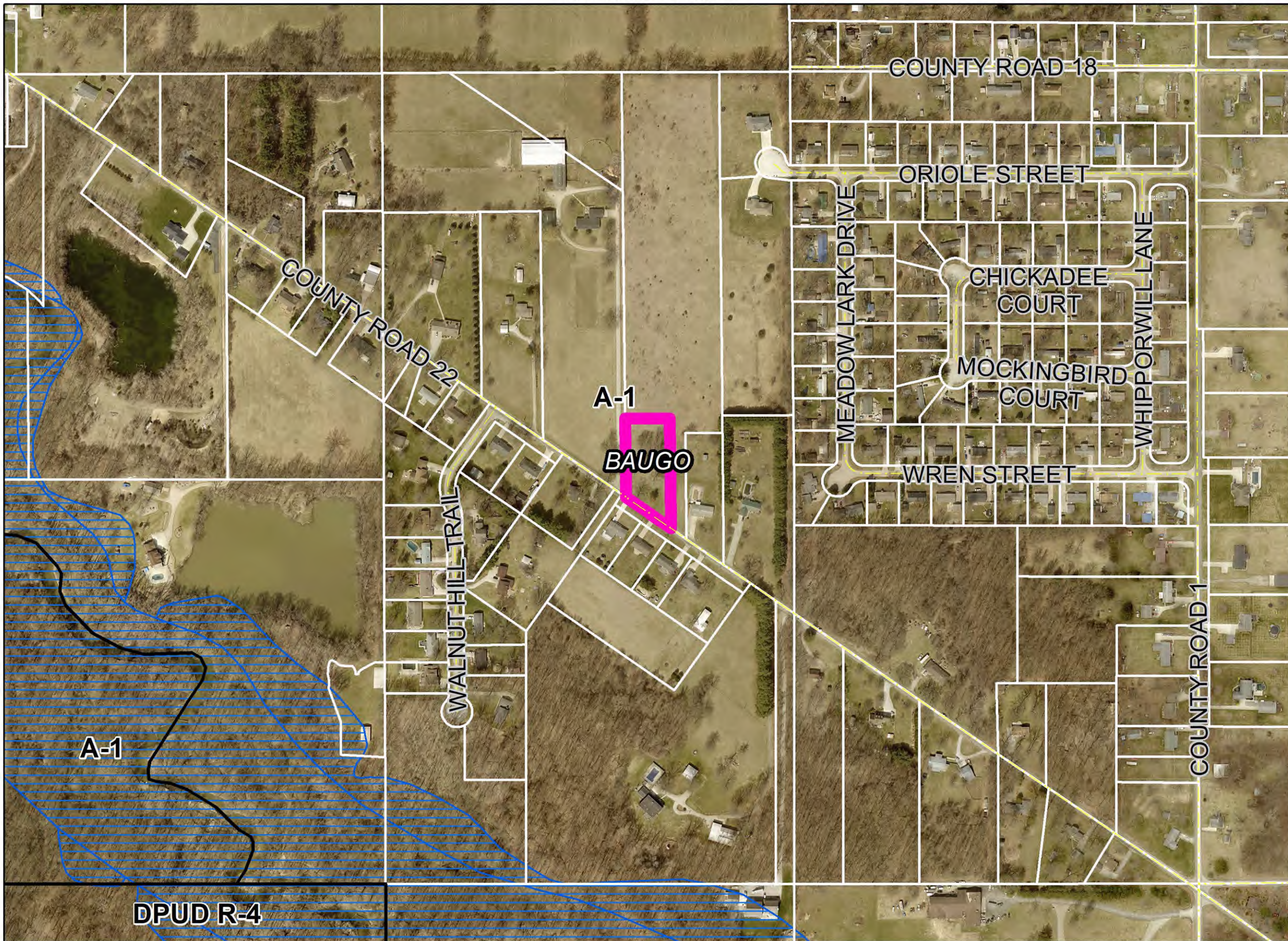
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 531 sq. ft., or 41 percent, over what is allowed by right.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The property is in a low-density residential and agricultural area and the property will remain residential in character.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The proposed structure would eliminate the need for outside storage.

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

1. A variance from the developmental standards of the Development 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.









Subject property for proposed building (east)



Subject property with current residence (west)



Facing north



Facing south

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

Use Variance - Use Variance

UV-0372-2024

Date: 05/31/2024 Meeting Date: July 18, 2024
Board of Zoning Appeals Public Hearing Transaction #: UV-0372-2024

Description: for a Use Variance to allow for the construction of an accessory structure on property without a residence 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>Authorized Agent</u>	<u>Land Owner</u>
Mikel P. Wendel 30334 Cr 22 Elkhart, IN 465178501	B. Doriot & Associates, Inc. P.O. Box 465 New Paris, IN 46553	Mikel P. Wendel 30334 Cr 22 Elkhart, IN 465178501

Site Address:	Parcel Number:
00000 Cr 22 ELKHART, IN 46517	20-05-22-201-003.000-001 20-05-22-253-002.000-001

Township: Baugo
Location: NW SIDE OF CR 22, 2, 170 FT NW OF CR 1

Subdivision:	Lot #

Lot Area:	1.00	Frontage:	177.00	Depth:	334.00

Zoning:	A-1	NPO List:	07/01/2024

Present Use of Property: VACANT LAND

Legal Description:

Comments: PARCEL CREATION DATE 3/1/1976. PER JASON PARCELS ARE ON THE SAME DEED WHICH MAKES HIM TO BE ABLE TO BUILD WITH OUT A SUBDIVISON UNTIL THE SON GETS THE HOUSE PERMIT, THEN A SUBDIVISION WILL BE NEEDED. AW
RESIDENTIAL DWELLING AREA 1176 SQFT X 110 % = 1,293.6 SQFT MINUS UTILITY SHED 96 SQFT, GARAGE 528 SQFT = 669.6 SQFT OF BUILDABLE STORAGE SPACE MINUS NEW PROPOSED STRUCTURE AND SQFT 30 X 40 1200 SQFT = -530.4 SQFT OF LEFT OVER BUILDABLE AREA.

Applicant Signature:

Department Signature:

Application

Site address: _____

Parcel number(s): ~~05-22-253-002-600-001~~ 20-05-22-201-003-001

Current property owner

Name: Mikel Wendel

Address: 30334 County Road 22 46517.

Phone: 574-320-6867 Email: MPWENDEL@AOL.COM

Other party Agent Buyer Land contract purchaser Lessee

Name: B. Doriot & Associates

Address: 58805 CR 23, Goshen IN 46528

Phone: 574-536-3031 Email: doriotsurvey@gmail.com

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: Mikel Wendel

Staff Use Only

Description: for a Use Variance to allow for ^{the} construction of an accessory structure prior construction of a residence.

Parcel creation date: 3/1/1976.

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: (N) S E (W) corner (side) end of CR 22
2,170 ft. (N) S E (W) of CR 1

in Bauco Township

Frontage: 177 Depth: 334. Area: 1 acres

Subdivision and lot number, if applicable: _____

Present use: VACANT LAND.

Use Variance — Questionnaire

Name: Mikel Wendel

1) Tell us what you want to do. Build A 30 x 40 Pole Building

2) Tell us why your case is different from other cases in the county so that a variance should be allowed.

The properties ARE Across the street from Each other. If I was to Build it ON the same tract my house is ON it could impede the Ability CONTINUED ON BACK of Page

3) Tell us why the variance won't hurt your neighbors or the community. No Neighbors close, But ALREADY have talked to five different Neighbors that could See The Building AND they Absolutely have No OBJECTION.

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) Does what you want to do include 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: 30' x 40' 16'
Tell us what you'll use it for. Storage of Farm Equipment

8) 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

9) Does this application include an accessory structure without a residence at this time? Y N

If yes, are there plans for a residence on this property? Y N If yes, fill out below.

Tell us when it will be built. Within The 2 To 3 years

Tell us the approximate size. 1,300 Square Feet

10) Does this application include animals? Y N

If yes, tell us what kind and the maximum number of each.

To have enough Room for A Septic system Repair.
I will Be placed on the VACANT tract so that in
The future A home could Be Built. I have Been
A Public School Teacher for many years. It would
Allow me to Keep my Tools AND other Things I have
Acquired in side in A NEAT AND ORDERLY MANOR.
Further I have talked to the neighbors most I have
KNOWN for many years. They were all for it AS
They have seen that I Run A tidy place.

Use Variance — Questionnaire

11) 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: NA Part time: _____

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

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

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

How many parking spaces do you have now? NA

How many parking spaces do you want? NA

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?

None

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). _____

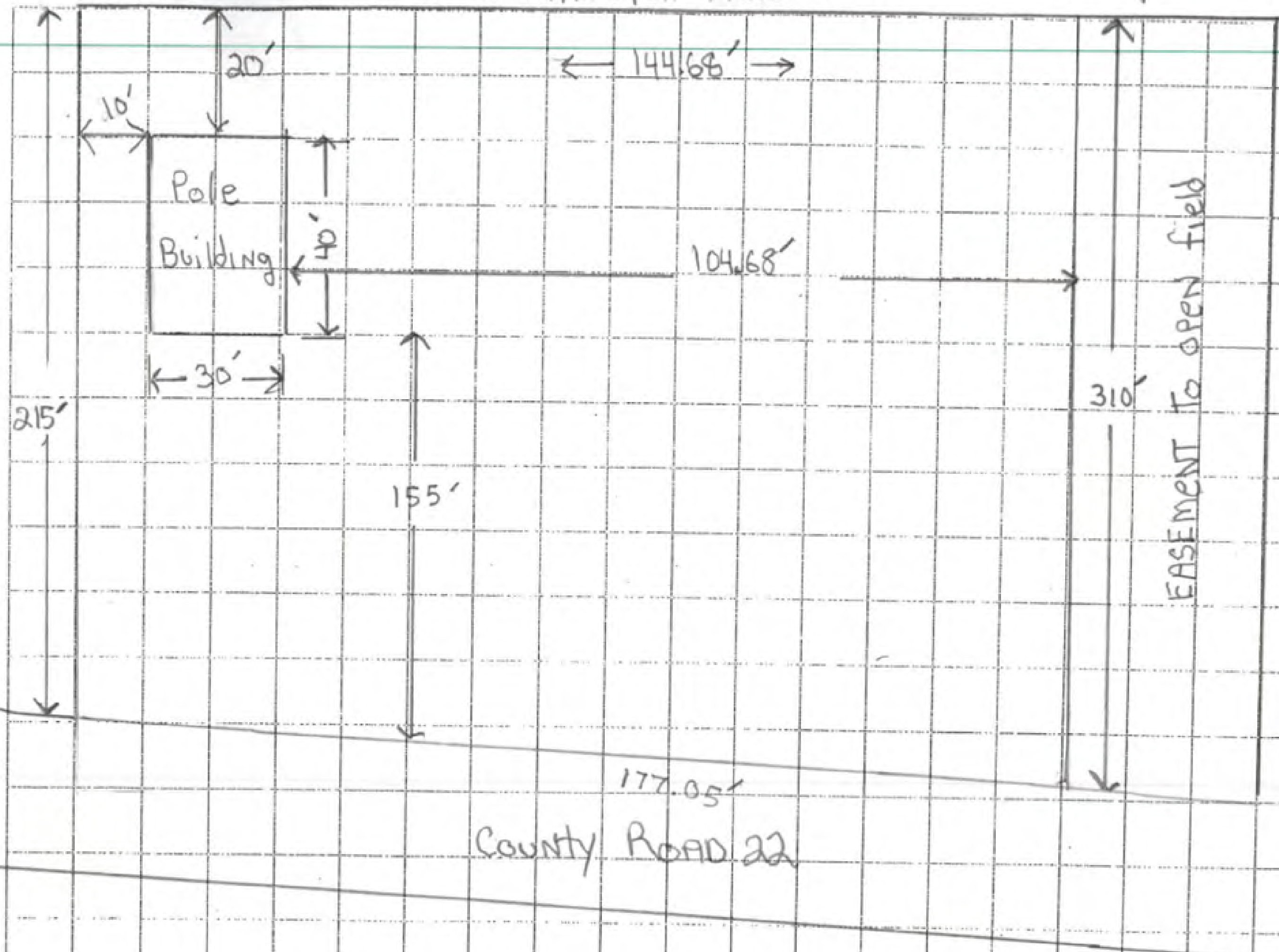
Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

12) Tell us anything else you want us to know. A 30 X 40 pole Building 10 feet (ceiling) height with A 7 x 16 overhead Door 1-24 x 48 WINDOW AND 1-36 inch WALK IN DOOR.

↑ 10 ACRE OPEN FIELD ↑



Pole Building

EASEMENT TO OPEN FIELD

County Road 22



Recission for SUP-0040-2023

Jose Peredia

23176 State Line Rd, Elkhart

Complaint received on 3.26.24 for more than thirty chickens on the property and other agricultural animals.

Code Enforcement made a site visit on 4.2.24 and spoke with Jose Peredia. He was informed that he was only allowed to have a maximum of thirty chickens on the property and no other agricultural animals.

A violation letter was sent to him on 4.3.24 to either remove all animals but the thirty chickens or apply for a second SUP.

He came into the office asking to apply for an SUP for more animals, but the office manager didn't allow him to because we still needed an updated site plan, which held up the commitment form. He brought a revised site plan on 5.23.24

We still don't have a commitment for this SUP, which makes this SUP invalid.

It has taken him over a year to get a new site plan.

Reasons we're asking for the rescission: They have sheep, ducks, roosters, and chickens. This SUP was only approved for thirty chickens, and he has not abided by the commitment.



RESULT LETTER

Case # SUP-0040-2023

Date: February 16, 2023

Petitioner(s):

Jose Antonio Garcia-Hernandez & Marisol Peredia

The following shall be referred to as “the Real Estate”:

Street: 23176 State Line Rd., Elkhart, IN 46514

Current Tax Code #: 20-02-11-400-018.000-026

You are hereby notified that the petition for a Special Use for a roadside stand and for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres on the Real Estate, presented and considered at the meeting of the Elkhart County Advisory Board of Zoning Appeals on February 16, 2023, was acted upon as follows: **APPROVED** in accordance with the Staff Analysis with the following Findings and Conclusions of the Board:

1. The Special Uses will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. Special Uses a roadside stand and an agricultural use are allowed in the A-1 zone.
2. The Special Uses will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 2.48-acre lot in a moderately dense residential and agricultural area, and the lot will remain residential in character.
3. The Special Uses will substantially serve the public convenience and welfare by providing an assortment of local goods and materials.

The following conditions were 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.**

Jose Antonio Garcia-Hernandez
& Marisol Peredia
February 16, 2023
Page 2

2. A revised site plan must be submitted for staff approval meeting all site plan requirements. These include but are not limited to sign dimensions, and setbacks; roadside stand dimensions, setbacks, and removal from the right-of-way; chicken containment area and fence; and parking area dimensions and setbacks.

The following commitments were imposed:

1. The request is approved in accordance with the site plan to be submitted for staff approval and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of thirty (30) chickens, no roosters and no other farm animals at any one time.

The request for a Special Use for a kennel was acted upon as follows: **DENIED.**

Deviation from said conditions and commitments may result in the Elkhart County Advisory Board of Zoning Appeals rescinding the approval or permit.

Ron Norman, Secretary
Elkhart County Board of Zoning Appeals

Placed in File _____
By DR



DATE: June 24th, 2024

TO: BZA

FROM: H. Jason Auvil, Zoning Administrator

SUBJECT: Major / Minor Change Request – Site Plan Amendment

Eugene Martin representing Andrew & Susie Martin is requesting to amend a Special Use Permit for a home workshop business for a meat processing business on a property located at 30425 CR 36, Wakarusa, in Olive Township, zoned A-1, approved on November 18th, 2021.

The request is to construct an 800 ft² (20 ft. x 40 ft.) addition to the existing butcher house.

Attached is the minor change request email, site plan, and floor plan received on June 24th, 2024.

Staff recommend approval of this minor change request.

This major / minor change staff item will be on the **July 18th, 2024**, BZA agenda.

H. Jason Auvil

From: Eugene Martin <countryconstruction@sle.email>
Sent: Monday, June 24, 2024 12:17 PM
To: H. Jason Auvil
Subject: new addition request

[You don't often get email from countryconstruction@sle.email. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Caution! This message was sent from outside your organization.

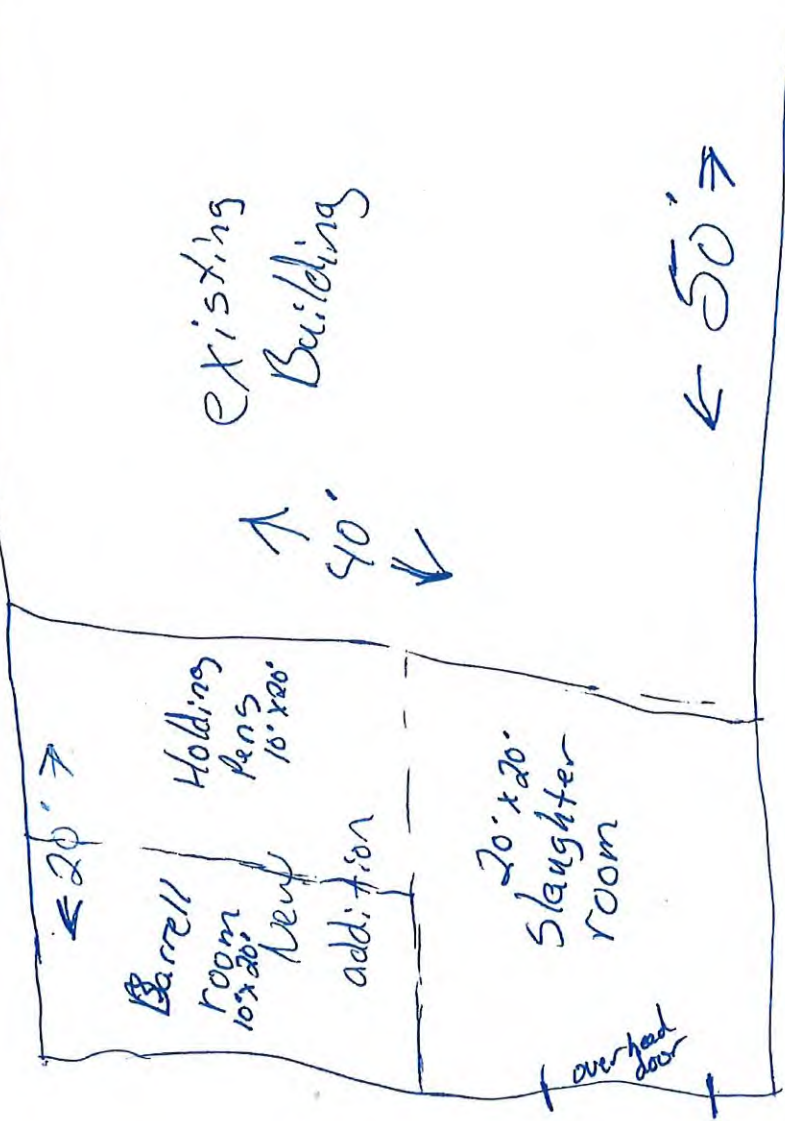
Eugene Martin at 30425 CR 36 Wakarusa IN 46573 , i want to add a 40' by 20' addition to my processing plant . It is for a bigger slaughter floor and more holding pens . it would be a 14.5% ft2 addition to what we already have , Thank you

Request for 800ft² addition

New Addition

14.5% of ~~the~~ exs. Building

North ↑



Eugene Martin
30425 CR 30
Wakarusa IN 46573

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 20th DAY OF JUNE 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; Danielle Richards, Planner; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Deb Cramer, John Gardner, David Miller, Randy Hesser.

Absent: Ron Norman, Roger Miller, Steve Warner.

2. A motion was made and seconded (*Cramer/Gardner*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 16th day of May 2024 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Cramer/Gardner*) 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 ***Donald L. Hoover & Sherry J. Hoover, Husband & Wife*** for a Special Use for a home workshop/business to allow for the sales of playsets, carports, and sheds on property located on the East side of SR 13, 990 ft. South of CR 142, common address of 67666 SR 15 in Jackson 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-0314-2024*.

There were 27 neighboring property owners notified of this request.

Donald & Sherry Hoover, 67666 SR 15, New Paris, were present for this request. Mr. Hoover stated that they have been in business for 9 years and the location of their current business (were renting) was sold. So, they decided to try to have the business at their homesite. This is their second move for the business. He did not realize that there was a limit on the number of sheds, playsets and carports that you can store outside. Mrs. Cramer stated that if this request is approved, they will set a limit on the number of sheds, playsets, and carports that can be stored outside. Mr. Hesser reiterated this thought. Mrs. Cramer asked if they were building them. Mr. & Mrs. Hoover stated that they are already made and that they will sell them from their home.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, Moved by Deb Cramer, Seconded by Randy Hesser 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 to allow for the sales of playsets, carports, and sheds be approved with the following condition was 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 5/6/2024 and as represented in the Special Use application.
2. The request is limited to an outside display maximum of four (4) sheds, four (4) playsets, and one (1) carport at any one time.

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

Yes: Deb Cramer, John Gardner, David Miller, Randy Hesser.

5. The application of *Nelson Gingerich & Ruth Gingerich, Husband & Wife* for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres on property located on the North side of CR 30, 695 ft. East of CR 35, common address of 13873 CR 30 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-0317-2024*.

There were nine neighboring property owners notified of this request.

Nelson Gingerich, 13873 CR 30, Goshen was present for this request. Mr. Gingerich stated that he is looking for a permit to keep horses in a barn that they will be building. Mr. Hesser asked if the horses were for transportation use. Mr. Gingerich replied yes. Mrs. Cramer asked if there is fencing and a barn for the horses. Mr. Gingerich stated that they just bought the property last fall and are looking to put a barn on the property for the horses. Mr. Hesser reminded Mr. Gingerich that he does need to submit a revised site plan before final approval. Mrs. Cramer stated that it looks like there is plenty of room for the barn.

Mr. Auvil read two emails in remonstrance. The first email dated 6-11-24 by a Mr. Jeff Carter who is a neighbor who had some concerns about Mr. Gingerich's horses that have gotten out and been on his property and caused some damage. He does not want to see any type of barn or livestock on Mr. Gingerich's property. Mr. Carter states in the email that he spent \$6,000 on a fence for his own property to keep the horses out. The second email dated 6-19-24 by Mr. Jeff Carter addressed concerns about the fact that there is not anyone there during the day to monitor the situation.

Mrs. Cramer asked Mr. Gingerich to come back up and address the neighbor's concerns. Mr. Gingerich stated that they put up a temporary electric fence but somehow the horses took the fence down. Since then, they put up a new fence with 3 sides and will complete the 4th side of the fence (which is currently just wire) after the barn is built. The horses are currently being kept on a neighbor's property. Mr. Hesser asked if the horses will be kept there until the barn and fence are complete. Mr. Gingerich confirmed.

The public hearing was closed at this time.

Mrs. Cramer asked if it should be required that the barn area be completely fenced as a condition of approval.

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

Motion: Action: Approve, **Moved by** Deb Cramer, **Seconded by** John Gardner 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 pasture labeled with dimensions.
3. A fence with four (4) sides to keep horses contained must be completed.

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 request is limited to a maximum of two (2) horses at any one time.

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

Yes: Deb Cramer, John Gardner, David Miller, Randy Hesser.

6. The application of *Melvin Martin & Rosanna Martin, Husband & Wife & Llyod W. Martin* for a Special Use for a home workshop/business for skid loader repair on property located on the South side of CR 38, 975 ft. East of CR 11, common address of 24810 CR 38 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-0320-2024*.

There were 10 neighboring property owners notified of this request.

Melvin Martin, 24810 CR 38, Goshen, was present for this request. He stated he would like to have a small workshop/business on his property. Mrs. Cramer asked if he would be doing the repair work on the inside of the workshop. Mr. Martin confirmed and did state there might be some clients parking at the business. Mr. Hesser asked if he already had a building for the business. Mr. Martin stated he would be using one of his existing buildings and adding an addition. (30x22)

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** Deb Cramer, **Seconded by** John Gardner 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 skid loader repair 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 entire property and meeting all requirements.

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 = 4).

Yes: Deb Cramer, John Gardner, David Miller, Randy Hesser.

7. The application of *Walter Wickey & Margaret Wickey, Husband & Wife* for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres on property located on the South side of US 20, 1,785 ft. West of CR 43, common address of 11330 US 20 in Middlebury Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0319-2024*.

There were seven neighboring property owners notified of this request.

Margaret Wickey, 11330 US 20, Middlebury was present for this request.

Mr. Hesser stated the fact that they want to have a horse for transportation and build a barn. Ms. Wickey stated they will have pasture for the horse. Mr. Hesser also asked how they would dispose of the animal waste. Mrs. Wickey stated that there would not be much with only one horse, but it would be disposed of in the pasture area.

There were no remonstrators present.

The public hearing was closed at this time.

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

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

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 5/7/2024 and as represented in the Special Use application.
2. The request is limited to a maximum of one (1) adult horse at any one time.

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

Yes: Deb Cramer, John Gardner, David Miller, Randy Hesser.

8. The application of *Trinity Lutheran Church of Elkhart Inc.* for an amendment to an existing Special Use for a place of worship to allow for the construction of a building addition and increased parking on property located on the Southeast corner of CR 6 & Ash Rd., common address of 30888 CR 6 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-0326-2024*.

There were 65 neighboring property owners notified of this request.

Mr. Kuhns, 1813 Cobblestone Blvd, Elkhart was present representing the petitioner. He stated that they want to add 14 new classrooms and a flex room to expand for greater attendance. Parking will also be expanded. Mr. Kuhn also spoke to the fact that the existing access to the school on Ash Rd. is controlled by St. Joseph County and it meets their standards. Mr. Miller inquired if that is an existing entrance. He also asked about the new construction and parking lot location on the site plan. Mr. Kuhns replied that the plans also include information on the retention pond and will be used for the parking lot drain off as well as the roundabout.

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** Deb Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for an amendment to an existing Special Use for a place of worship to allow for the construction of a building addition and increased parking 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 05/8/2024 and as represented in the Special Use application.

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

Yes: Deb Cramer, John Gardner, David Miller, Randy Hesser.

9. The application of *Nathan L. Stutzman & Angela D. Stutzman, Husband & Wife* for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres on property located on the North side of CR 24, 515 ft. East of SR 13, common address of 12375 CR 24 in Middlebury Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0325-2024*.

There were 20 neighboring property owners notified of this request.

Nathan Stutzman, 12375 CR 24, Middlebury was present for this request. He stated he wants to build a pole building to house his animals during inclement weather. Mr. Hesser asked if all the animals would be in the building at one time. Mr. Stutzman responded no. Mrs. Cramer asked if the property is fenced. Mr. Stutzman response was yes. Mr. Hesser asked if the animals

are for personal use/4H. Mr. Stutzman stated that they are and would be used in 4H as his children are old enough to participate.

There were no remonstrators present.

The public hearing was closed at this time.

After the public hearing was closed Mr. Hesser asked Mr. Stutzman how he would dispose of the animal waste. Mr. Stutzman responded by saying that it would be disposed of in the pasture at the back of the property to re-fertilize the ground. Mrs. Cramer asked Mr. Stutzman if he has had this number of animals before and he responded yes.

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

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

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted 05/9/2024 and as represented in the Special Use application.
2. The request is limited to two (2) cows, ten (10) goats, and five (5) pigs, at any one time.

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

Yes: Deb Cramer, John Gardner, David Miller, Randy Hesser.

10. The application of *Nicholas J. Bender* for a Special Use for a home workshop/business for an auto repair shop and a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the Northwest corner of CR 27 & CR 24, common address of 59595 CR 27 in Jefferson Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0337-2024*.

Mr. Hesser had a question regarding the Staff Report/Staff Analysis. The map photo only had one parcel highlighted and there are 2 parcels as part of the request. Mrs. Richards replied that it also included the parcel to the north, but that it was not highlighted. Mr. Hesser asked Mr. Bender if he understood that he has to join the two parcels as part of this request.

There were nine neighboring property owners notified of this request.

Nicholas Bender, 59595 CR 27, Goshen was present for this request. Mr. Bender stated that he wants to have a shop for auto repair and personal storage. It would be placed on the parcel to the north of the 2 parcels. Mrs. Cramer asked Mr. Bender how much land he has total with both parcels. He responded that he has 1.84 acres of land. Mrs. Cramer also asked if he had plans to store any of the vehicles outside and Mr. Bender responded no. Mr. Hesser asked if he is using an existing drive. Mr. Bender responded that he intends to build a second drive and has been in touch with the Highway department. He continued it is just a matter of getting the

application started. Mr. Miller asked if the question of outside storage had been answered and Mr. Hesser responded that it is prohibited as part of a home workshop.

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** 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 an auto repair shop with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. The owner must provide Staff a recorded deed containing both properties.

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted 05/13/2024 and as represented in the Special Use application.
2. No outside storage of business vehicles or vehicle parts.

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 with the following conditions imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 05/13/2024 and as represented in the Developmental Variance application.

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

Yes: Deb Cramer, John Gardner, David Miller, Randy Hesser.

11. The application of **Kelly L. Garing & Casey E. Patrick** for a Use Variance to allow for the construction of an addition to an existing accessory structure without a residence on property located on the East side of Maplewood Dr., 1,180 ft. North of Lake Dr. common address of 00000 Maplewood Dr. in Osolo Township, zoned R-2, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #UV-0287-2024*.

There were 22 neighboring property owners notified of this request.

Tom Cripe, 51289 Maplewood Dr., Elkhart, was present representing the petitioners. He and his wife have deeded life estate/trust in this property. Mr. Hesser inquired of the relationship to the petitioners. Mr. Cripe responded that Kelly L. Garing & Casey E Patrick are his daughters.

Mr. Hesser also asked Mr. Cripe where he lived in relationship to this parcel. His response to the question was that he lived immediately across the street on the lake.

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** 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 Use Variance to allow for the construction of an addition to an existing accessory structure without a residence be approved with the following condition imposed:

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted 5/8/2024 and as represented in the Use Variance application.

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

Yes: Deb Cramer, John Gardner, David Miller, Randy Hesser.

12. The application of *Jose Antonio Garcia-Hernandez & Marisol Peredia* for a requested rescission of an agricultural use for the keeping of animals on a tract of land containing less than 3 acres for failure to comply with the condition(s) and/or commitments imposed by the Board of Zoning Appeals on property located on the South side of State Line Rd., 4,590 ft. West of CR 15, common address of 23176 State Line Rd. in Osolo 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-0040-2023*.

There were six neighboring property owners notified of this request.

Jose Antonio Garcia-Hernandez, 23176 State Line Rd, Elkhart was present for this request. He stated that he didn't receive the first two letters regarding the failure to comply. He stated that he doesn't really understand the situation. Someone read and translated the letter and it said he was not allowed to have roosters. He stated that some of the roosters are not his. Mr. Hesser asked if we have an acceptable site plan. Mr. Auvil stated not to my knowledge. Mrs. Richards stated that this issue is that he has roosters and too many animals currently. Mr. Hesser reiterated that the petitioner has too many animals and that he needs to get rid of some. Mr. Garcia-Hernandes said he understands and is trying to buy land from a neighbor so he will have a total of 3 acres. Mr. Hesser stated until you have 3 acres you must get rid of some animals. Mr. Hesser verified with Mrs. Richards that we do have a site plan but no commitment. Mrs. Cramer clarified that the petitioner has violated what he agreed to. Mr. Hesser again stated that the petitioner is required to sign a and record a commitment document. Mr. Hesser recommended that this request be tabled/postponed until the next hearing on July 18, 2024.

Donna Bachota, 23276 State Line Rd, Elkhart was present to remonstrate. The petitioner's animals keep getting on her properties and others. Ms. Bachota also stated there is

lots of junk piled up on the property. Another issue she has is the consistent burning taking place on the petitioner’s property.

Mr. Garcia-Hernandez responded by saying he has never spoken with Ms. Bachota. He also stated that when he bought this property in 2016 the previous owner had piles and piles of trees. He has been burning to get rid of all of the trees and he apologized for the smoke blowing in the direction of Ms. Bachota’s home.

The public hearing was closed at this time.

Mr. Hesser commented that this hearing should be tabled until the next hearing on July 18, 2024. He told Ms. Bachota that she could call back after July 11, 2024 to see what time the hearing will be scheduled for. Mr. Hesser also reminded Mr. Garcia-Hernandez to get his site plan revised, to get a signed commitment in place or he could in jeopardy of having his request rescinded.

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

Motion: Action: Table, **Moved by** Randy Hesser, **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 requested rescission of an agricultural use for the keeping of animals on a tract of land containing less than 3 acres for failure to comply with the condition(s) and/or commitments imposed by the Board of Zoning Appeals was acted upon as follows: **Tabled until the July 18, 2024 Advisory Board of Zoning Appeals Meeting.**

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

Yes: Deb Cramer, John Gardner, David Miller, Randy Hesser.

13. The meeting was adjourned at 10:14 A.M.

Respectfully submitted,

Jean Boyer, Recording Secretary

Randy Hesser, Chairman

Ron Norman, Secretary