

**AGENDA**  
**ELKHART COUNTY BOARD OF ZONING APPEALS**

**MAY 16, 2024**  
**9:00 A.M.**

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

Call to Order

Roll Call

Approval of Minutes of the last regular meeting of the Elkhart County Board of Zoning Appeals held on the 18<sup>th</sup> day of April 2024.

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

**SPECIAL USE**

**9:00 A.M.    (CRAMER)**

- A.     Petitioner:     ***Timothy O. DeLuca & Ruth E. DeLuca, Husband & Wife***     **(Page 15)**  
       Petition:        for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.  
       Location:       South side of E. Spring St., 1,550 ft. East of S. Main St., common address of 503 E. Spring St. in Middlebury Township, zoned R-1.     SUP-0228-2024
- B.     Petitioner:     ***Stephen Holmes***     **(Page 16)**  
       Petition:        for a Special Use for a home workshop/business for a DIY craft studio.  
       Location:       North side of CR 24, 2,560 ft. East of CR 9, common address of 25517 CR 24 in Concord Township, zoned A-1.     SUP-0230-2024
- C.     Petitioner:     ***Tri-County Land Trustee Corporation (Land Contract Holder) & Samuel R. Yoder & Joann Yoder, Husband & Wife (Land Contract Purchasers)***     **(Page 17)**  
       Petition:        for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.  
       Location:       North side of US 20, 520 ft. East of CR 33, common address of 14909 US 20 in Middlebury Township, zoned A-1.     SUP-0232-2024
- D.     Petitioner:     ***North Middle Barens Amish Church***     **(Page 18)**  
       Petition:        for a Special Use for a place of worship and for a Special Use for a school.  
       Location:       East side of CR 43, 550 ft. South of CR 10, common address of 54604 CR 43 in York Township, zoned A-1.     SUP-0245-2024

**9:30 A.M. (NORMAN)**

- E. Petitioner: ***Nina R. Purtlebaugh*** (Page 19)  
Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.  
Location: Southwest side of Christopher Dr., 325 ft. South of Suburban Dr., East of CR 17, common address of 21938 Christopher Dr. in Washington Township, zoned R-2. SUP-0246-2024
- F. Petitioner: ***Ramon Chiquito Marin*** (Page 20)  
Petition: for an Amendment to an existing Special Use for a home workshop/business for an auto dealership to allow for the sale of additional vehicles.  
Location: South side of CR 30, 1,915 ft. West of CR 7, common address of 27364 CR 30 in Harrison Township, zoned A-1. SUP-0229-2024
- G. Petitioner: ***Ruslan A. Shevchik & Marina Shevchik, Husband & Wife*** (Page 21)  
Petition: for a Special Use for commercial parking of a semi-truck and trailer.  
Location: East side of CR 23, 1,565 ft. Northwest of SR 15, common address of 59570 CR 23 in Jefferson Township, zoned A-1. SUP-0247-2024
- H. Petitioner: ***Ace Monard & Karen Monard, Husband & Wife*** (Page 22)  
Petition: for an Amendment to an existing Special Use for a home workshop/business for an industrial service business to allow for a new building.  
Location: Southwest side of CR 115, 540 ft. Northwest of CR 20, common address of 58897 CR 115 in Concord Township, zoned A-1. SUP-0201-2024

**10:00 A.M. (HESSER)**

- I. Petitioner: ***Catship Etc Co*** (Page 23)  
Petition: for an Amendment to an existing Special Use for a kennel to allow for a revised site plan and more time to complete the kennel.  
Location: North side of CR 4, 2,715 ft. West of CR 15, common address of 23023 CR 4 in Osolo Township, zoned A-1. SUP-0194-2024

**SPECIAL USES/ DEVELOPMENTAL VARIANCES**

- J. Petitioner: ***John E. Yutzy & Geneva Faye Yutzy, Husband & Wife*** (Page 24)  
Petition: for an Amendment to an existing Special Use for a home workshop/business for a woodworking business to allow for an addition and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.  
Location: North side of CR 36, 670 ft. East of CR 31, common address of 15733 CR 36 in Clinton Township, zoned A-1. SUP-0254-2024



**BZA MINUTES**  
**ELKHART COUNTY BOARD OF ZONING APPEALS MEETING**  
**HELD ON THE 18<sup>th</sup> DAY OF APRIL 2024 AT 9:00 A.M.**  
**MEETING ROOMS 104, 106, & 108 – ADMINISTRATION BUILDING**  
**117 N. 2<sup>nd</sup> 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; Adam Coleson, Planner; and James W. Kolbus, Attorney for the Board.

**Roll Call.**

**Present:** Roger Miller, Randy Hesser, Steve Warner, David Miller.

**Absent:** Ron Norman, Deb Cramer, John Gardner

2. A motion was made and seconded (*Roger Miller/Warner*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 21<sup>st</sup> day of March 2024 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Warner/Roger Miller*) that the Board accepts the Zoning Ordinance and Staff Report materials as evidence into the record and the motion was carried with a unanimous roll call vote.

4. The application of **Robert Conradson** 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 Lamplighter Ln., 190 ft. West of Country Acres Dr., 790 ft. South of CR 4, common address of 27328 Lamplighter Ln. in Osolo Township, zoned R-1, came on to be heard.

Mr. Coleson presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0099-2024*.

There 31 were neighboring property owners notified of this request.

Robert Conradson, 27328 Lamplighter Lane, Elkhart, was present for this petition. He stated his father-in-law wanted chickens for his grandchildren as his last dying wish. He continued to say when his mother-in-law passes they will most likely get rid of the chickens, though they want the curtesy to fulfill that last wish.

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** Steve Warner, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres be approved with the following condition imposed:

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 2/21/2024) and as represented in the Special Use application.



2. The agricultural use is limited to a maximum of four (4) chickens and no roosters, at any one time.

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

**Yes:** David Miller, Steve Warner, Roger Miller, Randy Hesser.

5. The application of **Juana A. Sanchez** for a Special Use for a home workshop/business for a lawn care business on property located on the North side of CR 108, 4,065 ft. West of CR 3, common address of 29499 CR 108 in Cleveland Township, zoned A-1, came on to be heard.

Mr. Coleson presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0139-2024*.

There 36 were neighboring property owners notified of this request.

Juana and Rafael Sanchez, 714 W. Lusher Ave., Elkhart, were present for this petition. Mr. Roger Miller asked if they are currently living at the residence. Mr. Haine responded he has site plan to show the scope of construction work that is to start on the residence in 3 weeks, as well as an order form of all the materials. He submitted the site plan and order form *{Attached to file as Petitioner Exhibits #1-2}*. Mr. Hesser asked if they live at the subject property or not. Mr. Haine responded no. Mr. Hesser asked if they are building a new house. Mr. Haine responded half of the existing residence is staying and the other half is being rebuilt as an addition. Mr. Warner explained that the Special Use will not be granted until they establish residency on the property. Mr. Haine stressed as soon as the material is delivered to the property they will start construction of the residence.

Harrison Haine, 128 Superior Blvd., Elkhart, was present for this petition. Mr. Roger Miller explained the last time they were in front of the Board there were promises made to have the house cleaned up and fixed, and there were quite a few remonstrators present. He asked if anything has been done since that time over a year ago. Mr. Haine responded the foundation has been erected, the basement has been completed, and now they need material to start the construction for the rest of the house. Mr. Hesser asked how long the petitioners have owned this property. Mr. Haine responded he believes about 4 months. Mr. Hesser asked if they were not the petitioners a year ago. Mr. Haine responded yes, they were, though they were only building the barn for the business, and there was a provision that stated they could earn money from the business in order to have the money to fix the house. Mr. Hesser stated in the questionnaire it was requested for two different signs, though the Staff Report only recommends having one. Mr. Haine explained there wasn't any intent of having a sign as Mr. Sanchez is a well-established business owner already. Mr. Warner asked if they are planning on storing and servicing lawn equipment at this location. Mr. Haine responded he will be running the business off the property. Mr. Warner asked if the mowers will be stored inside. Mr. Haine responded yes.

Anthony Tweedy, 54448 Kerryhaven Dr., Elkhart, was present in remonstrance. He explained he has been a police officer for 26 years and has worked with Elkhart County's code enforcement workers. He went on to explain that the most recent complaint was the light complaint that was called on Mr. Sanchez for putting up lights that are super bright. He continued to say that when doing a Google search a pin drop will fall on the barn and show information for an auto repair business. Further, he stated that from his house, he can see signs for other businesses on the garage, and they are working on cars as well as lawn mowers. He stressed they throw parties, and he lets those go on the weekends. He continued saying during the weekdays when they are revving

up engines and partying, he has gone over there to have peaceful conversations. However, he stated they are not open to having a peaceful relationship with the neighbors. He went on to say the money has gone into making the pole barn look nice, though the rest of the property is let go to look like a junk yard. He stressed no construction was done on the house until December, and it wasn't very much work. Mr. Warner asked if the lights are on every night. Mr. Tweedy responded yes, they are on every night, and they are so bright they light up like the daytime. He asked if Mr. Sanchez is required to have a business license to run his business. He asked how many employees he truly has working for him, because he sees more than the 5 people he has on the application. He reiterated he would try and talk to Mr. Sanchez about the issues, but he can't because Mr. Sanchez doesn't live there.

Don Morgan, 29472 CR 108, Elkhart, was present in remonstrance. He explained he lives directly across the street from the subject property and his biggest complaint is the light. He went on to say the light does not differ for safety reasons, and all it does is disturb surrounding homes as the light comes through one of his bedroom windows. He continued to say that this disrupts the nighttime wildlife environment, and it will not stop crime from happening. Further, he stressed the other big complaint is the time and effort that has gone into the business side, though not into making the residence livable. He asked if he needs the building to store the equipment, where was it when he was running the business before he bought this property. He reiterated it has been over a year, and they have only worked on the house for about a month to repair the foundation and cut down trees.

Mr. Sanchez came on to respond. He stated he has moved the lights as well as switched from round lights to square ones, and he doesn't know how the light is hitting his neighbor's house. Mr. Hesser asked if they are working on cars. Mr. Sanchez responded they aren't working on cars, and they are his personal cars. Mr. Roger Miller stated he looked online and it shows an Auto Sales LLC on this location. He asked if they were selling cars off the property. Mr. Sanchez responded no, he used to have an Auto Sales company but not anymore. Mr. Roger Miller stated if he hasn't gone and canceled his LLC then it will continue to show up. He asked if he was selling cars off of the property before. Mr. Sanchez responded no, he was selling the cars from another location. Mr. Warner asked how many employees they have. Mr. Sanchez responded he only has one employee. He continued to say they don't make much noise either, and they have only ever had one party at the property. He stressed he has tried to be friendly with the neighbors, and they are working to make the house a better place. Mr. Warner asked if he could explain the lights a little better. Mr. Sanchez explained he called a company to change the lights out, and now they have square lights that can be adjusted. Mr. Warner asked how recently that was done. Mr. Sanchez responded a month and a half ago. Mr. Hesser asked if this was approved a year ago, why didn't they follow through with getting the commitment signed and recorded. Mr. Sanchez responded the first time he had a guy help him apply for the Special Use, and he was supposed to do that but never did. Mr. Roger Miller stressed Mr. Sanchez was the one that was supposed to get the commitment signed and recorded, not someone else. He explained there were quite a few remonstrators here last time, and there were a lot of promises made to have the property cleaned up. He reiterated that there were 8 violations called in and complaints made, since the last petition was approved. Mr. Hesser asked when they acquired the property. Mr. Sanchez responded September of 2022.

Anthony Tweedy came back on. He explained the lights were moved and when he talked to Mr. Sanchez about the lights, he asked for a shroud. He went on to say the lights were changed

out to square lights, and they are not pointed down they are pointed out towards the back like a flashlight towards the neighbor's property.

The public hearing was closed at this time.

Mr. Hesser stated he is hesitant to approve the request at this point, since the questionnaire is contrary to what is being said here today. He continued to say it was approved a year ago, and nothing was followed up on with what was promised at that time. Mr. Roger Miller stated the order for the parts for the house could be canceled as soon as this is approved, and the promises made last time were never followed through on either.

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

**Motion: Action:** Deny, **Moved by** Randy Hesser, **Seconded by** Steve Warner this request for a Special Use for a home workshop/business for a lawn care business be denied based on the following findings and conclusions of the Board:

1. The Special Use will not be consistent with the spirit, purpose, and intent of the Zoning Ordinance.
2. The Special Use will not substantially serve the public convenience and welfare.

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

**Yes:** David Miller, Steve Warner, Roger Miller, Randy Hesser.

6. The application of **Lowell M. Bontrager & Joan K. Bontrager, Husband & Wife** for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres on property located on the North side of CR 108, 2,450 ft. West of CR 131, common address of 15697 CR 108 in York Township, zoned A-1, came on to be heard.

Mr. Coleson presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0148-2024*.

There five were neighboring property owners notified of this request.

Lowell Bontrager, 15697 CR 108, Bristol, was present for this petition. He stated he would like to tear down the old barn and put up a new barn for a better environment for the chickens and horses. Mr. Hesser asked if he will have pasture for the chicken and horses. Mr. Bontrager responded yes; he has a pasture area. He submitted a revised site plan showing the pasture area [Attached to file as *Petitioner Exhibit #1*]. Mr. Hesser asked Staff if the revised site plan is sufficient. Mr. Coleson responded it is good.

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** Steve Warner, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres be approved with the following condition imposed:

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 4/18/2024) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of three (3) adult horses, ten (10) chickens, and no roosters, at any one time.

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

**Yes:** David Miller, Steve Warner, Roger Miller, Randy Hesser.

7. The application of *Pathway Assembly of God Church of the Assemblies of God of Middlebury, Indiana Inc.* for an Amendment to an existing Special Use for a place of worship to allow for a building addition on property located on the North side of US 20, 1,500 ft. West of Northridge Dr., common address of 13805 US 20 in Middlebury Township, zoned A-1, came on to be heard.

Mr. Coleson presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0172-2024*.

There 13 were neighboring property owners notified of this request.

Crystal Welsh, 303 River Race Dr., Goshen, was present representing the petitioner. She stated they are looking for a bigger gathering space for their congregation and worship space and they are working with DJ Construction. She continued to say they have added a new retention area and parking that falls within the Zoning Ordinance and Elkhart County's standards. Mr. Hesser stated the site plan that was submitted shows the building lines going beyond the parcel's property line. Mrs. Welsh responded those are just measurements for the building. Mr. Hesser stressed they go beyond the area that is designated as the parcel. Mrs. Kratzer explained those are just dimension lines, and they aren't the actual building lines. There was a discussion and clarification that the building will not actually cross into the neighboring property and it will fall with the correct setbacks.

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** Steve Warner, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for an Amendment to an existing Special Use for a place of worship to allow for a building addition be approved with the following condition imposed:

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

The following commitment was imposed:

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

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

**Yes:** David Miller, Steve Warner, Roger Miller, Randy Hesser.

8. The application of **James W. Ragan & Annette C. Ragan, 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 Walerko Dr., 1,135 ft. West of CR 5, common address of 29340 Walerko Dr. in Cleveland Township, zoned A-1, came on to be heard.

Mr. Coleson presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0159-2024*.

There 17 were neighboring property owners notified of this request.

James & Annette Ragan, 29340 Walerko Dr., Elkhart, were present for this petition. Mr. Roger Miller asked if they have the chickens now. Mrs. Ragan responded no; they are awaiting approval. Mr. Roger Miller asked if they talked to their neighbors. Mrs. Ragan responded yes, they have and they are good with this. Mr. Hesser asked if they understood that even though they have a double lot, the chickens have to stay on the one lot due to how it was asked for in the petition. Mrs. Ragan asked if she wants to move the chickens to the other lot during the day she can't. Mr. Hesser responded that wouldn't be approved; she would have to file for an amendment to ask for that lot to be a part of the Special Use. Mrs. Ragan asked how she would go about doing that. The Board directed her to speak with Staff after the meeting, and they will explain it in detail to her. Mr. Hesser asked what she does with the waste. Mrs. Ragan responded she has a couple of compost bins behind her shed that she will dispose of the waste in and then use that on her garden. Mr. Roger Miller asked if 4 to 6 chickens is enough. Mrs. Ragan responded yes; they will be more like pets.

Mr. Coleson read an email from Teri Schenk, 29304 Walerko Dr., Elkhart, in remonstrance. Mrs. Schenk stated she is concerned about the Special Use superseding any covenants in place, no roosters should be allowed, the chickens should be fenced in at all times, farm animals can attract wild animals, the smells from the chickens, and harmful effects if the waste gets into her drinking water. She stressed this shouldn't be approved until there is proof of exactly how many animals, and what kind of containment they will be in, is given. Mr. Coleson submitted the email *[Attached to file as Staff Exhibit #1]*.

Annette Ragan came back on. Mr. Hesser asked how the fenced in run will work with the mobile coop. Mrs. Ragan responded the fenced in area is moveable as well as the coop. She stressed she doesn't want problems with her neighbors, so she will keep the coop to the far back part of her property.

The public hearing was closed at this time.

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

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** Steve Warner that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for an 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 (dated 3/14/2024) and as represented in the Special Use application.

2. The agricultural use is limited to a maximum of six (6) chickens and no roosters, at any one time.

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

**Yes:** David Miller, Steve Warner, Roger Miller, Randy Hesser.

9. The application of *Kirill S. Volnykh* for a Special Use for warehousing of commercial vehicles and for a Special Use for a home workshop/business for an auto repair business on property located on the Northwest corner of CR 38 & CR 17, common address of 22043 CR 38 in Harrison Township, zoned A-1, came on to be heard.

Mr. Coleson presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0160-2024.

There five were neighboring property owners notified of this request.

Kirill & Veronica Volnykh, 22043 CR 38, Goshen, were present for this petition. Mr. Roger Miller asked what they are doing at the property. Mrs. Volnykh responded they live on the property and her husband, as a hobby, likes to work on cars. Mr. Roger Miller asked if they are his own personal cars. Mrs. Volnykh responded some of the cars are personal, some are for friends, and they only do minor repairs on the property. She continued to say they don't do paint repairs on the property, as they take those cars somewhere else to fix. Mr. Hesser asked if she could address the issues with all of the complaints that are for the junk cars and trash in the yard. Mrs. Volnykh responded the cars that weren't drivable have been removed from the property, and the cars that are currently on the property are all drivable. She continued to say that they have been working on cleaning up the trash. Mr. Hesser asked if they are working on cleaning up the trash or is it done. Mrs. Volnykh responded it has been cleaned up. Mr. Hesser asked Staff if the information provided is correct. Mr. Coleson responded he is unsure. Mr. Warner asked if they have room to turn around on the property with the truck and trailer. Mrs. Volnykh responded her husband usually backs on and off of the road. Mr. David Miller asked how many cars are on the property currently. Mrs. Volnykh responded they have 12 or 13, though they have 5 children and some of those are their motorcycle and boats. Mr. Hesser asked if all of those vehicles have license plates on them and are they all drivable. Mrs. Volnykh responded not all are licensed but they are drivable. Mr. Roger Miller asked if they are requesting to store commercial vehicles and not to work on cars. Mr. Coleson responded this is for both commercial parking and a Special Use for a home workshop for auto repair. Mr. Roger Miller asked if approval of this request would allow them to work on 12 or 13 vehicles. Mr. Coleson responded the Board could put a limit on how many vehicles are allowed if they decided it is necessary. Mr. Roger Miller asked if they own the field on the other side of the driveway. Mrs. Volnykh responded no, that is the easement that goes back to the neighbor's houses. Mr. Hesser asked Staff, since they have road frontage, they aren't considered a property served by an access easement, even though they don't have a driveway off of the road. Mrs. Kratzer responded they have road frontage even though the driveway doesn't access that road frontage. Mr. Roger Miller asked if they could get by with less vehicles on the property, because he doesn't know if he can approve this request on this site property. Mrs. Volnykh responded they have 5 personal cars themselves and all of the cars are on the driveway. Mr. Roger Miller stressed a small home workshop, to him, is less than 12 vehicles at a time.

Daniel Yoder, 64775 CR 17, Goshen, and Karen Jones, 64797 CR 17, Goshen, were present in remonstrance. Mr. Yoder stated he lives off the easement at the last house to the north.

Mrs. Jones showed on the aerial where her house is in location to Mr. Yoder's on the easement. She asked what the acreage is of the subject property. Mr. Warner responded it is 0.59 acres. Mrs. Jones stated there were 17 cars on the lot when she drove by this morning, and she allows them to park the commercial truck and trailer on her property in order for the easement to not be blocked. She continued to say she doesn't want to make enemies of her neighbors, but it comes to a point where it is too much. Further, she stated she has addressed it with Mr. Volnykh that he can't block the easement when he is loading and unloading cars in case of an emergency for a fire truck or ambulance to get to a neighbor's house. She stressed the pictures don't even show the new barn that went up without a permit, and this property is small for the type of work that is happening. She continued to explain he is buying cars at auction, bringing them to the property to fix them up, and then selling them off the property. She reiterated she doesn't want to put him out of business; she just wants to have it toned down a bit. Mr. Yoder submitted a letter from another neighbor *[Attached to file as Remonstrator Exhibit #1]*. He explained he loves his neighbors and enjoys letting their children ride their four-wheelers all around the property, and he wants him to make a living. Though, he stressed, this needs to be limited to 10 cars or less, and the property needs to stay cleaned up. Mr. David Miller asked if he wants 10 cars total including the personal vehicles. Mr. Yoder responded he is a car guy himself, therefore it is hard for him. Mrs. Jones reiterated she loves the Volnykh's, and they don't want to keep them from making a living; she just wants this to be kept to a minimum.

Kirill & Veronica Volnykh came back on to respond. Mr. Hesser asked if the truck and trailer are stored outside. Mrs. Volnykh responded they were stored outside on the north side of the driveway, but now they are parked on Mrs. Jones property. Mr. Hesser asked if they could work with only 10 cars. Mrs. Volnykh responded if that is all that is allowed then they will live with it, but they would like more. Mr. Roger Miller explained they are asking for a small home workshop, but they are doing more than what a small auto sales business does. Attorney Kolbus submitted a picture from code enforcement *[Attached to file as Staff Exhibit #1]*.

The public hearing was closed at this time.

There was a discussion about the truck and trailer being included or not on the commitment.

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

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** David Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for warehousing of commercial vehicles and for a Special Use for a home workshop/business for an auto repair business be approved with the following condition imposed:

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 3/14/2024) and as represented in the Special Use application.
2. Approved for a period of two (2) years; any renewal shall be before the Elkhart County Advisory Board of Zoning Appeals.

3. Limited to a maximum of ten (10) vehicles at any one time including the commercial truck and trailer, and personal vehicles on the property.

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

**Yes:** David Miller, Steve Warner, Roger Miller, Randy Hesser.

10. The application of *Everett J. Paalman, Sr., and his successors, as Trustee of the Everett J. Paalman, Sr. Trust* 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 East side of Oak Tree Ln., 1,130 ft. Northwest of CR 19, common address of 50858 Oak Tree Ln. in Washington Township, zoned R-1, came on to be heard.

Mr. Coleson presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0166-2024*.

There 25 were neighboring property owners notified of this request.

Barbara Roth, 803 Antler Dr., Middlebury, apartment building, was present representing the petitioner. Mr. Roger Miller asked if these are hobby animals. Mrs. Roth responded the petitioners want 5 chickens for the grandchildren in order to teach about the agricultural ways. She submitted photos of the chicken coop [Attached to file as *Petitioner Exhibit #1*]. Mr. Roger Miller asked if the run is attached to the coop. Mrs. Roth responded yes, it is not very large.

Bruce Giggy, 50898 Oak Tree Ln., Middlebury, was present in remonstrance. He stated he moved to his property to enjoy peace and quiet. He asked if the property behind the subject property has approval for chickens. Mr. Roger Miller explained he can go to Staff and submit an open records request to ask that question. Mr. Giggy stated that if everyone is allowed to start having chickens, then it will start causing problems with rodents and having more properties not cleaned up and maintained. He stressed he is very against roosters, and if this is allowed, the property needs to be cleaned up. Mr. Hesser asked if they have a Home Owners Association. Mr. Giggy responded no they do not, but the abstract limitations have limitations on buildings that can be put on the property. He explained that an example of those limitations is one shed per house, and this property already has 2 sheds and now they want to add a chicken coop.

Mrs. Roth came back on to respond. She stated there are woods where the shed is located. Mr. Hesser asked if Mr. Paalman is on a double lot. Mrs. Roth responded yes, the sheds can't be seen from the road and everything is very nice.

The public hearing was closed at this time.

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

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

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A revised site plan must be submitted showing the coop out of the drainage easement.

The following commitments were imposed:



1. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of five (5) chickens and no roosters, at any one time.

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

**Yes:** David Miller, Steve Warner, Roger Miller, Randy Hesser.

11. The application of *Lyle Lehman & Linda Lehman, Husband & Wife* for a Special Use for a home workshop/business for a welding business, for a 5 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing accessory structure 70 ft. from the centerline of the right-of-way of CR 14, for a Developmental Variance to allow for 4 outside employees (Ordinance allows 2), and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the Southwest corner of CR 43 & CR 14, common address of 55883 CR 43 in Middlebury Township, zoned A-1, came on to be heard.

Mr. Coleson presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0141-2024*.

There were seven neighboring property owners notified of this request.

Harley Bontrager, HD Bontrager Construction, 57342 CR 16, Middlebury, was present representing the petitioner. He stated a couple of years ago the Lehman's bought the property, and now they want to bring it into compliance. He continued to say the building was already there, so the setback should have a Developmental Variance from when that was built. Mr. Roger Miller asked if they will be running off of a generator. Mr. Bontrager responded yes. Mr. Roger Miller stated he doesn't see a generator building on the site plan. Mr. Bontrager explained Mr. Lehman will have to come up and answer some questions, as he is not sure if the generator will be in a building or not.

Lyle Lehman, 55883 CR 43, Middlebury, was present for this petition. He explained the motor room will be up against the existing shop in the new 56 ft. by 60 ft. addition. Mr. Roger Miller asked if it will be enclosed. Mr. Lehman responded yes. Mr. Hesser stated the questionnaire doesn't state they will have a sign, but the site plan shows a sign will be present. Mr. Lehman explained the sign will be on the building a 2 ft. by 3 ft. Mr. Hesser stated the site plan shows a 4 ft. by 3 ft. sign. Mr. Lehman responded it could be that size he is not positive at this time.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser stated he would like clarification on the sign that will be on the building.

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

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** David Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a welding business be approved with the following condition imposed:

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 03/28/24) and as represented in the Special Use application.

Further, the motion also included that a 5 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing accessory structure 70 ft. from the centerline of the right-of-way of CR 14, for a Developmental Variance to allow for 4 outside employees (Ordinance allows 2), and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be approved with the following conditions imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 03/28/2024) and as represented in the Developmental Variance application.

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

**Yes:** David Miller, Steve Warner, Roger Miller, Randy Hesser.

12. The application of **Tall Oaks MHC, LLC** for a Special Use for a mobile home park, for a 34 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for existing mobile homes 48 ft. from the centerline of the right-of-way of East County Line Rd., for a 37 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for new mobile homes 38 ft. from the centerline of the right-of-way of East County Line Rd., for a 45 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for existing and new mobile homes 30 ft. from the centerline of the right-of-way of CR 4, for a 30 ft. Developmental Variance (Ordinance requires 30 ft.) to allow for existing mobile homes 0 ft. from the west side property line, for a 30 ft. Developmental Variance (Ordinance requires 30 ft.) to allow for existing mobile homes 0 ft. from the rear property line, and for a 37 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing accessory structure 38 ft. from the centerline of the right-of-way of East County Line Rd. on property located on the Northwest corner of CR 4 & East County Line Rd., common address of 10039 CR 4 in York Township, zoned R-2, came on to be heard.

Mr. Coleson presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0112-2024*.

There 21 were neighboring property owners notified of this request.

Frank Shepard, 2467 Oaktree Crl., Winamac, was present for this petition. He stated he and his wife bought this property January 26, 2024, and they specialize in transforming mobile home parks into manufactured home communities by investing into brand new homes. He went on to say they have demolished 14 mobile homes already and are bringing in brand new 2024 Clayton Homes while maintaining the current residences. He stressed the current residents must bring their homes up to a certain standard based on the new lease agreements. He went on to say as occupants move out of the older homes, they will be demolished and new homes will be brought in. There was clarification that all of the demolition permits were done in 2024. Mr. Warner asked how many total new units will be brought in. Mr. Shepard responded they will replace 4 homes at a time, and they do not rent homes; they only sell the homes. Mr. Hesser asked if they rent the lot.

He stated he doesn't see lot designations on the site plan. Mr. Shepard responded the lots will be rented. He noted his understanding from working with Jason Auvil, was he didn't need to have lot lines because it is one private parcel. Mr. Hesser stated he sees there was a denied Developmental Variance in 2019, and it is 5 years later with the units are still there. Mrs. Kratzer responded when the request came in 2019 the request was denied as existing legal non-conforming, and they weren't forced to move the existing mobile homes. Mr. Roger Miller questioned if they can charge lot rent but not designate what size the lot is. Mr. Shepard responded that is correct. Mrs. Kratzer asked what that lease look like. Mr. Shepard responded it is a seven-page, 12-month lease that doesn't state the lot size per home. Mr. Hesser asked if there is an office on-site. Mr. Shepard responded there used to be an office on-site, but that building is in terrible condition. Mr. Hesser asked if they plan on having someone manage on site. Mr. Shepard responded they do not plan on being on site, as this is only 27 lots and they live in Winamac. Mr. Hesser asked if they will maintain the property. Mr. Shepard responded yes; they will contract out a landscaping company to mow the vacant lots and common areas. Mr. Roger Miller asked if there are people living in mobile homes in this area that are legal and non-conforming, and there is nothing Staff or the Board is doing to rectify those non-conforming issues. Mrs. Kratzer responded legal non-conforming can stay in their current locations, but the homeowners have to bring the homes up to a higher standard. Mr. Hesser asked if the existing homes are owned by the occupants or are they leased. Mr. Shepard responded there are 10 occupied right now and half are owned by the occupants, and the other half the titles came to him with the property. He continued saying the titles he will transfer over to the people living in the homes, as they don't do rentals. Mr. Hesser clarified he will be selling the existing homes. He asked if he will have signage. Mr. Shepard responded he has a new sign that is next to the road. Mr. Hesser asked the size of the sign. Mr. Shepard responded it is 60 inches by 48 inches. Mrs. Kratzer asked if they got a permit for the sign. Mr. Shepard responded he believes so, as it was installed by a company out of Delphi, Indiana. Mr. Hesser asked if it is common for mobile home parks not to have lot lines. Mrs. Kratzer responded for a mobile home park it is normal. Mr. Roger Miller asked how he can force the current mobile homeowners to bring up the standards of their homes if don't own the mobile home or have a signed lease. Mr. Shepard responded that since they are the property owners now, they take over the current lease from the old property owners, and the new leases will be signed in June.

Rosmary Davis, 10111 CR 4, Middlebury, was present in remonstrance. She asked if Staff was recommending approval of the 0 ft. setback. Mr. Coleson responded yes. Mrs. Davis stated she owns the property to the west, and people are constantly trespassing on her property. She added the one shed is actually on her property. Mr. Hesser clarified where her property is located on the aerial. Mrs. Davis asked if a privacy fence could be required to help keep people from trespassing on her property.

Frank Shepard came back on. He stated he agrees there are sheds that sit on the property line that need to get pushed back. He stressed he is happy to work with Mrs. Davis to get the sheds moved away from her property line, but the privacy fence is a very costly ask. He stressed that it is about the standards, and people that are put in the community that will help alleviate some of the issues. Mr. Roger Miller stated putting in higher dollar homes will substantially raise the property standards as well. Attorney Kolbus asked Mr. Warner if a farm fence would be more cost effective than a privacy fence. Mr. Warner responded he is not sure the cost, though a farm fence would be more visually appealing than a chain link fence. Mr. Roger Miller stated he would like

to have a fence to designate the property line. Mr. Hesser stressed he doesn't see any justification for a zero-foot property line Developmental Variance. Mr. Shepard reiterated he would prefer having a 10-foot setback than having a fence being put in, as there are a lot of trees along that side property line.

The public hearing was closed at this time.

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

**Motion: Action:** Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a mobile home park be approved with the following condition imposed:

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

The following commitment was imposed:

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

Further, the motion also included that a 34 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for existing mobile homes 48 ft. from the centerline of the right-of-way of East County Line Rd., for a 37 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for new mobile homes 38 ft. from the centerline of the right-of-way of East County Line Rd., for a 45 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for existing and new mobile homes 30 ft. from the centerline of the right-of-way of CR 4, for a 30 ft. Developmental Variance (Ordinance requires 30 ft.) to allow for existing mobile homes 0 ft. from the west side property line, for a 30 ft. Developmental Variance (Ordinance requires 30 ft.) to allow for existing mobile homes 0 ft. from the rear property line, and for a 37 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing accessory structure 38 ft. from the centerline of the right-of-way of East County Line Rd. be approved with the following conditions imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 02/29/2024) and as represented in the Developmental Variance application.
3. The zero (0) foot setback is approved for existing mobile homes. All new mobile homes must be set back ten (10) feet from the north and west property lines.

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

**Yes:** David Miller, Steve Warner, Roger Miller, Randy Hesser.

13. The application of *Aaron Lee Weaver & Mary Jane Weaver, Husband & Wife* for a Special Use for warehousing of a commercial vehicle & for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property

located on the West side of CR 127, 745 ft. South of CR 48 , common address of 70151 CR 127 in Jackson Township, zoned A-1, came on to be heard.

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

There six were neighboring property owners notified of this request.

Attorney Kolbus reminded the Board that there were remonstrators who spoke out last month and that is on page 9 of that month's minutes.

Dave Zimmerman, 65700 CR 7, Goshen, was present representing the petitioner. He stated the petitioners want to park a semi and a dump truck on the property and possibly put a building up at some point to park the vehicles inside. Mr. Hesser asked if he could address the concerns that were raised by the remonstrator from the last meeting of the additional vehicles on the property. He continued to say that for example the remonstrator stated there were 4 trailers, semis, and a dump truck on the property, which would exceed what is being requested. Mr. Zimmerman responded he doesn't know anything about that, and he wasn't here at the last meeting. He noted the Weaver's went to Elkhart last month to the wrong building. However, he stated Mr. Weaver will follow whatever is granted in the Special Use. Mr. Hesser asked if the purposed of the future building is to put the vehicles inside. Mr. Zimmerman responded that is correct. Mr. Warner stated if he remembers correctly, it was stated that there were more than 7 or 8 vehicles parked on the property. Mr. Roger Miller stated the other concern from another neighbor was the noise from when the semi-trucks were warming up in the mornings.

Terry Norris, 17040 CR 48, Syracuse, was present in remonstrance. He stated he doesn't have anything new to rehash. Mr. Hesser asked if the vehicles have been cleared out. Mr. Norris responded last month it was cleared down to only 2 vehicles, and it has been better than it has ever been. Mr. Hesser explained that if the storage of the trucks gets approved the Board is not approving any encroachments.

Steve Eldridge, 17172 CR 48, Syracuse, was present in remonstrance. He stated Mr. Weaver isn't the first resident of this property, and the one before him came to him with an issue with a sump pump drain line. He continued to say when a big building gets built, all the water that runs off will come to his property and overwhelm his land. He stressed he has no issues with Mr. Weaver and doesn't know anything about the commercial business, but his concern is the water from a building this size. He asked if a retention pond would be going in to help with the water run-off. Further, he stressed the amount of equipment he's seen on the property it will not fit inside the building. Mr. Hesser stated the request is just for two items. Mr. Eldridge explained the building would hold the two items, but it wouldn't hold all the other items that come to the property. He stressed no outside storage should be allowed on the subject property.

Peter Myer, 17140 CR 48, Syracuse, as present in remonstrance. He explained he catches all the water from his neighbors, and he is opposed to a building this size as it will cause substantial flooding in front of his property. He stressed he already has flooding when it rains without having the building in place. He went on to say the semi-trucks leak fluids, and he doesn't want those fluids in his well water.

Dave Zimmerman came back on to respond. He asked if the building wasn't allowed to be built, would they still be able to park the vehicles on the property.

The public hearing was closed at this time.

Mr. Hesser asked what else they need to do to build the building. Mrs. Kratzer responded there is nothing preventing a permit being given to build it. Mr. Hesser stated one way to address this is to permit outside storage for a limited amount of time until the building is completed. Attorney Kolbus stated the commitment should state which two vehicles are going to be on the property. Mr. Roger Miller asked if the building gets built, then will he be required to store everything inside at that time. Mr. Hesser responded the right to store outside will expire in 2 years, as a commitment.

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

**Motion: Action:** Approve, **Moved by** Randy Hesser, **Seconded by** Steve Warner that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for warehousing of a commercial vehicle be approved with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. The petitioner must identify which two (2) vehicles will be stored outside on the property.

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 02/12/2024) and as represented in the Special Use application.
2. Approved for a period of two (2) years; any renewal shall be before the Elkhart County Advisory Board of Zoning Appeals.
3. Outside storage is limited to a maximum of two (2) vehicles (commercial trucks or trailers) at any one time.

Further, the motion included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be approved with the following conditions imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 1 year from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 02/12/2024) and as represented in the Developmental Variance application.

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

**Yes:** David Miller, Steve Warner, Roger Miller, Randy Hesser.

14. The application of *Tri-County Land Trustee Corporation (Land Contract Holder) & Marcus W. Miller & Ruth Ann Miller, Husband & Wife (Land Contract Purchasers)* for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement on proposed lot 2 on property located on the Southwest side of the easement, South of CR 4, 1,700 ft. East of CR 29, common address of 15638 CR 4 in York Township, zoned A-1, came on to be heard.

Mr. Coleson presented the Staff Report/Staff Analysis, which is attached for review as Case #DV-0073-2024.

There eight were neighboring property owners notified of this request.

Marcus Miller, 15638 CR 4, Bristol, was present for this petition. He stated he wants to sell the property and the person who wants to buy the back parcel doesn't want the front parcel. Mr. Hesser asked if they own both parcels right now, and they want to sell it as lots 1 and 2. He asked if this is truly 2 lots, because it looks like there are 4 parcels with the various lines. Mr. Coleson responded the additional lines are setback measurements for the proposed buildings. Mr. Hesser asked when he acquired the property. Mr. Marcus Miller responded in 2022. Mr. Hesser asked if he has built anything on the property. Mr. Marcus Miller responded yes; he built the house in the back. Mr. Hesser asked what the battery house structure is on lot 1. Mr. Marcus Miller responded that is for the solar panels. Mr. Roger Miller asked if the decision of the Hearing Officer was to deny this. Mr. Coleson responded no, they moved to approve.

JC Shrock, JC Shrock Engineering LLC, 1516 S. Indiana Ave., Goshen, was present representing the owners of two properties in front of the parcels, Jim and Tereasa Ireland, 15672 CR 4, and Nate and Towana Troyer, 15604 CR 4. He stated they are opposed to the request due to the subdivision request that follows the approval of a Special Use home workshop that had restrictions that weren't met in 2022. He asked how the prior Special Use works when that parcel is now split in to two pieces. He continued to say in 1956 the house was built to the northwest, in the 80's 19 acres was sold the Eash's, and in the 2000's the Troyer's built their house next to this property. Mr. Hesser asked who created the existing lot. Mr. Shrock responded the 19-acre parcel was what was left after the Ireland's split the land into 3 parcels. Mr. Hesser clarified this was all in the same family. Mr. Schrock submitted a form showing that buffering would be provided for the Special Use that was granted *[Attached to file as Remonstrator Exhibit #1]*. He explained that in 2022 a house was permitted as well as a calf barn, though the calf barn is not completed. He went on to say in 2014 a kiln building was put directly behind the Troyer's property, 10 feet from the property line, and if they are going off the fence that is only 9 feet 9 inches away. He stressed there is construction material all around the property that is unsightly and being left without anyone cleaning it up. Mr. Hesser stated what is being presented today is the question of permitting a residence with an easement. He asked if the division of property affects the Special Use. Mrs. Kratzer responded no, the Special Use runs with the land, and the legal description that is provided for the Special Use is still in effect. Mr. Hesser asked which home has the Special Use. Mrs. Kratzer responded the lot that has the existing residence. Mr. Hesser asked if that needs amended due to the lot size being reduced. Mrs. Kratzer responded the Board could ask for that to happen. Mr. Schrock explained the original Special Use buffering was not done, and the kiln has been there since August of 2023. Mr. Hesser stated if there is another home on lot 1, and any other business is operated on that lot then they are in non-compliance. Mrs. Kratzer stated they would have to file an amendment. Mr. Schrock stressed if they don't enforce the buffering that was mandated in the original application then it is creating an issue. Mr. Hesser stated the buffering has nothing to do with the easement access. Mr. Schrock reiterated they are changing the property that the Special Use was granted for. Mr. Hesser stressed it sounds like the concerns he is expressing should be raised as a code complaint with the Elkhart County Planning Staff for them to be able to fix the issues. Mrs. Kratzer stated there are no code complaints on this property, and she agrees that complaints being made is how Staff can enforce the Special Use stipulations. Mr. Schrock asked if the Board can have the

Special Use be applied equally to both new lots. Mr. Hesser stated no, it has been made clear that can't happen. Mr. Schrock stated he doesn't understand how that can happen when the original Special Use was for 19 acres. Mr. Hesser explained it is a home workshop which means it was granted to the property with a residence. Attorney Kolbus explained once this is split the kiln will be non-compliance as it will be split from the home. Mr. Hesser reiterated what is being dealt with today is allowing a residence to be built with only having access by an easement. Mr. Schrock asked if Mr. Marcus Miller sells his land to new property owners, then how are the Troyer's and the Ireland's going to get the things that were committed in the Special Use enforced. Mr. Hesser responded they can file a complaint with the Staff that they are not in compliance the Special Use commitments. Mr. Schrock asked what the minimum width is for driveway access. Mrs. Kratzer responded there is no minimum width, but the Highway Department likes to have a 30-foot access. Mr. Schrock stated they have 132 feet of frontage, and he asked why they can't create a new access that comes all the way back from CR 4. Mrs. Kratzer responded it is both the Planning Department and Highway Department's preference that they share the driveway to help prevent traffic accidents and issues. Mr. Roger Miller explained the complaints are legit, though he needs to file the complaints through the Planning Department.

Treasa Ireland, 15672 CR 4, Bristol, was present in remonstrance. She stated her problem is there is a lot of traffic going up and down the lane, and it is not a two-lane easement. Mr. Roger Miller asked if it was car traffic. She responded that there is car traffic not just buggy traffic.

Marcus Miller came on to respond. He stressed the driveway is busy due to construction being done for the new owner and bringing their items in. Mr. Hesser asked how much traffic, on a daily basis is going down the easement. Mr. Marcus Miller responded about 3 times a day.

Nathan Troyer, 15604 CR 4, Bristol, was present in remonstrance. He asked when this subdivision was agreed upon, was this with the kiln site talked about. Mr. Hesser responded that wouldn't have been in front of this Board.

The public hearing was closed at this time.

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

**Motion: Action:** Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Developmental Variance to allow for the construction of a residence on property with no road frontage served by an access easement on proposed lot 2 be approved with the following conditions imposed:

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 2/12/2024) and as represented in the Developmental Variance application.

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

**Yes:** David Miller, Steve Warner, Roger Miller, Randy Hesser.



15. The meeting was adjourned at 11:53 A.M.

Respectfully submitted,

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Danielle Richards, Recording Secretary

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Randy Hesser, Chairman

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Ron Norman, Secretary

# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** May 16, 2024

**Transaction Number:** SUP-0228-2024.

**Parcel Number(s):** 20-08-10-477-006.000-035.

**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:** Timothy O. DeLuca & Ruth E. DeLuca, Husband & Wife.

**Location:** South side of E. Spring St., 1,550 ft. East of S. Main St. , in Middlebury Township.

**Site Description:**

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

**History and General Notes:**

- None.

**Staff Analysis:**

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. An agricultural use is allowed in the R-1 zone with a special use permit.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. The property will be limited to 8 hens and will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing a local hobby opportunity and food source.

# ***BZA Staff Report (Continued)***

***Hearing Date:*** May 16, 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 buildings labeled with setbacks and showing the coop out of the utility easement.

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

1. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Special Use application.
2. The request is limited to eight (8) chickens, no roosters at any one time.

Application

Site address: 503 E Spring St, Middlebury, IN  
Parcel number(s): 20-08-10-477-006.000-035

Current property owner

Name: Tim and Ruth DeLuca  
Address: 503 E Spring St., Middlebury, IN  
Phone: 240.291.3731 Email: deluca.ruth@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: Ruth DeLuca

Staff Use Only

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

Parcel creation date: N/A

Subdivision required? ☐ Y ☒ N If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable: \_\_\_\_\_

Location: N 002 W corner side end of EAST SPRING ST.  
1,550 ft. N S E W of SOUTH MAIN ST.  
in MIDDLEBURY Township

Frontage: 100 FT. Depth: 100 FT. Area: .23 acres

Subdivision and lot number, if applicable: \_\_\_\_\_

Present use: \_\_\_\_\_

Special Use — Questionnaire

Name: Ruth DeLuca

1) Tell us what you want to do. Have chickens on the back side of our property.

2) Tell us why this activity won't hurt your neighbors or the community. The chickens will stay in the coop and shouldn't be noisy so I don't expect any disruption.

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. 8 hens

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

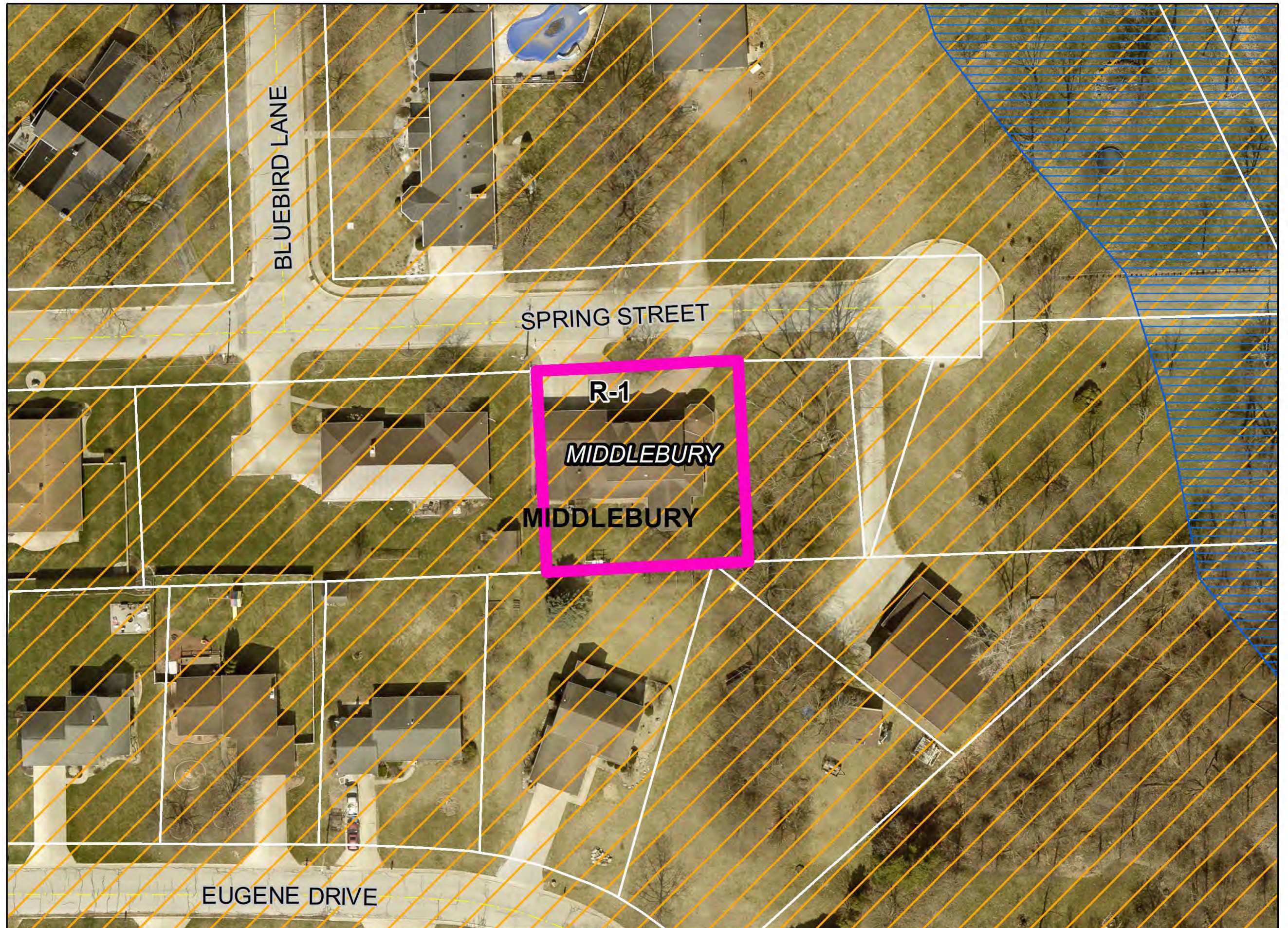
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

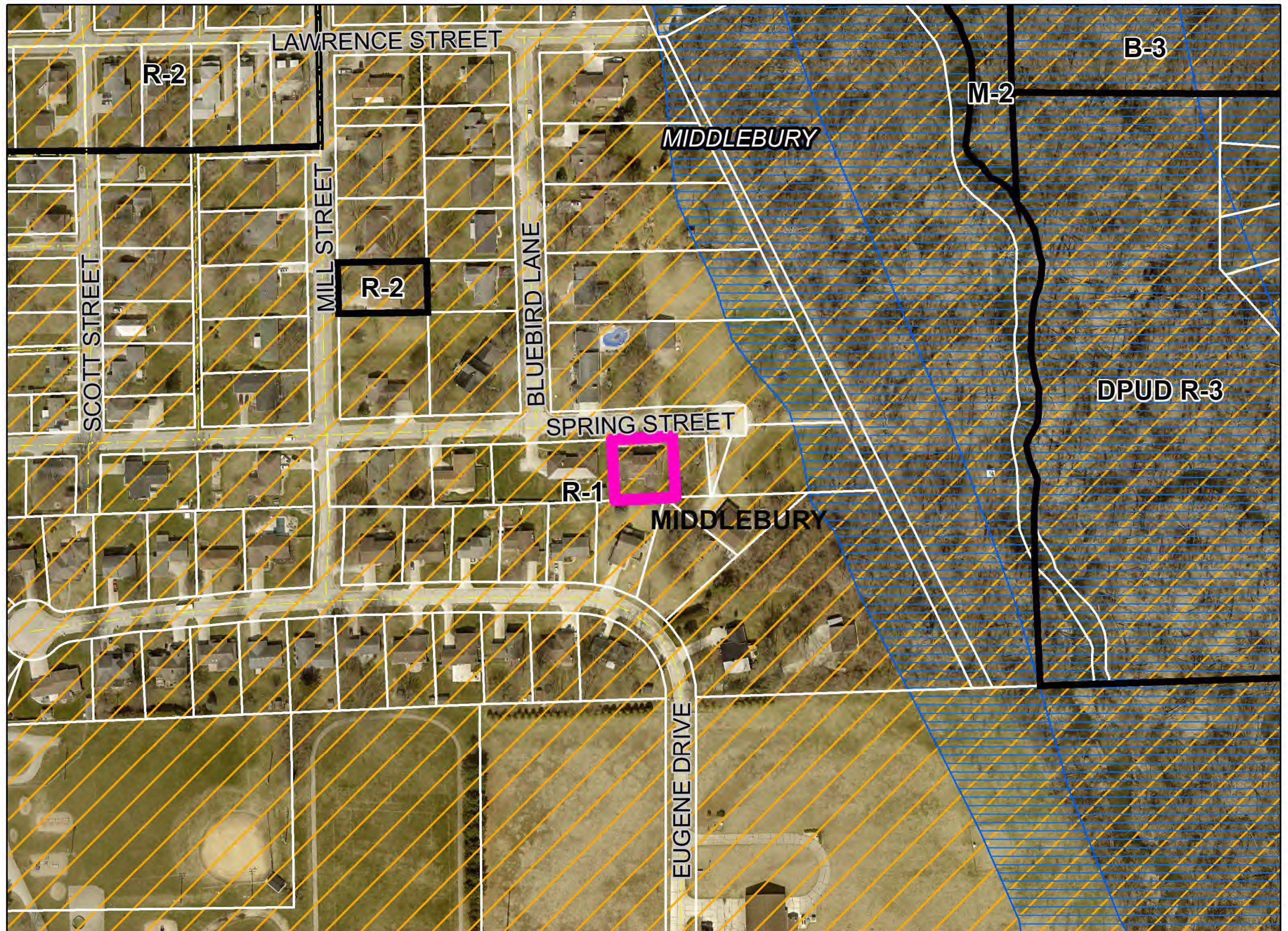
- 10) Tell us anything else you want us to know. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

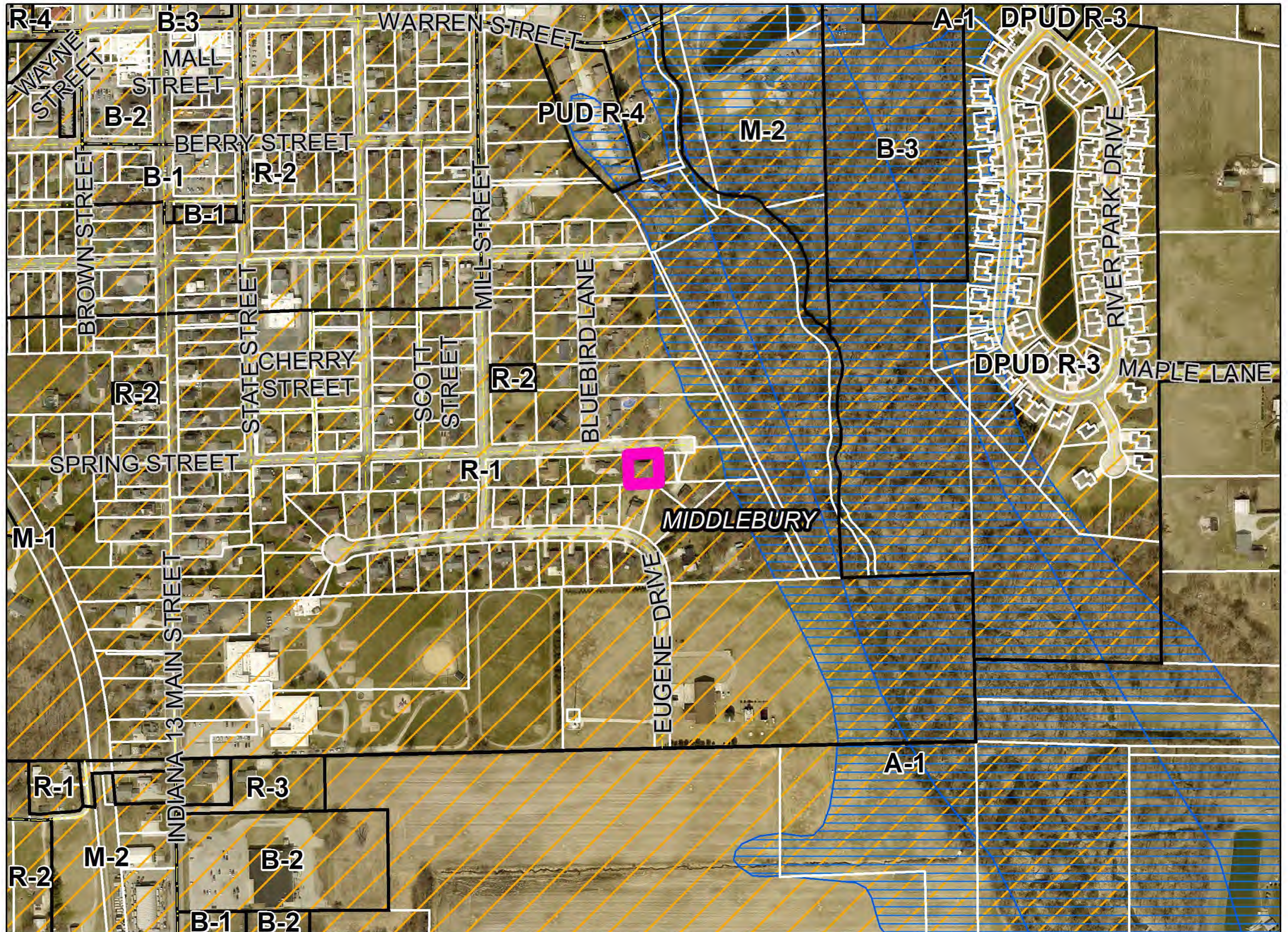
















Looking east towards subject property





Looking north





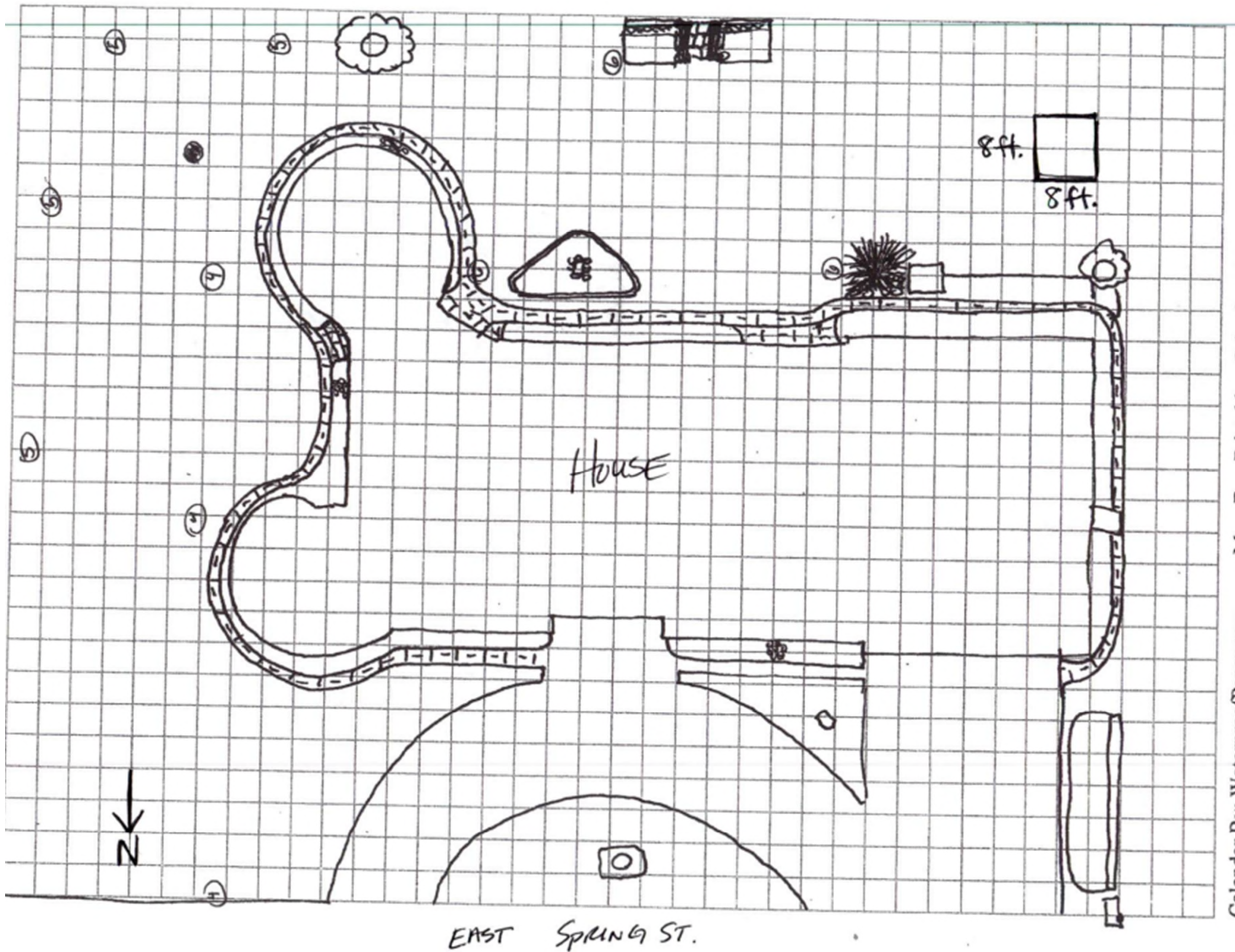
Looking west





Looking south







# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** May 16, 2024

**Transaction Number:** SUP-0230-2024.

**Parcel Number(s):** 20-06-28-178-007.000-009 & 20-06-28-253-012.000-009.

**Existing Zoning:** A-1.

**Petition:** for a Special Use for a home workshop/business for a DIY craft studio.

**Petitioner:** Stephen Holmes.

**Location:** North side of CR 24, 2,560 ft. East of CR 9, in Concord Township.

**Site Description:**

- Physical Improvement(s) – Residence, accessory structures.
- Proposed Improvement(s) – 2 signs.
- Existing Land Use – Residential agricultural.
- Surrounding Land Use – Residential, agricultural.

**History and General Notes:**

- **April 28, 2017** – A special use for a home workshop business for a message therapy studio was granted.

**Staff Analysis:**

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. A home workshop business is allowed in the A-1 zone with a special use permit.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. The business will be conducted indoors, and the driveway provides adequate space for customer parking.
3. The Special Use will substantially serve the public convenience and welfare by providing a local hobby business.

# ***BZA Staff Report (Continued)***

***Hearing Date:*** May 16, 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 all parking on an improved surface.

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.



# PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use - Non Mobile Home

**Elkhart County Planning & Development  
Public Services Building**

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 04/11/2024

Meeting Date:

May 16, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0230-2024

Description: for a Special Use for a home workshop/business for a DIY paint sign parties.

Contacts: Applicant

Stephen Holmes

25517 Cr 24

Elkhart, IN 46517

Authorized Agent

Stephen Holmes

25517 Cr 24

Elkhart, IN 46517

Land Owner

Stephen Holmes

25517 Cr 24

Elkhart, IN 46517

Site Address: 25517 County Road 24  
ELKHART, IN 46517

Parcel Number:

20-06-28-178-007.000-009

20-06-28-253-012.000-009

Township: Concord

Location: NORTH SIDE OF CR 24, 2,560 FT EAST OF CR 9

Subdivision:

Lot #

Lot Area:

4.01

Frontage:

317.00

Depth:

534.00

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SUP-0296-2017 MASSAGE THERAPY STUDIO.  
PER ADAM THEY DO NOT NEED A DV FOR ADDITIONAL SIGN. AW

Applicant Signature:

Department Signature:

April 11, 2024 12:29 pm

Application

Site address: 25517 County Road 24

Parcel number(s): 20-06-28-178-007.000-009, 20-06-28-253-012.000-009

Current property owner

Name: Stephen & Tabatha Holmes

Address: 25517 CR 24 Elkhart, IN 46517

Phone: 574-238-3891

Email: tabatha.holmes48@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: for a Special Use for a home workshop for DIY PAINT SIGN PARTIES. BUSINESS

Parcel creation date: 3/1/1984

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 24

2,560 ft. N S (E) W of CR 9

in CONCORD Township

Frontage: 317 FT. Depth: 534 FT. Area: 4.01 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL



Special Use — Questionnaire

Name: Knotted Boards - Tabatha Holmes

1) Tell us what you want to do. Use our basement to have DIY paint sign parties.

2) Tell us why this activity won't hurt your neighbors or the community. The parties are inside and the guests are crafting.

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. \_\_\_\_\_

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? M-F 9am-6pm, Sat 9am-9pm

Sun - Closed (by appointment only)

How many parking spaces do you have now? 10-12

How many parking spaces do you want? 12-14

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?

\* 1-20 throughout the day

\* up to 15 for a party

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

Tell us how often. Monthly

Tell us the kind of vehicles used. Fed-Ex, Home Depot, Amazon

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

**Sign 1** Dimensions (length and width). 36" x 18" by road

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). 36" x 18" (w/ arrow pointed to back)

Existing? ☐ Y ☒ N Double faced? ☐ Y ☒ N

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

Freestanding? ☒ Y ☐ N Wall mounted? ☐ Y ☒ N

**Sign 3** Dimensions (length and width). \_\_\_\_\_

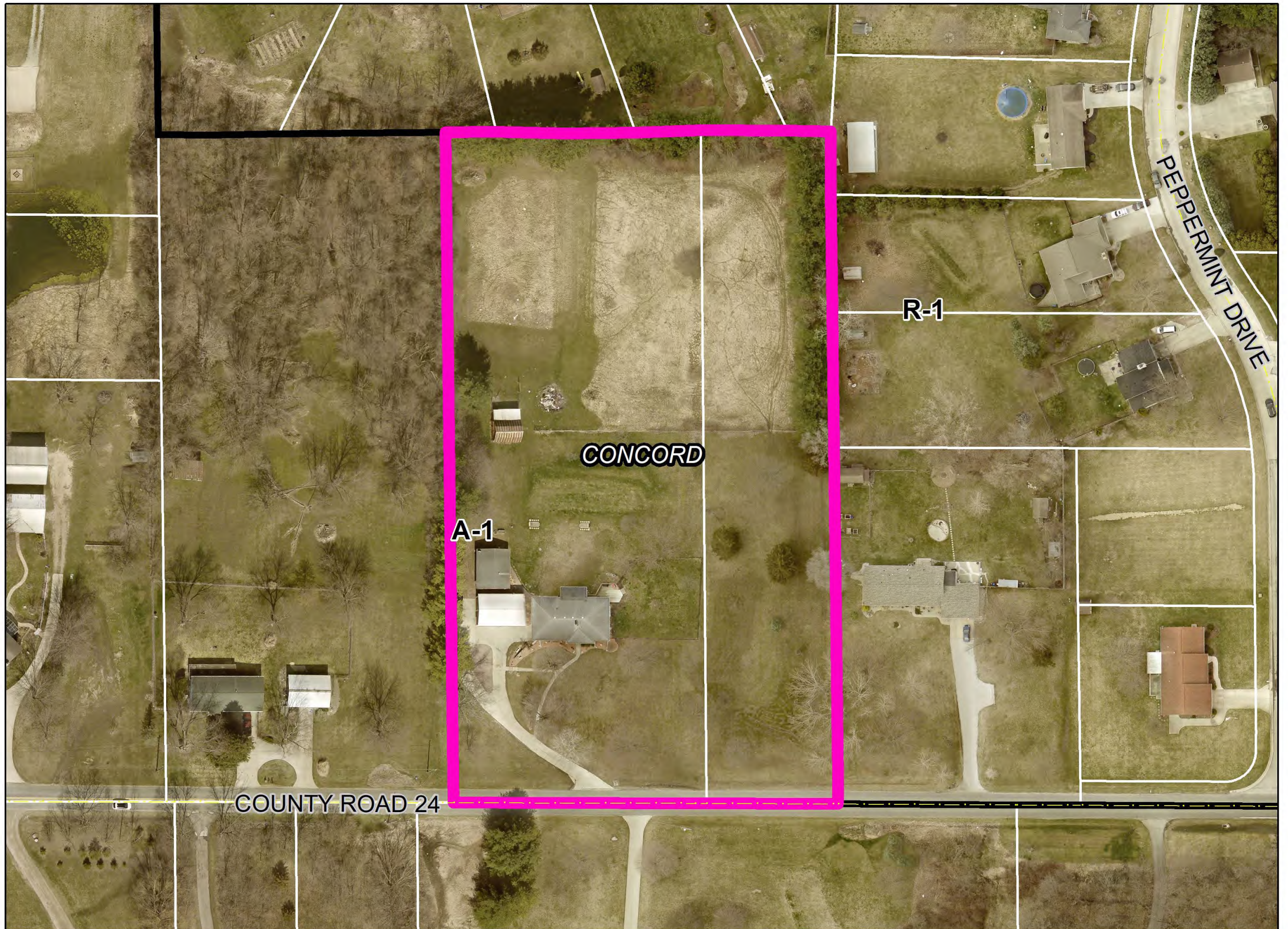
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

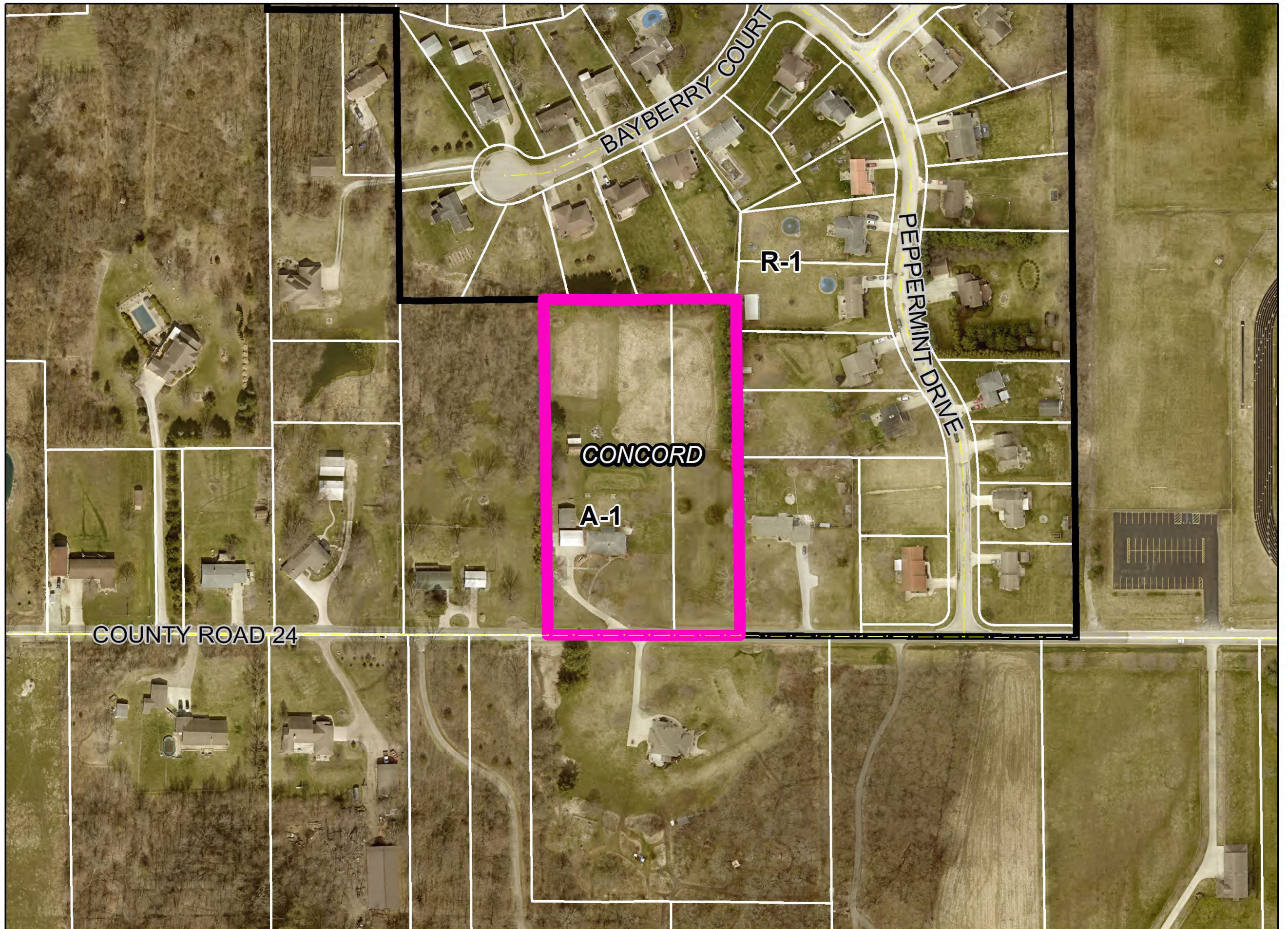
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

- 10) Tell us anything else you want us to know. \_\_\_\_\_

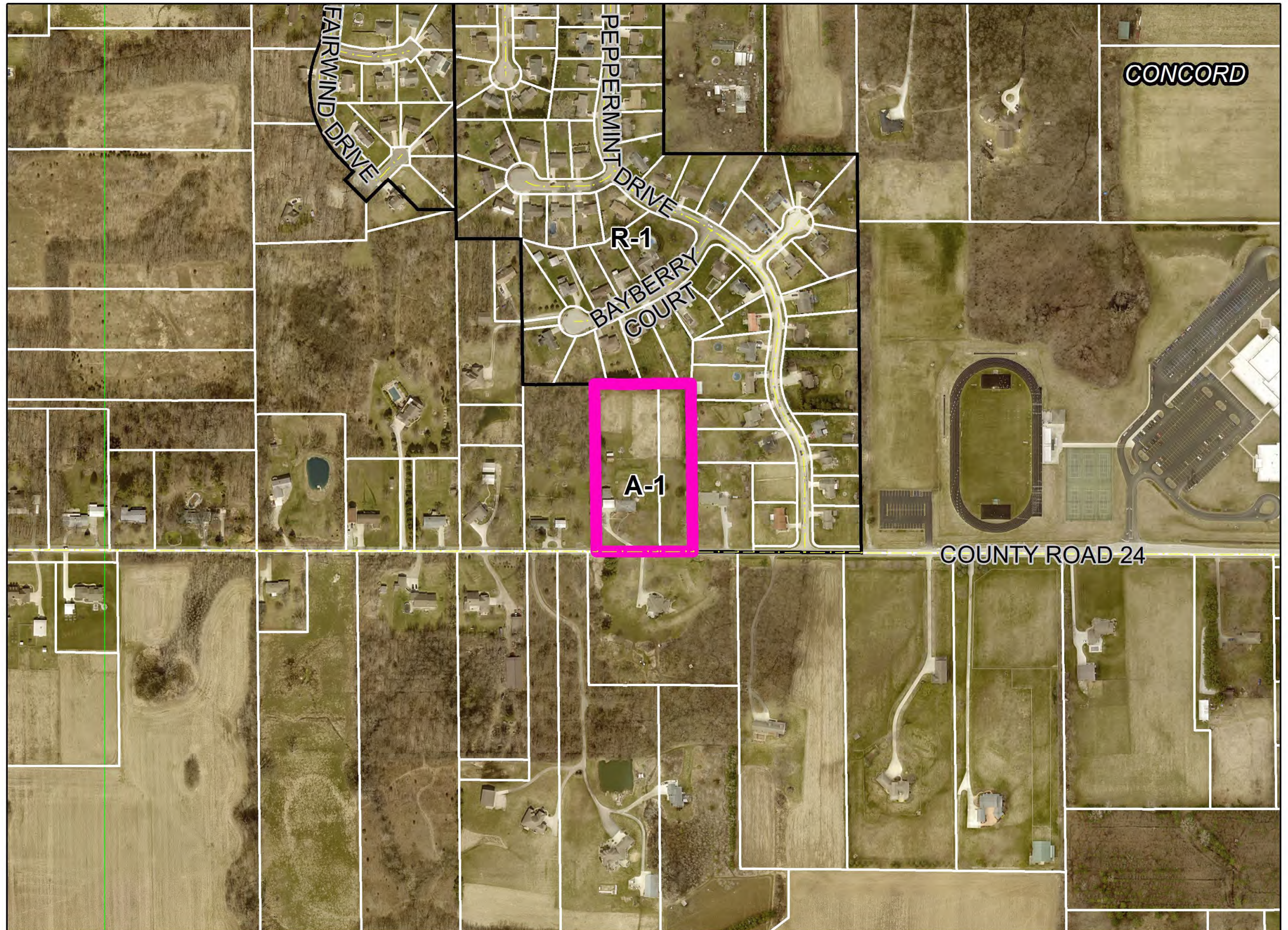
















Looking north towards subject property





Looking east





Looking west





Looking south



APR 11 2024

Pasture

Mound System

Barn

Sm. House

Garage

Main House

Fenced Area

Bathroom Entrance

Tables + Chairs  
Retail Space

Private Storage  
Basement Details

Sign 1  
2-Sided  
Sign

Wood/Metals

Mailbox

Tree Line

25517 CR 24 Elkhart, IN

# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** May 16, 2024

**Transaction Number:** SUP-0232-2024.

**Parcel Number(s):** 20-08-08-351-009.000-034 & 20-08-08-351-010.000-034.

**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.

**Petitioner:** Tri-County Land Trustee Corporation (Land Contract Holder) & Samuel R. Yoder & Joann Yoder, Husband & Wife (Land Contract Purchasers).

**Location:** North side of US 20, 520 ft. East of CR 33, in Middlebury Township.

**Site Description:**

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

**History and General Notes:**

- **March 4, 2024** – There is a current code case that was opened for horses on a property with less than 3 acres.

**Staff Analysis:**

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. An agricultural use is allowed in the A-1 zone with a special use.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a .8 acre property in a residential and agricultural area, and the property will remain residential and agricultural in character.
3. The Special Use will substantially serve the public convenience and welfare by providing local transportation services and hobby opportunities.

# ***BZA Staff Report (Continued)***

***Hearing Date:*** May 16, 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 04/11/2024 and as represented in the Special Use application.
2. The request is limited to a maximum of three (3) horses and six (6) chickens, no roosters at any one time.



# PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use - Non Mobile Home

Elkhart County Planning &amp; Development

Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 04/11/2024 Meeting Date: May 16, 2024 Transaction #: SUP-0232-2024  
Board of Zoning Appeals Public Hearing

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

<u>Contacts: Applicant</u>	<u>Authorized Agent</u>	<u>Contract Purchaser</u>	<u>Land Owner</u>
Freedom Builders 54824 Cr 33 Middlebury, IN 46540	Freedom Builders 54824 Cr 33 Middlebury, IN 46540	Samuel R. & Joann Yoder, Husband & Wife (Land Contract Buyer) 14909 Us 20 Middlebury, IN 46540	Tri-County Land Trustee Corporation (Land Contract Holder) 14909 Us 20 Middlebury, IN 46540
<u>Land Owner</u> Samuel R. & Joann Yoder, Husband & Wife (Land Contract Buyer) 14909 Us 20 Middlebury, IN 46540			

Site Address: 14909 Us Highway 20  
MIDDLEBURY, IN 46540

Parcel Number: 20-08-08-351-009.000-034  
20-08-08-351-010.000-034

Township: Middlebury  
Location: NORTH SIDE OF US 20, 520 FT EAST OF CR 33

Subdivision: Lot #

Lot Area: 2.26 Frontage: 391.13 Depth: 261.00

Zoning: A-1 NPO List:

Present Use of Property: RESIDENTIAL/VACANT

Legal Description:

Comments: PARCEL CREATION DATE 3-1-62  
NO HISTORY ON DOCUWARE

Applicant Signature:

Department Signature:

**Application**

Site address: 14909 Us Hwy 20 Middlebury, In 46540-8830

Parcel number(s): 20-08-08-351-009.000-034 & 20-08-08-351-010.000-034

**Current property owner**

Name: Tri-county Land Trustee Corporation

Address: 14909 Us Hwy 20 Middlebury, In 46540-8830

Phone: 574-825-1691

Email: N/A

**Other party**

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: Freedom Builders

Address: 54824 CR 33 Middlebury IN 46540

Phone: 574-202-6505

Email: pd.freedombuilders@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:** \_\_\_\_\_

**Staff Use Only**

**Description:** \_\_\_\_\_

**Parcel creation date:** 3-1-62

**Subdivision required?**

☐ Y ☐ N

If yes, ☐ AS ☐ Minor ☐ Major

**Residential accessory breakdown, if applicable:** \_\_\_\_\_

**Location:** N S E W corner side end of US 20

520

ft.

N S E W of CR 33

in \_\_\_\_\_ Township

**Frontage:** 391.13

**Depth:** 261

**Area:** 1.399 acres

.862 2.261

**Subdivision and lot number, if applicable:** \_\_\_\_\_

**Present use:** \_\_\_\_\_



**Special Use — Questionnaire**

Name: Tri-county Land Trustee Corporation

1) Tell us what you want to do. \_\_\_\_\_

SPECIAL USE TO ALLOW FOR ANIMALS ON A PARCEL LESS THAN 3 ACRES.

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

THIS IS A RURAL AREA WHERE ANIMALS ARE COMMON AND THIS PROPERTY HAS HAD HORSES FOR 10 YEARS WITHOUT ANY KNOWN PROBLEM

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: 1012 S.F. 25' TO PEAK

Tell us what you'll use it for. SHELTER AND FEED FOR 3 HORSES AND A BUGGY

**Building or addition 2** Existing? ☒ Y ☐ N Size and height to the peak: 144 S.F. 10' TO PEAK

Tell us what you'll use it for. HAY STORAGE

**Building or addition 3** Existing? ☒ Y ☐ N Size and height to the peak: 192 S.F. 10' TO PEAK

Tell us what you'll use it for. SHELTER

8) Does this application include animals? ☒ Y ☐ N

If yes, tell us what kind and how many of each. 3 HORSES AND 6 CHICKENS

**Next page ➡**

### Special Use — Questionnaire

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

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

How many employees do you want? Full time: \_\_\_\_\_ Part time: \_\_\_\_\_

How many of the employees won't live onsite? \_\_\_\_\_

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

How many parking spaces do you have now? \_\_\_\_\_

How many parking spaces do you want? \_\_\_\_\_

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

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

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

If yes, tell us what will be sold. \_\_\_\_\_

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

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

Tell us how often. \_\_\_\_\_

Tell us the kind of vehicles used. \_\_\_\_\_

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

**Sign 1** Dimensions (length and width). \_\_\_\_\_

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

**Sign 2** Dimensions (length and width). \_\_\_\_\_

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

**Sign 3** Dimensions (length and width). \_\_\_\_\_

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

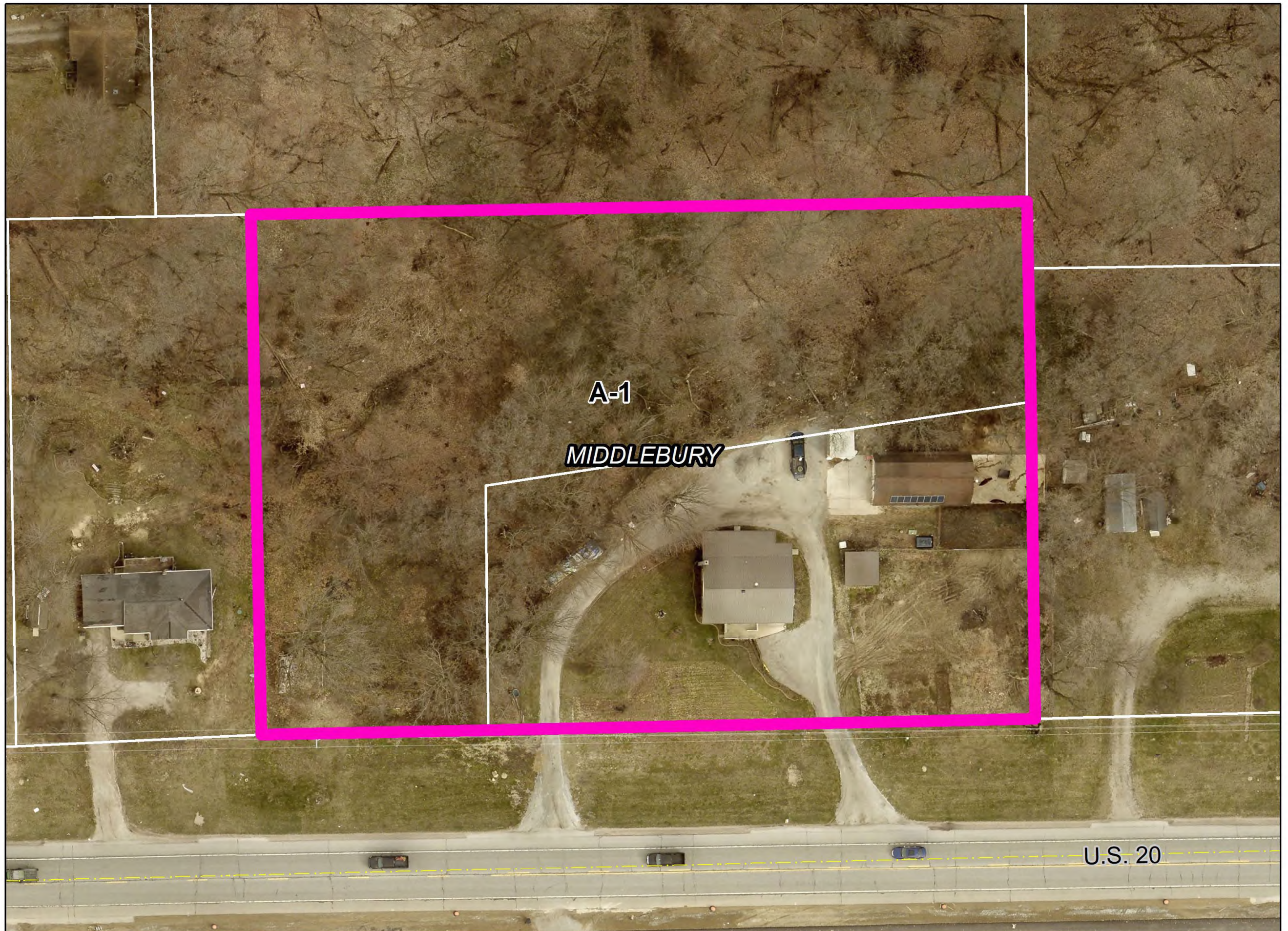
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

- 10) Tell us anything else you want us to know. \_\_\_\_\_

HORSES ARE NEEDED FOR TRANSPORTATION IN THIS RURAL/AMISH NEIGHBORHOOD

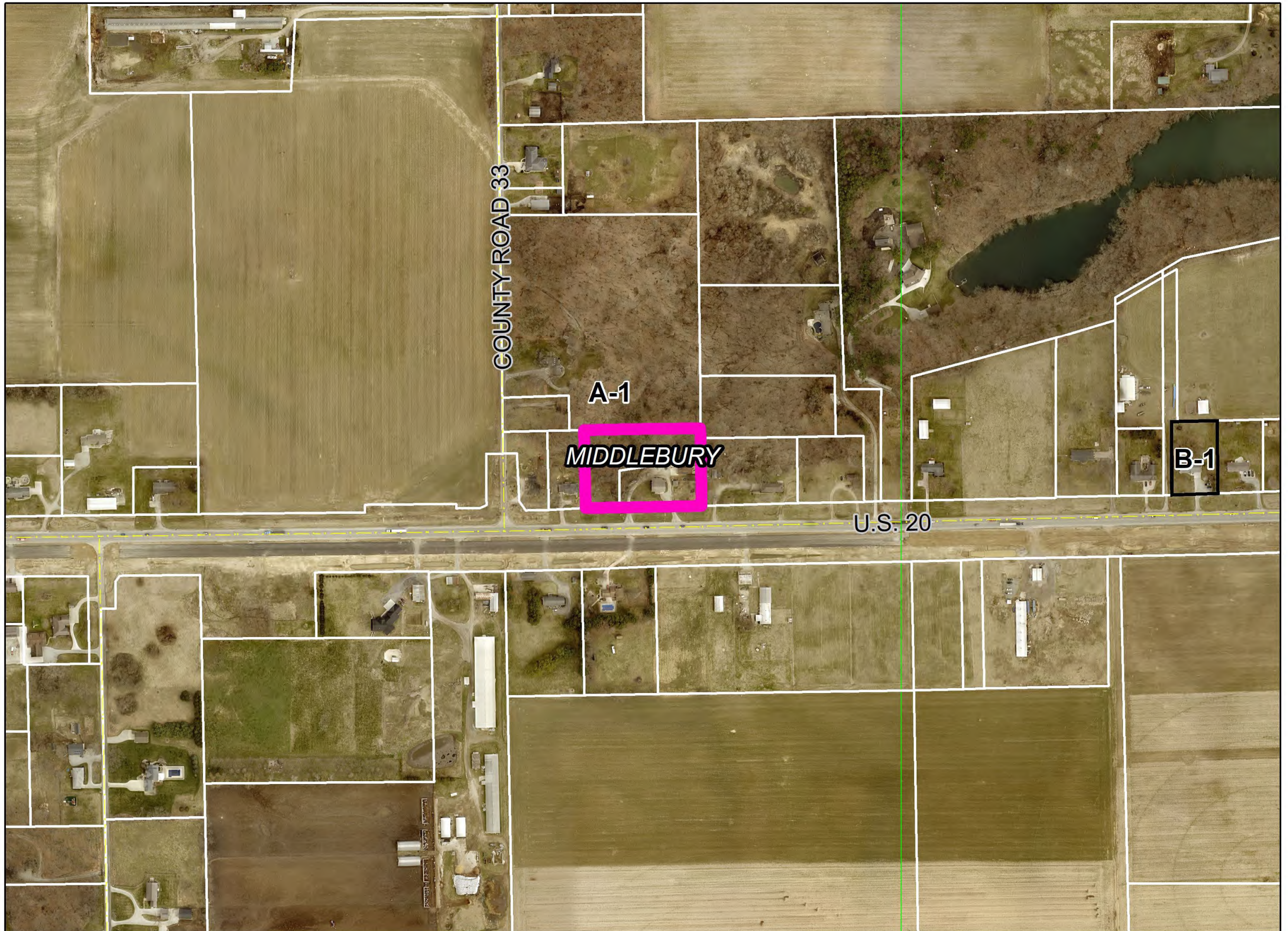
















Looking north towards subject property





Looking east





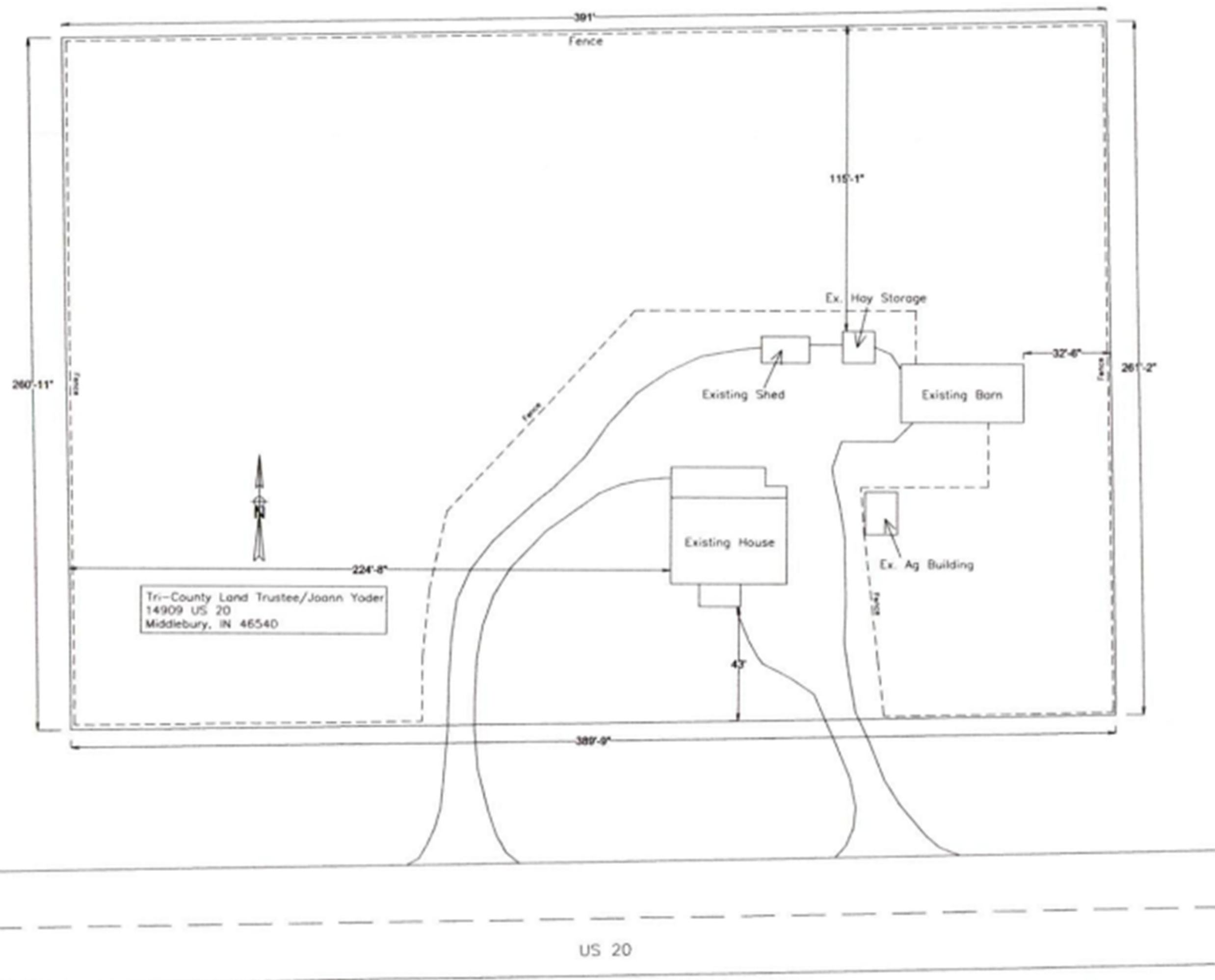
Looking west





Looking south







# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** May 16, 2024

**Transaction Number:** SUP-0245-2024.

**Parcel Number(s):** 20-04-36-400-006.000-032.

**Existing Zoning:** A-1.

**Petition:** for a Special Use for a place of worship and for a Special Use for a school.

**Petitioner:** North Middle Barens Amish Church.

**Location:** East side of CR 43, 550 ft. South of CR 10, in York Township.

**Site Description:**

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

**History and General Notes:**

- No existing special use for the church/school was found.

**Staff Analysis:**

Staff finds that:

1. The Special Uses will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. A church/school is allowed in the A-1 zone with a special use permit.
2. The Special Uses will not cause substantial and permanent injury to the appropriate use of neighboring property. The church/school is existing and the addition will not change the intensity of the use on the property.
3. The Special Uses will substantially serve the public convenience and welfare by providing a local church/school.



# ***BZA Staff Report (Continued)***

***Hearing Date:*** May 16, 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 04/15/2024 and as represented in the Special Use application.



# PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use - Non Mobile Home

Elkhart County Planning &amp; Development

Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 04/15/2024 Meeting Date: May 16, 2024  
Board of Zoning Appeals Public Hearing Transaction #: SUP-0245-2024

Description: for a Special Use for a place of worship to allow for a school

Contacts: Applicant

Freedom Builders  
54824 Cr 33  
Middlebury, IN 46540

Land Owner

North Middle Barrens Amish  
Church  
54894 County Road 43  
Middlebury, IN 46540

Site Address: 54604 County Road 43  
MIDDLEBURY, IN 46540

Parcel Number: 20-04-36-400-006.000-032

Township: York

Location: EAST SIDE OF CR 43, 550 FT SOUTH OF CR 10

Subdivision:

Lot #

Lot Area: 1.55 Frontage: 306.00 Depth: 225.00

Zoning: A-1

NPO List:

Present Use of Property: CHURCH/SCHOOL

Legal Description:

Comments: PARCEL CREATION DATE 5/29/86  
COULD NOT FIND AN EXISTING SPECIAL USE FOR THE SCHOOL

Applicant Signature:

Department Signature:

April 15, 2024 10:15 am



**Application**

Site address: 54604 County Road 43 Middlebury, IN 46540

Parcel number(s): 20-04-36-400-006.000-032

**Current property owner**

Name: North Middle Barrens Amish Church

Address: 54894 County Road 43 Middlebury, IN 46540

Phone: 574-309-7473

Email: \_\_\_\_\_

**Other party**

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: Freedom Builders

Address: 54824 County Road 33 Middlebury, IN 46540

Phone: 574-350-0078

Email: jh.freedombuilders@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: Jeremiah Hochstetler

**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: \_\_\_\_\_

1) Tell us what you want to do. Special use to allow for an addition to an Amish schoolhouse  
\_\_\_\_\_  
\_\_\_\_\_

2) Tell us why this activity won't hurt your neighbors or the community. This is an addition to the existing school  
there will not be an increase in traffic or students  
\_\_\_\_\_

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: 36'x44'; 15' to the peak  
Tell us what you'll use it for. School classroom and teachers apartment  
**Building or addition 2** Existing? ☐ Y ☒ N Size and height to the peak: 6'x36'; 10' to peak  
16'x36'; 15' to peak  
Tell us what you'll use it for. 6'x36' - Entrance to school house 16'x36' - Classroom addition w/basement  
**Building or addition 3** Existing? ☒ Y ☒ N Size and height to the peak: 16'x16'; 10' to peak  
Tell us what you'll use it for. Barn for horses used for transportation to the school  
\_\_\_\_\_

8) Does this application include animals? ☒ Y ☐ N  
If yes, tell us what kind and how many of each. 6 to 8 horses used for transportation to the school. 8 AM to 3 PM.  
\_\_\_\_\_

Next page ➡



### Special Use — Questionnaire

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

How many employees do you have now? Full time: 2-3 Part time: \_\_\_\_\_

How many employees do you want? Full time: 2-3 Part time: \_\_\_\_\_

How many of the employees won't live onsite? varies year to year

What will be the days and hours of operation on this property? 7am - 3pm; Monday - Friday

How many parking spaces do you have now? None (bicycle and buggy transportation)

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?

Up to 40 students, 2-3 teachers

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

Tell us how often. \_\_\_\_\_

Tell us the kind of vehicles used. \_\_\_\_\_

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

**Sign 1** Dimensions (length and width). \_\_\_\_\_

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

**Sign 2** Dimensions (length and width). \_\_\_\_\_

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

**Sign 3** Dimensions (length and width). \_\_\_\_\_

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

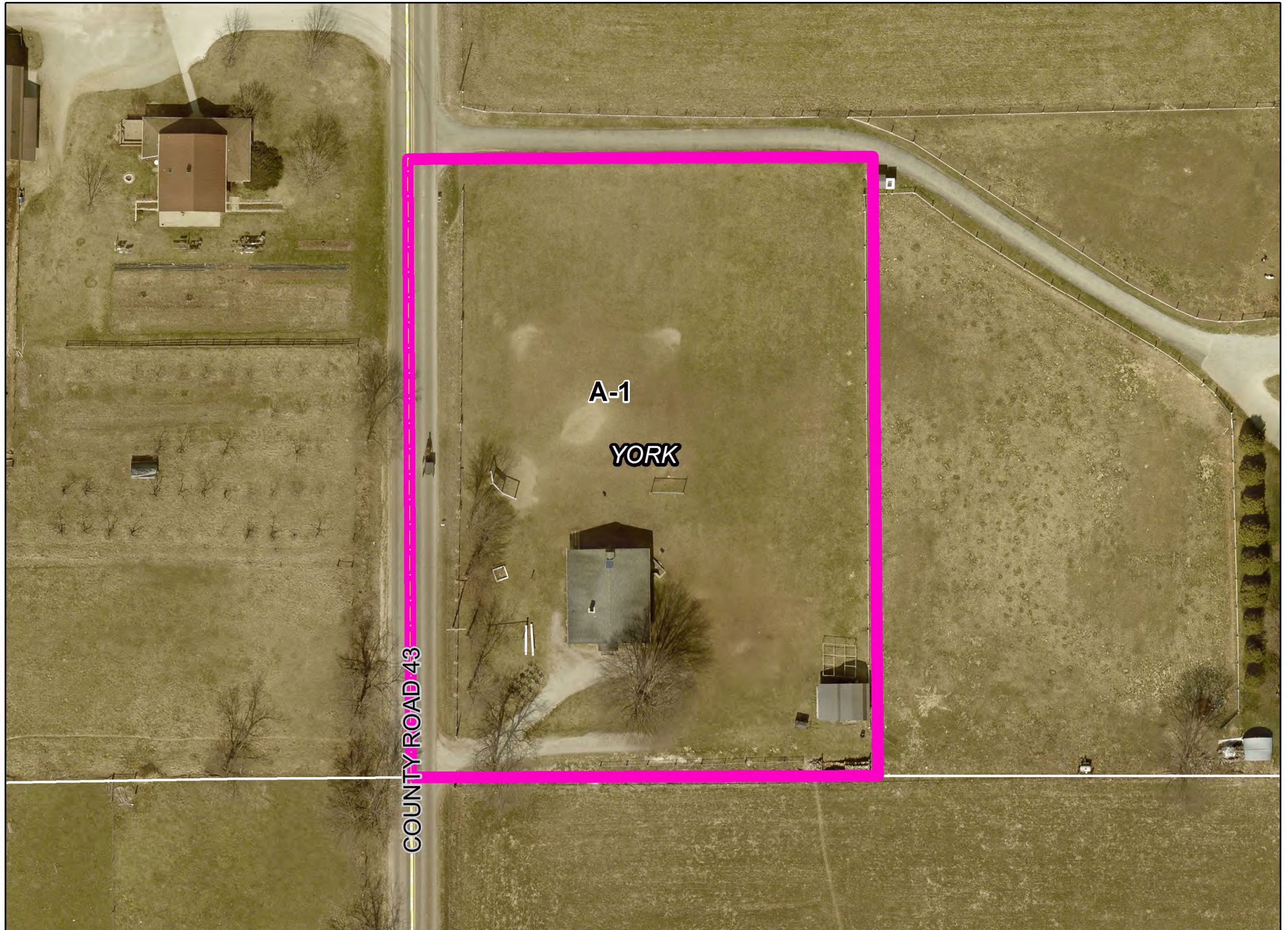
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

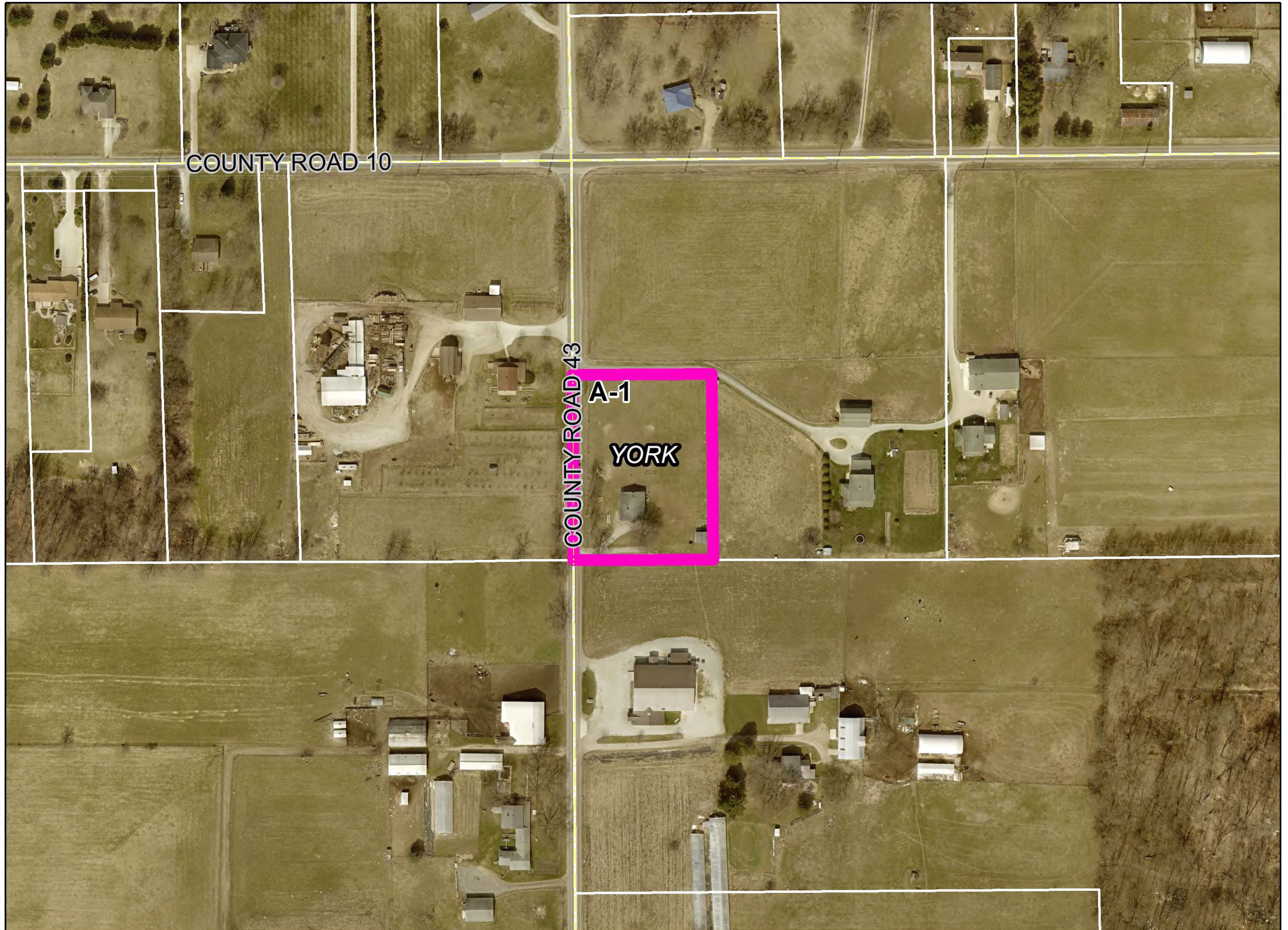
- 10) Tell us anything else you want us to know. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_











SUP-0245-2024



2021 Aerials

1 inch = 400 feet







Looking east toward subject property





Looking south





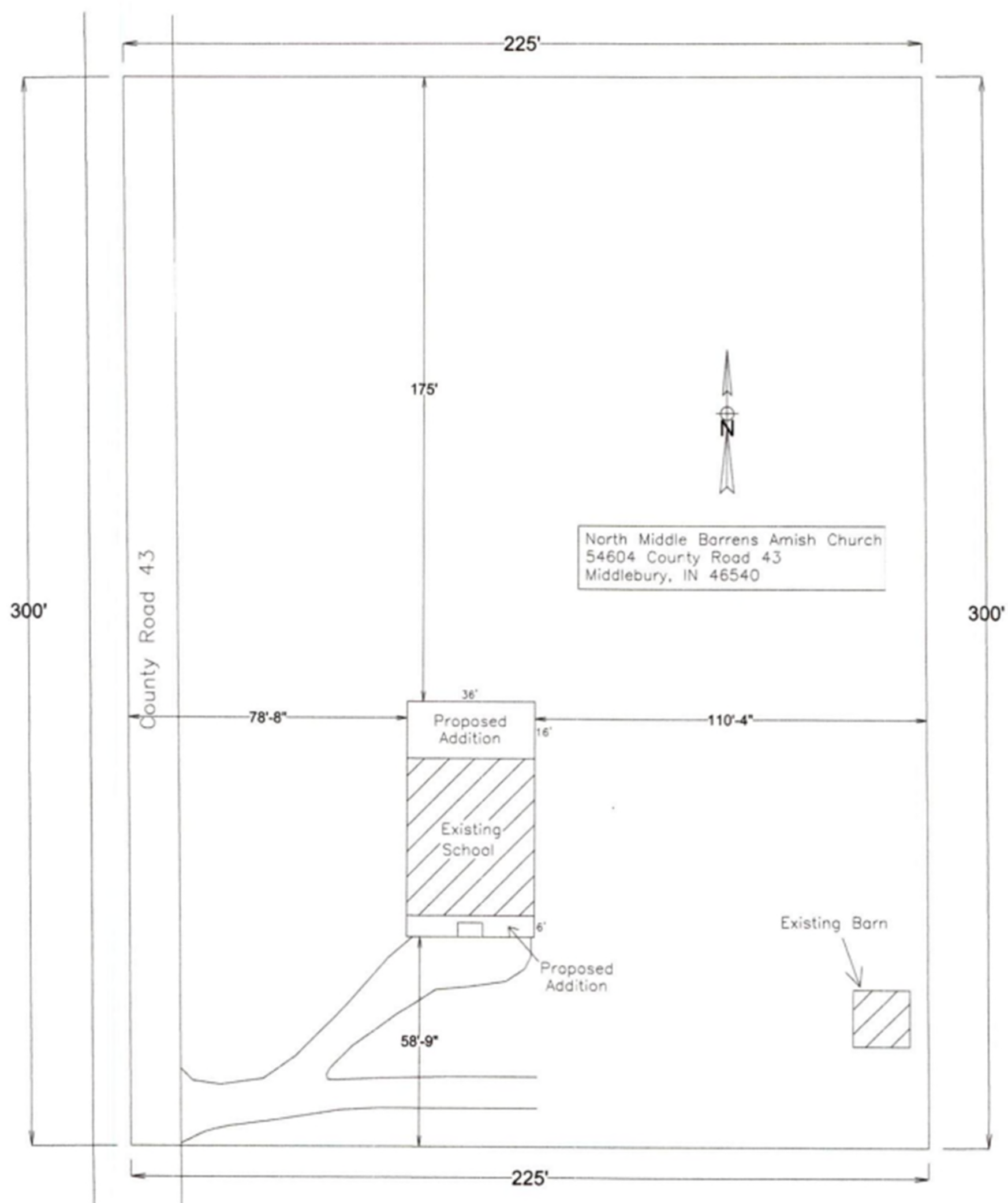
Looking north





Looking west







# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** May 16, 2024

**Transaction Number:** SUP-0246-2024.

**Parcel Number(s):** 20-03-31-303-007.000-030.

**Existing Zoning:** R-2.

**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:** Nina R. Purtlebaugh.

**Location:** Southwest side of Christopher Dr., 325 ft. south of Suburban Dr., east of CR 17, in Washington Township.

**Site Description:**

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

**History and General Notes:**

- None.

**Staff Analysis:**

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. A Special Use for an agricultural use is allowed in the R-2 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. The petitioner is planning fenced area for the chickens, as well as a coop where they will be placed in the evening.
3. The Special Use will substantially serve the public convenience and welfare by allowing for a local food source and hobby opportunity.



# ***BZA Staff Report (Continued)***

***Hearing Date:*** May 16, 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 the fenced area for the chickens and coop dimensions.

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

1. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of six (6) chickens at any one time, no roosters.



# PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use - Non Mobile Home

Elkhart County Planning &amp; Development

Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 04/15/2024 Meeting Date: May 16, 2024 Transaction #: SUP-0246-2024  
Board of Zoning Appeals Public Hearing

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

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Nina R. Purtlebaugh 21938 Christopher Dr. Elkhart, IN 46516	Nina R. Purtlebaugh 21938 Christopher Dr. Elkhart, IN 46516

Site Address: 21938 Christopher Drive  
ELKHART, IN 46516

Parcel Number: 20-03-31-303-007.000-030

Township: Washington

Location: SOUTHWEST SIDE OF CHRISTOPHER DR., 325 FT. SOUTH OF SUBURBAN DR., EAST OF CR 17

Subdivision: SUBURBAN ACRES 2ND

Lot # 87

Lot Area: 0.47 Frontage: 59.67 Depth: 254.94

Zoning: R-2

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments:

Applicant Signature:

Department Signature:



Application

Site address: \_\_\_\_\_

Parcel number(s): \_\_\_\_\_

Current property owner

Name: Nina Joyner

Address: 21938 Christopher Dr. Elkhart IN 46516

Phone: 317-903-2463 Email: a.joynerfamily@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: \_\_\_\_\_

SUBURBAN ACRES 2ND  
LOT 87.

Staff Use Only

Description: For a Special Use for an agricultural use for the  
keeping of 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: \_\_\_\_\_

Location: N S E W corner side end of Christopher Dr.  
325 ft. N S E W of Suburban Dr.  
in Washington Township

Frontage: 59.67 Depth: 254.94 Area: 0.473 acres

Subdivision and lot number, if applicable: Suburban Acres<sup>2nd</sup>, Lot 87

Present use: Residential



Special Use — Questionnaire

Name: Nina Dwyer

1) Tell us what you want to do. Build a chicken coop with 5-6 hens.

2) Tell us why this activity won't hurt your neighbors or the community. We will have the chickens in a fenced in area so they will not disrupt our neighbors property.

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. Small amount of noise during the day from the chickens grazing.

Tell us how you'll reduce the impact of those things on neighbors. We will put the chickens back in their coop in the evening.

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

If yes, tell us about it. We have trees and fences

6) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N

Does the property need a new septic system? ☐ Y ☒ N

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

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

**Building or addition 1** Existing? ☐ Y ☒ N Size and height to the peak: 6ft tall x 6ft wide

Tell us what you'll use it for. Chicken coop to keep in the chickens

**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. A We will have 5-6 chickens.

Next page ➡



## Special Use — Questionnaire

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

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

How many employees do you want? Full time: \_\_\_\_\_ Part time: \_\_\_\_\_

How many of the employees won't live onsite? \_\_\_\_\_

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

How many parking spaces do you have now? \_\_\_\_\_

How many parking spaces do you want? \_\_\_\_\_

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

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

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

If yes, tell us what will be sold. \_\_\_\_\_

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

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

Tell us how often. \_\_\_\_\_

Tell us the kind of vehicles used. \_\_\_\_\_

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

**Sign 1** Dimensions (length and width). \_\_\_\_\_

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

**Sign 2** Dimensions (length and width). \_\_\_\_\_

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

**Sign 3** Dimensions (length and width). \_\_\_\_\_

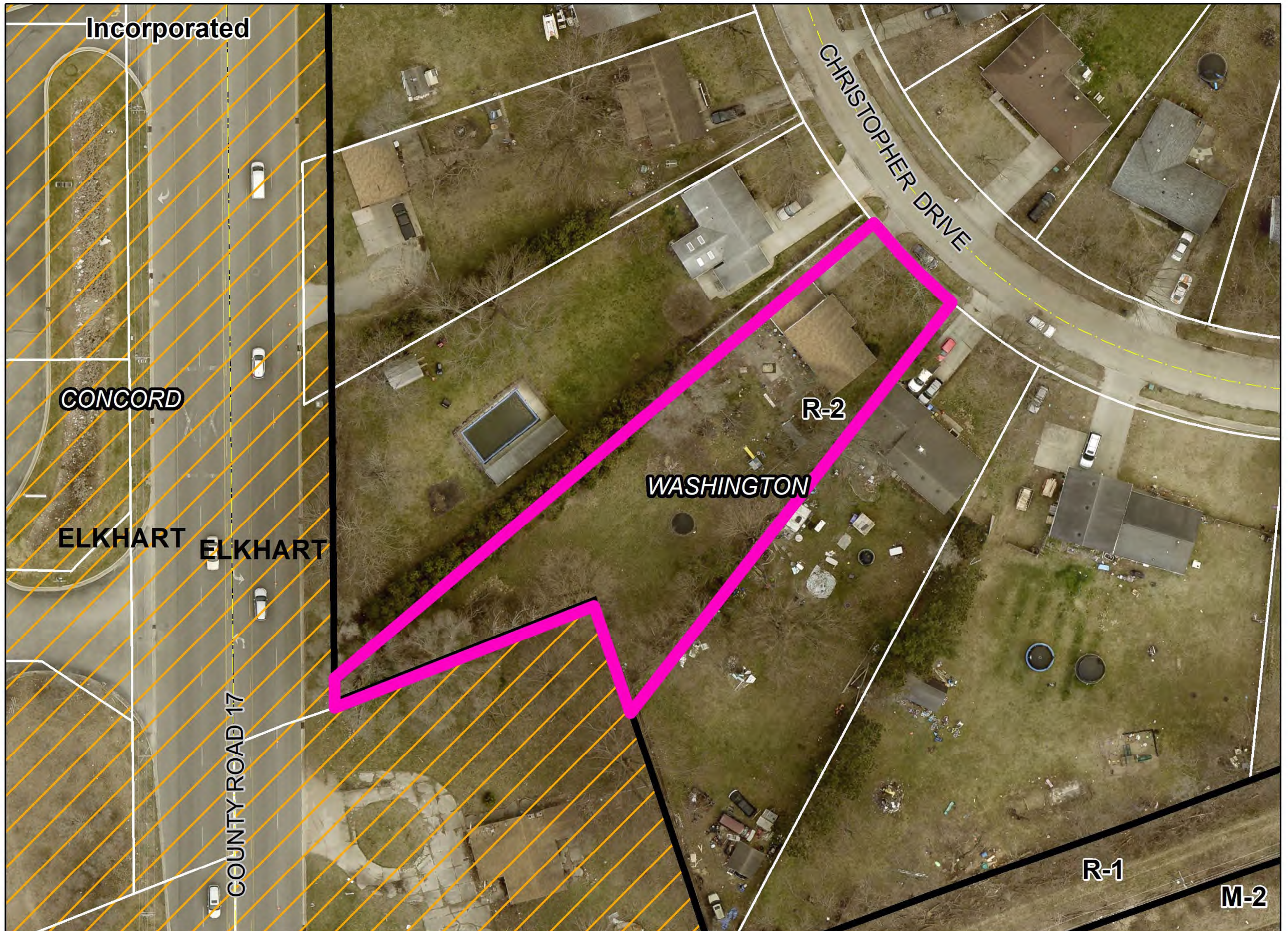
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

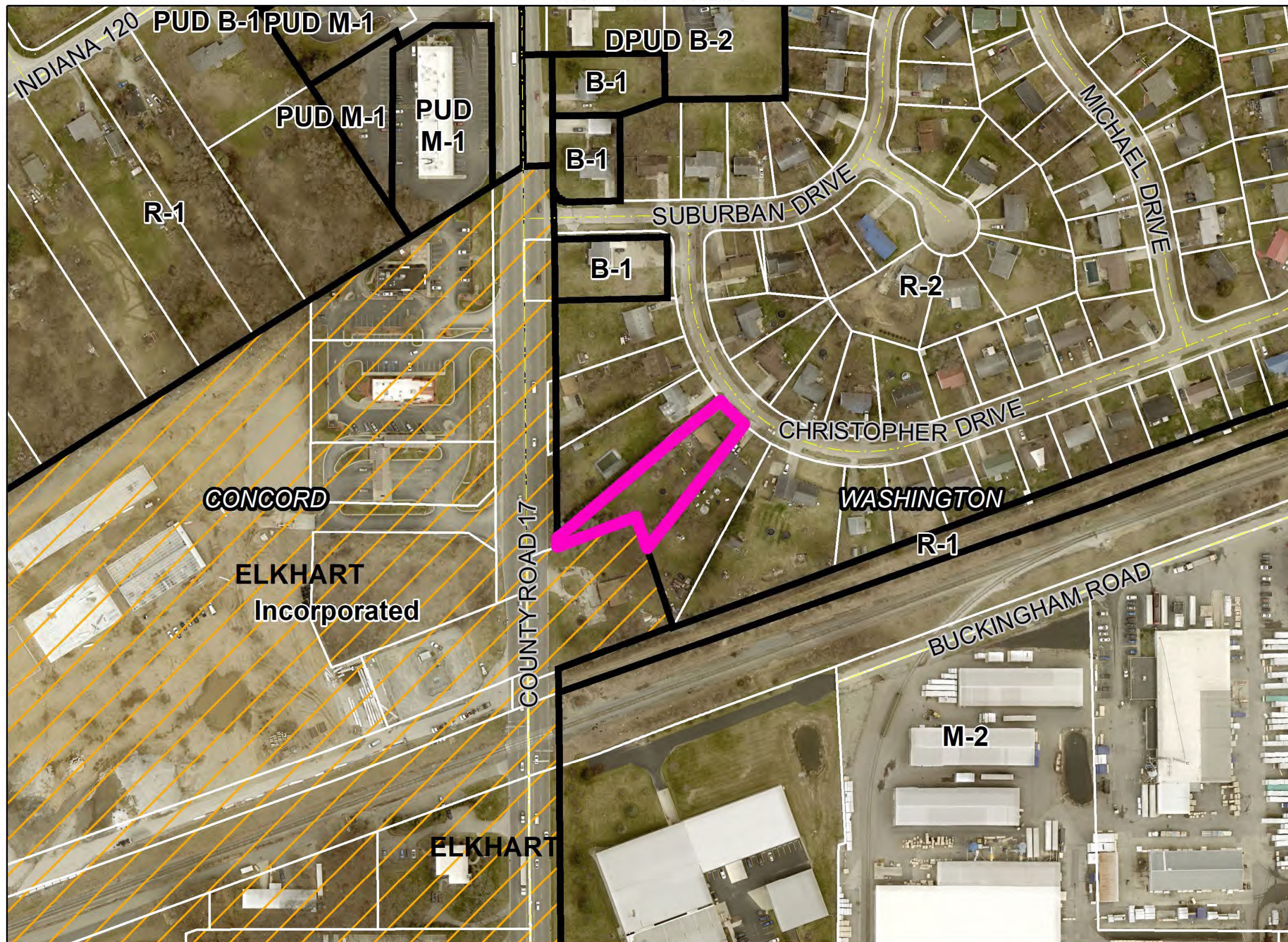
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

10) Tell us anything else you want us to know. The chickens will be on the  
area of our property that is fenced in.

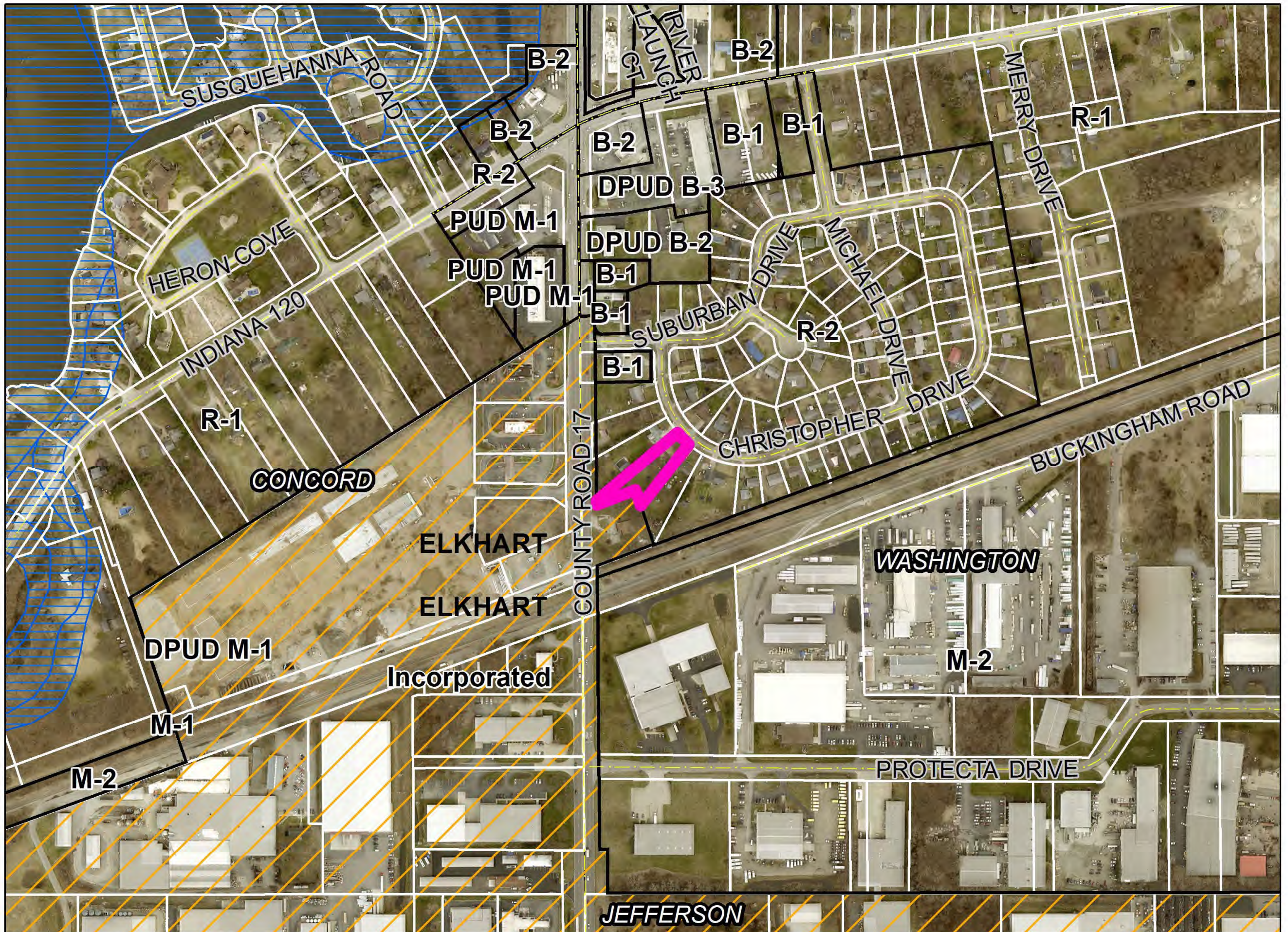
















Subject property





Facing north





Facing southeast

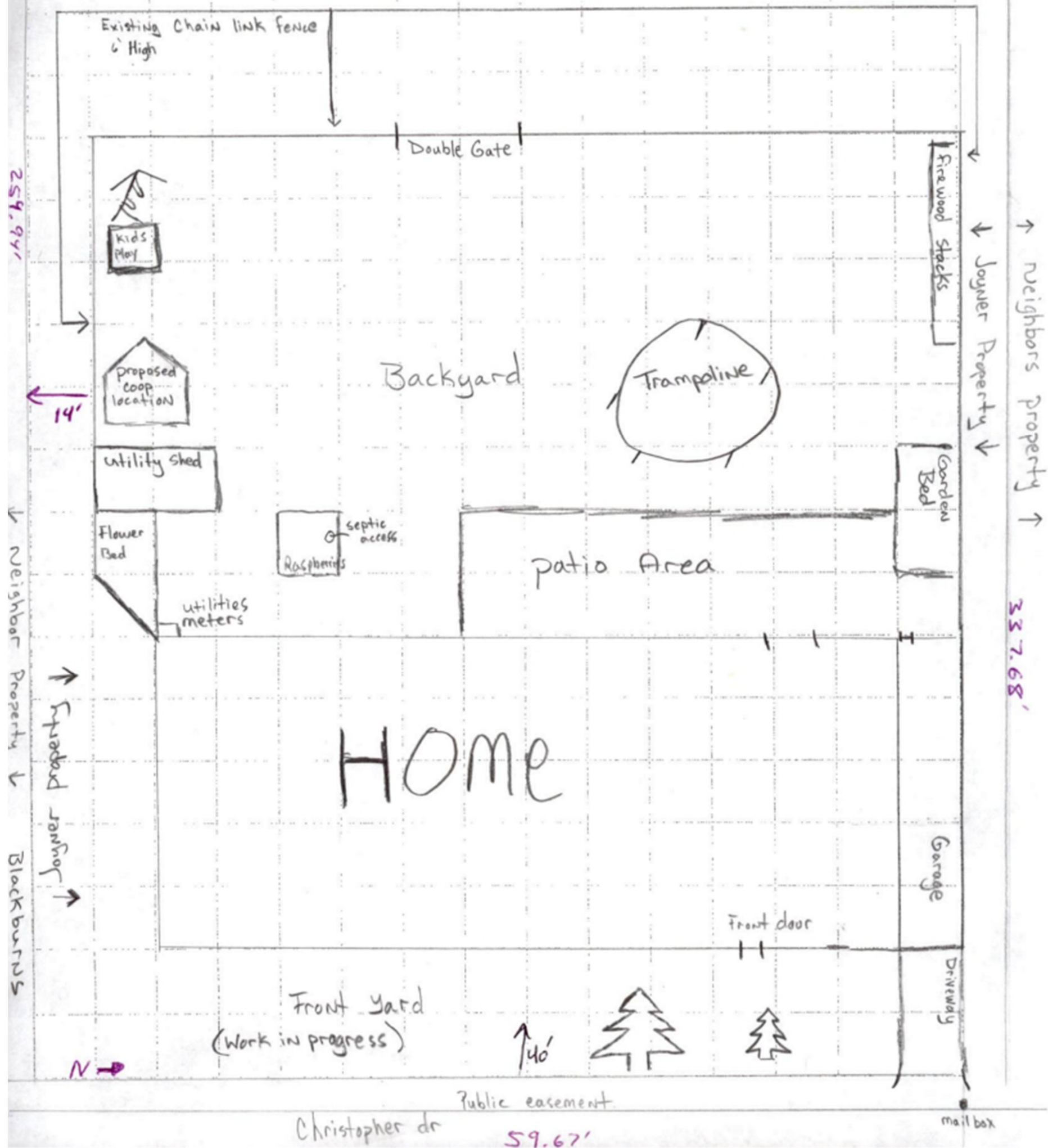




Facing east



Where the chickens are cared for.





# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** May 16, 2024

**Transaction Number:** SUP-0229-2024.

**Parcel Number(s):** 20-10-07-200-015.000-016.

**Existing Zoning:** A-1.

**Petition:** For an Amendment to an existing Special Use for a home workshop/business for an auto dealership to allow for the sale of additional vehicles.

**Petitioner:** Ramon Chiquito Marin.

**Location:** South side of CR 30, 1,915 ft. west of CR 7, in Harrison Township.

**Site Description:**

- Physical Improvement(s) – Residence, auto dealership building, sheds, parking.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

**History and General Notes:**

- **November 17, 2022** – The BZA approved a Special Use for a home workshop/business for an auto dealership. Commitment 2 was a maximum of 15 vehicles for sale at any one time.
- **March 18, 2024** – A complaint was made about more than 15 vehicles for sale. Verified, approximately 30.

**Staff Analysis:**

Staff finds that:

1. The Special Use Amendment will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. This is an existing home workshop/business for an auto dealership.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. No additional buildings are proposed, the business hours have been reduced, and the overall appearance of the site will not change substantially.
3. The Special Use Amendment will substantially serve the public convenience and welfare by continuing to provide for a local small-scale auto dealership.



# ***BZA Staff Report (Continued)***

***Hearing Date:*** May 16, 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 only thirty (30) car sale spaces.

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 thirty (30) vehicles for sale at any one time.
3. The request is limited to the days and hours of operation shown in the Amendment questionnaire: Monday through Friday, 10:00 a.m. to 6:30 p.m., and Saturday, 10:00 a.m. to 4:30 p.m.



# 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-0229-2024

Date: 04/11/2024 Meeting Date: May 16, 2024  
Board of Zoning Appeals Public Hearing Transaction #: SUP-0229-2024

Description: for an Amendment to an existing Special Use for a home workshop/business for an auto dealership to allow for the sale of additional vehicles

Contacts: Applicant Land Owner  
Ramon Chiquito Marin Ramon Chiquito Marin  
27348 County Road 30 27348 County Road 30  
Elkhart, IN 46517 Elkhart, IN 46517

Site Address: 27364 County Road 30  
ELKHART, IN 46517

Parcel Number: 20-10-07-200-015.000-016

Township: Harrison  
Location: SOUTH SIDE OF CR 30, 1,915 FT. WEST OF CR 7

Subdivision: Lot #

Lot Area: 5.00 Frontage: 276.62 Depth: 758.00

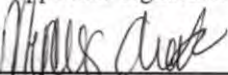
Zoning: A-1 NPO List:

Present Use of Property: RESIDENCE

Legal Description:

Comments: PARCEL CREATED 5/11/2000  
PERMIT #BA-0715-2016 IS MISSING ELECTRICAL FINAL INSPECTION (NOTIFIED APPLICANT AS THEY WERE NOT THE OWNER AT THE TIME OF THIS PERMIT) -UPDATE: PROPERTY OWNER BELIEVES THIS WAS NOT SOMETHING THEY WERE TOLD TO COMPLETE - KB 4/11/2024  
RESIDENCE = 1,526 SQ FT X 200% = 3,052 SQ FT, MINUS 1,600 (BARN) AND 192 (SHED), NEW PROPOSED BUILDING IS 1,600 SQ FT, FOR AN OVERAGE OF 340 SQUARE FEET. DANNY TO DOUBLE-CHECK DOCUWARE FOR EXISTING DV SPECIAL USE #0790-2022 WAS APPROVED 11/17/2022 FOR SALES OF A MAXIMUM OF 15 VEHICLES  
SEE CODE-0146-2024 FOR VIOLATION OF QUANTITY OF VEHICLES FOR SALE

Applicant Signature:



April 11, 2024 11:49 am

Department Signature:





Application

Site address: 27364 County Road 30, Elkhart, IN 46517

Parcel number(s):

Current property owner

Name: Ramon chiquito Marin

Address: 27348 county Road 30, Elkhart, IN 46517

Phone: 574-304-0237      Email: mr7autosales@aol.com

574-238-9364

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      ,

ft.      N      S      E      W      of      ,

in      Township

Frontage:      Depth:      Area:      acres

Subdivision and lot number, if applicable:

Present use:



# Special Use — Questionnaire

Name: Ramon Cheiquito Marin

- 1) Tell us what you want to do. extend the Special Permit I currently have to 50 to 55 cars. Pictures show they fit properly and don't look unclean
- 2) Tell us why this activity won't hurt your neighbors or the community. there's no mess, no distractions to the surroundings or our neighbors,
- 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. \_\_\_\_\_

Next page ➡



## Special Use — Questionnaire

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

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

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? Saturday 10am to 4:30pm

Monday thru Friday 10am to 6:30pm

How many parking spaces do you have now? 7 customers

How many parking spaces do you want? 7 for customer parking & 4 personal

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. CARS

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

we have 2 to 6 every day on weekends  
we have 4 to 8 during normal hours.

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

Tell us how often. every day - Fed ex

Tell us the kind of vehicles used. Fed ex trucks, normal delivery vehicles

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

**Sign 1** Dimensions (length and width). \_\_\_\_\_

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

**Sign 2** Dimensions (length and width). \_\_\_\_\_

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

**Sign 3** Dimensions (length and width). \_\_\_\_\_

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

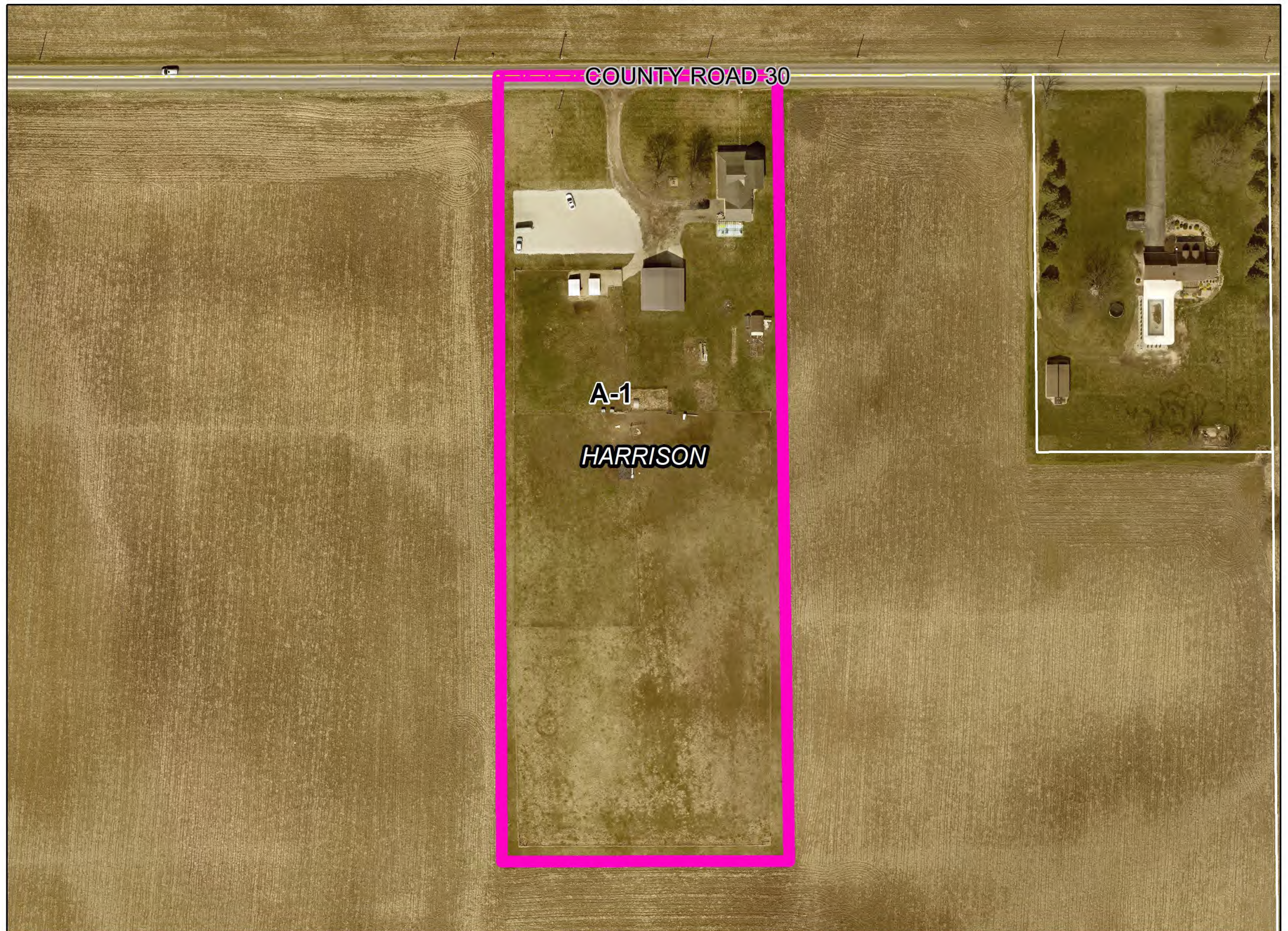
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

- 10) Tell us anything else you want us to know. \_\_\_\_\_



SUP-0229-2024



COUNTY ROAD 30

A-1

HARRISON

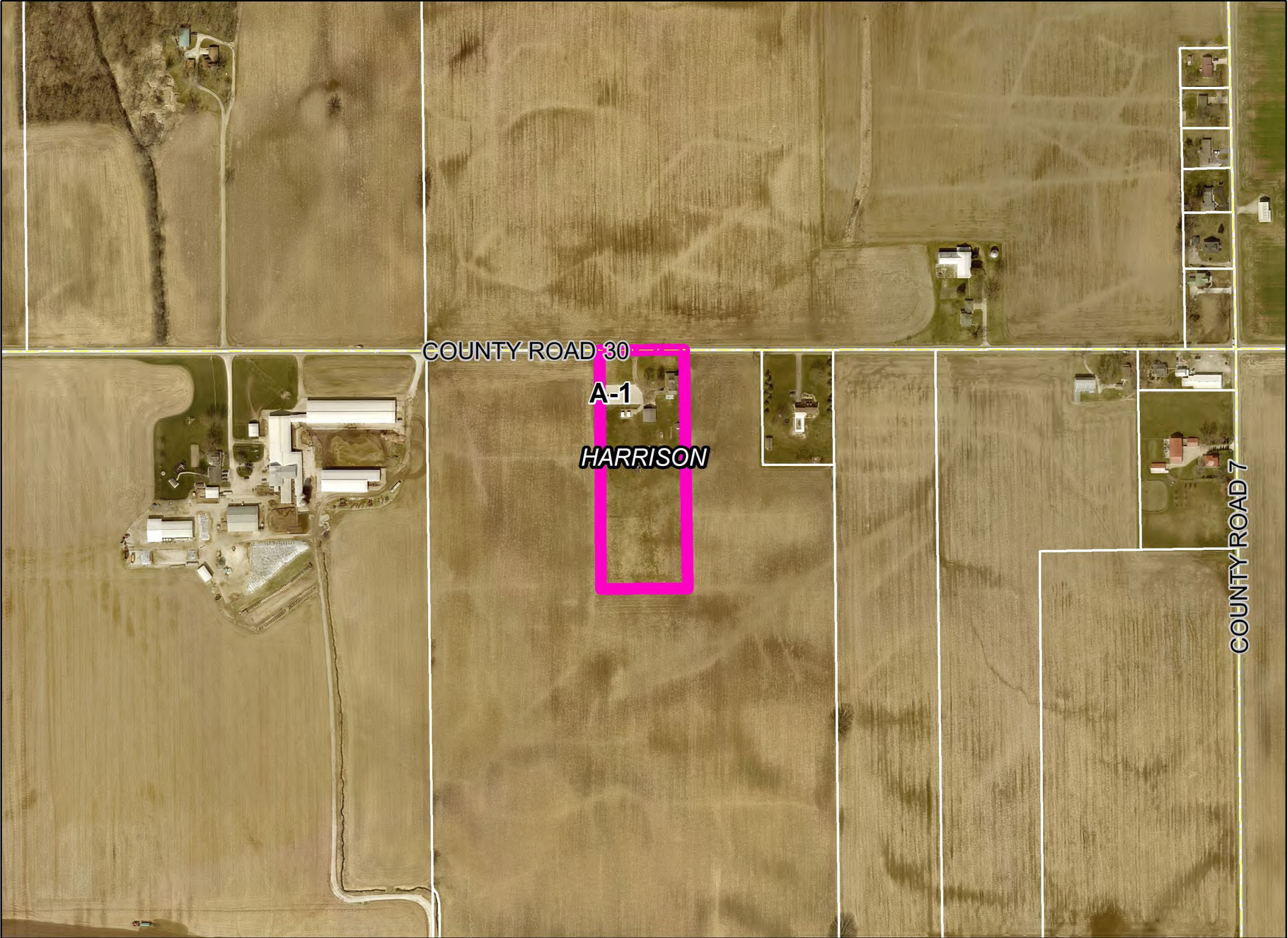


COUNTY ROAD 30

A-1

**HARRISON**









Subject property





Subject property





Subject property





Facing east