



Facing east



Facing west



Facing north

APR 11 2024

CR30 Road

SM
in v815
SSruisad

Post

double
business
sign
4x4



Drive
way



sand
box



House

Garage

Toy area
used to be a



Door
2' x 1/2'
40x40 Barn with
upstairs

Door for
car to go in
for detail
60x60
Office
Paints
Desk
File cabinets
Door for office

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 16, 2024

Transaction Number: SUP-0247-2024.

Parcel Number(s): 20-07-28-400-011.000-019.

Existing Zoning: A-1.

Petition: For a Special Use for commercial parking of a semi-truck and trailer.

Petitioner: Ruslan A. Shevchik & Marina Shevchik, Husband & Wife.

Location: East side of CR 23, 1,565 ft. northwest of SR 15, in Jefferson Township.

Site Description:

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

History and General Notes:

- **March 13, 2024** – A complaint was made about running a business from the home and multiple vehicles parked in the yard. The site visit confirmed multiple vehicles and piles of tires.

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 commercial parking is allowed in the A-1 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. The subject property is part of a small subdivision of large lots between SR 15 to the east and open agricultural uses to the west and south.
3. The Special Use will substantially serve the public convenience and welfare by providing for a local small-scale trucking service.

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 4/15/2024 and as represented in the Special Use application.
2. The request is limited to one (1) semi-tractor and one (1) trailer.

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: 04/15/2024 Meeting Date: May 16, 2024 Transaction #: SUP-0247-2024
Board of Zoning Appeals Public Hearing

Description: for a Special Use for commercial parking

Contacts: Applicant

Ruslan A. Shevchik & Marina
Shevchik, Husband & Wife
59570 Cr 23
Goshen, IN 46528

Land Owner

Ruslan A. Shevchik & Marina
Shevchik, Husband & Wife
59570 Cr 23
Goshen, IN 46528

Site Address: 59570 County Road 23
GOSHEN, IN 46528

Parcel Number: 20-07-28-400-011.000-019

Township: Jefferson

Location: EAST SIDE OF CR 23, 1,565 FT. NORTH OF SR 15

Subdivision:

Lot #

Lot Area: 3.50 Frontage: 295.63

Depth: 495.60

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE OPEN CODE CASE: CODE-0134-2024: RUNNING A BUSINESS OUT OF RESIDENCE AND HAS MULTIPLE CARS
PARKED IN YARD

Applicant Signature:



Department Signature:



Application

Site address: 59570 CR 23 Goshen IN 46528

Parcel number(s): _____

Current property owner

Name: RUSLAN SHEVCHIK

Address: 58570 COUNTY ROAD 23

Phone: 574 312 8825 Email: _____

Other party

☐ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

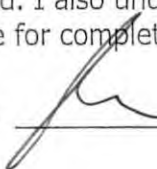
Name: _____

Address: _____

Phone: _____ Email: _____

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

Signature of current property owner or authorized agent: _____

 4-14-24

Staff Use Only

Description: Special use for commercial parking

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 CR 23,
1.565 ft. N S E W of SR 15,
in Jefferson Township

Frontage: 295.63 Depth: 495.60 Area: 3.5 acres

Subdivision and lot number, if applicable: Northern Harrier, Lot 1

Present use: Residential

Special Use — Questionnaire

Name: Ruslan Shevchik

1) Tell us what you want to do. Park my truck with trailer
when I am staying at home.

2) Tell us why this activity won't hurt your neighbors or the community. My neighbors
don't mind, they are ok with it

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: _____ 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?

NONE

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

Tell us how often. _____

Tell us the kind of vehicles used. _____

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

Sign 1 Dimensions (length and width). _____

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

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

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

Sign 2 Dimensions (length and width). _____

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

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

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

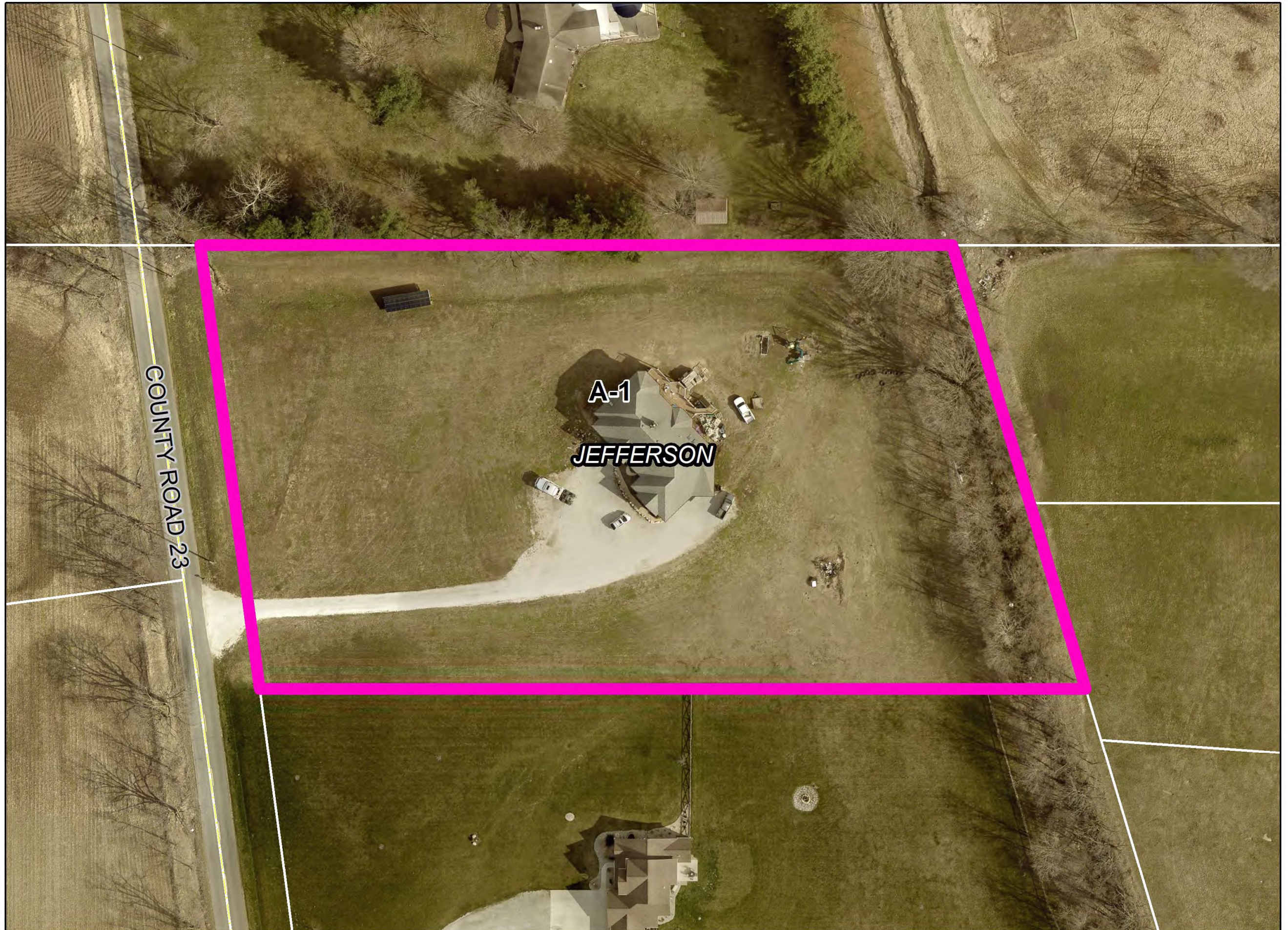
Sign 3 Dimensions (length and width). _____

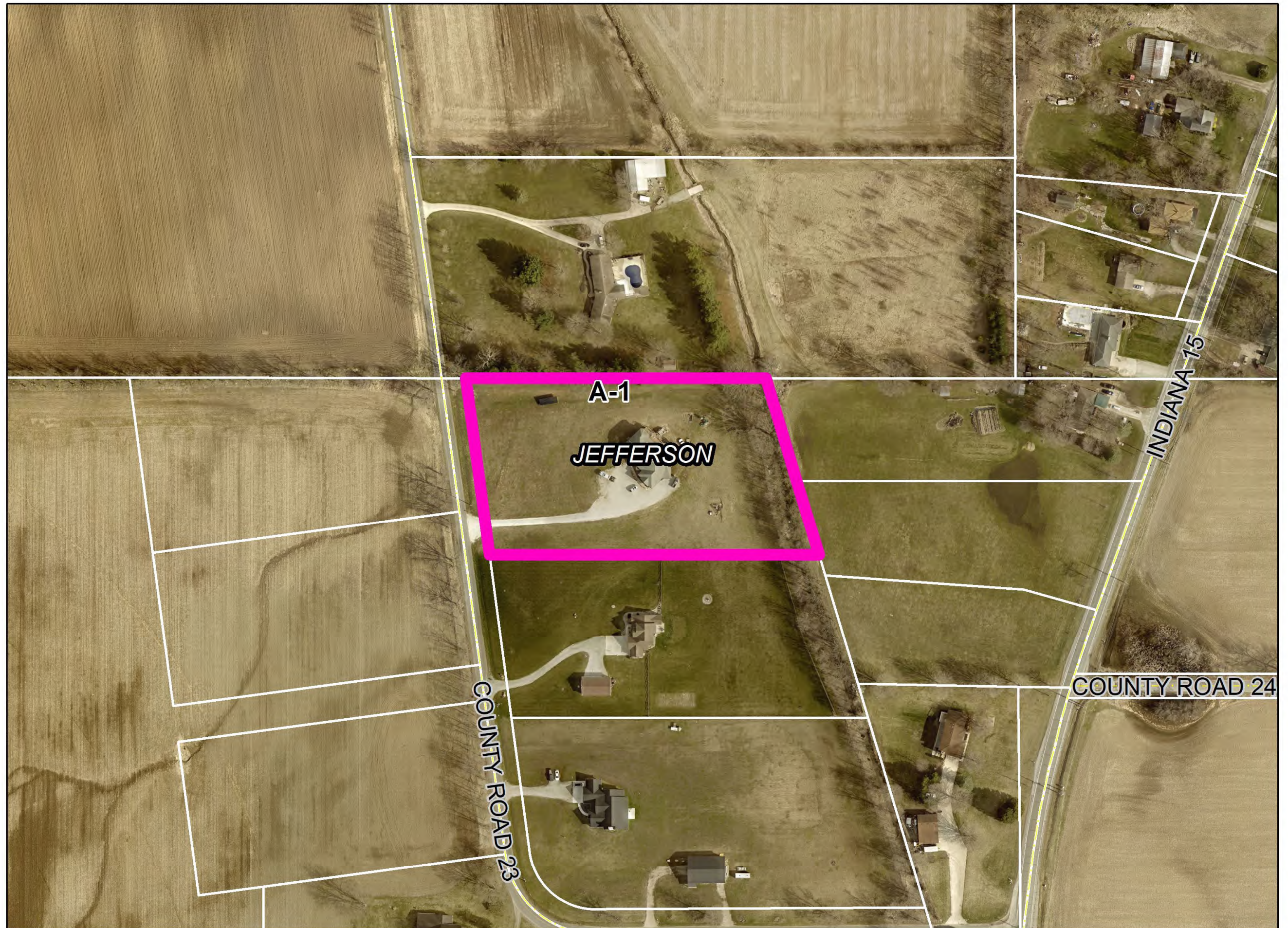
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

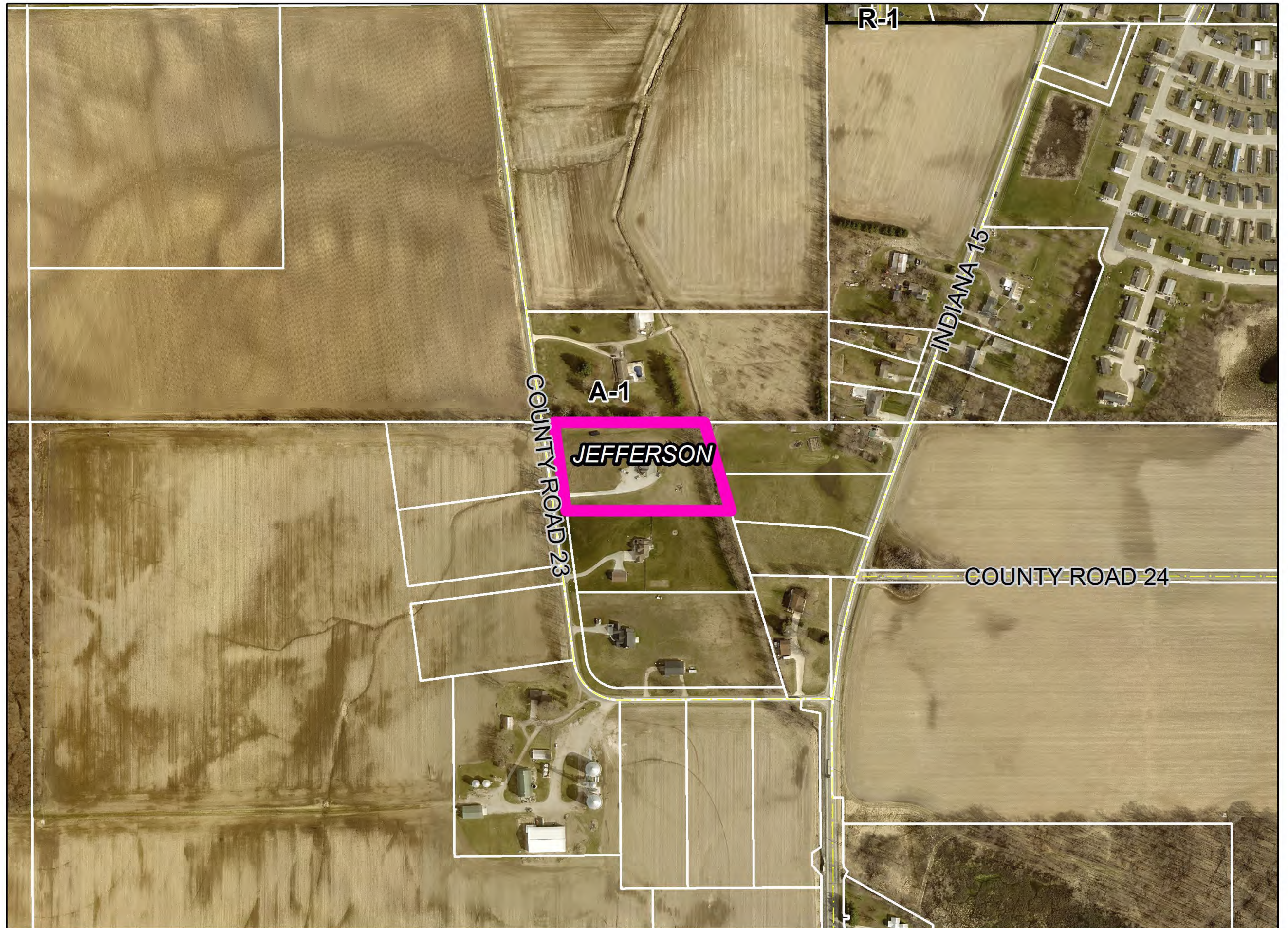
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

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

10) Tell us anything else you want us to know. code case.









Subject property



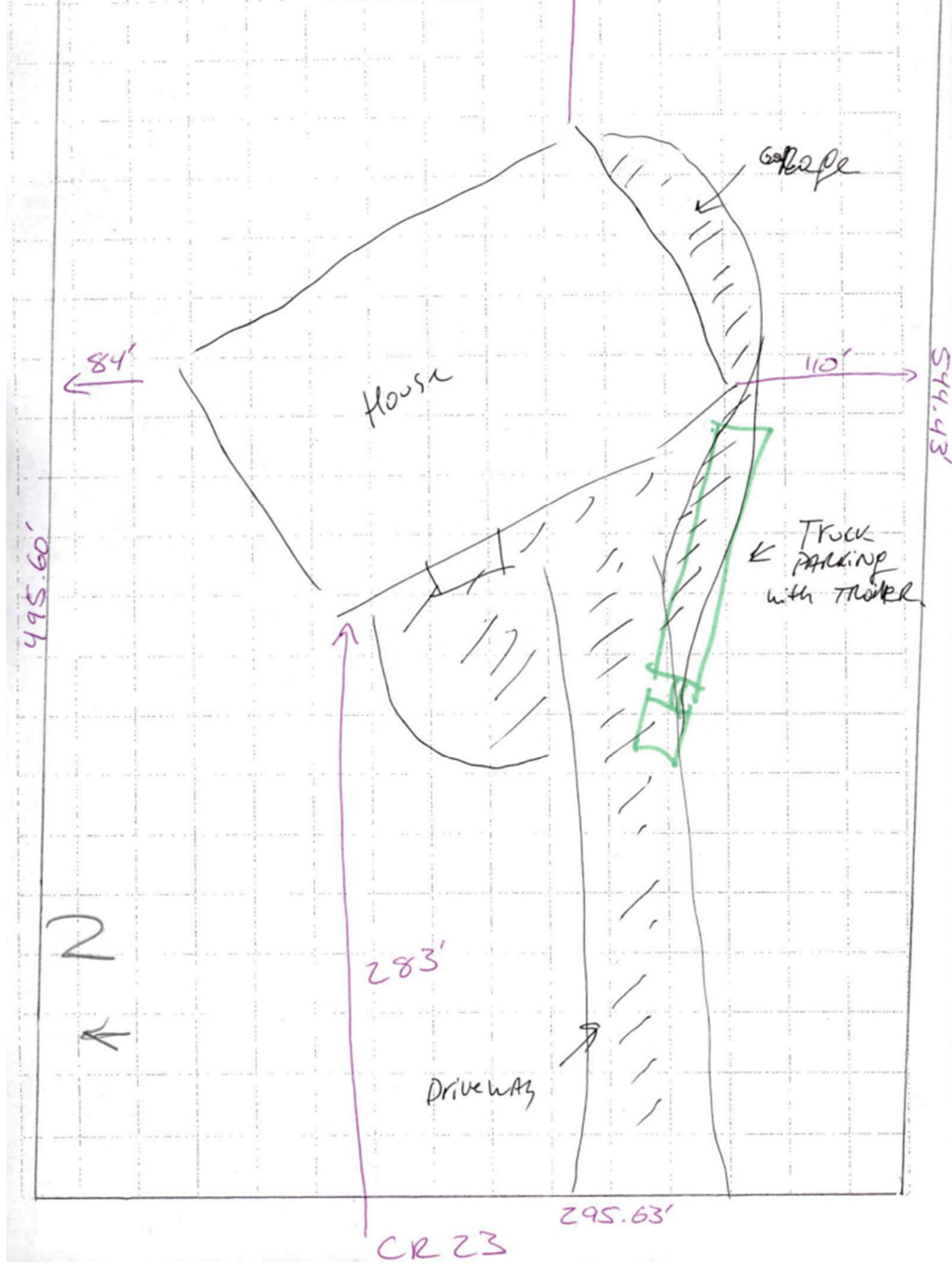
Facing south



Facing north



Facing west



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 16, 2024

Transaction Number: SUP-0201-2024.

Parcel Number(s): 20-06-24-377-003.000-009.

Existing Zoning: A-1.

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.

Petitioner: Ace Monard & Karen Monard, Husband & Wife.

Location: Southwest side of CR 115, 540 ft. northwest of CR 20, in Concord Township.

Site Description:

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

History and General Notes:

- **December 21, 1978** – The BZA approved a Special Use for a boarding house.
- **November 19, 2020** – The BZA approved a Special Use for a home workshop/business for an industrial service business and a Developmental Variance to allow for 3 outside employees. The site plan showed two existing buildings to be used for the business: 576 sq. ft. and 1,092 sq. ft.

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, complaint-free Special Use.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. The building consolidation proposed by this Amendment meets the accessory storage limit for the parcel, there is no significant change of scale, and no outside storage has ever been proposed.
3. The Special Use Amendment will substantially serve the public convenience and welfare by continuing to provide for a local source of machine servicing.

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 3/28/2024 and as represented in the Special Use application.

Staff Analysis continued:

Staff recommends that SU 78-1121 be rescinded. This was a special use / contingent use approved December 21, 1978, for previous owners John and Barbara Romaine that is no longer in operation.

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-0201-2024

Date: 03/28/2024 Meeting Date: May 16, 2024 Transaction #: SUP-0201-2024
Board of Zoning Appeals Public Hearing

Description: for an Amendment to an existing Special Use for for a home/workshop business for an industrial service business, to allow for a new building

Contacts: Applicant Land Owner
Ace Monard & Karen Monard, Ace Monard & Karen Monard,
Husband & Wife Husband & Wife
58897 Cr 115 58897 Cr 115
Goshen, IN 46528 Goshen, IN 46528

Site Address: 58897 County Road 115
GOSHEN, IN 46528

Parcel Number: 20-06-24-377-003.000-009

Township: Concord
Location: SOUTHWEST SIDE OF CR 115, 540 FT NORTHWEST OF CR 20

Subdivision: Lot #

Lot Area: 3.91 Frontage: 327.00 Depth: 260.00

Zoning: A-1 NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 12/18/2002
SEE SPECIAL USE SUP-0794-2020 APPROVED 11/29/2020 AND PREVIOUS SPECIAL USE #89-6-SU FOR A HOME/WORKSHOP BUSINESS (BED & BREAKFAST) APPROVED 1/19/1989, AND SPECIAL USE #SU78-1121 APPROVED 12/21/1978 FOR SPECIAL/CONTINGENT USE FOR BED & BREAKFAST.
PROPERTY OWNER IS AWARE OF OPEN PERMIT #BR-1288-2020 AND WILL COME BACK TO RENEW (AND ADD ELECTRIC) FOR FINAL INSPECTIONS
2 BUILDINGS WILL BE DEMO'ED - 780 + 1080 SQ FT TO MAKE ROOM FOR NEW, PROPOSED BUILDING OF 64 X 40 = 2,560 SQ FT - WHICH IS 28% BIGGER THAN APPROVED ON PREVIOUS SPECIAL USE

Applicant Signature:



March 28, 2024 3:19 pm

Department Signature:



Application

Site address: 58897 county Road 115, Goshen, IN, 46528
Parcel number(s): 20-06-24-377-003

Current property owner

Name: Ace Monard
Address: 58897 county Road 115, Goshen, IN 46528
Phone: 574-606-7210 Email: Ace223Tx@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: *Ace Monard*

Staff Use Only

Description: _____

Parcel creation date: _____

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

Residential accessory breakdown, if applicable: Residence = 5,242 x 200% = 10,484
minus 1075 (garage) - 780 (type 3 barn), - 1080 (type 3 barn)
- 200 (shed) - 360 (pole barn), - 312 (lean to) - 64 (utility shed)

Location: N (S) (E) (W) corner (side) end of CR 115 - proposed bldg e, (64 x 40')
540 ft. (N) (S) (E) (W) of CR 20 2560 leaves
in Concord Township 4,053 sq ft available for pers storage

Frontage: 327 Depth: 260 Area: 3.914 acres

Subdivision and lot number, if applicable: _____

Present use: Resid 780 + 1080 to be demo'd

Special Use — Questionnaire

Name: Ace Morand

1) Tell us what you want to do. My Property will have been used as a business sight. I have 2 buildings I would like to remove along with 2 small sheds and build 1 building 40x64

2) Tell us why this activity won't hurt your neighbors or the community. The Build will look better and isn't going to change any ~~season~~ of my work operations.

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. Removal of Buildings / Construction of New

Tell us how you'll reduce the impact of those things on neighbors. I have notified neighbors and anything I can do I will to reduce/resolve issues

5) Will there be buffering (fences, trees, shrubs, mounds)? ☐ Y ☒ N
If yes, tell us about it. Not necessarily

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: 40x60x18
Tell us what you'll use it for. Vehicle Parking service vans Working Projects

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: 4 Part time: _____

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

How many of the employees won't live onsite? 3

What will be the days and hours of operation on this property? 8-4:30

How many parking spaces do you have now? 8

How many parking spaces do you want? 8

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

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

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

If yes, tell us what will be sold. _____

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

0

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

Tell us how often. once month As necessary

Tell us the kind of vehicles used. Fedex ups occasional Flat Bed

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). _____

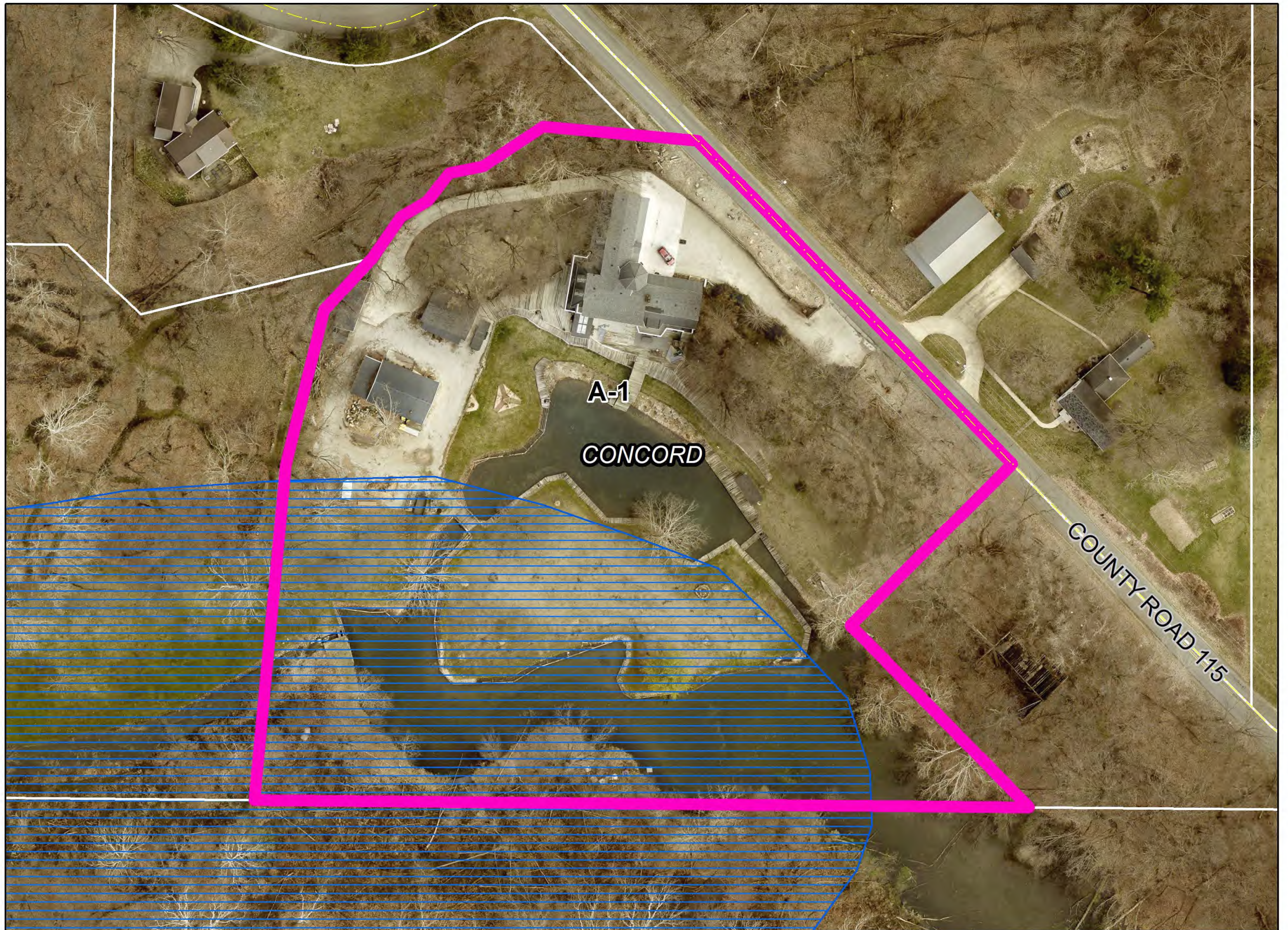
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

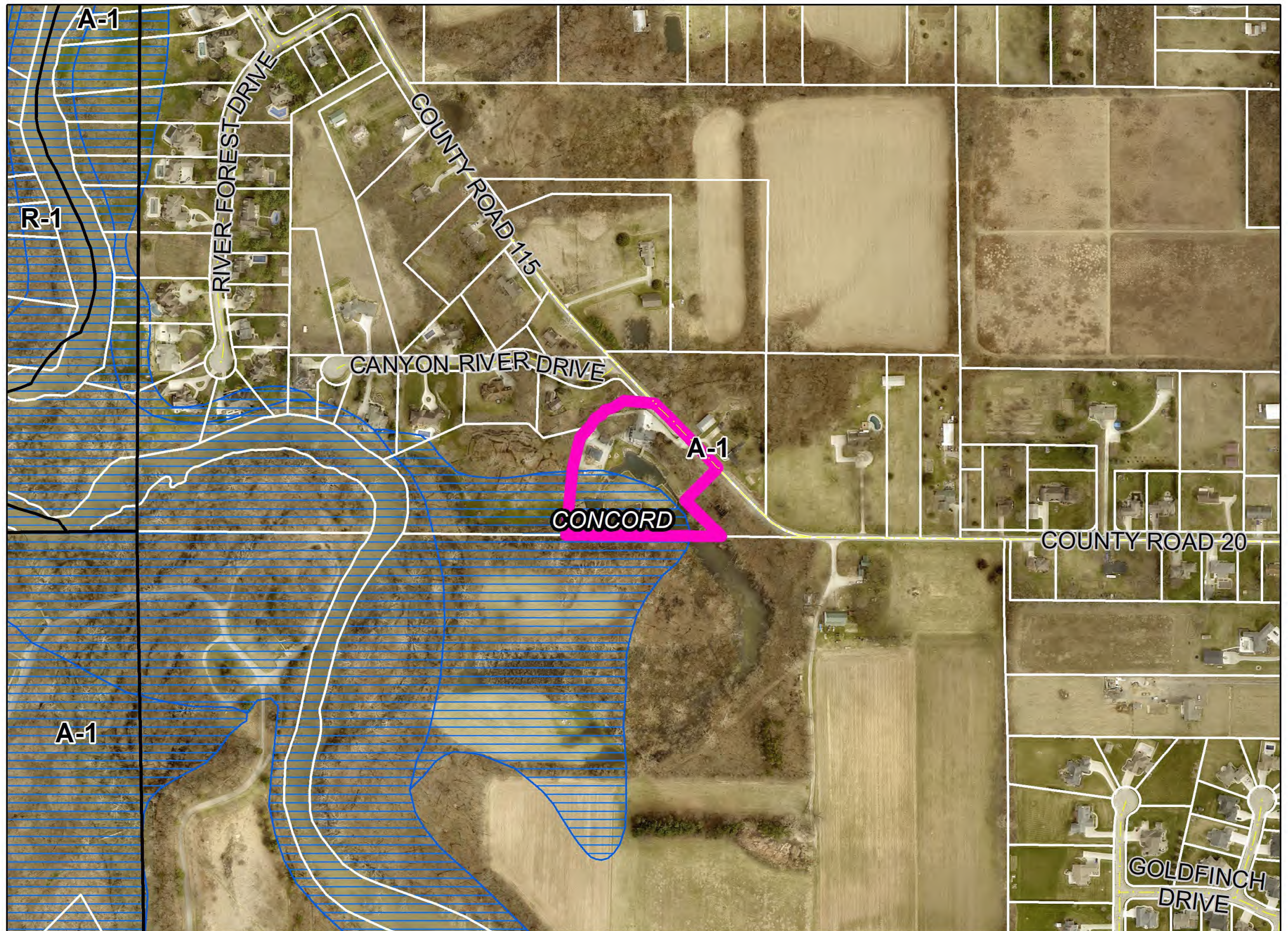
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

- 10) Tell us anything else you want us to know. Little to no change from my previous

Business use Except Building size









Subject property



Rear of subject property, facing south from Canyon River Dr.



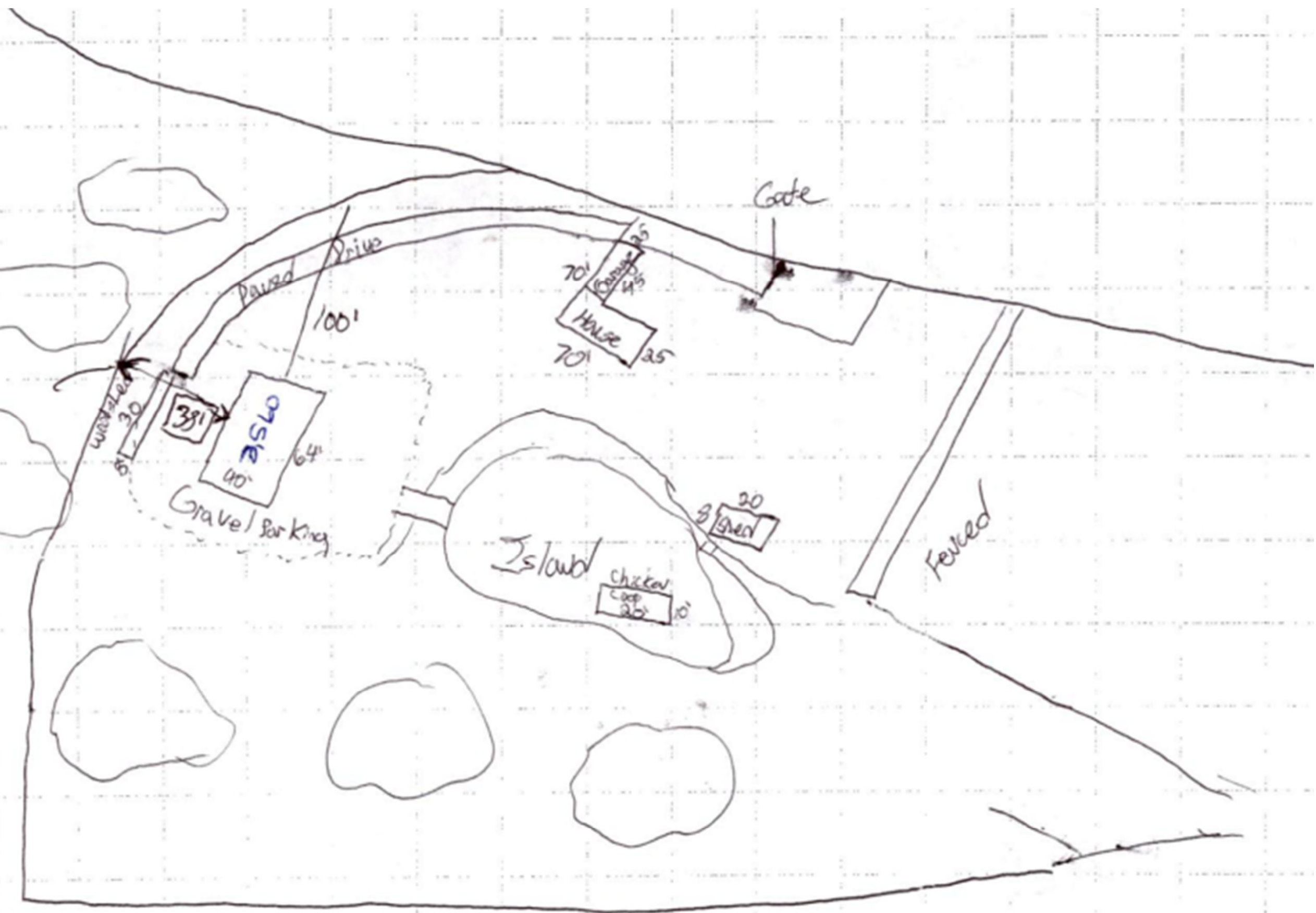
Facing north



Facing south



Facing east



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 16, 2024

Transaction Number: SUP-0194-2024.

Parcel Number(s): 20-02-14-476-006.000-026.

Existing Zoning: A-1.

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.

Petitioner: Catsnip Etc. Co.

Location: North side of CR 4, 2,715 ft. west of CR 15, in Osolo Township.

Site Description:

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

History and General Notes:

- **November 16, 2023** – The BZA approved a Special Use for a kennel. The kennel is for a nonprofit that traps, neuters, vaccinates, returns, and rehomes cats with volunteer assistance. Condition 2 was that the kennel must be completed by June 30, 2025, and the approved site plan contains a 960 sq. ft. storage shed (phase 1) and a main building with a lower-level kennel of 2,560 sq. ft. and an upper-level residence (phases 2 and 3).
- **March 27, 2024** – This Amendment petition was filed showing, after revisions, a 4,000 sq. ft. single-level main building with rear residence and partial kennel build-out (phase 1) and a complete kennel build-out and 1,200 sq. ft. storage shed to be done by 2026 (phase 2).

Staff Analysis:

1. The Special Use Amendment will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. This is an existing Special Use for a kennel.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 3-acre property in a residential and agricultural area, and the size of the property allows for operations to be separate from neighboring properties.
3. The Special Use Amendment will substantially serve the public convenience and welfare by providing for cat neutering and rehoming.

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 subdivision is required.

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

1. The request is approved in accordance with the site plan submitted 4/23/2024 and as represented in the Special Use application.

Special Use — Questionnaire

Name: Catsnip ETC

1) Tell us what you want to do. Catsnip wants to amend the original application for a variance because when we received a quote to build the original 2-level building it was double our estimated cost of \$300,000. The cost increase was due to extra support for the 2nd level and an elevator cost of over \$40,000.

If we change the design to a single level, 40 x100 and build the exterior, sewer and drains plus the residence, we can afford it with current funding. We can operate the TNR and adoption events in an area without walls. We are requesting an extra year to allow for raising funds to complete Phase 2 of the building

2) Tell us why this activity won't hurt your neighbors or the community. The building site is 300ft back from the road and over 250ft from closest neighbor. There is also a tree buffer between our building and the neighbors home.

3) Is there a subdivision covenant that says you can't do this activity? Y X 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 X 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)? X Y N
If yes, tell us about it. There is currently a woods between the road and our building site and we are planning to keep it except for the driveway.

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

We are approved to connect to the Heaton Lake Sewer System

7) Will the activity use buildings or additions? X Y N If yes, fill out below.
Building or addition 1 Existing? Y X N Size and height to the peak: 40 x 100 x 18
Tell us what you'll use it for. Residence and Catsnip TNR and Cat/Kitten adoptions and storage
Building or addition 2 Existing? Y X N Size and height to the peak: 30 x 40 x 16
Tell us what you'll use it for. Garage and storage
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? X Y N
If yes, tell us what kind and how many of each. Cats and Kittens - Adoption events 2-20 TNR events - 15-25 when overnighting prior to spay or neuter and for pick up the next day - Prodcedures done at Elkhart County Humane Society

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: 6

How many employees do you want? Full time: 0 Part time: 8

How many of the employees won't live onsite? 5 There will be 2 people in residence

What will be the days and hours of operation on this property? TNR - Sunday & Wednesday afternoon
Cat and Kitten adoption Saturday 9-5 and Sunday afternoon
Monday and Thursday afternoon

How many parking spaces do you have now? 0

How many parking spaces do you want? 20

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

If yes, tell us what will be stored outside or displayed.
Cat areas will have fenced Catio and cats will be supervised when in a catio

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?
TNR events - 10-25 during dropoff and pickup
Adoption events - 2-10 typically

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

Tell us how often. Dropoff and pickup of cats for TNR events, twice per week

Tell us the kind of vehicles used. Personal vehicles

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

Sign 1 Dimensions (length and width). 3x5 or 4x6 - I can't remember the exact size

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

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

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

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

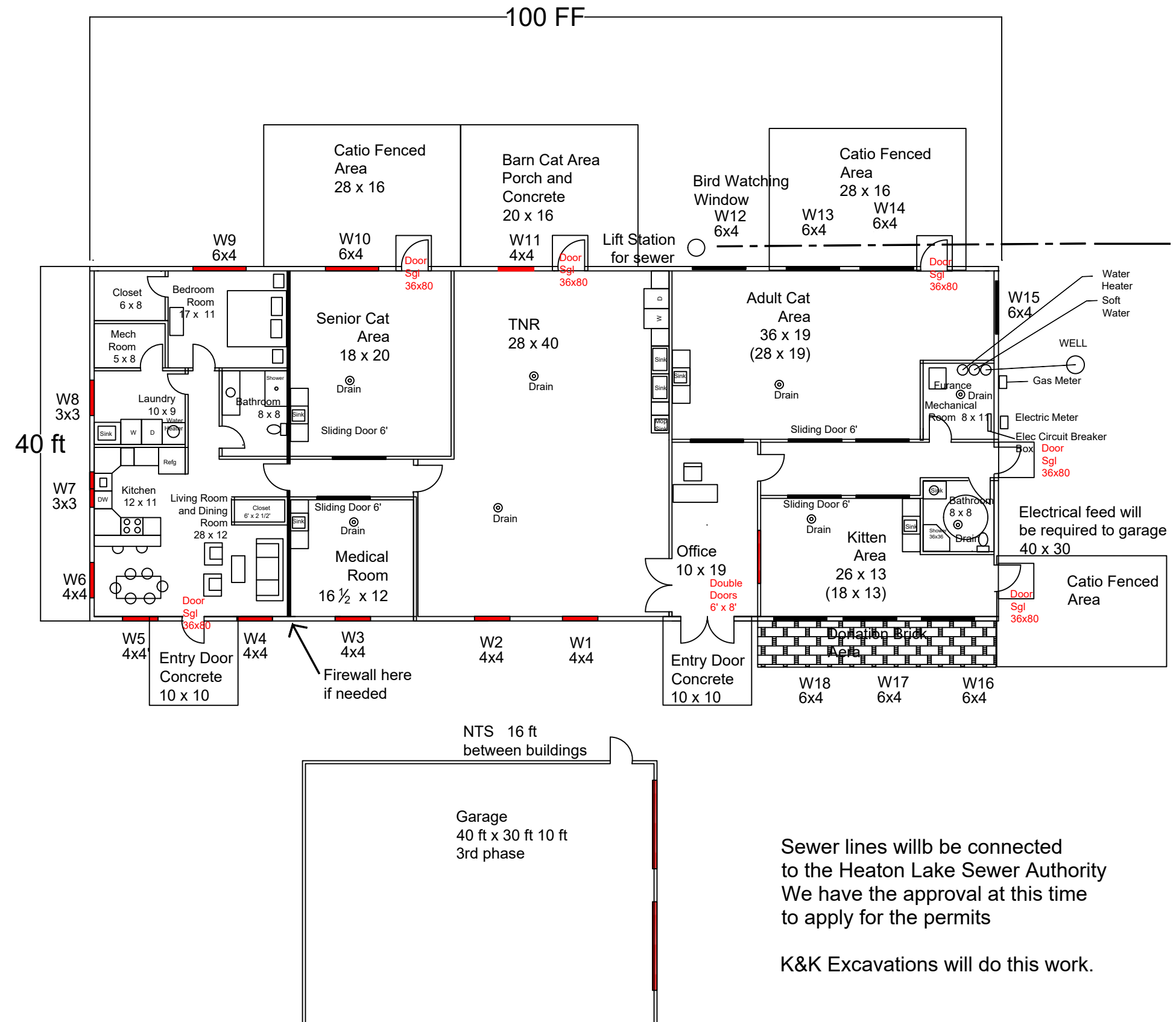
10) Tell us anything else you want us to know. All cat areas are secured with Catio fencing around each exterior door. Interior doors are secured with non-cat rooms.
Most adoption cats and kittens are fostered by our volunteers and are brought to our adoption events.

Catsnip ETC
Rev 29 2024-04-22

Building Footprint
100 x 40 x 10 = 4000 SF

Phase 1 - 2024
Build Residence
Open TNR
Bathroom
Mechanical Room

Phase 2 by 2026
Complete Adoption Area
Senior Cat area
Medical Room
Office
Garage if funding permits



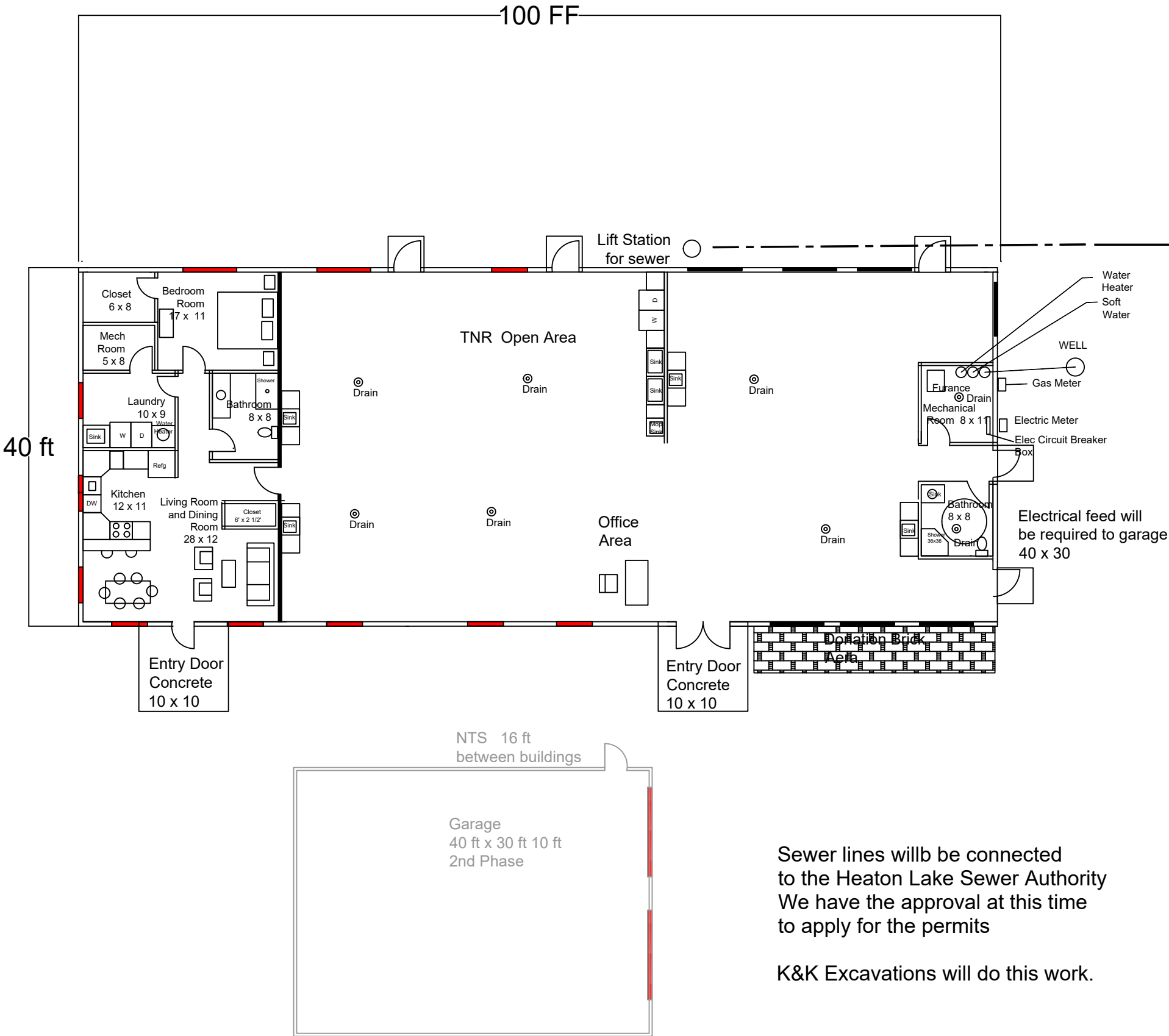
Catsnip ETC
Rev 29 2024-04-22

Building Footprint
100 x 40 x 10 = 4000 SF

Phase 1 - 2024
Build Residence
TNR & Office Open Area
Bathroom
Mechanical Room

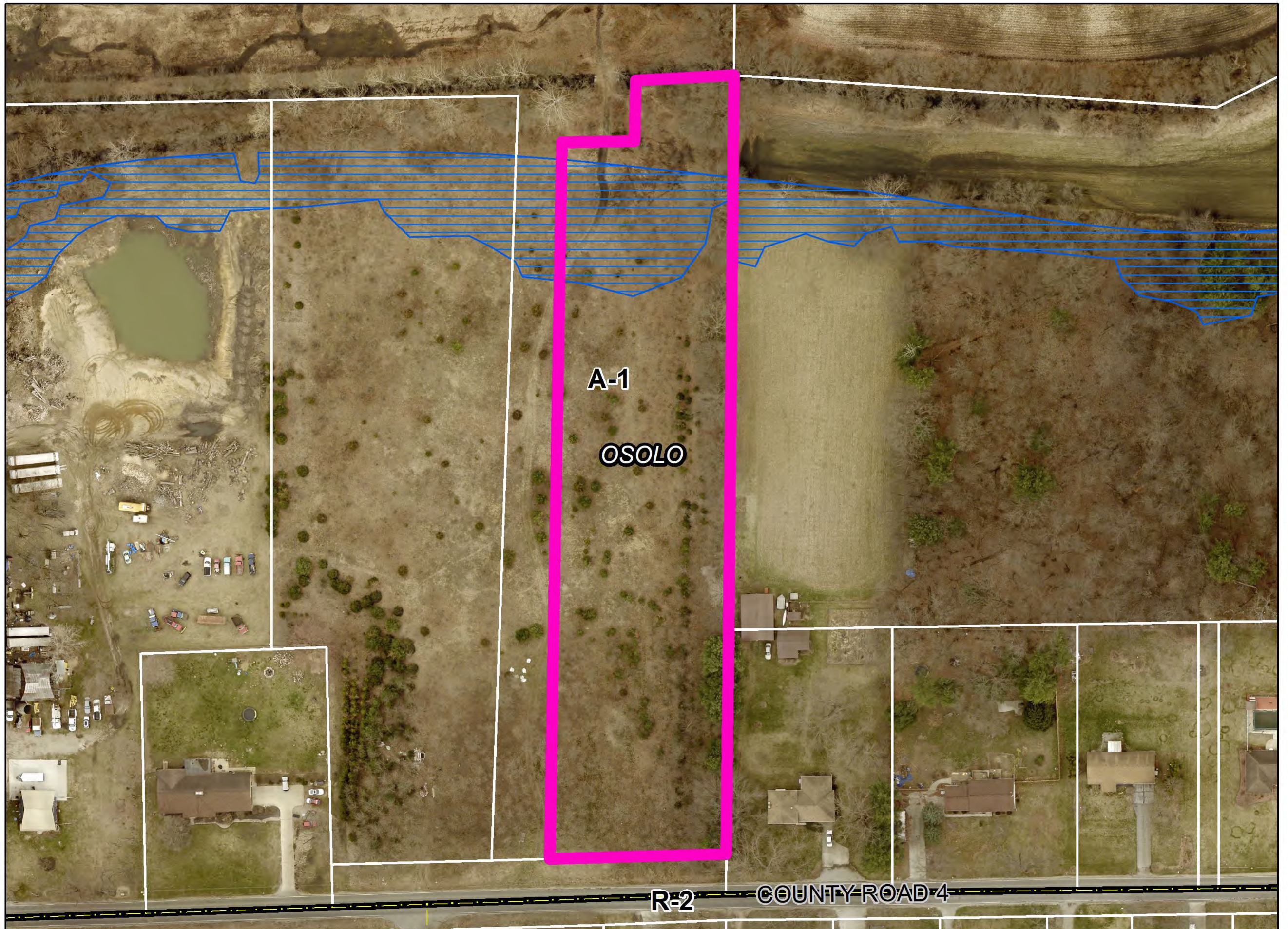
Phase 2 by 2026
Complete Adoption Areas

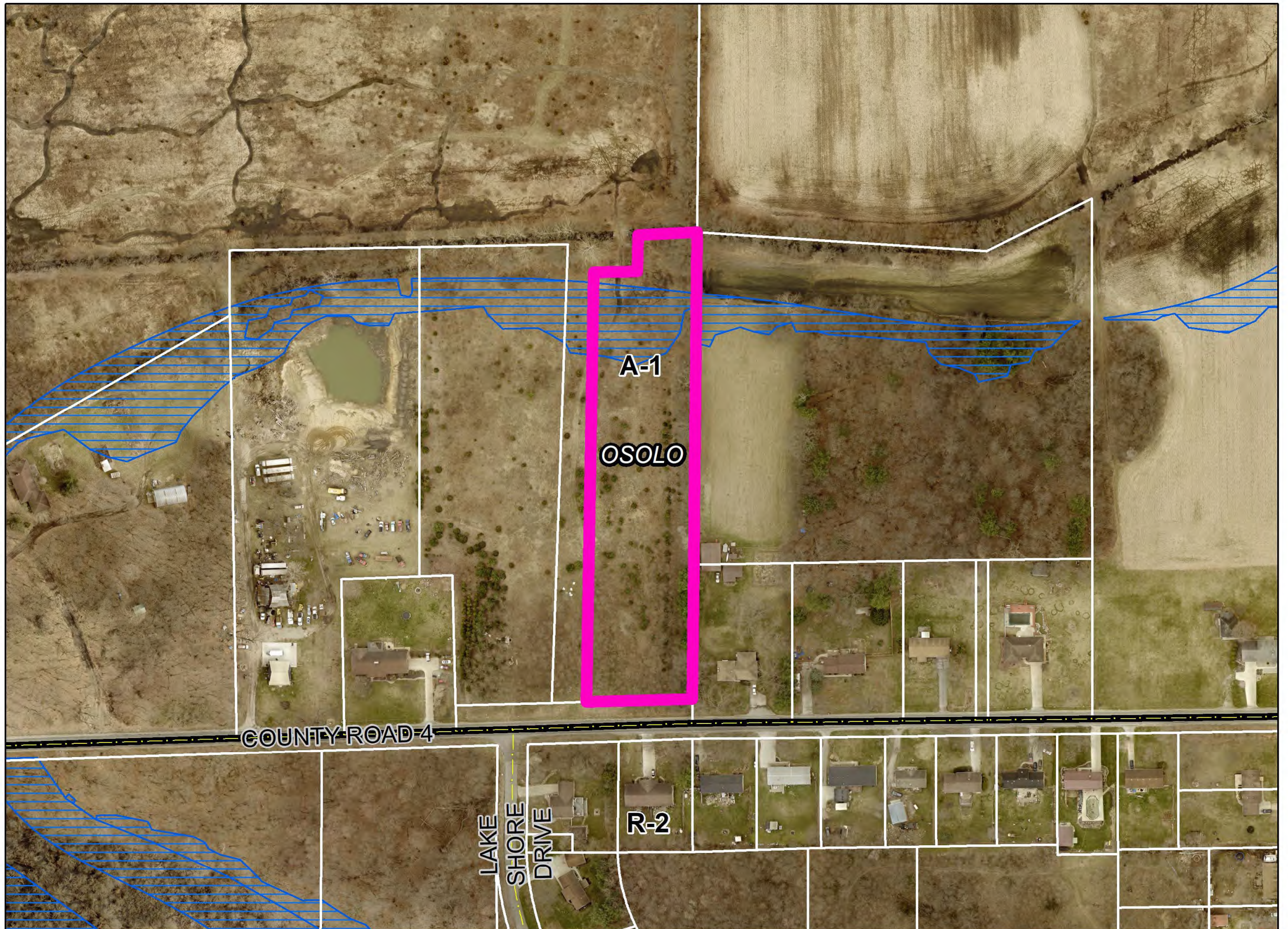
Garage as funding
permits

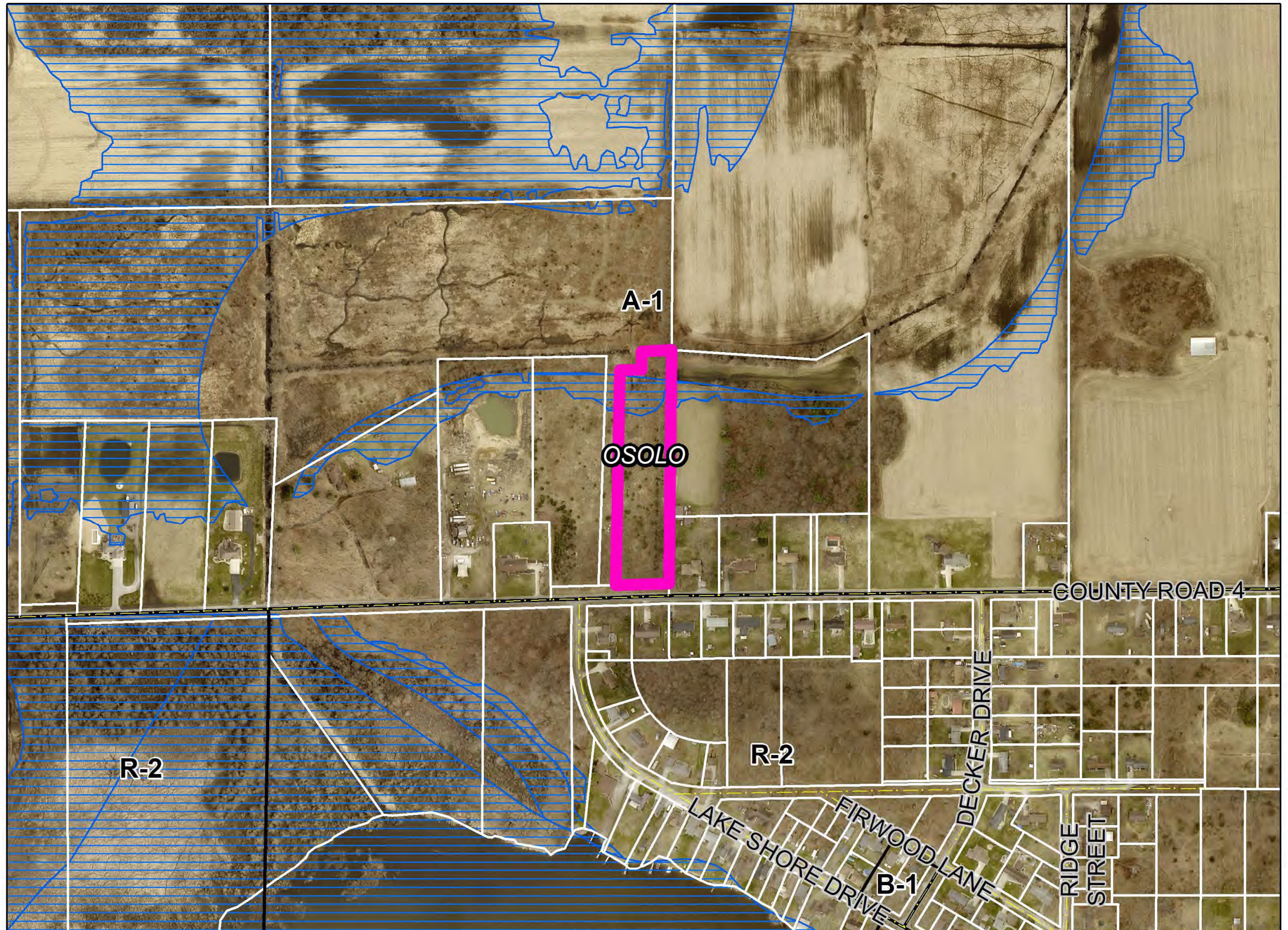


Sewer lines willb be connected
to the Heaton Lake Sewer Authority
We have the approval at this time
to apply for the permits

K&K Excavations will do this work.









Subject property



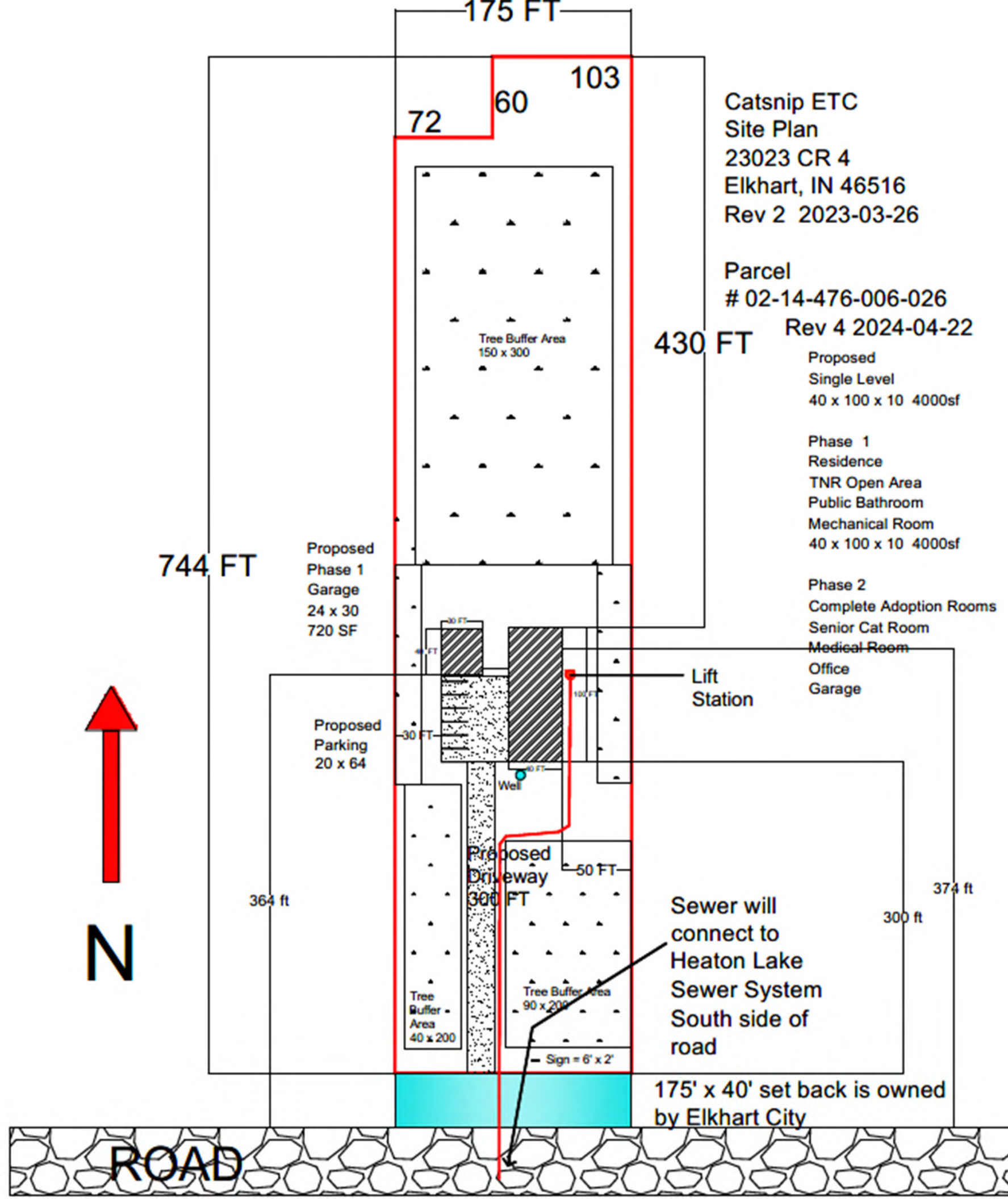
Facing west



Facing east



Facing south



Catsnip ETC
Site Plan
23023 CR 4
Elkhart, IN 46516
Rev 2 2023-03-26

Parcel
02-14-476-006-026
Rev 4 2024-04-22

Proposed
Single Level
40 x 100 x 10 4000sf

Phase 1
Residence
TNR Open Area
Public Bathroom
Mechanical Room
40 x 100 x 10 4000sf

Phase 2
Complete Adoption Rooms
Senior Cat Room
Medical Room
Office
Garage

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 16, 2024

Transaction Number: SUP-0254-2024.

Parcel Number(s): 20-12-18-376-004.000-007, 20-12-18-376-003.000-007.

Existing Zoning: A-1.

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.

Petitioner: John E. Yutzy & Geneva Faye Yutzy, Husband & Wife.

Location: North side of CR 36, 670 ft. East of CR 31, in Clinton Township.

Site Description:

- Physical Improvement(s) – Single-family residence & accessory structures.
- Proposed Improvement(s) – Addition to accessory structure.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **January 19, 2012** – BZA approved a Special Use Permit for a home workshop/business for a woodworking business and a Developmental Variance to allow the total square footage of accessory structures to exceed the total square footage of living area in the residence.
- **March 19, 2014** – Hearing Officer approved a Developmental Variance to allow the total square footage of accessory structures to exceed the total square footage in the primary structure.
- **July 17, 2014** – BZA approved a Use Variance to allow for two additional employees, for an amendment to a site plan for an existing Special Use for a home workshop/business, and for a Developmental Variance to allow the total square footage of accessory structures to exceed the total square footage in the primary structure.

Staff Analysis:

for an Amendment to an existing Special Use for a home workshop/business for a woodworking business to allow for an addition staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. This is an existing special use for a home workshop business.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 5-acre parcel in a low density residential and agricultural area, and the parcel will remain residential and agricultural in character.

BZA Staff Report (Continued)

Hearing Date: May 16, 2024

3. The Special Use Amendment will substantially serve the public convenience and welfare by allowing an existing woodworking business to expand.

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 4/15/2024 and as represented in the Special Use application.

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

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 1,693 sq. ft., or 31%, over what is allowed by right, and the added accessory structure area will not increase the density of the area.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 5-acre parcel in a low density residential and agricultural area, and the parcel will remain residential and agricultural in character.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. Without the benefit of the variances, the business could not expand.

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

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 4/15/2024 and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use Amendment - Non Mobile Home

Date: 04/15/2024

Meeting Date:

May 16, 2024
Board of Zoning Appeals Public Hearing

Transaction #: SUP-0254-2024

Description: 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

Contacts: Applicant

John E & Geneva Faye Yutzy
15733 County Road 36
Goshen, IN 465287535

Land Owner

John E & Geneva Faye Yutzy
15733 County Road 36
Goshen, IN 465287535

Site Address: 15733 County Road 36
GOSHEN, IN 46528

Parcel Number: 20-12-18-376-004.000-007

Township: Clinton

Location: NORTH SIDE OF CR 36, 670 FT. EAST OF CR 31

Subdivision:

Lot #

Lot Area: 5.00 Frontage: 308.00

Depth: 714.22

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL/AGRICULTURAL/BUSINESS

Legal Description:

Comments: SEE #15733CR 36-140324-1 USE VARIANCE/SPECIAL USE APPROVED 7/17/2014, AND #15733CR 36-140221-1 DEVELOPMENTAL VARIANCE APPROVED 3/19/2014, AND SPECIAL USE/DEV VARIANCE #15733CR 36-111219-1 APPROVED 1/19/2012
PARCEL CREATED 3/1/1976
RESIDENCE IS 2,695 SQ FT X 200% = 5,390 SQ FT, MINUS 1,768 SQ FT (ATTACHED GARAGE), 675 SQ FT (2ND STORY OF BARN), 2,160 SQ FT (EXISTING SHOP) AND NEW ADDITION IS 2,480 SQ FT, WHICH IS 1,693 SQ FT OVER ALLOWED

Applicant Signature:

John E. Yutzy
April 15, 2024 1:45 pm

Department Signature:



SUP-0254-2024

Application

Site address: 15733 CR 36 Goshen IN 46528

Parcel number(s): P-007-002-10575 12-18-376-004

Current property owner

Name: John & Geneva Yutzy

Address: 15733 CR 36 Goshen IN 46528

Phone: 574 642 9957

Email: _____

Other party

☐ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: _____

Address: _____

Phone: _____

Email: _____

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

Signature of current property owner or authorized agent: _____

John Yutzy

Amendment

Staff Use Only

Description: 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

Parcel creation date: 3/1/1976

Subdivision required?

☐ Y ☒ N

If yes,

☐ AS

☐ Minor

☐ Major

Residential accessory breakdown, if applicable:

200% living area = 5390 sq. ft.,

attached garage = 1768 sq. ft., 2nd story of barn = 675 sq. ft., existing

shop = 2160 sq. ft., new addition = 2480 sq. ft., 1,693 sq. ft. over

allowed

Location: N S E W corner side end of CR 36

670 ft. N S E W of CR 31

in Clinton Township

Frontage: 308'

Depth: 714.22'

Area: 5.003

acres

Subdivision and lot number, if applicable: _____

Present use: residential / home workshop

Special Use — Questionnaire

Name: John Yutzy

1) Tell us what you want to do. Add an addition to the existing shop for storage.

2) Tell us why this activity won't hurt your neighbors or the community. No extra traffic or extra employees

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: 62x40x16

Tell us what you'll use it for. Storage (Peak 27')

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? 2

What will be the days and hours of operation on this property? 5 days Mon - Fri
40 hours

How many parking spaces do you have now? 4

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?

1 - 2 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 pickup truck and trailer, box truck

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). _____

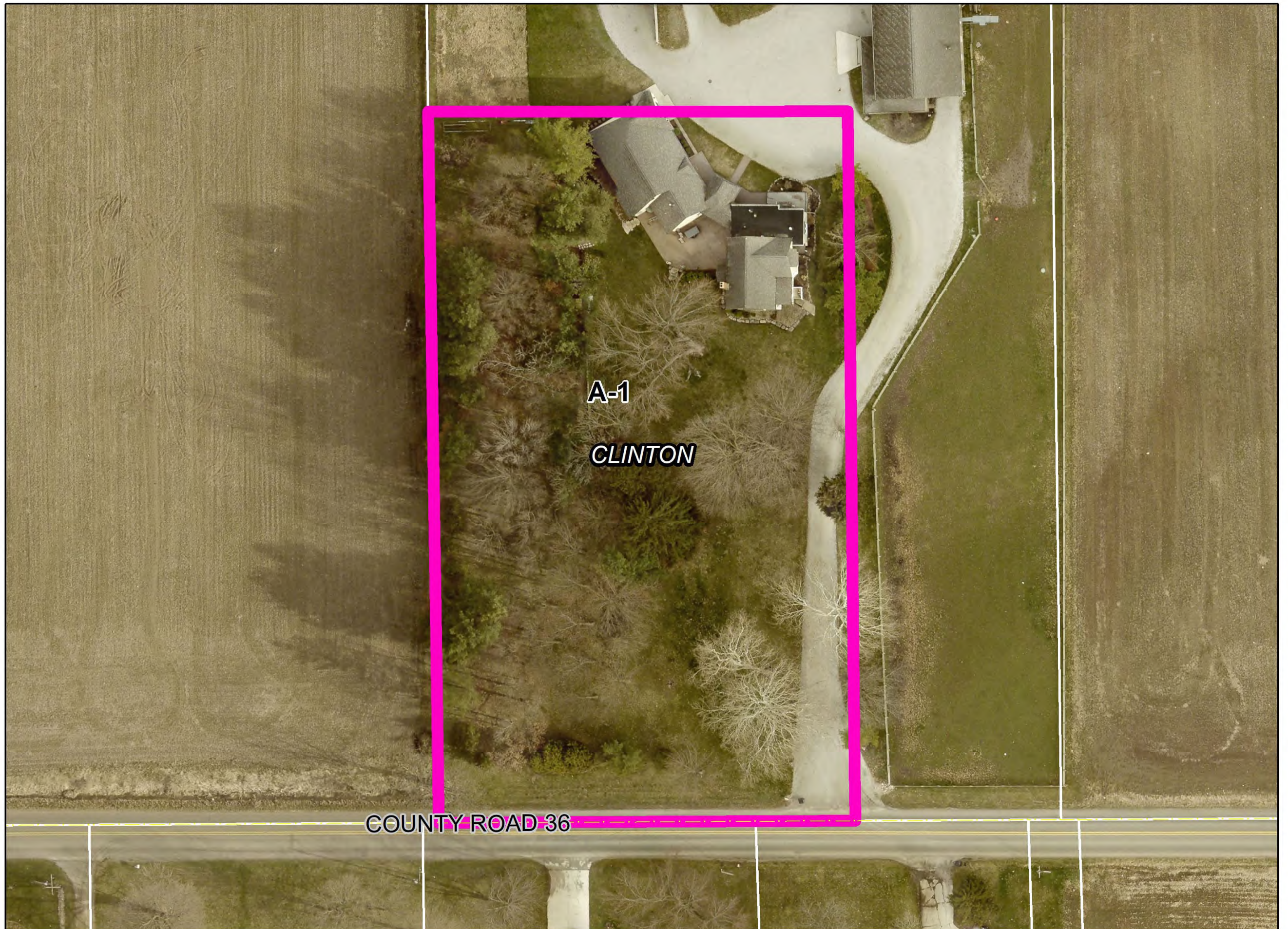
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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. _____

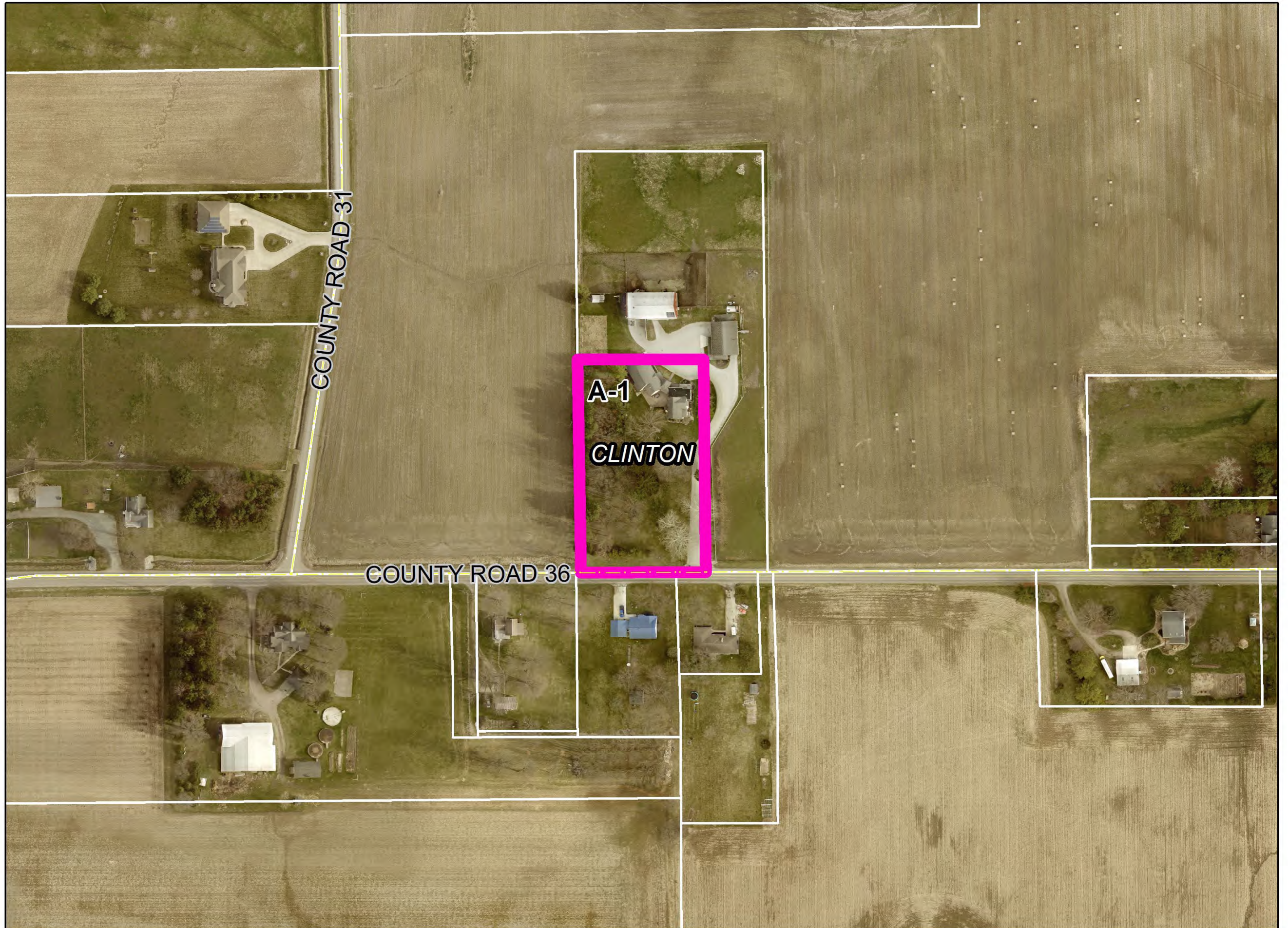
SUP-0254-2024



A-1

CLINTON

COUNTY ROAD 36







Subject north towards subject property



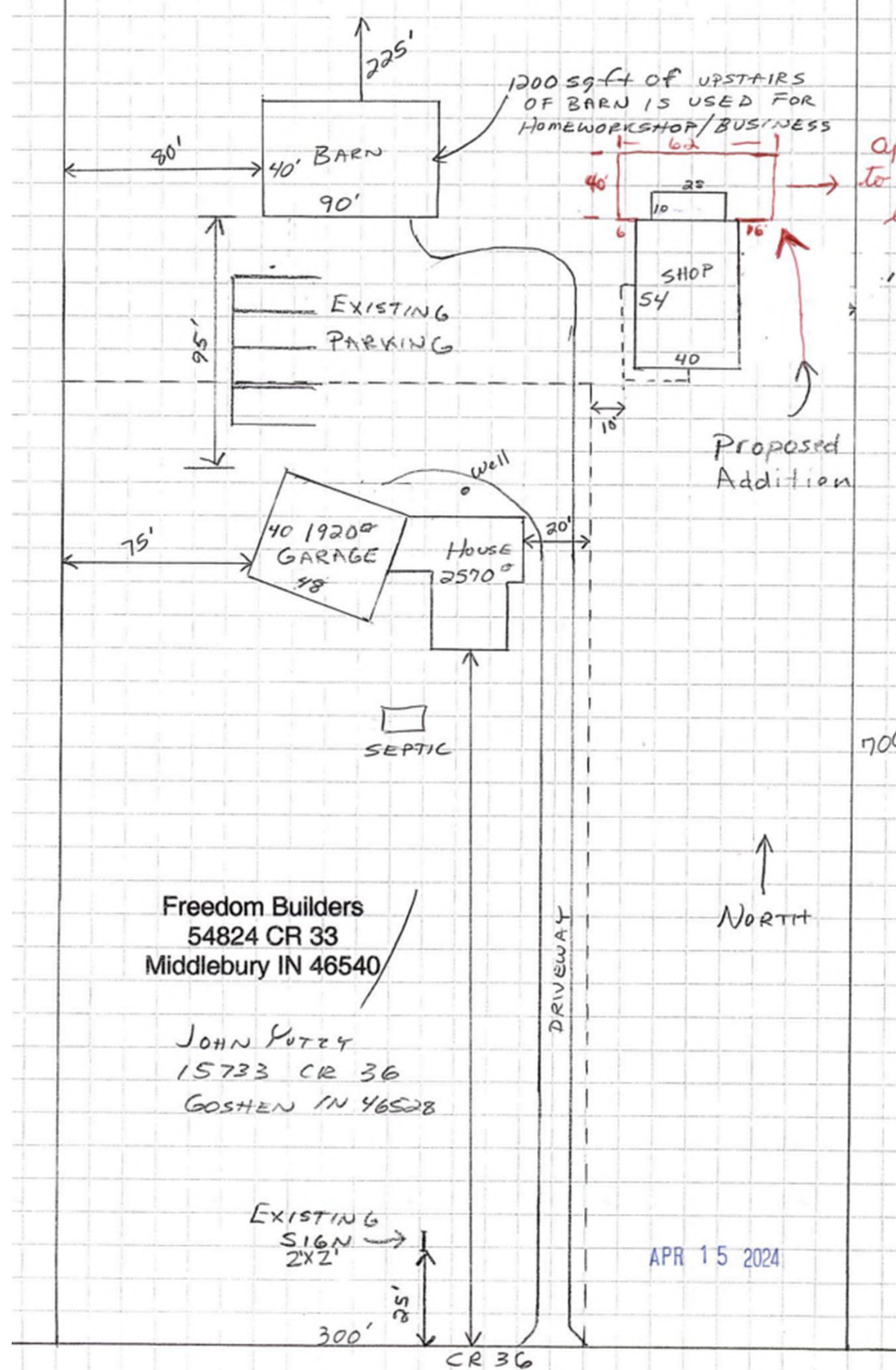
Looking south



Looking east



Looking west



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 16, 2024

Transaction Number: SUP-0231-2024.

Parcel Number(s): 20-13-35-400-008.000-020.

Existing Zoning: A-1.

Petition: for an Amendment to an existing Special Use for a home workshop/business for a woodworking business to allow for an addition, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a Developmental Variance to allow for 7 outside employees (Ordinance allows 2).

Petitioner: Joshua Lyn Borkholder & Neoma Diane Borkholder, Husband & Wife.

Location: East side of CR 101, 2,435 ft. South of CR 56, in Locke Township.

Site Description:

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

History and General Notes:

- **July 16, 1998** – BZA approved a Special Use for a home workshop/business for a woodworking business to make furniture.
- **July 19, 2001** – BZA approved a Special Use renewal for a home workshop/business for a woodworking business.
- **March 18, 2004** – BZA approved an amendment to an existing Special Use for a home workshop/business for a woodworking business to make furniture to allow for the construction of an addition to an existing shop, and a Developmental Variance to allow the total square footage of accessory structures to exceed the total square footage in the primary structure.
- **October 17, 2013** – BZA approved part of an amendment to an existing Special Use for a home workshop/business for a woodworking business to make furniture to allow for two outside employees; and for a Developmental Variance to allow for an existing sign larger than 4 sq. ft. per side.
- **October 17, 2013** – BZA denied part of an amendment to an existing Special Use for a home workshop/business for a woodworking business to make furniture for the Developmental Variance to allow the total square footage of accessory structures to exceed the total square footage in the primary structure.
- **November 16, 2017** – BZA approved a minor change to allow for the construction of a 4,800 sq. ft. agricultural building not used for the home workshop business.
- **March 17, 2021** – Hearing Officer approved a 7:1 depth-to-width Developmental Variance to allow for the construction of a residence.

BZA Staff Report (Continued)

Hearing Date: May 16, 2024

- **March 18, 2021** – BZA approved an amendment to an existing Special Use for a home workshop/business for a woodworking business to allow for a reduction in property size and for a Developmental Variance to allow for four outside employees.

Staff Analysis:

for an Amendment to an existing Special Use for a home workshop/business for a woodworking business to allow for an addition, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. This is an existing special use for a home workshop business.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 4.07-acre parcel in a low density residential and agricultural area, and the parcel will remain residential and agricultural in character.
3. The Special Use Amendment will substantially serve the public convenience and welfare by allowing an existing woodworking business to expand.

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. The petitioner must show proof of business ownership transferred to Joshua Borkholder, who is the owner/occupant.

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

1. The request is approved in accordance with the site plan submitted 4/11/2024 and as represented in the Special Use application.
2. Any future expansions to the business will require a DPUD.

BZA Staff Report (Continued)

Hearing Date: May 16, 2024

for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a Developmental Variance to allow for 7 outside employees (Ordinance allows 2), staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 12,772 sq. ft., or 57.75%, over what is allowed by right, and the added accessory structure area and outside employees will not increase the density of the area.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 4.07-acre property in a low density residential and agricultural area, and the property will remain residential and agricultural in character.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. Without the benefit of the variances, the business could not expand.

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

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 4/11/2024 and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use Amendment - Non Mobile Home

Date: 04/11/2024 Meeting Date: May 16, 2024 Transaction #: SUP-0231-2024
Board of Zoning Appeals Public Hearing

Description: for an Amendment to an existing Special Use for a home workshop/business for a woodworking business to allow for a new building and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right

Contacts: Applicant Land Owner
B & B Roofing And Construction
72758 County Road 101
Nappanee, IN 46550
Joshua Lyn & Neoma Diane Borkholder
72990 County Road 101
Nappanee, IN 46550

Site Address: 72990 County Road 101
NAPPANEE, IN 46550

Parcel Number: 20-13-35-400-008.000-020

Township: Locke
Location: EAST SIDE OF CR 101, 2,435 FT. MILE SOUTH OF CR 56

Subdivision: Lot #

Lot Area: 4.07 Frontage: 325.00 Depth: 441.80

Zoning: A-1 NPO List:

Present Use of Property: RESIDENTIAL/AGRICULTURAL/BUSINESS

Legal Description:

Comments: COMMITMENT IS AT RECORDER'S OFFICE FROM SUP-0128-2021
WILL NEED TO FILE FOR A MINOR SUBDIVISION BEFORE PERMITS CAN BE ISSUED - NOTES WERE ON SUP-0128-2021 WHEN AN ADMIN SUB WAS FILED (AS-0834-2021)
OK PER DANNY TO PROCEED WITH SPECIAL USE WHILE PROPERTY OWNER WORKS ON OBTAINING NEW OWNERSHIP OF BUSINESS - KB 4/11/2024
SEE SPECIAL USE - STEVE BORKHOLDER (982817) FOR 7/16/98 BZA APPROVAL TO ALLOW FOR A HOME WORKSHOP/BUSINESS FOR A WOODWORKING BUSINESS.
SEE SPECIAL USE - STEVEN BORKHOLDER (20012790) FOR 7/19/01 BZA APPROVAL FOR A RENEWAL OF A HOME WORKSHOP/BUSINESS FOR A WOODWORKING BUSINESS.
SEE SPECIAL USE/DEVELOPMENTAL VARIANCE - STEVEN BORKHOLDER (20041355) FOR 3/18/04 BZA APPROVAL FOR AN AMENDMENT TO THE SPECIAL USE FOR THE HOME WORKSHOP/BUSINESS FOR WOODWORKING FOR AN ADDITION AND FOR A DEVELOPMENTAL VARIANCE TO ALLOW THE SQ. FT. OF ACCESSORY STRUCTURES TO EXCEED THAT ALLOWED.
SEE SPECIAL USE/DEVELOPMENTAL VARIANCE - STEVEN A. & WANETA LEA BORKHOLDER (72990CR 101-130916-1) FOR 10/17/13 BZA APPROVAL FOR AN AMENDMENT TO AN EXISTING SPECIAL USE FOR A HOME WORKSHOP/BUSINESS FOR WOODWORKING FOR AN ADDITION AND SIGN AND FOR A DEVELOPMENTAL VARIANCE TO ALLOW THE SQ. FT. OF ACCESSORY STRUCTURES TO EXCEED THAT ALLOWED AND THE SQ. FT. OF THE SIGN TO EXCEED THAT ALLOWED.
SEE SPECIAL USE/DEVELOPMENTAL VARIANCE - STEVEN A. & WANETA LEA BORKHOLDER (72990CR 101-131021-1) FOR 11/21/13 BZA APPROVAL FOR AN AMENDMENT TO AN EXISTING SPECIAL USE FOR A HOME

Applicant Signature:

Department Signature:

PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use Amendment - Non Mobile Home

Elkhart County Planning & Development

Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

SUP-0231-2024

Date: 04/11/2024

Meeting Date:

May 16, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0231-2024

WORKSHOP/BUSINESS FOR WOODWORKING FOR THE CONSTRUCTION OF AN ADDITION AND FOR A DEVELOPMENTAL VARIANCE TO ALLOW THE SQ. FT. OF ACCESSORY STRUCTURES TO EXCEED THAT ALLOWED. SEE DEVELOPMENTAL VARIANCE - STEVEN A. BORKHOLDER & WANETA LEA BORKHOLDER, HUSBAND & WIFE (DV-0127-2021) TO BE HEARD BY THE HEARING OFFICER ON 3/17/21 FOR A 7:1 DEVELOPMENTAL VARIANCE FOR THE CONSTRUCTION OF A RESIDENCE ON 13-35-400-010.

THE PROPERTY LINES ARE BEING MOVED AFFECTING THE SIZES OF BOTH PARCELS. THIS SPECIAL USE IS NEEDED TO APPROVE THE HOME WORKSHOP ON THE NEW SMALLER PARCEL WITHOUT INCLUDING THE PARCEL ON WHICH THE NEW RESIDENCE WILL BE CONSTRUCTED. PART OF THE PARCEL TO THE NORTH WILL BE GIVEN TO THIS PROPERTY SO THAT THE SHOP MEETS THE REQUIRED SETBACK. PART OF THE SUBJECT PROPERTY WILL BE GIVEN TO THE OTHER PARCEL TO MAKE IS ONLY 4.07 ACRES.

RESIDENCE = 3,688 SQ FT X 200% = 7,376 MINUS 3,164 (DETACHED GARAGE), 8,854 (WORKSHOP), 196 (SHED), 338 (PORCH), 120 (SHED), 4900 (DETACHED GARAGE), NEW/PROPOSED BUILDING IS 2,576 (56 X 46), WHICH IS AN OVERAGE OF 12,772 SQ FT

Applicant Signature:

Department Signature:

Application

Site address: 72990 CR 101 Nappanee IN 46550

Parcel number(s):

Current property owner

Name: Josh & Neoma Borkholder

Address: 72990 CR 101 46550

Phone: 574-546-1455 Email:

Other party ☐ Agent ☐ Buyer ☐ Land contract purchaser ☐ Lessee

Name:

Address:

Phone: Email:

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

Signature of current property owner or authorized agent:

Staff Use Only

Description:

Parcel creation date:

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

Residential accessory breakdown, if applicable:

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

Frontage: Depth: Area: acres

Subdivision and lot number, if applicable:

Present use:

Special Use — Questionnaire

Name:

Josh & Neoma Borkholder

1) Tell us what you want to do. Show room and cabinet storage addition

2) Tell us why this activity won't hurt your neighbors or the community. There will be No outside storage and property is well Maintained

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: 56' x 46' 20' to peak
Tell us what you'll use it for. Showroom and storage
With 8' x 12' Entrance Porch

Building or addition 2 Existing? ☒ Y ☐ N Size and height to the peak: 122' x 64' 20' to peak
Tell us what you'll use it for. Production of kitchen cabinets

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: 7 Part time: _____

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

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

What will be the days and hours of operation on this property? 5 AM - 2:30 pm

How many parking spaces do you have now? 6

How many parking spaces do you want? 0

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

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

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

If yes, tell us what will be sold. Kitchen cabinets

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

1 per day

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

Tell us how often. 4 per week

Tell us the kind of vehicles used. Box Truck

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

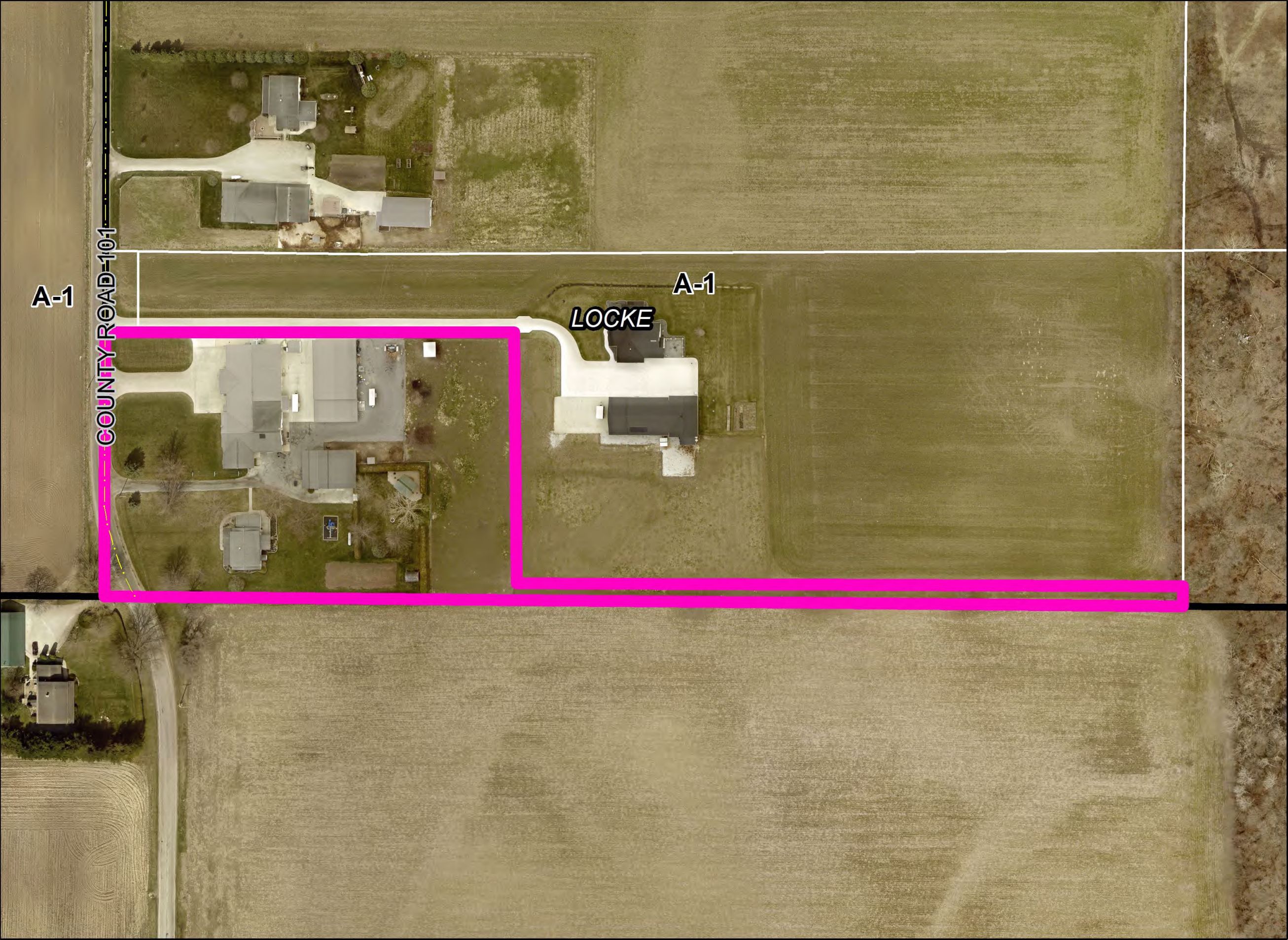
Sign 3 Dimensions (length and width). _____

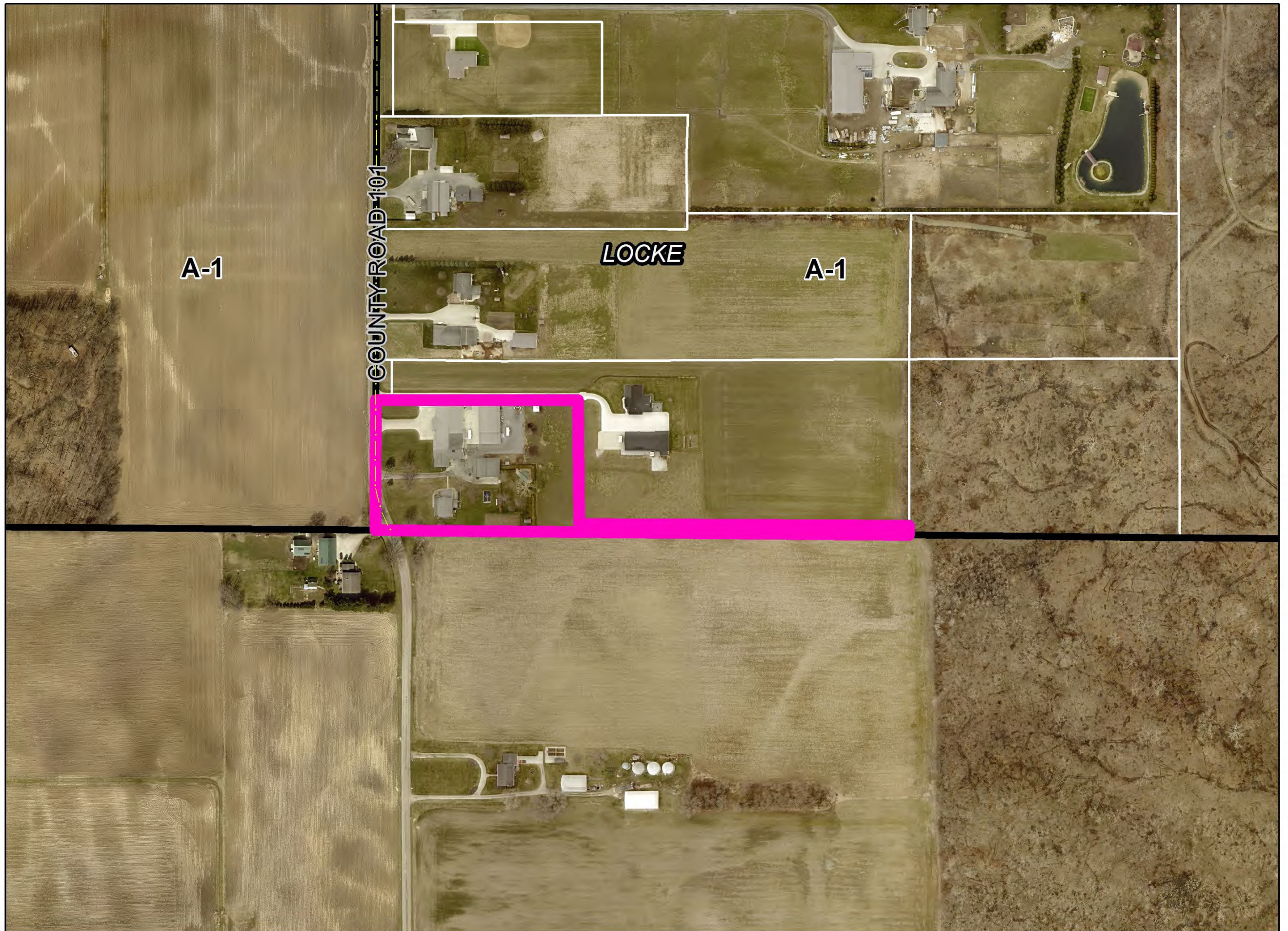
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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 south



Looking west



Looking north

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 16, 2024

Transaction Number: UV-0249-2024.

Parcel Number(s): 20-04-26-300-015.000-032.

Existing Zoning: A-1.

Petition: for a Use Variance to allow for the construction of a second dwelling on a zoning lot.

Petitioner: Mitchell D. Hawkins.

Location: West side of SR 13, 3,525 ft. North of CR 10, in York Township.

Site Description:

- Physical Improvement(s) – Single-family residence & accessory structure.
- Proposed Improvement(s) – Additional single-family residence.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **December 17, 2018** – An Administrative Subdivision was approved for the property (AS-2634-2018).

Staff Analysis:

Staff finds that:

1. The request will be injurious to the public health, safety, morals, and general welfare of the community. The zoning ordinance does not allow two primary residences on one buildable parcel in the A-1 zone.
2. The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner. The subject property is 127.72 acres in a low density residential and agricultural area.
3. A need for the Use Variance does not arise from a condition that is peculiar to the property involved. This is a large property and could be subdivided to accommodate one primary residence per buildable parcel.
4. Strict enforcement of the terms of the Zoning Ordinance would not constitute an unnecessary hardship if applied to the subject property. The proposed residential development could be placed on a newly subdivided lot.
5. The Use Variance does not interfere substantially with the Elkhart County Comprehensive Plan.

Staff recommends **DENIAL**.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Use Variance - Use Variance

Date: 04/15/2024

Meeting Date:

May 16, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

UV-0249-2024

Description: for a Use Variance to allow for the construction of a second dwelling on a zoning lot

Contacts: Applicant

Jones Petrie Rafinski
300 Nibco Pkwy
Elkhart, IN 465163570

Land Owner

Mitch Hawkins
16082 Cr 14
Goshen, IN 46528

Site Address:

53829 State Road 13
MIDDLEBURY, IN 46540

Parcel Number:

20-04-26-300-015.000-032

Township: York

Location: WEST SIDE OF SR 13, 3,525 FT NORTH OF CR 10

Subdivision:

Lot #

Lot Area:

127.72

Frontage:

594.00

Depth:

2,368.35

Zoning: A-1

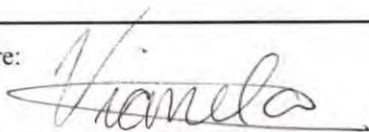
NPO List:

Present Use of Property: RESIDENTIAL DWELLING

Legal Description:

Comments: PARCEL CREATION DATE 1/5/1970
AS-2634-2018
BA-2071-2022

Applicant Signature:



Department Signature:



4230 Elkhart Road
Goshen, Indiana 46526

**Elkhart County
Planning and Development**

(574) 971-4678
DPS@ElkhartCounty.com

Application

Site address: 53829 State Road 13, Middlebury, IN 46540

Parcel number(s): 20-04-26-300-015.000-032

Current property owner

Name: Mitchell Hawkins

Address: (same as site address above)

Phone: 574-370-0906

Email: mitch@apexdoorsplus.com

Other party

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: Kenneth Jones, Jr., PS

Address: 325 S. Lafayette Blvd., South Bend, IN 46601

Phone: 574-232-4388

Email: kennethjones@jpr1source.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: _____

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

Residential accessory breakdown, if applicable: _____

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

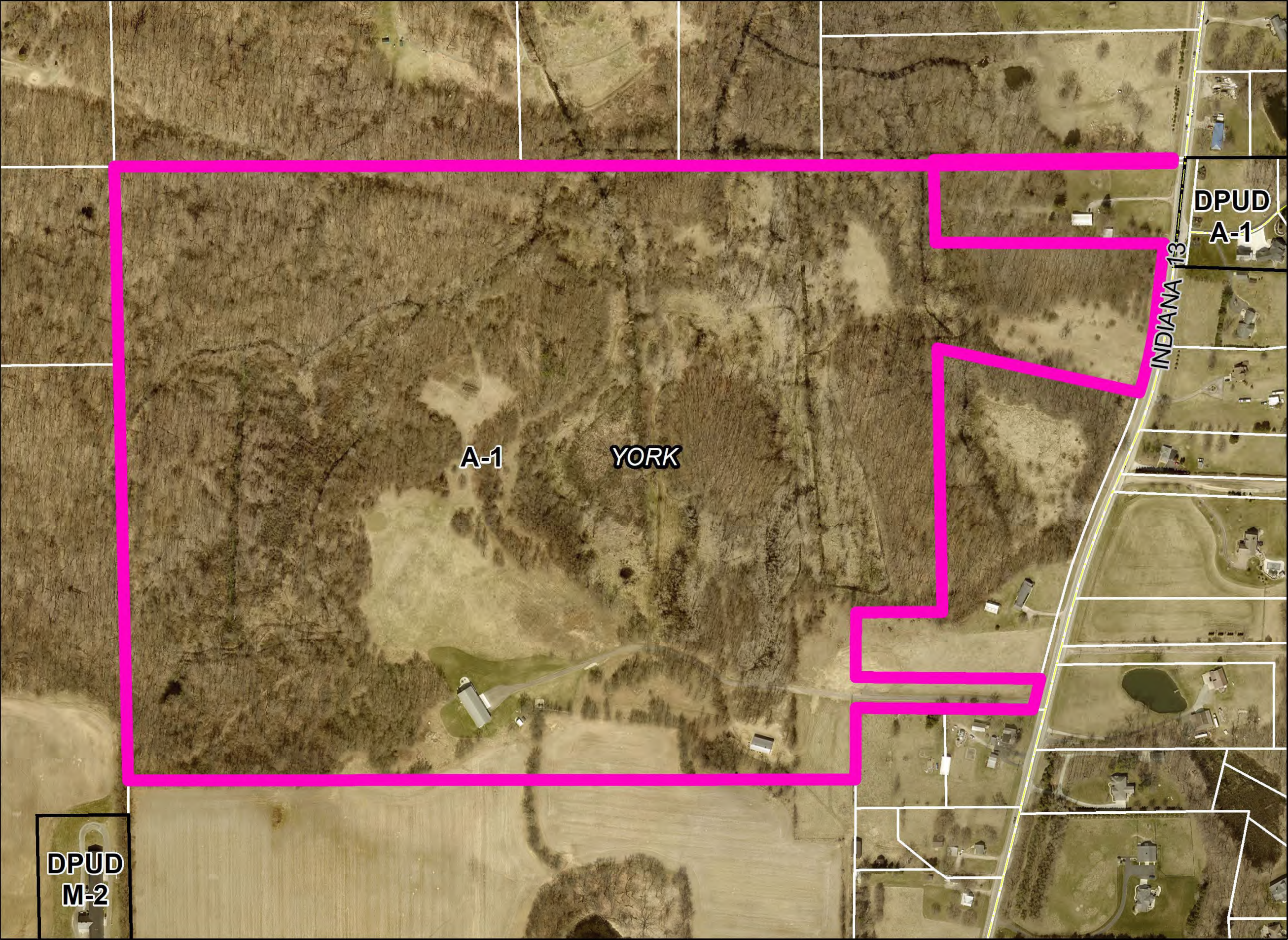
Frontage: _____ **Depth:** _____ **Area:** _____ acres

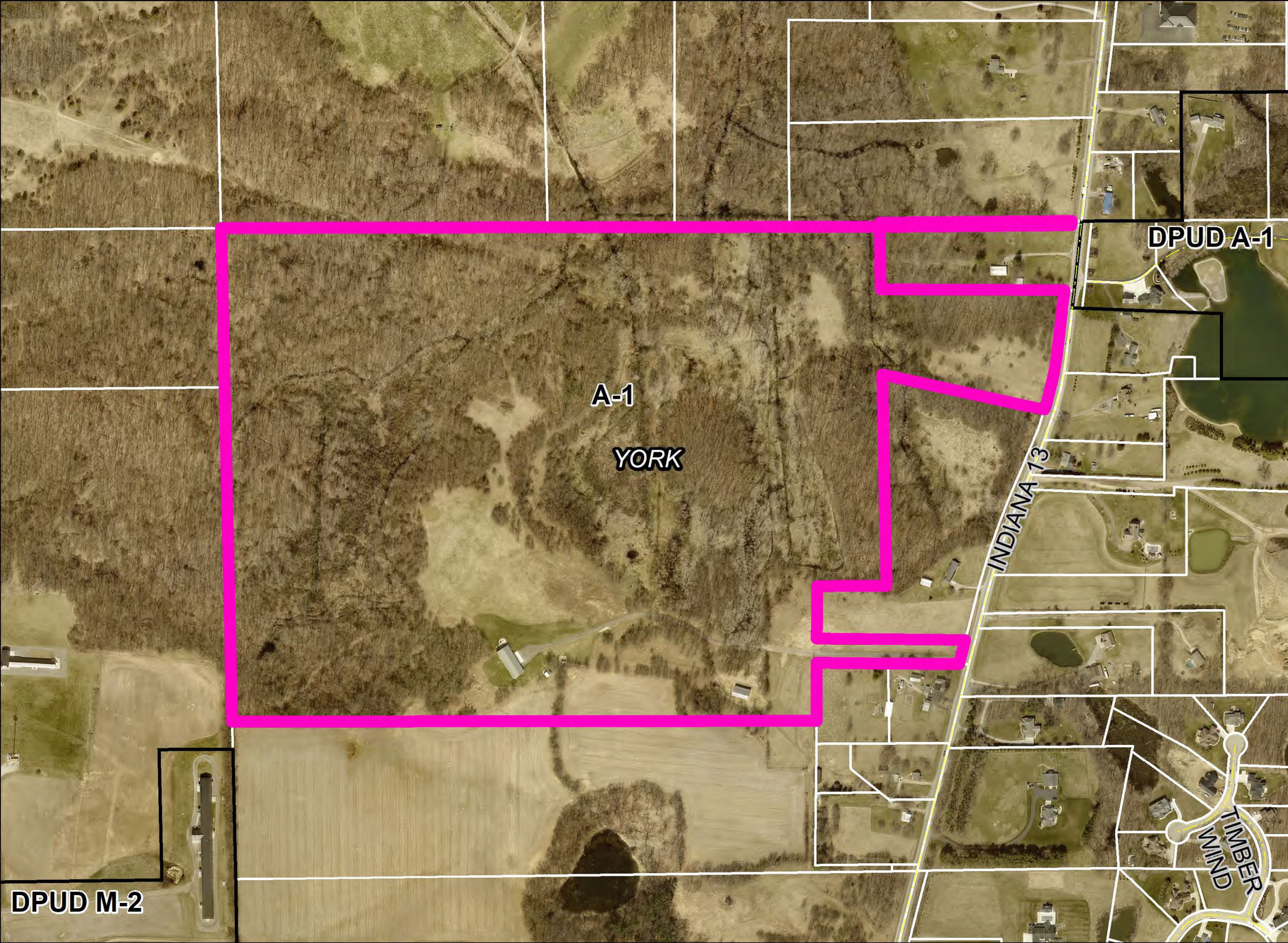
Subdivision and lot number, if applicable: _____

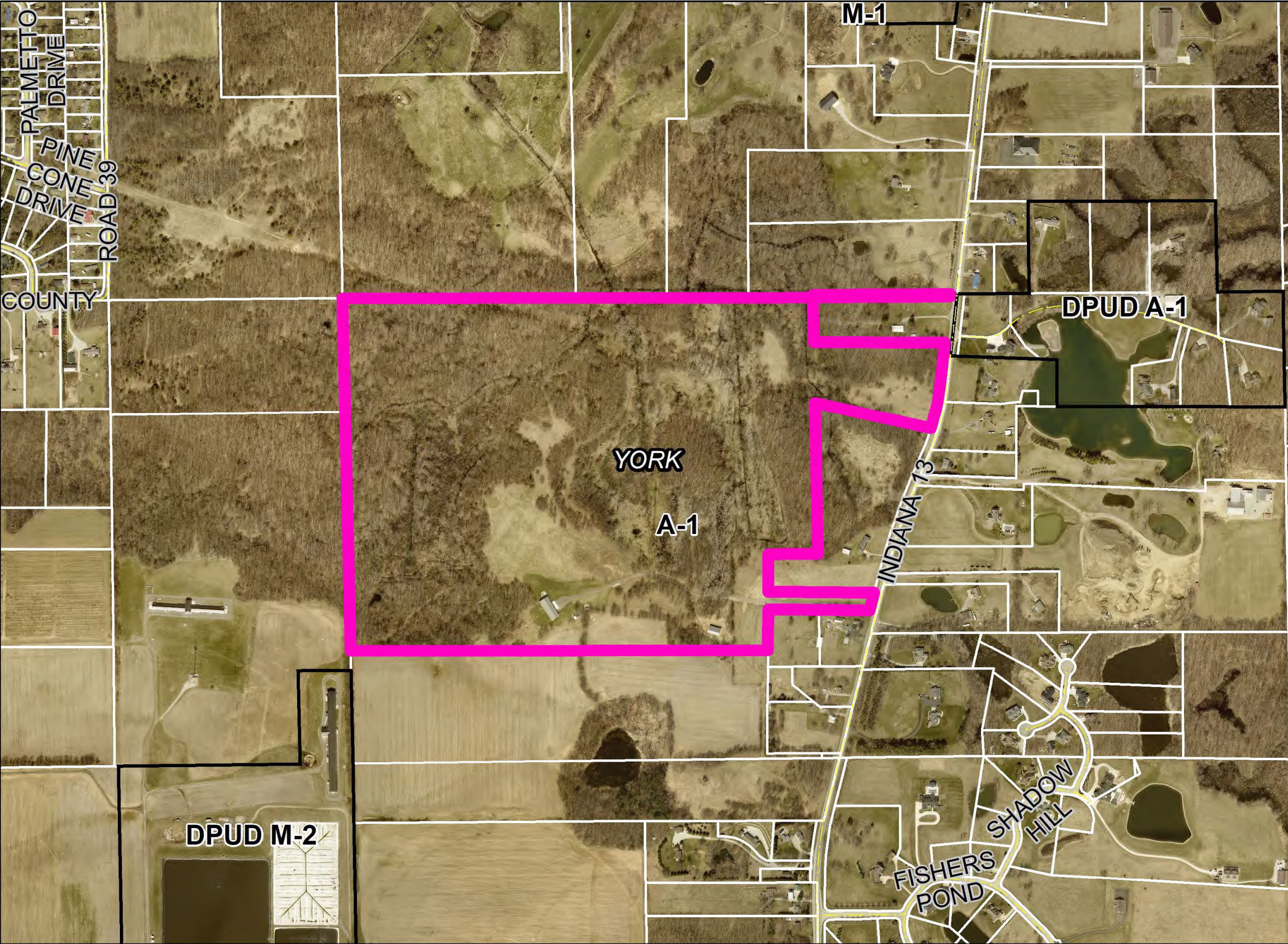
Present use: _____

Developmental Variance — QuestionnaireName: Mitchell Hawkins (represented by Kenneth Jones, Jr.)

- 1) Tell us what you want to do. Looking to build a new single family home for myself on property I already own. Doing so will render my current residence, which is also on the property, an accessory dwelling as the same is defined within Elkhart County Zoning Ordinance.
- 2) Tell us why you can't change what you're doing so you don't need a variance. This is not applicable. What I am seeking to do is well within the overall spirit and intent of the A-1 Zoning classification.
- 3) Tell us why the variance won't hurt your neighbors or the community. The size of my property provides significant separation between myself and any occupied dwellings in the area. (see preliminary site plan)
- 4) Does the property need well and septic? Well: ☒ Y ☐ N Septic: ☒ Y ☐ N
Does the property need a new septic system? ☒ Y ☐ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☒ Y ☐ N
- 5) Does the application include variances to allow for buildings or additions? ☒ Y ☐ N If yes, fill out below.
- Building or addition 1** Size and height to the peak: 2,400 sft, 27 feet high to peak (existing building)
Tell us what you'll use it for. It will become an accessory dwelling (with personal storage area) after new home is built
- Building or addition 2** Size and height to the peak: 7,500 total footprint sft - 30' in total height (incl. lower level walk out)
Tell us what you'll use it for. This will be my personal residence after construction.
- Building or addition 3** Size and height to the peak: _____
Tell us what you'll use it for. _____
- 6) Does the application include a variance for a residence on property with no road frontage? ☐ Y ☒ N
If yes, fill out below.
Is the easement existing? ☐ Y ☐ N If the easement is existing, is it recorded? ☐ Y ☐ N
Tell us who owns (will own) the land under the easement. _____
Tell us how many parcels will use the easement. _____
- 7) Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.
- Sign 1** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- Sign 2** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- Sign 3** Dimensions (length and width): _____
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N
- 8) Does the application include a variance for parking spaces? ☐ Y ☒ N
If yes, tell us how many total there will be. _____
- 9) Tell us anything else you want us to know. _____









Looking west towards subject property



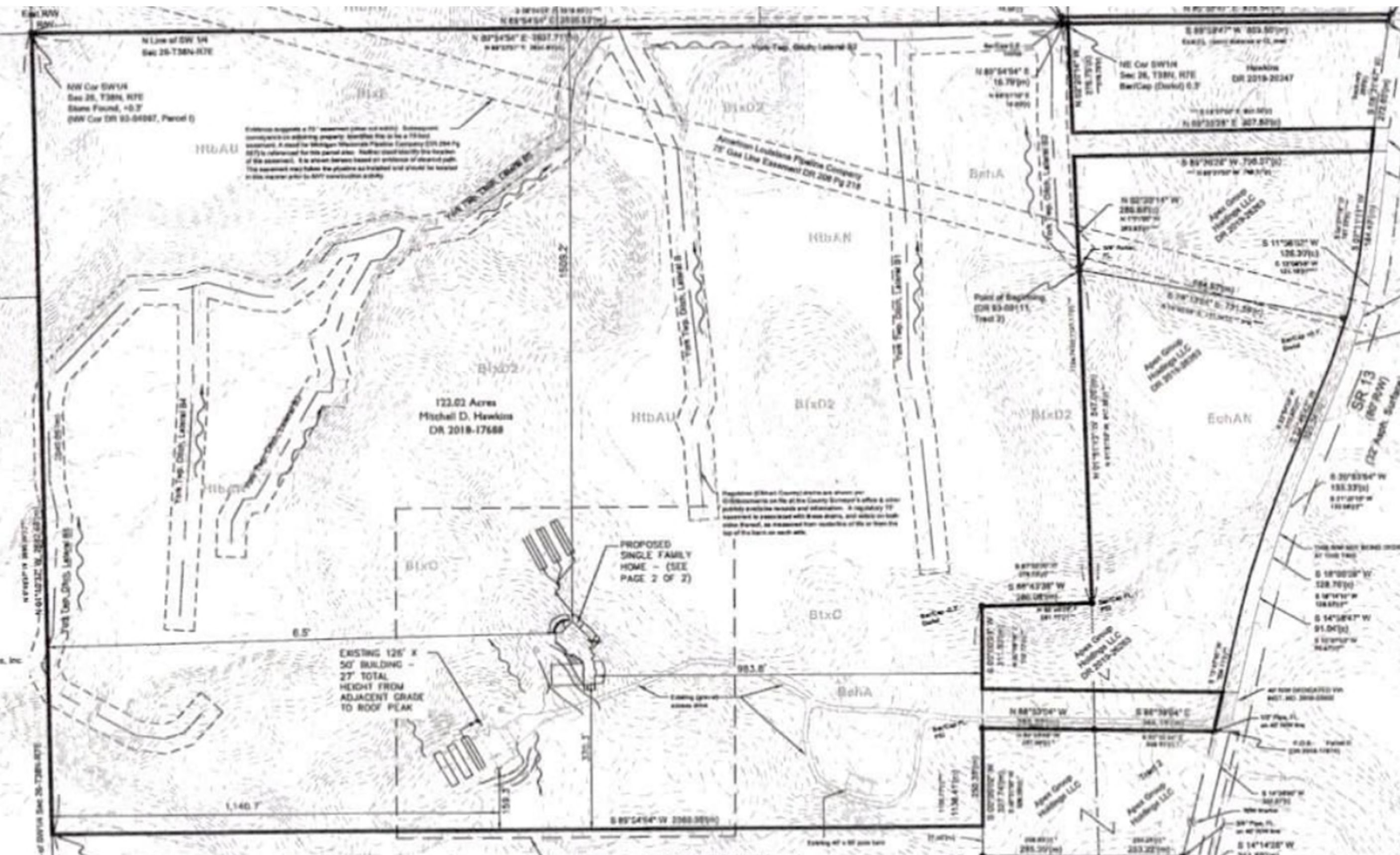
Looking east



Looking north



Looking south



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: May 16, 2024

Transaction Number: UV-0239-2024.

Parcel Number(s): 20-11-35-127-006.000-014.

Existing Zoning: R-1.

Petition: for a Use Variance to allow for an auto fabrication business and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Petitioner: Elmer Brandenberger.

Location: West side of Grasslands Ln., 710 ft. South of CR 40, in Elkhart Township.

Site Description:

- Physical Improvement(s) – Single-family residence & accessory structure.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **March 13, 2024** – There is a current complaint for running a business (modify/make monster trucks) on the property (CODE-0135-2024).
- Building permit BC-0538-2020 for the accessory structure was for 720 sq. ft. but the Assessor's record & G.I.S. shows a +/-1,271 sq. ft. structure that appears to be 18 ft. or taller.
- Accessory structures are limited to 18 ft. in height without increasing side yard setback.

Staff Analysis:

for a Use Variance to allow for an auto fabrication business, staff finds that:

1. The request will be injurious to the public health, safety, morals, and general welfare of the community. Auto fabrication produces noise and other negative effects.
2. The use and value of the area adjacent to the subject property will be affected in a substantially adverse manner. This is a 0.39-acre parcel in a dense residential area, and this use has generated nuisances that affect neighboring property.
3. A need for the Use Variance does not arise from a condition that is peculiar to the property involved. This is a lot in a residential subdivision that is no different from the lots that surround it.

BZA Staff Report (Continued)

Hearing Date: May 16, 2024

4. Strict enforcement of the terms of the Zoning Ordinance would not constitute an unnecessary hardship if applied to the subject property. The proposed commercial activity is a permitted use in a variety of nonresidential zones.
5. The Use Variance does interfere substantially with the Elkhart County Comprehensive Plan. The comprehensive plan states that existing residential communities should be supported and protected from conflicting land uses.

Staff recommends **DENIAL**.

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

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 281 sq. ft., or 15.14 %, over what is allowed by right, and the added accessory structure area will not increase the density of the area.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.39-acre parcel in a dense residential area, and the parcel will remain residential in character.
3. Strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property. The variance reduces the need for outdoor storage.

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

1. A variance from the developmental standards of the Zoning Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 4/15/2024 and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Use Variance - Use Variance

Date: 04/15/2024

Meeting Date:

May 16, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

UV-0239-2024

Description: for a Use Variance to allow for an auto fabrication business and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right

Contacts: Applicant

Elmer Brandenberger
66133 Grasslands Lane
Goshen, IN 46526

Land Owner

Elmer Brandenberger
66133 Grasslands Lane
Goshen, IN 46526

Site Address: 66133 Grasslands Lane
GOSHEN, IN 46526

Parcel Number: 20-11-35-127-006.000-014

Township: Elkhart

Location: WEST SIDE OF GRASSLANDS DR, 710 FT. SOUTH OF CR 40

Subdivision: GRAND PRAIRIE SD

Lot # 6

Lot Area: 0.39 Frontage: 90.00

Depth: 190.00

Zoning: R-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE CODE #0135-2024 FOR RUNNING A BUSINESS FROM A RESIDENCE
PROPERTY OWNER TO FINISH PERMIT #BR-0538-2020 FOR THE ACCESSORY BUILDING (SHOWS AS 720 SQ FT ON PERMIT, BUT 1,271 ON AUDITOR'S CARDS)
PROPERTY OWNER TO VERIFY HEIGHT TO PEAK OF ACCESSORY BUILDING
RESIDENCE = 1,688 SQ FT X 110% = 1,856 SQ FT, MINUS 126 (SHED), 240 (SHED), 1,271 (DETACHED GARAGE), AND 500 (ATTACHED GARAGE) IS 281 SQ FT OVER - KB

Applicant Signature:

Department Signature:

Application

Site address: 66133 GRASSLANDS LN GOSHEN, IN 46526
Parcel number(s): _____

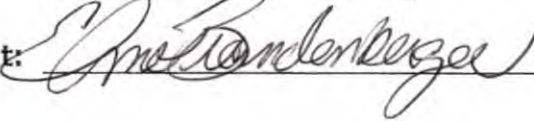
Current property owner

Name: Elmer BRANDEN BERGER
Address: 66133 GRASSLANDS LN GOSHEN, IN 46526
Phone: 260-336-3737 Email: RHC033079@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: _____

Parcel creation date: _____

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

Residential accessory breakdown, if applicable: Residence = 1688 = 1856 - 126 (shed)
- 240 (shed) - 1271 (detached garage) - 500 (garage) = 281 over

Location: N S E (W) corner (side) end of Grasslands Dr
710 ft. N (S) E W of CR 40
in Elkhart Township

Frontage: 90 Depth: 190 Area: .393 acres

Subdivision and lot number, if applicable: Grand Prairie SD Lot 6

Present use: Residential

Use Variance — Questionnaire

Name:

ELMER BRANDENBERGER

- 1) Tell us what you want to do. OBTAIN A VARIANCE TO CONTINUE SMALL BUSINESS OUT OF THE SHOP ON THE PROPERTY & CONTINUE TO SUPPORT MY FAMILY
- 2) Tell us why your case is different from other cases in the county so that a variance should be allowed. WORK IS CONTAINED INSIDE THE BUILDING, AND WE DON'T DISRUPT OUR NEIGHBORS DAY TO DAY ACTIVITIES. NEIGHBORS AGREE AND MOST HAD NO KNOWLEDGE OF A SHOP EVEN BEING THERE!!
- 3) Tell us why the variance won't hurt your neighbors or the community. WE ARE A SMALL BUSINESS AND DON'T GET IN THE WAY OF OUR NEIGHBORS AND TRY TO MAINTAIN A GREAT RELATIONSHIP W/ ALL OF THEM AS WE WORK
- 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. TOOLS FOR WORKING ON TRUCKS OCCASIONALLY W/ THE MAJORITY OF THE WORK BEING WELDING W/ NO NOISE
Tell us how you'll reduce the impact of those things on neighbors. NOISE IF APPLICABLE, IS CONTAINED TO INSIDE THE BUILDING
- 5) Will there be buffering (fences, trees, shrubs, mounds)? ☒ Y ☐ N
If yes, tell us about it. 6 FT FENCE ON THE SOUTH PROPERTY LINE WEST PROPERTY LINE 6 FT FENCE
- 6) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☐ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☒ N
- 7) Does what you want to do include buildings or additions? ☐ Y ☒ N If yes, fill out below.
Building or addition 1 Existing? ☒ Y ☐ N Size and height to the peak: 30' x 40' x 2
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) Is there a subdivision covenant that says you can't do this activity? ☐ Y ☒ N
If yes, does the subdivision have an active homeowners' association? ☐ Y ☒ N
- 9) Does this application include an accessory structure without a residence at this time? ☐ Y ☒ N
If yes, are there plans for a residence on this property? ☐ Y ☒ N If yes, fill out below.
Tell us when it will be built. _____
Tell us the approximate size. _____
- 10) Does this application include animals? ☐ Y ☒ N
If yes, tell us what kind and the maximum number of each. _____

Use Variance — Questionnaire

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

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

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

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

What will be the days and hours of operation on this property? MON - FRI 9-5

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

How many parking spaces do you want? N/A

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

If yes, tell us what will be stored outside or displayed. 5' x 5' AXLE STAND
OR STORAGE RACK

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

If yes, tell us what will be sold. _____

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

NONE - NO CLIENTEL VISITATION ALLOWED

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

Tell us how often. UPS / FED EX OCCASIONAL ~~DELIVERIES~~

Tell us the kind of vehicles used. UPS / FED EX
OCCASIONAL FLAT BED

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

Sign 1 Dimensions (length and width). _____

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

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

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

Sign 2 Dimensions (length and width). _____

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

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

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

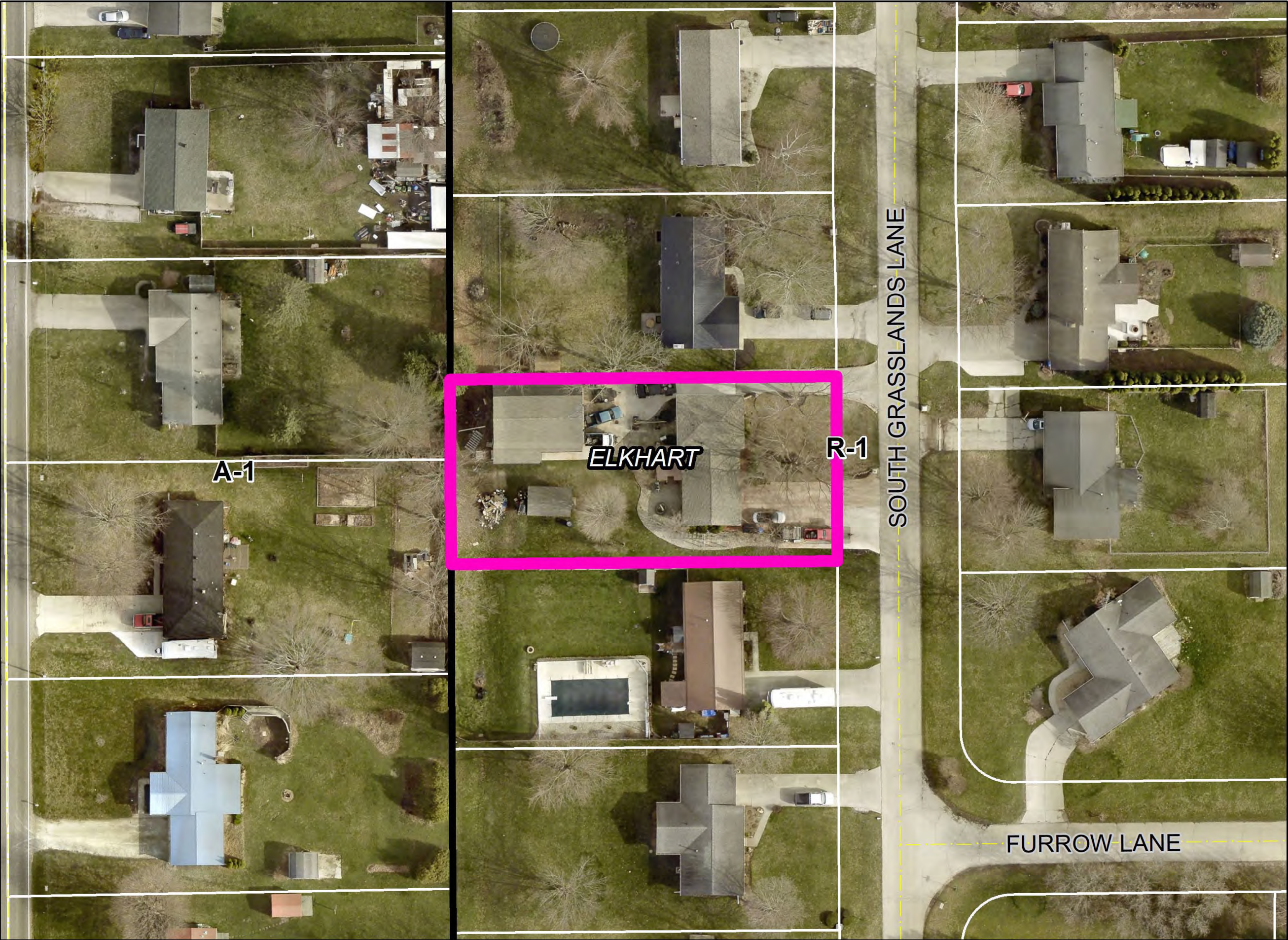
Sign 3 Dimensions (length and width). _____

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

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

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

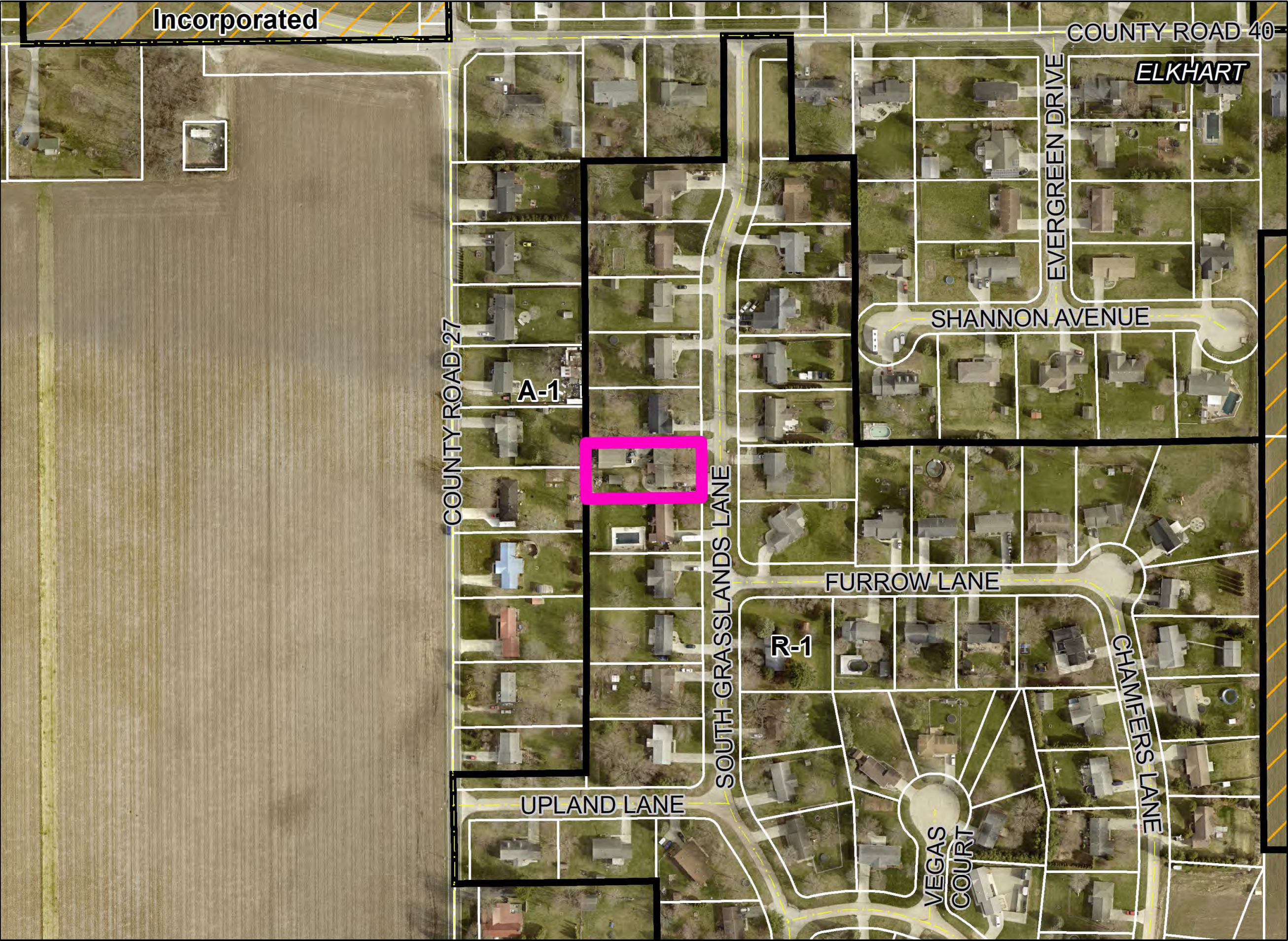
12) Tell us anything else you want us to know. WE WOULD LIKE TO ASK FOR
A TIE TO MY OWNERSHIP OF THIS LAND FOR THE
USE VARIANCE

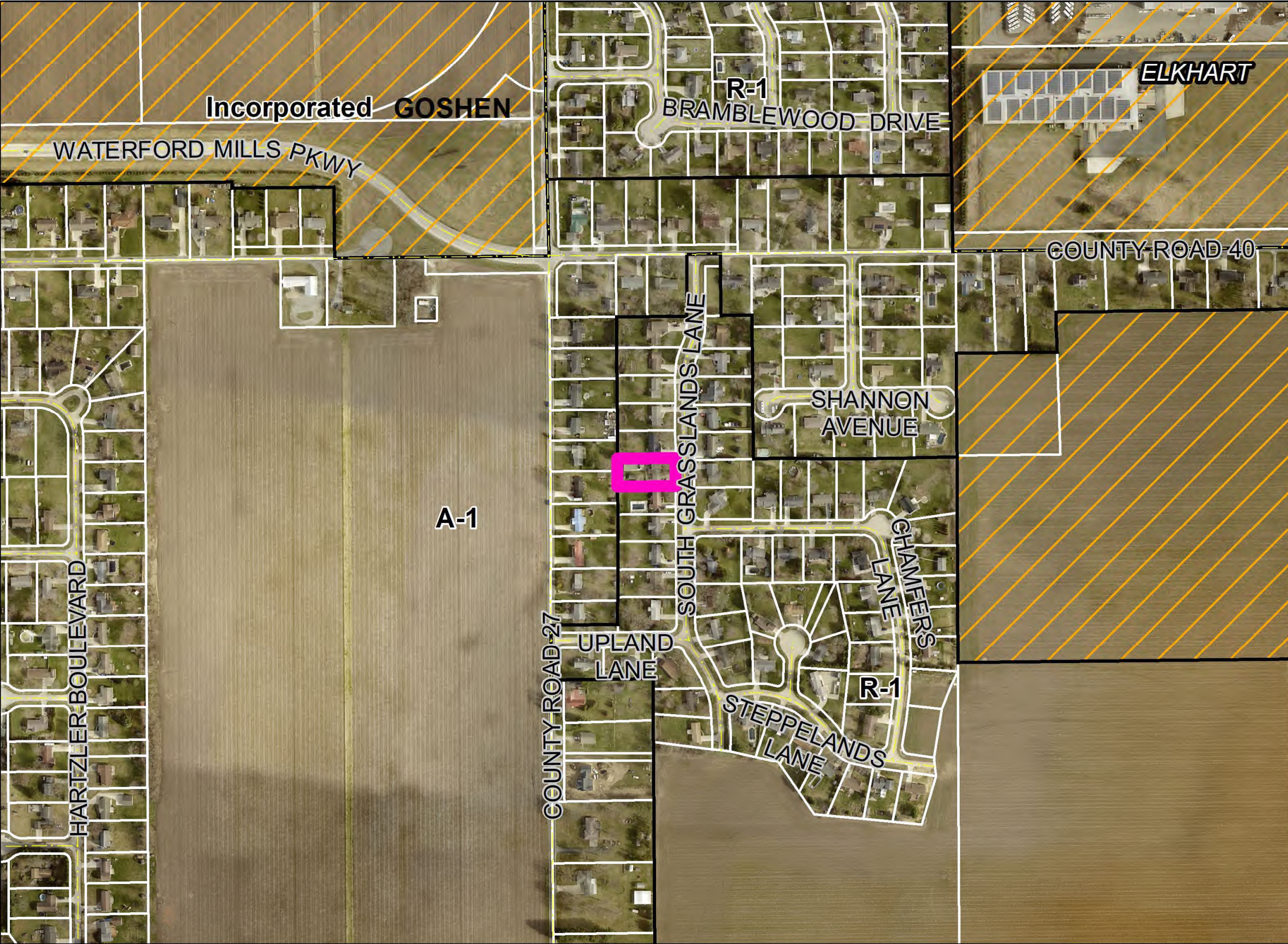


2021 Aerials

1 inch = 60 feet









Looking east towards subject property



Looking east showing accessory structure



Looking west



Looking north



Looking south

