

AGENDA

ELKHART COUNTY BOARD OF ZONING APPEALS

NOVEMBER 21, 2024
9:00 A.M.

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

Call to Order

Roll Call

Approval of Minutes of the last regular meeting of the Elkhart County Board of Zoning Appeals held on the 17th day of October 2024.

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

SPECIAL USES

9:00 A.M.

(WARNER)

- A. Petitioner: ***Max Sweers*** **(Page 5)**
 Petition: for a Special Use for a retail greenhouse.
 Location: South side of CR 2, 1,810 ft. East of CR 21, common address of 00000 CR 2
 in Washington Township, zoned A-1. SUP-0670-2024
- B. Petitioner: ***Danny L. Yoder & Vonda S. Yoder, as Trustees*** **(Page 6)**
 of the Danny L. Yoder & Vonda S. Yoder Joint Revocable Trust
 Petition: for a Special Use for a home workshop/business for a taxidermy business.
 Location: East side of CR 8, 830 ft. South of CR 10, common address of 54644 CR 8 in
 York Township, zoned A-1. SUP-0732-2024

SPECIAL USE/DEVELOPMENTAL VARIANCES

- C. Petitioner: ***Lavon J. Miller & Anita D. Miller, Husband & Wife*** **(Page 7)**
 Petition: for a Special Use for a home workshop/business for a woodworking business
 and for a Developmental Variance to allow for the total square footage of
 accessory structures to exceed that allowed by right.
 Location: West side of CR 43, 1,460 ft North of CR 34, common address of 62739 CR
 43 in Clinton Township, zoned A-1. SUP-0745-2024

- 9:30 A.M.** **(WARNER)**

- Recission – Special Use – (SUP-0462-2017) - request to rescind Special Use for RV storage and shipping for CR 43.
- Minor Change – Special Use – (SUP-0001-2024) – Removal of condition 2 from a Special Use for an existing garden supplies business for Curtis J. Bontrager & Melody J. Bontrager, Husband & Wife (Land Contract Purchaser).

The Elkhart County Board of Zoning Appeals is meeting on Thursday, November 21, 2024, at **9:00 a.m.** in Rooms 104, 106, & 108 of the Administration Building, Goshen, Indiana. Pursuant to advice of the Indiana Public Access Counselor, general public comment will not be permitted at this public meeting on non-public hearing matters. To the extent you wish to make comment remotely during any public hearings scheduled during this public meeting, please call (574) 971-4678 to learn how to remotely submit your public comment for the public hearing. The public is encouraged to attend the meeting remotely by going to www.elkhartcountyparticipate.com at **9:00 a.m.** on November 21, 2024. If you have further questions regarding how to remotely attend the public meeting, please call (574) 971-4678.

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

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 17th DAY OF OCTOBER 2024 AT 9:00 A.M.
MEETING ROOMS 104, 106, & 108 – ADMINISTRATION BUILDING
117 N. 2nd STREET, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Board of Zoning Appeals was called to order by the Chairperson, Randy Hesser. Staff members present were: Mae Kratzer, Plan Director; Danielle Richards, Planner; and James W. Kolbus, Attorney for the Board.

Roll Call.

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

Absent: David Miller, John Gardner.

2. A motion was made and seconded (*Miller/Hesser*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 19th day of September 2024 be approved as amended to excuse Cramer on Sarber case #11. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Warner/Cramer*) that the Board accepts the Development 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 ***Sugar Grove Cemetery Association*** for a Special Use for a cemetery on property located on the East side of Old CR 17, 255 ft. North of CR 118, common address of 00000 CR 17 in Concord Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0602-2024*.

There were 15 neighboring property owners notified of this request.

Peter Schnaars, 22448 CR 118, Goshen, was present for this request. He explained that he is on the board of the cemetery association. He continued to say that they need to expand the cemetery as they are running out of spaces available for grave sites. He also stated that the association never knew that they needed a Special Use permit, until they purchased the land for expanding the cemetery.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Deb Cramer, **Seconded by** 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 cemetery 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 8/23/2024 and as represented in the Special Use application.

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

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

5. The application of *Dalton Null & Alissa Null, Husband & Wife* for a Special Use for a home workshop/business for a vehicle service and repair business on property located on the South side of SR 119, 1,910 ft. Southwest of CR 17, common address of 22440 SR 119 in Harrison Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0650-2024*.

There were 10 neighboring property owners notified of this request.

Dalton Null, 22440 SR 119, Goshen was present for this request. He explained that he wants to have a home workshop to do vehicle service and repairs for the surrounding community. He continued to say that he wants to serve his community and support his family. Mrs. Cramer asked if he had a plan to dispose of oil and other waste associated with the auto servicing. Mr. Null responded by saying he has the appropriate storage containers to house the waste. Mr. Hesser asked about the requirements for the size of the sign. Mr. Kolbus responded that it was up to the Board to decide on the size of the sign. Mr. Hesser then asked Mr. Null if the sign would be on the road or on his property. Mr. Null stated that the sign would be on the building. Mr. Hesser continued to ask about the parking situation for cars being serviced but not picked up immediately. Mr. Null stated that cars left overnight would be parked behind the building in the fenced in area.

David Stalter, 22625 SR 119, Goshen, spoke in favor of this request. He explained that the Board allowed him to do the same thing, and that Dalton Null is a great neighbor. He added he would like to see him have the same opportunity.

Jennifer Bontrager, 22453 SR 119, Goshen also spoke in favor this request. She explained that she is in 100% favor of this request and that she wants to see him succeed.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Deb Cramer, **Seconded by** 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 home workshop/business for a vehicle service and 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 9/11/2024 and as represented in the Special Use application.
2. Limited to ten (10) customer vehicles onsite at any one time
3. No outside storage of vehicle parts or junk cars.

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

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

6. The application of *AMMF Trustee Corporation (Land Contract Holder) & Seth Bontrager (Land Contract Purchaser)* for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres and for a Special Use for a kennel on property located on the South side of CR 42, 890 ft. East of Ash Rd., common address of 30790 CR 42 in Locke Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0663-2024*.

There were 3 neighboring property owners notified of this request.

Seth Bontrager, 30790 CR 42, Wakarusa was present for this request. Mr. Bontrager explained that the Special Use for horses is for transportation. He continued to say the Special Use for a kennel would be a side hobby. Mrs. Cramer stated that she noticed on his application he was not going to have a physical fence. She continued to say that staff would require a physical fence for the kennel. Mr. Bontrager stated that he was planning on having a wireless fence that is GPS controlled for the dogs/kennel. Mr. Hesser then stated that staff is recommending approval based on the petitioner having a physical fence for the dogs/kennel. Mr. Hesser continued to say that the staff report does not have a limit for the number of dogs. Mrs. Richards stated that the kennel would follow that state limit of 10 dogs.

C J Cunningham, 30787 CR 42, Wakarusa was present in favor of the horses but opposed the kennel and the 6 adult dogs that were part of the application submitted by Mr. Bontrager. He continued to say that the petitioner's property is surrounded by residential properties on either side. He then urged the Board to not allow the 2 Special Uses for the property that is just over an acre.

Richard Holdeman, 30830 CR 42, Wakarusa was present in favor of the horses but opposed to the kennel because of the proximity to his property.

Mr. Bontrager came back to the podium to address the concerns. He stated that currently he has no plans to start a kennel but wanted it on the Special Use application. He then went on to say that he has no plans for the kennel and would drop it from the request. Mr. Miller confirmed with Mr. Bontrager that he would be ok with removing the request for the kennel. Mr. Bontrager confirmed yes, he would be ok with removing the request for the kennel. Mr. Hesser wanted clarification about the number of adult dogs. Mrs. Kratzer confirmed that 2 adult dogs for breeding would need a Special Use. She added if Mr. Bontrager wanted to have one adult dog and puppies were removed by 6 months of age, then he would not need the Special Use.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Deb Cramer, **seconded by** 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 requests are approved in accordance with the revised site plan submitted for staff approval and as represented in the Special Use application.
2. The request is limited to a maximum of two (2) adult horses at any one time.

The motion further included that the Special Use for a kennel be withdrawn at the request of the petitioner.

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

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

7. The application of *Alice E. Poseley & Steven Poseley, Wife & Husband* for a Special Use for a kennel, and for a 3 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing accessory structure 2 ft. from the East side property line on property located on the South side of US Hwy 20, 3,015 ft. West of CR 19, common address of 21060 US 20 in Jefferson Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0662-2024.

There were 5 neighboring property owners notified of this request.

Gail Monroe, 804 Staci Lane, Middlebury, was present for this request. Melissa Mcman, 1711 Rock Lane, Goshen, was also present for this request. Ms. Monroe started by saying that recently Catsnip, who they represent, has acquired this property. She explained it was transferred with a quitclaim deed a week ago. Ms. Monroe questioned the commitment on the staff report that they have no more than 2 one-day fundraising events per calendar year. Ms. McMann then went on to say that they have multiple garage sales throughout the year that are 2 to 3 days long. Mrs. Richards stated that garage sales are allowed by right. Ms. Monroe also questioned the hours of operation listed on the commitments that are part of this request. She noted the hours are listed as 7:00 a.m. to 6 p.m. Ms. Monroe continued by saying that they leave the property one day a week at 5:00 a.m. to take the cats to be spayed or neutered and then they are back and picked up by people between 6 to 8 p.m. at the latest. Mrs. Cramer asked about the number of employees. Ms. Monroe went on to say that they have no employees, only volunteers. Ms. Monroe continued to say that they also will need a storage container on the property until they get the new building constructed. Mr. Miller asked if they have well and septic on the property. Ms. Monroe stated yes. Mr. Hesser wanted clarification on whether they would be using the existing structures as part of this request. Ms. Monroe stated yes, but that they would eventually want to add another building. Mr. Hesser then asked if they have done anything about the tires on the property. Ms. McMann stated they have removed 76 of them to be recycled.

Jim Bates, 21102 US 20, Goshen was present to ask questions and stated he was not really in favor or against this request. He continued by saying that he wanted to make sure it was cats only and no dogs as part of the request. He also asked who will live in the house. He then asked about the disposal of the cat waste. Mr. Bates then asked about the sign and the lighting.

Ms. Monroe and Ms. McMann came back to the podium to address Mr. Bates' concerns. Mrs. Cramer asked who would be living on the property. Ms. McMann stated that she and her husband would be living in the house on the property, and they will be there full time to take care of the cats on the property. Ms. Monroe then addressed the waste issue by saying they will be getting a dumpster/trash receptacle that would be emptied weekly. Ms. McMann then went on to address the question regarding the sign. She stated it will be 50 ft. off the road, and the light will be small and will shine directly on the sign.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Deb Cramer, **Seconded by** 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 kennel, 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 9/16/2024 and as represented in the Special Use application.
2. No more than twelve (12) total employees and volunteers onsite at any one (1) time on regular business days, not including fundraising event days and board meeting days.
3. No more than two (2) one-day fundraising events per calendar year.
4. Hours of operation limited to 7:00 a.m. to 6:00 p.m., Monday through Sunday.

Further, the motion also included that a 3 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing accessory structure 2 ft. from the East side property line be approved with the following conditions imposed:

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 9/16/2024 and as represented in the Developmental Variance application.

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

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

8. The application of *Wesley D. Meier, & Roger A. Meier & Kathleen D. Meier, Husband & Wife* for a Special Use for a home workshop/business for a lawn service business 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 South side of CR 44, 3,220 ft. West of CR 37, common address of 13612 CR 44 in Benton Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0656-2024*.

There were 9 neighboring property owners notified of this request.

Wesley Meier, 13612 CR 44, Millersburg was present for this request. Mr. Meier started by saying that he looking to move the existing building to the opposite side of the property and build a new building for his lawn service business. Mr. Hesser asked Mr. Meier if he was aware that he will need a revised site plan showing where the outside parking of trucks and trailers would be located. He stated yes. Mr. Hesser continued by asking if staff is ok with outside storage, and Mrs. Richards stated yes, if it is landscaping materials.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Ron Norman that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a lawn service business be approved with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A revised site plan must be submitted for staff approval showing an area for outside storage of trucks and trailers on an improved surface and an area for outside storage of materials.

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. No outside storage of landscaping equipment including but not limited to tractors, skid loaders, and backhoes.
3. Hours of operation limited to 7:30 a.m. to 7:30 p.m., Monday through Sunday

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

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

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

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

9. The application of **Devon R. Schrock & Noretta Kay Schrock** for a Special Use for a home workshop/business for a metal fabrication business, for a Developmental Variance to allow for the

total square footage of accessory structures to exceed that allowed by right, for a Developmental Variance to allow for 5 outside employees (Ordinance allows 3), and for a 9 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 34 ft. in height on property located on the North side of CR 24, 900 ft. East of CR 43, common address of 10551 CR 24 in Middlebury Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0641-2024*.

There were eleven neighboring property owners notified of this request.

Devon Schrock, 10551 CR 24, Middlebury was present for this request. He started by saying that he had a buggy repair shop business and now he wants to switch to metal fabricating. He added that the current building will not be ideal for metal working, so he will need a new building. Mr. Hesser questioned whether semi-trucks will be able pull in and turn around without backing up onto the property. Mr. Schrock stated that semis can pull onto the property and turn around.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser then asked if Mr. Schrock still needed the Special Use for the buggy repair business. He replied that he would like to keep it.

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 home workshop/business for a metal fabrication 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 9/13/2024) and as represented in the Special Use application.
2. Backing in or backing out of semi tractor trailers from/onto CR 24 is prohibited.

Further, the motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, for a Developmental Variance to allow for 5 outside employees (Ordinance allows 3), and for a 9 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 34 ft. in height be approved with the following conditions imposed:

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 9/13/2024) and as represented in the Developmental Variance application.

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

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

10. The application of **Lonnie Bontrager (Buyer) & Octavio Ramos (Seller)** for a Use Variance to allow for 4 (four) dwelling units for a 2 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing duplex 48 ft. from the centerline of the right-of-way, for a 2 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing duplex 3 ft. from the west side property line, and for a 46,496 sq. ft. lot-area Developmental Variance (Ordinance requires 30,000 sq. ft. per duplex) to allow for 2 existing duplexes on property located on the South side of Morgan St., 325 ft. West of Broad St., common address of 28197 Morgan St. in Baugo Township, zoned R-2, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #UV-0585-2024*.

There were twenty-five neighboring property owners notified of this request.

Samuel Bolinger, Attorney, 803 S. Fountain St., Fort Wayne was present for this request. Mr. Bolinger began by saying that this property has been the way it is since 1998. He noted Mr. Ramos bought it in October of 2023 as an investment and to improve the area, and Mr. Ramos paid cash. He continued by saying that the neighbors all say that Mr. Ramos has greatly improved the property. Mr. Bolinger then stated that Mr. Ramos is aware that there is only one septic system, one well, and 3 electric meters serving both residences, 4 unit's total. He went on to say that without the variances that Mr. Ramos applied for, he will not be able to sell the property, because the buyers cannot get financing due to the non-conforming use of the property. Mr. Bolinger submitted letters of support for Mr. Ramos (*attached to file as exhibits 1-6*). Mrs. Richards commented that the Health Department has no record of a well or septic on this property. Mrs. Richards also clarified that the dwelling on the west side of the property was just assigned an address earlier this year. She went on to say the property has not had 2 addresses since 1998 as was stated earlier by Mr. Bolinger. Mr. Bolinger then stated that the taxes are up to date, and they have been paid as it assessed with the 2 duplexes on the property with total of 4 units since 1998. He continued to say that initially it was believed that each duplex was on its own parcel. He added they were owned by family members and then combined at one point in time. Mrs. Richards corrected Mr. Bolinger by saying that originally there were 3 lots containing the 2 dwellings and then they were combined to form 1 parcel. Mr. Hesser inquired of Mrs. Richards if the property could be subdivided, and she said yes with the variances that would be needed. Mrs. Kratzer then brought up the fact that it would need to be reviewed by Environmental Health, because there is no record of a well or septic on file. She stressed that each parcel will need its own well and septic. Mr. Bolinger stated that his client Mr. Ramos did call and try to set up an appointment with the Health Department, but nothing came of the phone call. He added there was most likely a language barrier. Mr. Bolinger was not contacted as a representative of Mr. Ramos but stated he would be happy to help facilitate the appointment.

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: Deny, **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 Use Variance to allow for 4 (four) dwelling units on the Real Estate and the request for a 46,496 sq. ft. lot-area Developmental Variance (Ordinance requires 30,000 sq. ft. per duplex) to allow for 2 existing duplexes be **DENIED**.

Included as part of the motion, the Board waived the 6-month waiting period to refile the denied requests.

Further, the motion also included the 2 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing duplex 48 ft. from the centerline of the right-of-way, and for a 2 ft. Developmental Variance (Ordinance requires 5 ft.) to allow for an existing duplex 3 ft. from the west side property line be **APPROVED** in accordance with the following findings and Conclusions of the Board: The following conditions were imposed:

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 9/16/2024 and as represented in the Developmental Variance application.

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

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

11. The application of *Kelvin Amaya Alvarado* for a Special Use for a home workshop/business for a barber shop on property located on the West side of CR 7, 750 ft. South of West Mishawaka Rd., common address of 58071 CR 7 in Concord Township, zoned R-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0560-2024.

Kelvin Amaya Alvarado, 58071 CR 7, Elkhart was present for this request. Mrs. Richards started by saying staff did confirm that Mr. Alvarado is the owner/operator of the barber shop business, and he will be hiring staff to cut hair. There was some confusion due to a language barrier at the September meeting and the request was tabled to this hearing date. Mr. Hesser confirmed with Mr. Alvarado that he would be paying taxes and treating the people he hires as employees.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** 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 a home workshop/business for a barber shop 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 8/8/2024 and as represented in the Special Use application.

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

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

12. As a staff item, Mrs. Richards presented a minor change request for **Ervin Heatwole** (SUP-0431-2016). She stated that the request is to amend the Special Use for a home workshop/ business for a meat processing business on a property located at 72155 CR 15, Nappanee, in Union Township. She continued by stating he wishes to build a new 2400 sq. ft. storage building for the home workshop/business. Staff recommends approval of this minor change request.

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 approve the request for a minor change.

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

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

13. As a staff item, Mrs. Richards presented a minor change request for **Lyle & Linda Lehman** to extend the ILP deadline to June 18, 2025. She stated that the original ILP period expires on October 18, 2024. The request was for a Special Use for a home workshop/business. The subject property is located at 55883 CR 43, Middlebury, IN. Staff recommends approval of this minor change request.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Deb Cramer that the Board approve the request for a minor change to extend the ILP deadline to June 18, 2025.

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

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

*****It should be noted that Deb Cramer recused herself and stepped down*****

14. The application of **Kevin Sarber** for a 25 ft. Developmental Variance (Ordinance requires 55 ft.) to allow for the construction of an accessory building 30 ft. from the centerline of the right-of-way of 27th St., and for a 62 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of an accessory building 58 ft. from the centerline of the right-of-way of Old US 33 on property located on the Northeast corner of 27th St. & Old US 33, common address of 00000 Old US 33 in Baugo Township, zoned B-3, came on to be heard.

Mrs. Kratzer presented the Staff Report/Staff Analysis, which is attached for review as Case #DV-0547-2024.

Kevin Sarber 912 Ren St., Elkhart, was present for this request. He stated the revised site plan that was required shows where the parking would be and is measured out to the inch. Mr. Sarber continued to say he was not aware of the 15 ft. setback required in the rear of the property and if a variance is required, he will apply for it. Mr. Hesser stated the site plan Mr. Sarber has submitted shows that the cars parked right up to the edge of the alley. Mr. Hesser wanted to clarify that the variances he is requesting are for the proposed building. Mr. Hesser then asked Mr. Sarber if he has investigated vacating the alley that is at the rear of the property. Mr. Sarber stated yes but his neighbors are not agreeable to vacating the alley. Mr. Hesser then asked if anyone uses the alley. Mr. Sarber stated that he has owned the property for 10 years. He continued to say that he cleared all the trees and debris in the alley, and it is all opened now.

Kevin Koon, 28132 LaRue, Elkhart, was present in remonstrance of the request. He stated the fence that is next to the alley is on his property. He continued by saying that he does use the alley. His main concern was the safety issue with cars pulling out onto US 33. He continued to say that he worried about Mr. Sarber pushing the boundaries. He also stated they are worried about Mr. Sarber's customers using the alley as parking. Mr. Hesser then asked Mr. Koon what he thought this property could be used for. Mr. Koon stated that he doesn't believe that the property can be used for anything, because it is just what was leftover when they re-did US 33. He continued to say that there are tons of accidents there. Mr. Koon also stated that he has offered to buy the property from Mr. Sarber, but he would not sell it to him.

Larry Hartman, 28148 La Rue, Elkhart was also present in remonstrance. He stated he is worried about a lot of theft that might happen if Mr. Sarber has a car lot on the property. He continued to say that the property was offered to him 10 years ago, but he was not interested in it. Mr. Hartman also wanted to make it clear that where Mr. Sarber proposed to park the cars for the business would make it difficult for school buses to pull in and turn around. He finished by saying his biggest concern is the safety of the neighborhood kids.

Mr. Sarber came back on to say that he doesn't believe that his business would cause any accidents. He continued by saying that the alley was not navigable until he cleared it when he purchased the property 10 years ago. Mr. Sarber stated that his dream was to have a car dealership on this property, but if he can't do that, he wants to find something to use the property for.

The public hearing was closed at this time.

Mr. Hesser addressed staff to ask, if the site plan is accurate. Mrs. Kratzer stated that the problem with the site plan submitted by Mr. Sarber is that his measurements are not accurate. Staff measurements show that the .108-acre parcel has 410 square feet of buildable area. Mr. Sarber responded by saying that he measured to the inch, and his plan is accurate and measured to scale. He continued to say that he had a survey done 10 years ago when he bought the property, and his measurements are accurate. He also stated the GIS property map lines can be off quite a bit. Mr. Hesser acknowledged that it is possible. Mr. Miller stated the parcel appears to be very congested. Mr. Hesser said the parcel still exists, and maybe the County should have considered purchasing it, if they did not want it to be built on. Mr. Hesser stated that he is going to make a motion to amend the staff denial by removing the last sentence of finding #1, removing finding #2 completely, and retaining finding #3 as a revised denial.

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

Motion: Action: Deny, **Moved by** Randy Hesser, **Seconded by** John Gardner that this request for a 25 ft. Developmental Variance (Ordinance requires 55 ft.) to allow for the construction of an accessory building 30 ft. from the centerline of the right-of-way of 27th St., and for a 62 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of an accessory building 58 ft. from the centerline of the right-of-way of Old US 33 be denied based on the findings and conclusions of the board:

1. Approval of the request will be injurious to public health, safety, morals, or general welfare. Setbacks are established to preserve public safety.
3. Strict application of the terms of the Development Ordinance would not result in an unnecessary hardship in the use of the property. The petitioner can find a use that is compatible with the small parcel.

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

Yes: John Gardner, Steve Warner, Ron Norman, Roger Miller, Randy Hesser

Excused: Deb Cramer.

15. The meeting was adjourned at 11:17 a.m.

Respectfully submitted,

Jean Boyer, Recording Secretary

Randy Hesser, Chairman

Ron Norman, Secretary

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: November 21, 2024

Transaction Number: SUP-0670-2024.

Parcel Number(s): 20-03-16-200-014.000-030.

Existing Zoning: A-1.

Petition: for a Special Use for a retail greenhouse.

Petitioner: Max Sweers.

Location: South side of CR 2, 1,810 ft. East of CR 21, in Washington Township.

Site Description:

- Physical Improvement(s) – None.
- Proposed Improvement(s) – Commercial building & greenhouses.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a retail greenhouse is allowed in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 10-acre parcel in a low to high density residential and agricultural area, and the property will remain agricultural in character.
3. The Special Use will substantially serve the public convenience and welfare by providing a local source of plants, shrubs, and flowers.

BZA Staff Report (Continued)

Hearing Date: November 21, 2024

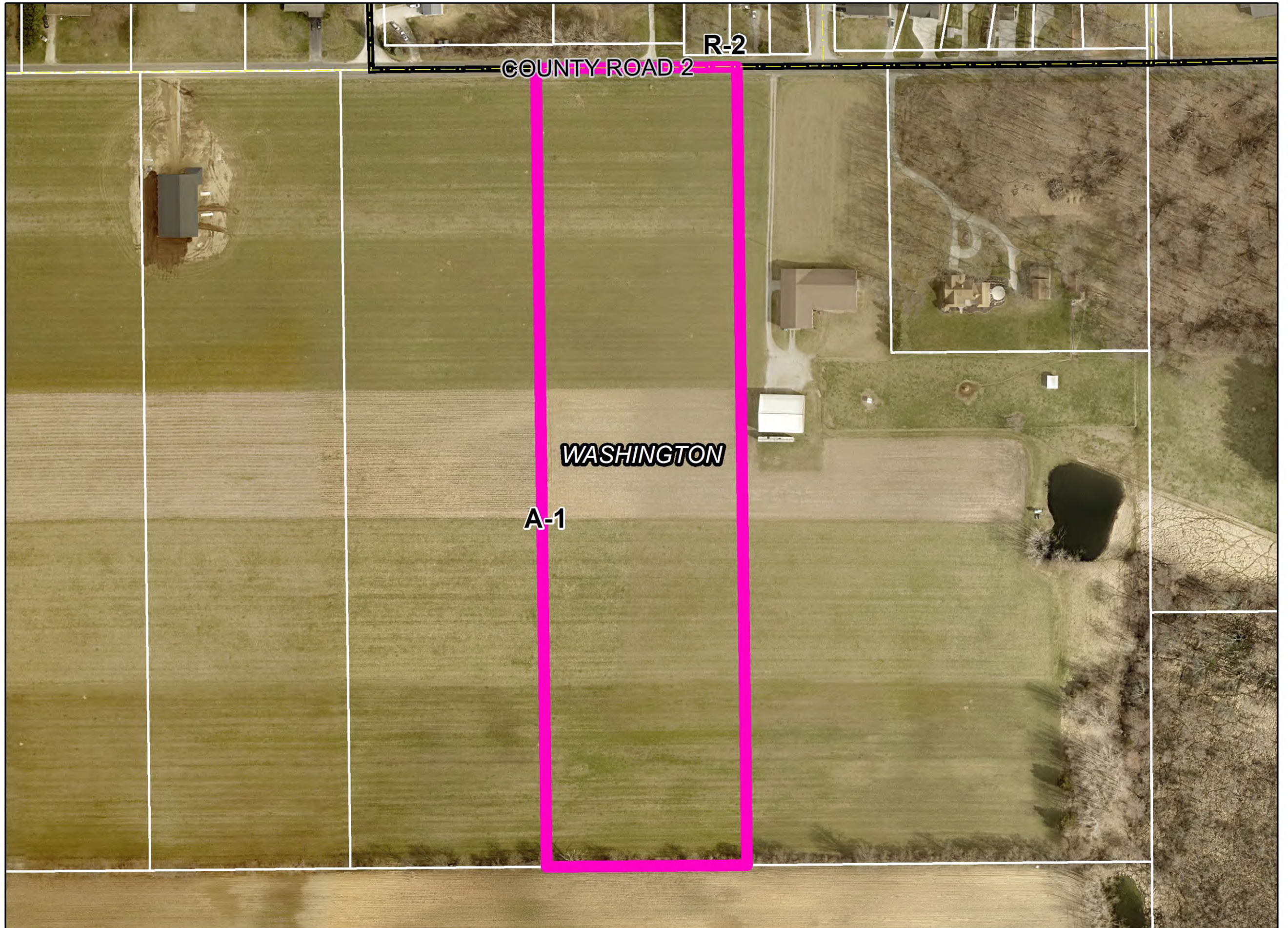
Staff recommends **APPROVAL** with the following condition(s) imposed:

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.

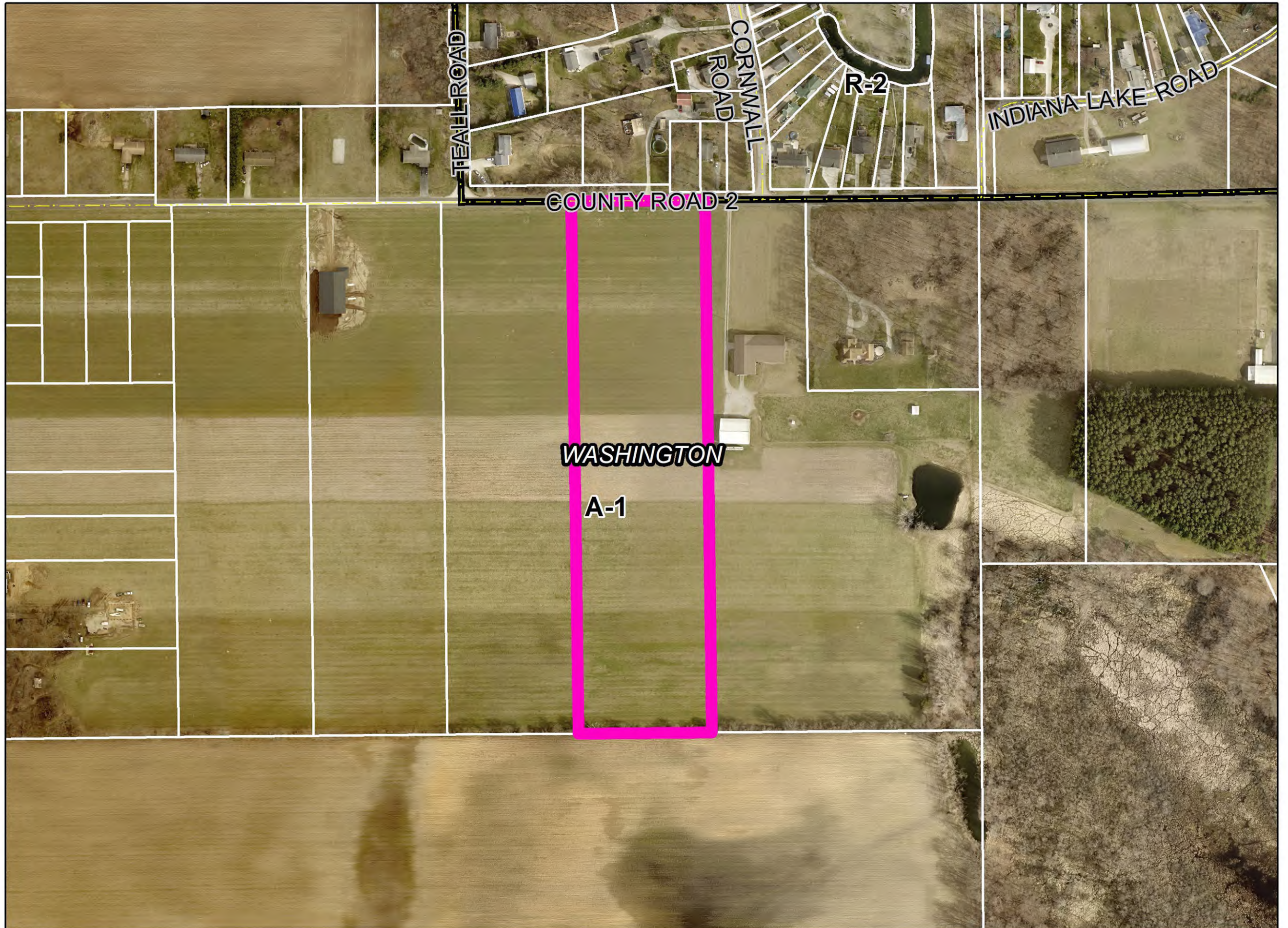
Staff recommends **APPROVAL** with the following commitment(s) imposed:

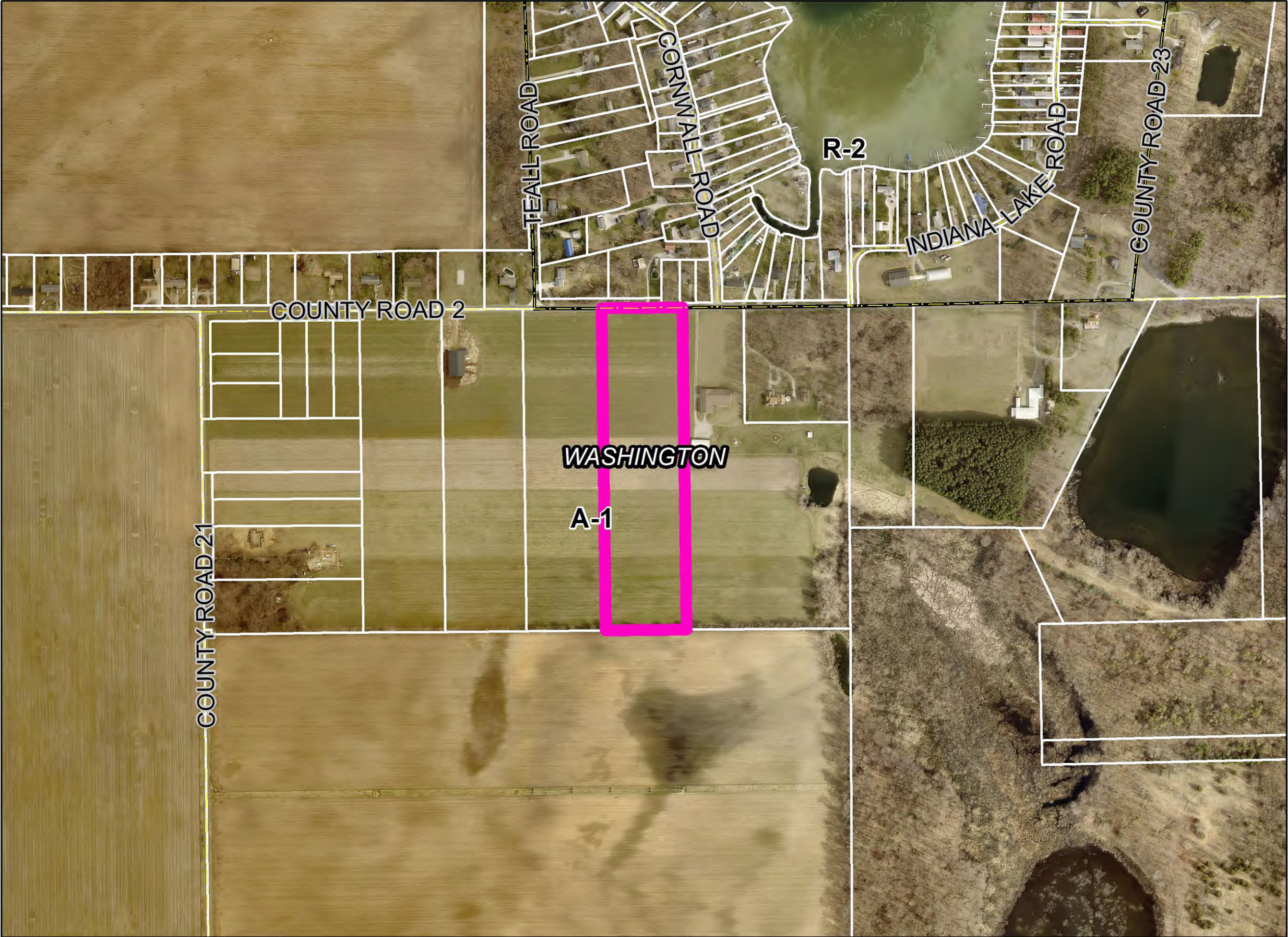
1. The request is approved in accordance with the site plan submitted 9/20/2024 and as represented in the Special Use application.

SUP-0670-2024



SUP-0670-2024







Facing south towards subject property



Facing north



Facing east



Facing west

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use - Non Mobile Home

Date: 09/20/2024

Meeting Date:

November 21, 2024

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0670-2024

Description: for a Special Use for a retail greenhouse.

Contacts: Applicant

Land Owner

Raymond Sweers

Max Sweers

70639 Wayne Street

70639 Wayne St.

Union, MI 49130

Union, MI 49130

Site Address:

00000 Cr 2

BRISTOL, IN 46507

Parcel Number:

20-03-16-200-014.000-030

Township:

Washington

Location:

SOUTH SIDE OF CR 2, 1,810 FT EAST OF CR 21

Subdivision:

Lot #

Lot Area:

10.00

Frontage:

331.00

Depth:

1,314.00

Zoning:

A-1

NPO List:

Present Use of Property:

VACANT LAND

Legal Description:

Comments: THIS PROPERTY WILL REQUIRE A 1-LOT MINOR SUBDIVISION. PARCEL CREATION DATE 11/29/2022.

Applicant Signature:

Department Signature:

Application

Site address: Not yet established (10 acres of Ag 1 property)
Parcel number(s): 20-03-16-200-014.000-030

Current property owner

Name: Max Sweers
Address: 70639 Wayne Street Union, MI 49130
Phone: _____ Email: _____

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

Name: Ray Sweers
Address: 70639 Wayne Street
Phone: 574/215-8777 Email: ray@positroncorp.com

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

Signature of current property owner or authorized agent: _____

Staff Use Only

Description: for a Special Use for a retail
greenhouse.

Parcel creation date: 11/29/2022

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 2
1.810 ft. N S E W of CR 21
in WASHINGTON N Township

Frontage: 331 Depth: 1314 Area: 10 acres

Subdivision and lot number, if applicable: _____

Present use: VACANT LAND.

Special Use — Questionnaire

Name:

1) Tell us what you want to do. Erect a support building and a couple greenhouses to grow plants and sell wholesale, possibly retail at a later point in time.

2) Tell us why this activity won't hurt your neighbors or the community. Also build a house on the front part of property at a later date. This is a quiet and rural activity which would fit in nicely with the quiet and rural nature of surrounding area.

3) Is there a subdivision covenant that says you can't do this activity? ☐ Y ☐ N

unknown unknown 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.

N/A

Tell us how you'll reduce the impact of those things on neighbors. N/A

* we will be planting trees and shrubs along west property line

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

If yes, tell us about it.

will most likely do some basic landscaping for beauty and to separate this parcel from adjacent parcels (including tree)

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. One bldg 60x100 ~ 26 feet tall.

Building or addition 2 Existing? ☐ Y ☒ N Size and height to the peak: 32 x 120 greenhouses

Tell us what you'll use it for. Start with 2 greenhouses to grow plants. 16 feet tall.

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.

N/A

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: 0

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

How many of the employees won't live onsite? None live on site. Owner may build home on

What will be the days and hours of operation on this property? front of property after a few years.

~ 8:00 AM - 5:00 PM M-F

How many parking spaces do you have now? NONE

How many parking spaces do you want? Gravel drive and lot for ~ 10 cars

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

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

N/A

Will there be retail sales on this property? ☐ Y ☐ N Not initially, but hopefully in

If yes, tell us what will be sold.

the future.

Annual flowers / shrubs

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

Only one person (owner) per day until ready to sell wholesale to landscapers. Very few customers would visit the site

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

Tell us how often. Rare. Some mail, some UPS

Tell us the kind of vehicles used. pick up truck / small box truck

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

Sign 1 Dimensions (length and width). N/A

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

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

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

Sign 2 Dimensions (length and width). N/A

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

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

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

Sign 3 Dimensions (length and width). N/A

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

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

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

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

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

Understanding ☐ Yes ☐ No Mail number ☐ Yes ☐ No
 Electronic message board ☐ Yes ☐ No If no, please ☐ Yes ☐ No
 Existing ☐ Yes ☐ No Double sided ☐ Yes ☐ No
 size 3 Dimensions (height and width) _____
 Understanding ☐ Yes ☐ No Mail number ☐ Yes ☐ No
 Electronic message board ☐ Yes ☐ No If no, please ☐ Yes ☐ No
 Existing ☐ Yes ☐ No Double sided ☐ Yes ☐ No
 size 3 Dimensions (height and width) _____
 Understanding ☐ Yes ☐ No Mail number ☐ Yes ☐ No
 Electronic message board ☐ Yes ☐ No If no, please ☐ Yes ☐ No
 Existing ☐ Yes ☐ No Double sided ☐ Yes ☐ No
 size 3 Dimensions (height and width) _____
 Does the application include signs ☐ Yes ☐ No If yes, fill out below

Tell us the kind of vehicles used

Tell us how many

Will there be pickups or deliveries on this property? ☐ Yes ☐ No If yes, fill out below

Approximately how many customers (clients, guests, students, workers) will be on this property on any

dates and times will be used

Will there be retail sales on this property? ☐ Yes ☐ No

Do you plan to have any other businesses on this property?

Will there be outside storage or display areas on this property? ☐ Yes ☐ No

How many parking spaces do you want?

How many parking spaces do you have now?

What will be the date and time of operation on this property?

How many of the employees will live on-site?

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

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

Does the application include a building with a bathroom, kitchen, office, etc. ☐ Yes ☐ No If yes, fill out below

NORTH

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: November 21, 2024

Transaction Number: SUP-0732-2024.

Parcel Number(s): 20-04-33-426-028.000-032, 20-04-33-426-029.000-032.

Existing Zoning: A-1.

Petition: for a Special Use for a home workshop/business for a taxidermy business.

Petitioner: Danny L. Yoder & Vonda S. Yoder, as Trustees of the Danny L. Yoder & Vonda S. Yoder Joint Revocable Trust.

Location: East side of CR 8, 830 ft. South of CR 10, in York Township.

Site Description:

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

History and General Notes:

- **October 28, 2024** – Woodside Minor was recorded.

Staff Analysis:

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a home workshop/business is allowed in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 4.77-acre property in a low to moderately dense 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 allowing for local taxidermy services.

BZA Staff Report (Continued)

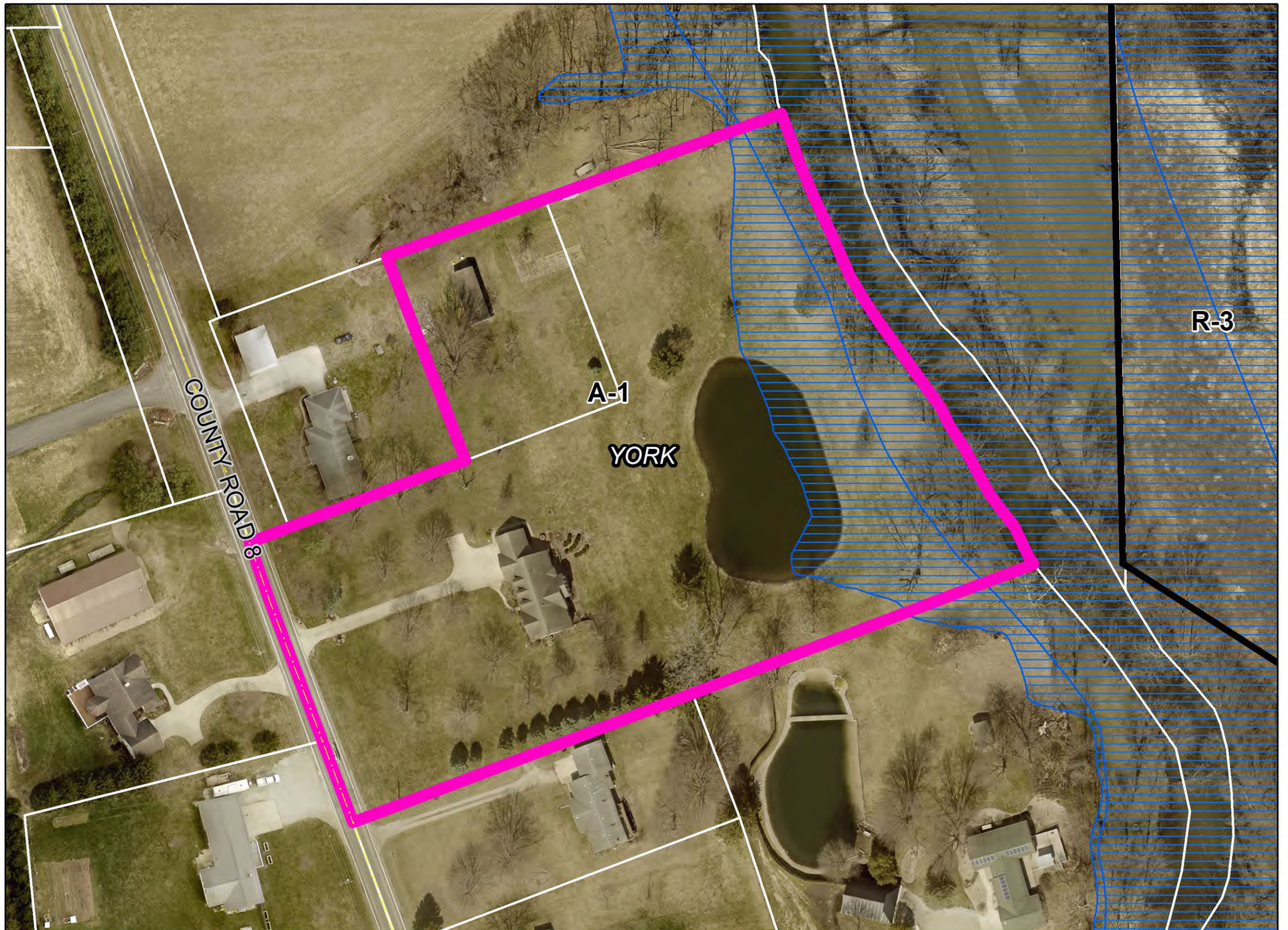
Hearing Date: November 21, 2024

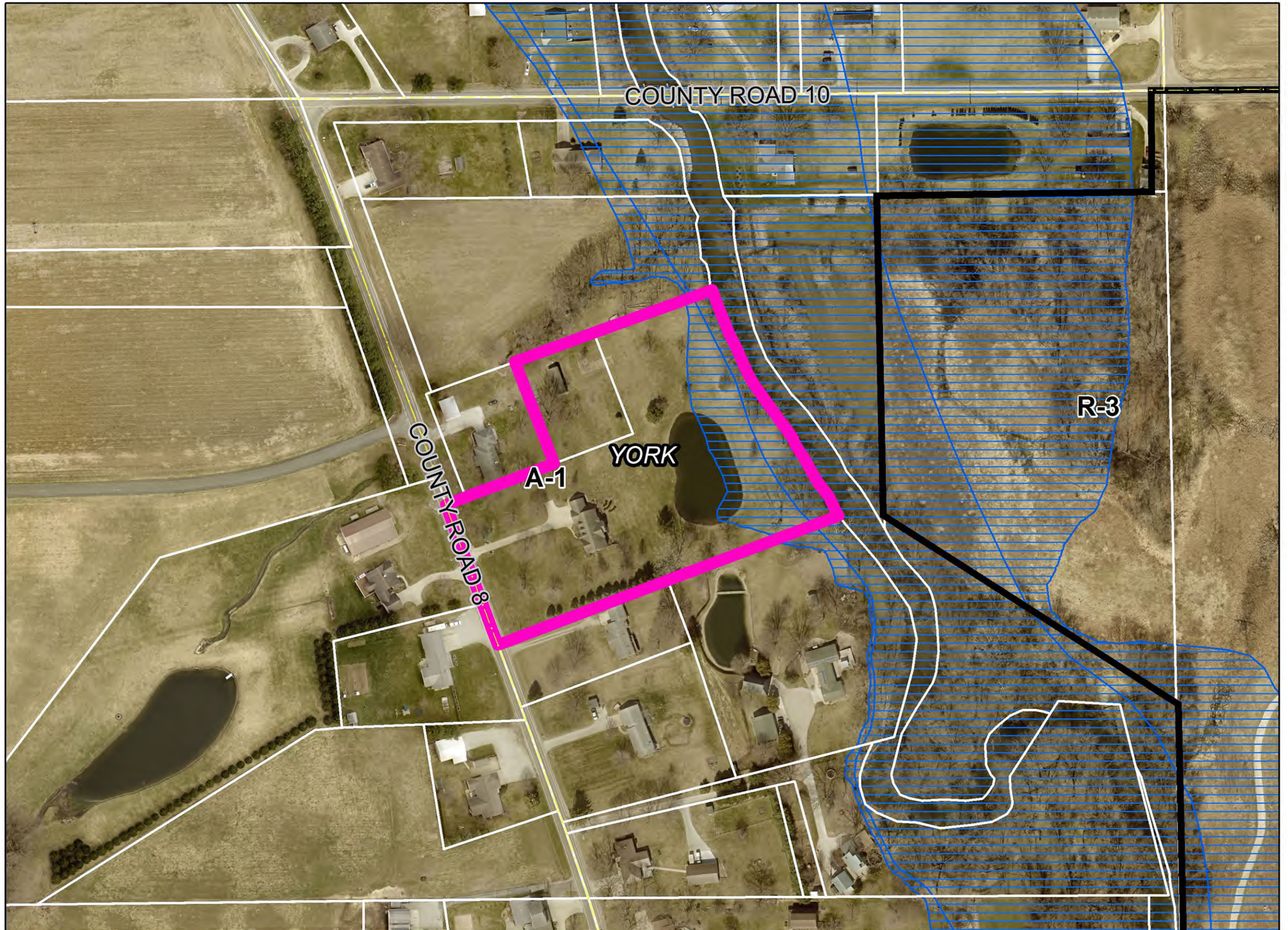
Staff recommends **APPROVAL** with the following condition(s) imposed:

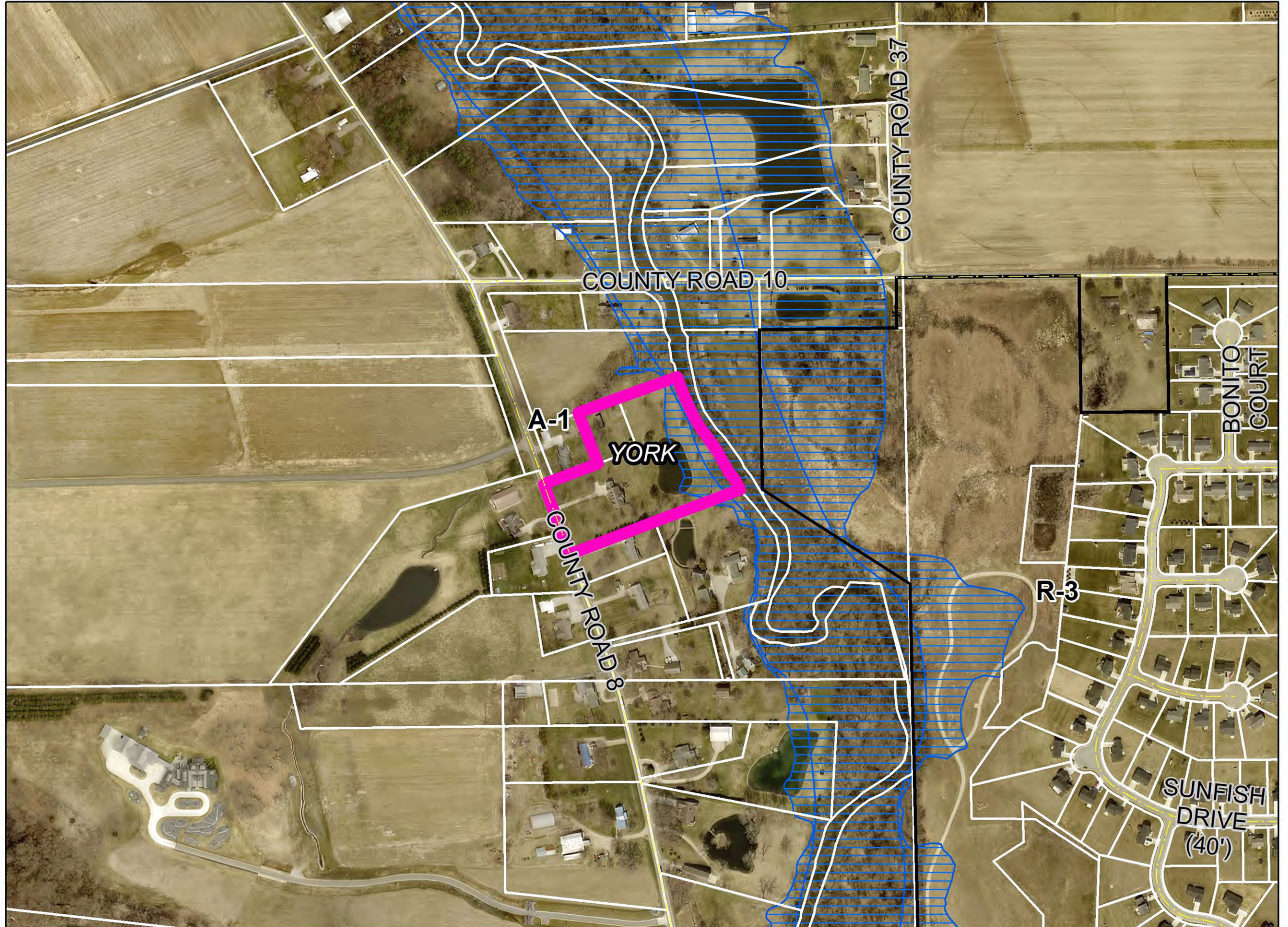
1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

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

1. The request is approved in accordance with the site plan submitted 10/11/2024 and as represented in the Special Use application.









Facing east towards subject property



Facing west



Facing north



Facing south

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: 10/11/2024 Meeting Date: November 21, 2024 Transaction #: SUP-0732-2024
Board of Zoning Appeals Public Hearing

Description: for a Special Use for a home workshop/business for a taxidermy business.

Contacts: <u>Applicant</u>	<u>Land Owner</u>	<u>Private Surveyor</u>
Danny L. Yoder & Vonda S. Yoder Trustees Jt Rev Trust 54644 Cr 8 Middlebury, IN 46540	Danny L. Yoder & Vonda S. Yoder Trustees Jt Rev Trust 54644 Cr 8 Middlebury, IN 46540	Advanced Land Surveying Of Northern Indiana, Inc. 17120 County Road 46 New Paris, IN 46553

Site Address: 54644 County Road 8 Middlebury, IN 46540	Parcel Number: 20-04-33-426-028.000-032 20-04-33-426-029.000-032
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Township: York
Location: East Side County Road 8, 830 Feet South Of County Road 10

Subdivision:	Lot #
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Lot Area: 4.78	Frontage: 239.00	Depth: 586.00
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Zoning: A-1	NPO List:
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Present Use of Property: RESIDENTIAL DWELLING

Legal Description:

Comments: MI-0630-2024 WOODSIDE MANOR.
PARCEL CREATION DATE 7/22/24
RESIDENTIAL DWELLING AREA 2,669 SQFT. X 200 % = 5,338 SQFT MINUS GARAGE 779 SQFT = 4,559 SQFT MINUS
NEW PROPOSED STRUCTURE 2,880 SQFT = 1,679 SQFT AVAILABLE STORAGE. AW

Applicant Signature:	Department Signature:
----------------------	-----------------------

Application

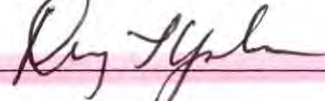
Site address: 54644 CR 8 Middlebury IN 46540
Parcel number(s): 20-04-33-426-028.000-032

Current property owner

Name: Danny L Yoder
Address: 54644 CR 8 Middlebury
Phone: 574 825-3988 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: for a Special Use for a homework shop for a taxidermy business.

Parcel creation date: 7/22/24 A-1 ZONE.

Subdivision required? ☒ Y ☐ N If yes, ☐ AS ☒ Minor ☐ Major - IN PROCESS.

Residential accessory breakdown, if applicable: _____

Location: (N) S (E) W corner (side) end of CR 8
805 530ft ft. N (S) E W of CR 10
in YORK Township

Frontage: 239 Ft. Depth: 613 Area: 4.2 acres

Subdivision and lot number, if applicable: _____

Present use: RESIDENTIAL.

Special Use — Questionnaire

Name: Danny Yoder

1) Tell us what you want to do. I would like to have a special use permit for a 1 man taxidermy shop.

2) Tell us why this activity won't hurt your neighbors or the community. No noise - no dirt no chemicals. Only time you will see more traffic is during deer season.

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: 40'x72' x 20' tall

Tell us what you'll use it for. 30x40 will be for taxidermy 42x40 will be buggy storage and church

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. Harvested animals

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? 6-4 m-f

Saturday by appointment

How many parking spaces do you have now? 0

How many parking spaces do you want? 4

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. payment for completed mounts

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

Deer season - 10-12

Off season - maybe 1 or 2

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

Tell us how often. 1 or 2 per day average - pickups

Tell us the kind of vehicles used. Regular vehicles

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

Sign 1 Dimensions (length and width). 40" x 16"

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. Existing business was located at

59730 CR 33 Middlebury. We bought a different

property so was wanting to move business as well

ENTERLINE
COUNTY ROAD 8

DONALD L. & LORETTA SWANK
DEED BOOK 376, P. 707

LOT 1
REPLAT OF EMILY MINOR
PLAT BOOK 27 PAGE 53
INST. # 2002-01015

LOT 1
4.78 Acres

LITTLE ELKHART RIVER

POND

347 Ft

86 Ft

APPROXIMATE
LITTLE ELKHART

FLOOD
BOUNDARY

MARLIN D. & WANDA J. BONTRAGER
INST. # 2021-02619

DAVID KATZER
INST. # 2019-13558

LEGEND

COUNTY ROAD 8
SIGHT DISTANCE - 700' +

BLA
Bristol loamy sand
0 to 2% slope

BLB
Bristol loamy sand
2 to 5% slope

EXIST. 1250
GAL. TANK

PROPOSED SHOP

EXIST. WELL

REBAR
PIE CAP

BENCHMARK
REBAR PIE CAP
ELEV. 815.23

REBAR
KESSLER CAP

REBAR
KESSLER CAP

REBAR
KESSLER CAP

N 70°04'24" E
222.19'
10' SIDE SETBACK

N 70°04'24" E
138.59'

810

812

814

138.75'

333.76'

816

75'

25'

75'

818

820

816

814

812

810

808

806

804

802

800

798

796

794

792

790

788

786

784

782

780

778

776

774

772

770

768

766

764

762

586.06'

S 70°00'52" W

10' SIDE SETBACK

27.03'

S 70°00'52" W

REBAR
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BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: November 21, 2024

Transaction Number: SUP-0745-2024.

Parcel Number(s): 20-12-12-300-037.000-007.

Existing Zoning: A-1.

Petition: for a Special Use for a home workshop/business for a woodworking business and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Petitioner: Lavon J. Miller & Anita D. Miller, Husband & Wife.

Location: West side of CR 43, 1,460 ft North of CR 34, in Clinton Township.

Site Description:

- Physical Improvement(s) – Residence, agricultural structure.
- Proposed Improvement(s) – Woodworking shop.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, Agricultural, and Premier Hardwoods DPUD (north).

History and General Notes:

- Residence and agricultural buildings are in process of being built. (AS-0790-2024 & BA-0318-2024).

Staff Analysis:

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

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. A Special Use for a home workshop/business is allowed in the A-1 zoning district.
2. The Special Use will cause substantial and permanent injury to the appropriate use of neighboring property. This is an 8.62-acre parcel in low density area, and the property will remain agricultural and residential in character. There is another similar scale business on a neighboring property.
3. The Special Use will substantially serve the public convenience and welfare by allowing for a local custom cabinet shop.

BZA Staff Report (Continued)

Hearing Date: November 21, 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:

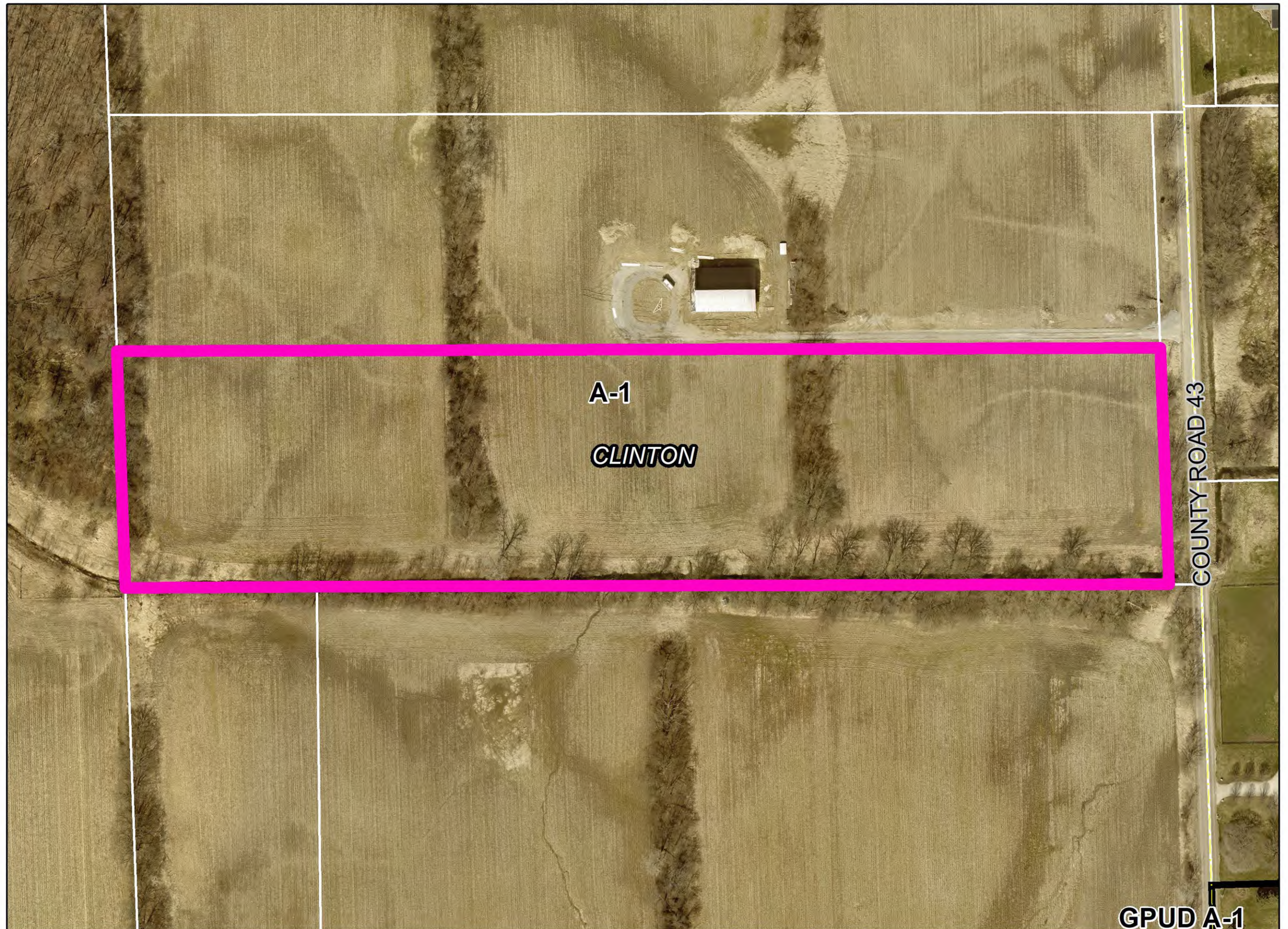
1. The request is approved in accordance with the site plan submitted on (dated 10/11/2024) and as represented in the Special Use application.
2. No backing onto or off of County Road 43 with semi tractor trailers.

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 3,134 sq. ft., or 69 percent, over what is allowed by right, all other development standards are met, and there is no risk to public health or safety.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is an 8-acre parcel in a residential and agricultural area, and the property will remain residential in character. This size of building is not uncommon for this area and will not cause sight issues.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the variance the home workshop/business would not be allowed.

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

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 10/11/2024) and as represented in the Developmental Variance application.









Looking west towards subject property



Subject property Proposed building site



Looking North



Looking South



Looking East

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: 10/11/2024 Meeting Date: November 21, 2024 Transaction #: SUP-0745-2024
Board of Zoning Appeals Public Hearing

Description: for a Special Use for a home workshop/business for a woodworking business 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
Lavon J. Miller And Anita D. Lavon J. Miller And Anita D.
Miller, Husband And Wife Miller, Husband And Wife
10328 Cr 24 10328 Cr 24
Middlebury, IN 46540 Middlebury, IN 46540

Site Address: 62739 County Road 43 Parcel Number: 20-12-12-300-037.000-007
Goshen, IN 46528

Township: Clinton
Location: West Side Of County Road 43, 1,460 ft. North Of County Road 34

Subdivision: Lot #

Lot Area: 8.62 Frontage: 292.88 Depth: 1,322.55

Zoning: A-1 NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: ADMIN SUB #AS-0790-2024 IN PROCESS, AND AG BARN #BA-0318-2024 ALSO IN PROCESS.
RESIDENCE = 2,257 SQ FT X 200% = 4,514 SQ FT, MINUS 2,288 SQ FT (GARAGE) LEAVES 2,266 SQ FT. PROPOSED
BUILDING IS 54 X 100 (5,400 SQ FT), WHICH IS AN OVERAGE OF 3,134 SQ FT.
MAY NEED A COMMERCIAL DRIVEWAY

Applicant Signature: Department Signature:

Application

Site address: 62739 C.R. 43

Parcel number(s): 20-12-12-300-037.000-007

Current property owner

Name: Lavon J Miller

Address: 10328 C.R. 24

Phone: 574-825-5500 Email: lawoodworking@ibyfax.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: home workshop business for custom
woodworking

Parcel creation date: 11/9/2022 AS# 0790-2024

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

Residential accessory breakdown, if applicable: Residence = 2,257 x 20070 = 4,514 sq ft
minus attached accessory e 2,208 sq ft, leaves (2,266 sq ft)
available for personal storage new bldg (54 x 100 = 5,400
- 3134

Location: N S E W corner side end of CR 43
1,460 ft. N S E W of CR 34
in Clinton Township

Frontage: 292.88 Depth: 1322.55 Area: 8.621 acres

Subdivision and lot number, if applicable: —

Present use: _____

Special Use — Questionnaire

Name: Lavon J. Miller

1) Tell us what you want to do. Build a shop for Custom Woodworking

2) Tell us why this activity won't hurt your neighbors or the community. The Generator that we are installing is very quiet and there shouldn't be other outside noises

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. There might be a little odor from Finishing but should be very minimal
Tell us how you'll reduce the impact of those things on neighbors. We will install the proper filter and Exhaust to reduce odor

5) Will there be buffering (fences, trees, shrubs, mounds)? ☒ Y ☐ N
If yes, tell us about it. There are trees surrounding the property
A mound system septic will be installed

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: 54 x 100
Tell us what you'll use it for. Custom Woodworking
Building or addition 2 Existing? ☐ Y ☐ N Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Existing? ☐ Y ☐ N Size and height to the peak: _____
Tell us what you'll use it for. _____

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

Next page ➡

Special Use — Questionnaire

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

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

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

How many of the employees won't live onsite? 2-3

What will be the days and hours of operation on this property? Mon. - Fri. 8:00 - 3:00
sat. by app.

How many parking spaces do you have now? 2

How many parking spaces do you want? 2

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

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

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

If yes, tell us what will be sold. Custom Kitchens & Cabinets

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

1

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

Tell us how often. 1 per day

Tell us the kind of vehicles used. Vans or pick-up trucks with trailers

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

Sign 1 Dimensions (length and width). 3 x 4

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

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

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

Sign 2 Dimensions (length and width). _____

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

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

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

Sign 3 Dimensions (length and width). _____

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

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

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

- 10) Tell us anything else you want us to know. I would be happy to build
a beautiful Kitchen for you!!

Application

Site address: 62739 C.R. 43

Parcel number(s): 20-12-12-300-037.000-007

Current property owner

Name: Lavon J. Miller

Address: 10328 C.R. 24

Phone: 574-825-5580 Email: _____

Other party

☐ Agent

☐ Buyer

☐ Land contract purchaser

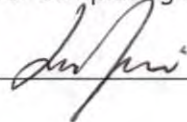
☐ Lessee

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: _____

Developmental Variance — Questionnaire

Name: Laron Miller

1) Tell us what you want to do. I am trying build a workshop that is to big for what I am allowed

2) Tell us why you can't change what you're doing so you don't need a variance. The allowed space would not be significant to run the workshop

3) Tell us why the variance won't hurt your neighbors or the community. There is plenty of space for the shop ~~with~~ without affecting the neighbors

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: 54 x 100 21.5 ft.
Tell us what you'll use it for. _____

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

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

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

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

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

Tell us how many parcels will use the easement. _____

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

Sign 1 Dimensions (length and width): _____

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

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

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

Sign 2 Dimensions (length and width): _____

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

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

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

Sign 3 Dimensions (length and width): _____

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

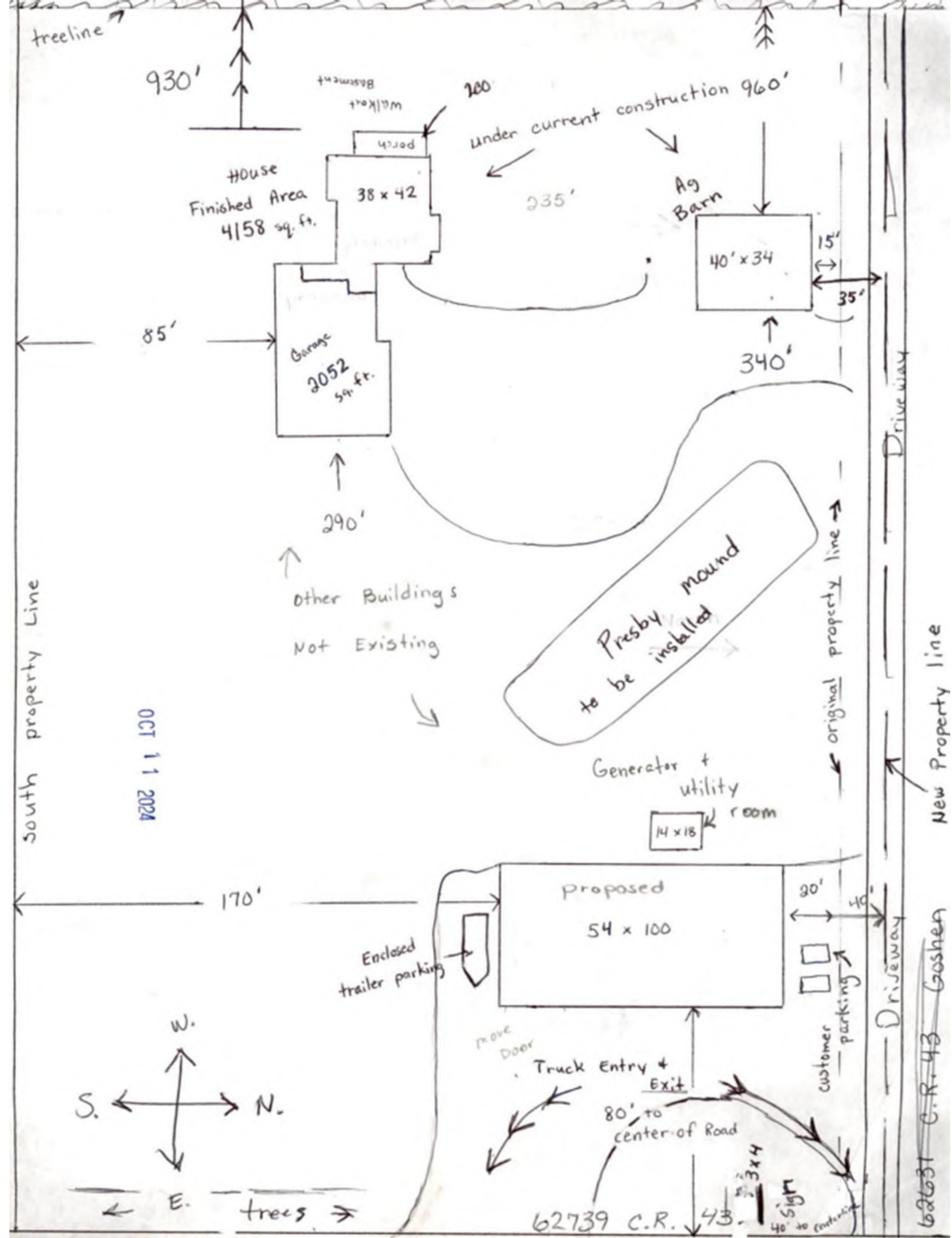
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

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

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

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

9) Tell us anything else you want us to know. Have a great day!



OCT 11 2024

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: November 21, 2024

Transaction Number: SUP-0768-2024.

Parcel Number(s): 20-10-16-200-007.000-016.

Existing Zoning: A-1.

Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a 19 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 56 ft. from the centerline of the right-of-way.

Petitioner: Cleason Martin & Karen Martin, Husband & Wife.

Location: West side of CR 11, 2,460 ft. South of CR 32, in Harrison Township.

Site Description:

- Physical Improvement(s) – Residence, detached accessory structure, detached agricultural barn.
- Proposed Improvement(s) – Detached accessory structure.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential, Agricultural.

History and General Notes:

- None.

Staff Analysis:

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

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. Animals are allowed by Special Use in the A-1 zone on land less than 3 acres.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 2.37-acre parcel in a low-dense agricultural and residential area. The parcel is large enough to have 3 cows without causing the neighboring properties any health or safety issues.
3. The Special Use will substantially serve the public convenience and welfare by providing locally grown beef for the landowner.

BZA Staff Report (Continued)

Hearing Date: November 21, 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 on (dated 10/14/2024) and as represented in the Special Use application.
2. The request is approved with a maximum of three (3) adult cows, at any one time.

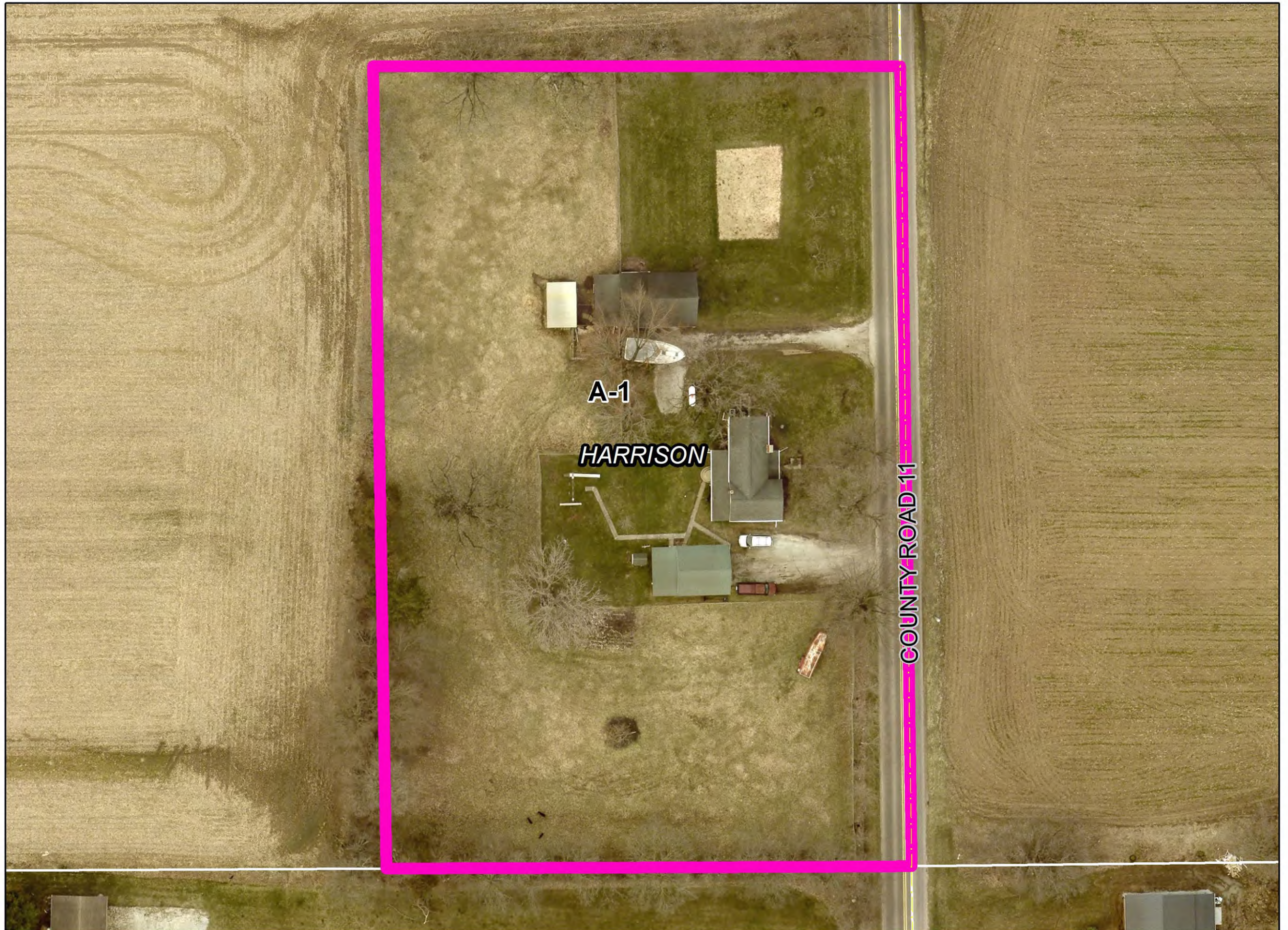
for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a 19 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 56 ft. from the centerline of the right-of-way, staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 127 sq. ft., or 5 percent, over what is allowed by right, and all other development standards are met. The existing residence was built in 1949 and has not caused sight distance issues, as there have been no complaints.
2. Approval of the request will not cause substantial adverse effect on neighboring property. Granting the request will not affect the character of the neighborhood, and there are structures of similar sizes on neighboring properties.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the variance the new detached accessory structure would not be allowed to be built, and it would cause a need for outside storage.

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

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 10/14/2024) and as represented in the Developmental Variance application.

SUP-0768-2024

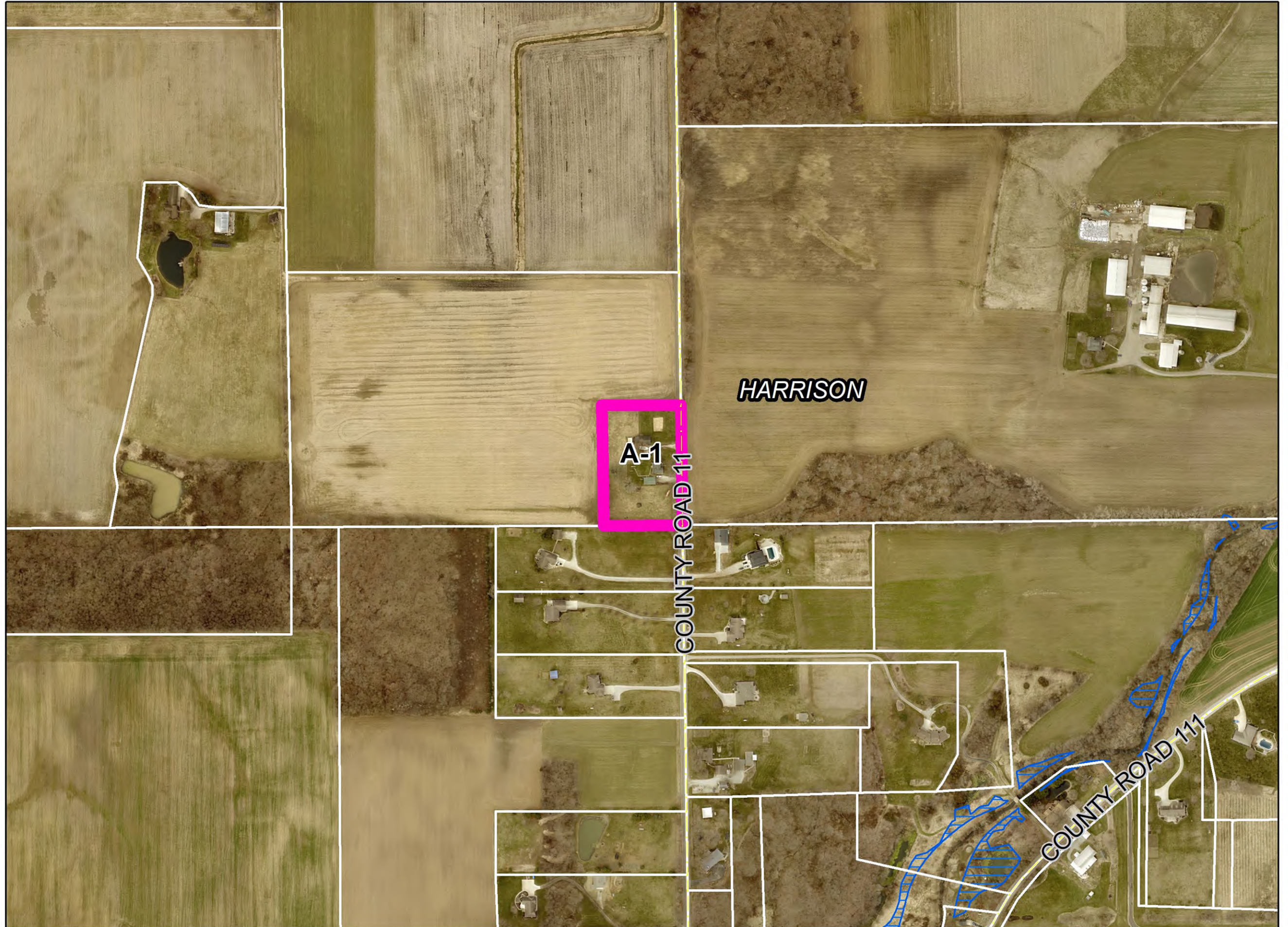


HARRISON

A-1

COUNTY ROAD 11







Looking west towards subject property



Subject property Proposed building site



Looking North



Looking South



Looking East

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use - Non Mobile Home

Date: 10/14/2024

Meeting Date: November 21, 2024
Board of Zoning Appeals Public Hearing

Transaction #: SUP-0768-2024

Description: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a Development variance Ordinance requires 75 ft to allow for an existing residence 56 ft from the centerline of the right-of-way. AW

Contacts: Applicant

Martec Construction
26944 State Road 119
Wakarusa, IN 46573

Authorized Agent

Martec Construction
26944 State Road 119
Wakarusa, IN 46573

Contractor

Martec Construction
26944 State Road 119
Wakarusa, IN 46573

Land Owner

Cleason Martin And Karen
Martin, Husband And Wife
25630 Cr 36
Goshen, IN 46526

Site Address: 63465 County Road 11
Goshen, IN 46526

Parcel Number: 20-10-16-200-007.000-016

Township: Harrison

Location: WEST SIDE OF CR 11, 2,460 FT SOUTH OF CR 32.

Subdivision:

Lot #

Lot Area: 2.37 Frontage: 404.00 Depth: 239.00

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE: 3/1/1962
RESIDENTIAL DWELLING AREA: 2,182 SQFT X 110%=2,400.2 SQFT MINUS LEAN TO 264 SQFT, GARAGE 528 SQFT,
LEAN TO 288 SQFT, TYPE 2 BARN 864 SQFT=456.2 SQFT MINUS NEW PROPOSED STRUCTURE 2,000 SQFT = -1,544
SQFT OF AVAILABLE PERSONAL STORAGE.

Applicant Signature:

Department Signature:

Application

Site address: 63465 CR11 GOSHEN 46526

Parcel number(s): 20-10-16-200-007.000-016

Current property owner

Name: CLEASON MARTZN

Address: 25630 CR36 GOSHEN IN 46526

Phone: 574-862-4406 Email: _____

Other party

☒ Agent ☐ Buyer ☐ Land contract purchaser ☐ Lessee

Name: JERYL MARTZN

Address: 62054 CR9 GOSHEN IN 46526

Phone: 574 538-1545 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

2. DV-HOUSE < 75 FT TO CL.
3. DV-OVER 50 FT
1. SU-ANIMALS < 3 ACRES.
Description: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres and. for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right. and for Development Variance. Ordinance requires 75ft to allow for an existing residence 56ft from the centerline of the right-of-way. OF CR11

Parcel creation date: 3/1/1962

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

Residential accessory breakdown, if applicable: SEE ATTACHED SHEET.

Location: N S E W corner side end of CR11
2,460 ft. N S E W of CR32
in HARRISON Township A1

Frontage: 404 Ft. Depth: 239 Ft. Area: 2.372 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL.

Developmental Variance — Questionnaire

Name:

CLEASON MARTIN

1) Tell us what you want to do. Build 40x50 pole BARN - Storage shed - also 2 CAIFS or Biter on proptx old BARN on proptx

2) Tell us why you can't change what you're doing so you don't need a variance. under 3 acres

3) Tell us why the variance won't hurt your neighbors or the community. no outside storage

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: 40x50 - 20' peak

Tell us what you'll use it for. inside storage

Building or addition 2

Size and height to the peak: _____

Tell us what you'll use it for. _____

Building or addition 3

Size and height to the peak: _____

Tell us what you'll use it for. _____

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

If yes, fill out below.

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

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

Tell us how many parcels will use the easement. _____

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

Sign 1

Dimensions (length and width): _____

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

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

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

Sign 2

Dimensions (length and width): _____

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

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

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

Sign 3

Dimensions (length and width): _____

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

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

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

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

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

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

Application

Site address: 63465 BR 11 GOSHEN 46526.

Parcel number(s): 20-10-16-200-007. 000-016.

Current property owner

Name: CLEASON MARTIN

Address: 25630 CR 36 GOSHEN, IN 46526.

Phone: 574-862-4406 Email: _____


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

Name: JERYL MARTIN (MARTEL)

Address: 62054 CR 9 GOSHEN, IN 46526.

Phone: 574-538-1545 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: X 

SEE ATTACHED SHEET

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: CLEASON MARTIN

1) Tell us what you want to do. HAVE 2-3 CALFS - BEEF COWS
OLD BARN

2) Tell us why this activity won't hurt your neighbors or the community. NO CHANGES
TO 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. MINOR SMELL

Tell us how you'll reduce the impact of those things on neighbors. NO CLOSE NEIGHBORS
SMELL NOT AFFECT 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. 2-3 BEEF CALFS - COWS

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: ~~40~~ 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

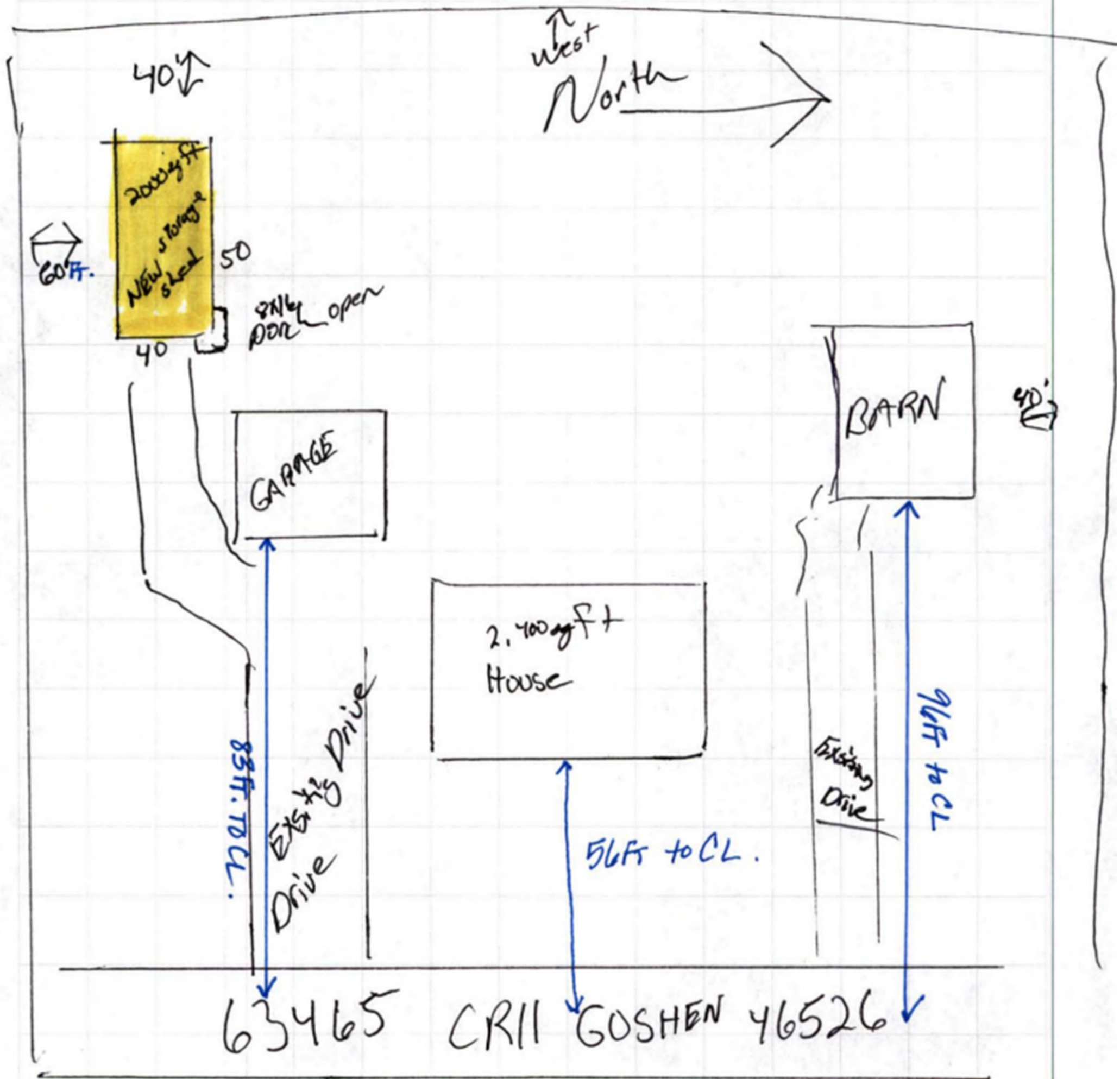
Sign 3 Dimensions (length and width). _____

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. This is existing LOW BARN
NO NEW ACTIVITIES



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: November 21, 2024

Transaction Number: SUP-0754-2024.

Parcel Number(s): 20-08-28-400-004.000-034, 20-08-33-200-004.000-034.

Existing Zoning: A-1.

Petition: for a Special Use for a home workshop/business for a woodworking shop, for a Developmental Variance to allow for the total square footage for accessory structures to exceed that allowed by right, and for a Developmental Variance to allow for 8 outside employees (Ordinance allows 4).

Petitioner: Kevin L. Bontrager & Eva Bontrager, Husband & Wife.

Location: Northwest corner of CR 28 & CR 37, in Middlebury Township.

Site Description:

- Physical Improvement(s) – Residence, detached accessory structure, detached agricultural barn.
- Proposed Improvement(s) – Detached Workshop.
- Existing Land Use – Residential, Agricultural.
- Surrounding Land Use – Residential, Agricultural.

History and General Notes:

- None.

Staff Analysis:

for a Special Use for a home workshop/business for a woodworking shop, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance. A home workshop/business is allowed by Special Use in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 6.6-acre parcel in a medium-density agricultural and residential area, and the property will remain residential and agricultural in character. The large parcel allows for room for pick-up and deliveries to be made solely on the property.
3. The Special Use will substantially serve the public convenience and welfare by providing a local wood finishing and manufacturing business.

BZA Staff Report (Continued)

Hearing Date: November 21, 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:

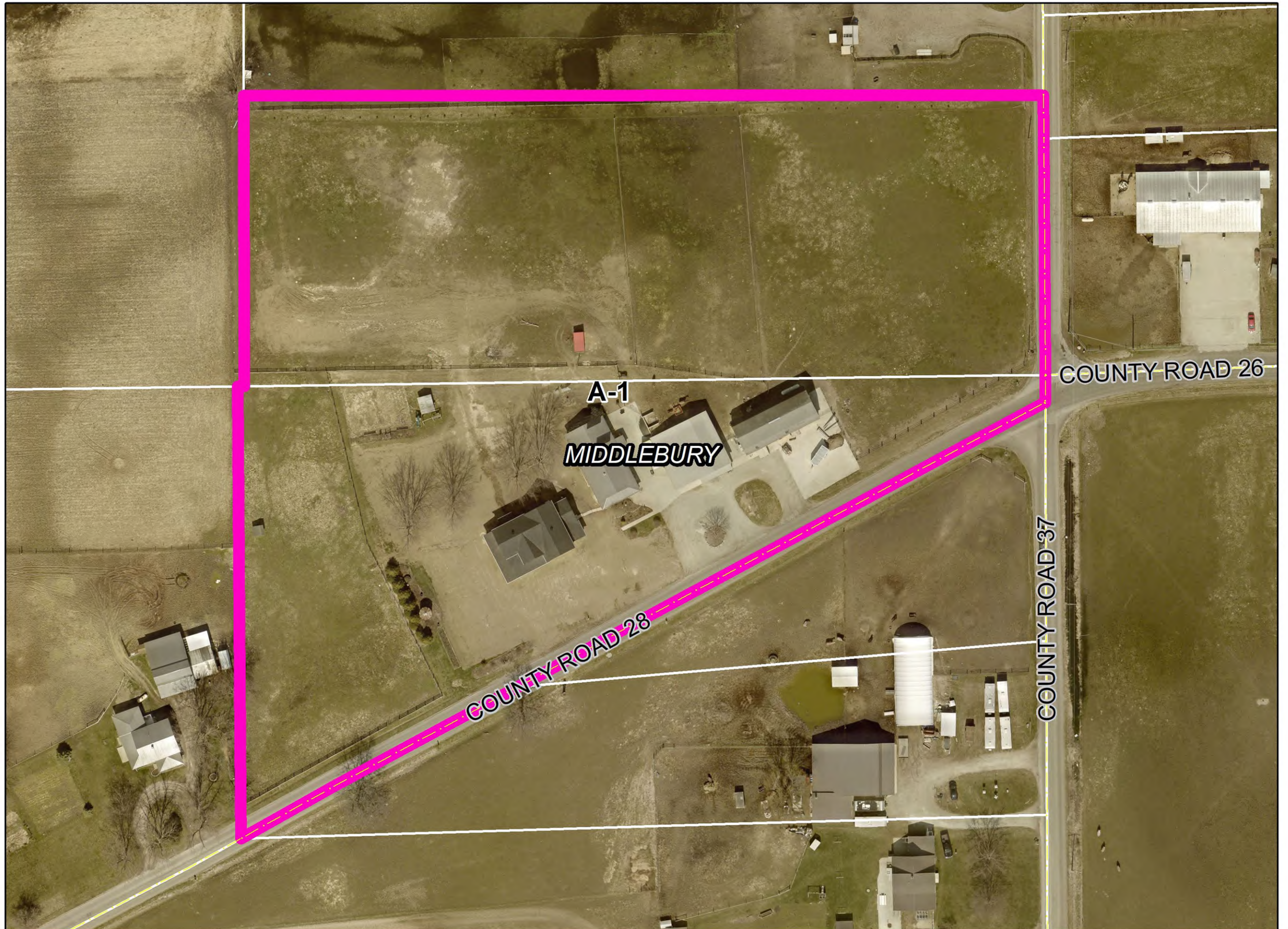
1. The request is approved in accordance with the site plan submitted on (dated 10/14/2024) and as represented in the Special Use application.
2. No backing on or off of CR 28 or CR 37 with semi tractor trailers.

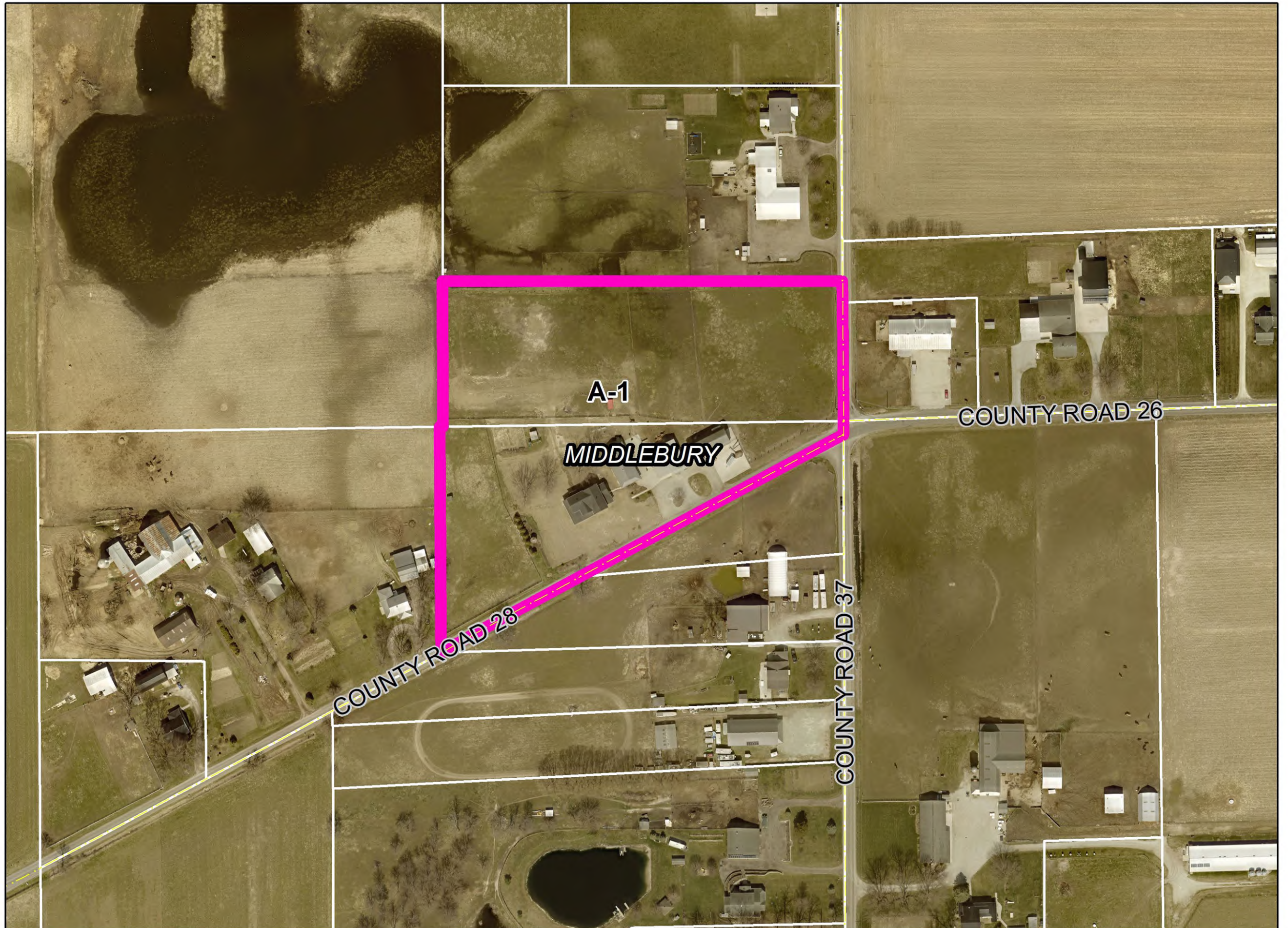
for a Developmental Variance to allow for the total square footage for accessory structures to exceed that allowed by right and for a Developmental Variance to allow for 8 outside employees (Ordinance allows 4), Staff finds that:

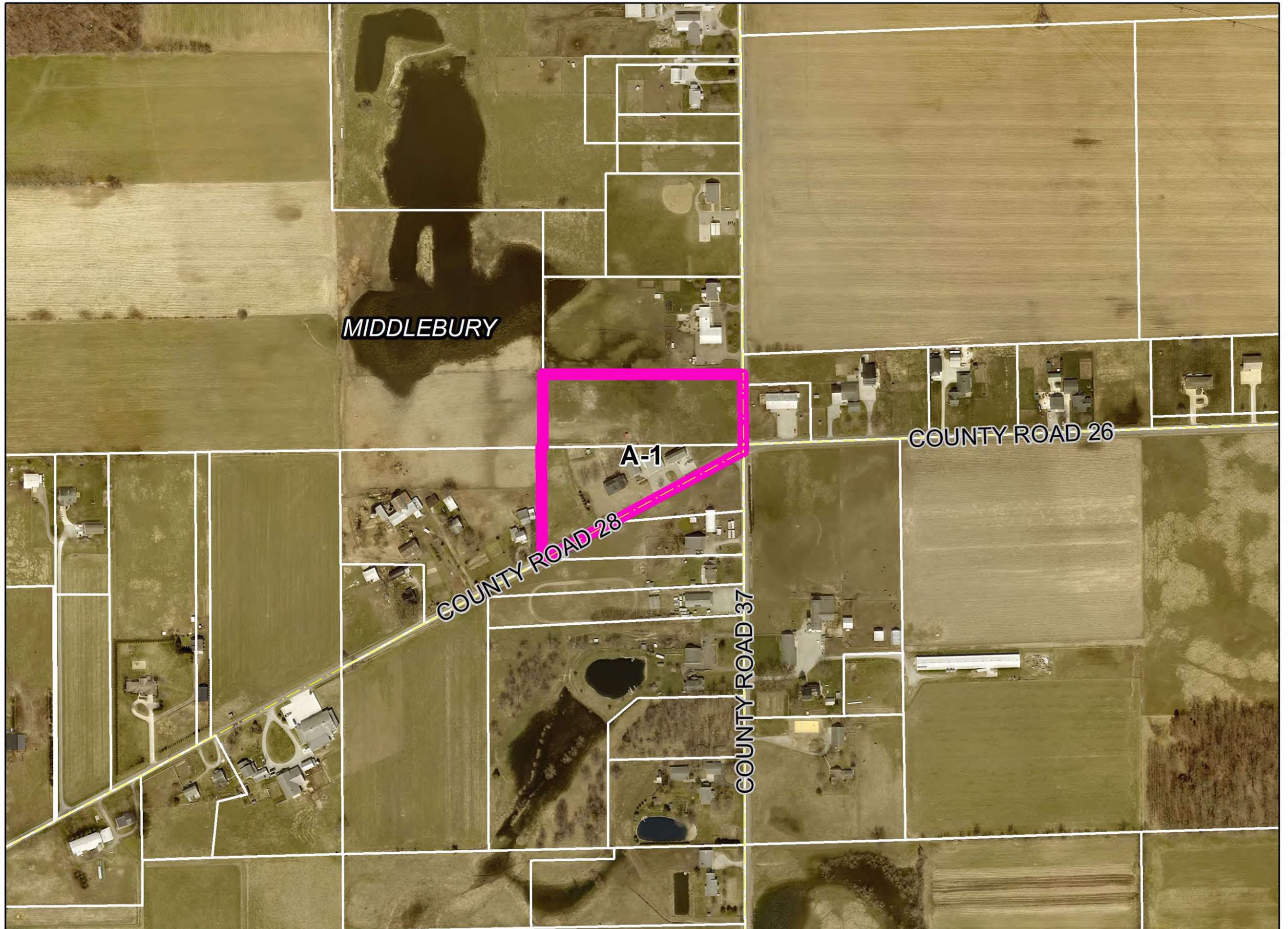
1. Approval of the requests will not be injurious to public health, safety, morals, or general welfare. The request is 3,504 sq. ft., or 65 percent, over what is allowed by right, and all other development standards are met. The request is only 4 employees over what is allowed, and not significant enough to be considered larger than what constitutes a home workshop/business.
2. Approval of the requests will not cause substantial adverse effect on neighboring property. Granting the request will not affect the character of the neighborhood, and there are structures of similar sizes on neighboring properties. The additional employees will not cause a substantial amount of traffic for morning and evening commute.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the approval of the variances the need for outside storage would arise and there wouldn't be enough employees to run a successful business.

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

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 10/14/2024) and as represented in the Developmental Variance application.









Subject property facing Northwest



Subject property, facing North



Facing East



Facing west



Facing South

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: 10/14/2024

Meeting Date:

November 21, 2024
Board of Zoning Appeals Public Hearing

Transaction #: SUP-0754-2024

Description: for a Special Use for a homework shop/business for a woodworking shop and for a Developmental Variance to allow for the total square footage for accessory structures to exceed that allowed by right.

Contacts: ApplicantJ & L Bontrager Construction
59811 Cr 37
Middlebury, IN 46540Authorized AgentJ & L Bontrager Construction
59811 Cr 37
Middlebury, IN 46540ContractorJ & L Bontrager Construction
59811 Cr 37
Middlebury, IN 46540Land OwnerKevin L. Bontrager & Eva
Bontrager H&W
13063 Cr 28
Middlebury, IN 46540Site Address: 13063 County Road 28
Middlebury, IN 46540Parcel Number: 20-08-28-400-004.000-034
20-08-33-200-004.000-034

Township: Middlebury

Location: NORTH SIDE OF CR 28, 400 FT WEST OF CR 37

Subdivision:

Lot #

Lot Area: 6.50 Frontage: 960.00 Depth: 600.00

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 3/1/1962
RESIDENTIAL DWELLING AREA: 2,692 SQFT X 200%=5,384 SQFT MINUS DETACHED GARAGE -1920 SQFT, UTILITY SHED -64 SQFT, DETACHED ACCESSORY STORAGE 1,984 SQFT=2,552 SQFT MINUS 5,000 SQFT = -2,448 SQFT
PER KEVIN THIS PROJECT WILL NEED A STATE RELEASE AND BUILDING PERMIT WILL BE FOR A COMMERCIAL BUILDING. AW

Applicant Signature:

Department Signature:

Application

Site address: 13063 CR 28 Middlebury, IN 46540

Parcel number(s): 08-33-200-004.000-034 and 08-28-400-004.000-034

Current property owner

Name: Kevin L. Bontrager

Address: 13063 CR 28 Middlebury, IN 46540

Phone: 574-825-1108

Email: _____

Other party

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

Name: David Bontrager Jr.

Address: 59811 CR 37 Middlebury IN 46540

Phone: 574-825-7060

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: David Bontrager Jr.

Staff Use Only

Description: for a Special Use for a home workshop/business
for a Woodworking shop. + for a Developmental Variance
to allow for the total Square footage for accessory
structures to exceed that allowed by right.

Parcel creation date: 3/1/1962

Subdivision required?

☐ Y

☒ N

If yes, ☐ AS ☐ Minor ☐ Major

Residential accessory breakdown, if applicable:

SEE ATTACHED SHEET.

Location: N S E W corner side end of CR 28.

400 ft. N S E W of CR 37

in MIDDLEBURY Township

Frontage: 960 ft Depth: 600 ft. Area: 6.5 acres

Subdivision and lot number, if applicable: N/A.

Present use: RESIDENTIAL

Special Use — Questionnaire

Name: Kevin L. Bontrager

- 1) Tell us what you want to do. I would like to start doing Wood Finishing.
- 2) Tell us why this activity won't hurt your neighbors or the community. There will be very small amount of traffic coming or going.
- 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. The wood coatings might create a small odor and the power source will create some noise.
Tell us how you'll reduce the impact of those things on neighbors. We will use a muffler system on our power source and we will use a double filter system on our exhaust system to help with odor.
- 5) Will there be buffering (fences, trees, shrubs, mounds)? ☒ Y ☐ N
If yes, tell us about it. We planted a row of Norway spruces on our property line
- 6) Does the property need well and septic? Well: ☐ Y ☐ N Septic: ☐ Y ☐ N
Does the property need a new septic system? ☐ Y ☐ N
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. Addition
Building or addition 1 ^(28x68) Existing? ☒ Y ☐ N Size and height to the peak: 50x100 26' peak
Tell us what you'll use it for. Wood Finishing & Manufacturing
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: 8 Part time:

How many of the employees won't live onsite? 8

What will be the days and hours of operation on this property? Monday - Friday

5 AM - 2 PM

How many parking spaces do you have now? 0

How many parking spaces do you want? 0

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

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

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

If yes, tell us what will be sold.

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

0 - this is a wholesale operation

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

Tell us how often. 1-pick up and 2-deliveries per day

Tell us the kind of vehicles used. truck and trailer or 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.

Developmental Variance — Questionnaire

Name:

Kevin L. Bontrager

1) Tell us what you want to do.

I would like to start doing
Wood Finishing

2) Tell us why you can't change what you're doing so you don't need a variance.

We want a
home business and Finish for RV Factory
and want to start with 4 employees and ^{increase} ^{to 8 within}
a year

3) Tell us why the variance won't hurt your neighbors or the community.

Variance will allow for 8 employees
with everything inside plus create a job for people

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: 50x100 w 26' Peak

Tell us what you'll use it for.

Wood Finishing

Building or addition 2

Size and height to the peak:

Tell us what you'll use it for.

Building or addition 3

Size and height to the peak:

Tell us what you'll use it for.

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

If yes, fill out below.

Is the easement existing? ☐ Y ☐ N

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

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

Tell us how many parcels will use the easement.

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

Sign 1

Dimensions (length and width):

Existing? ☐ Y ☐ N

Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N

If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N

Wall mounted? ☐ Y ☐ N

Sign 2

Dimensions (length and width):

Existing? ☐ Y ☐ N

Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N

If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N

Wall mounted? ☐ Y ☐ N

Sign 3

Dimensions (length and width):

Existing? ☐ Y ☐ N

Double faced? ☐ Y ☐ N

Electronic message board? ☐ Y ☐ N

If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N

Wall mounted? ☐ Y ☐ N

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

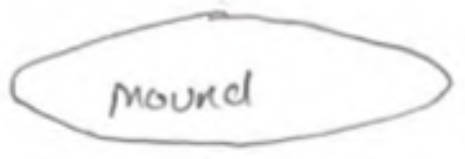
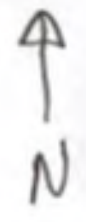
If yes, tell us how many total there will be.

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

Kevin wants to stay home
with home business and family

* * * * * Evergreens Planted * * * * * property line

OCT 14 2024

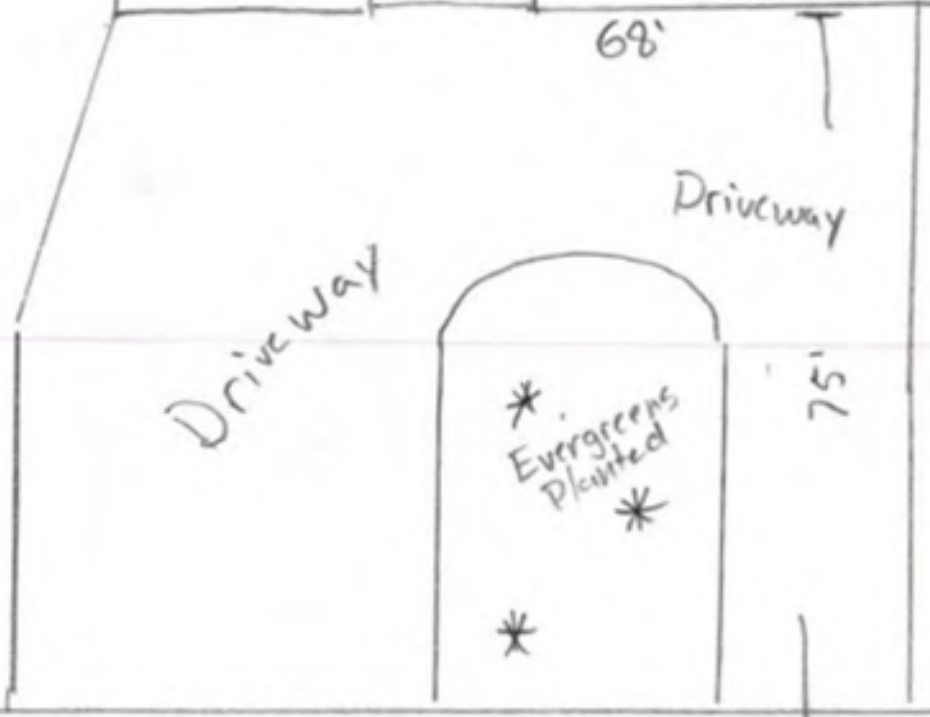
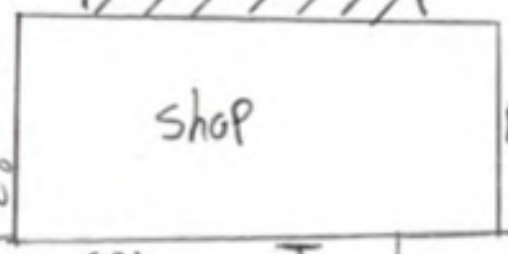
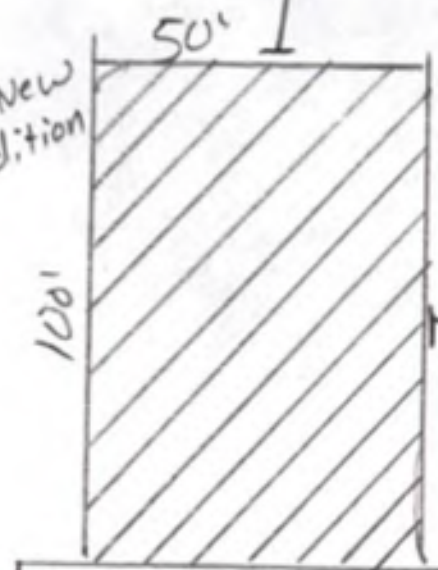
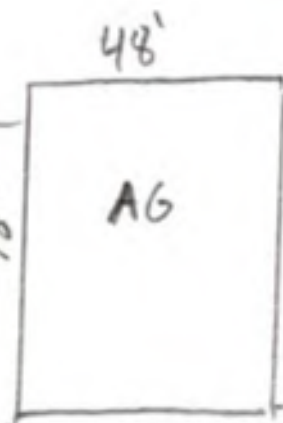
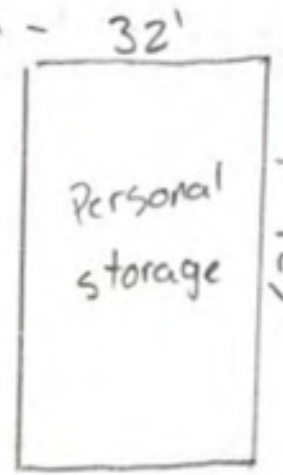
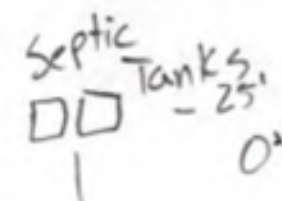


Property line

260ft



80'



CR 28

152'

50'

100'

204'

195'

CR 37

75'

Driveway

Driveway

*
Evergreens
Planted
*

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: November 21, 2024

Transaction Number: SUP-0771-2024.

Parcel Number(s): 20-03-27-103-001.000-031, 20-03-28-277-004.000-031.

Existing Zoning: R-1 & R-2.

Petition: For an Amendment to an existing Special Use for a sewage treatment plant to allow for the construction of new structures and for a 35 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of new structures 85 ft. from the centerline of the right-of-way of Vistula St. (SR 120).

Petitioner: The Town of Bristol, Indiana.

Location: North side of Vistula St. (SR 120), 4,300 ft. West of Division St. (SR 15), in Washington Township.

Site Description:

- Physical Improvement(s) – Wastewater Treatment Facility.
- Proposed Improvement(s) – Wastewater treatment building & structures.
- Existing Land Use – Municipal Infrastructure.
- Surrounding Land Use – Residential.

History and General Notes:

- **September 9, 1974** – The BZA approved a Special Use for a water sewage treatment plant (SUP-12-9-1974).
- **June 18, 2020** – The BZA approved an for an Amendment to an existing Special Use for a sewage treatment plant to allow for the construction of a sludge processing building and for a 71 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of said building 49 ft. from the centerline of the right-of-way (SUP-0360-2020).

Staff Analysis:

For an Amendment to an existing Special Use for a sewage treatment plant to allow for the construction of new structures, staff finds that:

1. The Special Use Amendment will be consistent with the spirit, purpose, and intent of the Development Ordinance. This is an existing Special Use for a wastewater treatment facility for the Town of Bristol.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 20-acre property in a moderate to high-density residential area, and the property will remain a water sewage treatment plant.

BZA Staff Report (Continued)

Hearing Date: November 21, 2024

3. The Special Use Amendment will substantially serve the public convenience and welfare by improving and enlarging the wastewater treatment capacity for the Town of Bristol.

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:

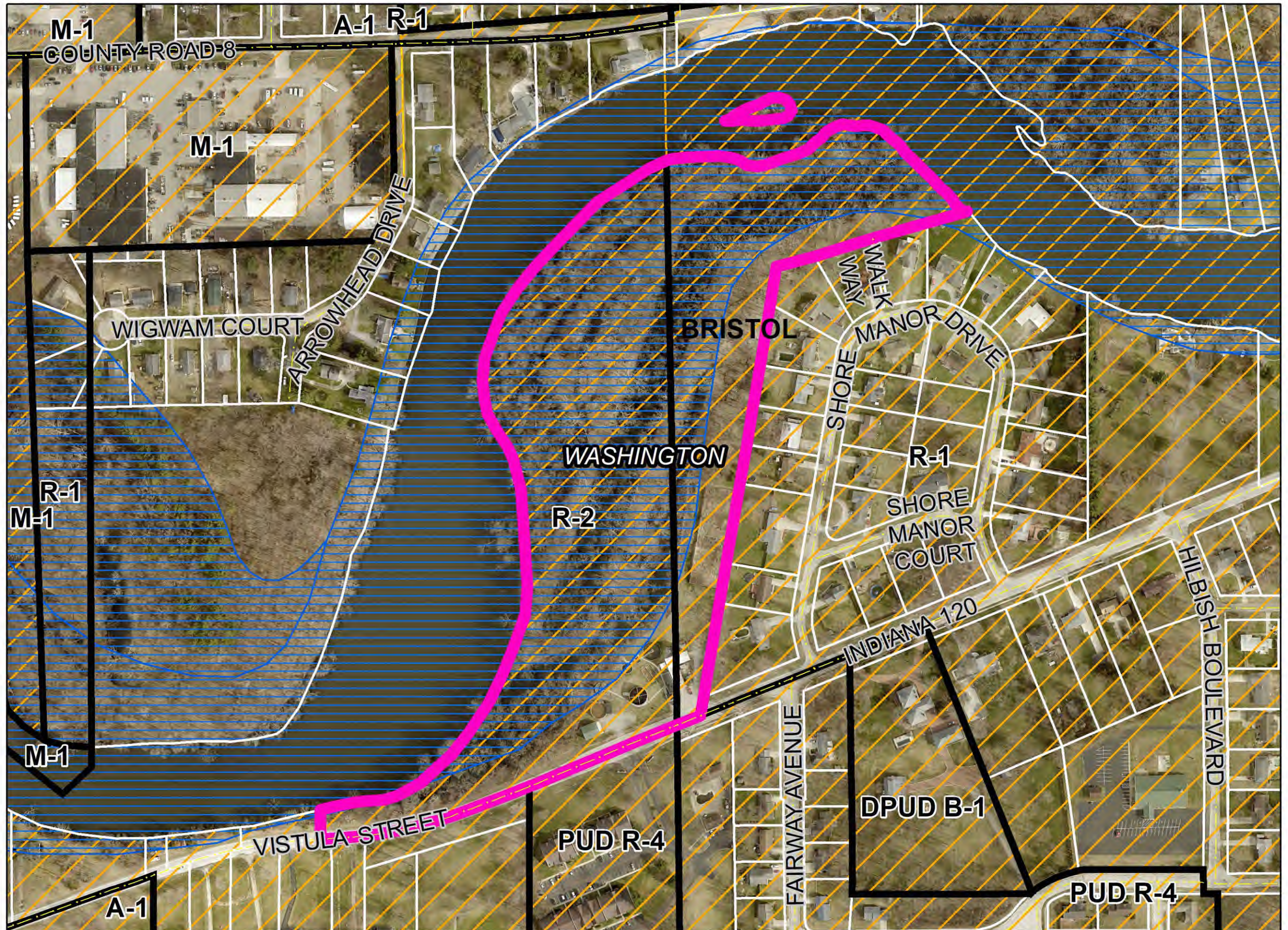
1. The request is approved in accordance with the site plan submitted on 10/15/2024 and as represented in the Special Use application.

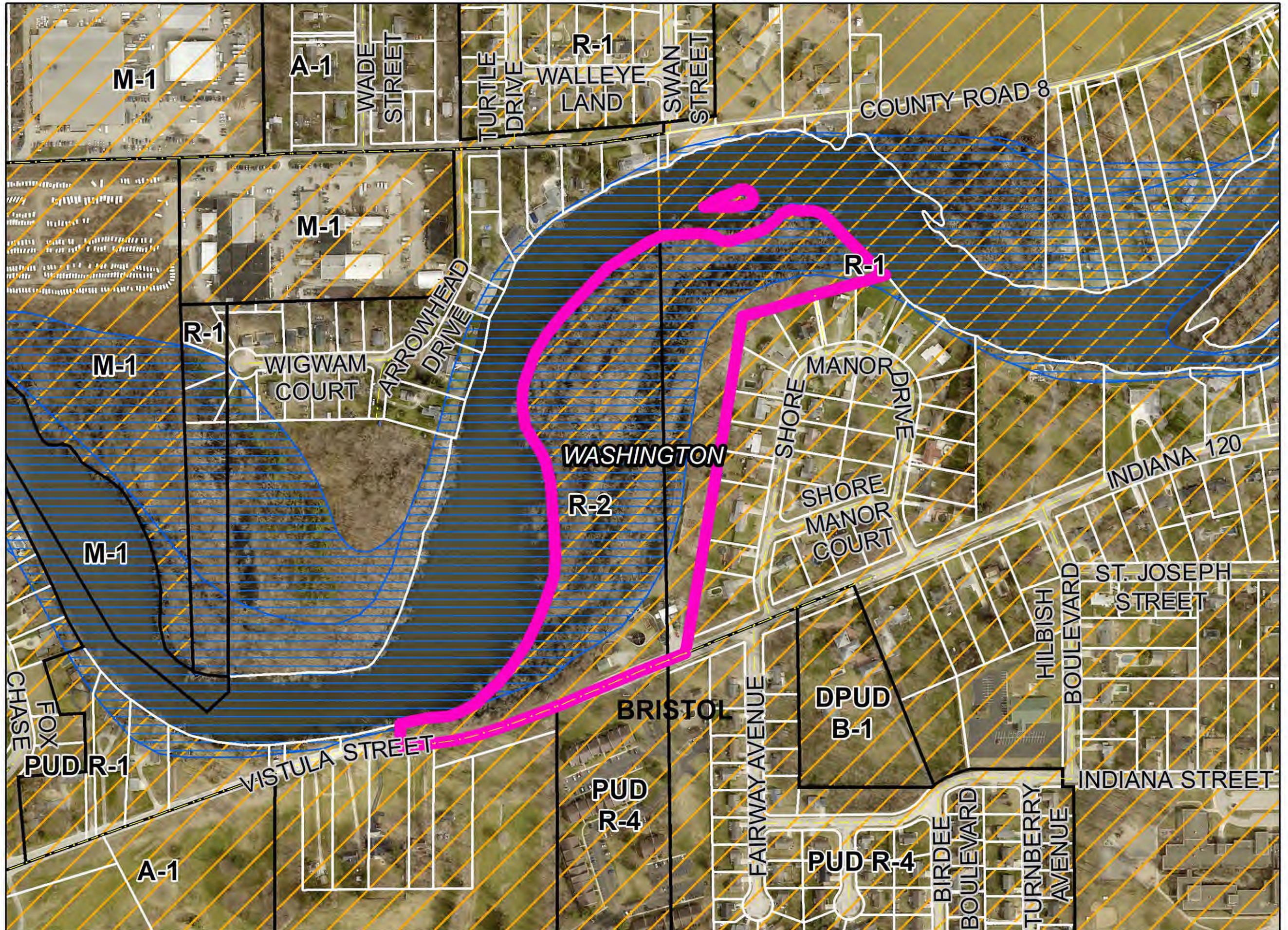
for a 35 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of new structures 85 ft. from the centerline of the right-of-way of Vistula St. (SR 120), staff finds that:

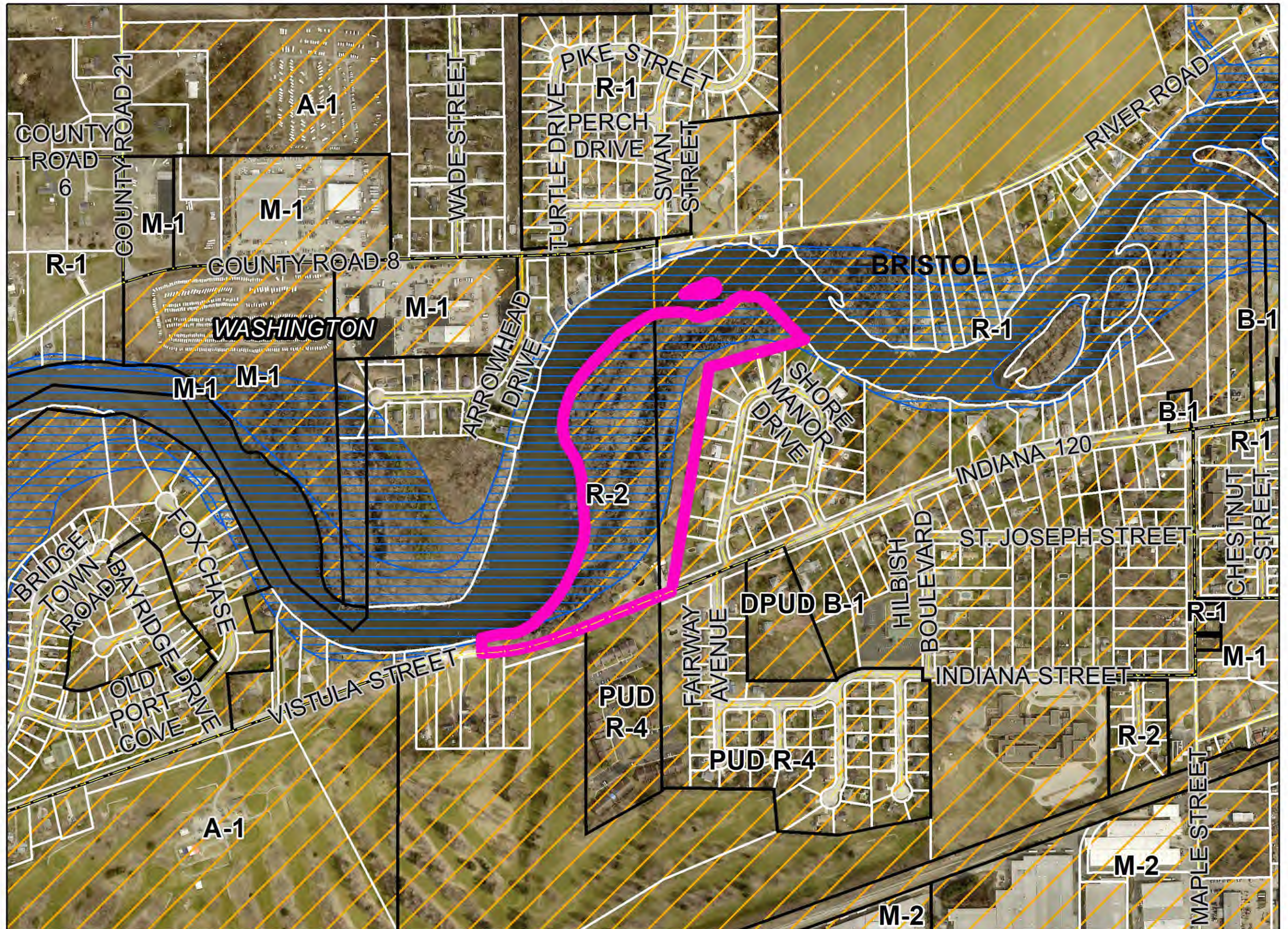
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The proposed new building and structures are replacing an old and outdated building & structures. at the existing wastewater treatment facility and will not hinder site distance from Vistula St.(SR 120).
2. Approval of the request will not cause substantial adverse effect on neighboring property. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 20-acre property in a moderate to high-density residential area, and the property will remain a wastewater treatment facility.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The existing wastewater treatment facility was constructed at this location due to the proximity to the St Joseph River, existing infrastructure, and roads.

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

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted 10/15/2024 and as represented in the Developmental Variance application.









Subject property facing North



Facing South



Facing East



Facing West

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

Date: 10/15/2024 Meeting Date: November 21, 2024 Transaction #: SUP-0771-2024
Board of Zoning Appeals Public Hearing

Description: for an Amendment to an existing Special Use for a sewage treatment plant to allow for the construction of new structures and for a 35 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for the construction of new structures 85 ft. from the centerline of the right-of-way of Vistula Street (SR 120)

Contacts: Applicant Land Owner
The Town Of Bristol, Indiana The Town Of Bristol, Indiana
P.O. Box 122 P.O. Box 122
Bristol, IN 46507 Bristol, IN 46507

Site Address: 1300 W Vistula St Parcel Number: 20-03-27-103-001.000-031
Bristol, IN 46507 20-03-28-277-004.000-031

Township: Washington
Location: NORTH SIDE OF VISTULA ST. (SR 120), 4,300 FT. WEST OF DIVISION ST. (SR 15)

Subdivision: Lot #

Lot Area: 20.00 Frontage: 990.00 Depth: 1,400.00

Zoning: R-2 NPO List:

Present Use of Property: waste water treatment plant

Legal Description:

Comments: PARCEL CREATION DATES (103-001) 3-1-1962 NAD (277-004) 3-1-1975
APPLICATION FEES WAIVED PER JASON
SETBACKS CONFIRMED PER JASON
SEE SUP-0360-2020 FOR AN AMENDMENT TO AN EXISTING SPECIAL USE AND FOR A DV FOR SETBACKS
APPROVED 6-18-2020
SEE SUP-12-9-1974 APPROVED 12-19-1974 FOR A WATER SEWAGE TREATMENT PLANT

Applicant Signature: Department Signature:

Application

Site address: 1300 W Vistula St, Bristol, IN 46507

Parcel number(s): 20-03-27-103-001.000-031 and 20-03-28-277-004.000-031

Current property owner

Name: Town of Bristol (contact Mike Yoder, Town Manager)

Address: 303 E Vistula St. Bristol, IN 46507

Phone: (574) 298-3331

Email: mikeyoder@bristolindiana.org

Other party

☒ Agent

☐ Buyer

☐ Land contract purchaser

☐ Lessee

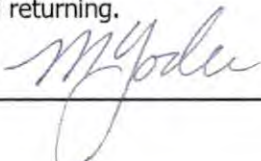
Name: Andrew Robarge, P.E., Commonwealth Engineers, Inc.

Address: 19 N Court St., Crown Point, IN 46307

Phone: (21) 900-9106

Email: arobarge@contactcei.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: (103-001) 3-1-62 (277-004) 3-1-75

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 VISTULA St. (SR120)
4300 ft. N S E W W of DIVISION St. (SR15)
in Washington Township

Frontage: 990 Depth: 1400 Area: 20 acres

Subdivision and lot number, if applicable: N/A

Present use: WASTEWATER TREATMENT PLANT

Special Use — Questionnaire

Name: Andrew Robarge on behalf of Town of Bristol

- 1) Tell us what you want to do. Request approval of new structures built at the Town of Bristol Wastewater Treatment Plant (WWTP) which is currently zoned as ZO01 Residential.
- 2) Tell us why this activity won't hurt your neighbors or the community. The WWTP is essential to the community and this expansion is necessary to ensure health and safety of the community as a whole. There will be no change to the current use of the property despite being zoned ZO01 Residential.
- 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. No additional odor is expected; the existing odor from the treatment plant is expected to continue but may improve with the planned project.

Tell us how you'll reduce the impact of those things on neighbors. The new optimized treatment process will include improved pretreatment and aeration and the large bio-filter onsite will be removed, likely decreasing odor onsite.
- 5) Will there be buffering (fences, trees, shrubs, mounds)? ☒ Y ☐ N
If yes, tell us about it. There is an existing fence on site between nearby properties and treatment plant.
- 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? | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Size and height to the peak: 290 sf, in-ground |
| Tell us what you'll use it for. <u>New Influent Pump Station</u> | | | |
| Building or addition 2 | Existing? | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Size and height to the peak: 663 sf, 33.75' to peak |
| Tell us what you'll use it for. <u>New Headworks Structure</u> | | | |
| Building or addition 3 | Existing? | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Size and height to the peak: 8660 sf, 24' to peak |
| Tell us what you'll use it for. <u>New Sequencing Batch Reactor Structure</u> | | | |
| Building or addition 4 | Existing? | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Size and height to the peak: 305 sf, 8.5' to peak |
| Tell us what you'll use it for. <u>New UV Structure</u> | | | |
| Building or addition 5 | Existing? | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Size and height to the peak: 520 sf, in-ground |
| Tell us what you'll use it for. <u>New Effluent Flow Channel and Post Aeration Structure</u> | | | |
| Building or addition 6 | Existing? | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Size and height to the peak: 710 SF, in-ground |
| Tell us what you'll use it for. <u>Primary Clarifier (Converted to ASH Tank)</u> | | | |
| Building or addition 7 | Existing? | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Size and height to the peak: 220 sf, 11.5' to peak |
| Tell us what you'll use it for. <u>New Aerated Sludge Holding Tank Blowers</u> | | | |
| Building or addition 8 | Existing? | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Size and height to the peak: 7000 sf, 27.5' to peak |
| Tell us what you'll use it for. <u>New Control / Maintenance Building</u> | | | |

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: 4 Part time: _____
How many of the employees won't live onsite? 0
What will be the days and hours of operation on this property? 6:30 am - 4:30 pm

How many parking spaces do you have now? 3 How many parking spaces do you want? 4
Will there be outside storage or display areas on this property? ☐ Y ☒ N
If yes, tell us what will be stored outside or displayed. _____

Will there be retail sales on this property? ☐ Y ☒ N
If yes, tell us what will be sold. _____

Approximately how many customers (clients, guests, students, members) will be on this property per day?
0

Will there be pickups or deliveries on this property? ☐ Y ☒ N If yes, fill out below.
Tell us how often. _____
Tell us the kind of vehicles used. _____

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

10) Tell us anything else you want us to know. The Town of Bristol WWTP site obtained a special use variance and setback developmental variance for its current sludge processing building built in 2020. The special use variance approval for this building is attached for reference. The plant has been operating since 1966 at this site.

Application

Site address: 1300 W Vistula St, Bristol, IN 46507

Parcel number(s): 20-03-27-103-001.000-031 and 20-03-28-277-004.000-031

Current property owner

Name: Town of Bristol (contact Mike Yoder, Town Manager)

Address: 303 E. Vistula St. Bristol, IN 46507

Phone: (574) 298-3331 Email: mikeyoder@bristolindiana.org

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

Name: Andrew Robarge, P.E., Commonwealth Engineers, Inc.

Address: 19 N Court St., Crown Point, IN 46307

Phone: (219) 900-9106 Email: arobarge@contactcei.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:

Mike Yoder

Staff Use Only

Description:

Parcel creation date:

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

Residential accessory breakdown, if applicable:

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

Frontage: Depth: Area: acres

Subdivision and lot number, if applicable:

Present use:

Developmental Variance — Questionnaire

Name: Andrew Robarge on behalf of Town of Bristol

- 1) Tell us what you want to do. Requesting approval of new structures at 1300 W Vistula St. (Bristol WWTP) within the
minimum setback of 120 feet from the centerline of the right of way of SR 120.
- 2) Tell us why you can't change what you're doing so you don't need a variance. The WWTP is undergoing an expansion and the site is not big enough to maintain the 120-foot setback and fit all of the required structures for functioning of WWTP on site. The site is bound by the river and SR 120.
- 3) Tell us why the variance won't hurt your neighbors or the community. The WWTP is essential to the community and this expansion is necessary to ensure health and safety of the community as a whole. While having wastewater structures near homes is not ideal, this is where the current treatment plant is located. The improved WWTP likely will cause less odor and at least will not increase odor.
- 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: 7,000 SF, 27.5' to peak
Tell us what you'll use it for. New Control/Maintenance Building
Building or addition 2 Size and height to the peak: 220 SF, 11.5' to peak
Tell us what you'll use it for. New Aerated Sludge Holding Tank Blowers
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. The Town of Bristol WWTP site obtained a special use variance and setback developmental variance for its current sludge processing building built in 2020. The developmental variance approval for this building is attached for reference. The plant has been operating since 1966 at this site.



Cody Miller <cody@waynestreetbuilders.com>

Special Use Agreement

Tim Bontrager <tbontrager@hotmail.com>
To: Cody Miller <cody@waynestreetbuilders.com>

Tue, Oct 1, 2024 at 9:19 AM

To Whom it May Concern,

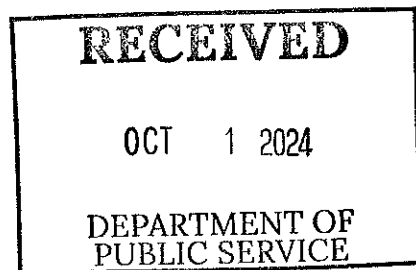
Please dissolve the CR 43 Special Use Agreement for RV storage and shipping effective immediately.

Thank you,

Tim Bontrager
CEO, Bonafide Investments LLC

[Quoted text hidden]

 **CR 43 Special Use Agreement.pdf**
115K



RESULT LETTER

Case # SUP-0462-2017

Date: July 24, 2017

Petitioner(s):

John Yoder (Buyer) & Middlebury Hay Auction (Seller)

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

Street: 00000 CR 43, Middlebury, IN 46540

Current Tax Code #'s: Part of 20-08-12-200-018.000-034, Part of 20-08-12-200-020.000-034

You are hereby notified that the petition for a Special Use for warehousing and storing of RVs on the Real Estate, presented and considered at the meeting of the Elkhart County Advisory Board of Zoning Appeals on July 20, 2017, was acted upon as follows: **APPROVED** in accordance with the Staff Analysis with the following Findings and Conclusions of the Board:

1. The Special Use will be consistent with the spirit, purpose and intent of the Zoning Ordinance. Warehousing and storage is allowed by Special Use in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a large, 8-acre parcel in an agricultural area. Additionally, based on the site plan, no structures will be constructed.
3. The Special Use will substantially serve the public convenience and welfare by providing additional and local RV storage.

The following conditions were imposed:

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

John Yoder (Buyer) & Middlebury Hay Auction (Seller)
July 24, 2017
Page 2

The following commitments were imposed:

1. Approved in accordance with the site plan to be submitted for staff approval and as represented in the Special Use application.
2. Petitioner must obtain a driveway permit and meet all Elkhart County Highway standards.
3. Limited to 25 RVs/acre, for the 8 acres (200 RVs maximum).

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

Anthony J. Campanello, Secretary
Elkhart County Board of Zoning Appeals

Placed in File _____
By _____

DATE: November 6, 2024

TO: BZA

FROM: H. Jason Auvil, Zoning Administrator

SUBJECT: SUP-0001-2024, condition 2

Planning staff requests that the BZA remove condition 2 from the March 21, 2024, approval of a Special Use for an existing garden supplies business.

Condition 2: "A subdivision is required for the Special Use property on the west side of CR 39. A subdivision is required for the Special Use property on the east side of CR 39 if any development occurs."

A condition that there be no further subdivision without going through the Subdivision Control Ordinance appeared on the 1994 approval of the property's original Special Use (warehousing and storing for an excavation business). The condition did not need to appear on the 2024 Special Use. The original Special Use that carried the condition was rescinded by the BZA the same day the new Special Use was approved (March 21, 2024).

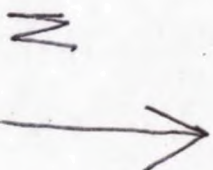
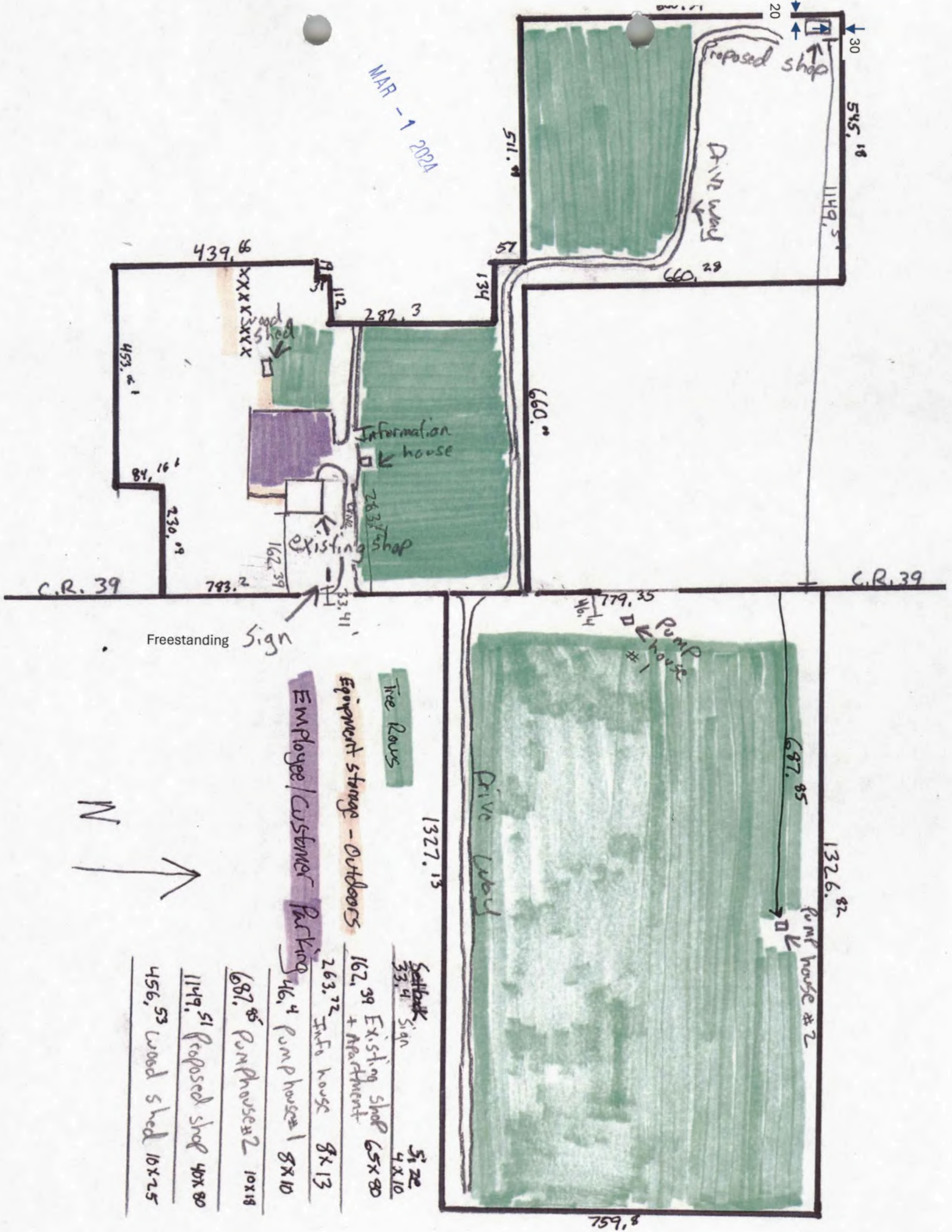
The subject property is on the west and east sides of CR 39, 3,300 ft. north of CR 10, common address of 53945 CR 39, Middlebury, IN, zoned A-1.

Attached is the approved site plan for the current Special Use.

Staff recommends that the BZA remove the condition.

This staff item will be on the **November 21, 2024**, BZA agenda.

MAR - 1 2024



- Tree Rows
- Equipment storage - Outdoors
- Employee/customer parking
- 456.53 Wood shed 10x25
- 1149.51 Proposed shed 40x80
- 687.85 Pump house #2 10x18
- 46.4 Pump house #1 8x10
- 263.72 Info house 8x13
- 162.39 Existing shop 65x80 + Attachment
- 33.4 Sign
- 51.22
- 4x10