

AGENDA

ELKHART COUNTY BOARD OF ZONING APPEALS

APRIL 17, 2025
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 20th day of March 2025.

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: ***Derek Lynn Miller & Dorcas R. Miller, Husband & Wife*** (Page 5)
Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.
Location: East side of CR 27, 25 ft. North of CR 126, common address of 60482 CR 27 in Jefferson Township, zoned A-1. SUP-0152-2025
- B. Petitioner: ***Jeffrey M. Lorenz & Kelly E. Lorenz, Husband & Wife*** (Page 6)
Petition: for a Special Use for a home workshop/business for a pet cremation business.
Location: East side of CR 21, 515 ft. South of CR 46, common address of 68600 CR 21 in Jackson Township, zoned A-1. SUP-0161-2025
- C. Petitioner: ***Ariel R. Yoder*** (Page 7)
Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.
Location: Southwest corner of Westlake Dr. & Erin Ct., 330 ft. South of US 20, common address of 601 Westlake Dr. in Middlebury Township, zoned R-1. SUP-0172-2025

D. Petitioner: ***Kraig D. Kliewer & Sonny J. Kliewer, Husband & Wife*** (Page 8)
Petition: for a Special Use for a home workshop/business for a poultry supply business.
Location: West side of CR 131, 1,250 ft. South of CR 4, common address of 52241 CR
131 in York Township, zoned A-1. SUP-0134-2025

SPECIAL USE/DEVELOPMENTAL VARIANCES 9:30 A.M. (HESSER)

E. Petitioner: ***Ray J. Hershberger & Lizzie Hershberger,*** (Page 9)
as Trustees of the Ray & Lizzie Hershberger Revocable Trust
Petition: for a Special Use for a home workshop/business for a welding shop and for a
7 ft. Developmental Variance (Ordinance requires 10 ft.) to allow an existing
accessory structure 3 ft. from the rear property line.
Location: West side of CR 37, 1,580 ft. South of CR 30, common address of 62270 CR
37 in Clinton Township, zoned A-1. SUP-0116-2025

F. Petitioner: ***Lavon Dale Miller & Martha Ann Miller,*** (Page 10)
Husband & Wife
Petition: 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 15 ft. Developmental Variance
(Ordinance requires 75 ft.) to allow for an existing residence 60 ft. from the
centerline of the right-of-way.
Location: Southwest side of CR 8, 2,780 ft. Northwest of CR 35, common address of
13974 CR 8 in York Township, zoned A-1. SUP-0160-2025

G. Petitioner: ***Tanner D. Bunch & Kaicee B. Bunch, Husband & Wife*** (Page 11)
Petition: for a Special Use for a home workshop/business for a dog grooming business,
for a Developmental Variance to allow for 7 outside employees (Ordinance
allows 4) and for a Developmental Variance to allow for the total square
footage of accessory structures to exceed that allowed by right.
Location: East end of the easement, East of CR 29, 2,640 ft. North of CR 52, in Jackson
Township, zoned A-1. SUP-0171-2025

H. Petitioner: ***Tri-County Land Trustee Corporation (Land Contract Holder)*** (Page 12)
& Norman E. Lehman & Katie Lehman (Land Contract Purchasers)
Petition: for an Amendment to an existing Special Use for a home workshop/business
for a retail store to allow for an addition, for a Developmental Variance to
allow for the total square footage of the accessory structures to exceed that
allowed by right, and for a Developmental Variance to allow for 5 outside
employees (Ordinance allows 4).
Location: North side of CR 16, 1,815 ft. West of CR 43, common address of 11351 CR
16 in Middlebury Township, zoned A-1. SUP-0130-2025

I. Petitioner: ***Creekside Church of the Brethren, Inc.*** (Page 13)
Petition: for an Amendment to an existing Special Use for a place of worship to allow
for an electronic message board and for a Developmental Variance to allow
for an electronic message board within 300 ft. of a residence.
Location: West side of CR 113, 2,400 ft. South of CR 26, common address of 60455 CR
113 in Concord Township, zoned A-1. SUP-0162-2025

TABLED

J. Petitioner: ***Tri-County Land Trustee Corporation (Land Contract Holder) (Page 14) & Martin Graber & Lucinda Graber (Land Contract Purchasers)***
Petition: for a Special Use for a home workshop/business for a woodworking shop 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 31, 2,130 ft. South of CR 14, common address of 56831 CR 31 in Jefferson Township, zoned A-1. SUP-0095-2025

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

- Minor Change – Special Use/Developmental Variance – Devon & Noetta Kay Schrock (SUP-0641-2024) – request to extend the ILP requirement 6 months.
- Agreement for Legal Services for Barkes, Kolbus, Rife, & Shuler effective July 1, 2025 – July 1, 2026.

ADJOURNMENT

The Elkhart County Board of Zoning Appeals is meeting on Thursday, April 17, 2025, at **9:00 a.m.** in Rooms 104, 106, & 108 of the Administration Building, Goshen, Indiana. Pursuant to advice of the Indiana Public Access Counselor, general public comment will not be permitted at this public meeting on non-public hearing matters. To the extent you wish to make comment remotely during any public hearings scheduled during this public meeting, please call (574) 971-4678 to learn how to remotely submit your public comment for the public hearing. The public is encouraged to attend the meeting remotely by going to www.elkhartcountyplanninganddevelopment.com at **9:00 a.m.** on April 17, 2025. 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 20th DAY OF MARCH 2025 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: Jason Auvil, Zoning Administrator; Danny Dean, Planner, Danielle Richards, Planner; Laura Gilbert, Administrative Coordinator; and James W. Kolbus, Attorney for the Board.

Roll Call.

Present: Deb Cramer, Stever Warner, Cory White, Roger Miller, Randy Hesser

Absent: David Miller, John Gardner.

2. A motion was made and seconded (*Miller/Cramer*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 20th day of February 2025 be approved as read. 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 **Paul D. Schrock & Brandi Schrock, Husband & Wife** for a Special Use for a home workshop/business for a custom embroidery, screen printing and heat transfer business on property located on the West side of CR 31, 950 ft. South of CR 138, common address of 65677 CR 31 in Elkhart 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-0080-2025*.

There were 22 neighboring property owners notified of this request.

Paul & Brandi Schrock, 65677 CR 31, Goshen were present for this request. Mrs. Schrock stated that they are purchasing a business and would like to move it into their existing shop. Mr. Hesser asked if the process for their business generates any waste. Mrs. Schrock responded, no. Mr. Warner confirmed that they are expecting 1-3 customers per day. Mrs. Schrock stated yes.

Cathy Smothers, 65655 CR 31, Goshen was present in remonstrance. Ms. Smothers explained she is concerned about her property value going down because of the business. She continued by stating that she is opposed to any signs on the property.

Mrs. Schrock came back to the podium to address concerns regarding the sign that is on their site plan. She continued by saying that they would make sure it has the appropriate setbacks as required. She also stated that she would work with Ms. Smothers so that there would be no contention between the two. Mr. Hesser asked if the sign for the business would be 3 ft. x 3 ft. or smaller as required. Mrs. Schrock replied yes.

The public hearing was closed at this time.

Mr. Hesser stated he has concerns about the size of the sign. He suggested that the Board add a condition that the sign is not exceed the size of 3 ft. x 3 ft.

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 custom embroidery, screen printing, and heat transfer 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 revised site plan to be submitted for Staff approval and as represented in the Special Use application.
2. Sign not to exceed 3 ft. x 3 ft.

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

Yes: Deb Cramer, Stever Warner, Cory White, Roger Miller, Randy Hesser.

5. The application of *Edward Cyriel DeBaets & Rhonda Jean DeBaets* for a Special Use for parking of recreational vehicles on property located on the West side of Heaton Vista, 250 ft. North of 3rd St., East of CR 113, in Osolo Township, zoned R-2, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0085-2025*.

There were 24 neighboring property owners notified of this request.

Edward & Rhonda DeBaets, 23161 Heaton Vista, Elkhart were present for this request.

Mrs. DeBaets started by saying they purchased this piece of land to store outdoor personal recreational vehicles. Mr. Miller asked if they lived across the road. Mrs. DeBaets replied yes.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Deb Cramer, **Seconded by** Randy Hesser that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for parking of recreational vehicles be approved with the following condition imposed:

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 2/12/2025) and as represented in the Special Use application.
2. Limited to one (1) camper, one (1) boat, and one (1) jet ski at any one time.

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

Yes: Deb Cramer, Stever Warner, Cory White, Roger Miller, Randy Hesser.

6. The application of *Deer Trail School* for a Special Use for a school on property located on the West side of CR 13, 600 ft. North of CR 52, in Union 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-0086-2025*.

There were five neighboring property owners notified of this request.

Jonathan Burkholder, 70526 CR 13, Nappanee was present for this request as the agent for the school. Mr. Burkholder stated that the current school is at capacity and the need for another school has arisen. Mr. Hesser asked staff why a subdivision is required. Mrs. Richards stated that the 3 acres for the school is a recent split, and the subdivision will make the 3 acres buildable.

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 school 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 subdivision is required.

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 2/12/2025) and as represented in the Special Use application.

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

Yes: Deb Cramer, Stever Warner, Cory White, Roger Miller, Randy Hesser.

7. The application of *The Board of Commissioners of the County of Elkhart, Indiana* for an amendment to an existing Special Use for waste related services (landfill) to add property on property located on the East side of CR 7, 2,030 ft. North of CR 26, common address of 59308 CR 7 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-0087-2025*.

There were forty-one neighboring property owners notified of this request.

Mr. Hesser requested clarification on what area of the site plan the land was being added for the landfill.

John Bowers, Director of Solid Waste at the landfill, 59530 CR 7 South, Elkhart, was present for this request. He stated the new property they acquired is along CR 9 and he pointed out the location on the aerial. Mr. Hesser requested clarification as to which parcel has the Special Use that needs to be rescinded. Mr. Auvil stated that it was on the Wilson property.

Michael Boling, 60120 CR 9, Elkhart, was present in remonstrance. Mr. Boling stated he is under the impression that this request is for a new landfill. Mr. Hesser stated that this request is for an addition to the current landfill.

Lindell Johnson, 60076 CR 9 was also present in remonstrance. Mr. Johnson stated that he did not receive notice of the hearing but had the same concern as Mr. Boling.

Mr. Bowers came back to the podium to clarify that the request is to add land on the east side of CR 9 to the existing landfill, and there will not be a new landfill. He continued by saying he intends to meet with Mr. Johnson and Mr. Boling after the hearing to answer more questions and put their minds at ease.

Brad Rogers, Elkhart County Commissioner, 117 N. Second St., Goshen came on to speak. Mr. Rogers stated the acquisition of the additional land for the landfill onward is for future expansion. He continued by saying it will allow the landfill to be present for many future generations.

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 an amendment to an existing Special Use for waste related services (landfill) to add property be approved with the following condition imposed:

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 2/13/2025) and as represented in the Special Use Amendment application.

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

Yes: Deb Cramer, Stever Warner, Cory White, Roger Miller, Randy Hesser.

Motion: Action: Rescind, **Moved by** Deb Cramer, **Seconded by** Roger Miller that the request for a Special Use for a Portrait Studio be rescinded at the request of staff, since it is no longer in operation.

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

Yes: Deb Cramer, Stever Warner, Cory White, Roger Miller, Randy Hesser.

8. The application of **Greg Martin & Melody Martin, Husband & Wife** for a Special Use for a resort on property located on the North side of CR 38, 1,310 ft. East of CR 15, common address of 22781 CR 38 in Harrison Township, zoned A-1, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0023-2025*.

There were five neighboring property owners notified of this request.

Greg Martin, 22781 CR 38, Goshen, was present for this request. Mr. Martin started by saying they bought the property 6 years ago and were not aware that the property was not in compliance with the county ordinance. He continued by saying they are using part of the property as an Air BNB, and they would like to add an inground pool and an accessory building for storage. Mr. Miller asked Mr. Martin how many people typically stay at the resort at one time. Mr. Martin stated the log house can sleep 6-10 people and the cottage is for couples only.

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** Roger Miller, **Seconded by** Deb Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a resort 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. Building permits must be issued and certificates of occupancy must be obtained for the 2 guest houses.
3. A recorded deed excepting 20-10-24-300-017.000-016 (a 27-acre tract) is required.

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 1/13/2025) and as represented in the Special Use application.

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

Yes: Deb Cramer, Stever Warner, Cory White, Roger Miller, Randy Hesser

9. The application of *Ralph O. Miller, James Bixler, & Francis Freed, Jr., as Trustees of the Roselawn Mennonite Church* for an Amendment to an existing Special Use for a place of worship to allow for a gymnasium addition, for a 15 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing church facility 35 ft. from the centerline of the right-of-way of Sunset Ave., and for a 5 ft. Developmental Variance (Ordinance allows 30 ft.) to allow for a gymnasium 35 ft. in height on property located on the Southwest corner of Independence St. & Sunset Ave., common address of 54365 Independence St. in Osolo Township, zoned R-2, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0083-2025*.

There were 33 neighboring property owners notified of this request.

Conrad Hostetler, 25065 Aqua Dr., Elkhart, was present for this request. Mr. Hostetler stated the Church wants to build an 80 ft. x 100 ft. gymnasium. Mr. Miller asked Mr. Hostetler if they will be ready to build within the timeframe of the conditions imposed by staff. He replied yes. Mr. Hostetler continued by saying they are still waiting for the state release, but that it should not be a problem. Mr. Hesser asked if they plan to limit the gymnasium to church use. Mr. Hostetler stated it would be for Church member use only.

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

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 2/12/2025) and as represented in the Special Use Amendment application.

Further, the motion also included that a 15 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing church facility 35 ft. from the centerline of the right-of-way of Sunset Ave., and for a 5 ft. Developmental Variance (Ordinance allows 30 ft.) to allow for a gymnasium 35 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 2/12/2025) and as represented in the Developmental Variance application.

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

Yes: Deb Cramer, Stever Warner, Cory White, Roger Miller, Randy Hesser.

10. The application of *Marlin D. Bontrager & Wanda J Bontrager* 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 on property located on the North side of the easement, East side of CR 8, 1,270 ft. South of CR 10, common address of 54704 CR 8 in York Township, zoned A-1, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0084-2025*.

There were 14 neighboring property owners notified of this request.

Lloyd Troyer, Curveside Construction, 13708 CR 8, Middlebury, was present for this request. Mr. Miller asked Mr. Troyer if he had anything to add. Mr. Troyer answered no. Mr. Hesser asked if staff was ok with the site plan submitted. The staff answered yes.

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

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 2/12/2025) 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.

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 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 (dated 2/12/2025) and as represented in the Developmental Variance application.

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

Yes: Deb Cramer, Stever Warner, Cory White, Roger Miller, Randy Hesser

11. The application of *Evan Stutzman & Natalie Stutzman, Husband & Wife* for a Special Use for a home workshop/business for a landscaping business, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a Developmental Variance to allow for 10 outside employees (Ordinance allows 4) on property located on the West side of CR 27, 1,305 ft. North of CR 34, common address of 62745 CR 37 in Clinton Township, zoned A-1, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0093-2025*.

There were 11 neighboring property owners notified of this request.

Evan Stutzman, 62745 CR 37, Goshen, was present for this request. Mr. Hesser asked Mr. Stutzman how many employees will be parking at the property during the day. Mr. Stutzman responded there will be about 5 Amish employees. Mr. Hesser then asked if there was room for semi-trucks to pull onto and off of the property without backing on the road. Mr. Stutzman replied yes. Mrs. Cramer asked Mr. Stutzman if he lives on the property. He stated yes. Mr. Miller asked Mr. Stutzman if he is aware that the staff is requesting the Special Use for the Bed and Breakfast be rescinded. Mr. Stutzman said yes. Mr. Hesser asked Mr. Stutzman if there will be anything stored outside. Mr. Stutzman stated tractors will be stored outside.

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** Roger Miller, **Seconded by** Steve Warner that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a landscaping 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. The legal descriptions of the 3 subject tracts must be recorded on a single deed.
3. A commercial building permit and a certificate of occupancy must be obtained for the 9,600 sq. ft. accessory structure.

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 2/14/2025) and as represented in the Special Use application.
2. Any future expansions require a DPUD.
3. Backing in or backing out of semi-tractor trailers from/onto CR 37 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, and for a Developmental Variance to allow for 10 outside employees (Ordinance allows 4) 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 2/14/2025) and as represented in the Developmental Variance application.

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

Yes: Deb Cramer, Stever Warner, Cory White, Roger Miller, Randy Hesser.

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Deb Cramer that the Special Use for a bed and breakfast be rescinded at the request of staff, since it is no longer in operation.

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

Yes: Deb Cramer, Stever Warner, Cory White, Roger Miller, Randy Hesser.

12. The application of *Tri-County Land Trustee Corporation (Land Contract Holder) & Martin Graber & Lucinda Graber (Land Contract Purchasers)* for a Special Use for a home workshop/business for a woodworking shop 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 West side of CR 31, 2,130 ft. South of CR 14, common address of 56831 CR 31 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-0095-2025.

There were 10 neighboring property owners notified of this request.

Mr. Hesser stated that he lives 2 parcels north of this property, but he has no financial interest in the petitioner's property. Mr. Kolbus, staff attorney, stated that Mr. Hesser may remain for the hearing.

The petitioner was not present for this request.

John Stombaugh, 56425 CR 31, Goshen was present in remonstrance. He started by saying that he does not have a problem with small business owners. Mr. Stombaugh stressed he is not in favor of the diesel generator being used by the business. He continued by saying the generator runs all day long, and the noise and exhaust is intolerable. Mr. Miller sympathized with Mr. Stombaugh saying even though the generators are quiet, constant noise can still be heard and the exhaust smells. Mr. Miller continued by saying that he would oppose this request unless the petitioner hooks up to a power line.

The public hearing was closed at this time.

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

Motion: Action: Table, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the request for a Special Use for a home workshop/business for a woodworking shop and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be tabled until April 17, 2025, Advisory Board of Zoning Appeals meeting due to the absence of the petitioner.

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

Yes: Deb Cramer, Stever Warner, Cory White, Roger Miller, Randy Hesser.

13. The application of *David L. Bontrager, Jr. & Luetta Bontrager, Husband & Wife* for a Special Use for a home workshop/business for the manufacturing of portable sheds, 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 4), and for a 3 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 28 ft. in height on property located on the West side of CR 37, 1,700 ft. North of CR 28, common address of 59811 CR 37 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-0100-2025.

There were 11 neighboring property owners notified of this request.

David Bontrager, Jr., 59811 CR 37, Middlebury, was present for this request. Mr. Bontrager stated he was contacted by a company, to see if they would like to build portable sheds. He continued by saying they started building 25 sheds last summer. Mr. Bontrager stated that they no longer have cows and would like to turn the barn into a workshop to build sheds. He added he would like to put a sign with an arrow on the property to direct semi-trucks. Mr. Miller asked staff what size sign would be allowed since there was no request for a sign on the application. Danny Dean replied that a 4 square foot sign would be allowed in the A-1 zone. Mrs. Cramer asked if

sheds will be stored outside. Mr. Bontrager responded they are trying to get the purchasers to pick up the sheds as soon as they are ready.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser asked staff if Mr. Bontrager is allowed to store sheds outside. Mr. Auvil stated staff allows storage of finished products outside. He added staff does not allow outside storage of any raw materials. Mrs. Cramer asked Mr. Bontrager where the sheds are being stored on the property. He stated, behind the cow fence, approximately 15 feet from the road.

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 the manufacturing of portable sheds be approved with the following condition imposed:

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 2/17/2025) and as represented in the Special Use application.
2. Backing in or backing out of semi-tractor trailers from/onto CR 31 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 4), and for a 3 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 28 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 2/17/2025) and as represented in the Developmental Variance application.

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

Yes: Deb Cramer, Stever Warner, Cory White, Roger Miller, Randy Hesser.

14. Mr. Miller requested the County investigate the possibility of some type of regulation regarding how far a diesel generator is allowed to be in proximity to a residence.

15. The meeting was adjourned at 10:31 A.M.

Respectfully submitted,

Jean Boyer, Recording Secretary

Randy Hesser, Chairman

Debra L. Cramer, Secretary

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 17, 2025

Transaction Number: SUP-0152-2025.

Parcel Number(s): 20-07-35-100-011.000-019 & 20-07-35-326-003.000-019.

Existing Zoning: A-1.

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

Petitioner: Derek Lynn Miller & Dorcas R. Miller, Husband & Wife.

Location: East side of CR 27, 25 ft. north of CR 126, in Jefferson Township.

Site Description:

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

History and General Notes:

- **October 14, 2020** – The Hearing Officer approved a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right (DV-0708-2025).

Staff Analysis:

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. The keeping of animals on a tract of land containing less than 3 acres 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 2.00-acre property in a low to moderate-density residential and agricultural area, and the property will remain residential and agricultural in character.
3. The Special Use will substantially serve the public convenience and welfare by providing a hobby opportunity and local transportation.

BZA Staff Report (Continued)

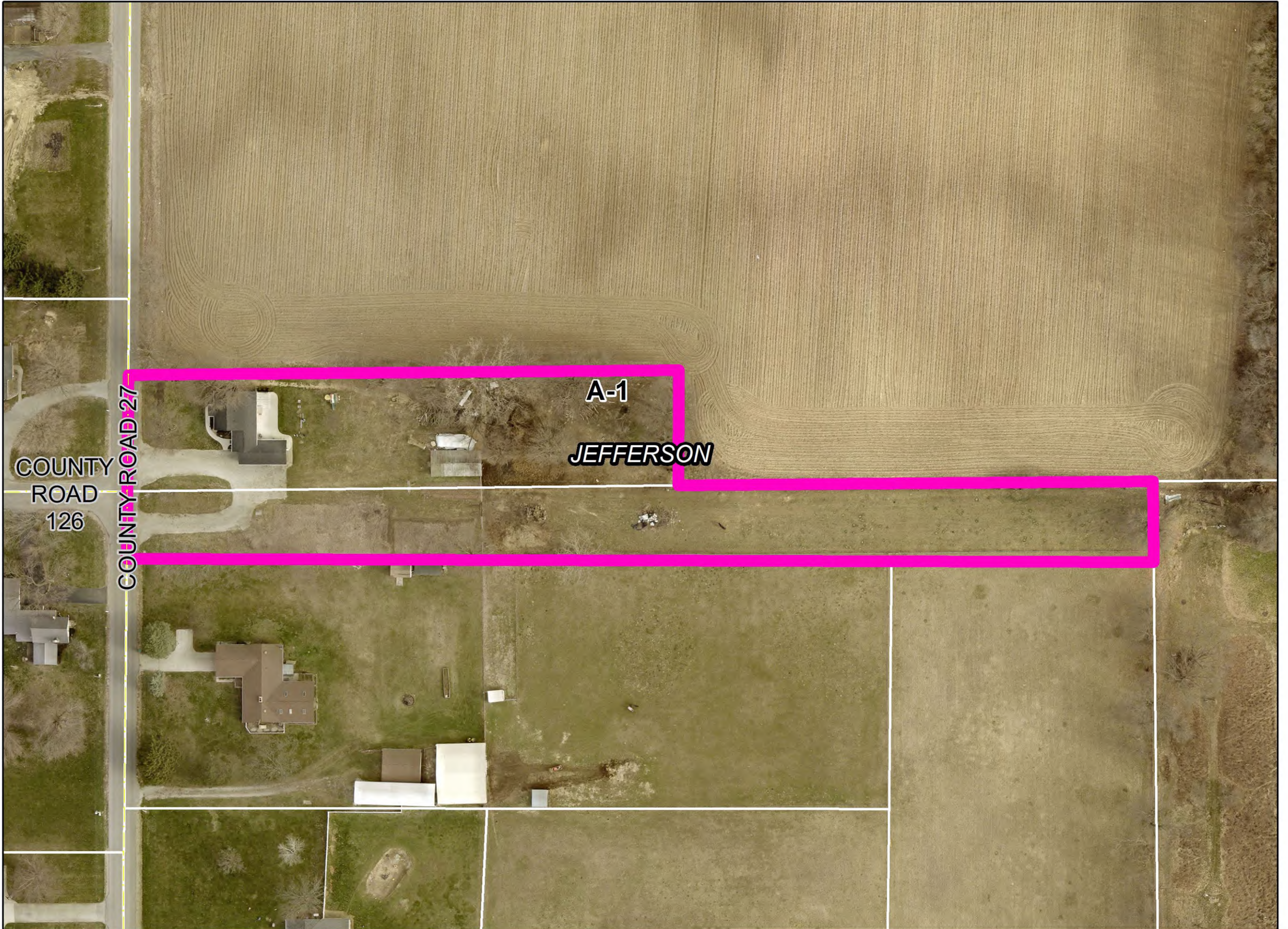
Hearing Date: April 17, 2025

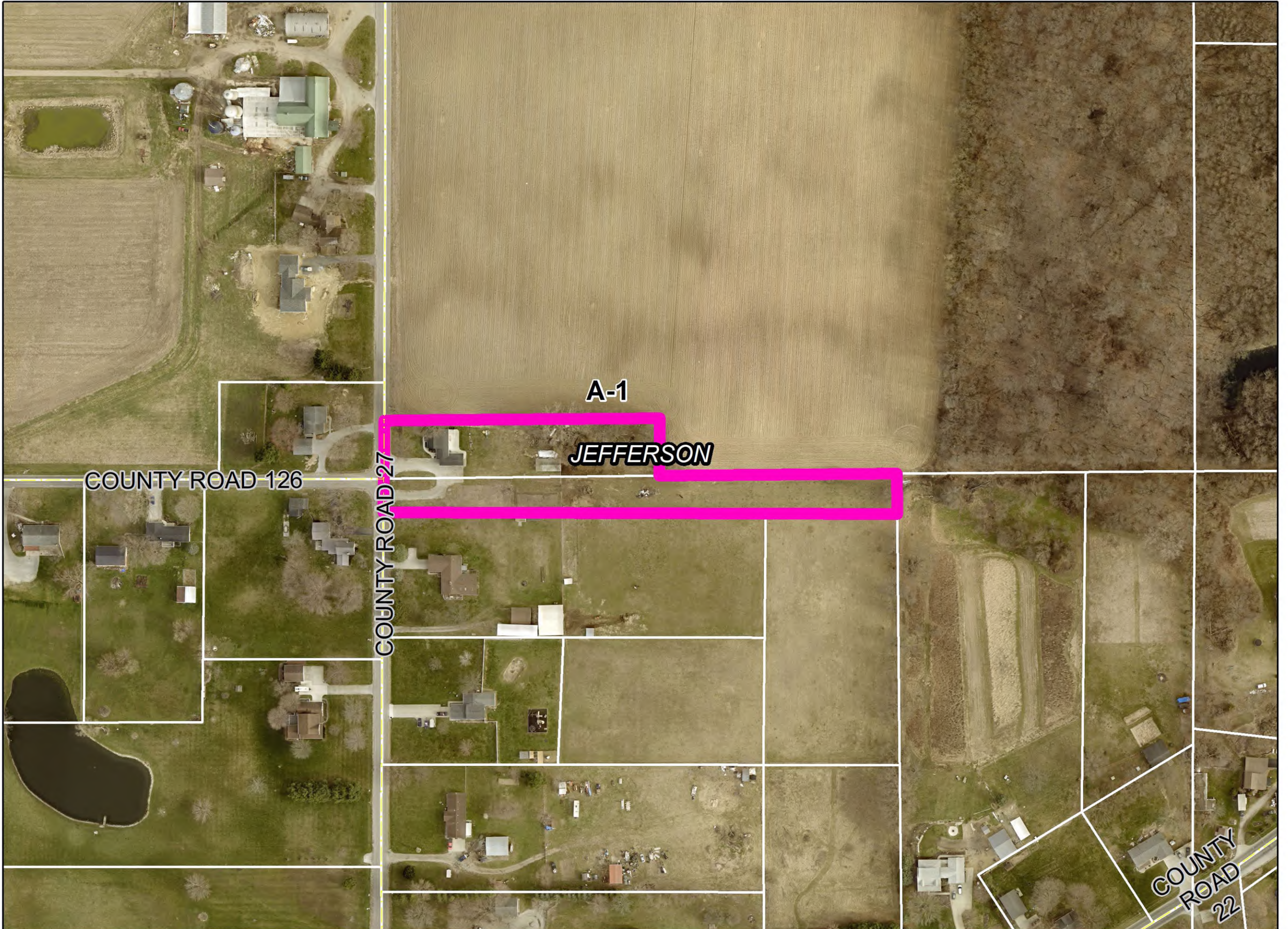
Staff recommends **APPROVAL** with the following condition(s) imposed:

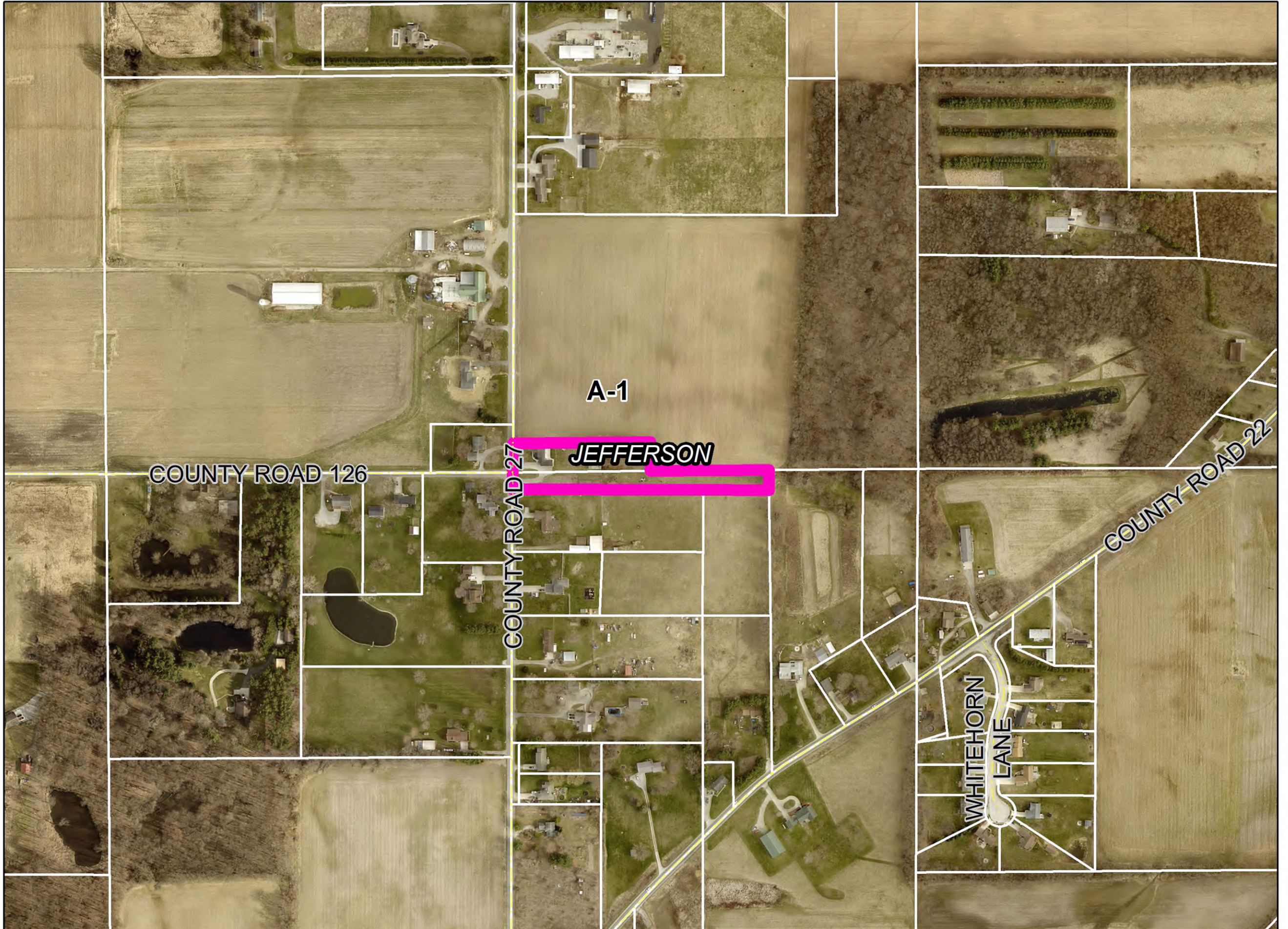
1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

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

1. The request is approved in accordance with the site plan submitted (dated 3/11/2025) and as represented in the Special Use application.
2. The request is limited to a maximum of three (3) adult horses at any one time.









Subject property facing east



Facing west



Facing north



Facing south

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

SUP-0152-2025

Special Use - Non Mobile Home

Date: 03/11/2025

Meeting Date:

April 17, 2025

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0152-2025

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

Contacts: Applicant

Freedom Builders

54824 Cr 33

Middlebury, IN 46540

Authorized Agent

Freedom Builders

54824 Cr 33

Middlebury, IN 46540

Land Owner

Derek Lynn Miller And Dorcas

R. Miller, Husband And Wife

60482 County Road 27

Goshen, IN 46528

Site Address:

60482 County Road 27

Goshen, IN 46528

Parcel Number:

20-07-35-100-011.000-019

20-07-35-326-003.000-019

Township: Jefferson

Location: East Side Of County Road 27; 25 ft. North of County Road 126

Subdivision:

Lot #

Lot Area:

2.00

Frontage:

152.10

Depth:

454.50

Zoning: A-1

NPO List: 04/02/2025

Present Use of Property:

RESIDENTIAL

Legal Description:

Comments:

PARCEL CREATED 3/1/1962

SEE DV#0708-2020 FOR ACCESSORY STORAGE, APPROVED 10/14/2020

RESIDENCE = 1,180 SQ FT X 110% = 1,298 SQ FT, MINUS 576 (GARAGE) = 722 SQ FT AVAILABLE FOR PERSONAL STORAGE. EXISTING BUILDING BURNED (861 SQ FT), PROPOSED BUILDING IS 960 SQ FT, WHICH IS 238 SQ FT OVER, BUT IS COVERED UNDER DV #0708-2020. THERE WAS A PERMIT FOR AN ADDITIONAL BUILDING, BUT THAT HAS BEEN VOIDED (SEE VOIDED PERMIT #BR-0306-2021).

JASON GAVE PERMISSION TO FREEDOM BUILDERS TO PROCEED WITH BUILDING NEW BARN PRIOR TO APPROVAL OF THIS SPECIAL USE (#BR-0347-2025)

Applicant Signature:

Department Signature:

Application

Site address: 60482 CR 27 Goshen, IN 46528

Parcel number(s): 20-07-35-100-011,000-019 + 20-07-35-326-003

Current property owner

Name: Derek & Dorcas Miller

Address: 60482 CR 27 Goshen, IN 46528

Phone: Email:

Other party

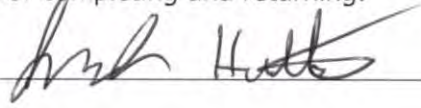
Agent Buyer Land contract purchaser Lessee

Name: Jeremiah Hochstetter / Freedom Builders

Address: 64824 CR 33 Middleburg, IN 46540

Phone: 574-350-0078 Email: jh.freedombuilders@gmail.com

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

Signature of current property owner or authorized agent: 

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: Derek & Dorcas Miller

1) Tell us what you want to do. Special use to allow for horses on a property less than 3 acres.

2) Tell us why this activity won't hurt your neighbors or the community. This is a common use in this rural area. The property is an agricultural and residential neighborhood

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: 24x40; 18' to the peak
Tell us what you'll use it for. Horses and hay storage

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. 3 horses

Next page ➡

Special Use — Questionnaire

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

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

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

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

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

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

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

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

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

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

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

Tell us how often. _____

Tell us the kind of vehicles used. _____

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

Sign 1 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

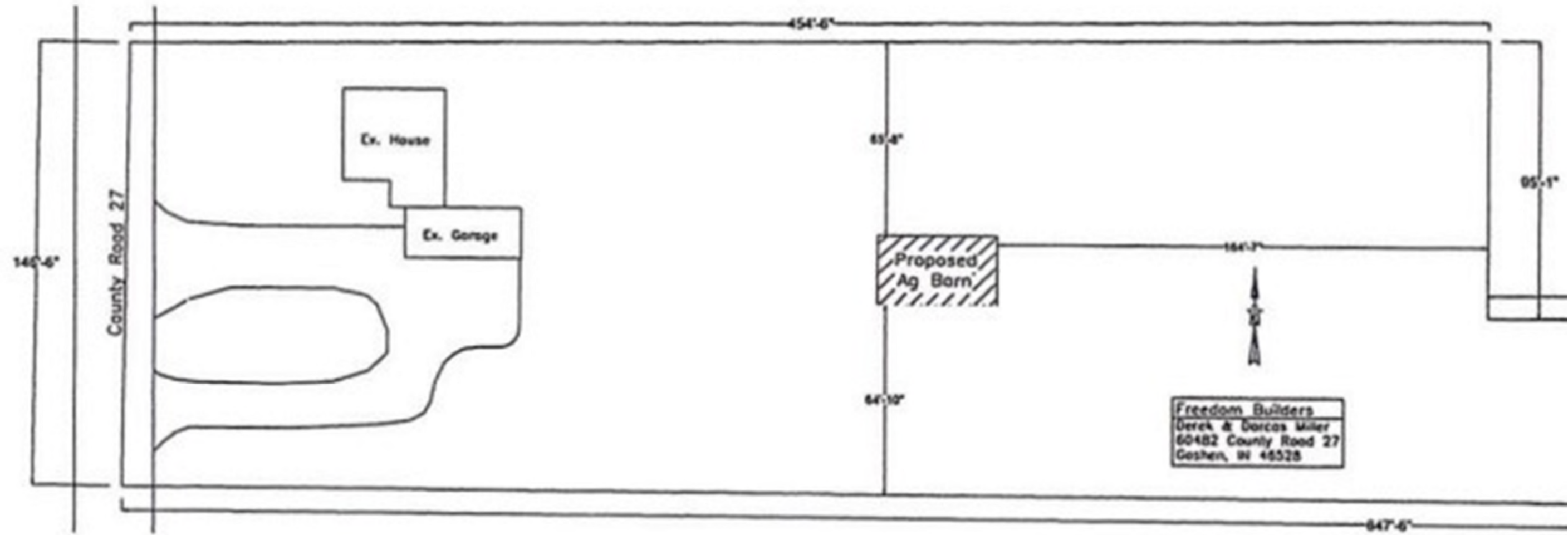
Sign 3 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

10) Tell us anything else you want us to know. The existing building burned down and a new one is being built in it's place.



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 17, 2025

Transaction Number: SUP-0161-2025.

Parcel Number(s): 20-15-08-426-015.000-018.

Existing Zoning: A-1.

Petition: For a Special Use for a home workshop/business for a pet cremation business.

Petitioner: Jeffrey M. Lorenz & Kelly E. Lorenz, Husband & Wife.

Location: East side of CR 21, 515 ft. south of CR 46, in Jackson Township.

Site Description:

- Physical Improvement(s) – Residence and accessory structure.
- Proposed Improvement(s) – Accessory structure.
- 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 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 3.05-acre parcel in a low to moderate-density residential and agricultural area, and the parcel will remain residential and agricultural in character.
3. The Special Use will substantially serve the public convenience and welfare by allowing for a local pet cremation service.

BZA Staff Report (Continued)

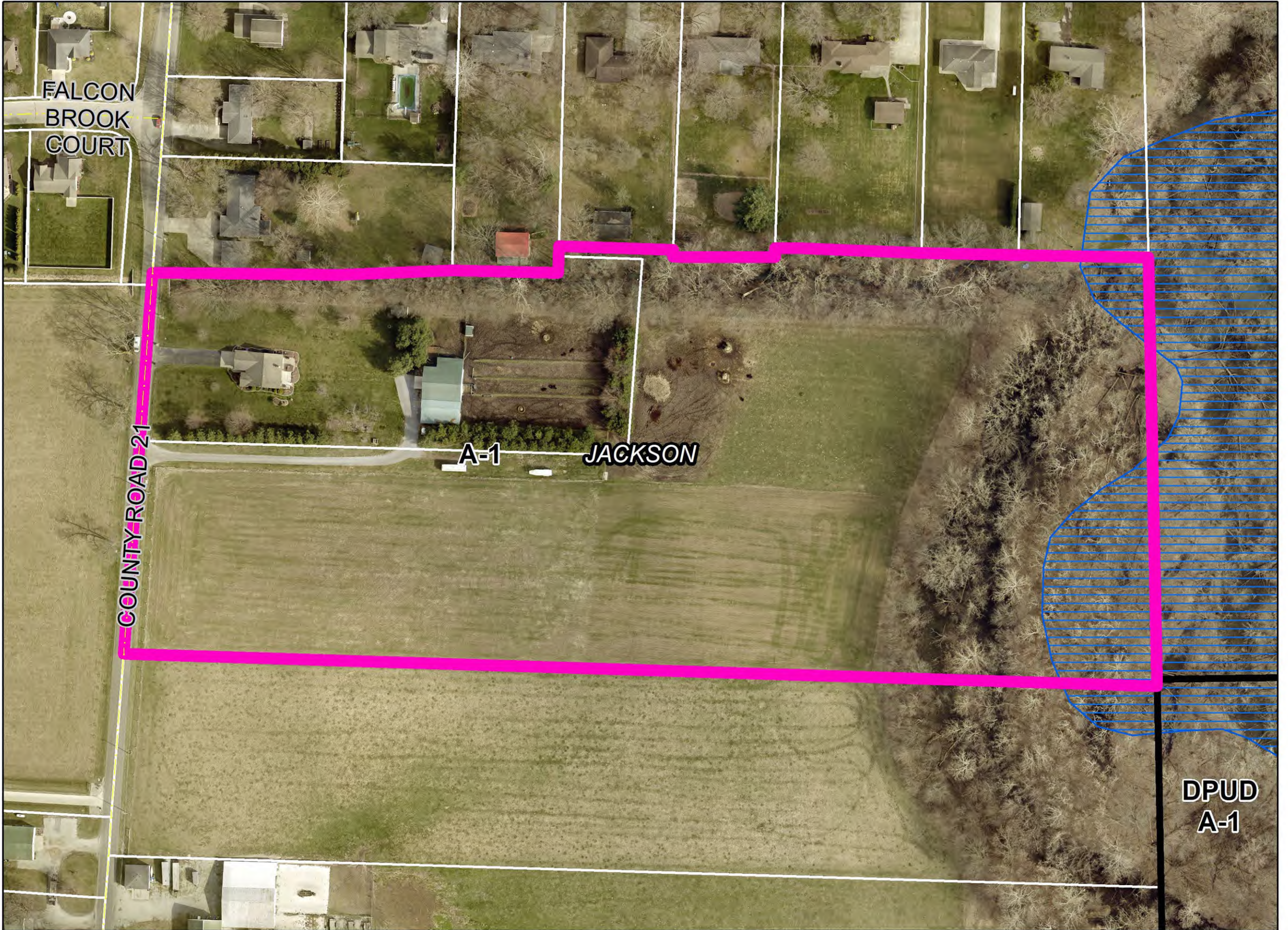
Hearing Date: April 17, 2025

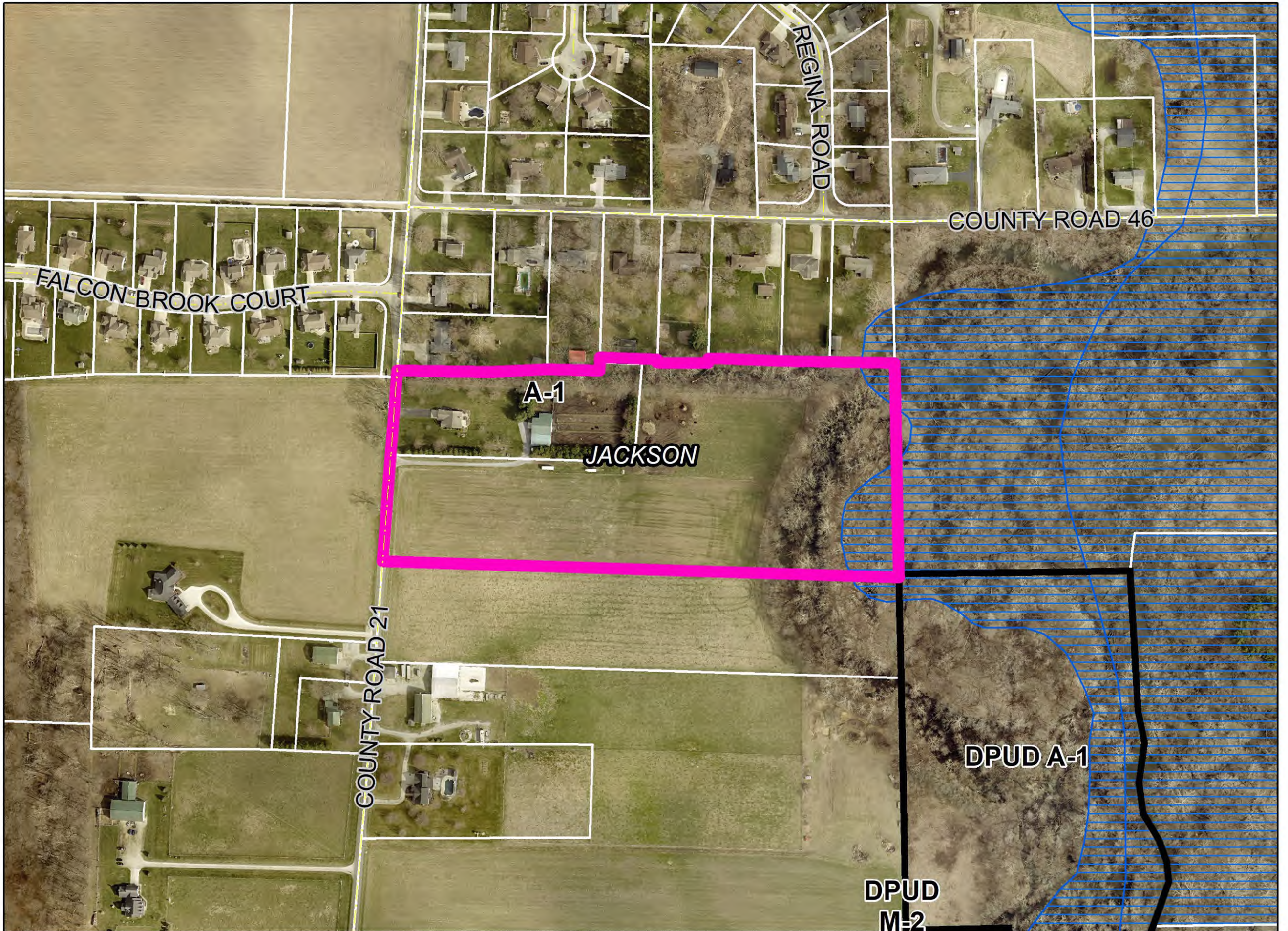
Staff recommends **APPROVAL** with the following condition(s) imposed:

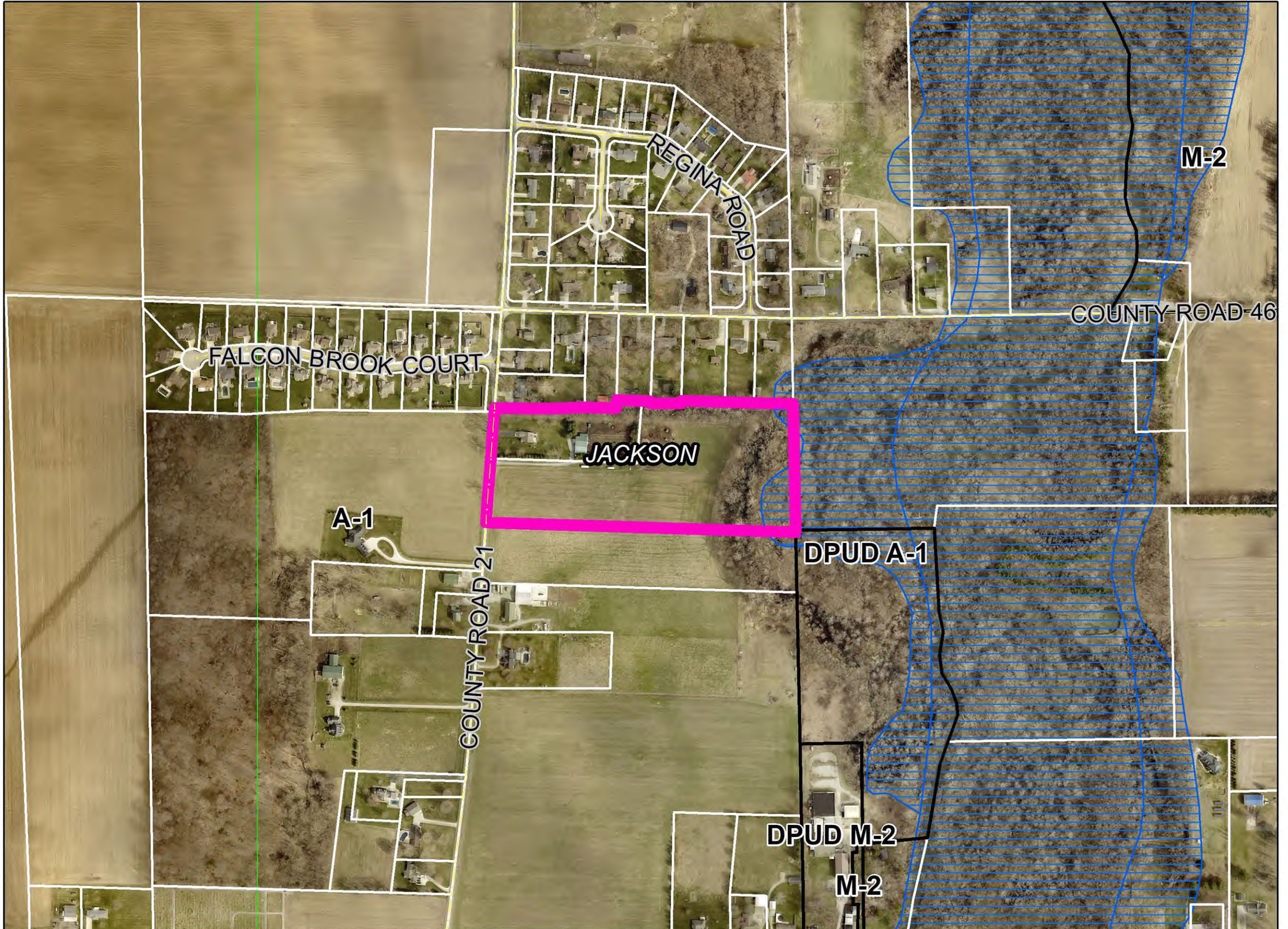
1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. The cremation facility will require an engineered footing and a commercial building permit.

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

1. The request is approved in accordance with the site plan submitted (dated 3/12/2025) and as represented in the Special Use application.









Subject property facing east



Facing west



Facing north



Facing south

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use - Non Mobile Home

SUP-0161-2025

Date: 03/12/2025

Meeting Date: April 17, 2025
Board of Zoning Appeals Public Hearing

Transaction #: SUP-0161-2025

Description: for a Special Use for a home workshop/business for a pet cremation business.

Contacts: Applicant

Jeffery M. Lorenz & Kelly E.

Lorenz

68600 County Road 21

New Paris, IN 46553

Land Owner

Jeffery M. Lorenz & Kelly E.

Lorenz

68600 County Road 21

New Paris, IN 46553

Site Address: 68600 County Road 21
New Paris, IN 46553

Parcel Number: 20-15-08-426-015.000-018
20-15-08-426-016.000-018

Township: Jackson

Location: East Side Of County Road 21, 515 FT South Of County Road 46

Subdivision:

Lot #

Lot Area: 3.05 Frontage: 209.00 Depth: 583.00

Zoning: A-1

NPO List: 04/02/2025

Present Use of Property: Res/Ag

Legal Description:

Comments: PARCEL CREATION DATE: 9/11/2006
STORAGE EQUATION:
RESIDENTIAL DWELLING: 1529 X 200%
TOTAL: 3058 SQ FT
MINUS 640 SQ FT. = 2418
MINUS 400 = 2018 SQ FT REMAINING (BB)

Applicant Signature:

Department Signature:

Application

Site address: 68600 CR 21 New Paris TN 46553

Parcel number(s): 20-15-08-426-015,000-018

30-15-08-426-016,000-18
Current property owner

Name: Jeff + Kelly Lorenz

Address: 68600 CR 21 New Paris TN 46553

Phone: 812-249-2853 Email: jefflorenz1966@gmail.com

Other party Agent Buyer Land contract purchaser Lessee

Name: _____

Address: _____

Phone: _____ Email: _____

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

Signature of current property owner or authorized agent: [Signature]

Staff Use Only

Description: _____

Parcel creation date: 9/11/2006

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: 1529 X 200'

Location: N S (E) W corner (side) end of CR 21,
515 ft. N S (E) W of CR 410,
in JACKSON Township

Frontage: 209 Depth: 583 Area: 3.05 acres

Subdivision and lot number, if applicable: _____

Present use: RES/AG

Special Use — Questionnaire

Name: Jeff & Kelly Lorenz

1) Tell us what you want to do. Rat Cremation business For Small Animals
From Vet Clinics

2) Tell us why this activity won't hurt your neighbors or the community. Units will be contained
in 2 shipping containers and will not be visible

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. Very little smoke no odor with secondary burn chamber
Tell us how you'll reduce the impact of those things on neighbors. units will be surrounded by
Trees + Buildings That are taller than the containers

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. It will be buffered by buildings + pine trees
will only be slightly visible from road

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: 2 containers 8' x 10' x 20'
Tell us what you'll use it for. To store cremation unit
Building or addition 2 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____

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

Special Use — Questionnaire

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

How many employees do you have now? Full time: 0 Part time: 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? Mon-Fri 8-5

How many parking spaces do you have now? 0

How many parking spaces do you want? 0

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

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

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

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

0

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

Tell us how often. _____

Tell us the kind of vehicles used. _____

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

Sign 1 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

Sign 3 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

10) Tell us anything else you want us to know. Will Work Mainly With Vet Clinics. Would pick up + deliver back directly to clinics.



AIS PCS CYCLONE

PRODUCT DETAILS

PRODUCT DETAILS | FEATURES | SPECIFICATIONS
| WARRANTY INFORMATION



C. (217) 335-4558
M. (+44) 7772 736082
E. info@agriincinerators.com
W. www.agriincinerators.com



One of the key reasons our incinerators are recognized as being *'probably the best'* on the world market is the use of our market leading and trusted low thermal mass monolithic concrete lining which is used in all of our models.

All models in the Cyclone Range are supplied with an integral secondary chamber, ensuring they fully conform to many legislative bodies around the world.

AIS PCS Cyclone Static

- Suited for Pet Crematoriums and Veterinarian Clinics, full access to the main chamber ensures users can load the machine and de-ash in a dignified way.
- Suitable for small to large domestic pets.
- Regenerative Heat Technology - Utilizes the heat within the secondary chamber to assist the combustion process in the main chamber. Ensuring thorough combustion whilst minimizing fuel usage.
- As your business requirements grow, up to two additional chambers can be added to the PCM system to increase throughput.



- Access to the main chamber is via a front load door
- PLC timer controls with automatic burner shut off function and fast ignition burners. One temperature-controlled burner in the main chamber and two in the secondary chamber.
- Processes from 8 to 12 pets per day*
- Can be loaded whilst in operation maximizing the inherent thermal efficiency of our trusted monolithic concrete lining, keeping running costs low.
- Optional Extra features include; USB Data Logger/ Stack Extensions / Ash Rake / Loading trolley / Cremulator / Control Panel screen size increase / Service Kits .



*Based on an average sized dog of 52lbs, * Burn Rates dependant on usage and waste type and may be subject to your local regulations. Speak to a member of our team for more information.

"Our mission is to build the most robust, fuel-efficient, cost-effective solution for the disposal of animal and animal by product waste and to continue to be the brand that is known world-wide for both quality of product and quality of customer service"

Speak to a member of AIS today.

Call us on: (217) 335-4558

Email us: info@agriincinerators.com

Visit us: www.agriincinerators.com



Be Assured of a Quality Product & Quality Service with AIS:

- Each machine is hand crafted by our team of skilled technicians in the UK and U.S.
- The reason your incinerator will last is due to the type of lining used. Our trusted monolithic casting system ensures maximum strength, reliability and a longer machine life. We are always happy to explain why our technology is far better than any other manufacturers product on the world market. Talk to us to find out more and make your own mind up.
- Behind the AIS brand is a team of experts who are always on hand to discuss any questions that you may have about incineration, so you can be assured of great service and a great product.
- But it goes beyond that, we stay with you for the life of the machine, always on hand if or when you need us. It's a people thing, it's an AIS thing.

*3 YEAR WARRANTY AS STANDARD :

The whole plant and associated equipment supplied as part of the overall installation will be covered by a *36-month or 2100 hours warranty (whichever soonest) from the date of dispatch from the manufacturing premises of Agri Incineration Systems Limited, except for any consumable item as listed below and provided that:

- a) Each defect has materialized under normal operating conditions and not due to misuse, abuse, or operational errors.
- b) An effective maintenance regime is operated which may include a Service Contract being taken up at the time of handover. This Service Contract should be provided by Agri Incineration Systems Limited or trained and authorized agents.
- c) The contract price, as detailed within the quotation or as amended by agreement of both parties, has been paid in full.

Consumable Parts (Items not covered under Warranty).

1. Primary Chamber Thermocouples
2. Secondary Chamber Thermocouples
3. Access Door seals
4. Control Panel indicator bulbs or LEDs
5. Burner electrodes and leads
6. Burner probes and leads
7. Burner Blast Tubes
8. Burner Diffuser Assemblies
9. Burner nozzles / ionization probes
10. Grate Bars
11. Mechanical damage of any sort

3 Year Warranty as standard, talk to us about a long-term Service Plan to suit you

"Our mission is to build the most robust, fuel-efficient, cost-effective solution for the disposal of animal and animal by product waste and to continue to be the brand that is known world-wide for both quality of product and quality of customer service"

Speak to a member of AIS today.

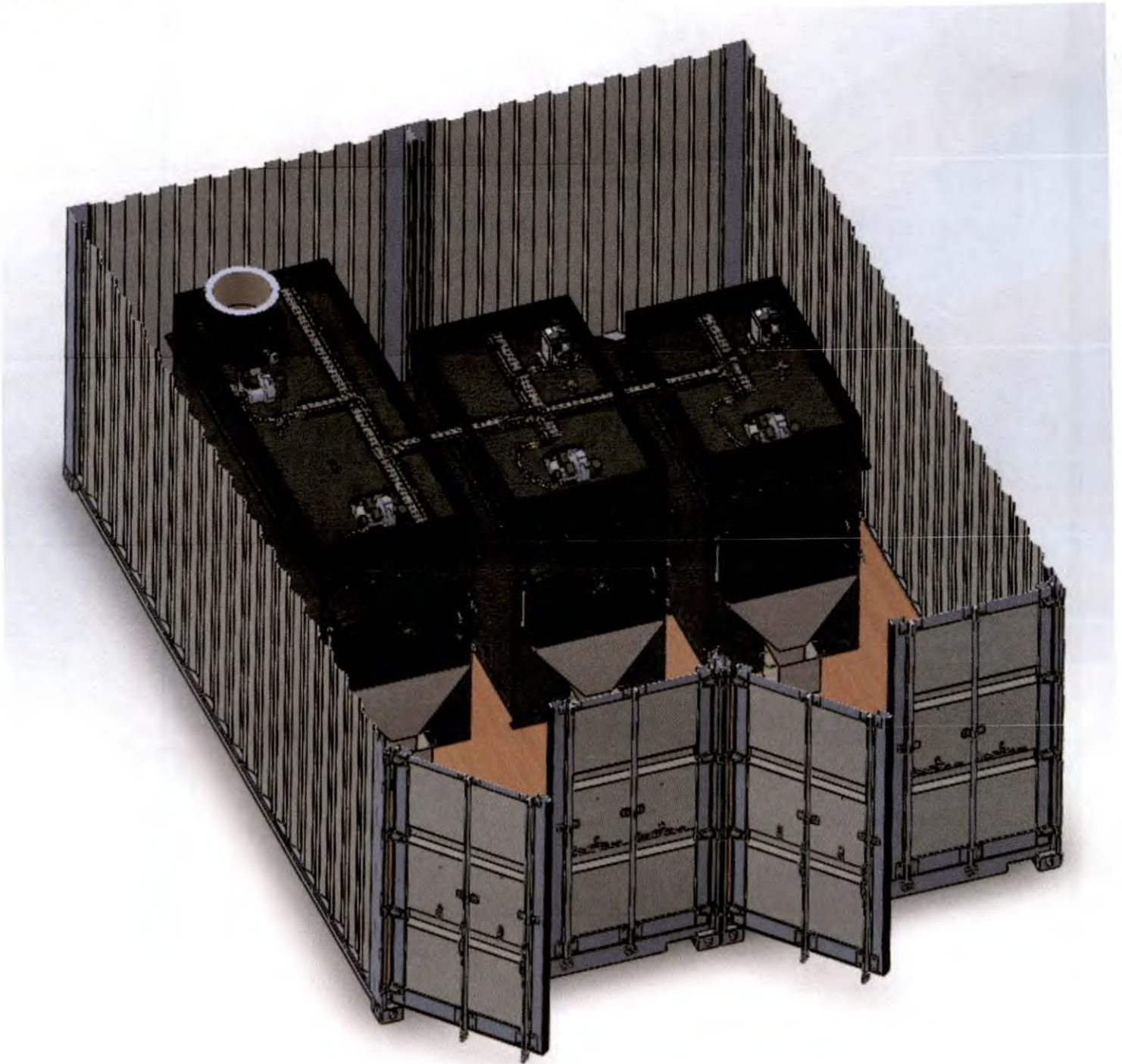
Call us on. (217) 335-4558

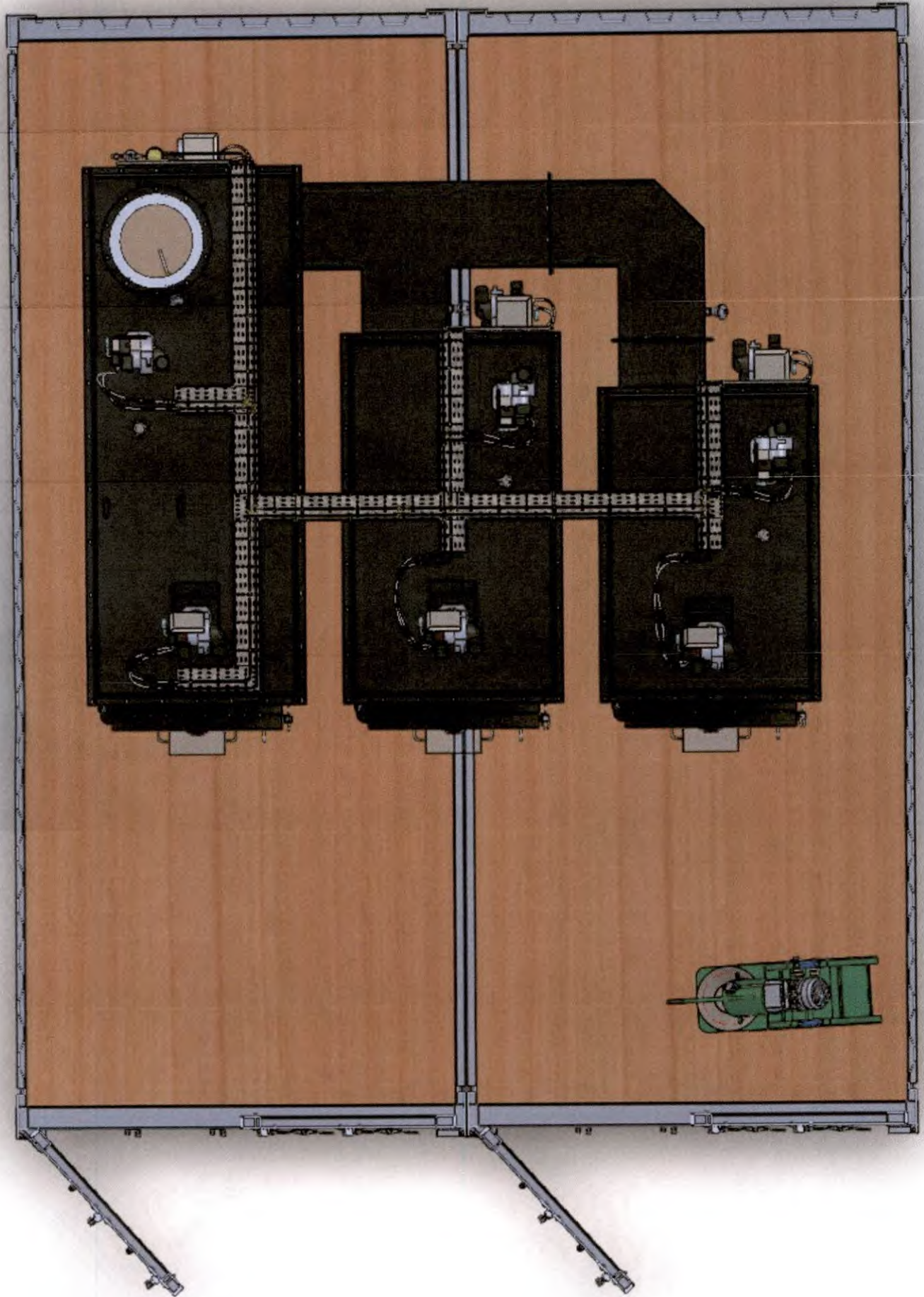
Email us : info@agriincinerators.com

Visit us: www.agriincinerators.com



Specifications	Unit - Imperial	PCM	PCM & PCS1	PCM & PCS2	PCM, PCS1 & PCS2
Daily Throughput	Small to Medium Animals (1-154lbs)	4	8	8	12
Front / Top Load		Front	Front	Front	Front
Operational Dimensions Static (LxWxH)	feet/inch	10' 0" x 3' 7" x 13' 3"	10' 0" x 8' 6" x 13' 3"	10' 0" x 8' 6" x 13' 3"	10' 0" x 13' 0" x 13' 3"
External Height Static	feet/inch *inc. Stack	13' 3"	13' 3"	13' 3"	13' 3"
External Height Static	feet/inch *ex. Stack	6' 8"	6' 8"	6' 8"	6' 8"
Weight Static	lbs *estimated	11,244	18,740	18,079	25,575
Concrete Pad Size (L x W)	feet/inch *recommended	16' 7" x 13' 5"	16' 7" x 18' 4"	16' 7" x 18' 4"	16' 7" x 22' 10"
Fuel Consumption Diesel	GPH *est during main burn	3.0 - 4.6 GPH	6.0 - 9.2 GPH	6.0 - 9.2 GPH	9.0 - 13.8 GPH
Fuel Consumption LPG	GPH *est during main burn	3.6 - 6.9 GPH	7.2 - 13.8 GPH	7.2 - 13.8 GPH	10.8 - 20.7 GPH
Fuel Consumption Nat Gas	ft ³ /h *est during main burn	407 - 619 ft ³ /h	814 - 1238 ft ³ /h	814 - 1238 ft ³ /h	1221 - 1857 ft ³ /h
Load Door Opening (Width x Height/Depth)	ft/inch *area	2' 7" x 1' 8"	2' 7" x 1' 8"	2' 7" x 1' 8"	2' 7" x 1' 8"
Load height from ground	ft/inch	2' 11"	2' 11"	2' 11"	2' 11"
Chamber Size (LxWxH)	ft/inch	4' 11" x 2' 11" x 2' 4"	(PCM) 4' 11" x 2' 11" x 2' 4" (PCS1) 3' 11" x 2' 11" x 2' 4"	(PCM) 4' 11" x 2' 11" x 2' 4" (PCS2) 2' 11" x 2' 11" x 2' 4"	(PCM) 4' 11" x 2' 11" x 2' 4" (PCS1) 3' 11" x 2' 11" x 2' 4" (PCS2) 2' 11" x 2' 11" x 2' 4"
Chamber Actual Volume	ft ³	33	33+27	33+20	33+27+20
Chamber Load Capacity	lbs	595	595+463	595+331	595+463+331
Std Stack Diameter	inch/mm *2D Size	16"	16"	16"	16"
No. Main Burners		1	2	2	3
No. Secondary Burners		2	4	4	6
Burner Output	Btu *heat	866,684	1,733,368	1,733,368	2,600,052





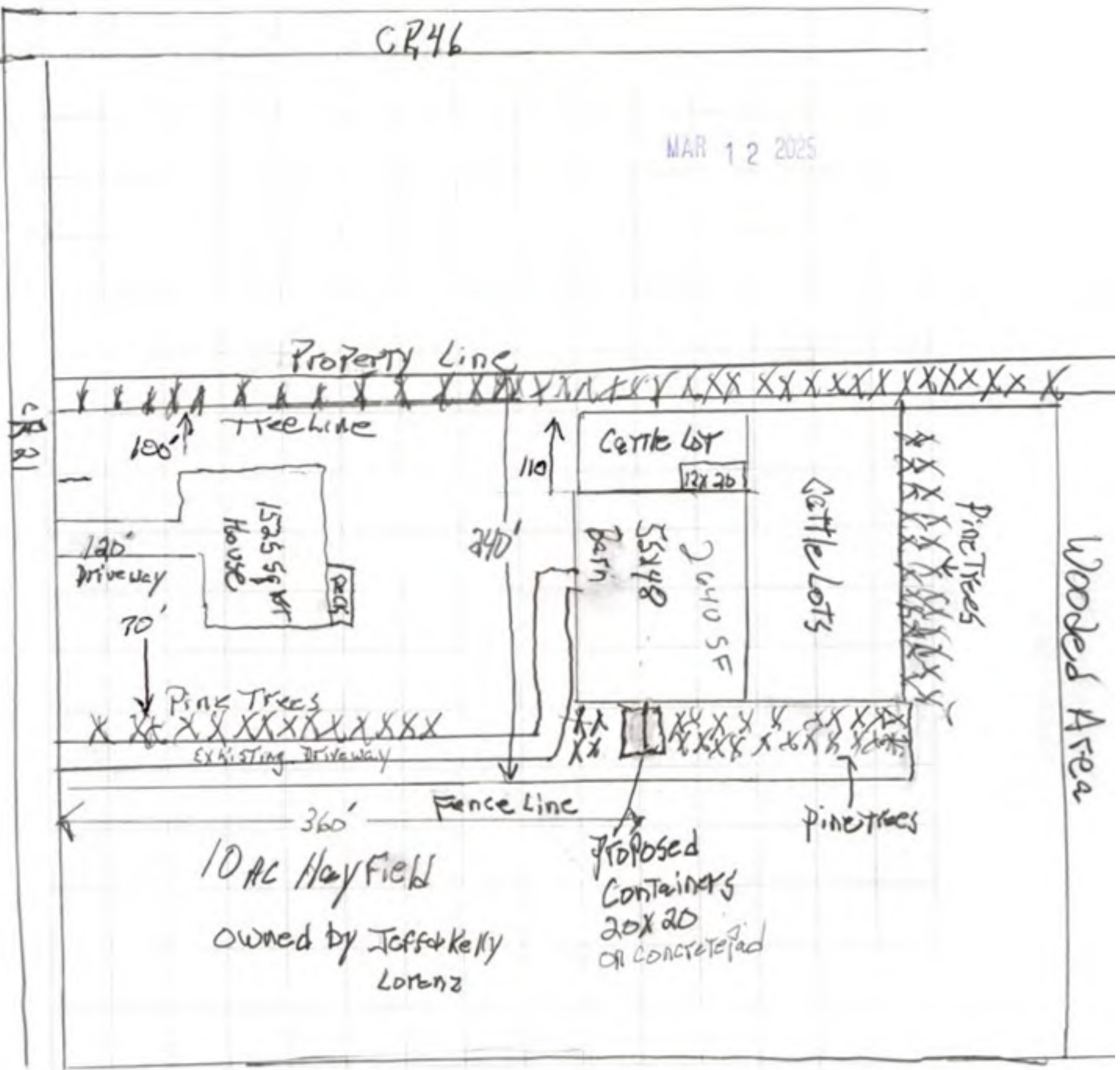




N ↑

CR46

MAR 12 2025



10 AC Hay Field
 Owned by Jeff & Kelly Lorenz

Proposed Containers
 20x20
 OR CONCRETE PAD

Prevailing Winds ↗↗↗

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 17, 2025

Transaction Number: SUP-0172-2025.

Parcel Number(s): 20-08-17-227-006.000-035.

Existing Zoning: R-1.

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

Petitioner: Ariel R. Yoder.

Location: Southwest corner of Westlake Dr. & Erin Ct., 330 ft. south of U.S. 20, in Middlebury Township.

Site Description:

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

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. The keeping of animals on a tract of land containing less than 3 acres is allowed by Special Use in the R-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 0.35-acre lot in the Town of Middlebury, and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing a hobby opportunity and a local source of food.

BZA Staff Report (Continued)

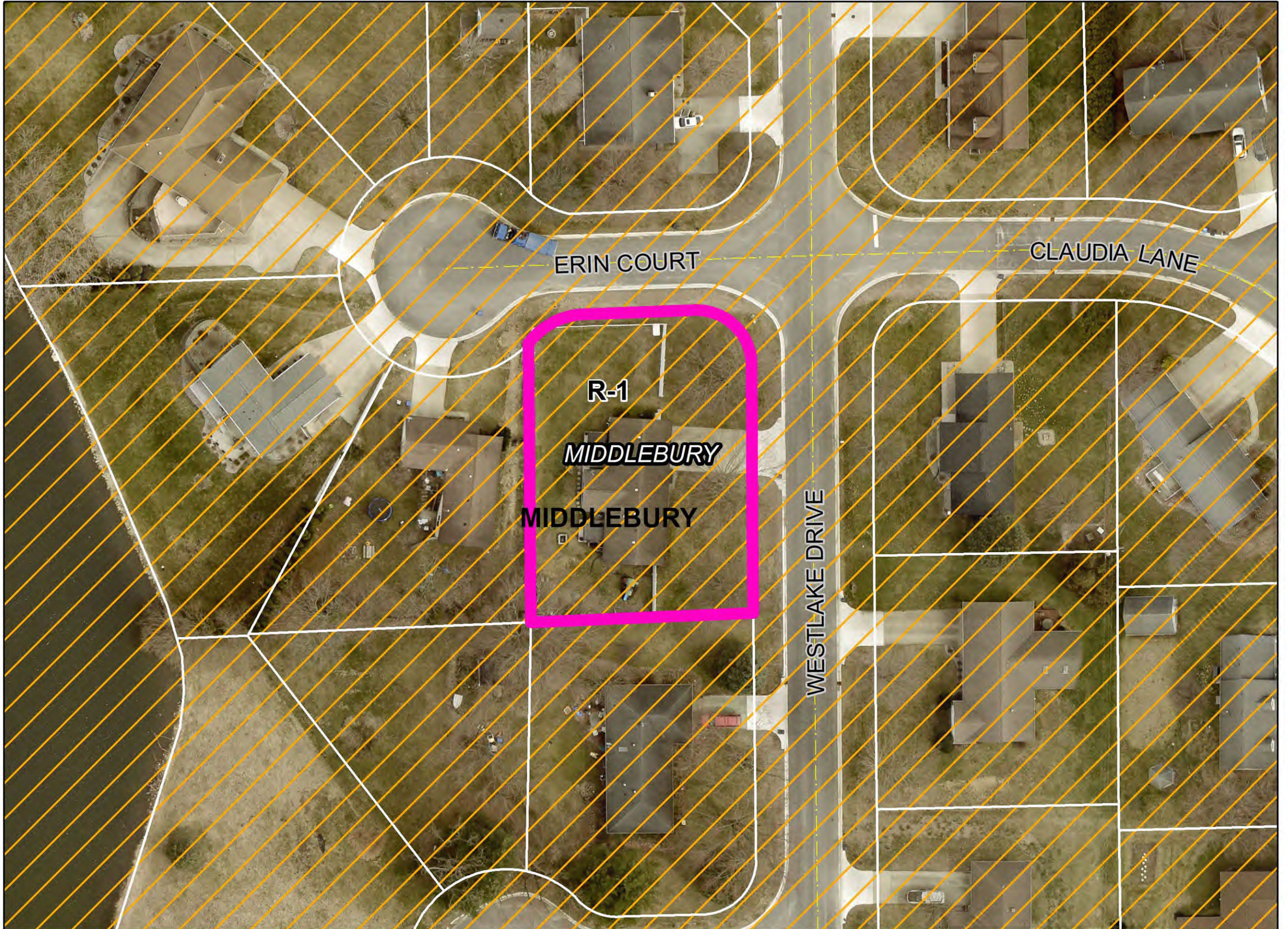
Hearing Date: April 17, 2025

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

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A revised site plan must be submitted for staff approval (1) showing the shed at least 10 ft. from the rear property line and at least 7.5 ft. from the south property line, (2) showing the chicken coop at least 7.5 ft. from the south property line, and (3) showing the east property line.

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

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



ERIN COURT

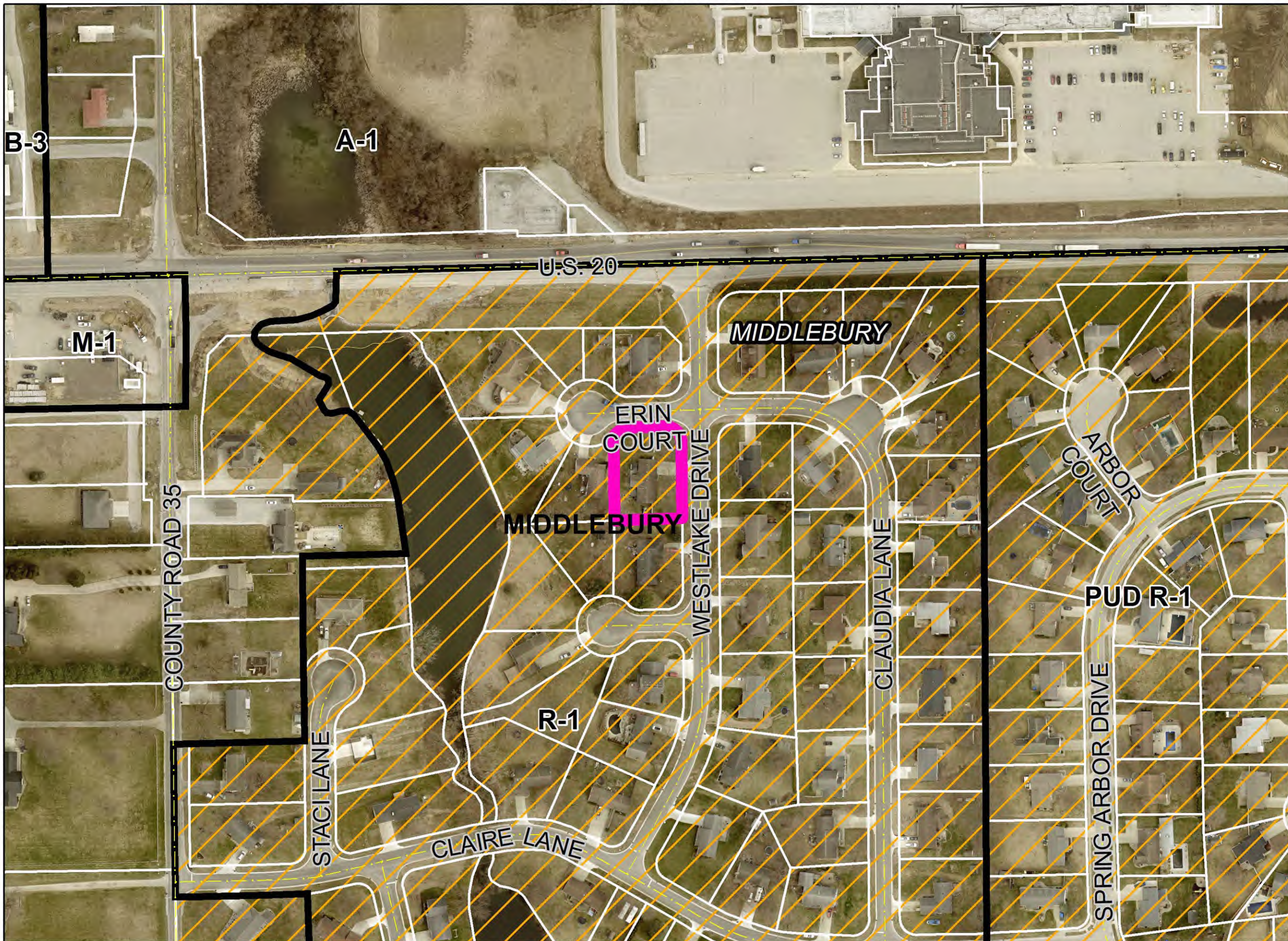
CLAUDIA LANE

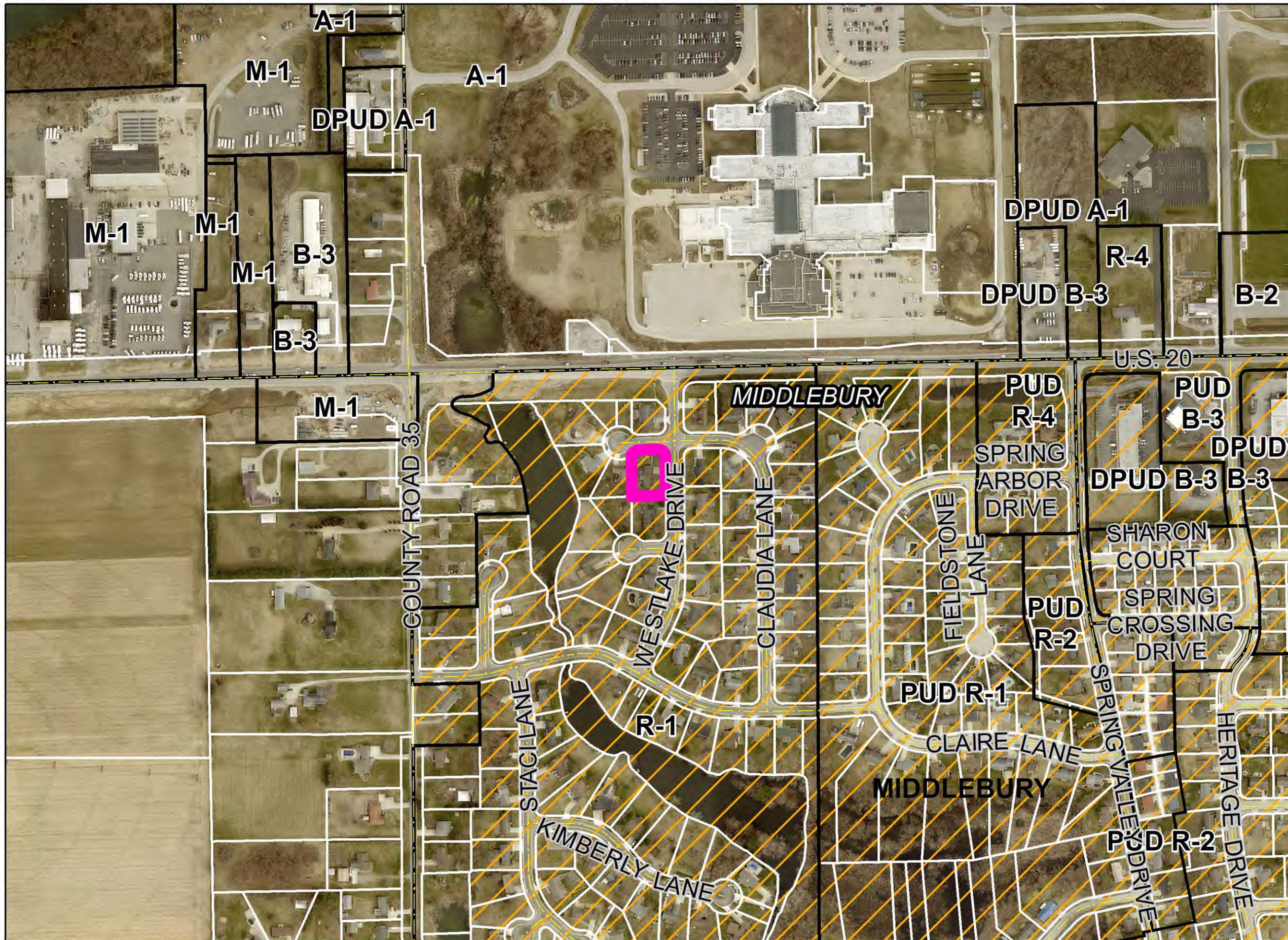
R-1

MIDDLEBURY

MIDDLEBURY

WESTLAKE DRIVE







Subject property facing west



Facing east



Facing north



Facing south

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use - Non Mobile Home

SUP-0172-2025

Date: 03/17/2025 Meeting Date: April 17, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0172-2025

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

Contacts: Land Owner

Ariel R. Yoder
601 Westlake Drive
Middlebury, IN 46540

Site Address: 601 Westlake Dr
Middlebury, IN 46540

Parcel Number: 20-08-17-227-006.000-035

Township: Middlebury

Location: WEST SIDE OF WESTLAKE DR, 330 FT. SOUTH OF US 20

Subdivision: WESTLAKE ESTATES 9TH SD

Lot # 7

Lot Area: 0.35 Frontage: 123.29 Depth: 110.00

Zoning: R-1

NPO List: 04/02/2025

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: NO RECENT LINKED RECORDS OR PAST HISTORY AVAILABLE 3-17-2025 JB

Applicant Signature:

Department Signature:

Application

Site address: 601 Westlake Dr. Middlebury, IN 46540
Parcel number(s): 20-08-17-227-006-035

Current property owner

Name: Ariel Jordan
Address: 601 Westlake Dr. Middlebury, IN 46540
Phone: 260-203-6812 Email: ariel.lawson95@gmail.com

Other party Agent Buyer Land contract purchaser Lessee

Name: _____
Address: _____
Phone: _____ Email: _____

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

Signature of current property owner or authorized agent: Ariel Jordan

Staff Use Only

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

Parcel creation date: N/A

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: N/A

Location: N S E W W corner side end of Westlake Dr,
330 ft. N S E W of US 20,
in Middlebury Township

Frontage: 123.29 Depth: 110 Area: .354 acres

Subdivision and lot number, if applicable: Westlake ESTATES 9th SD

Present use: Res LOT 7

Special Use — Questionnaire

Name: Ariel Jordan

1) Tell us what you want to do. have a small chicken coop in my fenced in back yard, no roosters

2) Tell us why this activity won't hurt your neighbors or the community. We live on a corner lot away from neighbors with a large fenced in yard. No one would even know we had chickens.

3) Is there a subdivision covenant that says you can't do this activity? Y N
If yes, does the subdivision have an active homeowners' association? Y N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
Tell us what will create those things. _____

Tell us how you'll reduce the impact of those things on neighbors. _____

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. _____

6) Does the property need well and septic? Well: Y N Septic: Y N
Does the property need a new septic system? Y N
If a new septic system is needed, did the Health Department say there's enough space for it? Y N

7) Will the activity use buildings or additions? Y N If yes, fill out below.
Building or addition 1 Existing? Y N Size and height to the peak: _____
Tell us what you'll use it for. _____

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

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

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

we would have 6 hens in a small coop, no roosters
no mess, no noise.

Next page ➡

Special Use — Questionnaire

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

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

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

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

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

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

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

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

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

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

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

Tell us how often. _____

Tell us the kind of vehicles used. _____

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

Sign 1 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

Sign 3 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

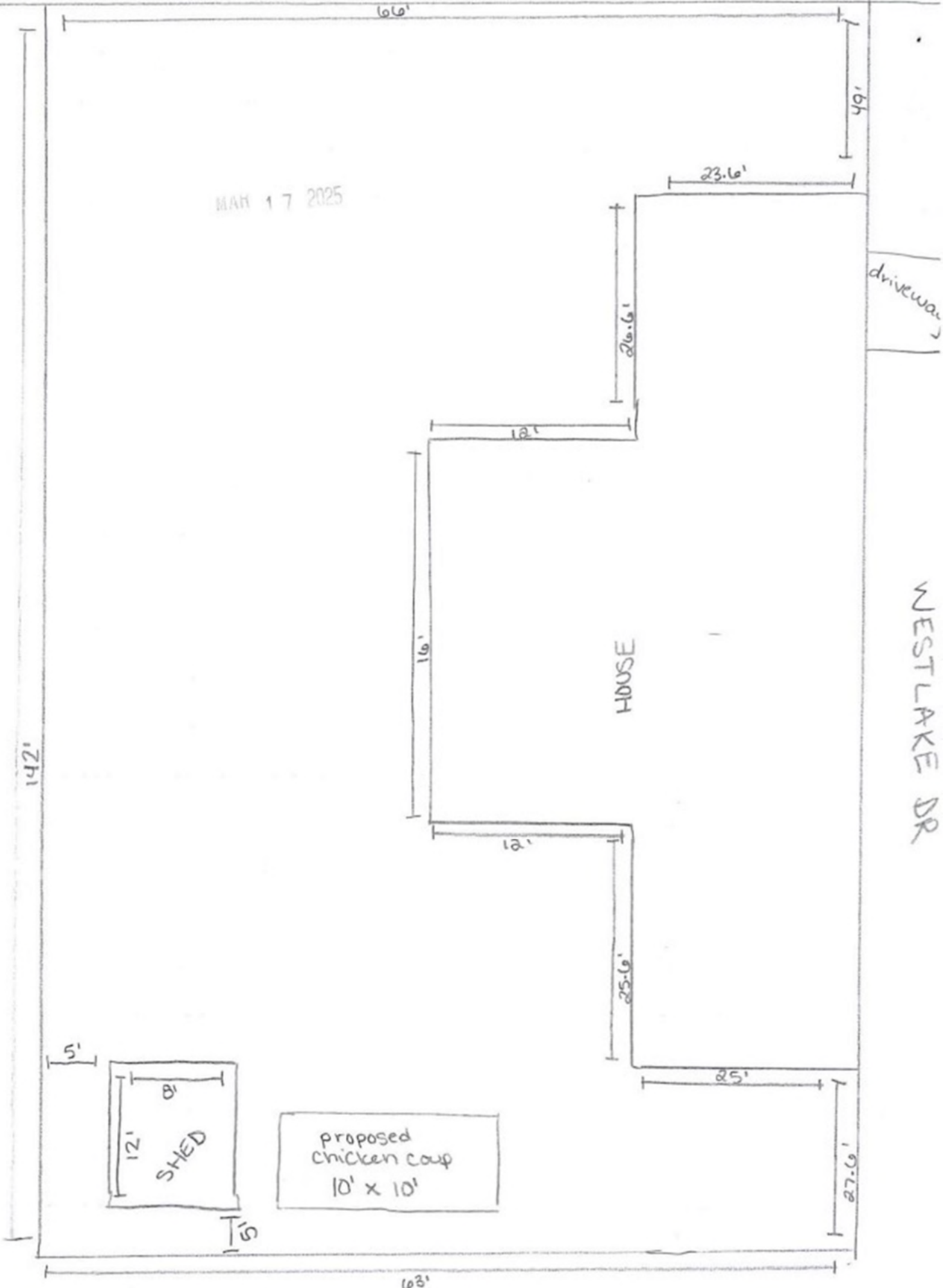
10) Tell us anything else you want us to know. we bought our property in 2019, which was considered county and always planned on having chickens but recently were annexed into city limits, we still want to raise our own chickens. we have the best property location for a small coop in the entire neighborhood for containment and away from other neighbors.

ERIN CT



NORTH

MAY 17 2025



driveway

WESTLAKE DR

HOUSE

SHED

proposed chicken coop
10' x 10'

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 17, 2025

Transaction Number: SUP-0134-2025.

Parcel Number(s): 20-04-19-251-004.000-032.

Existing Zoning: A-1.

Petition: For a Special Use for a home workshop/business for a poultry supply business.

Petitioner: Kraig D. Kliewer & Sonny J. Kliewer, Husband & Wife.

Location: West side of CR 131, 1,250 ft. south of CR 4, in York Township.

Site Description:

- Physical Improvement(s) – Residence and accessory structures.
- Proposed Improvement(s) – Accessory structure addition.
- 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 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 7.73-acre parcel in a low-density residential and agricultural area, and the parcel will remain residential and agricultural in character.
3. The Special Use will substantially serve the public convenience and welfare by providing local poultry supplies and equipment.

BZA Staff Report (Continued)

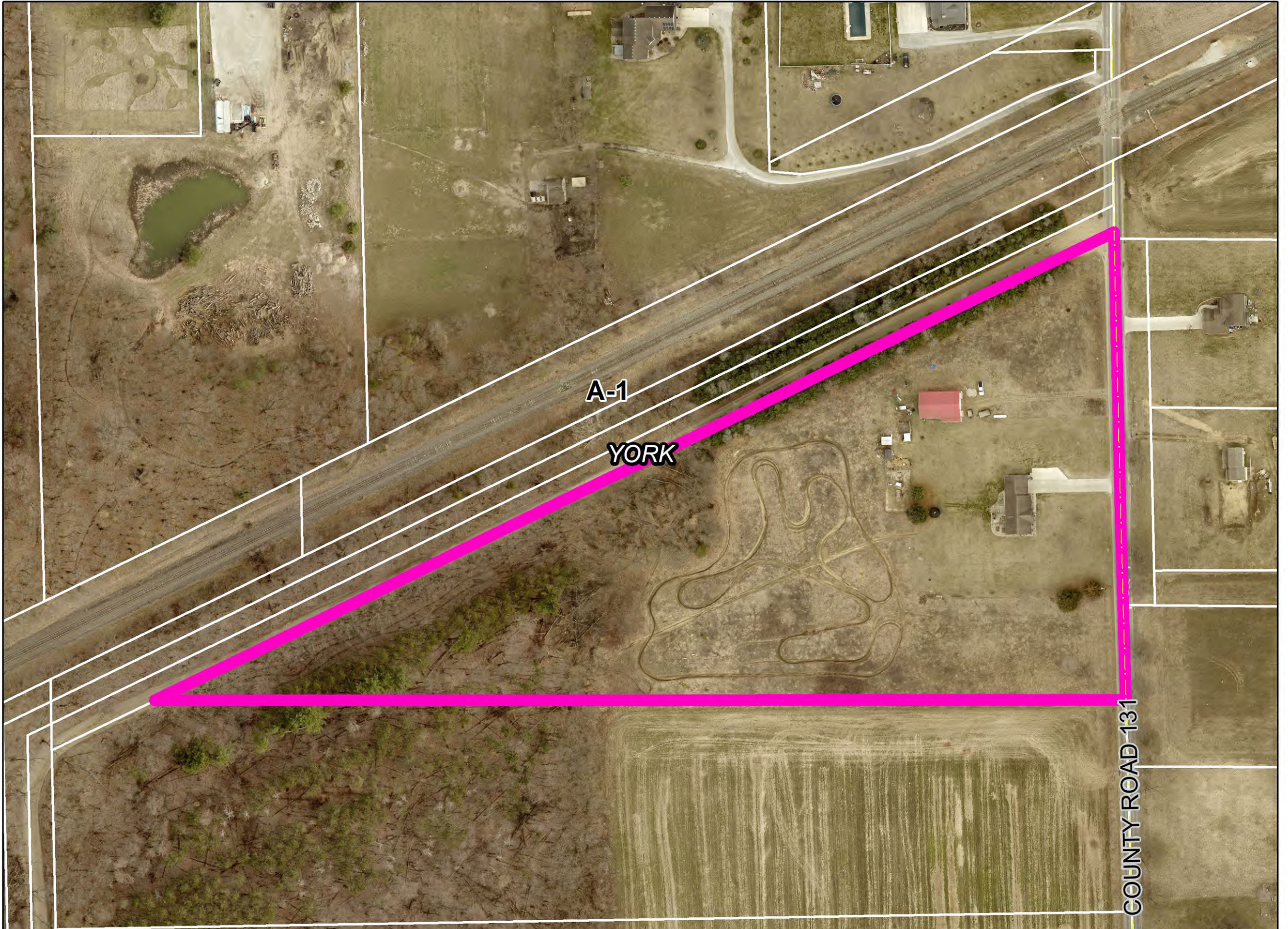
Hearing Date: April 17, 2025

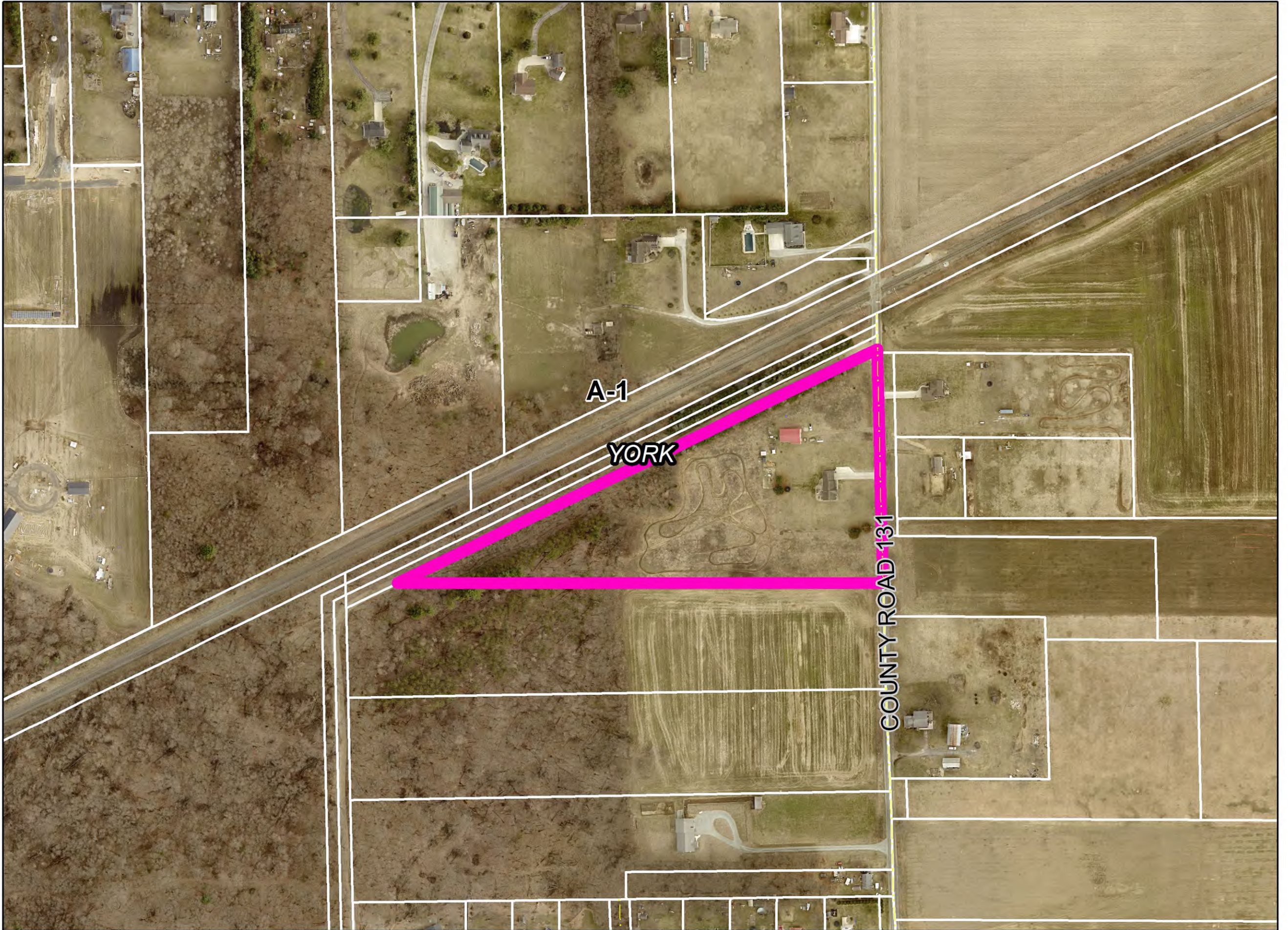
Staff recommends **APPROVAL** with the following condition(s) imposed:

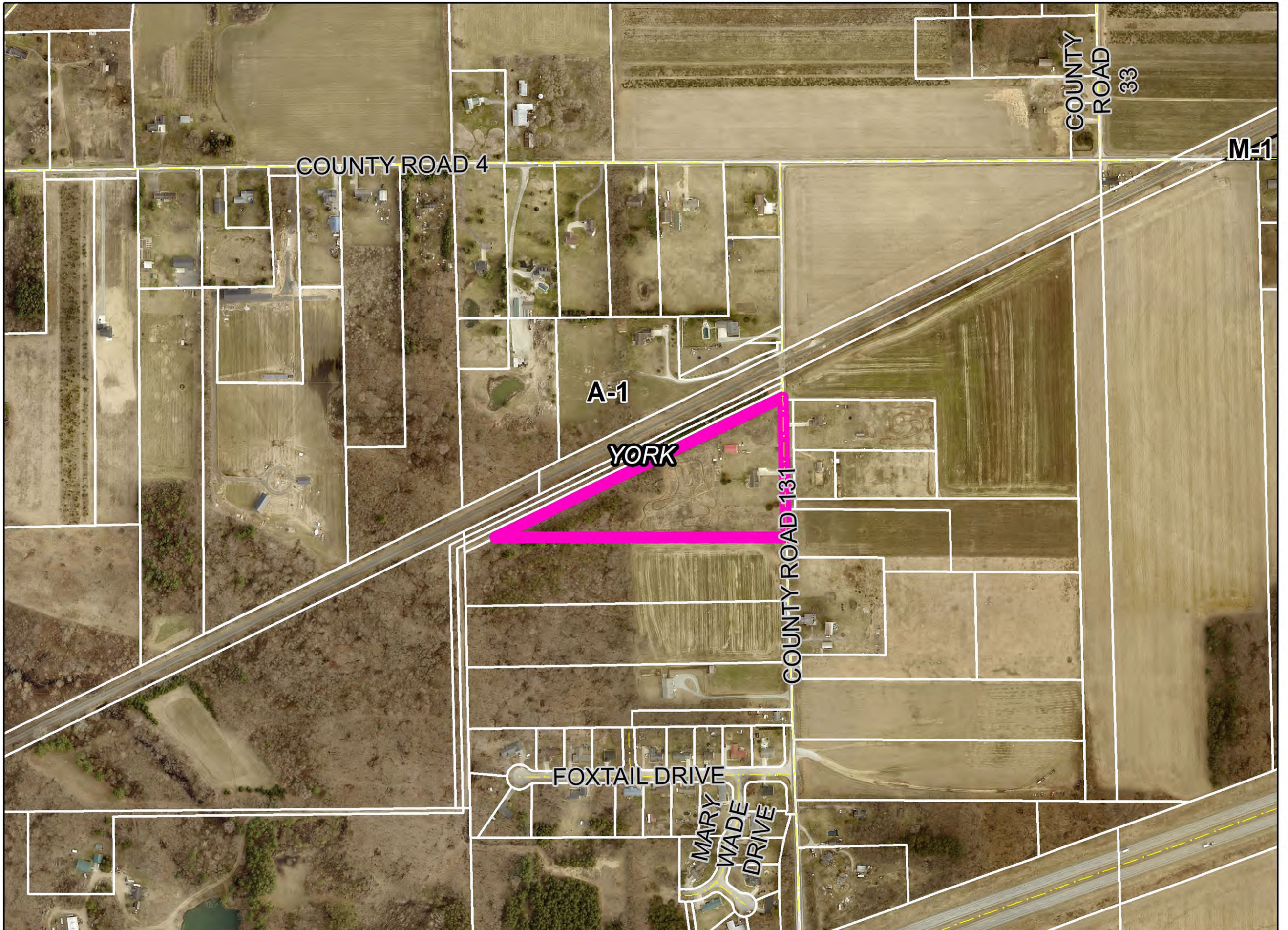
1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

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

1. The request is approved in accordance with the site plan submitted (dated 3/5/2025) and as represented in the Special Use application.









Subject property facing west



Facing east



Facing north



Facing south

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

SUP-0134-2025

Special Use - Non Mobile Home

Date: 03/05/2025 Meeting Date: April 17, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0134-2025

Description: for a Special Use for a home workshop/business for a poultry supply business

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Kraig D. Kliewer And Sonny J. Kliewer, Husband And Wife 52241 County Road 131 Bristol, IN 46507	Kraig D. Kliewer And Sonny J. Kliewer, Husband And Wife 52241 County Road 131 Bristol, IN 46507

Site Address: 52241 County Road 131 Bristol, IN 46507	Parcel Number: 20-04-19-251-004.000-032
--	---

Township: York
Location: West Side Of County Road 131, 1,250 ft. South of CR 4

Subdivision:	Lot #
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Lot Area: 7.73	Frontage: 559.83	Depth: 1,203.63
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Zoning: A-1	NPO List: 04/02/2025
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 10/26/1999
BARN ON PERMIT #BR-0263-2018 WAS ENTERED AT 48 X 32, BUT IS ACTUALLY 48 X 30 = 1,440. HALF THE BUILDING IS AG, THE OTHER HALF PERSONAL STORAGE = 720 SQ FT - THIS IS THE SQUARE FOOTAGE USED FOR PERSONAL STORAGE. RESIDENCE = 1,870 SQ FT X 200% = 3,740 SQ FT, MINUS 624 (GARAGE), - 720 (DETACHED ACCESSORY), - 109 (SHED) = 2,287 SQ FT. PROPOSED ADDITION FOR HOME WORKSHOP/BUSINESS IS 24X48 = 1,152 SQ FT, WHICH LEAVES 1,135 SQ FT AVAILABLE FOR PERSONAL STORAGE - KB 3/5/2025

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

Application

Site address: 52241 County Road 131 Bristol, In 46507

Parcel number(s): 20-04-19-251-004

Current property owner

Name: Kraig & Sonny Kleiner

Address: 52241 County Road 131 Bristol, In 46507

Phone: 574-238-1932 Email: KSGM81@gmail.com

Other party

Agent Buyer Land contract purchaser Lessee

Name: _____

Address: _____

Phone: _____ Email: _____

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

Signature of current property owner or authorized agent: Kraig Kleiner
Sonny Kleiner

Staff Use Only

Description: _____

Parcel creation date: 10/26/1999

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

Location: N S E (W) corner (side) end of CR 131,
1,250 ft. N (S) E W of CR 4,
in York Township

Frontage: 559.83 Depth: 1203.63 Area: 7.73 acres

Subdivision and lot number, if applicable: _____

Present use: _____

Special Use — Questionnaire

Name: Kraig's Sonny Klicher

1) Tell us what you want to do. We would like to add on to our pre-existing barn for the use of our small at home business.

2) Tell us why this activity won't hurt your neighbors or the community. No noise ~~is~~ will be created. There will also not be an increase in traffic.

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. There currently is a line of pine trees along the North 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.

Building or addition 1 Existing? Y N Size and height to the peak: 24'x40' peak: max 21'
Tell us what you'll use it for. Storage for company products

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: 2

How many employees do you want? Full time: 0 Part time: 2

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

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

Monday - Friday 10am - 4pm

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. No outside storage

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. On-line sales only, poultry supplies such as feeders, waterers, and nesting boxes

Approximately how many customers (clients, guests, students, members) will be on this property per day? None

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

Tell us how often. Once daily Mon-Fri

Tell us the kind of vehicles used. UPS & FedEx box trucks for pick-up. 20 or 40ft box trucks 2-3 times per year for deliveries.

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

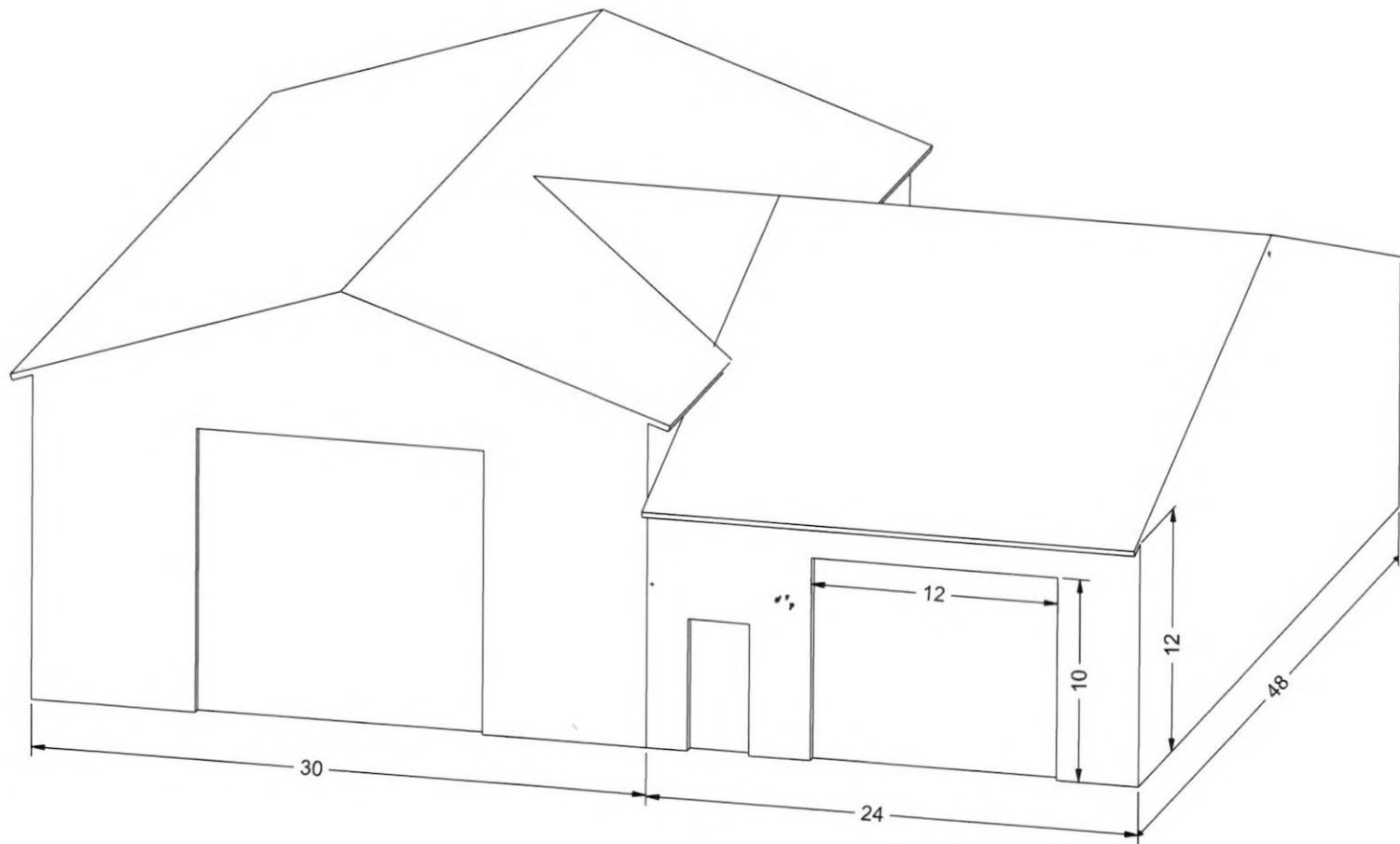
Sign 3 Dimensions (length and width). _____

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. We are the business owners and the only people that will be working here.

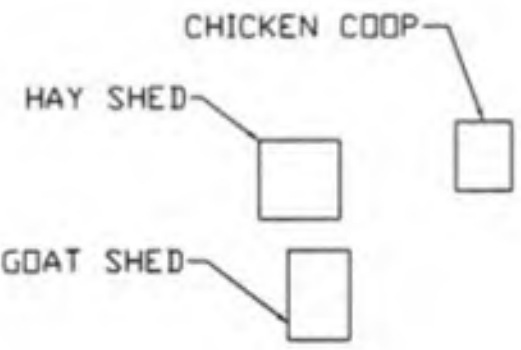
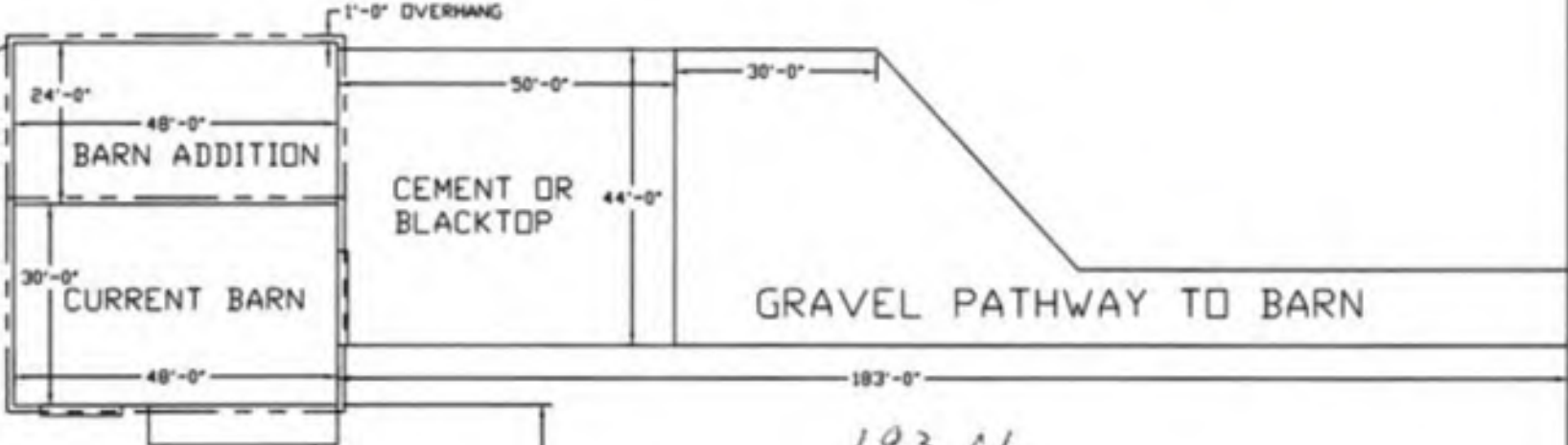


1319

NORTH ↑

MAR 5 2025

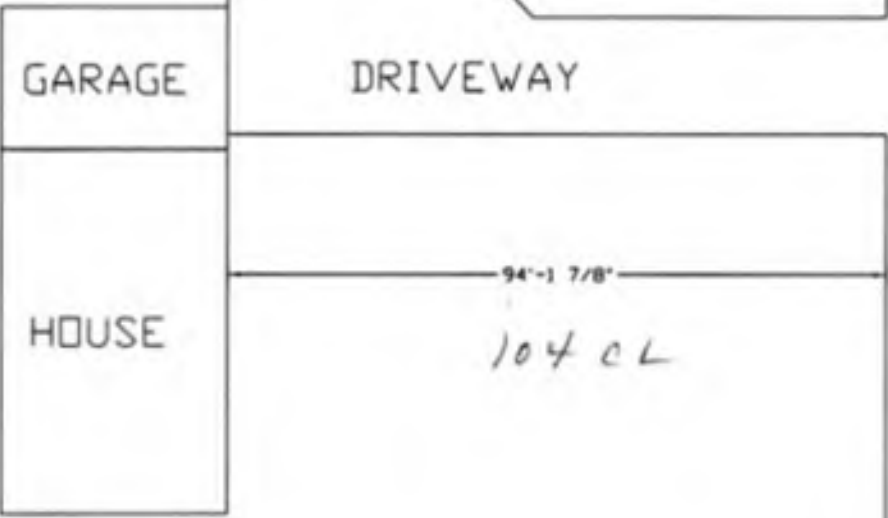
46'-7 5/16"



KRAIG & SONNY KLIEWER
 TAX ID: 20-04-19-251-004.000-032

SQUARE FOOTAGE:
 HOUSE: 1370
 GARAGE: 624
 CHICKEN COOP: 54
 HAY SHED: 96
 STORAGE SHED: 109

POLE BARN: 1440 (30' x 48')
 POLE BARN ADDITION: 1152 (24' x 48')



52241 COUNTY ROAD 131

559

1203

200' TO PROPERTY LINE ON SOUTH SIDE

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 17, 2025

Transaction Number: SUP-0116-2025.

Parcel Number(s): 20-12-09-200-019.000-007.

Existing Zoning: A-1.

Petition: For a Special Use for a home workshop/business for a welding shop and for a 7 ft. Developmental Variance (Ordinance requires 10 ft.) to allow an existing accessory structure 3 ft. from the rear property line.

Petitioner: Ray J. Hershberger & Lizzie Hershberger, as Trustees of the Ray & Lizzie Hershberger Revocable Trust.

Location: West side of CR 37, 1,580 ft. south of CR 30, in Clinton Township.

Site Description:

- Physical Improvement(s) – Residence, accessory structure.
- Proposed Improvement(s) – Accessory structure addition.
- 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 welding shop, 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 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. The existing accessory structure is approximately 300 ft. from CR 37, and the 3-acre parcel is bordered only by open agricultural property to the west and south.
3. The Special Use will substantially serve the public convenience and welfare by providing for a local welding shop.

BZA Staff Report (Continued)

Hearing Date: April 17, 2025

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:

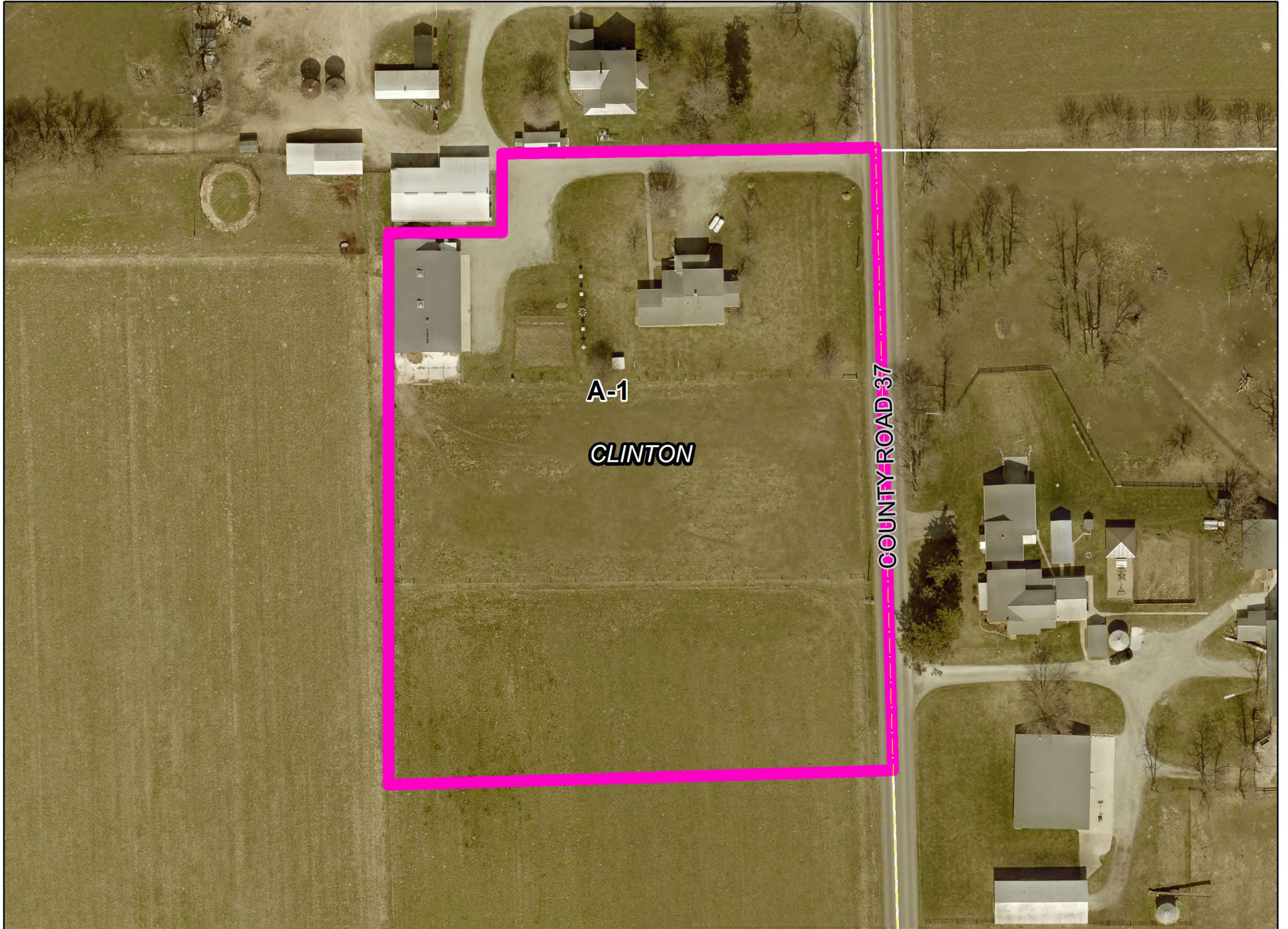
1. The request is approved in accordance with the site plan submitted (dated 2/26/2025) and as represented in the Special Use application.
2. Backing in or backing out of semi-tractor trailers from/onto CR 37 is prohibited.

For a 7 ft. Developmental Variance (Ordinance requires 10 ft.) to allow an existing accessory structure 3 ft. from the rear property line, staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The setback encroachment is only at the rear, where there is no risk to public safety or welfare.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This 3-acre parcel is bordered only by open agricultural property to the west and south.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The building originally met development standards, and the encroachment is the result of a property split done by previous owners.

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 (dated 2/26/2025) and as represented in the Developmental Variance application.

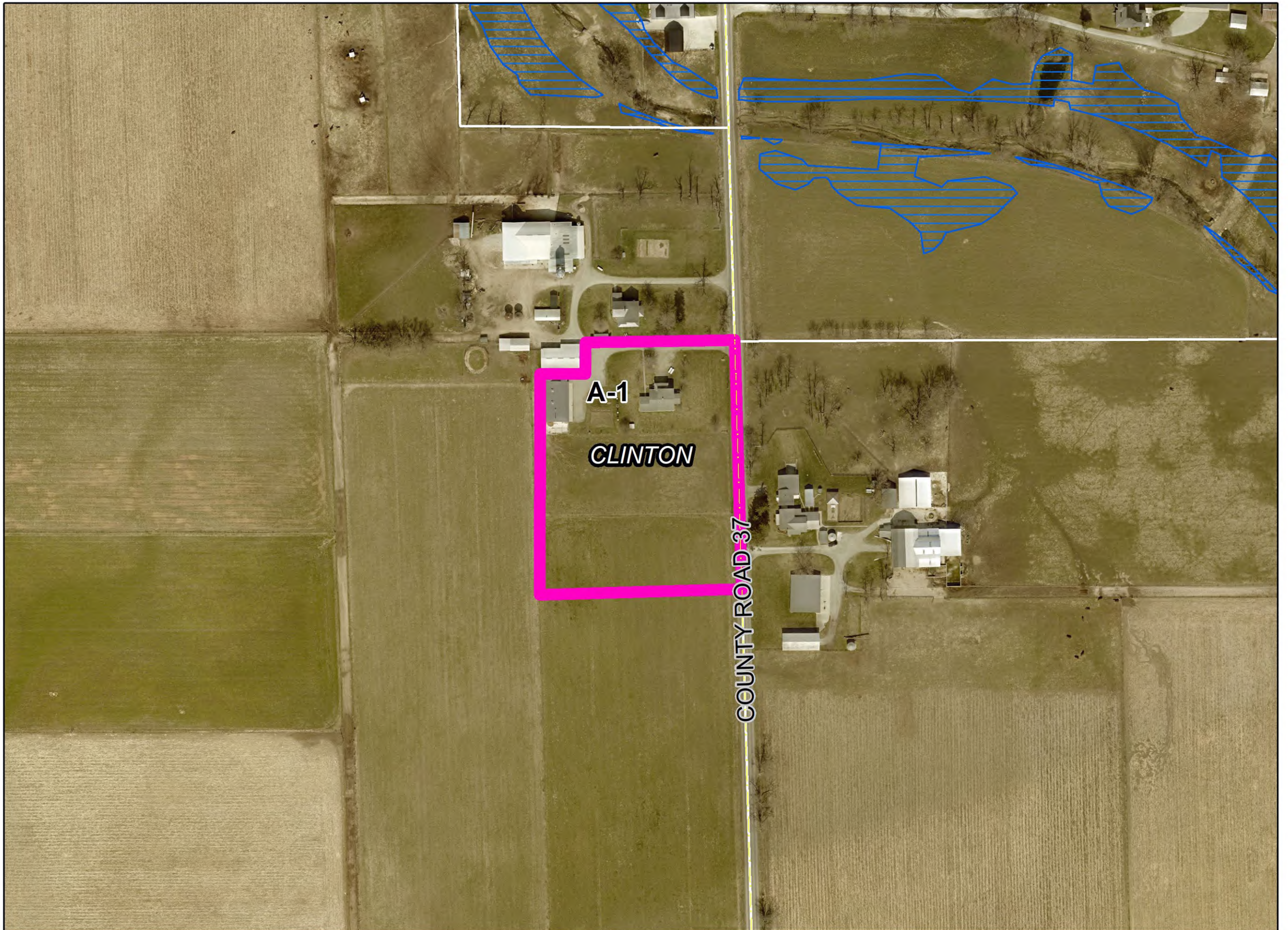


A-1

CLINTON

COUNTY ROAD 37

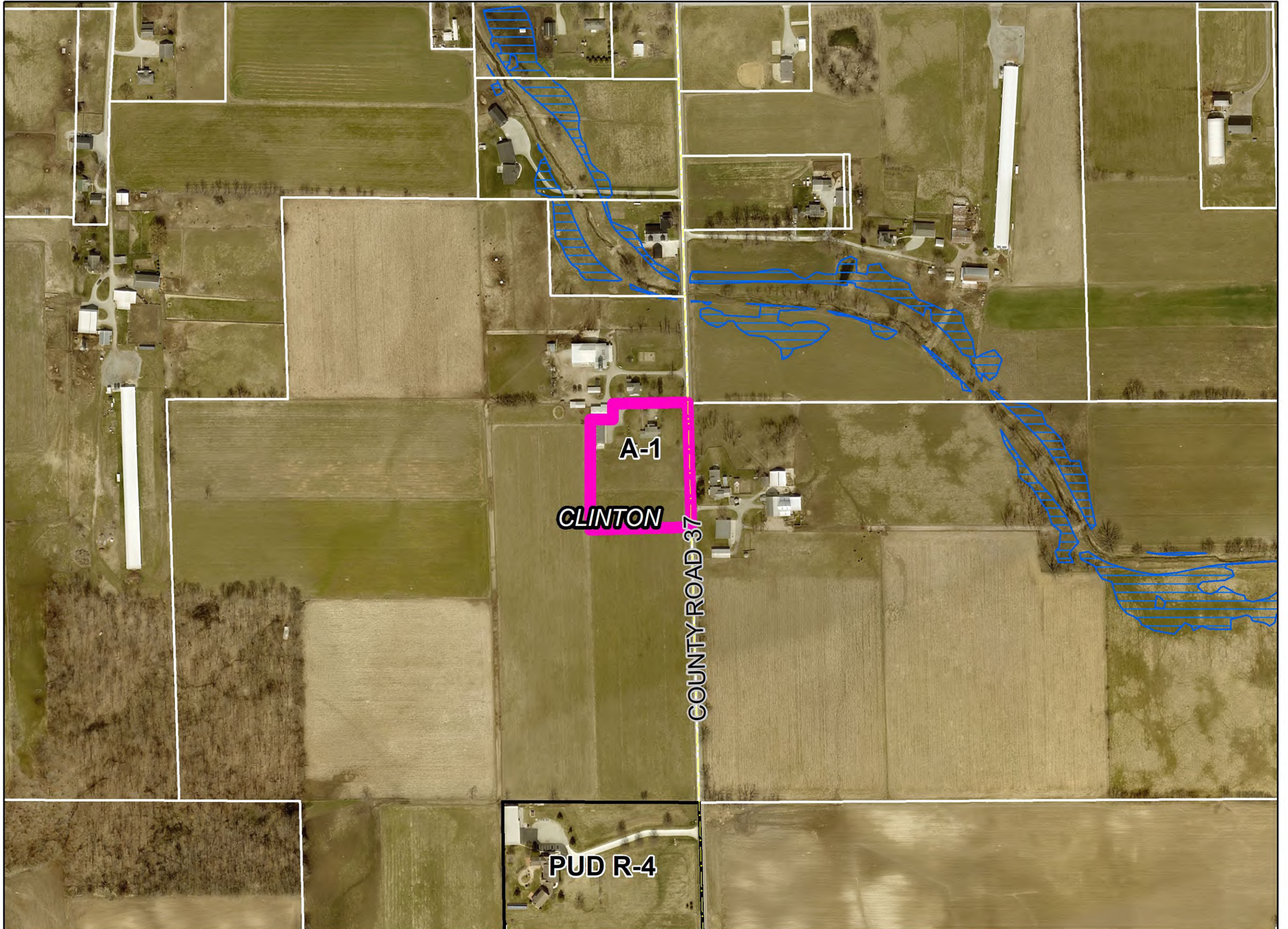
SUP-0116-2025



A-1
CLINTON

COUNTY ROAD 37







Subject property



Accessory structure



Facing north



Facing south



Facing east

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use - Non Mobile Home

SUP-0116-2025

Date: 02/26/2025

Meeting Date:

April 17, 2025

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0116-2025

Description: for a Special Use for a home workshop/business for a welding shop and for a for 6.5 ft. Developmental Variance (Ordinance requires 10 ft.) to allow existing accessory structure 3.5 ft. from the rear property line

Contacts: Applicant

Clinton Builders
62021 State Road 13
Goshen, IN 46528

Authorized Agent

Clinton Builders
62021 State Road 13
Goshen, IN 46528

Land Owner

Ray J. Hershberger & Lizzie
Hershberger

Site Address: 62270 County Road 37
Goshen, IN 46528

Parcel Number: 20-12-09-200-019.000-007

Township: Clinton

Location: West Side Of County Road 37, 1,580 Feet South Of County Road 30

Subdivision:

Lot #

Lot Area: 3.01 Frontage: 411.17 Depth: 333.65

Zoning: A-1

NPO List: 04/02/2025

Present Use of Property: RESIDENTIAL/AGRICULTURAL

Legal Description:

Comments: PARCEL CREATION DATE 10/25/2007
STORAGE EQUATION DWELLING 2214 SF X 200% = 4428 SF MINUS DET. GRG 1760 SF = 2668 SF MINUS PROPOSED
ADDITION 816 SF = 1852 LEFTOVER BUILDABLE STORAGE. 2-26-2025 JB
NO LINKED RECORDS ASSOC. WITH THIS PARCEL

Applicant Signature:

Department Signature:

Application

Site address: 62270 CR 37 Goshen IN 46528

Parcel number(s): 20-12-09-200-019.000-007

*200-008.
017.*

Current property owner

Name: Ray Hershberger

Address: 62270 CR 37 Goshen IN 46528

Phone: 574-642-4568 Email: _____

Other party

Agent Buyer Land contract purchaser Lessee

Name: David Bontrager (Clinton Builders)

Address: 62021 SR 13 Goshen IN 46528

Phone: 574-374-2366 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

Ray J. Hershberger & Lizzie Hershberger as trustees of the Ray & Lizzie Hershberger Revocable Trust.

Staff Use Only

Description: for a special use for a homeworkshop/business for a welding shop, and for a Developmental Variance (Ordinance requires 10ft.) to allow existing accessory structure 3.5ft. from rear property line.

Parcel creation date: 10/25/07.

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: SEE ATTACHED DOCUMENT.

Location: N S E W corner side end of CR 37
1,580 ft. N S E W of CR 30

in CLINTON Township

Frontage: 411.17 Ft. Depth: 333 Ft. Area: 3.01 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL/ AG.

Special Use — Questionnaire

Name: Ray Hershey

1) Tell us what you want to do. Put a 34' x 24' addition to existing Barn/shop, a Special use for a homeworkshop / business for a welding shop

2) Tell us why this activity won't hurt your neighbors or the community. It will not create any noise or nuisance for any neighbors

3) Is there a subdivision covenant that says you can't do this activity? Y N
If yes, does the subdivision have an active homeowners' association? Y N

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? Y N If yes, fill out below.
Tell us what will create those things. _____

Tell us how you'll reduce the impact of those things on neighbors. _____

5) Will there be buffering (fences, trees, shrubs, mounds)? Y N
If yes, tell us about it. _____

6) Does the property need well and septic? Well: Y N Septic: Y N
Does the property need a new septic system? Y N
If a new septic system is needed, did the Health Department say there's enough space for it? Y N

7) Will the activity use buildings or additions? Y N If yes, fill out below.
Building or addition 1 Existing? Y N Size and height to the peak: 34' x 24' 20' to peak

Tell us what you'll use it for. addition to his welding shop

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

Tell us what you'll use it for. _____

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

Tell us what you'll use it for. _____

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

Next page ➡



Special Use — Questionnaire

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

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

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

How many of the employees won't live onsite? 2 (Mon. thru Fri.)

What will be the days and hours of operation on this property? 6:00 AM to 3:00 PM 5 days

a week, close Sat. & Sun.

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?

maybe 2

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

Tell us how often. weekly

Tell us the kind of vehicles used. Horse & buggy or pickup truck & trailer

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. Just want to make a little more space for office, as finish assembling cars we make, we'd like to do everything on site, versus taking them 6 miles to one of my sons, where he currently finishes them.

Application

Site address: 62270 CR 37 Goshen IN 46528

Parcel number(s): 20-12-09-200-019.000-007

Current property owner

Name: Ray Hershberger

Address: 62270 CR 37 Goshen IN 46528

Phone: 574-642-4568 Email: _____

Other party Agent Buyer Land contract purchaser Lessee

Name: David Benninger (Clinton Builders)

Address: 62021 SR 13 Goshen IN 46528

Phone: 574-374-2366 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 Benninger

SEE SPECIAL USE.

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: Ray Hershburger

1) Tell us what you want to do. To make existing Building conforming to Today's standards

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

3) Tell us why the variance won't hurt your neighbors or the community. neighbor property is family, there's no conflict

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: 34' x 24' 20' to peak
Tell us what you'll use it for. welding Shop (manufacturing)
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

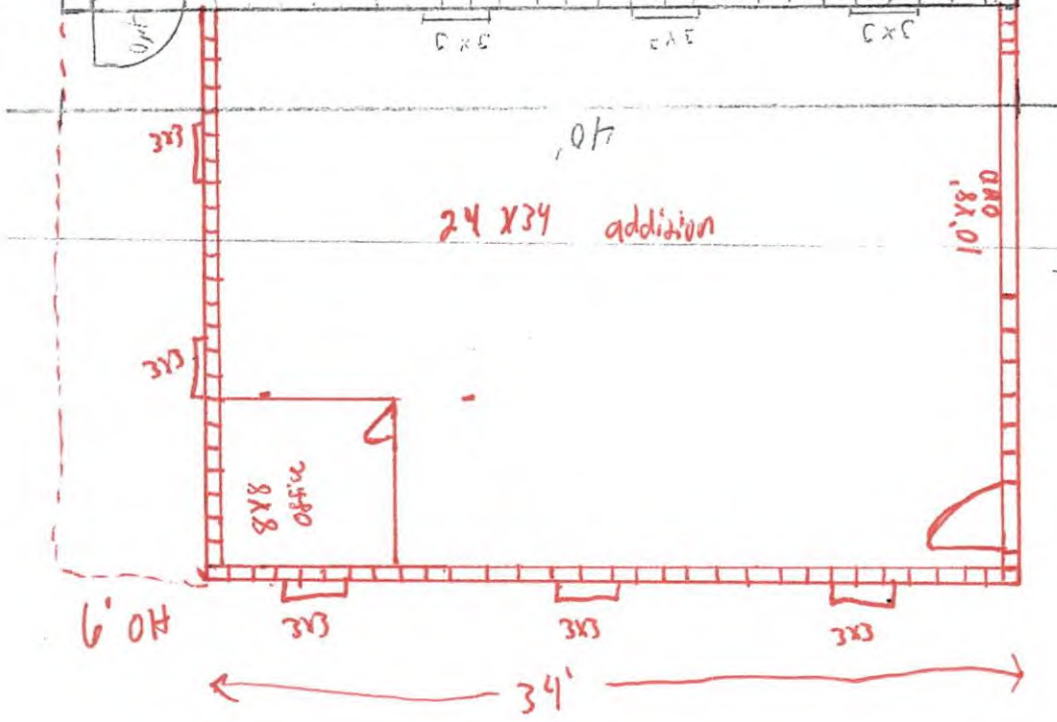
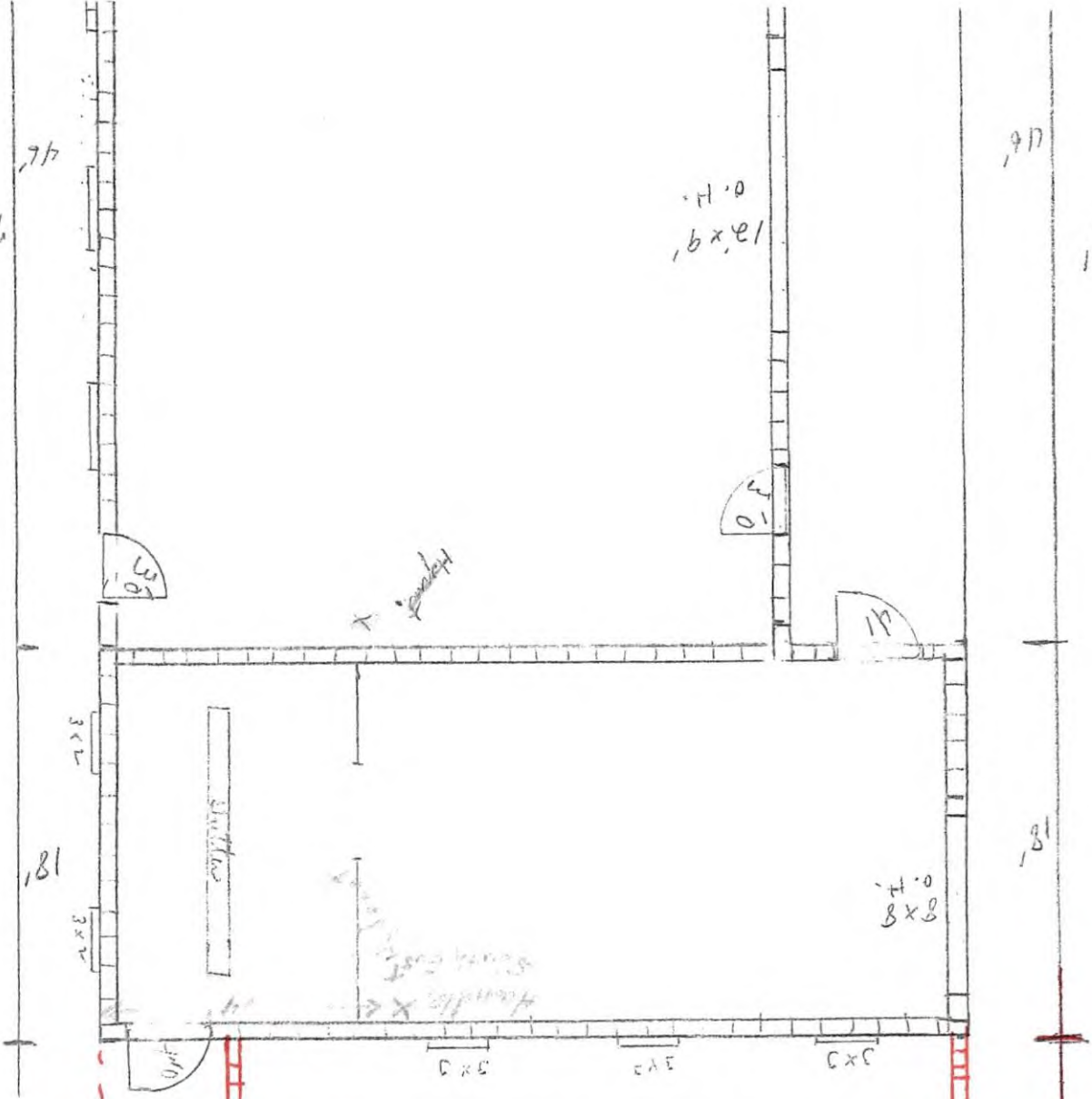
8) Does the application include a variance for parking spaces? Y N
If yes, tell us how many total there will be. _____

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

77
98'

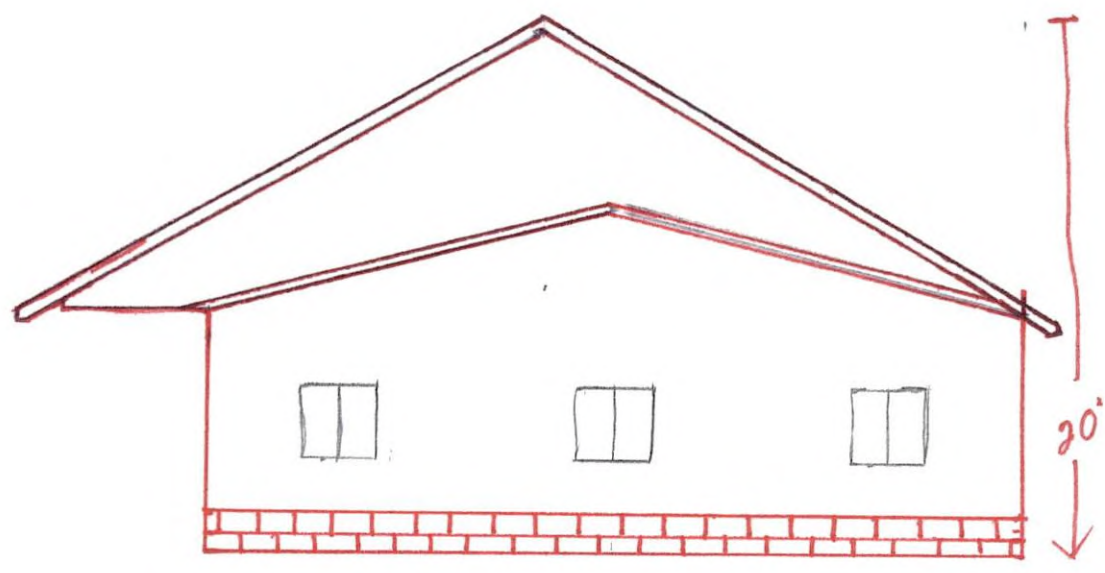
12' x 9'
H.O.

97
24'



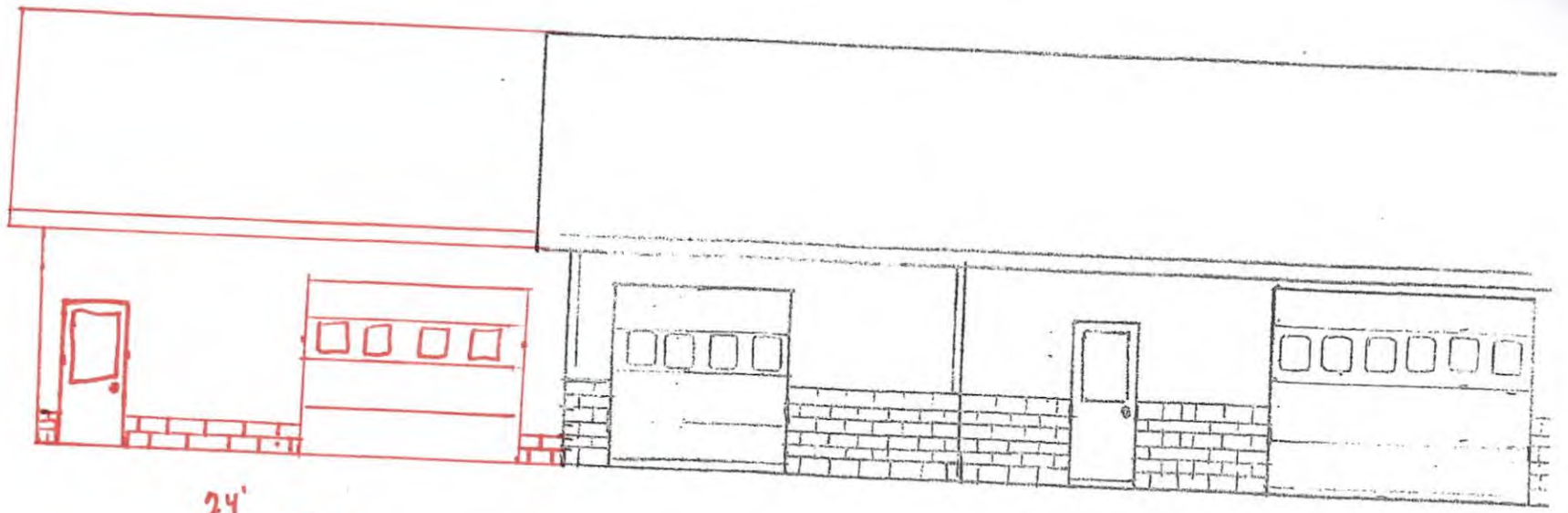
FEB 26 2025

Handwritten notes, possibly a title or address, located at the top of the page. The text is faint and difficult to read.

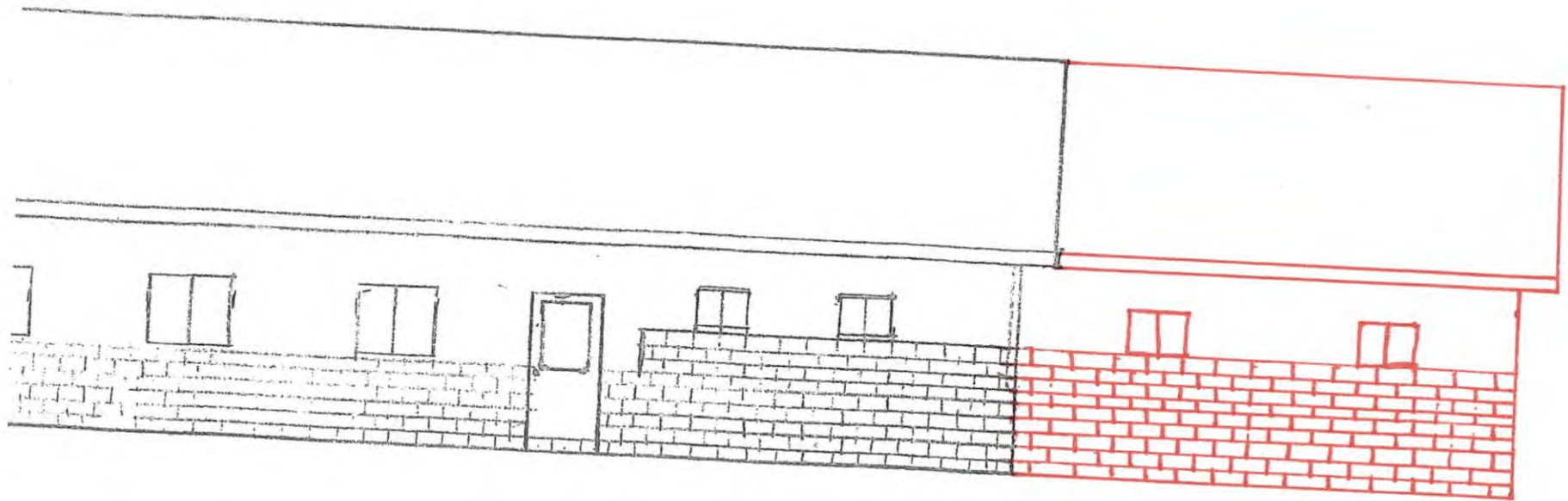


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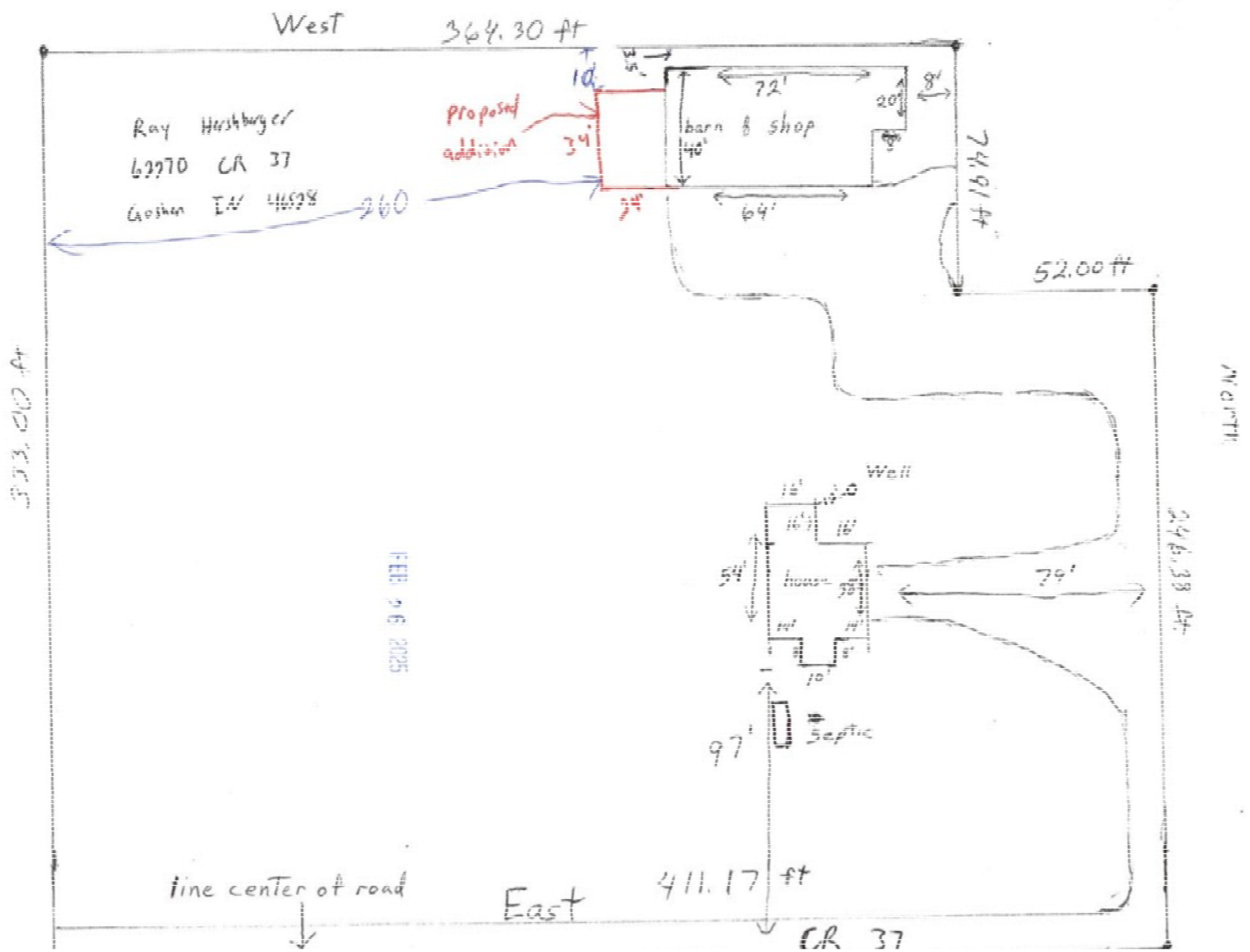
Feb 9 5 2025



24' addition



24' addition



FEB 26 2025

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 17, 2025

Transaction Number: SUP-0160-2025.

Parcel Number(s): 20-04-28-352-002.000-032.

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 and for a 15 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 60 ft. from the centerline of the right-of-way.

Petitioner: Lavon Dale Miller & Martha Ann Miller, Husband & Wife.

Location: Southwest side of CR 8, 2,780 ft. northwest of CR 35, in York Township.

Site Description:

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

History and General Notes:

- **November 18, 2010** – The BZA approved a Special Use for the keeping of horses. The approval was limited to a site plan that showed a smaller barn in a different location.

Staff Analysis:

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

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for the keeping of animals is allowed in the A-1 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. A previous owner of this parcel had horses with no effects on neighboring property. The parcel is 2 acres in a medium-density residential and agricultural area, and the area will remain residential and agricultural in character.
3. The Special Use will substantially serve the public convenience and welfare by providing for a transportation and local food option.

BZA Staff Report (Continued)

Hearing Date: April 17, 2025

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 (dated 3/12/2025) and as represented in the Special Use application.
2. The request is limited to a maximum of two (2) adult horses and twelve (12) chickens at any one time, no roosters.

For a 15 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 60 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 home and its west addition have stood complaint-free with no injury to public health or safety since 1978.
2. Approval of the request will not cause substantial adverse effect on neighboring property. The home does not affect sight distance from neighboring driveways.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Strict application would involve the unnecessary removal of a portion of the home.

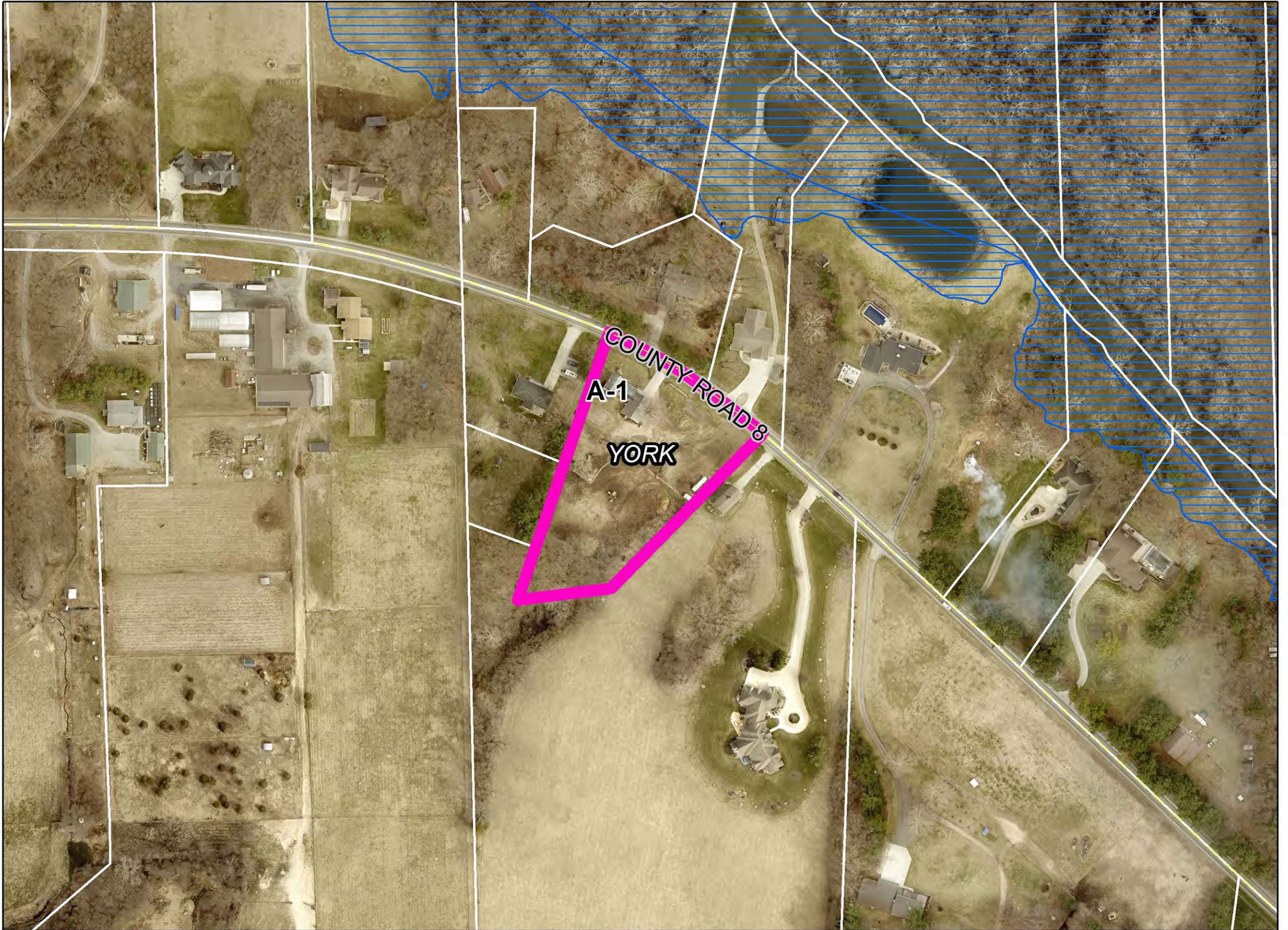
Staff recommends **APPROVAL** with the following condition(s) imposed:

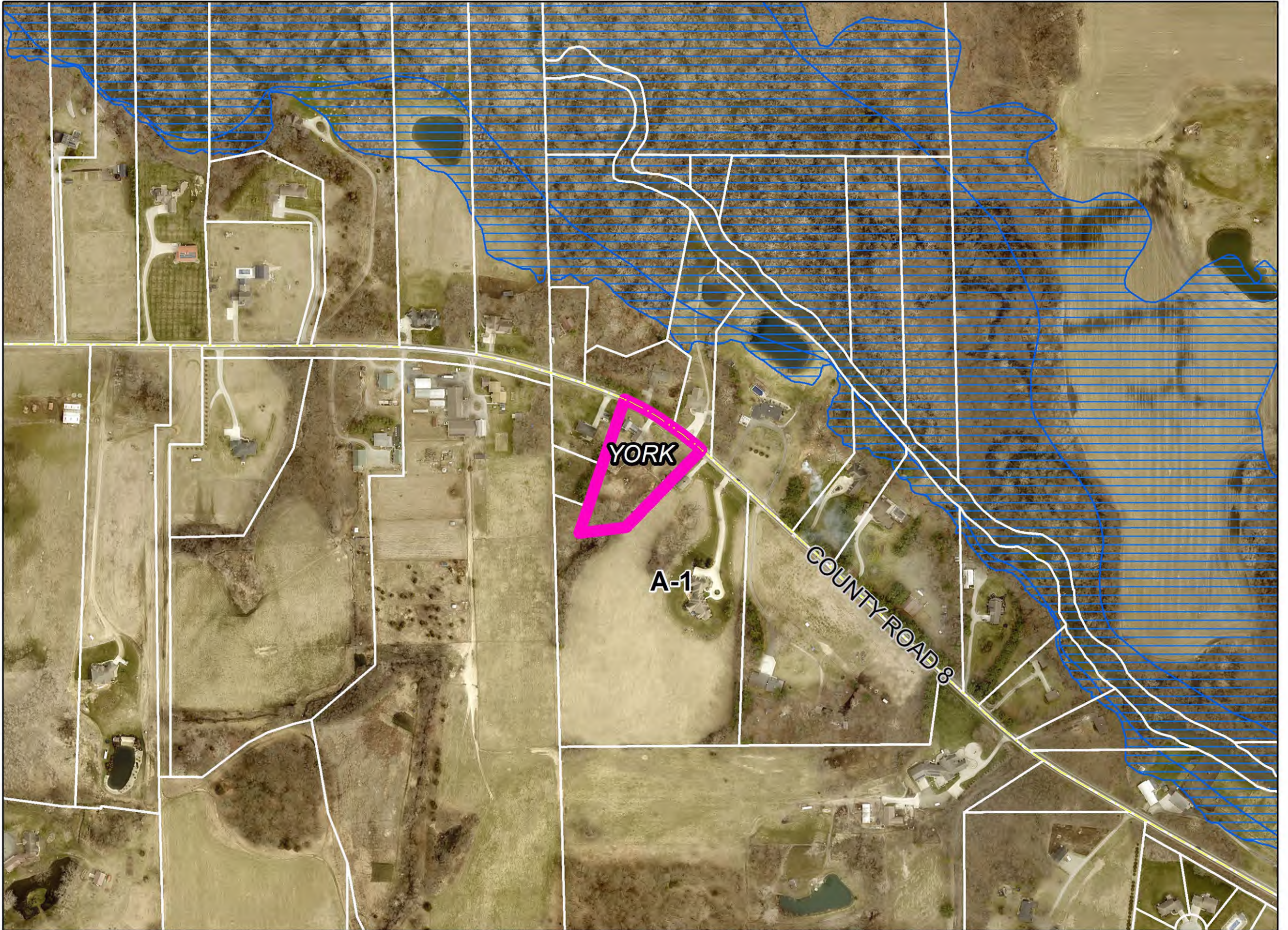
1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 3/12/2025) and as represented in the Developmental Variance application.

Staff Analysis Continued:

Staff further recommends that the Special Use for horses for a previous owner (Betty Powell) be rescinded (13974CR 8-101014-1).









Subject property



Building site



Facing west



Facing east



Facing north

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use - Non Mobile Home

SUP-0160-2025

Date: 03/12/2025 Meeting Date: April 17, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0160-2025

Description: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, for a for a 15 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 60 ft. from the centerline of the right-of-way, and for a for a 6 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a detached building 69 ft. from the centerline of the right-of-way

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Lavon Dale Miller & Martha	Lavon Dale Miller & Martha
Ann Miller, Husband And Wife	Ann Miller, Husband And Wife
13974 County Road 8	13974 County Road 8
Middlebury, IN 46540	Middlebury, IN 46540

Site Address: 13974 County Road 8 Middlebury, IN 46540	Parcel Number: 20-04-28-352-002.000-032
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Township: York
Location: Southwest Side Of County Road 8, 1,590 Ft. Northwest Of County Road 35

Subdivision:	Lot #
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Lot Area: 2.00	Frontage: 299.61	Depth: 363.15
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Zoning: A-1	NPO List: 04/02/2025
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 3/1/1972
SEE PREVIOUS SPECIAL USE #13974CR8-101014-1 APPROVED 11/18/2010 (BETTY POWELL). CANNOT REUSE THIS SPECIAL USE. REPLACEMENT FOOTPRINT IS 42% LARGER. PLUS 2010 APPROVAL WAS IN ACCORDANCE WITH SITE PLAN SUBMITTED.
EXISTING 800 SQ FT BARN IS TO BE DEMO'ED AND WAS NOT CALCULATED IN THE SQUARE FOOTAGE EQUATION
RESIDENCE = 1,580 SQ FT X 110% = 1,738 SQ FT MINUS 1,200 (GARAGE) AND 56 (SHED) LEAVES 482 SQ FT.
PROPOSED BARN IS 1,200 SQ FT (984 AG, 216 PERSONAL STORAGE), WHICH LEAVES 266 SQ FT AVAILABLE FOR PERSONAL STORAGE.

Applicant Signature:

Department Signature:

Application

Site address: 13974 Cr 8 Middlebury IN 46540

Parcel number(s): 20-04-28-352-002

Current property owner

Name: Lawn & Martha Miller

Address: 13974 Cr 8 Middlebury IN 46540

Phone: 574-370-3389 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: *ls*

Staff Use Only

Description: _____

984 = Ag
12x18 = 216 = shop
1,200 overall

Parcel creation date: 3/1/1972

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: Res = 1,580 x 110% = 1,738
garage = 1,200 shed = 56 (Barn = 800 - to be demo'd)
400.

Location: N (S) E (W) corner (side) end of CR 8
1,590 ft. (N) S E (W) of CR 35
in York Township

Frontage: 299.61 Depth: 363.15 Area: 2 acres

Subdivision and lot number, if applicable: _____

Present use: _____

Special Use — Questionnaire

Name: Lawn Miller

1) Tell us what you want to do. Build a new barn. We would tear down the existing barn.

2) Tell us why this activity won't hurt your neighbors or the community. Everything would be the same as far as same amount of buildings on the 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. _____
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. I will move and replace some fence

6) Does the property need well and septic? Well: Y N Septic: Y N
Does the property need a new septic system? Y N
If a new septic system is needed, did the Health Department say there's enough space for it? Y N

7) Will the activity use buildings or additions? Y N If yes, fill out below.
Building or addition 1 Existing? Y N Size and height to the peak: 30x40 (16')
Tell us what you'll use it for. Barn and storage area
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. Horses (2) chickens (12)

Next page ➡



Special Use — Questionnaire

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

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

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

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

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

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

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

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

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

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

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

Tell us how often. _____

Tell us the kind of vehicles used. _____

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

Sign 1 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

Sign 2 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

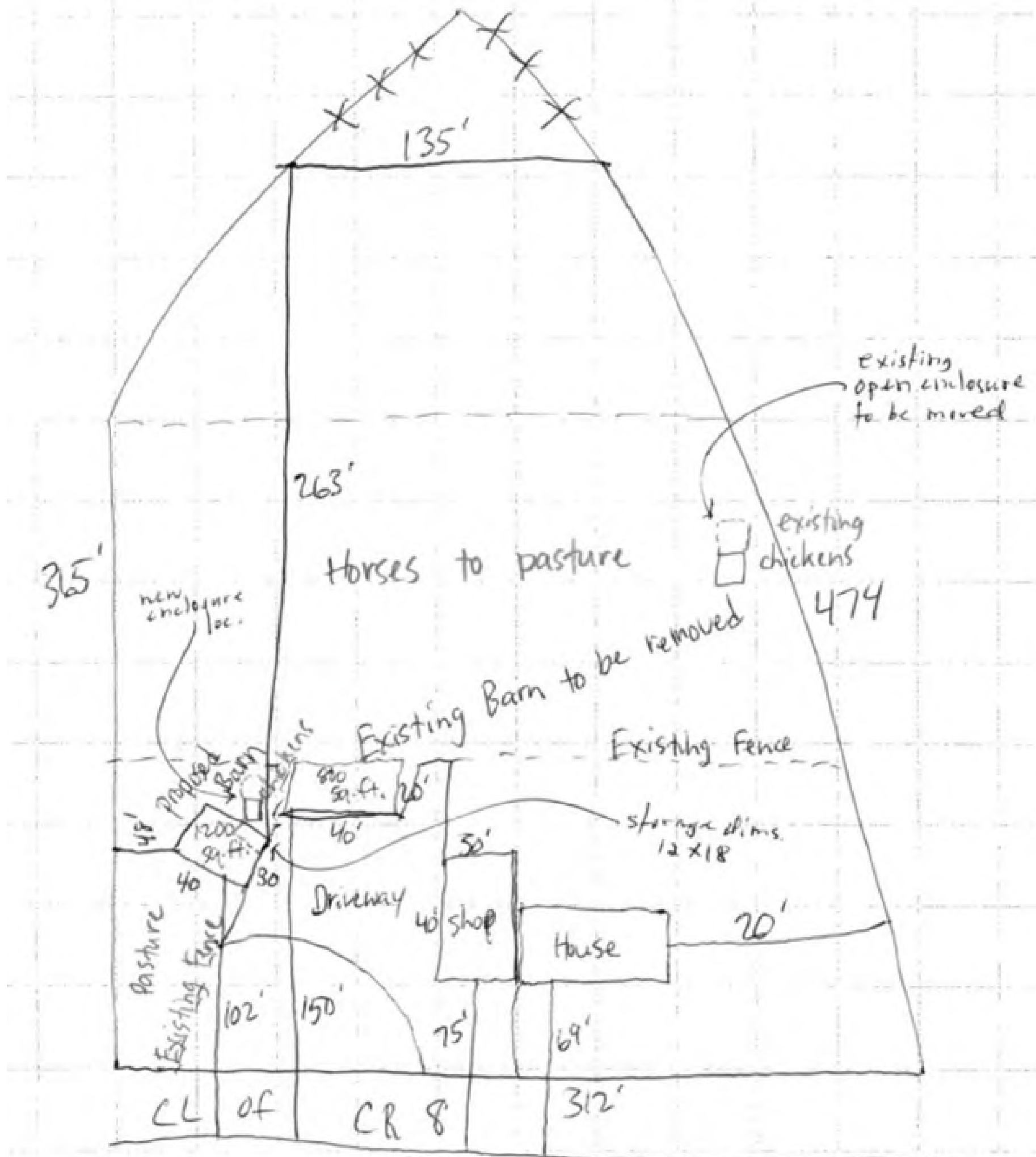
Sign 3 Dimensions (length and width). _____

Existing? Y N Double faced? Y N

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

Freestanding? Y N Wall mounted? Y N

10) Tell us anything else you want us to know. I will remove the old barn.



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 17, 2025

Transaction Number: SUP-0171-2025.

Parcel Number(s): 20-15-25-200-026.000-018.

Existing Zoning: A-1.

Petition: For a Special Use for a home workshop/business for a dog grooming business, for a Developmental Variance to allow for 7 outside employees (Ordinance allows 4), and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Petitioner: Tanner D. Bunch & Kaicee B. Bunch, Husband & Wife.

Location: East end of the easement, east of CR 29, 2,640 ft. north of CR 52, in Jackson Township.

Site Description:

- Physical Improvement(s) – Vacant.
- Proposed Improvement(s) – Residence, detached accessory structure/grooming salon.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **August 8, 2024** – The Plat Committee approved a 2-lot minor subdivision to be known as Tuttle Minor Subdivision (MI-0448-2024).
- **August 14, 2024** – The Hearing Officer approved a request for a Developmental Variance to allow for the construction of a residence on property on proposed lot 2 with no road frontage served by an access easement (DV-0449-2024).
- **November 27, 2024** – The Tuttle Minor Subdivision plat was recorded (MI-0685-2024).

Staff Analysis:

For a Special Use for a home workshop/business for a dog grooming business, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A home workshop/business is allowed in the A-1 zoning district with a Special Use.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 3-acre property in a low-density residential and agricultural area, and the property will remain residential in character. To minimize disruption to neighboring residences the business will be conducted on the back of the property.

BZA Staff Report (Continued)

Hearing Date: April 17, 2025

3. The Special Use will substantially serve the public convenience and welfare by providing a local dog grooming business.

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 (dated 3/17/2025) and as represented in the Special Use application.

For a Developmental Variance to allow for 7 outside employees (Ordinance allows 4) and 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 requests will not be injurious to public health, safety, morals, or general welfare. The request is 2,059 sq. ft., or 73%, over what is allowed by right, all other development standards will be met, and the structure will be placed outside of the sight of adjacent residences.
2. Approval of the requests will not cause substantial adverse effect on neighboring property. This is a 3-acre parcel in a low-density residential and agricultural area and the property will remain residential in character. The additional employees will not cause enough traffic to cause safety risks.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the benefit of the variances, the proposed structure could not be built to the size necessary to run a business and have adequate room for 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 3/17/2025) and as represented in the Developmental Variance application.

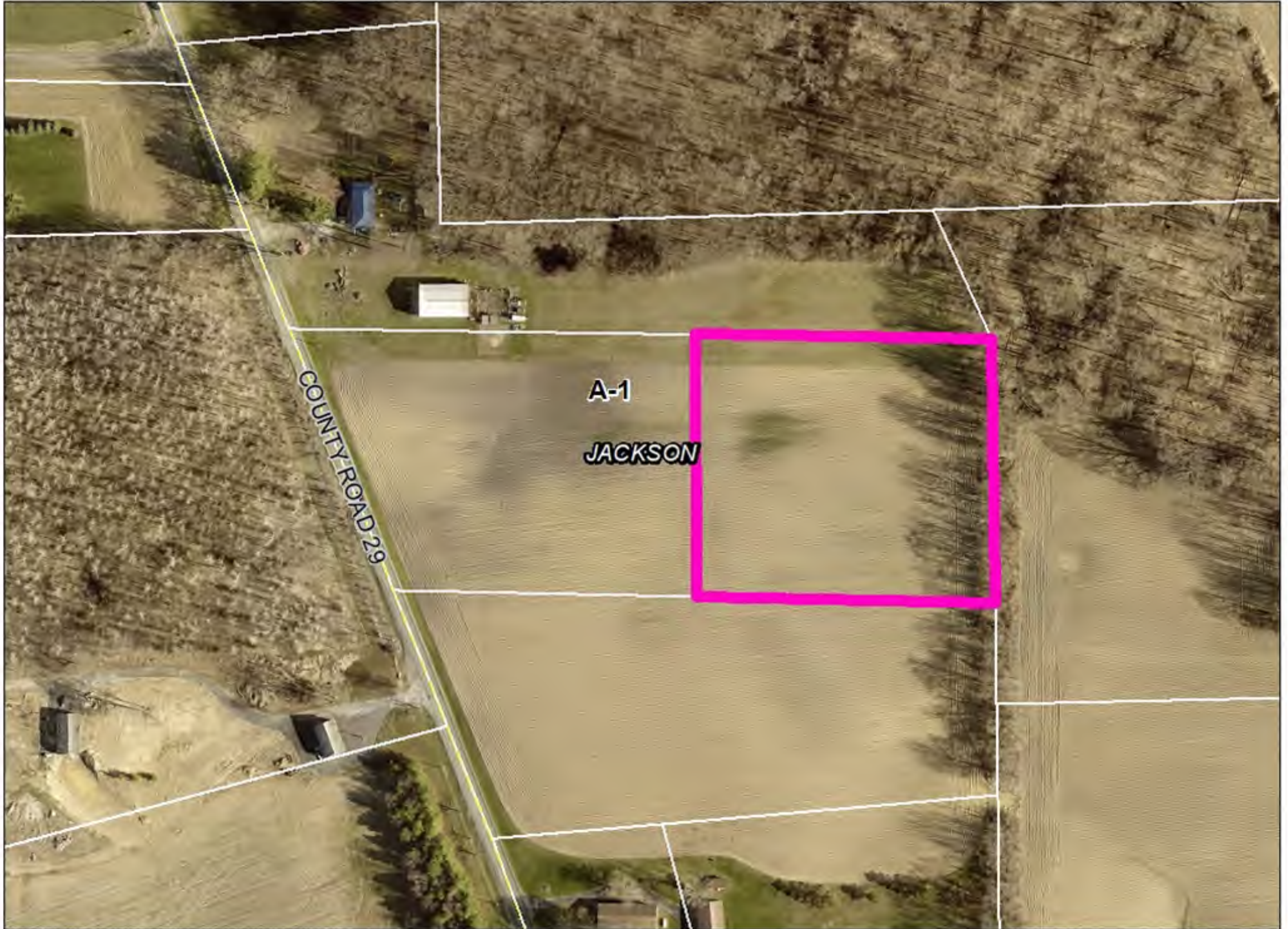
SUP-0171-2025



2021 Aerials

1 inch = 100 feet





SUP-0171-2025



2021 Aerials

1 inch = 200 feet





Subject property



Facing northwest



Facing southeast



Facing south

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use - Non Mobile Home

SUP-0171-2025

Date: 03/17/2025 Meeting Date: April 17, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0171-2025

Description: for a Special Use for a home workshop/business for a dog grooming business, for a Developmental Variance to allow for 7 outside employees (Ordinance allows 4), and for a for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Tanner D. Bunch & Kaicee B. Bunch, Husband And Wife 206 E Wabash St Wakarusa, IN 46573	Tanner D. Bunch & Kaicee B. Bunch, Husband And Wife 206 E Wabash St Wakarusa, IN 46573

Site Address: 00000 County Road 29
SYRACUSE, IN 46567

Parcel Number: 20-15-25-200-026.000-018

Township: Jackson
Location: EAST SIDE OF CR 29, 2,500 FT NORTH OF CR 52

Subdivision: TUTTLE MINOR SUB Lot # 2

Lot Area: 2.84 Frontage: 355.00 Depth: 735.00

Zoning: A-1 NPO List: 04/02/2025

Present Use of Property: VACANT

Legal Description:

Comments: SEE MINOR PRIMARY #MI-0448-2024 APPROVED 8/8/2024 AND MINOR SECONDARY #MI-0685-2024 (WAITING FOR RECORDED PLAT), ALSO DV#0449-2024 APPROVED 8/14/2024 (NO ROAD FRONTAGE). PROPOSED RESIDENCE = 2,554 SQ FT X 110% = 2,809 SQ FT, MINUS PROPOSED GARAGE AT 548 SQ FT LEAVES 2,261 SQ FT. PROPOSED BUILDING IS 4,320 SQ FT WHICH IS NEGATIVE 2,059 SQ FT - KB

Applicant Signature:

Department Signature:

Application

Minor Subdivision

Site address: Tuttle ~~lot #2~~, Syracuse, CR 29 46567

Parcel number(s): 2 20-15-25-200-024

Current property owner

Name: Tanner + Kaicee Bunch

Address: 206 E. Wabash Ave. Wakanusa, IN 46573

Phone: 574-354-9178 Email: kaiceegolf@gmail.com

Other party

- Agent
- Buyer
- Land contract purchaser
- Lessee

Name: _____

Address: _____

Phone: _____ Email: _____

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

Signature of current property owner or authorized agent: Kaicee Bunch

Staff Use Only

Description: home workshop
+ employees

Parcel creation date: _____

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: 2,554 x

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: Katrice Bunch - KC'S Grooming Salon

1) Tell us what you want to do. be able to run our grooming salon out of a portion of our storage building, located on our private property

2) Tell us why this activity won't hurt your neighbors or the community. most it will affect is potentially more traffic - we are a small business looking to attract more customers. it should not cause much noise or disruption. clean environment & will be indoors only

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. noise only - from dogs barking + high velocity dryers
Tell us how you'll reduce the impact of those things on neighbors. shop will be located on back of property, in an inside environment,

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: 60x72, 25 peak
Tell us what you'll use it for. 1/3 grooming salon, 2/3 personal storage
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. dogs only. currently do roughly 8 dogs a day, but in the future roughly 16-20 a day, 4-5 days a week

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: 3 Part time: 1

How many employees do you want? Full time: 7 Part time: 1

How many of the employees won't live onsite? all except 1

What will be the days and hours of operation on this property? Tuesday - Fridays 8am - 4pm, occasional Saturdays 8am - 12pm

How many parking spaces do you have now? _____

How many parking spaces do you want? ~5

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

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

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

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

at max 7 employees + 16-20 clients on a come & go schedule (drop off & pick up)

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

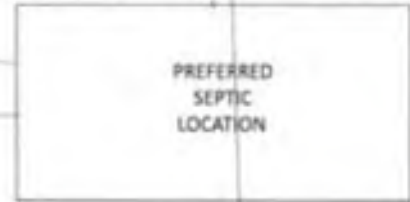
Freestanding? Y N Wall mounted? Y N

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

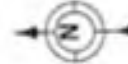
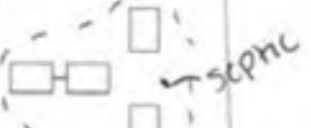
PO OUTLET: 12" FROM EAST P/L

327.180'

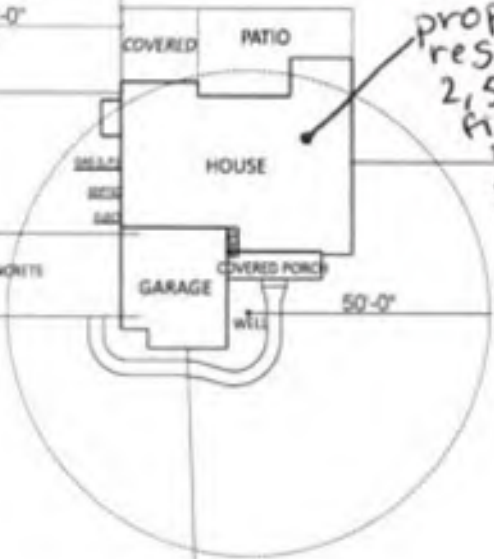
MAR 17 2025



Proposed shop/storage building (4,320 ft²)



Proposed residence 2,554 ft² finished area
548 ft² garage

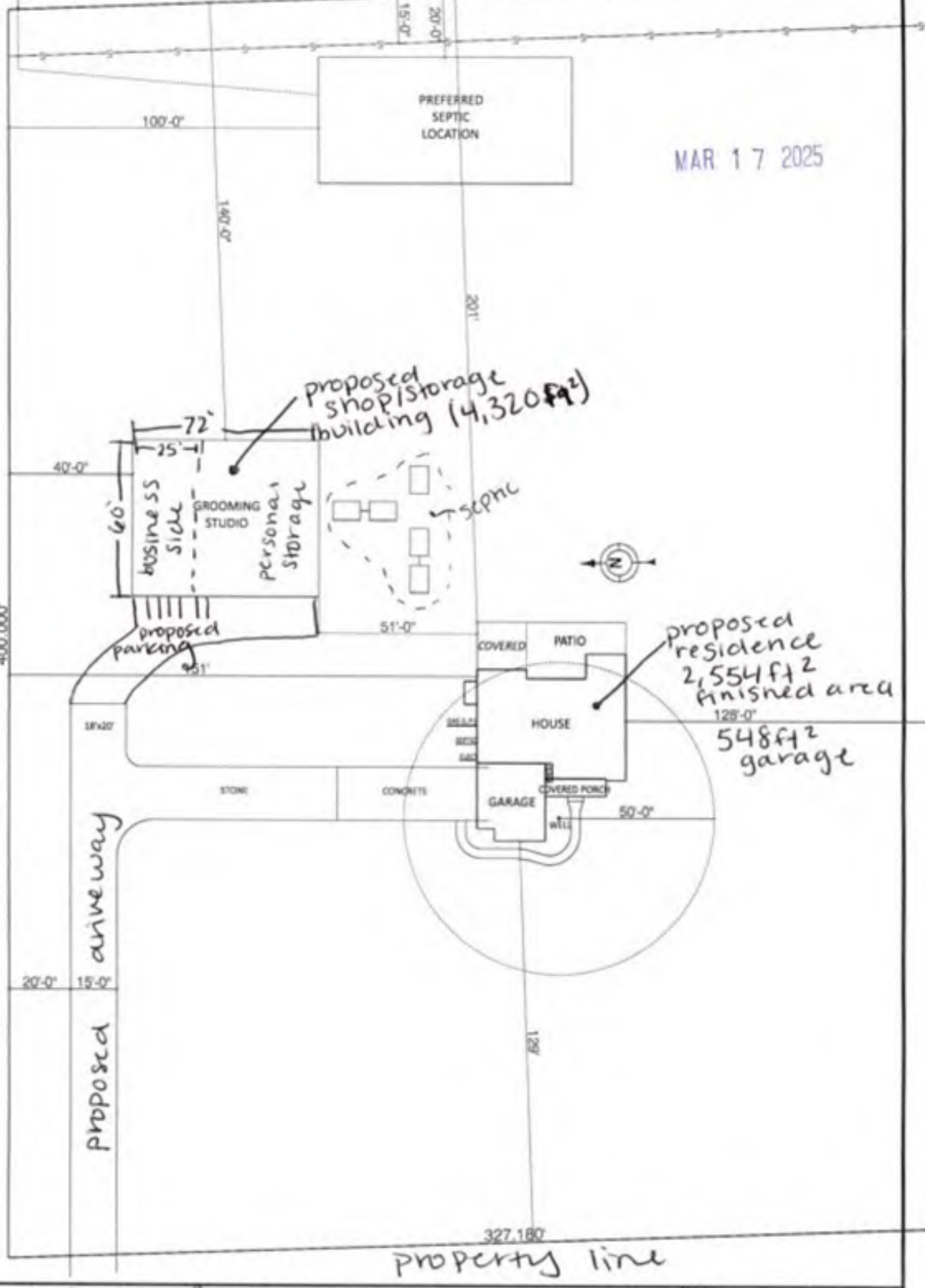


Proposed driveway

Property line

400.000'

327.180'



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 17, 2025

Transaction Number: SUP-0130-2025.

Parcel Number(s): 20-08-11-200-008.000-034 & 20-08-11-200-009.000-034.

Existing Zoning: A-1.

Petition: For an Amendment to an existing Special Use for a home workshop/business for a retail store to allow for an addition, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a Developmental Variance to allow for 5 outside employees (Ordinance allows 4).

Petitioner: Tri-County Land Trustee Corporation (Land Contract Holder) & Norman E. Lehman & Katie Lehman (Land Contract Purchasers).

Location: North side of CR 16, 1,815 ft. west of CR 43, in Middlebury Township.

Site Description:

- Physical Improvement(s) – Retail store, residence, detached accessory structures and agricultural barns.
- Proposed Improvement(s) – Addition to retail store.
- Existing Land Use – Residential, commercial, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **October 20, 1988** – A Special Use for a home workshop/business (construction & repair of buggies) was granted (88-129-SU).
- **April 17, 2003** – A Special Use for two commercial greenhouses in an A-1 district and for a home workshop/business for a retail store was granted (20031597).
- **January 19, 2012** – An amendment to an existing Special Use to amend the site plan (not the conditions) and a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right were granted (11401CR 16-111121-1).
- **March 15, 2012** – A Developmental Variance to allow existing signage to exceed the signage requirements, front yard setback requirements, and height requirements for a home workshop/business and a Developmental Variance to allow no more than three outside employees were granted (11401CR 16-120220-1).

Staff Analysis:

For an Amendment to an existing Special Use for a home workshop/business for a retail store to allow for an addition, 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 retail store.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 6.97-acre parcel in a low-density residential and agricultural area and the property will remain residential and agricultural in character.
3. The Special Use Amendment will substantially serve the public convenience and welfare by allowing the existing retail store to expand for more office and warehouse space.

BZA Staff Report (Continued)

Hearing Date: April 17, 2025

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

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

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

1. The request is approved in accordance with the revised site plan to be submitted for Staff approval and as represented in the Special Use Amendment application.
2. Any further expansion requires a DPUD.

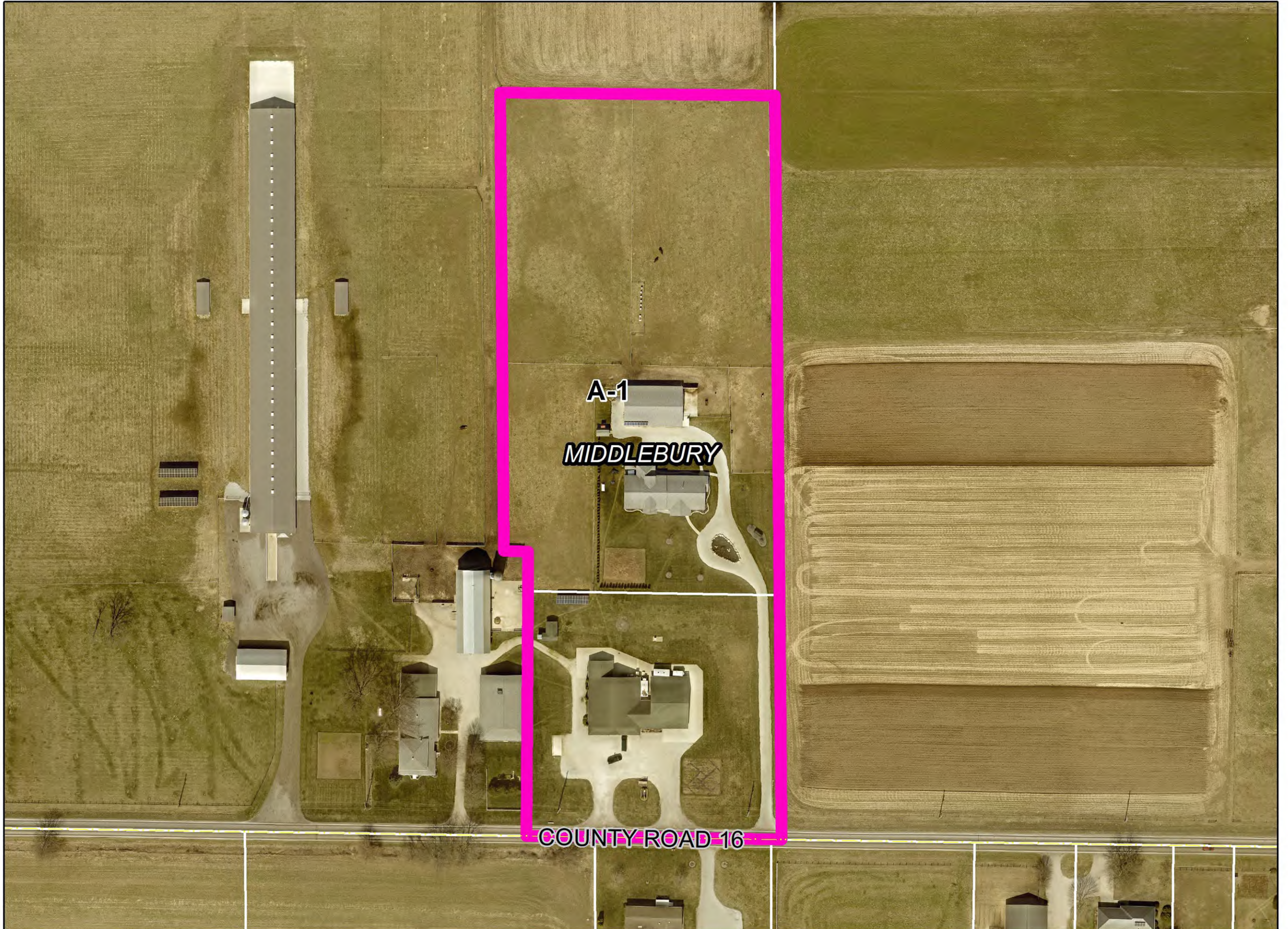
For a Developmental Variance to allow for the total square footage of the accessory structures to exceed that allowed by right and for a Developmental Variance to allow for 5 outside employees (Ordinance allows 4), staff finds that:

1. Approval of the requests will not be injurious to public health, safety, morals, or general welfare. The request is 4,314 sq. ft., or 53%, over what is allowed and will meet all other development standards. The proposed addition will not obstruct sight distances on County Road 16.
2. Approval of the requests will not cause substantial adverse effect on neighboring property. This is a 6.97-acre parcel in a low-density residential and agricultural area, and the additional employee will not cause traffic risks for 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 benefit of the variances, the proposed addition could not be built, additional employees would not be allowed, and both are necessary 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 revised site plan to be submitted for Staff approval and as represented in the Developmental Variance application.

SUP-0130-2025



A-1
MIDDLEBURY

COUNTY ROAD 16



DPUD A-1

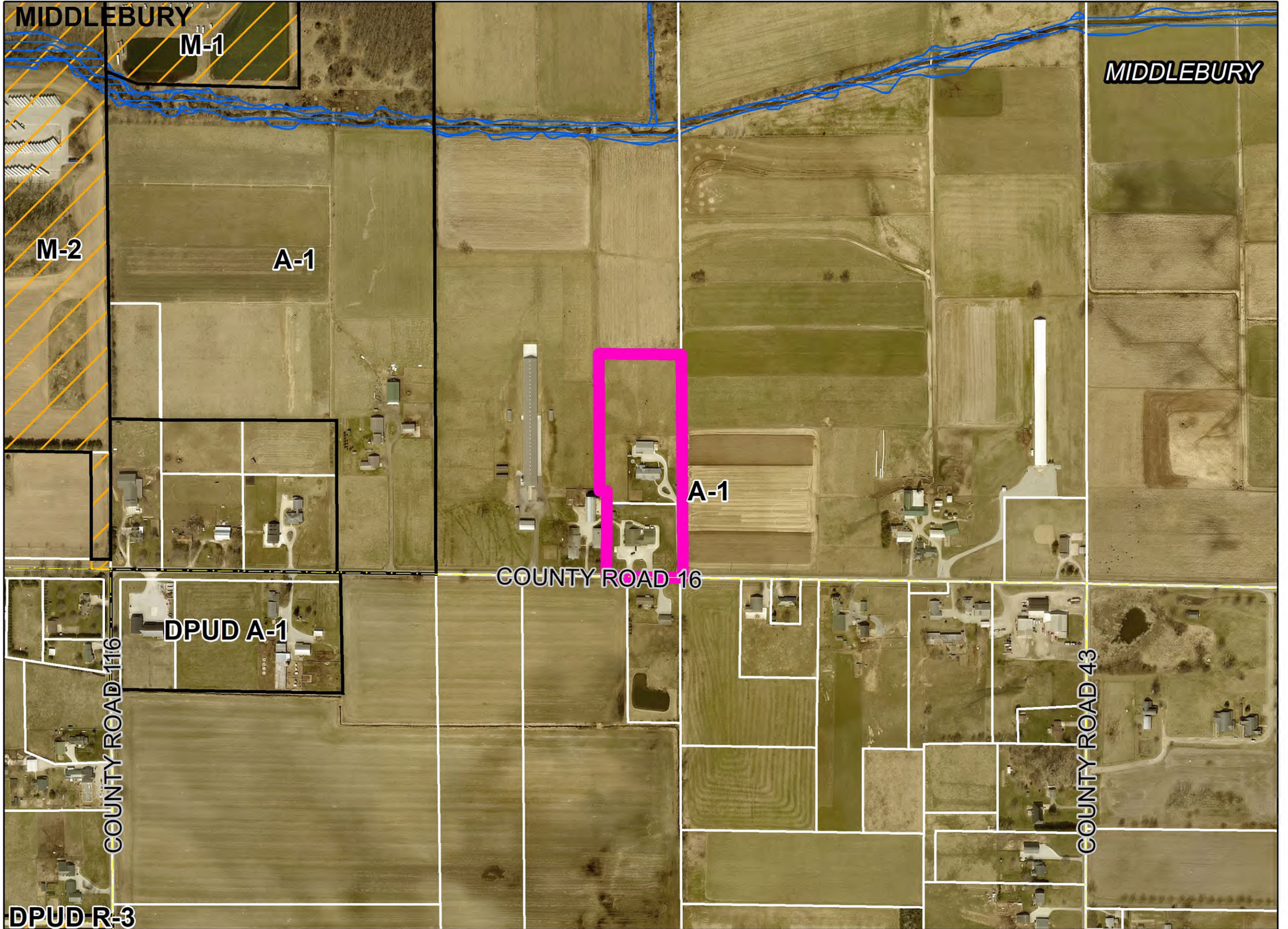
A-1

A-1

MIDDLEBURY

COUNTY ROAD 16







Subject property



Subject property, proposed addition location



Facing west



Facing east



Facing south

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

SUP-0130-2025

Special Use Amendment - Non Mobile Home

Date: 03/04/2025 Meeting Date: April 17, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0130-2025

Description: for an amendment to an existing Special Use for a home workshop/business for a retail store to allow for an addition and for a Developmental Variance to allow for the total square footage of the accessory structures to exceed that allowed by right.

Contacts: <u>Applicant</u>	<u>Land Owner</u>	<u>Land Owner</u>	<u>Land Owner</u>
Mh Bontrager Construction 59155 County Road 41 Middlebury, IN 46540	Tri County Land Trustee Corp Tri County Land Trust 11401 Cr 16 Middlebury, IN 46540	Norman S. Lehman & Katie Lehman, Husband & Wife 11401 County Road 16 Middlebury, IN 46540	Norman S. Lehman & Katie Lehman, Husband & Wife 11329 County Road 16 Middlebury, IN 46540

Site Address: 11351 County Road 16 Middlebury, IN 46540	Parcel Number: 20-08-11-200-008.000-034 20-08-11-200-009.000-034
--	---

Township: Middlebury
Location: NORTH SIDE OF CR 16, 1,815 FT. WEST OF CR 43

Subdivision: Lot #

Lot Area: 6.97 Frontage: 310.81 Depth: 920.78

Zoning: A-1 NPO List: 04/02/2025

Present Use of Property: RESIDENTIAL, AG, & COMMERCIAL

Legal Description:

Comments: PARCEL CREATED 3/1/1971
A NEW SITE PLAN WILL BE NEEDED SHOWING BOTH PARCELS-APPLICANT IS AWARE
RESIDENCE ON NORTH PARCEL WAS BUILT VIA AN ADMIN SUB. SEE AS-0674-2017
SEE 11401CR 106-111121-1: FOR AN EXISTING SPECIAL USE FOR A HOME WORKSHOP/BUSINESS FOR A RETIAL
STORE AND FOR A DEVELOPMENTAL VARIANCE TO ALLOW FOR THE TOTAL SQUARE FOOTAGE OF ACCESSORY
STRUCTURES TO EXCEED THAT ALLOWED BY RIGHT
SEE 20031597: FOR A SPECIAL USE FOR TWO COMMERCIAL GREENHOUSES
SEE 11401CR 16-120220-1: for a developmental variance to allow existing signage to exceed the signage requirements for a home
workshop/business, a developmental variance to allow existing signage to be located within the required front yard setback for a home
workshop/business, and a developmental variance to all no more than three employees
SEE 88-129-SU: FOR A HOME WORKSHOP/BUSINESS (REPAIR AND CONSTRUCTION OF BUGGIES) IN EXISTING
BUILDING.
SEE COMPLAINT CODE0814-2023: Retail food service operating without a license.

Applicant Signature:

Department Signature:

Application

Site address: Dutch Country market 11351 CR16 Middlebury In

Parcel number(s): _____

Current property owner

Name: Norman Lehman

Address: 11329 CR16 Middlebury In 46540

Phone: 574-825-3594 Email: _____

Other party Agent Buyer Land contract purchaser Lessee

Name: Harley Bontrager (M H Bontrager Const)

Address: 57342 CR116 Middlebury In 46540

Phone: 574-825-3626 Email: HD Bontrager@IbY Fax.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: Harley Bontrager

Staff Use Only

Description: for an amendment to an existing Special Use for a home workshop/business for a retail shop to allow for an addition and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right

Parcel creation date: 3-1-71

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: Residence 4,072 x 200% is 8,144 minus detached garage (920), shed (168), & current commercial building (7870) is 814 sq. ft. over plus new addition of 3500 is 4,314 sq. ft. over

Location: (N) S E W corner (side) end of CR16, 1,815 ft. N S E (W) of CR43 in Middlebury Township

Frontage: 310.81 Depth: 920.78 Area: 6.97 acres

Subdivision and lot number, if applicable: _____

Present use: Residential, Ag., & Retail

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: 3

How many employees do you want? Full time: 1 Part time: 4

How many of the employees won't live onsite? 5

What will be the days and hours of operation on this property? Mon thru Friday
8:30 to 5:00 PM Sat 9:00 AM to 12:00

How many parking spaces do you have now? 15

How many parking spaces do you want? 15

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. snacks - Honey - Jams - Salsas - etc.

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

100 - 150

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

Tell us how often. 1 a day

Tell us the kind of vehicles used. Trucks + Vans

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. _____

Special Use — Questionnaire

Name: Norman Lehman

1) Tell us what you want to do. Add on to Dutch Country Market
for office + Warehouse

2) Tell us why this activity won't hurt your neighbors or the community. There is no noise
or dust with this business

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: 50x70 - 18' eave
Tell us what you'll use it for. office + Warehouse 24' to Peak
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 ➡

Y

Developmental Variance — Questionnaire

Name: Norman Lehman

1) Tell us what you want to do. Add on to Dutch Country Market office + Warehouse

2) Tell us why you can't change what you're doing so you don't need a variance. More space is needed for storage

3) Tell us why the variance won't hurt your neighbors or the community. nice quiet business no noise or dust

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: 50x70 - 18' eave 24' to peak
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

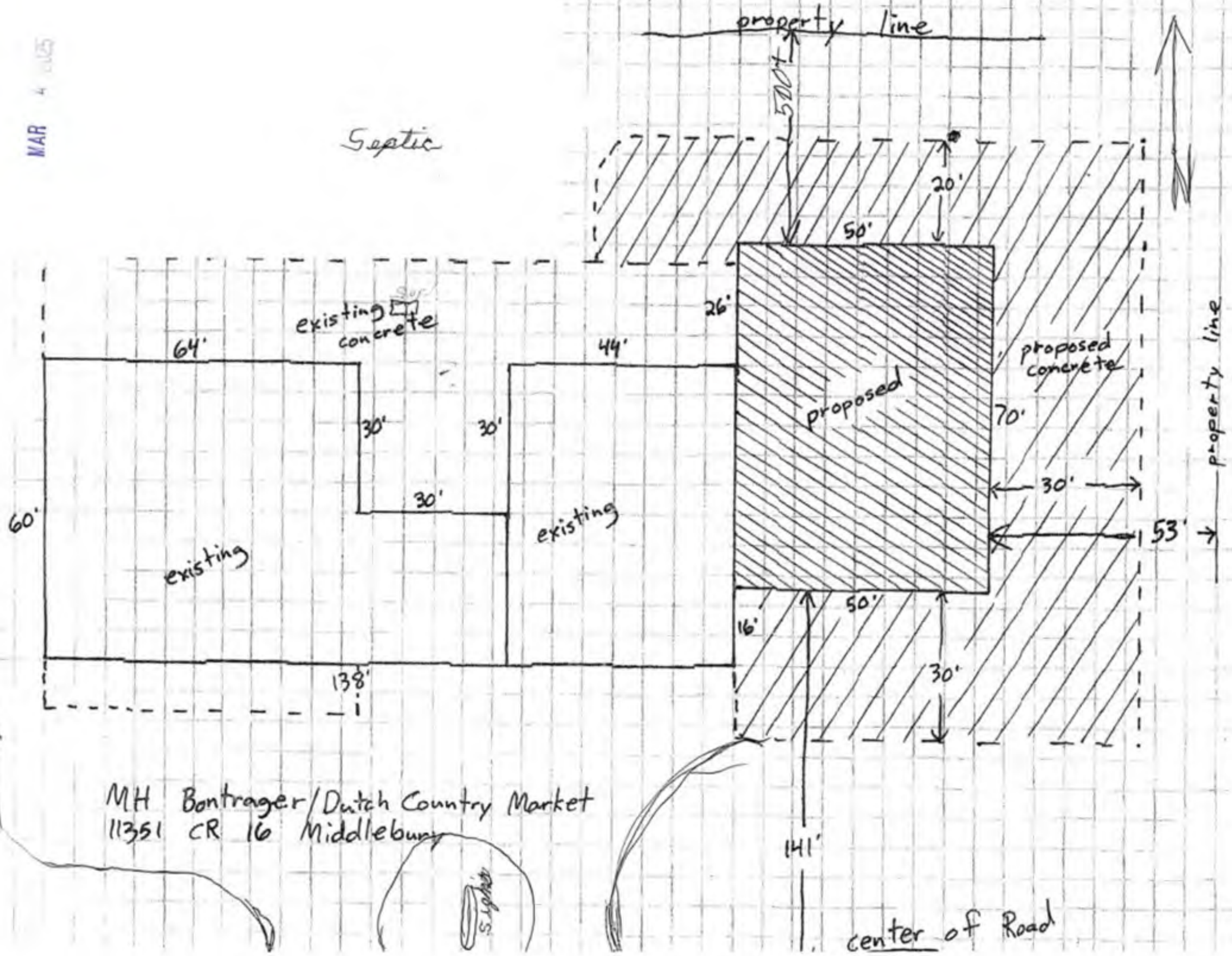
Electronic message board? Y N If no, lighted? Y N

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. _____

MAR 4 2025



MH Bontrager/Dutch Country Market
11351 CR 16 Middleburg

S. Light

center of Road

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 17, 2025

Transaction Number: SUP-0162-2025.

Parcel Number(s): 20-06-35-326-047.000-009.

Existing Zoning: A-1.

Petition: For an Amendment to an existing Special Use for a place of worship to allow for an electronic message board and for a Developmental Variance to allow for an electronic message board within 300 ft. of a residence.

Petitioner: Creekside Church of the Brethren, Inc.

Location: West side of CR 113, 2,400 ft. south of CR 26, in Concord Township.

Site Description:

- Physical Improvement(s) – Church, accessory structures.
- Proposed Improvement(s) – Electronic message board.
- Existing Land Use – Church.
- Surrounding Land Use – Residential, cemetery, agricultural, church.

History and General Notes:

- **December 18, 2003** – The BZA approved a Special Use for a church.

Staff Analysis:

For an Amendment to an existing Special Use for a place of worship to allow for an electronic message board, 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 church.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. The electronic message board will replace an existing changeable-copy sign in the same location on the parcel, which is 19 acres in a medium-density residential and agricultural area.
3. The Special Use Amendment will substantially serve the public convenience and welfare by providing for a communication tool commonly used by places of worship.

BZA Staff Report (Continued)

Hearing Date: April 17, 2025

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

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A recorded deed must be submitted excluding parcels 20-06-35-176-008.000-009 and 20-06-35-326-046.000-009.

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

1. The request is approved in accordance with the site plan submitted (dated 3/13/2025) and as represented in the Special Use Amendment application.

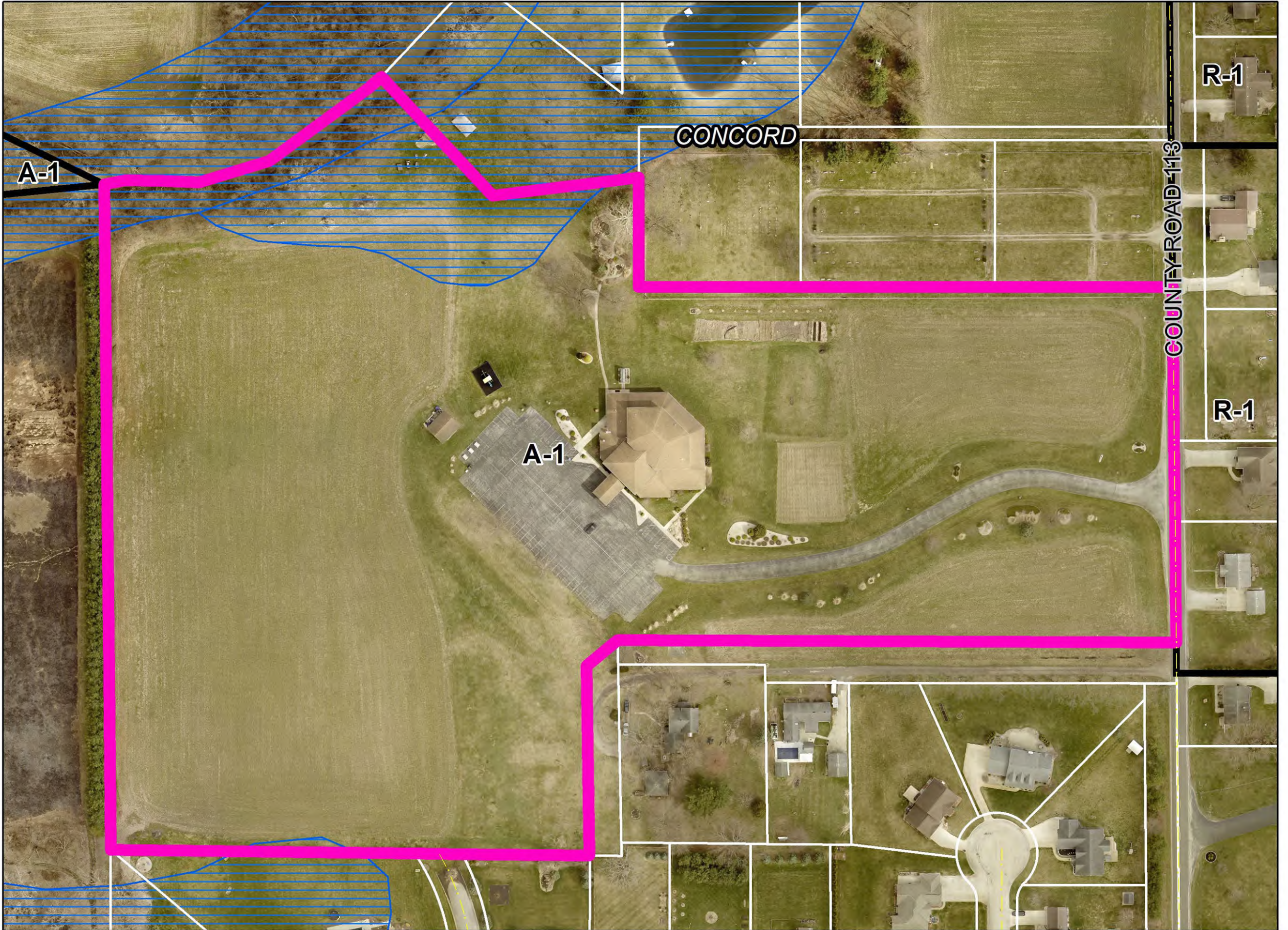
For a Developmental Variance to allow for an electronic message board within 300 ft. of a residence, staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. Electronic message boards must dim at night, and the dimensions of the existing and replacement signs are the same.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 19-acre parcel in a medium-density residential and agricultural area, and the parcel's character will not change.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Strict application would prevent the use of a communication method commonly used by places of worship.

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 (dated 3/13/2025) and as represented in the Developmental Variance application.

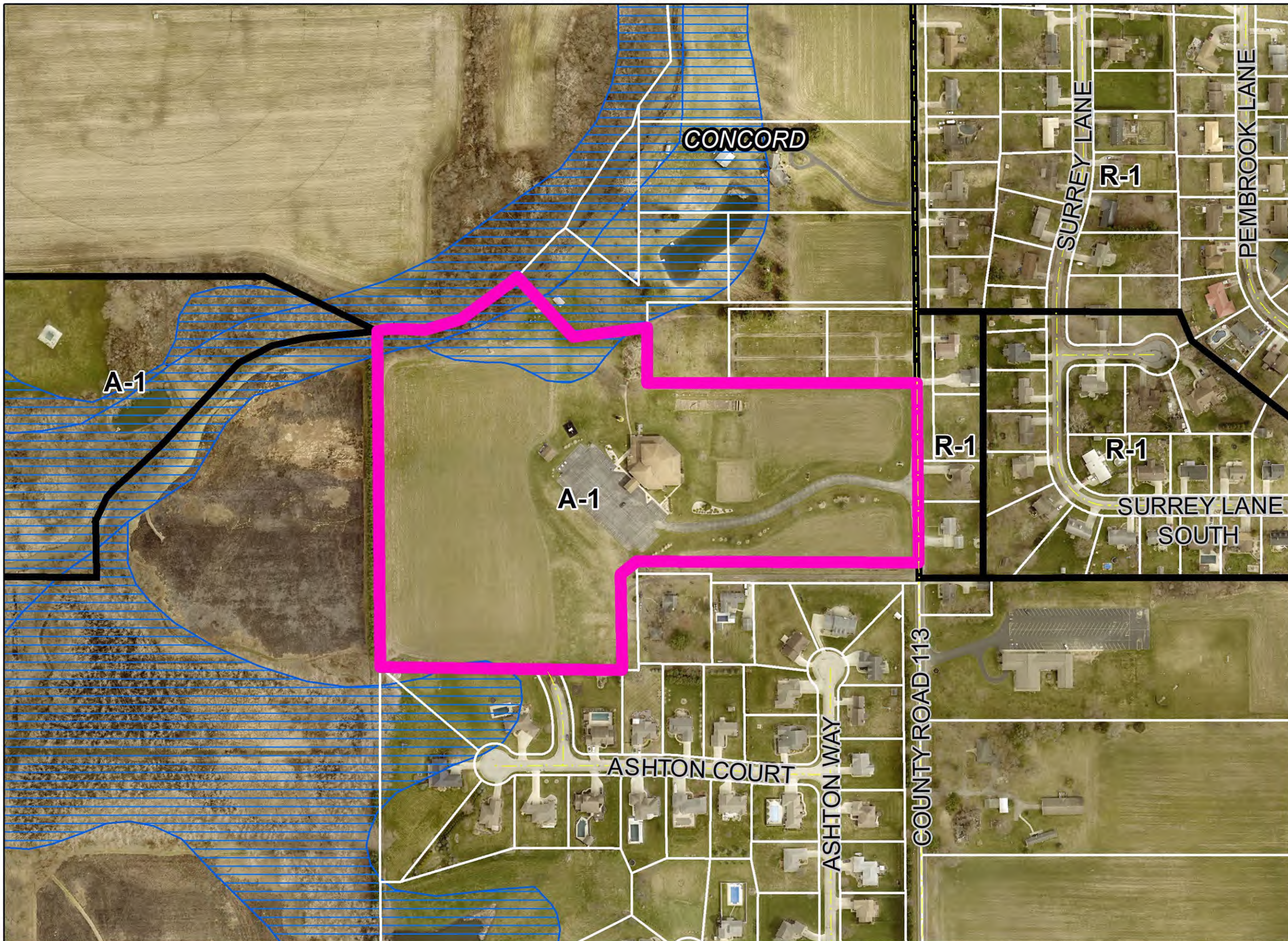
SUP-0162-2025

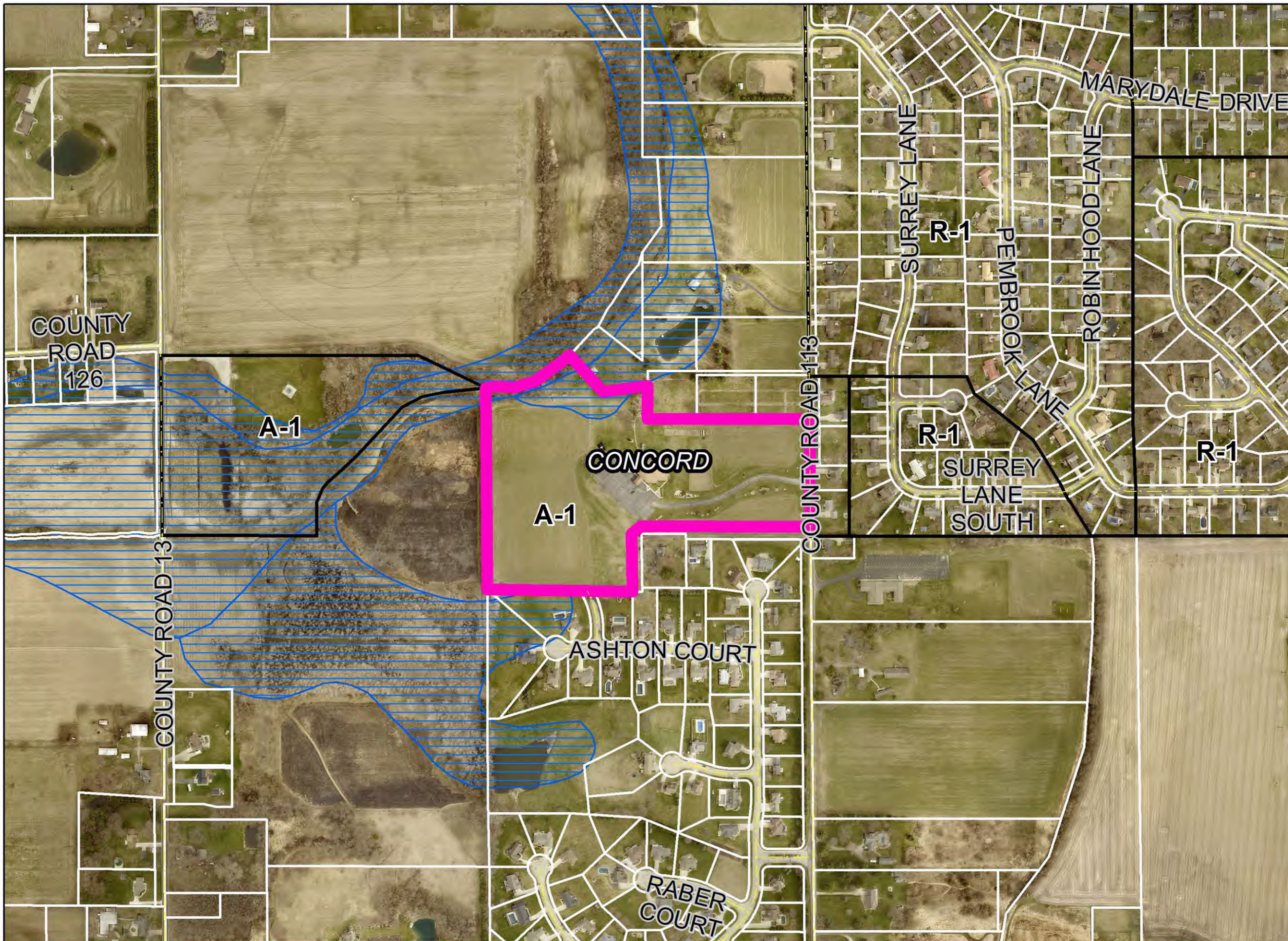


2021 Aerials

1 inch = 150 feet









Subject property



Facing north



Facing south



Facing east

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use Amendment - Non Mobile Home

SUP-0162-2025

Date: 03/13/2025

Meeting Date:

April 17, 2025

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0162-2025

Description: for an Amendment to an existing Special Use for a place of worship to allow for an Electronic Message Board and for a Developmental Variance to allow for an electronic message board within 300 ft. of a residence

Contacts: Applicant

Signtech Sign Services Inc
Po Box 835
Goshen, IN 46527

Authorized Agent

Signtech Sign Services Inc
Po Box 835
Goshen, IN 46527

Land Owner

Creekside Church Of The
Brethren, Inc.
60455 County Road 113
Elkhart, IN 465179183

Site Address: 60455 County Road 113
Elkhart, IN 46517

Parcel Number:

20-06-35-326-047.000-009

Township: Concord

Location: West Side Of County Road 113, 2,400 Feet South Of County Road 26

Subdivision:

Lot #

Lot Area:

19.05

Frontage:

464.54

Depth:

657.00

Zoning: A-1

NPO List: 04/02/2025

Present Use of Property: PLACE OF WORSHIP

Legal Description:

Comments: EXISTING SPECIAL USE #20034060 APPROVED 12/18/2003, MINOR CHANGE REQUEST FOR PLAYGROUND
APPROVED 5/21/2015
PARCEL CREATED 2/26/2009

Applicant Signature:

Department Signature:

Application

Site address: 60455 County Road 113

Parcel number(s): 06-35-326-047-009

Current property owner

Name: Creekside Church of the Brethren Inc

Address: 60455 County Road 113 Elkhart 46517

Phone: 574-707-9872 (Roger) Email: Creekside.Cob@gmail.com

Other party Agent Buyer Land contract purchaser Lessee

Name: Signtech Sign Services

Address: P.O. Box 835 Goshen IN 46527

Phone: 574-537-8080 Email: signtech@signtechsigns.com

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

Signature of current property owner or authorized agent: 

Staff Use Only

Description: _____

Parcel creation date: _____

Subdivision required? Y N If yes, AS Minor Major

Residential accessory breakdown, if applicable: _____

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

Frontage: _____ Depth: _____ Area: _____ acres

Subdivision and lot number, if applicable: _____

Present use: _____

Special Use — Questionnaire

Name: Creekside Church of the Brethren

1) Tell us what you want to do. Remove existing 2' x 7' Changeable Copy Sign and replace with a 2' x 7' Electronic Message Board.

2) Tell us why this activity won't hurt your neighbors or the community. The Electronic Message Board will auto dim at dusk and will not contain "flashing" or "strobining" messages.

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. N/A

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

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

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: N/A
Tell us what you'll use it for. _____

Building or addition 2 Existing? Y N Size and height to the peak: N/A
Tell us what you'll use it for. _____

Building or addition 3 Existing? Y N Size and height to the peak: N/A
Tell us what you'll use it for. _____

8) Does this application include animals? Y N
If yes, tell us what kind and how many of each. 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: 0 Part time: 4

How many employees do you want? Full time: N/A Part time: N/A

How many of the employees won't live onsite? N/A

What will be the days and hours of operation on this property? M-F 9:00-1:00

Sunday 9:30-12:00

How many parking spaces do you have now? 100

How many parking spaces do you want? N/A

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

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

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. N/A

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

N/A

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

Tell us how often. N/A

Tell us the kind of vehicles used. _____

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

Sign 1 Dimensions (length and width). 2' x 7' Electronic Message Board

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. E. M. B will be same size as changeable copy that is existing. Will auto dim @ dusk so not to bother neighboring residents -

Developmental Variance - Questionnaire

* Extra info required

Name: Creekside Church of the Brethren

1) Tell us what you want to do. Remove existing 2' x 7' changeable Copy Sign and replace with a 2' x 7' Electronic Message Board within 300' of residences

2) Tell us why you can't change what you're doing so you don't need a variance. County requires a variance if there are changes to existing signage on a Special Use property

3) Tell us why the variance won't hurt your neighbors or the community. Electronic Message Center will auto dim at dusk and will not contain any "flashing" or "strobing" messages

4) Does the property need well and septic? Well: [] Y [] N Septic: [] Y [] N
Does the property need a new septic system? [] Y [] N N/A
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: N/A
Tell us what you'll use it for.
Building or addition 2 Size and height to the peak: N/A
Tell us what you'll use it for.
Building or addition 3 Size and height to the peak: N/A
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 [X] 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. N/A
Tell us how many parcels will use the easement.

7) Does the application include variances for signs? [X] Y [] N If yes, fill out below.
Sign 1 Dimensions (length and width): 2' x 7' Electronic Message Board
Existing? [X] Y [] N Double faced? [X] Y [] N
Electronic message board? [X] Y [] N If no, lighted? [] Y [] N
Freestanding? [X] 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. N/A

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

Existing 54" h x 96" w
Double sided sign



Proposed 54" h x 96" w
Double sided sign with
added 2' h x 7' w
Electronic signs





06-35-176-005-009

06-35-176-006-009

06-35-176-007-009

06-35-251-025-009

06-35-

306

245

06-35-

06-35-251-024-009

06-35-

06-35-326-047-009

06-35-251-022-009

06-35-

220

06-35-251-023-009

06-35-

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06-35-176-008-009

06-35-326-046-009

06-35-326-048-009

06-35-326-002-009

06-35-327-010-009

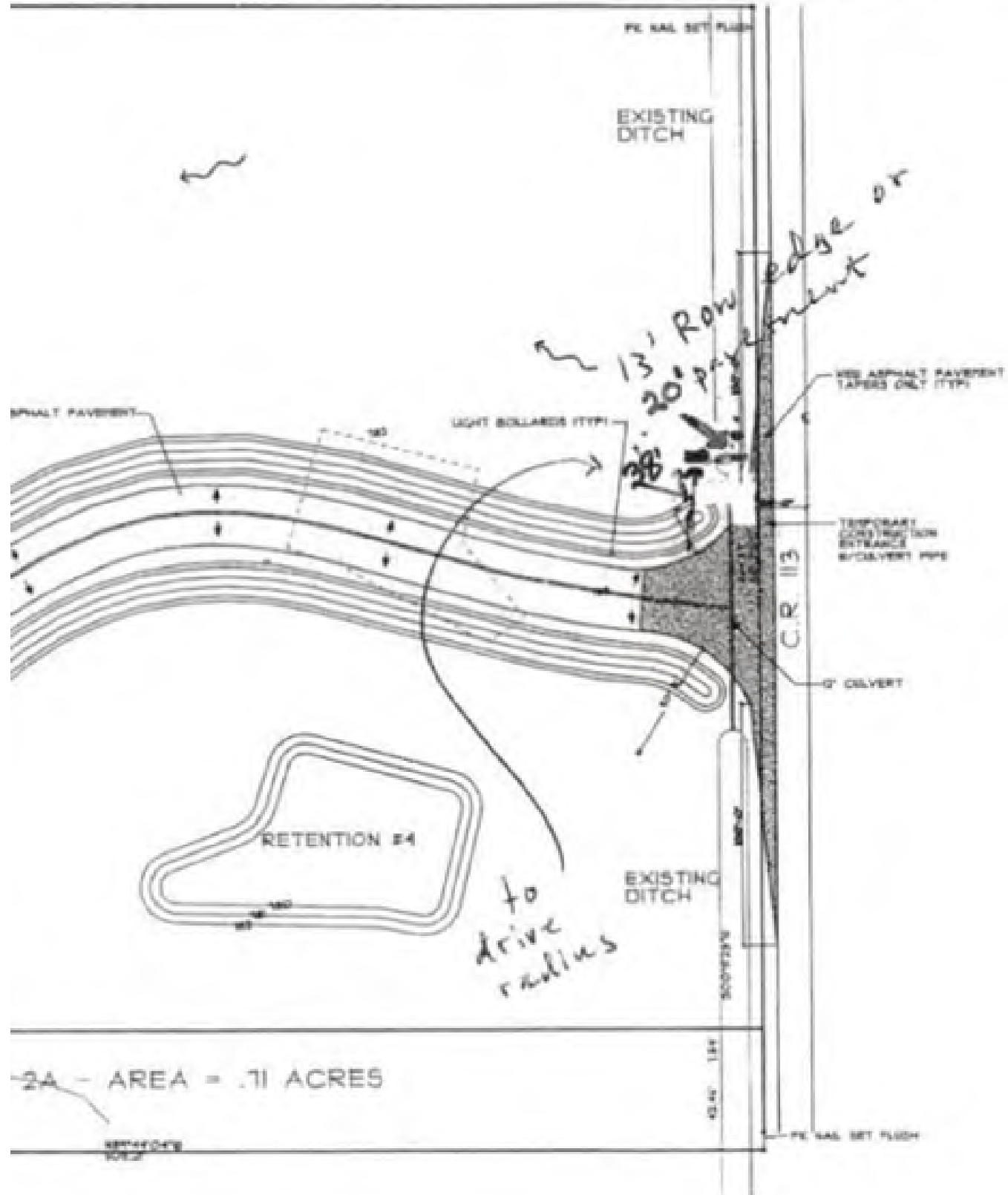
06-35-401-001-009

06-35-327-011-009

MAR 13 2025

- - - - - CONTOUR REMOVED
 _____ CONTOUR NEW
 _____ CONTOUR EXISTING

~1.5x7 existing illuminated
 2x7 EMB new



2A - AREA = .11 ACRES

SECTION 101.2

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: April 17, 2025

Transaction Number: SUP-0095-2025.

Parcel Number(s): 20-07-12-200-011.000-019 & 20-07-12-200-011.000-019.

Existing Zoning: A-1.

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

Petitioner: Tri-County Land Trustee Corporation (Land Contract Holder) & Martin Graber & Lucinda Graber (Land Contract Purchasers).

Location: West side of CR 31, 2,130 ft. south of CR 14, in Jefferson Township.

Site Description:

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

History and General Notes:

- **March 20, 2025** – The BZA tabled this petition.

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 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 large 10-acre parcel in a medium-density residential and agricultural area, and the property will remain residential and agricultural in character. All work will be done indoors with a minimal increase in traffic.
3. The Special Use will substantially serve the public convenience and welfare by allowing for a local woodworking business.

BZA Staff Report (Continued)

Hearing Date: April 17, 2025

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 (dated 2/17/2025) and as represented in the Special Use application.
2. Backing in or backing out of semi-tractor trailers from/onto CR 31 is prohibited.

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 5,460 sq. ft., or 49%, over what is allowed by right, and the structure will sit back from the line of sight of adjacent residences to not block their views.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 10-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 all other developmental standards will be met.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Accessory structures of this scale already appear on nearby properties and are typical of medium- and low-density neighborhoods.

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

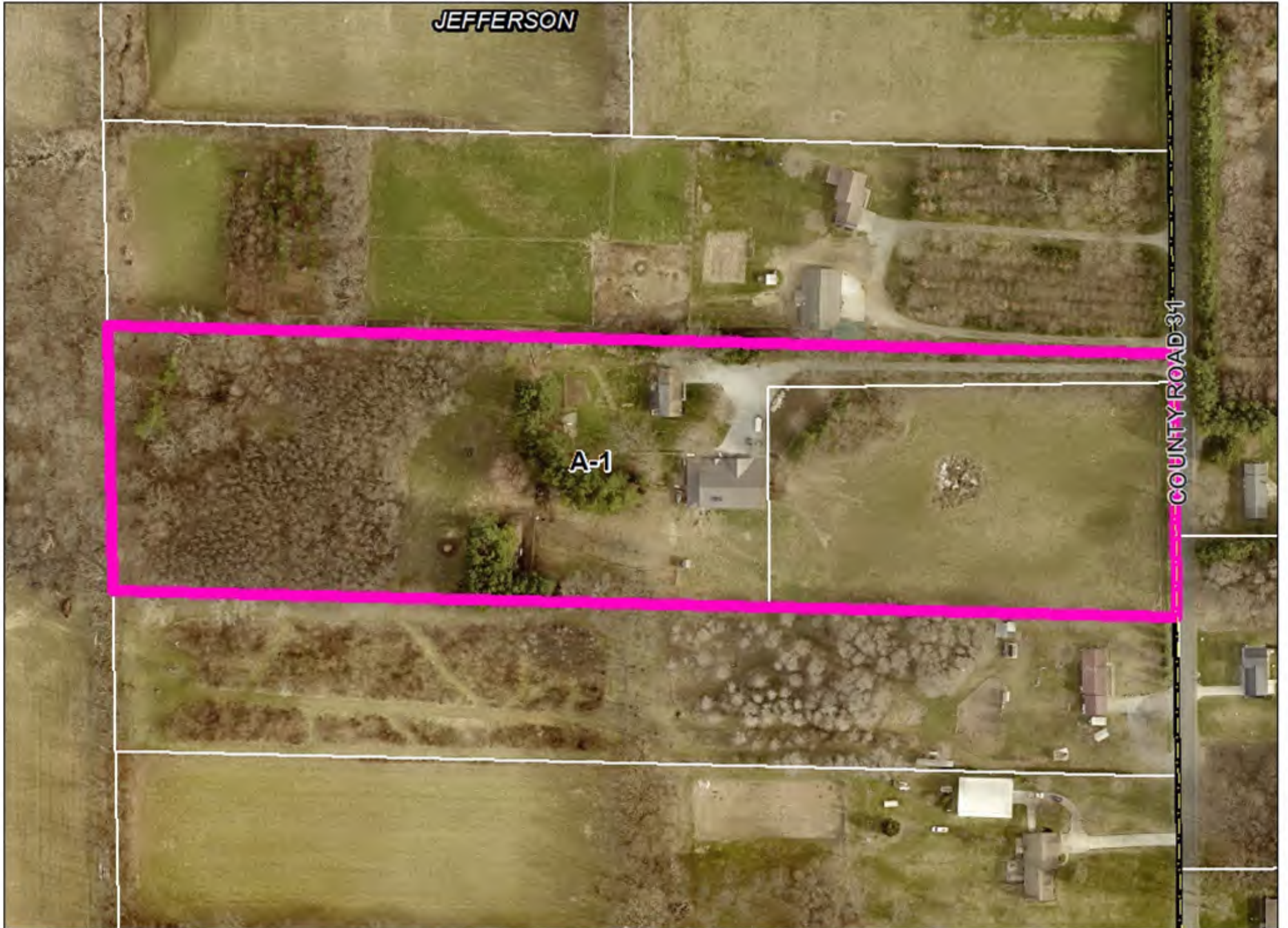
1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 2/17/2025) and as represented in the Developmental Variance application.

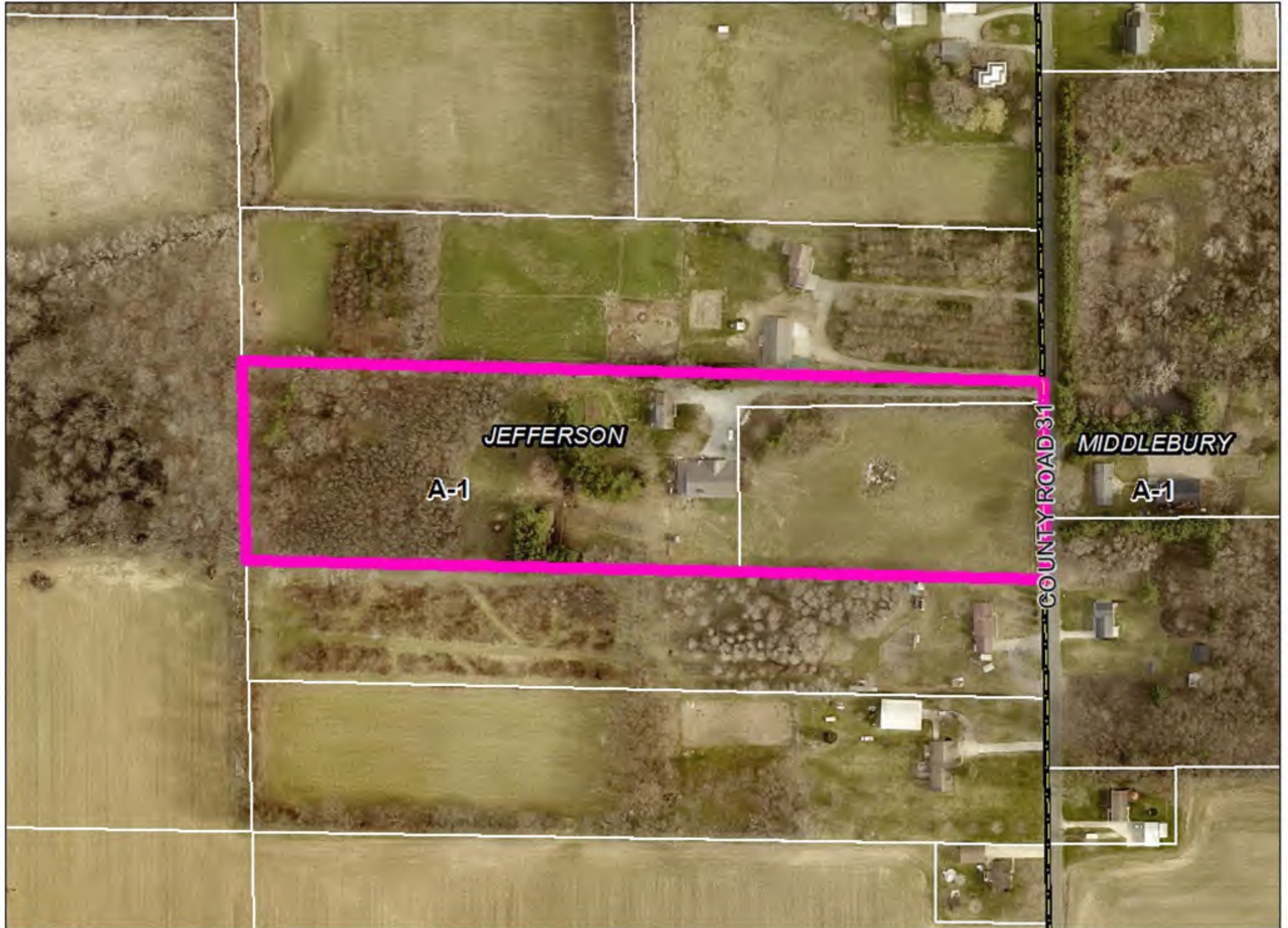
SUP-0095-2025

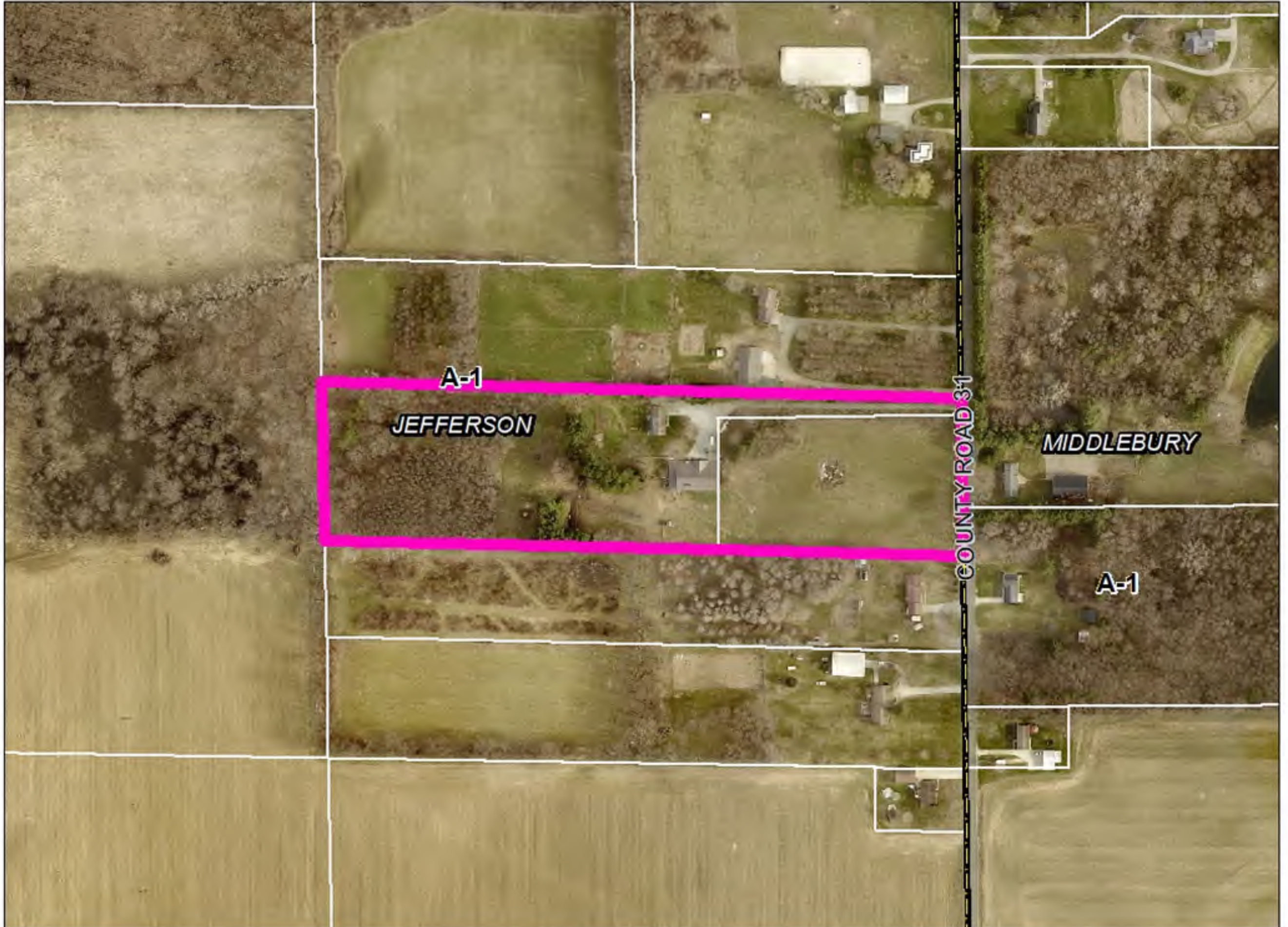
JEFFERSON

A-1

COUNTY ROAD 31







A-1

JEFFERSON

MIDDLEBURY

COUNTY ROAD 31

A-1



Looking west towards subject property



Looking southwest towards proposed structure location



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

SUP-0095-2025

Date: 02/17/2025 Meeting Date: March 20, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0095-2025

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 of accessory structures to exceed that allowed by right.

<u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>	<u>Land Owner</u>
Martin & Lucinda Graber (Land Contract Purchaser) 56381 Cr 31 Goshen, IN 46528	Precise Builders 6380 W 200 N Shipshewana, IN 46565	Tri-County Land Trustee Corporation (Land Contract Holder) 7890 S 200 W Topeka, IN 46571	Martin & Lucinda Graber (Land Contract Purchaser) 56381 Cr 31 Goshen, IN 46528

Site Address: 56381 County Road 31 Goshen, IN 46528	Parcel Number: 20-07-12-200-011.000-019
--	---

Township: Jefferson
Location: WEST SIDE OF CR 31, 2,130 FT. SOUTH OF CR 14

Subdivision:	Lot #
--------------	-------

Lot Area: 10.00	Frontage: 326.00	Depth: 1,355.00
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Zoning: A-1	NPO List: 04/02/2025
-------------	----------------------

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 8/30/1977.
RESIDENTIAL DWELLING AREA 1,344 SQFT X 200% = 2,688 SQFT. MINUS UTILITY SHED 180 SQFT, UTILITY SHED 320 SQFT, UTILITY SHED 256 SQFT, UTILITY SHED 80 SQFT = 1,852 SQFT. MINUS NEW PROPOSED STRUCTURE 60 X 12= 7,312 SQFT, 8 X 14= 112 SQFT = -5460 SQFT.

Applicant Signature:

Department Signature:

Application

Site address: 56381 C.R. 31 Goshen, IN

Parcel number(s): 20-07-12-200-010, 20-07-12-200-011.000-019.

Current property owner

Name: Martia Graber

Address: 56381 C.R. 31 Goshen

Phone: 260-385-5909 Email: Samuel.Precise@gmail.com

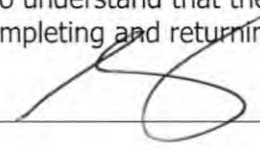
Other party Agent Buyer Land contract purchaser Lessee

Name: Samuel Schwartz

Address: 7465 W 750 N Shipshewana, IN 46565

Phone: 765-480-5536 Email: Samuel.Precise@gmail.com

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

Signature of current property owner or authorized agent: 

Staff Use Only

Description: For a Special Use for a home workshop for a Woodworking shop. For a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Parcel creation date: 8/30/1977

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 31,
2,130 ft. N S E W of CR 14,
in MIDDLEBURY Township

Frontage: 326 FT. Depth: 1,355 FT. Area: 10 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL AG.

Application

Site address: 56381 C. R 31 Goshen, IN

Parcel number(s): 20-07-12-200-010

Current property owner

Name: Martin Graber

Address: 56381 C. R 31 Goshen, IN

Phone: 260-395-6909 Email: Samuel.Precise@gmail.com

Other party Agent Buyer Land contract purchaser Lessee

Name: Samuel Schwartz

Address: 7865 W 750 N Shipshewanna, IN 46565

Phone: 765-480-5536 Email: Samuel.Precise@gmail.com

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

Signature of current property owner or authorized agent: 

*SEE SPECIAL USE
FRONT PAGE.*

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: Martin Graber

1) Tell us what you want to do. Woodworking Shop to build custom cabinets
Shop to include Inside dust collector, diesel room, tools needed
to build cabinets. Spray booth

2) Tell us why this activity won't hurt your neighbors or the community. minimal noise.
dust collector will be inside. Diesel will be in insulated
building. Very minimal traffic

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: 60x120x24

Tell us what you'll use it for. Woodworking Shop

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: 1 Part time: _____

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

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

Mon - Fri 5 A.M - 3 P.M

How many parking spaces do you have now? 0 ~~1~~

How many parking spaces do you want? 4 ~~1~~

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

If yes, tell us what will be stored outside or displayed. nothing.

Will there be retail sales on this property? Y N

If yes, tell us what will be sold. _____

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

0

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

Tell us how often. once a week

Tell us the kind of vehicles used. Truck and cargo trailer

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

Sign 1 Dimensions (length and width). 24" x 36"

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. We will not have showroom onsite. Very little noise or customer interactions at wood working shop.

Developmental Variance — Questionnaire

Name: Martin Graber

1) Tell us what you want to do. Woodworking Shop. to build custom cabinets. Shop to include Inside dust collector, Diesel Room. Tools needed to build cabinets. Spray booth

2) Tell us why you can't change what you're doing so you don't need a variance. Need Storage Space to store cabinets that are waiting to install

3) Tell us why the variance won't hurt your neighbors or the community. minimal noise. dust collector will be inside. Diesel will be in insulated building. Very minimal Traffic

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: 60x120 x 24' to peak
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. Martin Graber

Tell us how many parcels will use the easement. 1

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

Sign 1 Dimensions (length and width): 24" x 36"

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

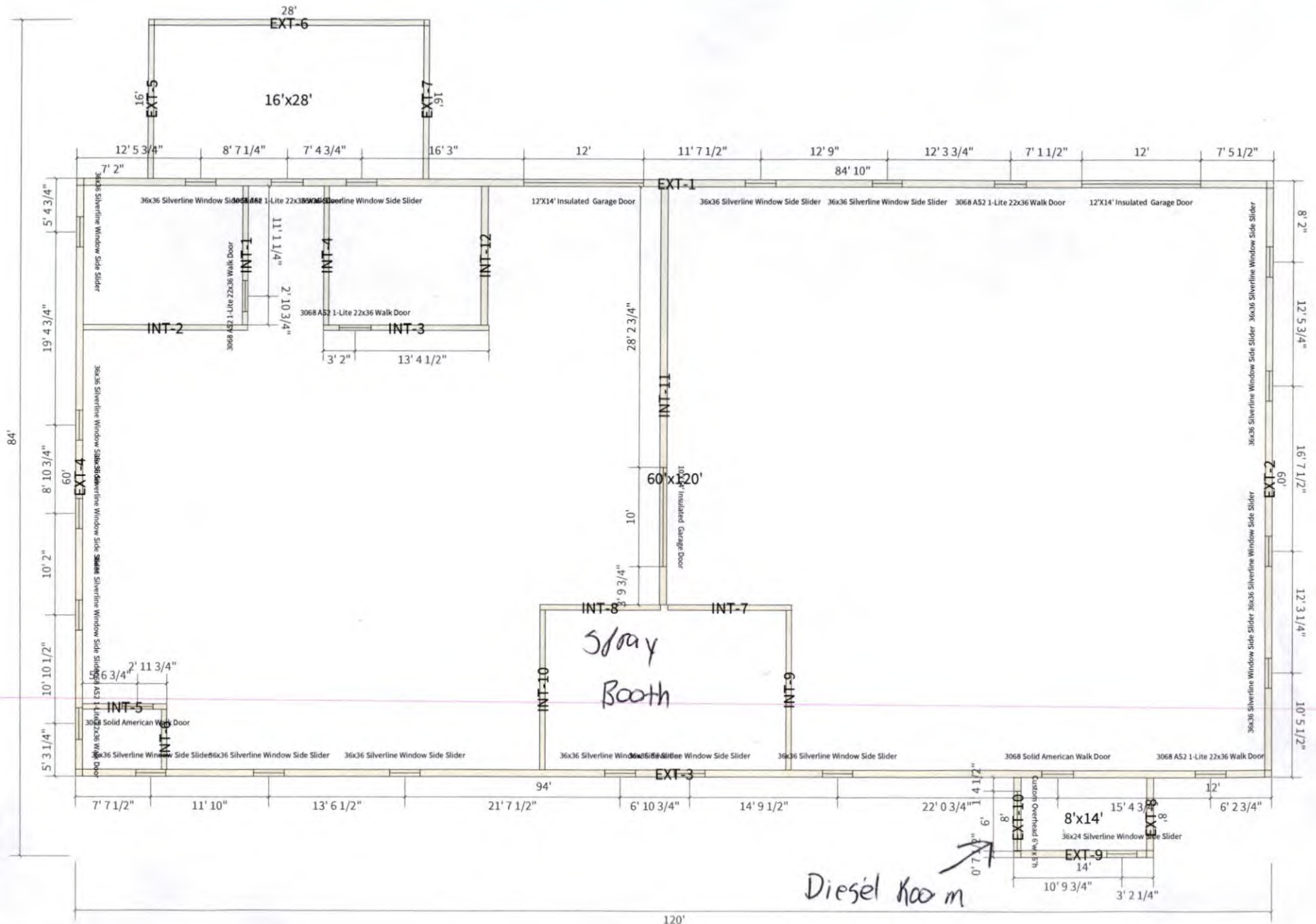
Freestanding? Y N Wall mounted? Y N

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. _____

Wall Layout

Job: Martin Graber 1
Date: 2/10/2025
Time: 7:31 PM



Diesel Room

120'

Iso 1

Job: Martin Graber 1
Date: 2/1/2025
Time: 9:47 AM



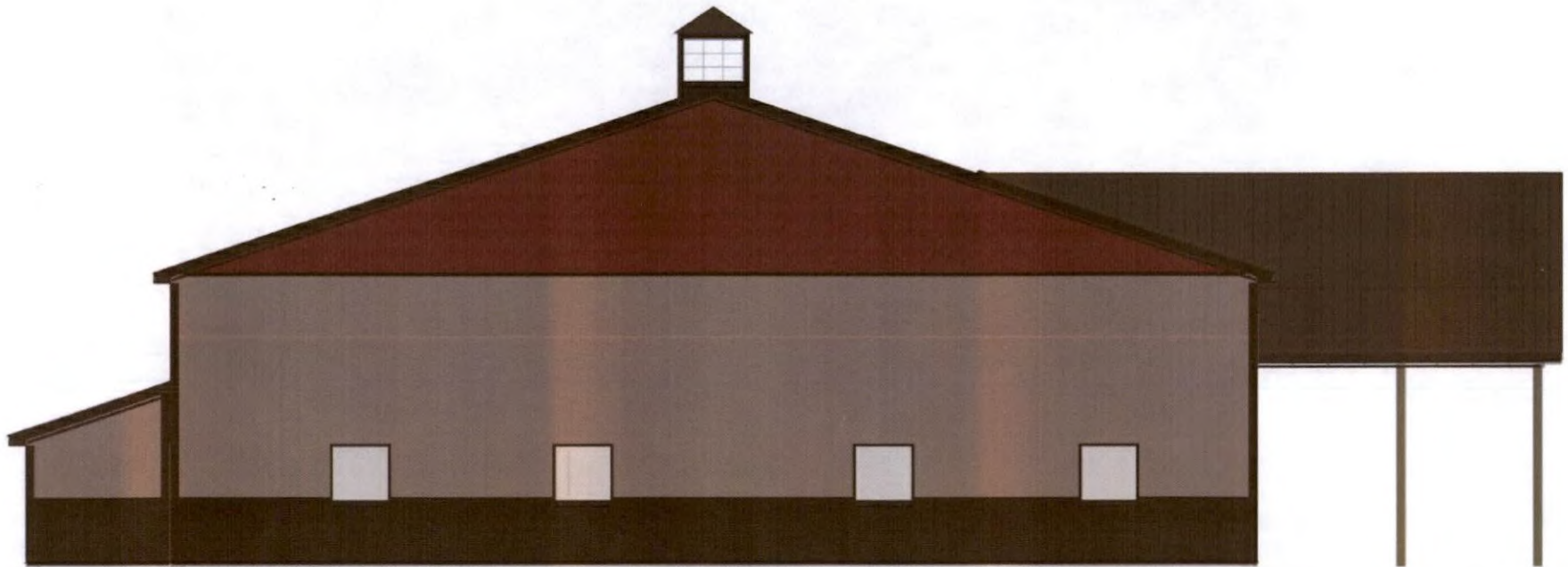
Iso 2

Job: Martin Graber 1
Date: 2/1/2025
Time: 9:47 AM



Front Elevation

Job: Martin Graber 1
Date: 2/1/2025
Time: 9:47 AM



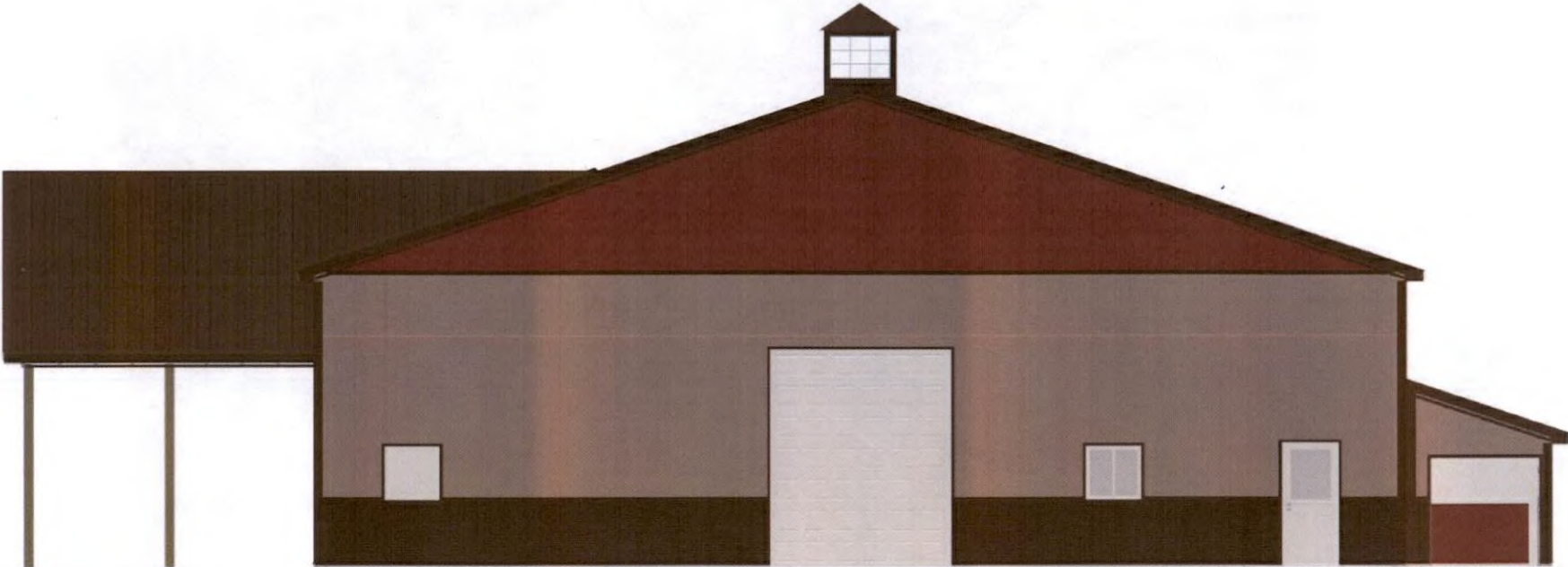
Left Elevation

Job: Martin Graber 1
Date: 2/1/2025
Time: 9:47 AM



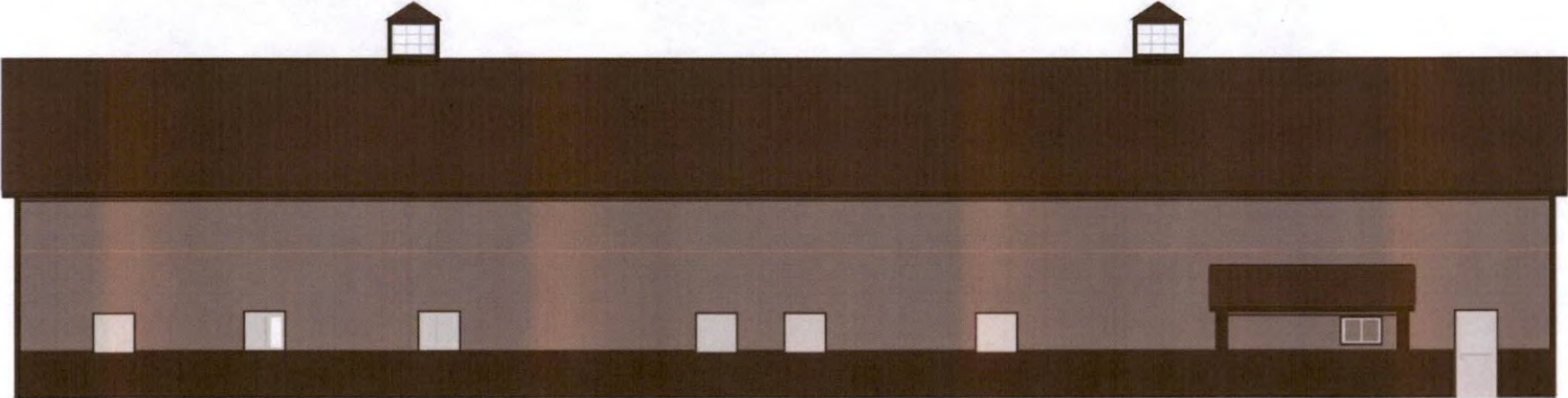
Back Elevation

Job: Martin Graber 1
Date: 2/1/2025
Time: 9:47 AM



Right Elevation

Job: Martin Graber 1
Date: 2/1/2025
Time: 9:47 AM



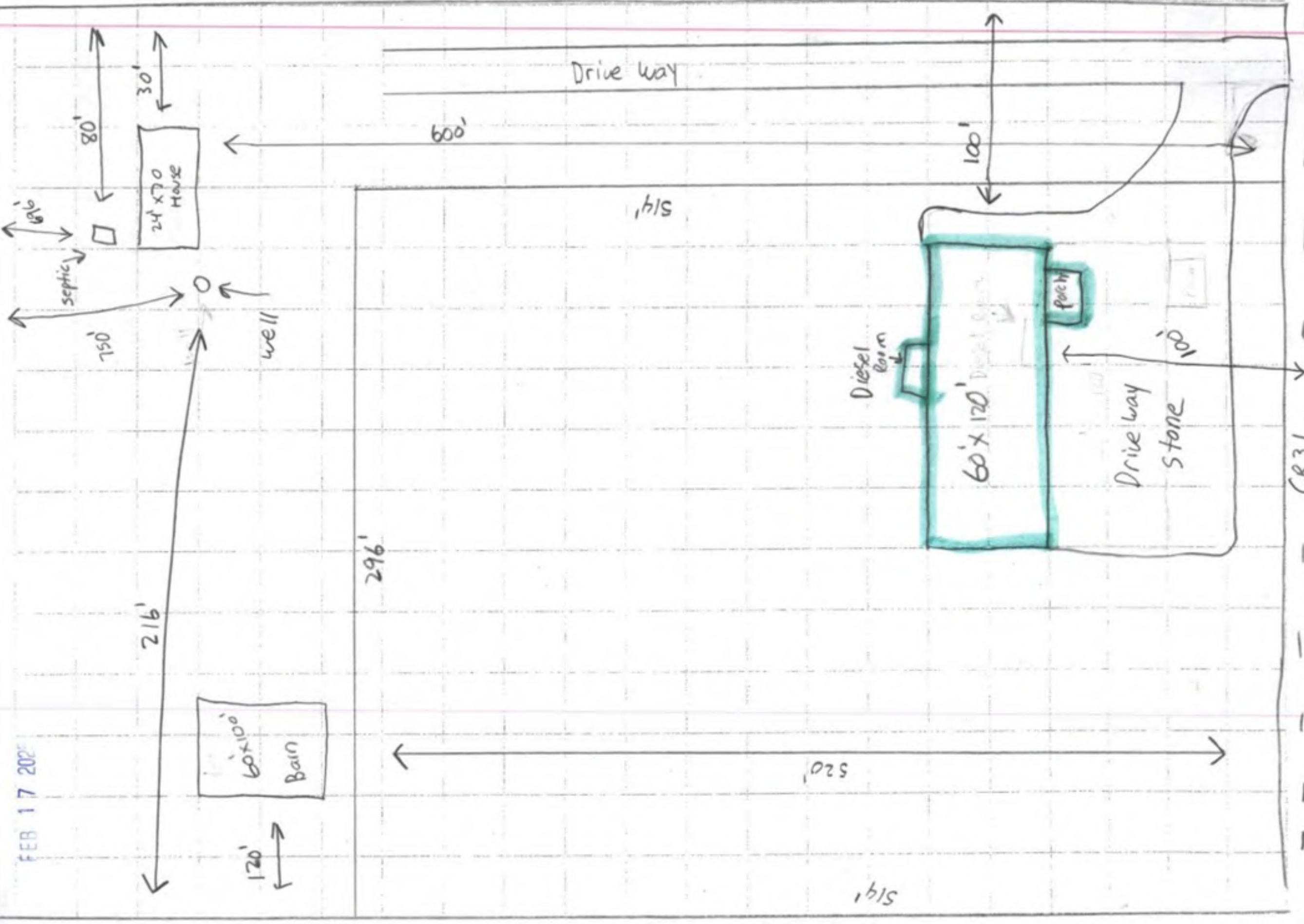
Summary Sheet

Summary	
Width	60'
Length	120'
Ceiling Height	16'
Slab Depth	0' 4"
Slab Offset	0' 4"
Overhangs	1'
Roof Pitch	4/12

Job Information	
Name	Martin Graber 1
Email	eichernoah567@gmail.com
Phone	
Address	
ZIP code	
Desired Date	
Enter Customer type	retail
Salesperson	Stan Peachey
Loading	30



1335' N



FEB 17 202

326'

1335'

Sl4

520'

296'

216'

750'

60' x 120' Diesel Shop

Driveway stone

Diesel Room

porch

Sl4

Driveway

600'

24' x 70' House

60' x 100' Barn

120'

septic

well

80'

30'

100'

100'

CR31



DATE: March 19, 2025

TO: BZA

FROM: Danielle Richards, Planner

SUBJECT: Major/Minor Change Request – Extension of issuance of Improvement Location Permit.

Devon R. Schrock is requesting to extend the issuance of the Improvement Location permit for an additional 6 months (SUP-0641-2024) on property located at 10551 CR 24, Middlebury, IN 46540, in Middlebury Township, approved on October 17, 2024.

Staff recommends this be request be approved.

This major/minor change staff item will be on the **April 17th, 2025**, BZA agenda.

3-19-25

To whoever it may concern.

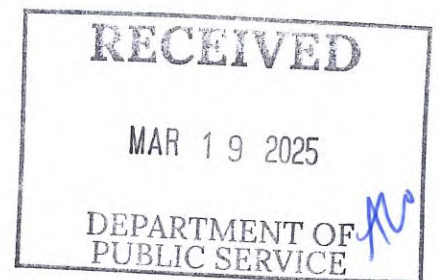
I am asking for an extension on my Variance (case # SUP-0641-2024) at 10551 CR 24 Middlebury IN 46540 as I need more time (6 Months) for State approval. Parcel # 20-08-25-100-020.000-034

Devon Schrock

Devon Schrock

574-825-5639X1

fax # 574-825-6746

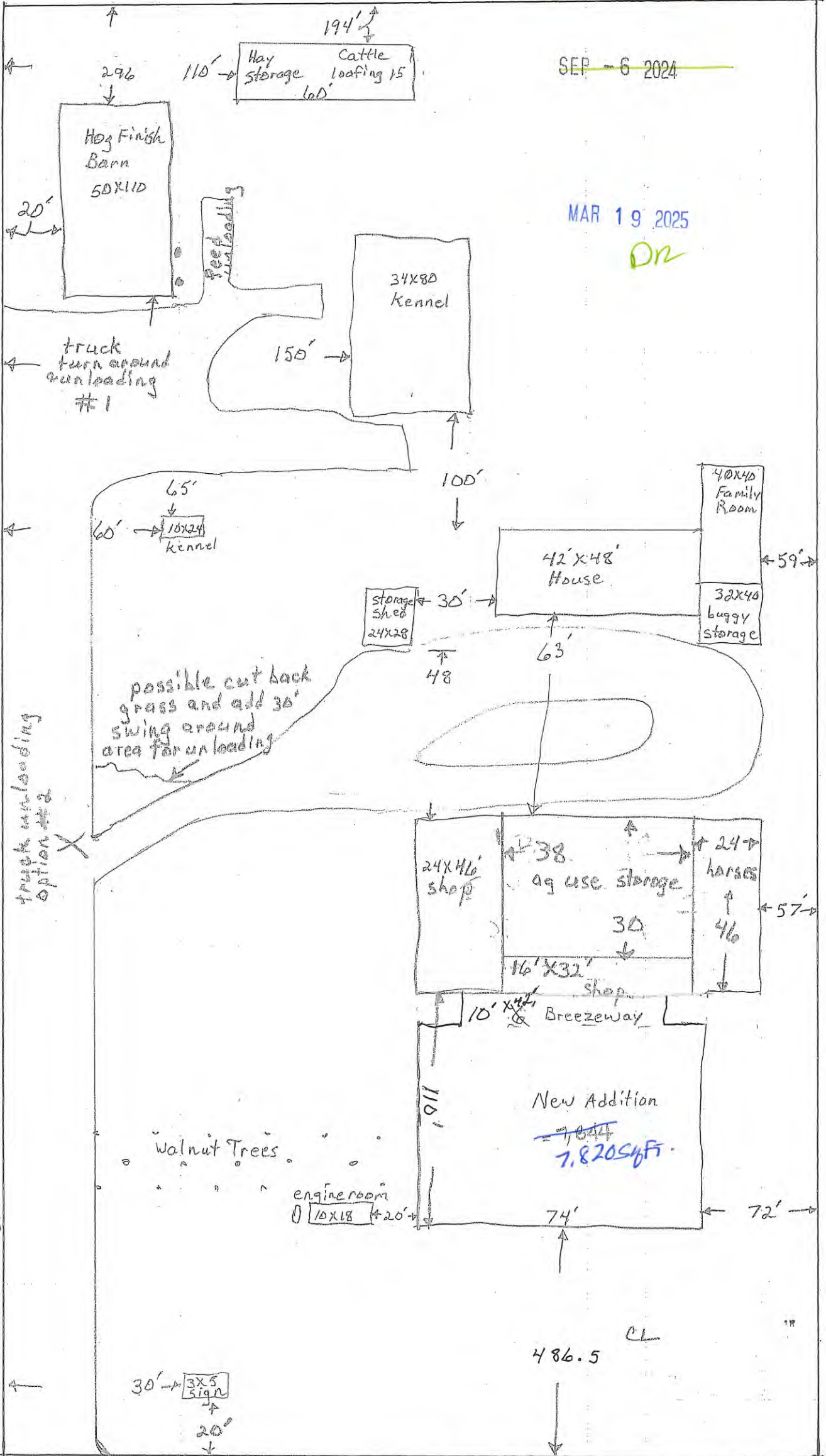


10551 CR 24

SEP - 6 2024

MAR 19 2025

DR



Drawing Not to scale
CR 24

AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT, entered into this 17th day of April 2025 by and between the Elkhart County Board of Zoning Appeals, hereafter designated as the “First Party”, and Barkes, Kolbus, Rife & Shuler, LLP, attorneys-at-law, practicing in the City of Goshen, Elkhart County, Indiana, hereafter designated as “Second Party;”

WITNESSETH

WHEREAS, the parties hereto desire to enter into this written Agreement concerning the services for the First party by the Second Party as Board of Zoning Appeals attorney for Elkhart County, by setting forth compensation and scope of work;

NOW, THEREFORE, to confirm the Agreement between the parties and in consideration of the premises, the parties AGREE:

1. The First Party shall hire the Second Party as attorney for the Board of Zoning Appeals with said services covering the time period July 1, 2025, through July 1, 2026.
2. Compensation of the second party, for attendance at the First Party’s monthly meeting is set at Ten Thousand Twenty-Five Dollars and Ninety Cents (\$10,025.90) annually, with payment of said amount being made in monthly installments at the beginning of each calendar month. Compensation for all other work provided by the Second Party shall be on an hourly basis, Second Party acknowledges proper claims for compensation shall be submitted to the First Party who will process such claims in accordance with the procedures established by Elkhart County.
3. It is stipulated by First Party and Second Party that compensation herein stated is for services by second party as legal counsel to the Board of Zoning Appeals as an independent contractor and not as an employee of Elkhart County.
4. Second Party may designate any attorney in Barkes, Kolbus, Rife & Shuler, LLP, to provide the services but the Second Party shall directly receive the compensation required by this Agreement. Such designation shall not increase the compensation payable to the Second Party or such designee beyond what is required by this Agreement.
5. This Agreement may be terminated by either party giving the other party written notice of termination at least sixty (60) days prior to the effective termination date. This Agreement shall be subject to and governed by the terms and provisions of Indiana law.

Executed this 17th day of April 2025.

Barkes, Kolbus, Rife & Shuler, LLP

Chairman, Board of Zoning Appeals

By: _____
Partner