

**PLAN MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 10TH DAY OF APRIL 2025 AT 9:30 A.M. IN THE**  
**MEETING ROOM OF THE ADMINISTRATION BUILDING**  
**117 N. 2<sup>ND</sup> ST., GOSHEN, INDIANA**

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Chairman, Steve Warner. The following staff members were present: Mae Kratzer, Plan Director; Jason Auvil, Planning Manager; Danny Dean, Planner; Danielle Richards, Planner; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

**Roll Call.**

**Present:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Roger Miller, Brad Rogers.

**Absent:** Steven Clark, Dan Carlson, Brian Dickerson.

2. A motion was made and seconded (*Edwards/Warner*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 13th day of March 2025, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Warner/Edwards*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. The motion was carried with a unanimous vote.

4. The application for a zone map change from R-2 to DPUD B-3 and R-2 and for primary approval of a 2-lot minor subdivision to be known as MILLER'S COUNTY ROAD 4 DPUD MINOR SUBDIVISION, for Nathan D. Miller & Lori B. Miller, Husband & Wife represented by Land and Boundary LLC, on property located on the north side of CR 4, 1,990 ft. west of East County Line Rd., common address of 10361 CR 4 in York Township, zoned R-2, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0131-2025*.

Mr. Miller pointed out that the staff Report states the zoning is in character with the surrounding zoning, but there are no other businesses around. He asked how the argument is valid, and he said it looks like an industrial building being put out in the middle of the country. Mr. Auvil stated that the scope and scale of these types of buildings can be found all over agricultural and residential areas

Levi Rednour, Land and Boundary, 401 S. Third St., Goshen, was present representing the petitioner. He stated there is a business across the street on the south side. He mentioned the owner is present if there are any business-related questions. He further mentioned that all the setbacks and buffering have been met for this zone. He commented that there will be one semi-truck per month, and most deliveries will be by freight trucks. He continued to state that the deliveries will be RV water filter parts. Mr. Miller mentioned it doesn't sound like there will be any heavy industrial uses at this time; however, in the future the rezoning, it would allow it. Mr. Rogers asked if the request is for a B-3 zone. Mrs. Snyder indicated it is for a B-3, not an M-1 zoning. Mr. Rogers asked if the owner sells the property, since this is a DPUD, would they have to come back for approval. Mr. Kolbus stated that the type of use that is proposed will be what the new owner is limited to. Mr. Warner clarified that there is a big enough radius to allow a semi to turn around within the property.

Mr. Rednour stated that it is correct.

There were no remonstrators present.

A motion was made and seconded (*Rogers/Edwards*) that the public hearing be closed, and the motion was carried with a unanimous vote.

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

**Motion: Action:** Approve, **Moved by** Brad Rogers, **Seconded by** Steve Warner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from R-2 to DPUD B-3 and R-2 and for primary approval of a 2-lot minor subdivision to be known as MILLER'S COUNTY ROAD 4 DPUD MINOR SUBDIVISION be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** : Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Roger Miller, Brad Rogers

7. The application for primary approval of a 2-lot minor subdivision to be known as 102 MINOR, for CRN Real Estate LLC, Gary Middleton (Appellant) represented by Niblock Excavating, on property located on the south side of CR 102, 985 ft. west of CR 25, common address of 17900 CR 102 in Washington Township, zoned A-1, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #MI-0053-2025*. Mr. Dean explained to the Board that this subdivision met all technical requirements and could not be denied by the Plat Committee. He stated that the appellant mentions two specific items the first being the septic system. Mr. Dean expressed that the appellant states the septic system on lot 1 infringes on lot 2. Mr. Dean noted that statement is true, and the Environmental Health Department has required that the septic system be abandoned through the proper abandonment procedures that are outlined by the Health Department. He further stated that the Health Department has given full consent to move forward with the subdivision. Mr. Dean stated that the second item the appellant brings up is there are the few homes on smaller lots in the area, but the Developmental Ordinance states nothing that prohibits density down to the minimum square footage of a lot in an A-1 zone, which is 20,000 sq. ft.. for a single-family home on a septic system.

Dwayne Mast, Niblock Excavating, 906 Maple St., Bristol, was present representing the petitioner. Mr. Rogers asked what the goal is for this subdivision. Mr. Mast stated to create a separate lot for an additional residence. Mr. Rogers questioned whether it was for any industry. Mr. Mast stated it will remain a single-family residence. Mr. Rogers questioned due to the representation of Niblock Excavating. Mr. Mast stated that is his employer, the representative for the petition.

Gary Middleton, 17810 CR 102, Bristol, was present as the appellant. He indicated he lives to the east of this project. He mentioned there are survey discrepancies on this property. He stated the easement to the west of this property is part of the discrepancy. He stated that the owner of the neighboring property could not be at the meeting today. Mrs. Snyder asked the appellant what his issue is with the proposed subdivision. Mr. Middleton stated his issue is building another house. He mentioned that his conflict is the 1-acre lot being divided into 2 lots. He further stated it barely meets the minimum requirements, and he believes it is turning into a semi-commercial property with rental individuals. He stressed they will not be a primary residences. He mentioned there is no other lot near

this property that has been subdivided into this small of parcels. He further stated that there were people in his backyard doing a land survey that was not correct. He indicated CRN is the company that had purchased the property, and Niblock is the surveyor. He mentioned the simple solution to this problem is to allow him to purchase the property. Mrs. Snyder stated this subdivision has passed every County requirement. Mr. Middleton asked if the easement was taken into consideration. Mrs. Snyder stated yes the easement was considered. She further explained to Mr. Middleton that all of the county departments have to work together, and the subdivision met all their requirements. Mr. Middleton clarified about the minimum square footage of a home. Mr. Miller stated there is no minimum square footage. Mr. Middleton then asked that any size home can be put on this lot. Mrs. Snyder stated that it has to coincide with the septic system size. She further stated that there are multiple checks and balances.

A motion was made and seconded (*Miller/Rogers*) that the public hearing be closed, and the motion was carried with a unanimous vote.

Mr. Rogers asked about the easement that was brought up by Mr. Middleton. He further stated it would be crowded. Mr. Dean explained that the easement is on the west side of the property and it does not directly relate to the use of this property. He explained it relates to the property that is behind the subject property. Mr. Dean stated he believes that this easement will be extinguished. Mr. Rogers stated he has no documents stating where the easement is located. Mr. Dean repeated that it is on the west side of the property. Mr. Rogers commented that it doesn't directly impact Mr. Middleton. Mr. Dean stated that it was correct; it does not affect him. Mr. Rogers asked what the purpose of the easement is. Mr. Dean asked Mr. Mast to come up and explain the easement.

Mr. Mast came back on and explained that the easement on the west side is an easement of use. He further explained that it was access to the rear property, which is no longer landlocked. He stated they have been in contact with the adjacent landowners to have the easement removed from the plat. Mr. Rogers asked if the proposed residences will be rental houses. Mr. Mast stated he has no way of knowing one way or another. Mr. Rogers asked for the reasoning of bringing the easement up and what impact it has on him.

Mr. Middleton came back on and stated he is involved in the trust with the adjacent property. Mr. Rogers asked for clarification on the vacation of the easement. Mr. Dean stated it is not necessary, but will only happen if the adjacent property owners agree. Mr. Middleton stated that one of the owners is against the easement going away. Mrs. Kratzer stated the easement is a private action, not a county action. Mr. Rogers once again asked for clarification that approval of the subdivision does not vacate the easement. Mr. Rogers stated he doesn't see why there would be a problem with the easement for the existing house.

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

**Motion: Action:** Denied, **Moved by** Roger Miller, **Seconded by** Phil Barker the appeal of the Plat Committee's approval was denied and the Board affirms the Plat Committee's decision

**Vote:** Motion passed (**summary:** Yes = 5, No = 1, Abstain = 0).

**Yes:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Roger Miller

**No:** Brad Rogers.

8. This application for multiple amendments to the text of the Elkhart County Development Ordinance represented by Elkhart County Planning and Development Staff, for the geographic area to which the proposed combined Development Ordinance, including zoning maps, applies is all lands within Elkhart County, Indiana including all the Townships: Cleveland, Osolo, Washington, York, Baugo, Concord, Jefferson, Middlebury, Olive, Harrison, Elkhart, Clinton, Locke, Union, Jackson, and Benton, but excluding the jurisdictions of the City of Goshen, the City of Elkhart, and the City of Nappanee, was presented at this time.

Mae Kratzer, Plan Director, presented the proposed amendments to the text of the Elkhart County Development Ordinance. She stated there were three topics involved: lighting standards, buffering, and a minor subdivision allowing a Developmental variance to be filed for Plat Committee approval. Mrs. Snyder asked about the two public open houses and turnout and feedback. Mrs. Kratzer mentioned there were around twenty people total. She went on to say most questions got answered at the counter during office hours. She stated there has been no pushback or major concerns from the public.

There were no remonstrators present.

A motion was made and seconded (*Edwards/Miller*) that the public hearing be closed, and the motion was carried with a unanimous vote.

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

**Motion: Action:** Approve, **Moved by** Steve Warner, **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the proposed multiple amendments to the text of the Elkhart County Development Ordinance be approved.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Roger Miller, Brad Rogers

#### ***9. Board of County Commissioners Approvals Following Plan Commission Recommendations***

Jason Auvil reported that the March 17, 2025, County Commissioners petition approval for Terra Subdivision and the zoning denials. Mr. Auvil also reported on the March 17, 2025 Middlebury Town Council approved zone map change.

10. Danielle Richards presented a minor change request for CLOVERLEAF FINISHING DPUD that was originally approved on July 16, 2018. She explained they are asking for an addition to their existing building for offices, bathrooms, breakrooms, and storage space. She explained the addition is over 10 % that the zoning administrator can approve, but within the 20 % that can be approved by a minor change.

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

**Motion: Action:** Approve, **Moved by** Phil Barker, **Seconded by** Steve Warner that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a minor change for an addition to the existing building be approved.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Roger Miller, Brad Rogers

11. Mike Yoder, Bristol Town Manager, 303 E. Vistula, Bristol, was present representing the Town of Bristol. He presented the proposed Amendment to the Consolidated SR 15 Economic Development Plan to relocate the Street Department. He explained the town is purchasing three parcels to relocate the Street Department

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

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** Steve Edwards the amendment to consolidate SR 15 Economic Development Area be Approved, and the motion was carried with a unanimous vote.

12. Mae Kratzer presented the Agreement for Legal Services for Barkes, Kolbus, Rife, & Shuler to be effective as of July 1, 2025-July 1, 2026. She explained the new agreement is between the county and the firm, since Jim Kolbus is retiring.

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

**Motion: Action:** Approve, **Moved by** Steve Warner, **Seconded by** Roger Miller that the Agreement for Legal Services for Barkes, Kolbus, Rife, & Shuler for July 1, 2025-July 1, 2026 be approved.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Roger Miller, Brad Rogers

13. The meeting was adjourned at 10:45 a.m.

Respectfully submitted,

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Amber Weiss, Recording Secretary

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Lori Snyder, Chairman