

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 18th DAY OF DECEMBER 2025 AT 9:00 A.M.
MEETING ROOM – DEPARTMENT OF PUBLIC SERVICES BUILDING
4230 ELKHART ROAD, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Board of Zoning Appeals was called to order by the Chairperson, Randy Hesser. Staff members present were: Mae Kratzer, Plan Director; Jason Auvil, Zoning Administrator; Laura Gilbert, Administrative Coordinator; Danny Dean, Planner; Danielle Richards, Planner; and Don Shuler, Attorney for the Board.

Roll Call.

Present: Debra Cramer, John Gardner, Roger Miller, Randy Hesser.

Absent: Steve Warner, Cory White.

2. A motion was made and seconded (*Cramer/Miller*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 20th day of November 2025 be approved with the following correction: on page 11 the motion was to table the hearing until the December 18, 2025 Board of Zoning Appeals meeting to allow the petitioner time to prepare a presentation. The staff analysis phrase should be removed from the motion. The motion was carried with a unanimous roll call vote.

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

4. The application of *Mark A. Haarer & Connie S. Haarer, Husband & Wife, (Land Contract Holders) & Leander Martin (Land Contract Buyer)* for a Special Use for a home workshop/business for a woodworking business on property located on the South side of CR 28, 1,490 ft. West of CR 15, common address of 23270 CR 28 in Harrison Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0676-2025*.

There were fourteen neighboring property owners notified of this request.

Leander Martin, 66983 CR 9, Goshen, was present for this request. Mr. Martin stated he bought this property to have a small woodworking business. Mr. Miller asked Mr. Martin if he will be working at the business. Mr. Martin responded he will, and he is the owner. Mr. Miller then asked what type of work will be taking place. Mr. Martin stated he will be building wood boxes for people in the community. Mrs. Cramer asked Mr. Martin if he lives on the property. Mr. Martin stated he will live on the property while running the business. Mr. Hesser then clarified there will be no backing off/onto the property with semi-tractor trailers allowed. Mr. Martin stated there is room for trucks to turn around on the property. Mr. Martin clarified he will not be using a generator for the business.

There were no remonstrators present.

The public hearing was closed at this time.

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

Action: Approve, **Moved by** Roger Miller, **Seconded by** Debra 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 home workshop/business for a woodworking business be approved with the following conditions imposed:

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

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. Backing in or backing out from/onto CR 28 with semi-tractor trailers is prohibited.
3. Sound mitigation for any generator must be used to ensure there is no audible sound at the property lines.

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

Yes: Debra Cramer, John Gardner, Roger Miller, Randy Hesser.

5. The application of ***Rock Run Real Estate LLC*** for a Special Use for a public stable on property located on the North side of CR 38, 795 ft. West of CR 43, common address of 11132 CR 38 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-0683-2025.

There were 8 neighboring property owners notified of this request.

Harley Bontrager, 57342 CR 116, Middlebury, was present for this request. Mr. Bontrager stated the petitioner would like to have a therapeutic riding facility similar to Loveway. Mr. Hesser clarified the horses will not remain overnight on the property. Mr. Bontrager stated the staff will bring their own horses, and they do not plan to leave them overnight.

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** Debra 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 public stable 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 10/23/2025) and as represented in the Special Use application.

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

Yes: Debra Cramer, John Gardner, Roger Miller, Randy Hesser.

6. The application of *Miller Family Revocable Living Trust* for a Special Use for a home workshop/business for flour milling and sales 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 33, 700 ft. South of CR 40, common address of 66247 CR 33 in Clinton 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-0723-2025.

There were twelve neighboring property owners notified of this request.

Mr. Miller asked for clarification on why this is not considered an agri-business. Mrs. Richards stated that the retail sales of flour make it a home workshop/business.

James Hostetler, 7165 W 650 N, Shipshewana, was present for this request. Mr. Hostetler stated the request was explained well by Mrs. Richards. He continued by saying the owners do plan to mitigate the generator sound, and there will be no backing onto/off of the property by semi-tractor trucks. Mr. Hesser asked if the owner has talked to the neighbors nearby. Mr. Hostetler stated he was not sure, but they should have been notified by mail regarding the meeting taking place today. Mr. Hesser noted there is a sign on one of the staff photos provided. He asked Mr. Hostetler if there will still be a sign for the business. Mr. Hostetler stated the owner will likely request a sign in the future. Mr. Hesser then asked how big the current sign is. Mr. Hostetler turned and asked the owner who stated the sign is 2' x 2', but they will want a bigger sign. Mrs. Kratzer commented that the Board can request a revised site plan showing the sign and size of the sign, for staff approval. Mrs. Cramer asked Mr. Hostetler if the person running the business lives on site. He responded yes, they do.

There were no remonstrators present.

The public hearing was closed at this time.

Mrs. Cramer clarified the number of employees requested that will and won't work on site is confusing. Mr. Hesser then stated that it is not a requirement to work for the business as long as the petitioner owns the business.

Richard Miller, 66247 CR 33, Goshen came to the podium to clarify that he will be working at the business as well as his 3 sons. He continued by saying it will be a family run business, and there will be no employees outside of family.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Debra 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 home workshop/business for flour milling and sales 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. Petitioner to provide a revised site plan showing the location of the sign and the size of the sign for staff approval.

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 11/13/2025) and as represented in the Special Use application.

2. Backing in or backing out from/onto County Road 33 with semi-tractor trailers is prohibited.
3. Sound mitigation for any generator must be used to ensure there is no audible sound at the property lines.

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. 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 11/13/2025) and as represented in the Developmental Variance application.

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

Yes: Debra Cramer, John Gardner, Roger Miller, Randy Hesser.

7. The application of ***Devon Schrock & Doris Schrock, Husband & Wife*** for a Special Use for a campground and for a 4 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for an existing cabin 6 ft. from the north side property line on property located on the South side of CR 28, 3,030 ft. West of CR 33, in Middlebury Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0726-2025*.

There were 6 neighboring property owners notified of this request.

Devon Schrock, 14928 CR 28, Middlebury, was present for this request. Mr. Schrock stated the request is for two portable buildings, one of which is under construction. Mr. Miller clarified the number of people that will be on the campground will be 2 to 4 people at a time. Mr. Miller asked if there will be running water or electricity in the cabins. Mr. Schrock replied there is none. Mrs. Cramer clarified that Mr. Schrock plans to have running water and electricity in the future. Mrs. Cramer then asked Mr. Schrock if he plans to rent the cabins. Mr. Schrock replied the cabins will be short-term rentals. Mr. Hesser asked Mr. Schrock if he will be able to relocate the existing cabin to meet the 10 ft. setback. Mr. Schrock stated it can be moved if necessary.

John Maesaka, 15730 CR 28, Goshen, was present in remonstrance. Mr. Maesaka stated he and his wife live on property immediately to the east of the petitioner's property, and his property has approximately 8.5 acres of wood with abundant wildlife present. Mr. Maesaka continued by saying he has no problems with Mr. Schrock, but he is opposed to strangers being on petitioners' property. Mr. Maesaka also expressed concerns about the impact on his property and the surrounding area. Finally, Mr. Maesaka noted concerns about a campground affecting property values in the area.

Mr. Schrock came back to the podium to address Mr. Maesaka's concerns. He started by saying the cabins will be rented through Airbnb or another similar venue, and they would be responsible for vetting the renters. He continued by saying he wants the area to stay in its natural state, including wildlife, and no hunting by guests would be allowed. Mr. Gardner clarified that the property is vacant land, and the owner will not live in one of the cabins. Mr. Miller asked Mr.

Schrock if there is any barrier between the subject property and the woods to keep visitors off of the neighboring property. Mr. Schrock stated there is a fence between his property and Mr. Maesaka's property, but not in any other areas that lead to neighboring property. Mr. Hesser clarified that Mr. Schrock is aware of and willing to meet all the conditions and commitments required to complete the request. Mr. Schrock stated yes. Mrs. Cramer asked staff what would stop this from becoming two primary residences instead of two rentals for camping. Mr. Auvil stated that if that happened there would be recourse in the form of a code violation. Mr. Miller had thoughts about putting a time limit on the Special Use. Mr. Hesser clarified by saying the Board should follow staff recommendation but put a time limit on the Special Use. Mr. Miller stated with a time limit the petitioner will need to come back before the Board to ensure the operation is running smoothly.

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** John Gardner 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 campground 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 and Developmental Variance for road frontage are required.
3. Building permits are required.
4. A revised site plan must be submitted for staff approval showing all minimum setbacks met.

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.
2. Approval for a period of two (2) years; any renewal shall be before the Elkhart County Advisory Board of Zoning Appeals.

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

Yes: Debra Cramer, John Gardner, Roger Miller, Randy Hesser.

Motion: Action: Deny, **Moved by** Roger Miller, **Seconded by** Debra Cramer that this request for a 4 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for an existing cabin 6 ft. from the north side property line be denied in accordance with the staff analysis as the findings and conclusions of the Board:

1. Approval of the request will be injurious to public health, safety, morals, or general welfare. The south building was started without building permits and approvals.
2. Approval of the request will cause substantial adverse effect on the neighboring property. This is a 4-acres parcel in a low density residential and agricultural area, and there is no need to violate minimum building setbacks.

3. Strict application of the terms of the Development Ordinance would not result in an unnecessary hardship in the use of the property. The petitioner can either move the building already under construction or buy additional property to accommodate it.

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

Yes: Debra Cramer, John Gardner, Roger Miller. Randy Hesser.

8. The application of **Michael King** 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 20 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a residence 55 ft. from the centerline of the right-of-way on property located on the West side of CR 33, 1,400 ft. North of CR 4, common address of 51537 CR 33 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-0727-2025*.

There were 7 neighboring property owners notified of this request.

Mrs. Cramer asked Mr. Dean the reason for the limit of one adult horse. Mr. Dean replied because of very limited pasture area.

Michael King, 10540 W 050 N, Middlebury, was present for this request. Mr. King stated the reason for the variance for construction of a residence closer to the road is because of the proximity to the existing septic system he hopes to use, and he needs room for the barn and pasture. Mr. King clarified the horse is for transportation. Mr. Hesser asked if he is agreeable to the limit of one horse, and Mr. King responded on horse is enough.

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** Debra 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 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 11/14/2025) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of one (1) adult horse, at any one time.

Further the motion also included that a 20 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a residence 55 ft. from the centerline of the right-of-way 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 11/14/2025) and as represented in the Developmental Variance application.

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

Yes: Debra Cramer, John Gardner, Roger Miller, Randy Hesser.

9. The application of **Joseph A. Miller (Land Contract Holder) & Aaron & Rachel Schrock (Land Contract Purchasers)** for a Special Use for a home workshop/business for a woodworking 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 on property located on the Northwest corner of SR 4 & CR 29, common address of 16801 SR 4 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-0733-2025*.

There were ten neighboring property owners notified of this request.

David Bontrager, 15229 CR 34, Goshen, was present for this request representing Aaron Schrock who was unable to attend. Mr. Bontrager stated Mr. Schrock is buying this property to expand his business and the location of the shop will be in the back part of the property to help with noise reduction. Mr. Hesser clarified that the half circle driveway shown on the site plan is gravel. He continued to confirm that the semi-tractor trailers have room to turn around and the deliveries occur once a week.

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** Debra Cramer, **Seconded by** John Gardner 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 woodworking business be approved with the following condition imposed:

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 11/17/2025) and as represented in the Special Use application.
2. Backing in or backing out from/onto SR 4 with semi-tractor trailers is prohibited.
3. Sound mitigation for any generator must be used to ensure there is no audible sound at the property lines.

Further, the motion also included that 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 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 11/17/2025) and as represented in the Developmental Variance application.

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

Yes: Debra Cramer, John Gardner, Roger Miller, Randy Hesser.

10. The application of **Edward R. Eggleston** 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 24 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an accessory structure 51 ft. from the centerline of the right-of-way 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 33, 630 ft. South of CR 29, common address of 51241 CR 33 in York Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0732-2025.

There were eleven neighboring property owners notified of this request.

Edward Eggleston, 51241 CR 33, Bristol, was present for this request. Mr. Eggleston stated he wants to add a pole barn closer to his house for housing the chickens and storage. Mr. Hesser confirmed the new pole barn will be 2,400 square feet. Mr. Hesser asked Mr. Eggleston if he has spoken to the neighbors to the north. Mr. Eggleston confirmed, stating they are his cousins. Mrs. Cramer asked why the pole barn can't be farther back from the road. Mr. Eggleston stated there is dense woods there, and they have already cleared the area closer to the road. Mr. Eggleston continued by saying that much of the other parts of his property is protected wetlands.

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** Debra 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 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 11/17/2025) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of twelve (12) chickens, no roosters.

Further, the motion also included that a 24 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an accessory structure 51 ft. from the centerline of the right-of-way and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be approved with the following conditions imposed:

1. 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 11/17/2025) and as represented in the Developmental Variance application.

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

Yes: Debra Cramer, John Gardner, Roger Miller, Randy Hesser.

11. The application of ***Duane E. Miller & Cheryl K. Miller, Husband & Wife (Land Contract Holders) & Marion D. Troyer & Jolene R. Troyer (Land Contract Purchasers)*** for a Special Use for a home workshop/business for a construction/masonry business, for a Developmental Variance to allow for 10 outside employees (Ordinance allows 4), for a 15 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a residence 60 ft. from the centerline of the right-of-way on property located on the North side of CR 30, 825 ft. West of SR 13, common address of 12141 CR 30 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-0730-2025.

There were 9 neighboring property owners notified of this request.

Marion Troyer, 14192 CR 44, Millersburg, was present for this request. Mr. Troyer stated he is not sure how this process will work since he is required to live on the property to begin operating his business. He continued by saying he will probably move into the existing house temporarily, while constructing a new residence. He also stated he is working on getting a new septic system installed for the proposed new dwelling. Mr. Troyer stated the new septic will be large enough to also have a restroom for the employees to use in the morning and evenings as needed. Mr. Bontrager also stated they will most likely need to live in an RV while the new house is being built. Mr. Hesser asked if the old house has been torn down. Mr. Troyer responded no. He continued by saying the existing residence and septic are not up to current standards and need to be demolished. Mr. Miller asked Mr. Troyer if he has permission to live in an RV while the new house is being built. Mr. Troyer questioned how that process needs to be addressed. Mr. Auvil stated if a permit is pulled to construct the new house the petitioner can live in an RV temporarily during construction. Mrs. Cramer clarified that materials will be delivered and then go directly to the job site. Mr. Troyer stated the employees carpool to the property and then take company vehicles to the job sites. He continued to say he plans to enlarge the driveway to allow trucks to turn around on the property. Mr. Troyer also stated he has a hoop building he is proposing to put on his property that would be for his sheep and he is not sure it was on the variance application. He then addressed that they will not need a generator as he will be installing a large solar system.

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** Debra Cramer, **Seconded by** John Gardner 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 construction/masonry 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. Business operations may not begin until the business owner lives onsite.

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 11/17/2025) and as represented in the Special Use application.

Further, the motion also included that for a Developmental Variance to allow for 10 outside employees (Ordinance allows 4), for a 15 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of a residence 60 ft. from the centerline of the right-of-way 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 11/17/2025) and as represented in the Developmental Variance application.

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

Yes: Debra Cramer, John Gardner, Roger Miller, Randy Hesser.

12. The application of **Brenda Sue Waterson** for a Use Variance for a kennel on property located on the West side of Wilson St., 315 ft. South of Glenmore St., common address of 54339 Wilson St. in Osolo Township, zoned R-2, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #UV-0743-2025*.

There were thirty-four neighboring property owners notified of this request.

Brenda Waterson, 54339 Wilson St., Elkhart was present for this request. Mrs. Waterson stated she wants to breed dogs. She continued by saying she has 9 dogs, Yorkies. She continued by saying she uses the extra bedrooms for kenneling the dogs. She noted the kennel areas have access to the outside and they are all separated. Mrs. Waterson stated she has air purifiers in the rooms and on the new furnace she had installed. Mr. Hesser asked Mrs. Waterson if there was anything about her property that makes it unsuitable for any other use. Mrs. Waterson stated no. Mr. Hesser continued by saying she is allowed to have 5 dogs by right, and it's the additional 4 dogs that makes this an issue. Mr. Hesser also stated that puppies don't count in the number of dogs allowed by right. Mr. Hesser clarified that a Use Variance is generally only approved if there is something unique about the property that will deny the proper use of the property. He continued by saying with a Use Variance the Board focuses on land use. Mr. Miller commented on the fact that the last complaint was from 2022, and that the petitioner has obviously cleaned up her property. Mrs. Waterson stated her oldest son helped her clean up her property. Mr. Auvil came to

the podium and reminded the Board that the reason for the Use Variance is because a complaint was received on October 23, 2025, regarding a kennel operation on this property. He continued by saying on the questionnaire the petitioner calls out 15 Teacup Yorkies, 6 Boston Terriers, and 2 Cane Corso's. Mrs. Waterson responded by saying she was told she only had to mention the Yorkies. She continued by saying she has an older Cane Corso and bought a Cane Corso puppy to replace the old one when she is gone. Mr. Miller asked how many total animals are in the home. Mrs. Waterson stated there are 12.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Deny, Moved by Randy Hesser, Seconded by Roger Miller that the request for a Use Variance for a kennel be denied in accordance with findings #3 & #4 of the Staff Analysis as the following findings and Conclusions of the Board:

3. A need for the Use Variance does not arise from a condition that is peculiar to the property involved. This is a residential parcel in a residential zone.
4. Strict enforcement of the terms of the Developmental Ordinance would not constitute an unnecessary hardship if applied to the subject property. The petitioner may still keep up to the maximum number of dogs allowed by right. (5)

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

Yes: Debra Cramer, John Gardner, Roger Miller, Randy Hesser.

13. The application of **Brian Adams** for a 178 sq. ft. Developmental Variance (Ordinance allows 64 sq. ft.) to allow for a 242 sq. ft. electronic message center on property located on the North side of Old US 20, 175 ft. West of Corwin St., common address of 30759 Old US 20 in Cleveland Township, zoned B-3, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #DV-0684-2025*.

There were thirteen neighboring property owners notified of this request.

Mr. Dean made note that staff is not anti-billboard, but the location of the requested electronic message center is part of the Northwest Gateway, that has a comprehensive land use plan recommendation, and thus the recommendation for denial. Mr. Gardner asked Mr. Dean if the denial is based on the request to replace the existing sign with an electronic one. Mr. Dean replied that there is no way staff can require them to remove an existing sign. He continued by saying the denial recommendation is based on the location and the fact that this is a new petition request. Mrs. Cramer clarified the size, and the manner of messaging is the basis for recommending denial. Mr. Hesser clarified the county plan is more restrictive in this area.

Robert Miller, Lamar Advertising, 1335 Mishawaka Ave., South Bend, was present for this request. Mr. Robert Miller stated that billboards are a way for businesses to communicate with the public effectively, efficiently, and without distraction. He continued by saying this sign will have to be approved by INDOT due to its location. He stressed that digital billboards display static images that flip every 6-8 seconds and will not be a distraction to drivers. Mr. Robert Miller stressed the billboard lighting will be adjusted appropriately as the ambient light level changes. Mr. Hesser confirmed the sign requested will be similar to the one located on CR 17, just north of SR 120. Mr. Robert Miller stressed the sign will be free of animation and only contain static

images. He continued by saying Lamar Advertising has been in business for 123 years, and they manage over 360,000 displays of which 5400 are digital and he explained the billboards are managed by their national operations center, 24 hours a day, 7 days a week, 365 days a year. Mr. Robert Miller presented photos representing the current sign and the proposed sign to the Board. [Attached to file as Petitioner Exhibit #1] Mr. Robert Miller stated the existing sign will be replaced with a 242 sq. ft. sign, which is 64% smaller. He continued by saying digital technology will enable multiple businesses to advertise to the general public. He stressed the new sign is consistent with low impact development standards.

There were no remonstrators present.

Mr. Hesser asked staff if there is a long-term plan in place to remove all billboards in the Northwest Gateway. Mr. Dean stated the Gateway corridor plan is casting a vision for the area but does not contain extra development standards. He continued by saying the plan shows desire to have a coordinated approach to signage. Mr. Dean then stated that any signage that requires a variance in the Gateway location will most likely be put on hold via denial recommendation. Mr. Roger Miller clarified the main reason for the denial recommendation is the location in the Gateway corridor.

Mr. Robert Miller came back to the podium to clarify the variance is for the sign being electronic. He stressed they can still build a sign to replace the existing one that will not be electronic. Mr. Hesser clarified that the sign replacing the existing one is being relocated to the next property to the East. Mr. Robert Miller confirmed. Mrs. Cramer asked for clarification on the year and time frame of the Gateway Corridor Plan. Mr. Dean confirmed it was established in 2009 with it being a 20-year plan.

The public hearing was closed at this time.

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

Motion: Action: Deny, Moved by Randy Hesser, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a 178 sq. ft. Developmental Variance (Ordinance allows 64 sq. ft.) to allow for a 242 sq. ft. electronic message center be denied.

Vote: Motion passed (**summary:** Yes = 3, No = 1, Abstain = 0).

Yes: Debra Cramer, Roger Miller, Randy Hesser,

No: John Gardner.

14. The application of ***First Class Property Rentals*** for a 40 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing accessory structure 10 ft. from the centerline of the right-of-way on property located on the West side of E. Indiana Lake Rd., 630 ft. North of Church Rd., West of CR 23, common address of 50567 East Indiana Lake Rd. in Washington Township, zoned R-2, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as Case #DV-0603-2025.

There were eleven neighboring property owners notified of this request.

Peter Vukovich, 50567 East Indiana Lake Rd., Bristol, was present for this request. Mr. Vukovich stated he bought the property in August and was not aware that 6 years ago the previous owner did not get the required permit 6 years prior. He continued by asking for approval for the

structure remain as is. Mr. Vukovich stated he has an email from the Highway Department, and they have no issues with the location of the existing accessory structure. Mr. Miller clarified there are other structures in the same area that are close to the property line. Mr. Vukovich stated that is correct. Mr. Hesser confirmed the road dead ends two houses down from the petitioner's house. Mr. Hesser asked Mr. Vukovich if he understood and will be able to comply with staff conditions for this petition. He replied yes.

Mr. Dean came to the podium to present a survey supplied by a neighboring property owner to the south that shows the right-of-way extends more to the west than is pictured on the site plan, and shows the structure mostly in the right-of-way *[Attached to file as Staff Exhibit #1]*.

Tom Zimmerman, 50553 East Indiana Lake Rd., Bristol, was present in remonstrance. Mr. Zimmerman stated he has lived on East Indiana Lake Rd. for over 50 years. He stressed that the road is very narrow and the area is quite congested. Mr. Zimmerman continued by saying the accessory structure on the petitioner's property makes it difficult to see traffic coming from the south and he has concerns for his grandchildren that come to visit him at the lake. Mr. Zimmerman stated if the building were removed it would eliminate the safety issues of not being able to see traffic coming from the south. He continued to say the structure was placed there without permit. Mr. Miller asked Mr. Zimmerman if he was there when the structure was placed on the property. Mr. Zimmerman stated he was wintering in Texas when it was placed on the petitioner's property. Mr. Zimmerman continued by saying when the new owner made the property a short-term rental it became an issue because of the strangers moving in and out of the neighborhood. He stressed that renters do not need a carport. He then stated if the structure were removed, smaller cars could park there and not block the road. Mr. Zimmerman made a point of saying if he wanted to build a similar structure, it would need to meet the required setbacks with a permit. He continued by questioning why a variance would be approved to allow something that was placed without a permit and does not meet the required setbacks. Mr. Zimmerman went on to say that if the petitioner removed the structure, it would probably improve the value of the property.

Dan Ganger, 50573 East Indiana Lake Rd., Bristol, was also present in remonstrance. Mr. Ganger asked the Board if they received a copy of the survey. Mr. Hesser replied yes and pointed to the fact that the survey shows the road crosses people's property as well. Mr. Ganger stated the new survey shows that the petitioner's structure encroaches on the public road. He continued by saying he opposes the Developmental Variance and insists that the structure be removed immediately.

Thomas Collins, 50629 East Indiana Lake Rd., Bristol, was present in remonstrance. Mr. Collins stated he lives to the south of the petitioner's property and has a garage that sits over the property line. He continued by saying he is pretty sure that's the property the petitioner referred to earlier. Mr. Collins stressed that it does not sit on the lakeside or block the traffic view to the south. He emphasized that his garage was built in the 1950's or 1960's. He then went on to say he does not understand why a survey was not done when the subject property was purchased.

Mr. Vukovich came back to the podium to respond to the remonstrators. He submitted evidence that included a receipt for the car port, an aerial of the area near the petitioner's home and a letter from 2 nearby owners that do not have any complaints about the carport. *[Attached to file at as Petitioner Exhibit #1]*. He continued by pointing out this road is a dead-end road and the speed limit is 15 mph. He also stated that when approaching a dead-end road, people typically only go 5 mph. Mr. Vukovich noted that the neighbor to the north has multiple grandchildren and has no issues

with the carport's location. He continued by saying he uses the property for personal use, but Airbnb's it when he is not using it. Mr. Vukovich stressed that the complaint only came forward when he bought the property, and it was discovered that at times he uses it for short-term rentals, Airbnb. He continued by saying he understands some people may not like the fact that it is used as a short-term rental, but stressed he has met all the city, county, and state requirements to legally do so. Mr. Vukovich said he feels the complaints are more of a personal attack, because the car shed had been on the property for 6 years, and then 2 weeks after he bought the property the complaint was filed. Mr. Hesser clarified that the house was built in 2013, but the car port was constructed in 2019. Mrs. Cramer asked about an area on the south side of the petitioner's property. Mr. Vukovich clarified it is a sewage drain. Mr. Vukovich concluded his rebuttal by stating he also uses the car port for storage of lake items and a generator, and he would like the structure to remain. Mr. Hesser noted that the carport is at a higher level than the dwelling on the property. Additionally, Mr. Vukovich noted that he bought this property from a family friend, and they were not aware that a permit was required for the car port. He also noted that he took them in good faith in the purchase and did not feel a survey was necessary. Mr. Hesser asked Mr. Vukovich if he was aware he needed approval from the Highway Department. Mr. Vukovich stated he has an email of approval to submit to staff.

The public hearing was closed at this time.

Mrs. Cramer noted that regardless of whether the structure is there or not, any cars parked there will still obstruct vision from the south. Mr. Miller stated the carport has been on the property for 6 years without a complaint. He continued by saying he does not see the obstruction that is being stated by the remonstrators. He also stated that the same can be said for other structures on the same road. Mr. Hesser stressed that it is not desirable but agrees with staff recommendations, as the complaint wasn't filed until the ownership changed.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** John Gardner 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 40 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing accessory structure 10 ft. from the centerline of the right-of-way 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 petitioner must submit either of the following to the staff for placement in the petition file: A letter from the highway department allowing a portion of the structure in the right-of-way or a survey showing it completely on private property.
3. A building permit and a passing structural inspection must be obtained.
4. The request is approved in accordance with the site plan submitted (dated 9/15/2025) and as represented in the Developmental Variance application.

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

Yes: Debra Cramer, John Gardner, Roger Miller. Randy Hesser.

15. The application of *Jesus Ocampo* for a Special Use for a home workshop/business for a roofing business, for a Developmental Variance to allow for 5 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 on property located on the East side of CR 7, 3,585 ft. South of CR 6, common address of 53670 CR 7 in Osolo Township, zoned R-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0605-2025.

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

Mr. Hesser asked if there was anything new being present from staff or the petitioner. Mrs. Richards stated the Board tabled the matter to allow staff to come up with new conditions and commitments. She continued by saying staff stand with their original recommendation of denial for the Special Use and approval for the Developmental Variance. Mrs. Richards stressed if the Board wants to approve the Special Use, they will have to provide the conditions and commitments. Mr. Hesser stated the Board has approved this type of Special Use before, however, there have been multiple complaints against the petitioner.

Mr. Auvil stressed that these types of Special Uses have been approved many times, yet not with the level of complaints that have been received for this property. He continued by saying staff is recommending a firm denial, due to those complaints. Mr. Auvil also stated that the story from the petitioner has changed quite a bit since the start of their first application. He again stressed the complaints are valid and that this is probably not the best location for their business. Mr. Miller clarified the Board can use property history to make any decisions. Mr. Auvil agreed and again stressed the requested use of the property is just not appropriate. Mr. Gardner stated he recently visited the property. He continued by saying the area is dense and congested, and he feels there is not enough room for a business at this location. Mr. Miller reminded the Board that the vehicles that are noisy will be started at an early hour in the morning and will be disruptive to the neighborhood. Mr. Hesser stated for the record that there have been two public hearings on the matter already, and no new evidence has been provided.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** John Gardner that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Developmental Variance to allow for the 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 9/17/2025) and as represented in the Developmental Variance Application.

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

Yes: Debra Cramer, John Gardner, Roger Miller, Randy Hesser.

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

Motion: Action: Deny, **Moved by** Randy Hesser, **Seconded by** Debra 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 home workshop/business for a roofing business be denied.

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

Yes: Debra Cramer, John Gardner, Roger Miller, Randy Hesser.

The request for a Developmental Variance to allow for 5 outside employees (Ordinance allows 4) was found to be **MOOT** as a result of the Special Use denial.

16. The application of *Eagle Real Estate Group, LLC* For a Special Use for an agri-business, for a Special Use for a home workshop/business for a diesel repair shop, for a Developmental Variance to allow for 32 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 on property located on the Northwest corner of CR 142 and CR 17, common address of 22153 CR 142 in Union Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0663-2025*.

There were 8 neighboring property owners notified of this request.

There was no petitioner present for this request.

Mr. Hesser started by saying this was tabled at the last meeting, because staff was encouraging the petitioner to seek a different method for seeking approval. He continued by saying the petitioner did not seem to be aware of this so tabling the matter would give them time to decide on what direction they wished to proceed. Mr. Auvil clarified the petitioner did not show for the last meeting, but the contractor who was here for another hearing decided to speak on behalf of the petitioner. Mr. Auvil continued to say in discussion with the contractor, it was recommended to file for a DPUD. Mr. Auvil said staff has yet to hear from either the contractor or the owner.

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

Motion: Action: Deny, **Moved by** Randy Hesser, **Seconded by** Debra 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 agri-business, for a Special Use for a home workshop/business for a diesel repair shop be denied.

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

Yes: Debra Cramer, John Gardner, Roger Miller, Randy Hesser.

The request for a Developmental Variance to allow for 32 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 were deemed **MOOT** as a result of the Special Use denial.

17. The meeting was adjourned at 11:22 A.M.

Respectfully submitted,

Jean Boyer, Recording Secretary

Randy Hesser, Chairman

Debra L. Cramer, Secretary