

# AGENDA

## ELKHART COUNTY BOARD OF ZONING APPEALS

FEBRUARY 20, 2025  
9:00 A.M.

ADMINISTRATION BUILDING  
MEETING ROOMS 104, 106, & 108  
117 N. 2<sup>nd</sup> 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 16<sup>th</sup> day of January 2025.

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

### SPECIAL USE

**9:00 A.M. (HESSER)**

- A. Petitioner: **Tri-County Land Trustee Corporation (Land Contract Holder) (Page 8)**  
**& Dean J. Troyer & Edna M. Troyer, Husband & Wife**  
**(Land Contract Purchasers)**
- Petition: for a Special Use for a home workshop/business for a fuel storage and delivery business.
- Location: North side of CR 50, 675 ft. West of US 33, common address of 12383 CR 50 in Benton Township, zoned A-1. SUP-0015-2025

### SPECIAL USES/DEVELOPMENTAL VARIANCES

- B. Petitioner: **Merle D. Hostetler & Barbara E. Hostetler, Husband & Wife (Page 9)**
- 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 25 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 50 ft. from the centerline of the right-of-way.
- Location: West side of CR 9, 880 ft. South of CR 52, common address of 71687 CR 9 in Union Township, zoned A-1. SUP-0021-2025
- C. Petitioner: **Victor H. Juarez (Page 10)**
- Petition: for a Special Use for a home workshop/business for a tire shop and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.
- Location: North side of CR 18, 2,350 ft. West of CR 17, common address of 22407 CR 18 in Concord Township, zoned A-1. SUP-0908-2024

- D. Petitioner: ***AMF Trustee Corporation (Land Contract Holder)*** (Page 11)  
***& Kevin Hershberger (Land Contract Purchaser)***  
 Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, for a 20 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 100 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.  
 Location: South side of US 6, 1,000 ft. West of CR 9, common address of 26190 US 6 in Union Township, zoned R-1. SUP-0027-2025

**USE VARIANCE**

- E. Petitioner: ***Gripdog Enterprises LLC*** (Page 12)  
 Petition: for a Use Variance to allow for the construction of an accessory structure without a residence.  
 Location: Northwest side of North Shore Dr., 865 ft. East of SR 19, common address of 51245 North Shore Dr. in Osolo Township, zoned R-2. UV-0896-2024

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

**ADJOURNMENT**

The Elkhart County Board of Zoning Appeals is meeting on Thursday, February 20, 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](http://www.elkhartcountyplanninganddevelopment.com) at **9:00 a.m.** on February 20, 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 16<sup>th</sup> DAY OF JANUARY 2025 AT 9:00 A.M.**  
**MEETING ROOMS 104, 106, & 108 – ADMINISTRATION BUILDING**  
**117 N. 2<sup>nd</sup> STREET, GOSHEN, INDIANA**

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

**Roll Call.**

**Present:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

**Absent:** Steve Warner, David Miller.

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 19<sup>th</sup> day of December 2024 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Miller/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. A motion was made and seconded (*Miller/Gardner*) to elect the following Board members: Mr. Hesser as Chairman, Mr. Miller as Vice Chairman, and Mrs. Cramer as Secretary.

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

**Yes:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

5. The application of ***Glenn A. Nunemaker & Jill E. Nunemaker, Trustees of the Glenn A. Nunemaker Living Trust*** for a Special Use for a retail green house on property located on the North side of CR 46, 760 ft. West of CR 9, common address of 26131 CR 46 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-0846-2024*.

There were four neighboring property owners notified of this request.

Sean Nunemaker, 317 Donmoyer Ave, South Bend was present for this request. He stated that the request is for a small plant nursery, specifically on the southeast corner of the property. He continued by saying he would like to raise native plants. He also stated he has no intention of building a greenhouse at this time. Mr. Nunemaker mentioned there will be four parking spaces available for customers. Mrs. Cramer asked if parking will be on cement or gravel. Mr. Nunemaker stated that the parking spaces would be gravel. Mr. Miller wanted clarification regarding the greenhouse. Mr. Nunemaker stated there will not be a permanent greenhouse, only a hoop type, moveable space to grow the plants.

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** 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 retail green house 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 11/20/2024) and as represented in the Special Use application.

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

**Yes:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

6. The application of *Six Span LLC* for a Special Use for a truck, tractor, trailer, bus, or recreational vehicle storage yard on property located on the Southwest corner of SR 120 & Michael Dr., 600 ft. East of CR 17, common address of 21776 State Rd. 120 in Washington Township, zoned B-1 & R-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0859-2024*.

There were 31 neighboring property owners notified of this request.

Mark Spriggle, 21533 SR 120, Elkhart was present for this request. He stated that the storage business has been on the property for awhile, and they mostly store boats. Mrs. Cramer asked about the buffer that is required for this request. Mr. Spriggle stated he has a privacy fence around the property and security with lighting. Mr. Hesser asked how the vehicles bringing in the boats for storage will be accessing the property. Mr. Spriggle said they will be using SR 120.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser suggested that a third condition be added requiring a rezoning to a B-1 zone.

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

**Motion: Action:** Approve, **Moved by** Deb Cramer, **Seconded by** 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 a truck, tractor, trailer, bus, or recreational vehicle storage yard 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 a class 1, type C, buffer label along the entire south boundary of the property.
3. Final change to B-1 zone required.

The following commitment was 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.

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

**Yes:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

7. The application of *Douglas R. Rhude & Carolee J. Rhude, Husband & Wife* for a Special Use for a home workshop/business for a gun shop on property located on the Southeast side of SR 120, 2,450 ft. Southwest of CR 17, common address of 22382 SR 120 in Concord Township, zoned R-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0883-2024*.

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

Mr. Rhude, 22382 SR 120, Elkhart, was present for this request. He stated that he is requesting a Special Use to operate his gun shop on his property. Mr. Miller asked how long he has been operating his business. Mr. Rhude stated he has been operating the business for 34 years and he was unaware that he needed a Special Use for the business. He continued by saying that this request came about because he is looking to separate his homeowner's insurance from the insurance required for the business. He also stated he also requires a separate address for the gun shop business. Mr. Rhude went on to say that the business operates Monday through Friday.

There were no remonstrators present.

The public hearing was closed at this time.

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

**Motion: Action:** Approve, **Moved by** Deb Cramer, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a gun shop be approved with the following condition imposed:

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 12/16/2024) and as represented in the Special Use application.

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

**Yes:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

8. The application of *Richard R. Miller & Anna Marie Miller, Husband & Wife* for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres on property located on the East side of CR 35, 805 ft. South of CR 28, common address of 60704 CR 35 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-0889-2024*.

There were six neighboring property owners notified of this request.

David Bontrager, Jr., 59811 CR 37, Middlebury was present for this request. Mr. Bontrager stated that he was present to help the petitioners get a permit to build a horse barn and to acquire the Special Use to keep the horses, since the parcel is less than 3 acres. He continued by saying there are two small horse shelters that will be removed when the new barn is built. Mr. Hesser inquired about waste disposal for the four horses. Mr. Bontrager stated the neighbors have a calf barn, and the waste from the petitioners horses would be disposed of with their waste.

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 an agricultural use for the keeping of animals on a tract of land containing less than 3 acres 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 recorded deed for Lot 2 is required. \*(It was later determined that this should be Lot 1, not Lot 2)

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 12/16/2024) and as represented in the Special Use application.
2. The request is limited to a maximum of four (4) adult horses at any one time.

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

**Yes:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

9. The application of *Aurelio C. Barrera & Lucia Valle Montufar, Husband & Wife* for a Special Use for parking of a commercial vehicle on property located on the North side of CR 108, 3,335 ft. West of CR 3, common address of 29379 CR 108 in Cleveland 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-0891-2024*.

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

Aurelio Barrera, 29379 CR 108, Elkhart, was present for this request. Mr. Barrera stated he wants to be able to park a semi tractor trailer on his property. Mr. Hesser asked if there is room for the semi to pull in and turn around, so there will be no backing onto CR 108.

Sue Morgan, 29472 CR 108, Elkhart, was present to remonstrate. She claimed that there are always multiple vehicles parked on Mr. Barrera's property. She also provided pictures as evidence. Ms. Morgan stated she is not sure how he can pull a semi onto the property and be able to turn around with all the other vehicles parked on the property. Ms. Morgan continued by saying that CR 108 is too narrow for a semi-truck to be driving on.

Mr. Auvil addressed the photos and stated that the semi parked on the property is in the back of the property between two trees (as shown on the site plan) and that all the other vehicles are irrelevant to this petition. Mr. Hesser stated that the Board is only being asked to approve the petitioner's request to park one semi on the property. Mr. White asked Mr. Auvil for clarification on the definition of a commercial vehicle. Mr. Auvil replied that there is weight and length that fall into the definition of a commercial vehicle.

Mr. Barrera came back to the podium to address the concerns of Ms. Morgan. He stated that other semi-trucks travel on CR 108, meaning that her statement is false.

The public hearing was closed at this time.

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

**Motion: Action:** Approve, **Moved by** Randy Hesser, **Seconded by** 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 parking of a commercial vehicle 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 12/16/2024) and as represented in the Special Use application.
2. The request is limited to a maximum of one (1) commercial vehicle at any one time
3. Backing in or back out of semi tractor trailers and flatbeds from/onto CR 108 is prohibited.

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

**Yes:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

10. The application of **Michael H. Bontrager & Kristen Diann Bontrager, Husband & Wife** for a Special Use for a home workshop/business for a construction business, for a Developmental Variance to allow for 11 outside employees (Ordinance allows 4), and for a 5 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 30 ft. in height on property located on the West side of CR 41, 850 ft. South of CR 20, common address of 59155 CR 41 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-0890-2024*.

There were 8 neighboring property owners notified of this request.

Harley Bontrager, 57342 CR 116, Middlebury was present for this request. Mr. Bontrager stated that the construction business is the main meeting place for the outside employees, they park their vehicles on the property and then go to the various construction sites.

There were no remonstrators present.

The public hearing was closed at this time.

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

**Motion: Action:** Approve, **Moved by** Randy Hesser, **Seconded by** 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 construction business be approved with the following condition imposed:

1. The Elkhart County Advisory Board of Zoning appeals 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 12/16/2024) and as represented in the Special Use application.
2. Backing in or backing out of semi tractor trailers and flatbeds from/onto CR 41 is prohibited.

Further the motion also included that a Developmental Variance to allow for 11 outside employees (Ordinance allows 4), and for a 5 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 30 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 12/16/2024) and as represented in the Developmental Variance application.

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

**Yes:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

11. The application of *Tri-County Land Trustee (Land Contract Holder) & John A. Miller & Sue Miller, Husband & Wife (Land Contract Buyers)* for an amendment to an existing Special Use for a home workshop/business for equine supplies (commercial sewing business) to allow for a new building, for a Developmental Variance to allow for 12 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 South side of CR 18, 2,050 ft. West of East County Line Rd., common address of 10348 CR 18 in Middlebury Township, zoned A-1, came on to be heard.

Mr. Auvil did not present the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0888-2024*.

Mr. Auvil stated that the petitioners submitted a request to withdraw this petition, because any further expansion to the property will require a DPUD. He added the petitioners will be submitting the appropriate paperwork in the future.



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

**Motion: Action:** Withdraw **Moved by** Randy Hesser, **Seconded by** Deb Cramer that this request for an amendment to an existing Special Use for a home workshop/business for equine supplies (commercial sewing business) to allow for a new building, for a Developmental Variance to allow for 12 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 withdrawn at the request of the petitioner.

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

**Yes:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

12. The application of *Lonnie Bontrager (Buyer) & Octavio Ramos (Seller)* for a Use Variance to allow for 4 dwelling units and for a 46,496 sq. ft. lot-area Developmental Variance (Ordinance requires 30,000 sq. ft. per duplex) to allow for 2 existing duplexes on property located on the South side of Morgan St., 950 ft. Southeast of CR 20, common address of 28197 Morgan St. in Baugo 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-0843-2024*.

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

Mr. Auvil stated the main issue remaining for the approval of the petition is the wastewater generated from the 2 duplexes. He explained at last month's meeting the request was made to get soil borings which were received, and the report shows that it is theoretically possible. Mr. Auvil continued to say that the report satisfies staff for approval of the Use Variance.

Mr. Hesser clarified that the Use Variance is all the Board can approve, and the permitting process is a separate issue.

Mr. Bollinger, 803 S. Calhoun St., Fort Wayne, Attorney at Law, was present via WebEx for the meeting. He stated a soil consulting report was provided to staff, and he respectfully requests that the Board approve the Use Variance request.

Jennifer Pazzo Hernandez, 945 E. Beardsley Ave., Elkhart was present representing the seller Mr. Ramos. She stated they would like this request approved, so they can finally get the property sold and closed.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Miller asked if the Board needed to change the findings and conclusions, since staff recommended denial before the soil consulting report was received. Mr. Hesser read the standard conditions and commitments as part of the motion to approve.

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

**Motion: Action:** Approve, **Moved by** Randy Hesser, **Seconded by** Deb Cramer that this request for a Use Variance to allow for 4 dwelling units be approved based on the following findings and conclusions of the Board:

1. The request will not be injurious to the public health, safety, morals, and general welfare of the community.

2. The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner. This is a 0.31-acre or 13,503.6 sq. ft. parcel in a dense residential area and the property will remain residential in character.
3. A need for the Use Variance does arise from a condition that is peculiar to the property involved.
4. Strict enforcement of the terms of the Development Ordinance would constitute unnecessary hardship if applied to the subject property.
5. The Use Variance does not interfere substantially with the Elkhart County Comprehensive Plan.

The following condition was 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 9/16/2024) and as represented in the Use Variance application.

Further, the motion also included that a 46,496 sq. ft. lot-area Developmental Variance (Ordinance requires 30,000 sq. ft. per duplex) to allow for 2 existing duplexes be approved based on the following findings and conclusions of the Board:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare.
2. Approval of the request will not cause substantial adverse effects on neighboring property. This is a 0.31-acre or 13,503.6 sq. ft. parcel in a dense residential area.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property.

The following conditions were imposed:

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

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

**Yes:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

13. As a staff item for a minor change, Mr. Auvil presented a request to amend the site plan to add a 1,500 sq. ft. addition to an existing welding shop for Phares Martin (SUP-0825-2022).

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

**Motion: Action:** Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller that this request for a minor change be approved.

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

**Yes:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

14. As a staff item, Mrs. Richards presented a request to rescind a Special Use for a mobile home for Eduvges Vargas Espino (SUP-0964-2020) that is no longer on the property.

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

**Motion: Action:** Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the request to rescind the Special Use for a mobile home be approved.

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

**Yes:** Deb Cramer, John Gardner, Cory White, Roger Miller, Randy Hesser.

15. The meeting was adjourned at 9:59 A.M.

Respectfully submitted,

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Jean Boyer, Recording Secretary

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Randy Hesser, Chairman

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Deb Cramer, Secretary

# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** February 20, 2025

**Transaction Number:** SUP-0015-2025.

**Parcel Number(s):** 20-16-22-400-007.000-003.

**Existing Zoning:** A-1.

**Petition:** for a Special Use for a home workshop/business for a fuel storage and delivery business.

**Petitioner:** Tri-County Land Trustee Corporation (Land Contract Holder) & Dean J. Troyer & Edna M. Troyer, Husband & Wife (Land Contract Purchasers).

**Location:** North side of CR 50, 675 ft. West of US 33, in Benton Township.

## ***Site Description:***

- Physical Improvement(s) – Residence and accessory structures.
- Proposed Improvement(s) – Fuel storage area, fuel tanks, & office shed.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

## ***History and General Notes:***

- **December 15, 1988** – BZA approved a Special Use for a mobile home to be occupied by the petitioner's mother-in-law (88-143-SU).
- **June 17, 2010** – BZA approved a Special Use for a mobile home (12383CR50-100513-1).
- **February 13, 2025** – D & E Troyer Minor Subdivision will go to the Plat Committee.
- The mobile home is no longer located on the property.

## ***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 5.87-acre property in a low 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 allowing for local fuel storage and delivery service.

# ***BZA Staff Report (Continued)***

***Hearing Date:*** February 20, 2025

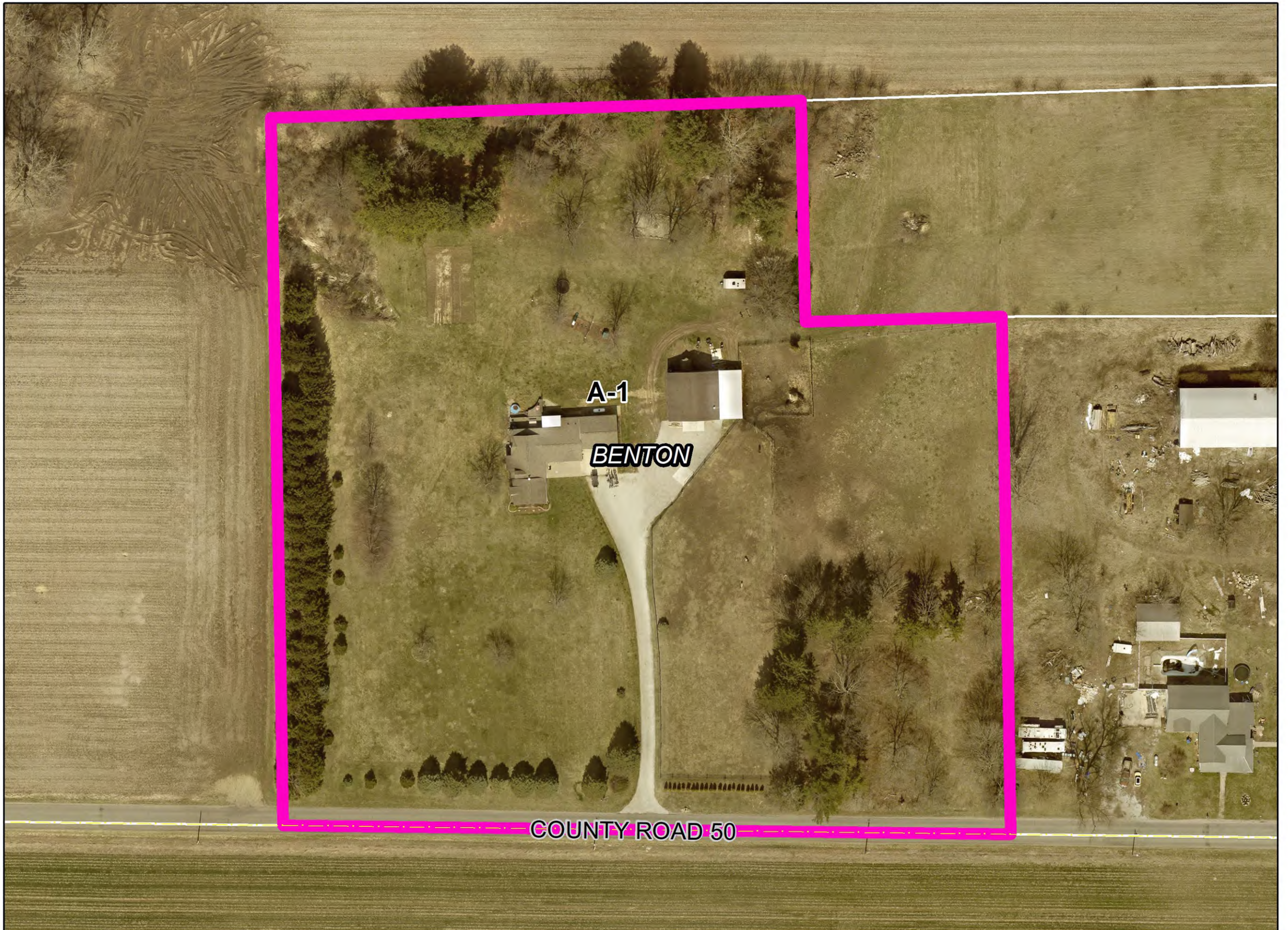
Staff recommends **APPROVAL** with the following condition(s) imposed:

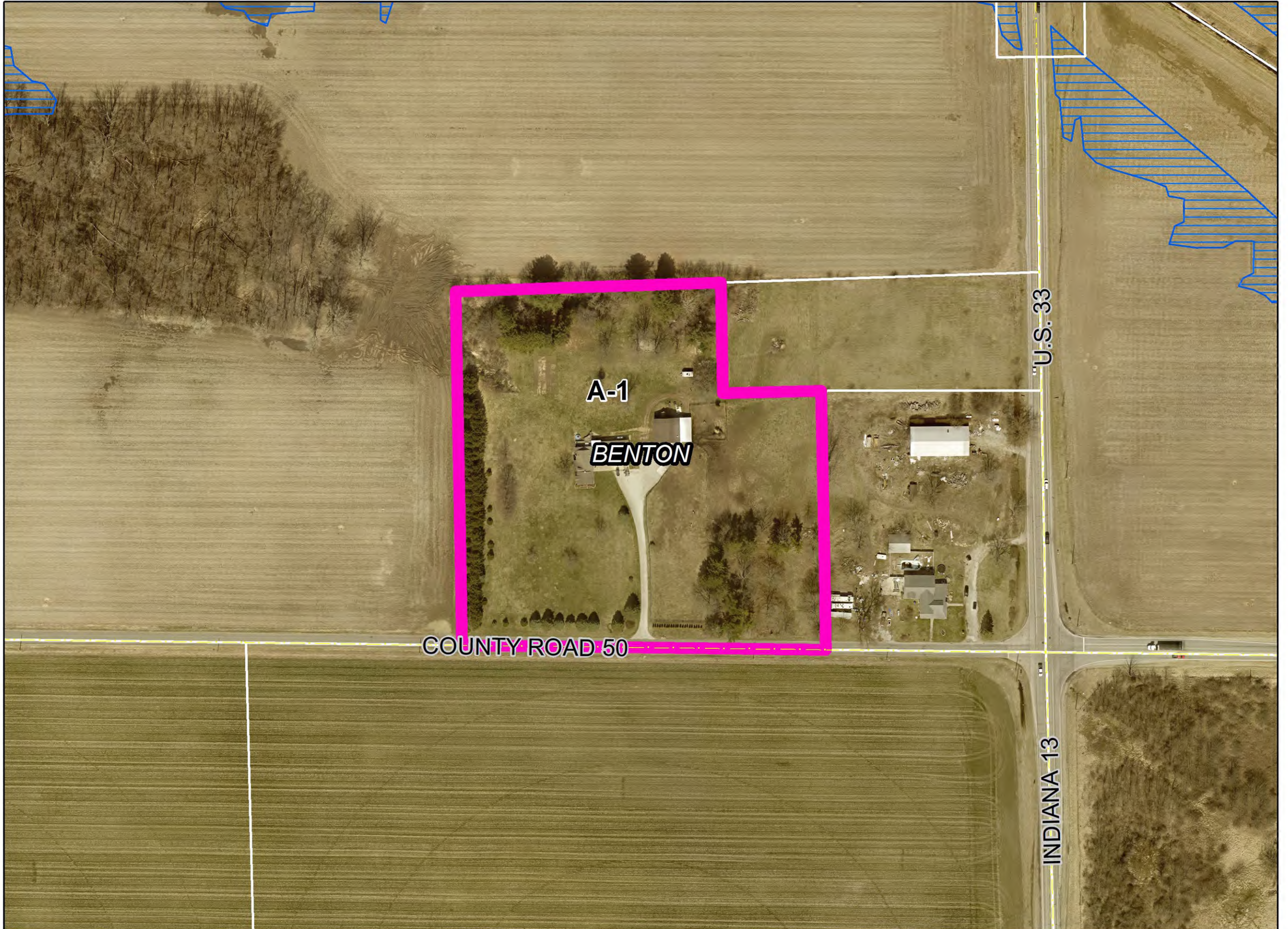
1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.

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

1. The request is approved in accordance with the site plan submitted on 1/24/2025 and as represented in the Special Use application.
2. No backing onto or off of CR 50 with semi-tractor trailers.

SUP-0015-2025





SUP-0015-2025







Facing North towards subject property



Facing South



Facing East



Facing West

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

SUP-0015-2025

Special Use - Non Mobile Home

Date: 01/06/2025

Meeting Date: February 20, 2025  
Board of Zoning Appeals Public Hearing

Transaction #: SUP-0015-2025

Description: for a Special Use for a home workshop/business for a fuel storage and delivery business

Contacts: Applicant

Hand To The Plow Surveying  
5678 W 350 S.  
Albion, IN 46701

Land Owner

Tri-County Land Trustee  
Corporation (Land Contract  
Holder)  
12383 County Road 50  
Syracuse, IN 46567

Land Owner

Dean J. Troyer & Edna M.  
Troyer (Land Contract  
Purchasers)  
72303 County Road 50  
Syracuse, IN 46567

Land Owner

Brett Faulkner And Homerette  
Faulkner, Husband And Wife

Private Surveyor

Hand To The Plow Surveying  
5678 W 350 S.  
Albion, IN 46701

Site Address: 12383 County Road 50  
Syracuse, IN 46567

Parcel Number: 20-16-22-400-007.000-003

Township: Benton

Location: North Side of CR 50, 675 ft. West of US 33

Subdivision:

Lot #

Lot Area: 5.87 Frontage: 599.61 Depth: 419.08

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL DWELLING

Legal Description:

Comments: CREATION DATE 7/21/1992  
SUBDIVISION MI-0014-2025 SUBMITTED 1/6/2025, SUP-0349-2019 FOR A MOBILE HOME  
CLAYTON CONFIRMS THERE IS NO MOBILE HOME ON SITE

Applicant Signature:

Department Signature:

Application

Site address: 12383 C.R. 50 Syracuse IN 46567

Parcel number(s): \_\_\_\_\_

Current property owner

Name: Dean Troyer

Address: 12383 C.R. 50 Syracuse IN 46567

Phone: 574-350-0990

Email: none

Other party

Agent

Buyer

Land contract purchaser

Lessee

Name: JD Fuel Xpress

Address: 12383 C.R. 50 Syracuse IN 46567

Phone: 574-350-0990

Email: jlambright-1@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: Dean Troyer

Staff Use Only

Description: for a special use for a home workshop/business  
for a fuel storage and delivery business

Parcel creation date: 5-4-16

Subdivision required?

Y  N

If yes,

AS

Minor

Major

Residential accessory breakdown, if applicable: \_\_\_\_\_

Location: (N) S E W corner (side) end of CR 50  
675 ft. N S E (W) of US 33

in \_\_\_\_\_ Township

Frontage: 599.61 Depth: 419.08 Area: 5.867 acres

Subdivision and lot number, if applicable: \_\_\_\_\_

Present use: Residential

\* See SUP-0349-2019\*

Special Use — Questionnaire

Name: Dean Troyel

1) Tell us what you want to do. Part in Concrete Fuel Containment dike.  
For 3 Fuel storage tanks (6,800 gal. each).

2) Tell us why this activity won't hurt your neighbors or the community. Cause we're containing  
the fuel so it won't spill.

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 are trees from the road to the tanks and  
between tanks and neighbors.

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: 8'x12' 10' height  
Tell us what you'll use it for. Office  
**Building or addition 2** Existing?  Y  N Size and height to the peak: ≈ 20' x 50', unknown height  
Tell us what you'll use it for. Fuel containment dike (in Clayton at corner 1-6-25)  
**Building or addition 3** Existing?  Y  N Size and height to the peak: ≈ 28' x 42', unknown height  
Tell us what you'll use it for. Parking & lean-to

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: \_\_\_\_\_ Part time: 2

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

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

What will be the days and hours of operation on this property? 8:00 AM to 3:00 PM  
Monday thru Friday (at counter w Clayton 1-6+5)

How many parking spaces do you have now? 0

How many parking spaces do you want? 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. Two Fuel delivery truck's

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. 2 deliveries a week and 2 pickups a week

Tell us the kind of vehicles used. Semi tank deliveries and Straight truck pickups

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. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Am / farmers

f deliv suc

come w deliv dies / gas, like propane <sup>but</sup> not propane

rig come fill up, then rig leave ~~take fuel to~~  
~~these locations~~

~~for~~ small ched-office, no fdm / phones dock

no ret sales

~~the~~ tanker truck comes to fill his tanks

then <sup>his own</sup> smaller <sup>straight</sup> trucks ~~come and get fuel from~~ <sup>take</sup> ~~from~~ <sup>to local end users</sup>

so I pay the big truck's co.

he owns <sup>the</sup> end-user deliv truck, so

D's die is the fuel deliv son 1 truck for

time being (2-3 later) w be parked under the lean to

clayton sed until that proposed lean to is built,  
it wud be parked out in open at that spot or just  
somewhere else on the gravel

all 3 tanks to start w  
all adv gnd

D not ~~want~~ to use resid drive, also cleared trees for  
new east drive, I sed k w want fig 6 + mn allow  
2 drives

delivs / day (starting pt but eventually ft)

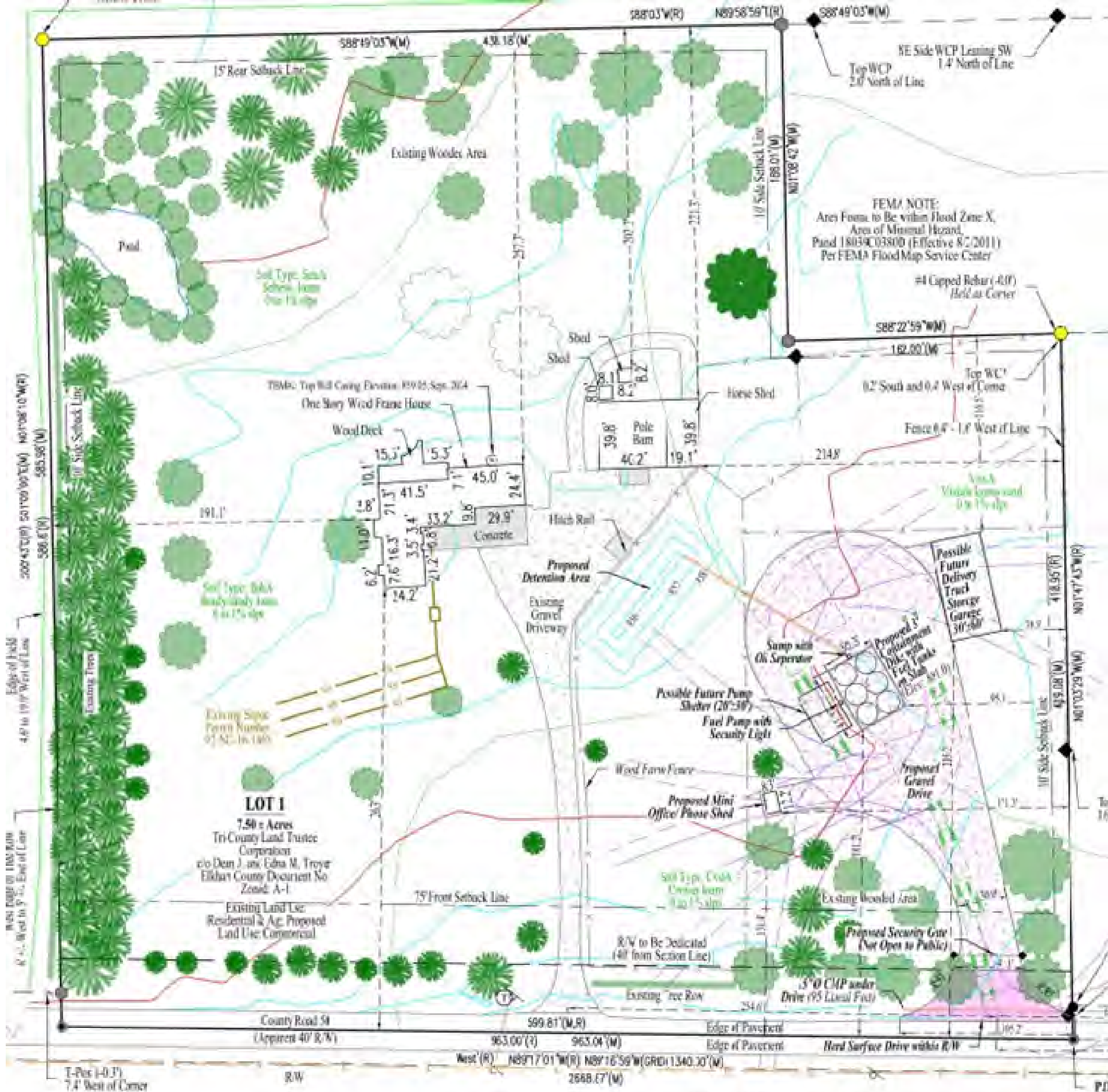
~~not now~~ prob not > 1000 x / wk } approx to start  
outgoing 2-3 x / day

fuel sty & delivery die

- ✓ - add lean to gain
- ✓ - add "f containmt dyke" w dims

- ✓ - add days of the 8-3
- ✓ - gain says only 2 "pus" / wk?
- ✓ - ft SBS shed & dyke
- ✓ - any other outsd sty
- ✓ - no MH Faulner

↓  
C thinks  
"pus" means  
not doing  
not doing



# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** February 20, 2025

**Transaction Number:** SUP-0021-2025.

**Parcel Number(s):** 20-14-29-426-002.000-028.

**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 25 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 50 ft. from the centerline of the right-of-way.

**Petitioner:** Merle D. Hostetler & Barbara E. Hostetler, Husband & Wife.

**Location:** West side of CR 9, 880 ft. South of CR 52, in Union 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:**

*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. 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 1.00-acre parcel in a low-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:** February 20, 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:

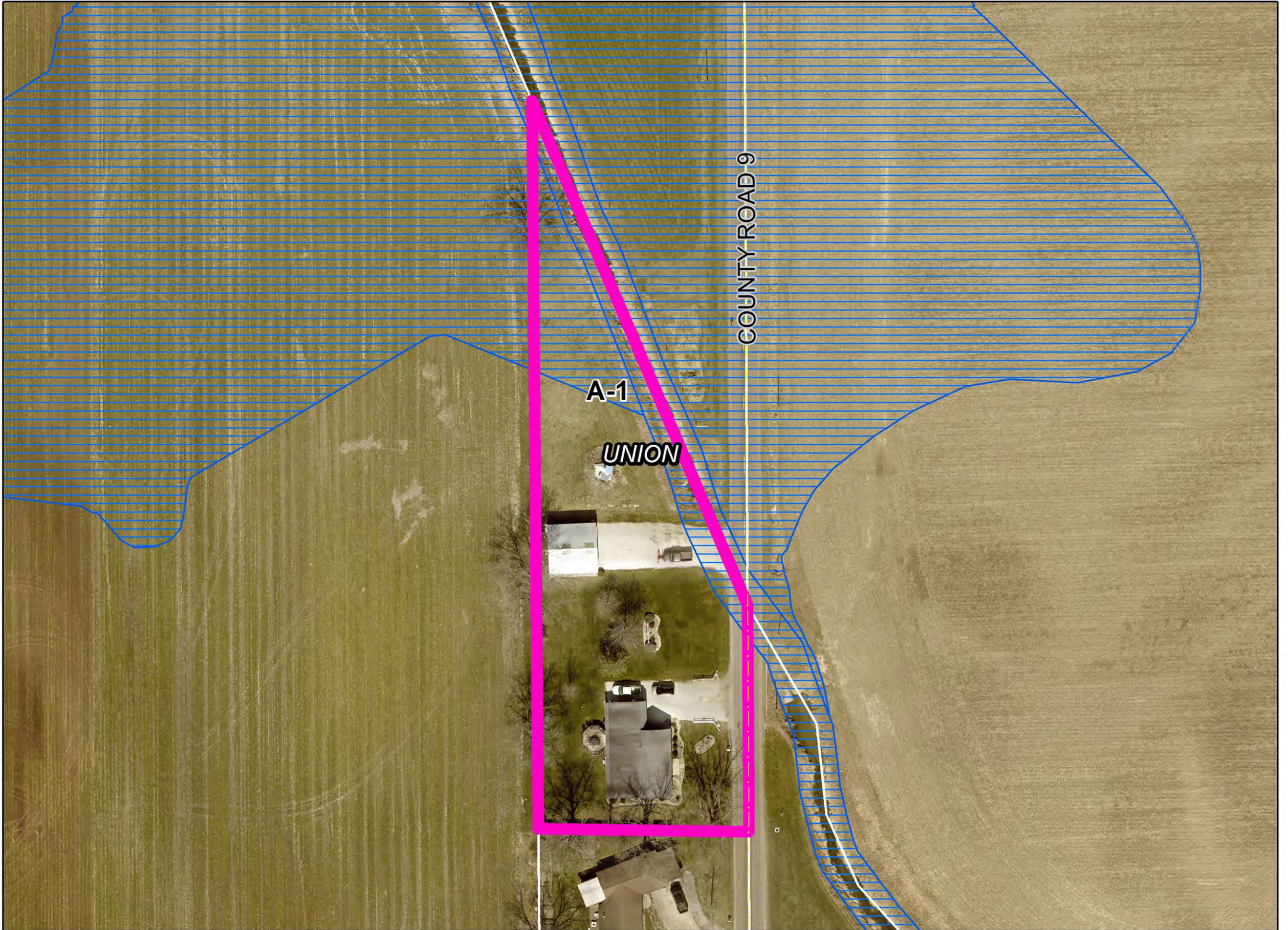
1. The request is approved in accordance with the site plan submitted on 1/10/2025 and as represented in the Special Use application.
2. The request is limited to a maximum of two (2) adult horses at any one time.

*for a 25 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 50 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. This is an existing house and the structure does not affect sight distance.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 1.00-acre parcel in a low-density residential and agricultural area, and the property will remain residential and agricultural in character.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the benefit of the variance, the house would be nonconforming.

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

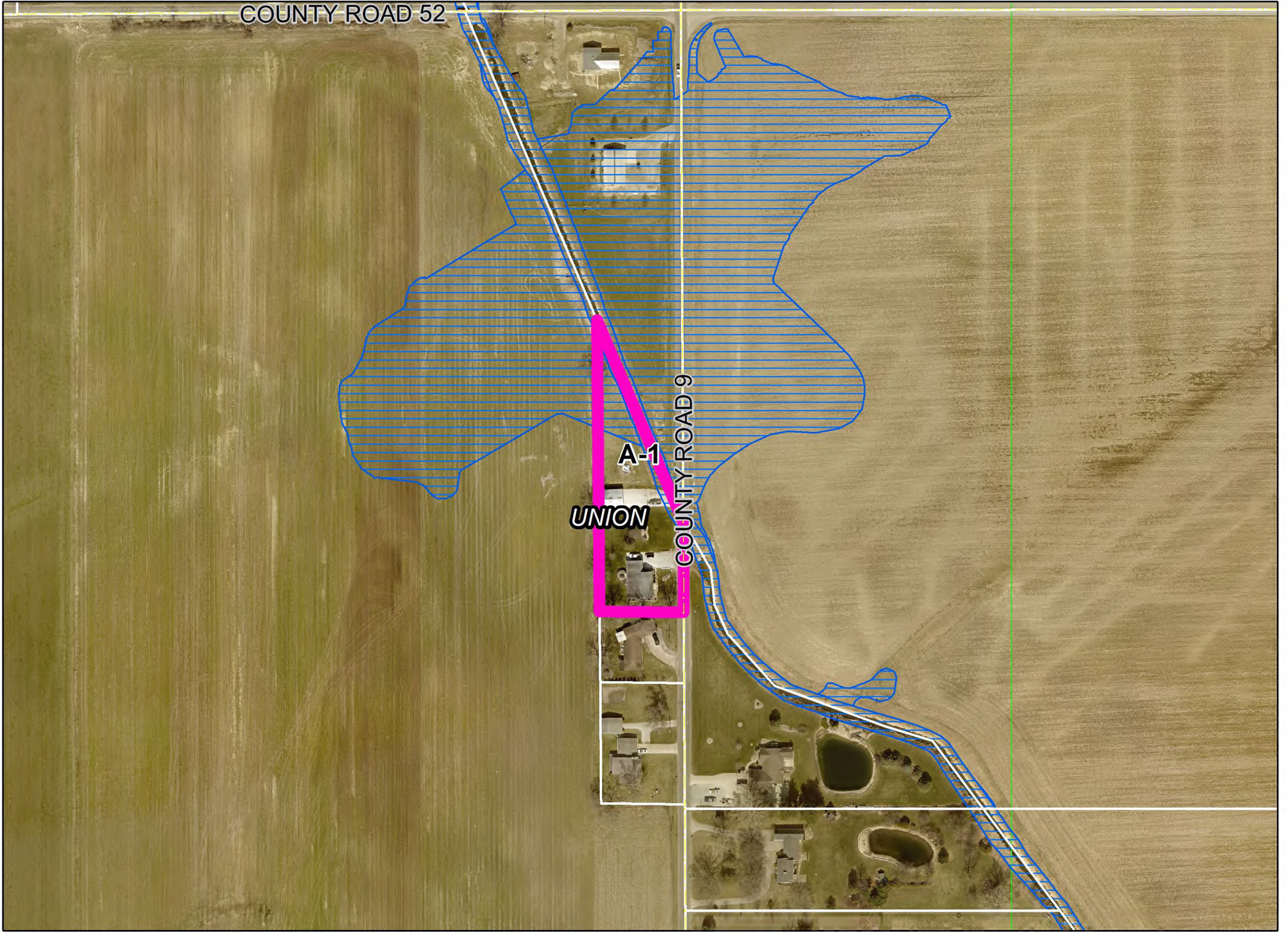
1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted on 1/10/2025 and as represented in the Developmental Variance application.



A-1

UNION

COUNTY ROAD 9





COUNTY ROAD 52

A-1

COUNTY ROAD 9

UNION





**Facing West toward subject property**





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-0021-2025

Special Use - Non Mobile Home

Date: 01/10/2025

Meeting Date: February 20, 2025  
Board of Zoning Appeals Public Hearing

Transaction #: SUP-0021-2025

Description: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres and for a 25 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 50 ft. from the centerline of the right-of-way

Contacts: Applicant

Land Owner

Merle D. Hostetler And

Merle D. Hostetler And

Barbara E. Hostetler, Husband  
And Wife

Barbara E. Hostetler, Husband  
And Wife

29172 Cr 50

29172 Cr 50

Nappanee, IN 46550

Nappanee, IN 46550

Site Address: 71687 County Road 9  
Nappanee, IN 46550

Parcel Number: 20-14-29-426-002.000-028

Township: Union

Location: West side of CR 9, 880 ft. south of CR 52

Subdivision:

Lot #

Lot Area: 1.00 Frontage: 156.50

Depth: 139.00

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED 3/1/1966

RESIDENCE = 1,800 SQ FT X 100% = 1,980 SQ FT, MINUS 360 (GARAGE) AND 1,024 (32 X 32 SHOP) LEAVES 596 SQ FT.

LEAN-TO ADDITION WILL BE 16 X 32 (512 SQ FT).

Applicant Signature:

Department Signature:

**Application**

Site address: 71687 CR 9 Nappanee

Parcel number(s): 20-14-29-426-002-000-028

**Current property owner**

Name: Merle D Hostetler and Barbara E Hostetler

Address: 29172 CR 50 Nappanee IN 46550

Phone: 574-773-0785 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: Merle D Hostetler

**Staff Use Only**

Description: \_\_\_\_\_

residence - 1800

garage - 360

shop - 1024

416 - 512

Parcel creation date: 3/1/66

Subdivision required?  Y  N If yes,  AS  Minor  Major

Residential accessory breakdown, if applicable: \_\_\_\_\_

Location: N S E (W) corner (side) end of CR 9,  
930 ft. N (S) E W of CR 52,  
in Union Township

Frontage: 156.5 Depth: 139 Area: 1 acres

Subdivision and lot number, if applicable: \_\_\_\_\_

Present use: \_\_\_\_\_

Special Use — Questionnaire

Name: Merle Hostetler

1) Tell us what you want to do. Lean on Shop for 1 or 2 Horses

2) Tell us why this activity won't hurt your neighbors or the community.

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. fences on north side of shop

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: 16x32  
Tell us what you'll use it for. For Horses  
**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. 1 or 2 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. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Application

Site address: 71687 CR 9 Nappanee

Parcel number(s): \_\_\_\_\_

Current property owner

Name: Merle Hostetler and Barbara Hostetler

Address: 29172 CR 50

Phone: 574-773-0785 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: Merle Hostetler

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: Merle Hostetler

1) Tell us what you want to do. Lean on Shop

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

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

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

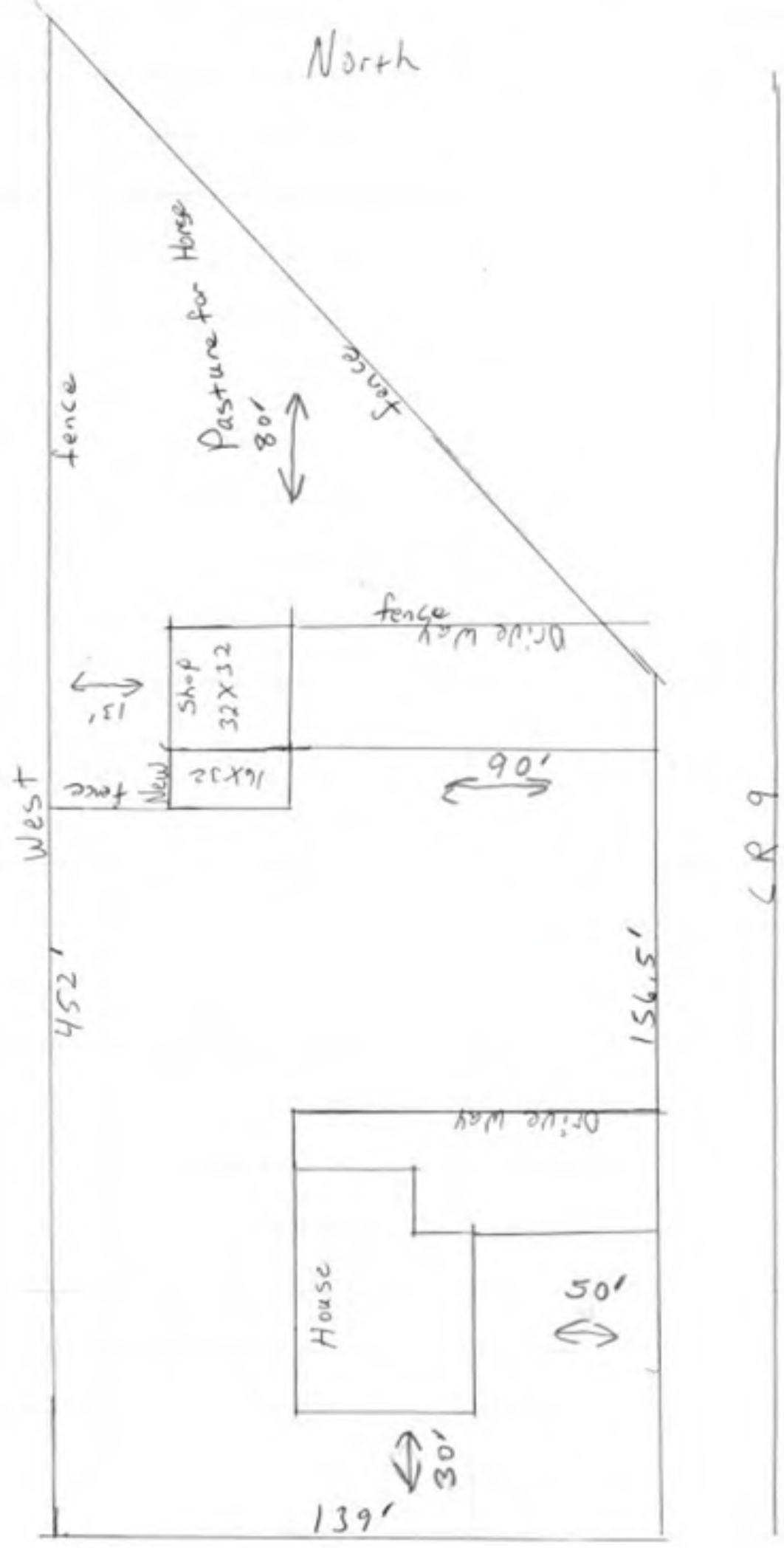
5) Does the application include variances to allow for buildings or additions?  Y  N If yes, fill out below.  
**Building or addition 1** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_  
**Building or addition 2** Size and height to the peak: \_\_\_\_\_  
Tell us 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. \_\_\_\_\_



# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** February 20, 2025

**Transaction Number:** SUP-0908-2024.

**Parcel Number(s):** 20-06-13-251-004.000-009 & 20-16-13-251-005.000-009.

**Existing Zoning:** A-1.

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

**Petitioner:** Victor H. Juarez.

**Location:** North side of CR 18, 2,350 ft. West of CR 17, in Concord 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:**

- **June 17, 1976** – BZA approved a variance to keep a pony on less than 5 acres in an A-1 zone.
- **September 11, 2023** – A complaint for running a car repair/detailing business on the property was filed. The code case was closed on 11/14/2023.
- **December 6, 2024** – A complaint for running a tire business on the property was filed.

**Staff Analysis:**

*for a Special Use for a home workshop/business for a tire 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 0.96-acre property in a moderately dense mixed-use area and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by allowing for local tire sales and service.

# ***BZA Staff Report (Continued)***

**Hearing Date:** February 20, 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 on 12/27/2024 and as represented in the Special Use application.
2. No backing onto or off of CR 18 with semi-tractor trailers.

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

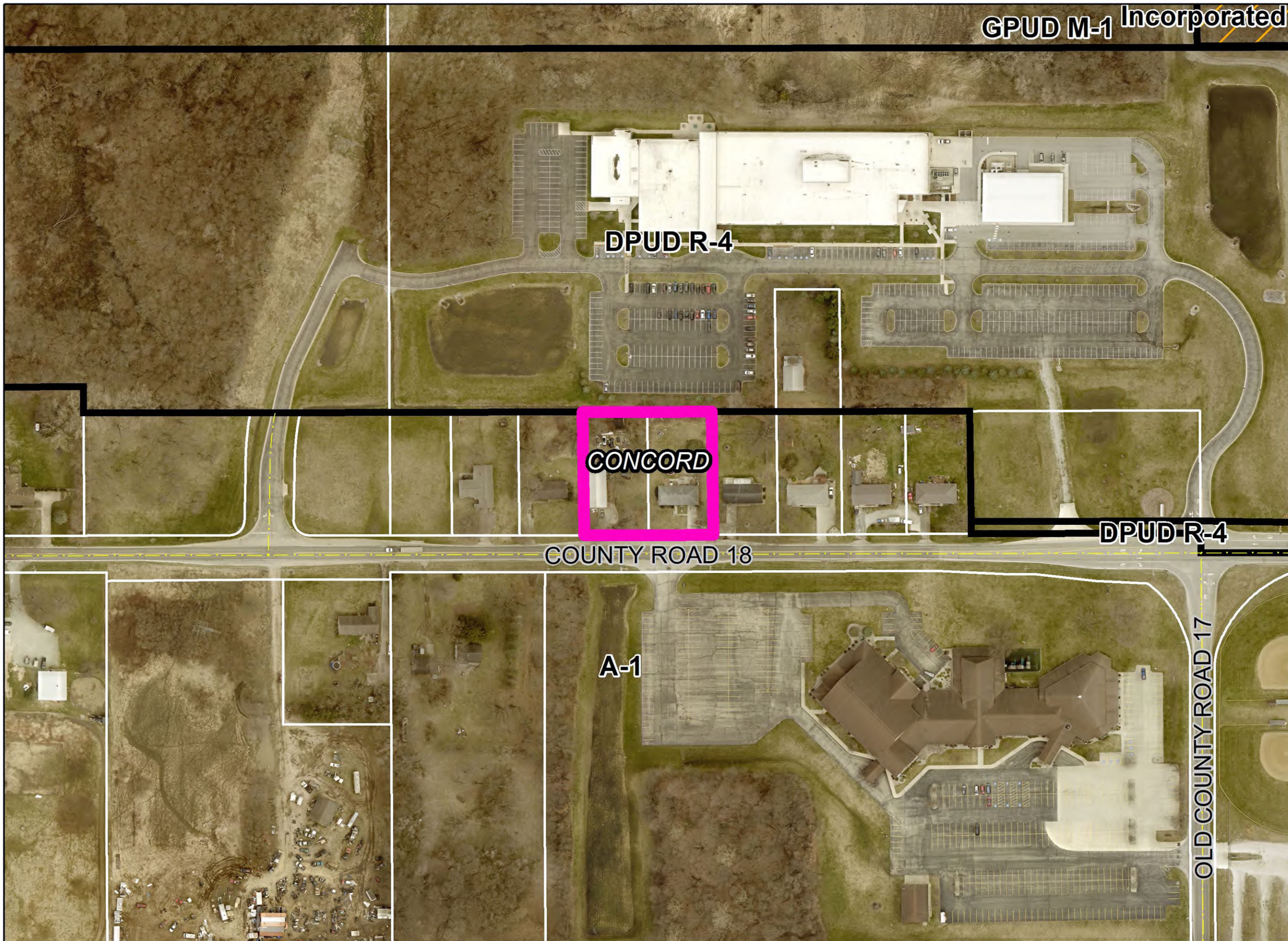
1. Approval of the requests will not be injurious to public health, safety, morals, or general welfare. The proposed accessory structure for the home workshop/business is 1,458 sq. ft., or 78%, over what is allowed by right.
2. Approval of the requests will not cause substantial adverse effects on neighboring property. This is a 0.96-acre property in a moderately dense mixed-use area, and the property will remain residential in character.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The proposed structure reduces the need for outdoor storage.

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 on 12/27/2024 and as represented in the Developmental Variance application.

SUP-0908-2024





DPUD R-4

CONCORD

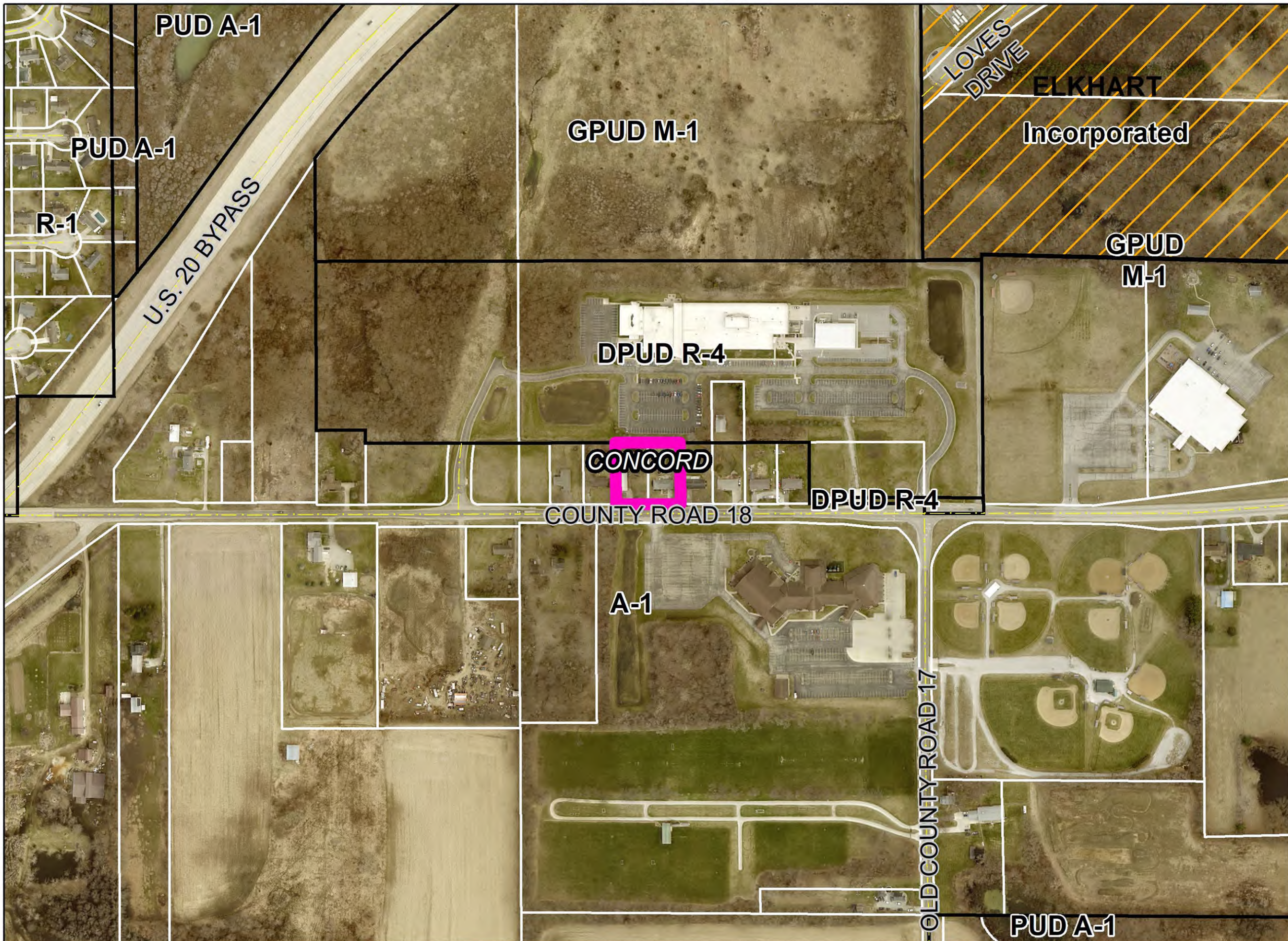
DPUD R-4

COUNTY ROAD 18

A-1

OLD COUNTY ROAD 17







Facing North toward subject property





Facing South



Facing East



Facing West

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use - Non Mobile Home

SUP-0908-2024

Date: 12/27/2024

Meeting Date:

February 20, 2025

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0908-2024

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

Contacts: Applicant

Victor H Juarez

22407 Cr 18

Goshen, IN 46528

Land Owner

Victor H Juarez

22407 Cr 18

Goshen, IN 46528

Site Address: 22407 County Road 18  
Goshen, IN 46528

Parcel Number: 20-06-13-251-004.000-009  
20-06-13-251-005.000-009

Township: Concord

Location: NORTH SIDE OF CR 18, 2,350 FT WEST OF CR 17

Subdivision: EASTMOORE EST

Lot # LOT 8 & 9

Lot Area: 0.96 Frontage: 210.00 Depth: 200.00

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: DWELLING 1040 SF X 110% = 1144 MINUS ATTACHED GARAGE 520 SF MINUS BARN 1890 SF MINUS SHED 182 SF =  
NEGATIVE 1458 SF 12-27-2024 JB  
THE BARN OF 1890 SF HAD A PERMIT FROM 1979 THAT SHOULD HAVE HAD A DV.  
SEE CODE 0834-2024 AND CODE 0691-2023

Applicant Signature:

Department Signature:

**Application**

Site address: 22407 CR 18 Goshen IN 46528

Parcel number(s): 20-06-13-251-004.000-009; 20-06-13-251-005.000-009

**Current property owner**

Name: victor H suarez

Address: 22407 CR18 Goshen IN 46528

Phone: (574) 349-0441 Email: sai leth@yahoo.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:** victor 

**Staff Use Only**

Description: For a special use for a home workshop/business for tire shop

Parcel creation date: N/A

Subdivision required?     Y     N    If yes,     AS     Minor     Major

Residential accessory breakdown, if applicable: \_\_\_\_\_

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

Frontage: \_\_\_\_\_    Depth: \_\_\_\_\_    Area: \_\_\_\_\_ acres

Subdivision and lot number, if applicable: \_\_\_\_\_

Present use: \_\_\_\_\_

Special Use — Questionnaire

Name: Victor H. Juarez

1) Tell us what you want to do. Operate a tire shop that will offer tire sales, installation, repairs, & alignment services.

2) Tell us why this activity won't hurt your neighbors or the community. We will take measures to minimize noise & manage traffic effectively, ensuring minimal disturbance to the neighbors & the community

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. Air compressors & machinery will generate noise. There will be no significant dust, odor, heat, or glare.  
Tell us how you'll reduce the impact of those things on neighbors. Sound barriers can be installed to minimize the noise. & can use proper ventilations & maintenance.

5) Will there be buffering (fences, trees, shrubs, mounds)?  Y  N  
If yes, tell us about it. We can install a fence on the neighbors side if necessary to mitigate noise & visual impact. On the other side is our house, and in the front there is no neighbors.

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: 30 x 63 x 12  
Tell us what you'll use it for. Will be use for tire sales, installations & repairs  
**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: 1 Part time: \_\_\_\_\_

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

★ How many of the employees won't live onsite? 1 part time who doesn't live there

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

Hours: 9:00 am - 6:30 pm

How many parking spaces do you have now? 4

How many parking spaces do you want? 8 total spaces in the future.

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

If yes, tell us what will be stored outside or displayed. There will be an outside display of tires.

Will there be retail sales on this property?  Y  N

If yes, tell us what will be sold. Tire Sales

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

2-3

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

Tell us how often. 1-2 times a week.

Tell us the kind of vehicles used. Pick up trucks - Chevy Silverado 1500

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

**Sign 1** Dimensions (length and width). Flag Sign (W30" x L138")

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). Open Sign 32" x 16"

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width). Banner Sign (3' x 6')

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 have always had a respectful relationship with our neighbors & have never had any issues. We keep the exterior clean & serve customers inside. If theres anything that concerns our neighbors or if there is anything we can address, we are committed to taking action.

Developmental Variance — Questionnaire

Name: Victor H. Suarez

1) Tell us what you want to do. Operate a tire shop that will offer tire sales, installation, repairs & alignment services

2) Tell us why you can't change what you're doing so you don't need a variance. current setup is essential for efficient operations & customer service. the variance allows us to quality service & community engagement without compromising safety.

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

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: 30 x 63 x 12  
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

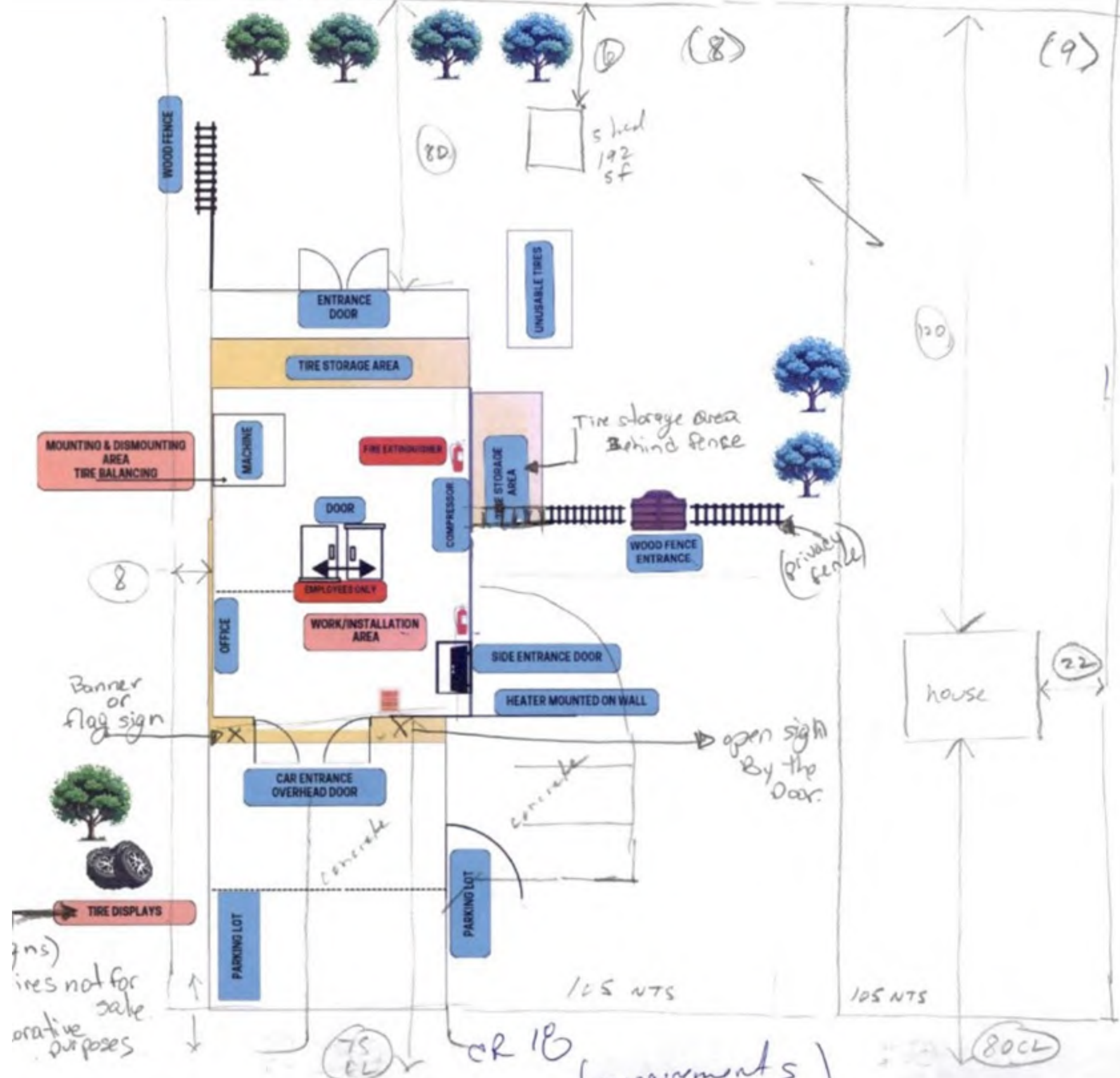
**Sign 2** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N

**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. \_\_\_\_\_





# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** February 20, 2025

**Transaction Number:** SUP-0027-2025.

**Parcel Number(s):** 20-14-32-426-013.000-028.

**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, for a 20 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 100 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.

**Petitioner:** AMF Trustee Corporation (Land Contract Holder) & Kevin Hershberger (Land Contract Purchaser).

**Location:** South side of US 6, 1,000 ft. West of CR 9, in Union Township.

**Site Description:**

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

**History and General Notes:**

- None.

**Staff Analysis:**

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

1. The Special Use will be consistent with the spirit, purpose, and intent of the 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 2.00-acre parcel in a moderately dense mixed-use 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:** February 20, 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:

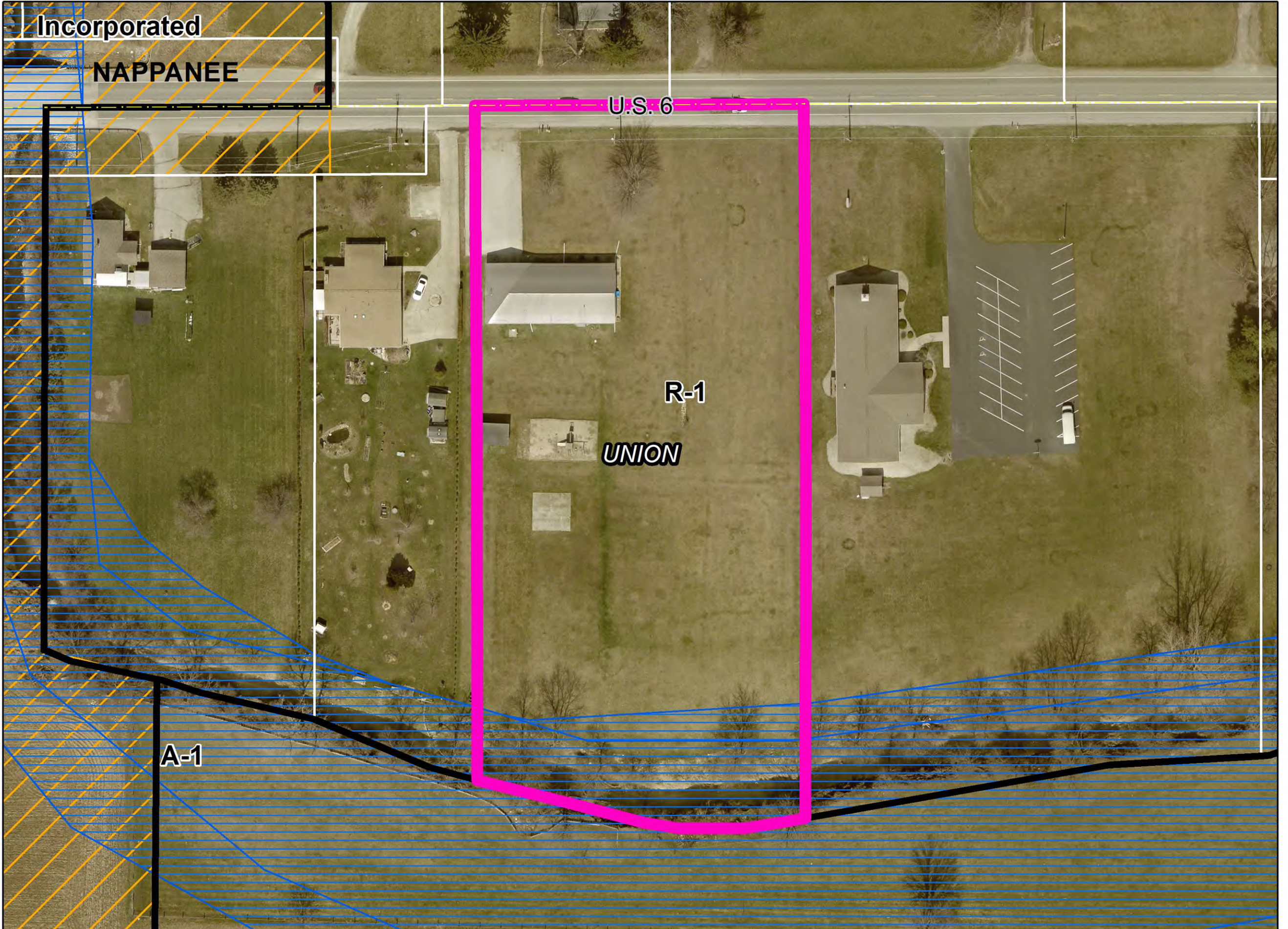
1. The request is approved in accordance with the site plan submitted on 1/13/2025 and as represented in the Special Use application.
2. The request is limited to a maximum of two (2) adult horses at any one time.

*for a 20 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 100 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, staff finds that:*

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. This is an existing house and the structure does not affect sight distance. The proposed accessory structure is 463.8 sq. ft., or 26.7%, over what is allowed by right.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 2.00-acre parcel in a moderately dense mixed-use area, and the property will remain residential and agricultural in character.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. With the benefit of the variances, the property would be nonconforming and the proposed structure reduces the need for outdoor 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 1/13/2025 and as represented in the Developmental Variance application.



**Incorporated**

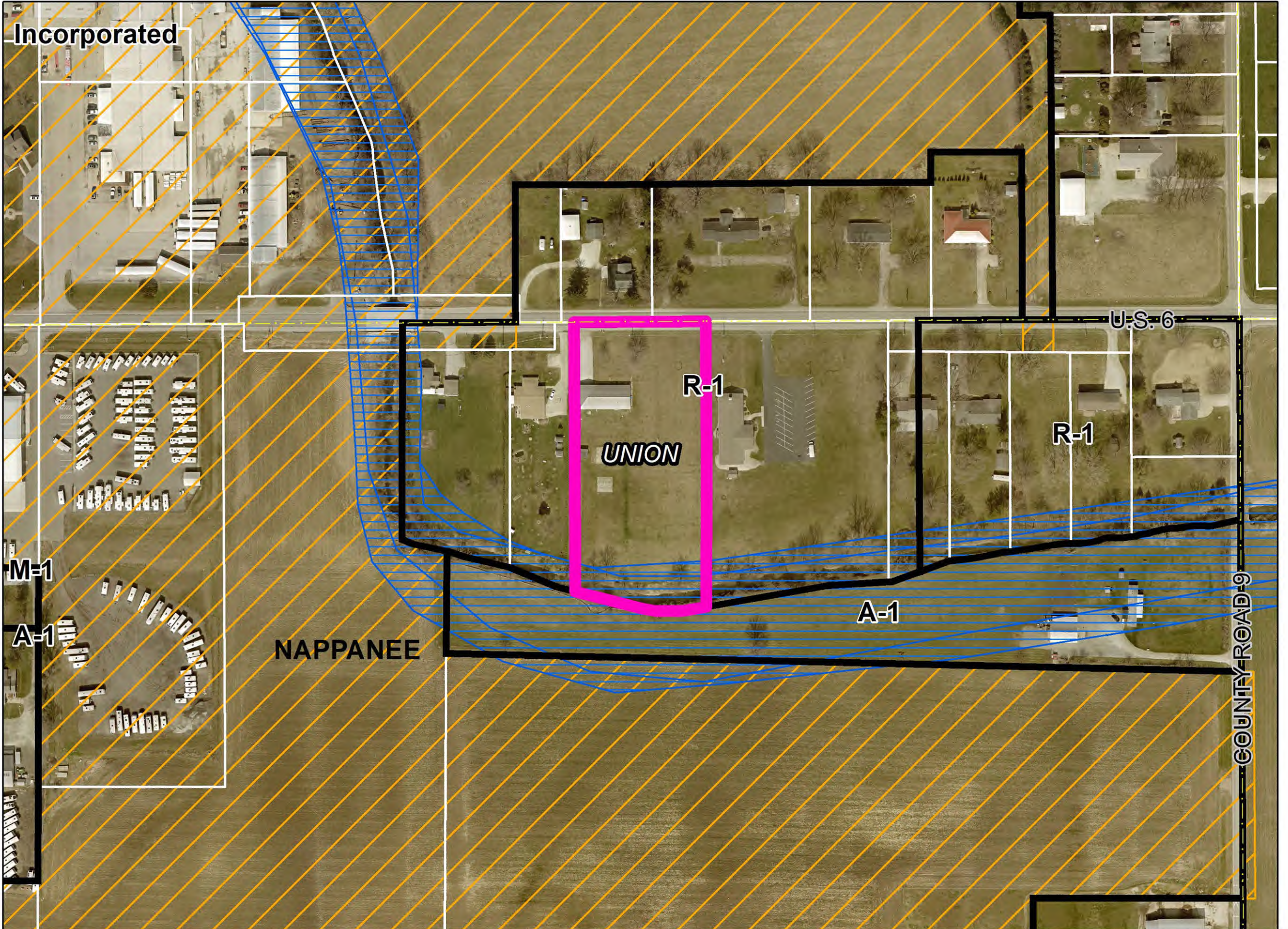
**NAPPANEE**

**U.S. 6**

**R-1**

**UNION**

**A-1**



Incorporated

M-1

A-1

NAPPANEE

UNION

R-1

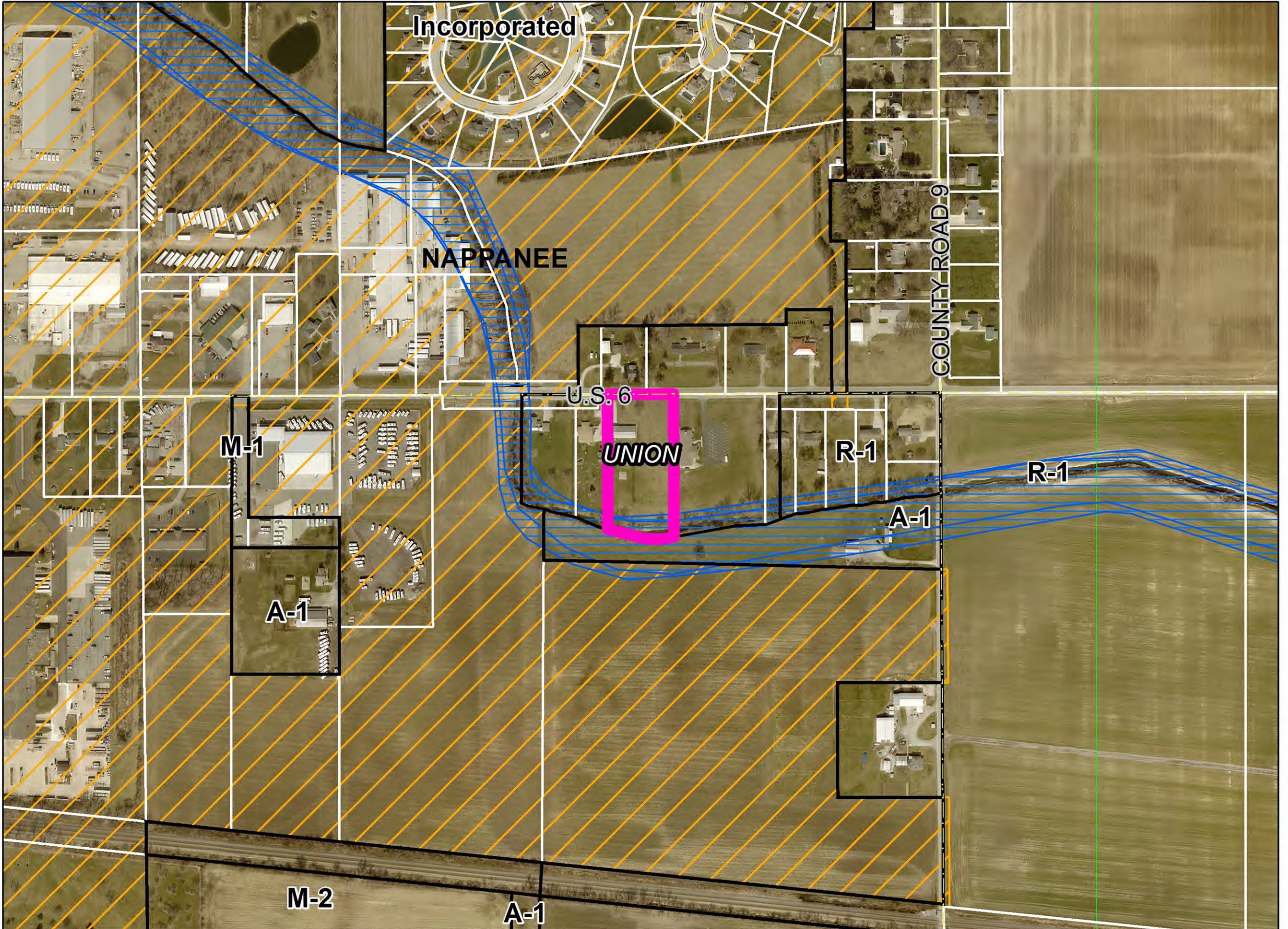
R-1

A-1

U.S. 6

COUNTY ROAD 9







Looking South towards subject property



Looking North





Looking East



Looking West

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

SUP-0027-2025

Special Use - Non Mobile Home

Date: 01/13/2025 Meeting Date: February 20, 2025 Transaction #: SUP-0027-2025  
Board of Zoning Appeals Public Hearing

Description: for a Special Use for an agricultural use for the keeping of a horse on a tract of land containing less than 3 acres, for a 20 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 100 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

Contacts: <u>Applicant</u> (Land Contract Purchaser) 26190 E Us 6 Nappanee, IN 46550	<u>Authorized Agent</u> B & B Roofing And Construction 72758 County Road 101 Nappanee, IN 46550	<u>Land Owner</u> Ammf Trustee Corporation (Land Contract Holder) 10313 N 500 W Milford, IN 46542	<u>Land Owner</u> (Land Contract Purchaser) 26190 E Us 6 Nappanee, IN 46550
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Site Address: 26190 Us Highway 6 Nappanee, IN 46550	Parcel Number: 20-14-32-426-013.000-028
--	---

Township: Union  
Location: SOUTH SIDE OF US 6, 1,000 FT. WEST OF CR 9

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

Lot Area: 2.00	Frontage: 220.00	Depth: 445.00
----------------	------------------	---------------

Zoning: R-1	NPO List:
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Present Use of Property: RESIDENTIAL DWELLING

Legal Description:

Comments: PARCEL CREATION DATE 3/1/1963  
RESIDENCE = 1732 SF X 110% = 1905 SF MINUS 529 SF GARAGE, 240 SF SHED, AND 1600 SF PROPOSED BUILDING = 463.8 SF OVER BUILDING ALLOWANCE

Applicant Signature:

Department Signature:

Application

Site address: 26190 US 6 Nappanee IN 46550

Parcel number(s): \_\_\_\_\_

Current property owner

Name: Kevin Hershberger

Address: 26190 US 6 Nappanee, IN 46550

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Other party  Agent  Buyer  Land contract purchaser  Lessee

Name: B.B Roofing - Construction

Address: 72758 CR 101 Nappanee IN 46550

Phone: 574-248-9280 Email: louern@buildwithbonds.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: [Signature]

Staff Use Only

Description: to allow an ag use for the keeping of a horse on less than .3 acres

Parcel creation date: 3/1/1962

Subdivision required?  Y  N If yes,  AS  Minor  Major

Residential accessory breakdown, if applicable: N/A

Location: N (S) E W corner (side) end of US 6,  
1,000 ft. N S E (W) of CR 9,  
in Union Township

Frontage: 220 Depth: 445 Area: 2 acres acres

Subdivision and lot number, if applicable: \_\_\_\_\_

Present use: Residential

Special Use — Questionnaire

Name: \_\_\_\_\_

1) Tell us what you want to do. allow 1 adult horse on property

2) Tell us why this activity won't hurt your neighbors or the community. the horse will be kept on rear of 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. fence for the horse rear of property

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. 1 adult horse

Next page ➡

Y

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. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Application

Site address: 2690 US 6 Napoleon, Ind. 46550

Parcel number(s): \_\_\_\_\_

Current property owner

Name: Kevin Hersberger

Address: 2690 US 6 Napoleon, Ind. 46550

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Other party

Agent

Buyer

Land contract purchaser

Lessee

Name: B.B Roofing - Construction

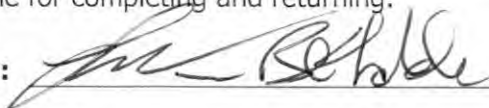
Address: 72758 CR 101 Napoleon, Ind. 46550

Phone: 574-248-9280

Email: lavern@buildwithbonds.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: allow for a 20ft Developmental Variance for an existing residence 100ft. from CL (ordinance requires 120ft), and to allow for the total SF of accessory structures that exceed amount allowed by right.

Parcel creation date: 3/1/1962

Subdivision required?

Y

N

If yes,

AS

Minor

Major

Residential accessory breakdown, if applicable:

Residence = 1732 SF x 110% =

1905.2 minus 529 SF Garage, 240 SF shed, and 1600 SF proposed building = 463.8 SF over allowance

Location: N (S) E W corner (side) end of US 6

1,000 ft. N S E (W) of CR 9

in Union Township

Frontage: 220 Depth: 445 Area: 2 acres

Subdivision and lot number, if applicable: \_\_\_\_\_

Present use: Residential

Developmental Variance — Questionnaire

Name: \_\_\_\_\_

1) Tell us what you want to do. Build a 40x60 Pole barn  
40x40' will be Storage 20x40' will be horse barn

2) Tell us why you can't change what you're doing so you don't need a variance. \_\_\_\_\_  
Propose structure site on rear of property

3) Tell us why the variance won't hurt your neighbors or the community. need more Storage  
space than allowed by right

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: 40x60x20'

Tell us what you'll use it for. Storage - horse barn

**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

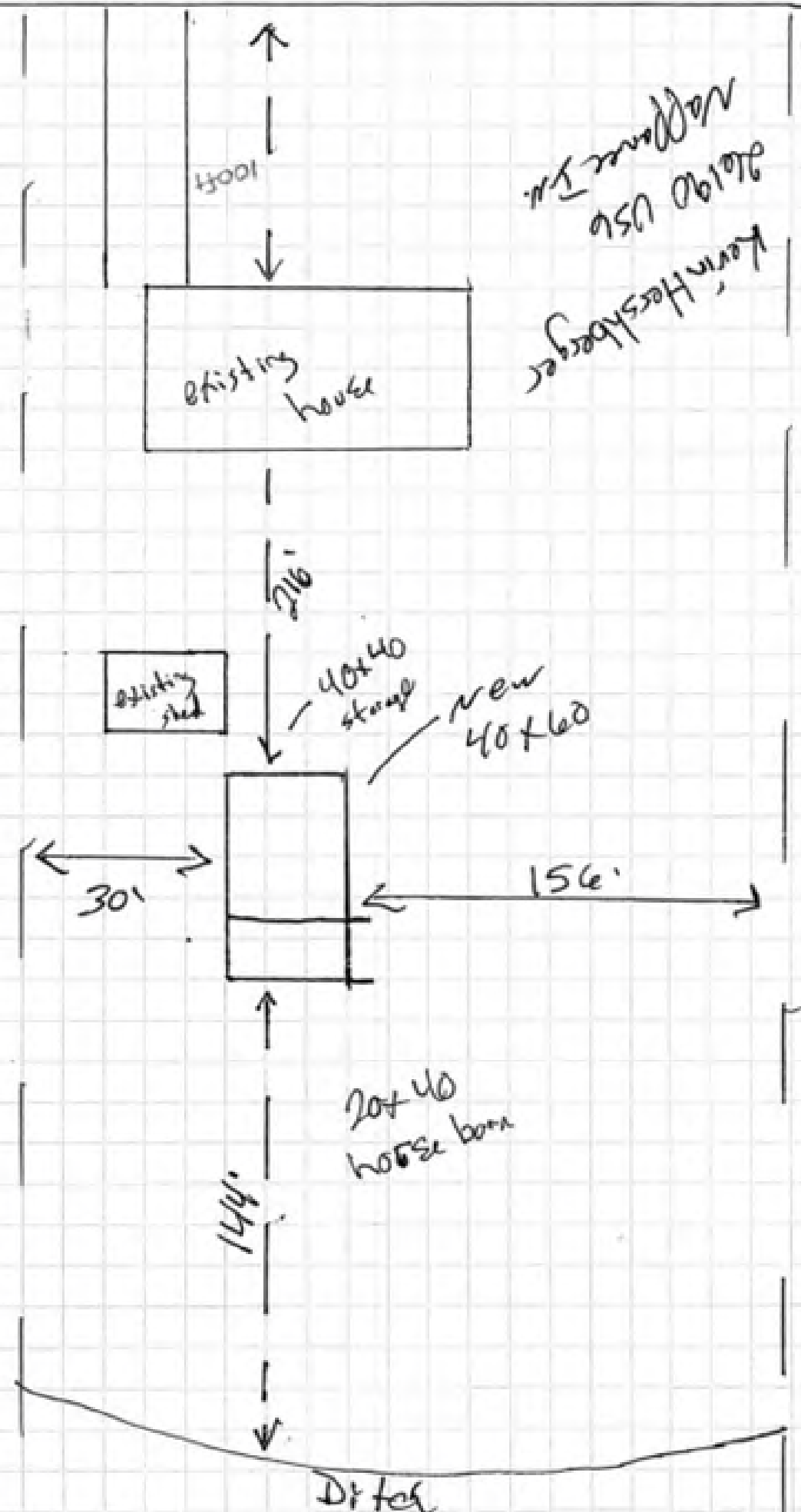
Freestanding?  Y  N Wall mounted?  Y  N

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. \_\_\_\_\_



US 6



# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** February 20, 2025

**Transaction Number:** UV-0896-2024.

**Parcel Number(s):** 20-02-17-206-034.000-026 & 20-02-17-252-013.000-026.

**Existing Zoning:** R-2.

**Petition:** for a Use Variance to allow for the construction of an accessory structure without a residence.

**Petitioner:** Gripdog Enterprises LLC.

**Location:** West side of North Shore Dr., 865 ft. Northeast of SR 19, in Osolo Township.

**Site Description:**

- Physical Improvement(s) – Basketball court.
- Proposed Improvement(s) – Detached accessory structure.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

**History and General Notes:**

- None.

**Staff Analysis:**

Staff finds that:

1. The request will not be injurious to the public health, safety, morals, and general welfare of the community. The accessory structure will meet all development standards and will be placed in a position that will not cause sight issues for adjacent properties.
2. The use and value of the area adjacent to the subject property will not be affected in a substantially adverse manner. There are other lots on the west side of this portion of North Shore Drive that already have garage-only use.
3. A need for the Use Variance does arise from a condition that is peculiar to the property involved. Streets with lakefront lots on one side and accessory structures for those lots on the other side are common in lake neighborhoods.
4. Strict enforcement of the terms of the Development Ordinance would constitute an unnecessary hardship if applied to the subject property. Without the benefit of the Use Variance the need for outdoor storage could arise as there isn't enough room on the residential parcel for more storage space.
5. The Use Variance does not interfere substantially with the Elkhart County Comprehensive Plan.

# ***BZA Staff Report (Continued)***

*Hearing Date:* February 20, 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 12/19/2024) and as represented in the Use Variance application.



SIGERFOOS AVENUE

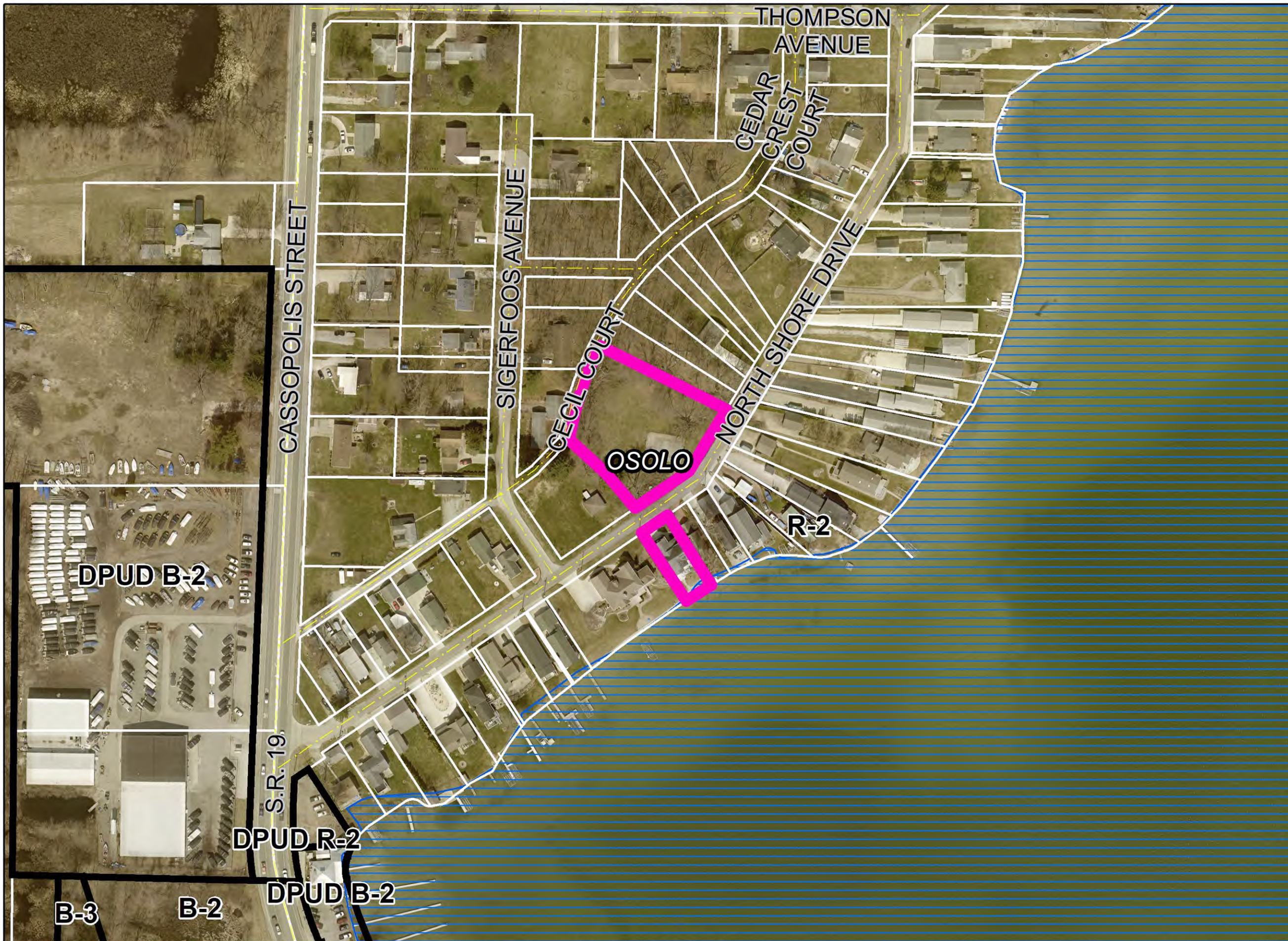
CECIL COURT

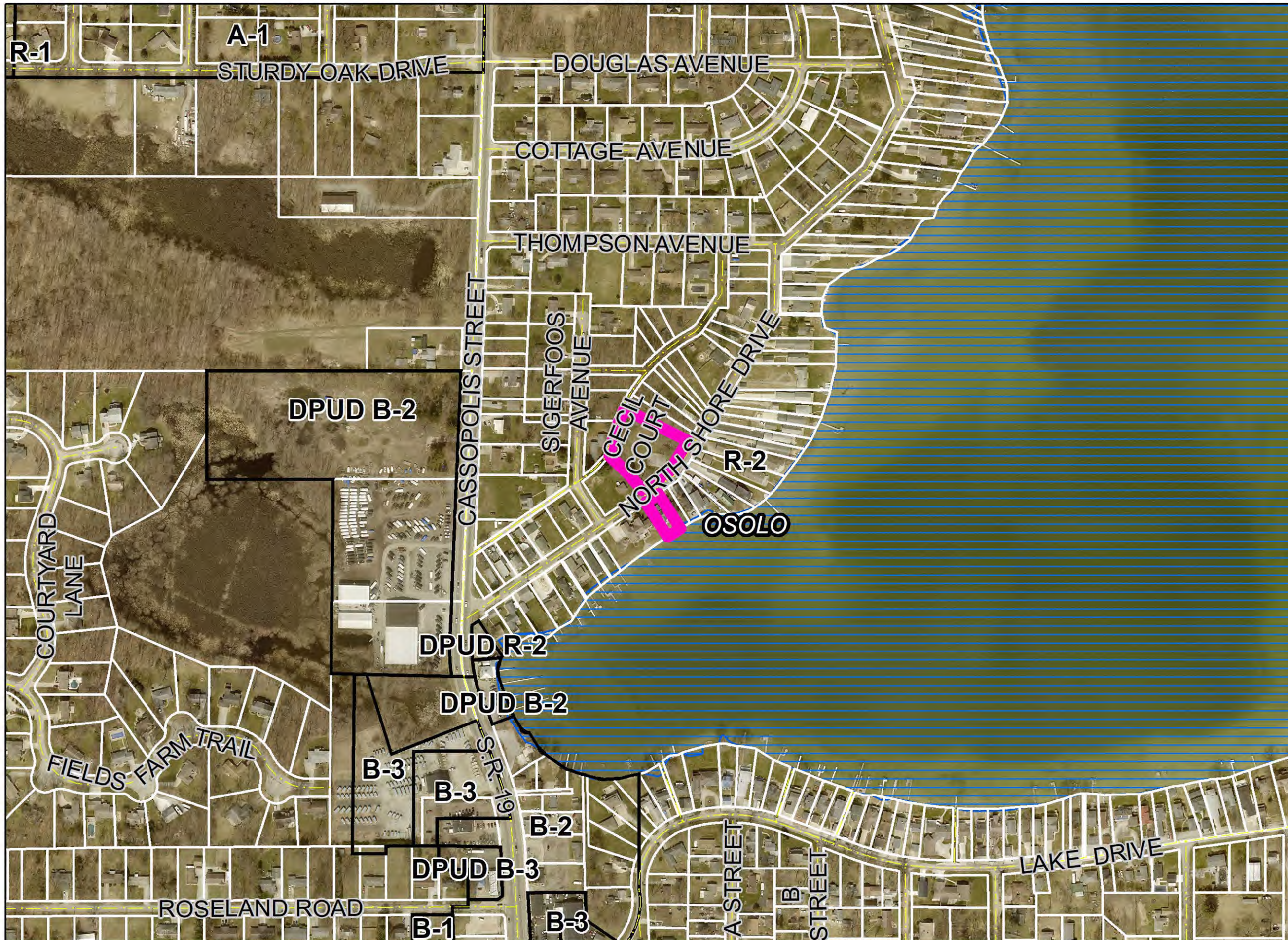
R-2

OSOLO

NORTH SHORE DRIVE









Looking Northwest towards subject property



Looking South towards residence subject property





Facing East



Facing West



Facing Southeast

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Use Variance - Use Variance

UV-0896-2024

Date: 12/19/2024

Meeting Date: February 20, 2025  
Board of Zoning Appeals Public Hearing

Transaction #: UV-0896-2024

Description: for a Use Variance to allow for the construction of an accessory structure without a residence

Contacts: Applicant

Gripdog Enterprises Llc  
51264 N Shore Dr.  
Elkhart, IN 46514

Land Owner

Gripdog Enterprises Llc  
51264 N Shore Dr.  
Elkhart, IN 46514

Site Address: 51245 N Shore Dr  
Elkhart, IN 46514

Parcel Number: 20-02-17-206-034.000-026  
20-02-17-252-013.000-026

Township: Osolo

Location: South Side Of North Shore Dr., East Of Sr 19

Subdivision: BELLS NORTH SHORE PLACE AT SIMONTON LAK

Lot # 35C - 37C, PART OF 38C, AND LOT 12-1/2

Lot Area: 0.88 Frontage: 224.00

Depth: 208.00

Zoning: R-2

NPO List:

Present Use of Property: VACANT LAND

Legal Description:

Comments: RESIDENCE IS LOCATED ACROSS THE STREET, 51264 N SHORE DR

Applicant Signature:

Department Signature:

**Application**

Site address: 51265 North Shore Elkhart Indiana 46514

Parcel number(s): 20-02-17-206-034.000-026

**Current property owner**

Name: Gripdog Enterprises LLC

Address: 910 Hwy 62 Wolfforth Texas 79382

Phone: 806-786-7676

Email: darinbenton@gmail.com

**Other party**

Agent     Buyer     Land contract purchaser     Lessee

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

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

**Signature of current property owner or authorized agent:** \_\_\_\_\_

**Staff Use Only**

**Description:** for a use variance to allow for the construction of an accessory structure without a residence

**Parcel creation date:** \_\_\_\_\_

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

**Residential accessory breakdown, if applicable:**    N/A

**Location:** (N) (S) (E) (W) corner (side) end of N Shore Dr,  
830 ft. (N) (S) (E) (W) of SR 19,  
in Osolo Township

**Frontage:** 224    **Depth:** 208    **Area:** .876 acres

**Subdivision and lot number, if applicable:** Bells North Shore Place

**Present use:** vacant @ Simonton Lake 35c-37c + part of 38c

Use Variance — Questionnaire

Name: Gripdog Enterprises LLC-51265 North Shore

1) Tell us what you want to do. Add Storage for bicycles, kayaks, lawn mowers.

2) Tell us why your case is different from other cases in the county so that a variance should be allowed. We have no storage for normal household items

3) Tell us why the variance won't hurt your neighbors or the community. The storage will look much nicer than the neighbors garage that they currently use to store the same type items.

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) Does what you want to do include buildings or additions?  Y  N If yes, fill out below. Building or addition 1 Existing?  Y  N Size and height to the peak: 600s/f 12ft tall Tell us what you'll use it for. store bicycles, mowers, kayaks Building or addition 2 Existing?  Y  N Size and height to the peak: Tell us what you'll use it for. Building or addition 3 Existing?  Y  N Size and height to the peak: Tell us what you'll use it for.

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

9) Does this application include an accessory structure without a residence at this time?  Y  N If yes, are there plans for a residence on this property?  Y  N If yes, fill out below. Tell us when it will be built. Tell us the approximate size.

10) Does this application include animals?  Y  N If yes, tell us what kind and the maximum number of each.

Use Variance — Questionnaire

- 11) Does this application include a business or nonprofit (church, school, other) based all or in part on this property?  Y  N If yes, fill out below.
- How many employees do you have now? Full time: \_\_\_\_\_ 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
- 12) Tell us anything else you want us to know. \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

