# AGENDA

# ELKHART COUNTY BOARD OF ZONING APPEALS

## JULY 17, 2025 9:00 A.M.

#### PUBLIC SERVICES BUILDING MEETING ROOMS A & B 4230 ELKHART ROAD, 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 19<sup>th</sup> day of June 2025.

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

SPEC	CIAL USES	<u>9:00 A.M.</u>	(WARNER)
A.	Petitioner:	Sarah Lynne Swiergosz & Michael Joseph Swiergosz,	(Page10)
		Wife & Husband	
	Petition:	for a Special Use for an agricultural use for the keeping of a of land containing less than 3 acres.	nimals on a tract
	Location:	West side of Nottingham Ln., 1,045 ft. South of Janiper Dr.,	1,145 ft. West of
		CR 15, common address of 60427 Nottingham Ln. in Cor zoned R-1.	sup-0342-2025
B.	Petitioner:	Merle E. Miller & Mary E. Miller, Husband & Wife	(Page 11)
	Petition:	for a Special Use for a catering establishment.	
	Location:	West side of SR 15, 2,550 ft. South of US 6, common address	s of 72493 SR 15
		in Jackson Township, zoned A-1.	SUP-0395-2025
C.	Petitioner:	David Chupp & Carrie Chupp, Husband & Wife (Buyers) & Beulah M. Schlabach (Seller)	(Page 12)
	Petition:	for a Special Use for an agricultural use for the keeping of a of land containing less than 3 acres.	nimals on a tract
	Location:	East side of CR 35, 700 ft. North of CR 20, common address	of 58864 CR 35
		in Middlebury Township, zoned A-1.	SUP-0389-2025
D.	Petitioner:	Acres Inc.	(Page 13)
	Petition:	for a Special Use for a nature preserve.	
	Location:	South side of CR 12, 1,995 ft. East of CR 131, in Middlebury 7 A-1.	Fownship, zoned SUP-0404-2025

9:30 A.M.

(HESSER)

E. Petitioner: Timothy Yoder & Janae Schrock (Buyers) & Matthew (Page 14) Herr & Adrena Mathieu (Sellers) Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres. North side of CR 14, 900 ft. West of Bristol Ave. (CR 8), common address of Location: 13043 CR 14 in Middlebury Township, zoned A-1. SUP-0394-2025 F. Petitioner: Elkhart Christian Academy, Inc. (Page 15) Petition: for an amendment to an existing Special Use for a school to allow for a building addition, additional parking, sign, drive, playground and tennis courts. Northeast corner of CR 22 & CR 9, common address of 25887 CR 22 in Location: Concord Township, zoned R-1. SUP-0403-2025 SPECIAL USE/DEVELOPMENTAL VARIANCES Petitioner: Dewey R. Price & Diana K. Price, Husband & Wife G. (Page 16) Petition: for a Special Use for a roadside stand & for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right. Location: South side of CR 50, 675 ft. West of CR 9, common address of 26150 CR 50 in Union Township, zoned A-1. SUP-0399-2025 H. Petitioner: Rosa A. Caldera De Bernal (Page 17) Petition: for a Special Use for building and home improvement supplies, 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 4, 855 ft. West of CR 7, common address of 27357 CR 4 in Osolo Township, zoned A-1. SUP-0368-2025 **USE VARIANCE/SPECIAL USE** 

# I.Petitioner:Jesus Ocampo(Page 18)Petition:for a Use Variance to allow for a waste related service & for a Special Use for<br/>a home workshop/business for a roofing business.Location:East side of CR 7, 3,460 ft. South of CR 6, common address of 53670 CR 7<br/>in Osolo Township, zoned R-1.

### **TABLED**

J.	Petitioner:	AMMF Trustee Corporation (Land Contract Holder)	(Page 19)	
		& Jesse A. Borkholder & Angela S. Borkholder,		
		Husband & Wife (Land Contract Purchasers)		
	Petition:	for a 9 ft. Developmental Variance (Ordinance requires 10 ft	.) to allow for the	
		construction of an accessory structure 1 ft. from the rear pro-	perty line.	
	Location:	South side of CR 42, 1,900 ft. east of Ash Rd., common add	east of Ash Rd., common address of 30622 CR	
		42 in Locke Township, zoned A-1.	DV-0230-2025	

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

### **ADJOURNMENT**

Debra Cramer – Appointed by Commissioners: term 1/1/25 - 12/31/28Cory White – Appointed by Council: term 1/1/25 - 12/31/28Randy Hesser – Appointed by Commissioners: term 1/1/22 - 12/31/25Steve Warner – Appointed by Commissioners: term 1/1/25 - 12/31/28Roger Miller – Appointed by Plan Commission: term 1/1/25 - 12/31/28

Alternates:

John Gardner – Appointed by Commissioners: term 1/1/25-12/31/25 David Miller – Appointed by Commissioners: term 1/1/25-12/31/25

## BZA MINUTES ELKHART COUNTY BOARD OF ZONING APPEALS MEETING HELD ON THE 19<sup>th</sup> DAY OF JUNE 2025 AT 9:00 A.M. MEETING ROOM – DEPARTMENT OF PUBLIC SERVICES BUILDING 4230 ELKHART ROAD, GOSHEN, INDIANA

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

#### Roll Call.

Present: Debra Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

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 15<sup>th</sup> day of May 2025 be approved as read. The motion was carried with a unanimous roll call vote.

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

4. The application of *Michael A. Thompson & Rikki L. Thompson, Husband & Wife* for a Special Use for a home workshop/business for massage therapy on property located on the East side of River Shore Ln., 1,900 ft. North of CR 16, common address of 55964 River Shore Ln. in Baugo 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-0265-2025*.

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

Rikki Thompson, 55964 River Shore Ln., Elkhart was present for this request. Mrs. Thompson stated she wants to use a room in her home to do massage therapy and spa treatments. Mrs. Cramer asked how many clients Mrs. Thompson will have at one time and wanted clarification on the six requested parking spots. Mrs. Thompson clarified she has a driveway that will fit six cars, but she will only have one client at a time.

Lisa Burns, 55974 River Shore Ln., Elkhart was present to remonstrate. She stated her concerns about traffic because of the neighborhood children and walkers. She continued by stating that she is concerned about Mrs. Thompson's clients blocking her driveway. She also stated she is opposed to the massage business being in a residential neighborhood, and there is an HOA for the subdivision. Ms. Burns submitted a letter in remonstrance from Margaret Everingham, 55931 River Shore Ln., Elkhart. [Attached to file as remonstrator exhibit #1].

Mrs. Thompson came back to the podium to address the concerns of Lisa Burns. She started by saying that the HOA is not a legal entity. Mr. Hesser asked how long she has been operating her massage business from her home. Mrs. Thompson confirmed that she has been running her business from her home since February, just friends or family at this time. Mr. Miller asked about the sign in her yard. Mrs. Thompson stated she did not remove it because she was told staff would be out to take pictures to verify if the sign meets the standards required. Mrs. Cramer asked how many clients she will have in a week. Mrs. Thompson replied between 2 and 3 per week.

The public hearing was closed at this time.

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

**Motion: Action:** Approve, **Moved by** Debra Cramer, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for massage therapy 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 4/25/2025) and as represented in the Special Use application.

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

Yes: Debra Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

5. The application of *Elkhart County Feral Cat Coalition Incorporated* for a Special Use for a veterinary clinic and for a Special Use for a kennel on property located on the Southwest corner of CR 10 & 1, common address of 29604 CR 10 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-0320-2025*.

There were fourteen neighboring property owners notified of this request.

Ms. Lucy Tener, 55974 Sheridan Blvd., Elkhart and Ms. Sue Beggs 116 Gage Ave., Elkhart were present on behalf of the Elkhart County Feral Cat Coalition. Ms. Tener stated they wish to expand their building to give the public vet more room to work on the cats and to add another building for possible future expansion. Mrs. Cramer asked how long the cats stay after being spayed or neutered. Ms. Tener stated they are kept for recuperation during the day and go back to their owners the same evening.

There were no remonstrators present.

The public hearing was closed at this time.

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

**Motion:** Action: Approve, **Moved by** Debra Cramer, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a veterinary clinic and for a Special Use for a kennel be approved with the following condition imposed:

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

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The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 5/12/2025) and as represented in the Special Use application.

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

Yes: Debra Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

6. The application of *First Baptist Church of Elkhart* for an amendment to an existing Special Use for a place of worship to allow for additional parking, pickle ball courts, a free-standing monument sign, and construction of an addition to the existing church on property located on the West side of CR 17, 705 ft. North of CR 10, common address of 53953 CR 17 in Osolo 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-0321-2025*.

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

After Mr. Auvil presented the Staff Report he clarified a few things regarding the complaints that stemmed from the pickle ball courts. He stated that the noise ordinance is handled by the County Sheriff. He continued to clarify that the pickle ball courts already exist and that no permit was required to build the courts. Mr. Auvil stated the reason for the petition is expansion to the church which requires a new site plan (updated and including the pickle ball courts).

Crystal Welsh, Abonmarche Consultants, 303 River Race Dr., Goshen was present on behalf of First Baptist Church of Elkhart for this request. Ms. Welsh clarified that the pickle ball courts already exist and there is no plan to expand the courts. She continued by saying that the site plan submitted is the most current plan showing all existing and future structures. Ms. Welsh reiterated the purpose of the amendment is to expand the size of the church and to allow for more parking. She also stated there is no intention of removing any of the tree lines that help insulate the surrounding neighborhoods. Ms. Welsh noted that the church also owns property that borders CR 10, where there could be future expansion and an entrance off of CR 10, which is shown on the site plan.

Karen Matheson, 22424 Hanover Dr., Bristol, was present in remonstrance. Ms. Matheson is not in favor of the pickle ball courts, as they are close to her backyard. She stressed the noise is intolerable and constant. She continued saying when the lights go off at 10 p.m., the pickle ball players use their car headlights to continue playing well into the early morning hours. Ms. Matheson stated she has called code enforcement and the Sheriff's office to no avail. Ms. Matheson also stated she is not in favor of a community center on the church property.

Ralph Ervin, 22438 Hanover Dr., Bristol, was also present to speak against the pickle ball courts. Mr. Ervin's complaint is against the noise created by the pickle ball courts and the late hours people are playing. He also complained about the traffic on CR 17.

Crystal Welsh came back to the podium in rebuttal. She stated there is no intention of a community center. She continued to say the entrance to CR 10 is not a current option but is there for possible future expansion. Mr. Hesser inquired if the church owns the property down to CR 10. Ms. Welsh responded yes. Mr. Hesser then asked Mr. Auvil if the church will need to amend the Special Use in the future if they do add an entrance from CR 10. Mr. Auvil said no, and Ms. Welsh noted it is shown on the site plan. Mr. Miller needed clarification regarding the north part of the

property that butts up against Hanover Dr. Ms. Welsh stated the church does own the property, but there is no intention of creating access to Hanover Dr.

Phil Byars, 56584 CR 29, Goshen, Pastor of the First Baptist Church spoke in rebuttal to the previous remonstrators. Mr. Byars stated the church wants to have a property that is friendly to the community. He continued by saying they are trying to be good neighbors. Mr. Hesser asked if there is a fence around the pickle ball courts. Mr. Byars stated each court has a 4 ft. fence around it, but the fences are not intended to keep people out. Mr. Byars continued by saying pickle ball hours are enforced using security cameras. He explained if people are playing after hours a church employee comes to the church and asks them to leave. Mr. Byars also stated they do not have a security guard for the church. Ms. Kratzer clarified that the original Special Use for the church included a recreational area, and the pickle ball courts are part of the recreation area allowed by the Special Use. She continued to say the pickle ball courts are on the current site plan, since it is being updated for the amendment. Mr. Hesser asked Mr. Byars what steps the church would be willing to take to secure the courts and enforce the limited hours. Mr. Byars responded he would need time to think that through, and the church would be willing to take counsel regarding the matter. He continued by saying the church modeled the pickle ball courts after other public park courts, and the hours are similar to other park courts. Mrs. Cramer stated that the parks courts are regulated and enforced by the Park's Department, and it sounds like enforcement is the main issue regarding the pickle ball courts. Mrs. Cramer continued by asking if the hours are posted at the pickle ball courts. Mr. Byars stated yes, and the rules are posted as well.

Mr. Hesser asked Ms. Welsh how important the construction schedule is for the church. Ms. Welsh stated it is time-sensitive, and they do not want the approval of the Special Use to be delayed or postponed. She went on to say they would prefer approval with time allowed to come up with a plan regarding the pickle ball courts. Mr. Hesser stated it would be acceptable to him to approve this request with an added commitment to address the issues of enforcing the posted pickle ball hours.

The public hearing was closed at this time.

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

**Motion:** Action: Approve, **Moved by** Debra Cramer, **Seconded by** Steve Warner that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for an amendment to an existing Special Use for a place of worship to allow for additional parking, pickle ball courts, a free-standing monument sign, and construction of an addition to the existing church be approved with the following conditions imposed:

- 1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
- 2. Petitioner to present a commitment to staff for approval, addressing the issues of security and enforcement of the posted pickle ball hours and dates.

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 5/12/2025) and as represented in the Special Use Amendment application.

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

Yes: Debra Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

7. The application of *Marc Roth & Judith L. Roth, 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 and for a 15 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 60 ft. from the centerline of the right-of-way on property located on the South side of CR 10, 700 ft. Southeast of CR 8, East of CR 17, common address of 21768 CR 10 in Washington 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-0304-2025*.

There were 9 neighboring property owners notified of this request.

Judith Roth, 21768 CR 10, was present for this request. Mrs. Roth stated she just wants to keep some chickens on her property. Mrs. Cramer asked Mrs. Roth if she has a plan to get rid of the waste. Mrs. Roth stated she has space to compost. She continued to say she does not have any chickens yet and had not thought about putting wasted disposal on her site plan. Mrs. Roth stated she does have a garden that could be used for disposal of the waste.

Jack Welter, 21560 CR 10, Elkhart, was present in remonstration of this request. Mr. Welter expressed concerns about waste running off into the river and about the degradation of the neighborhood.

Tyler Steele, 21710 CR 10, Elkhart was also present in remonstrance of this request. Mr. Steel stated he lives two doors down from the subject property and has concerns about the neighborhood aesthetics. He continued by saying he is also worried about the waste run-off.

Mrs. Roth came back to the podium and stated she would make sure the waste does not run into the river. Mr. Hesser needed clarification regarding the location of her garden. Mr. Miller inquired about a fence for the chickens. Mrs. Roth stated she does intend to have a fence, but it is not on the site plan.

The public hearing was closed at this time.

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

**Motion:** Action: Approve, **Moved by** Debra Cramer, **Seconded by** Randy Hesser that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for 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 revised site plan must be submitted showing the fenced area and waste plan for staff approval.

The following commitments were imposed:

- 1. The request is approved in accordance with the site plan submitted (dated 5/7/2025) and as represented in the Special Use application.
- 2. The agricultural use is limited to a maximum of six (6) chickens at any one time, no roosters.

6/19/25

Further, the motion also included that a 15 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 60 ft. from the centerline of the right-of-way be approved with the following conditions imposed:

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

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Debra Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

\*\* It should be noted that Mr. Hesser recused himself and stepped down. \*\*

8. The application of *Elkhart Community School Building Corporation* for an amendment to an existing Special Use for a school to allow for an electronic message board and for a Developmental Variance to allow for an electronic message board within 300 ft. of a residence on property located on the Northeast corner of CR 6 & CR 1, common address of 24975 CR 6 in Osolo Township, zoned R-1, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case* #*SUP-0317-2025*.

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

Gary Potts, Professional Permits, 58171 Dragon Fly Ct., Osceola, was present for this request. Mr. Potts stated Elkhart Community Schools are updating all their signs to electronic message boards and removing the old signs.

There were no remonstrators present.

The public hearing was closed at this time.

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

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** Cory White that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for an amendment to an existing Special Use for a school to allow for an electronic message board 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 5/23/2025) and as represented in the Special Use Amendment application.

Further the motion also included that a Developmental Variance to allow for an electronic message board within 300 ft. of a residence be approved with the following conditions imposed:

- 1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
- 2. The request is approved in accordance with the site plan submitted (dated 5/23/2025) and as represented in the Developmental Variance application.

**Vote:** Motion passed (**summary:** Yes = 4, No = 0, Abstain = 1). **Yes:** Debra Cramer, Steve Warner, Cory White, Roger Miller. **Abstain:** Randy Hesser.

9. The application of *Elkhart Community Schools* for an amendment to an existing Special Use for a school to allow for an electronic message board and for a Developmental Variance to allow for an electronic message board within 300 ft. of a residence on property located on the South side of Indiana Ave., 700 ft. West of Maple St. (CR 23), common address of 705 Indiana St. in Washington Township, zoned R-1, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case* #*SUP-0316-2025*.

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

Gary Potts, Professional Permits, 58171 Dragon Fly Ct., Osceola, was present for this request. Mr. Potts stated Elkhart Community Schools are updating all their signs to electronic message boards and removing the old signs.

There were no remonstrators present.

The public hearing was closed at this time.

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

**Motion:** Action: Approve, **Moved by** Roger Miller, **Seconded by** Debra Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for an amendment to an existing Special Use for a school to allow for an electronic message board 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 5/23/2025) and as represented in the Special Use Amendment application.

Further the motion also included that a Developmental Variance to allow for an electronic message board within 300 ft. of a residence be approved with the following conditions imposed:

- 1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
- 2. The request is approved in accordance with the site plan submitted (dated 5/23/2025) and as represented in the Developmental Variance application.

**Vote:** Motion passed (**summary:** Yes = 4, No = 0, Abstain = 1). **Yes:** Debra Cramer, Steve Warner, Cory White, Roger Miller. **Abstain:** Randy Hesser.

10. The application of *Elkhart Community Schools* for an amendment to an existing Special Use for a school to allow for an electronic message board and for a Developmental Variance to allow for an electronic message board within 300 ft. of a residence on property located on the Northwest side of CR 1, 1,000 ft. Southwest of CR 10, common address of 53403 CR 1 in Cleveland Township, zoned A-1, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case* #*SUP-0318-2025*.

There were forty neighboring property owners notified of this request.

Gary Potts, Professional Permits, 58171 Dragon Fly Ct., Osceola, was present for this request. Mr. Potts stated Elkhart Community Schools are updating all their signs to electronic message boards and removing the old signs.

There were no remonstrators present.

The public hearing was closed at this time.

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

**Motion:** Action: Approve, **Moved by** Roger Miller, **Seconded by** Debra Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for an amendment to an existing Special Use for a school to allow for an electronic message board 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 5/23/2025) and as represented in the Special Use Amendment application.

Further the motion also included that a Developmental Variance to allow for an electronic message board within 300 ft. of a residence be approved with the following conditions imposed:

- 1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
- 2. The request is approved in accordance with the site plan submitted (dated 5/23/2025) and as represented in the Developmental Variance application.

**Vote:** Motion passed (**summary:** Yes = 4, No = 0, Abstain = 1). **Yes:** Cory White, Debra Cramer, Roger Miller, Steve Warner. **Abstain:** Randy Hesser. 11. The application of *Elkhart Community Schools Feeser Elementary School Building Corporation* for an amendment to and existing Special Use for a school to allow for an electronic message board and for a Developmental Variance to allow for an electronic message board within 300 ft. of a residence on property located on the North side of CR 4, 1,500 ft. West of Cassopolis St. (SR 19), common address of 26665 CR 4 in Osolo Township, zoned R-2, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case* #*SUP-0319-2025*.

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

Gary Potts, Professional Permits, 58171 Dragon Fly Ct., Osceola, was present for this request. Mr. Potts stated Elkhart Community Schools are updating all their signs to electronic message boards and removing the old signs.

There were no remonstrators present.

The public hearing was closed at this time.

The Board examined said request, and after due consideration and deliberation: **Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** Debra Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for an amendment to an existing Special Use for a school to allow for an electronic message board 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 5/23/2025) and as represented in the Special Use Amendment application.

Further the motion also included that a Developmental Variance to allow for an electronic message board within 300 ft. of a residence be approved with the following conditions imposed:

- 1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
- 2. The request is approved in accordance with the site plan submitted (dated 5/23/2025) and as represented in the Developmental Variance application.

**Vote:** Motion passed (**summary:** Yes = 4, No = 0, Abstain = 1). **Yes:** Cory White, Debra Cramer, Roger Miller, Steve Warner. **Abstain:** Randy Hesser.

\*\*It should be noted that Mr. Hesser returned to the Board at this time\*\*

12. The application of *Tri-County Land Trustee Corporation (Land Contract Holder)* & *Martin Graber & Lucinda Graber (Land Contract Purchasers)* for a Special Use for a home workshop/business for a woodworking shop and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on

the West side of CR 31, 2,130 ft. South of CR 14, common address of 56831 CR 31 in Jefferson Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case* #*SUP-0095-2025*.

There were ten neighboring property owners notified of this request.

Mrs. Richards stated she received a phone call and an email from the petitioner requesting to withdraw his petition.

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:** Withdraw, **Moved by** Randy Hesser, **Seconded by** Steve Warner that the request for a Special Use for a home workshop/business 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: Debra Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

13. The application of *AMMF Trustee Corporation (Land Contract Holder) & Jesse A. Borkholder & Angela S. Borkholder, Husband & Wife (Land Contract Purchasers)* for a 9 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an accessory structure 1 ft. from the rear property line on property located on the south side of CR 42, 1,900 ft. east of Ash Rd., common address of 30622 CR 42 in Locke Township, zoned A-1, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case* #*DV*-0230-2025.

Mr. Dean explained that this request was transferred from the previous month's Hearing Officer meeting.

There were 4 neighboring property owners notified of this request.

Jesse Borkholder, 30622 CR 42, Wakarusa was present for this request. Mr. Borkholder said the request for the Developmental Variance comes after exhausting all other options. He continued by saying he offered to purchase land from Mr. Holdeman who owns the land that backs up to his property, but Mr. Holdeman refused. Mr. Borkholder continued by saying there was never a professional survey done with the purchase of his property, and the property lines were assumed. Mr. Borkholder pointed out that Mr. Holdeman is retired, and the land is leased to another farmer. He stressed there is no way to discern the actual property line. Mr. Borkholder continued by saying he has lived on the property for 14 years, and there have never been any issues regarding the safety of his children due to the farming of the land behind his property. Finally, Mr. Borkholder stated the variance is vital to them to be able to build the accessory structure needed. Mr. Warner asked if any survey has been done since the request for the Developmental Variance was put into motion. Mr. Borkholder stated no survey has been done as far as he knows. Mr. Hesser then asked how he knew where the property line is located. Mr. Borkholder answered he really does not know where the property line is located. He continued by saying Mr. Holdeman sold the land without having it

surveyed and just measured the land via the legal description. Mr. Miller stated he is concerned that the property owner wants a 1 ft. variance, but the location of the property line is in question.

The Board examined said request, and after due consideration and deliberation: **Motion: Action:** Table, **Moved by** Roger Miller, **Seconded by** Steve Warner that the request for a 9 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an accessory structure 1 ft. from the rear property line on property be tabled to allow the petitioner time to obtain a survey of the property.

Mr. Hesser then stated he would like to hear from Mr. Holdeman as he doesn't feel like he has enough information to vote on the motion to table the request.

Richard Holdeman, 30830 CR 42, Wakarusa came on in remonstrance. He stated he purchased the land to farm, and farming is a way of life for him. He purchased 80 acres in 1979. He explained he sold 4.11 acres to a previous owner before Mr. Borkholder purchased the 4.11 acres. Mr. Holdeman continued by saying there was never a survey, and there is no certainty of the property line. He also stated that at the Hearing Officer meeting it was recommended that a survey be done.

The public hearing was closed at this time.

**Motion: Action:** Amend, **Moved by** Randy Hesser, **Seconded by** Debra Cramer that this request or a 9 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an accessory structure 1 ft. from the rear property line on property be tabled until the July 17, 2025, Advisory Board of Zoning Appeals meeting to allow the petitioner time to obtain a survey of the property.

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

Yes: Debra Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

14. The application of *Daniel R. Holderread (Owner), Michael Peffley (Appellant)* for a 9 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an attached accessory structure 1 ft. from the south side property line, for a 15 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for the construction of an attached accessory structure 35 ft. from the centerline of the right-of-way of 46th St., 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 southwest corner of 46th St. & Cardinal Ave., common address of 56539 46th St. in Baugo Township, zoned R-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case* #*DV-0239-2025*.

There were ten neighboring property owners notified of this request.

There were no remonstrators present.

Mrs. Richards presented the request to withdraw the appeal from the appellant. The public hearing was closed at this time.

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

# Page 12ELKHART COUNTY BZA MEETING6/19/25

**Motion: Action:** Withdraw, **Moved by** Randy Hesser, **Seconded by** Debra Cramer that the appeal for DV-0239-2025 be withdrawn at the request of the appellant. The Hearing Officer approval stands.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Debra Cramer, Steve Warner, Cory White, Roger Miller, Randy Hesser.

13. The meeting was adjourned at 11:08 a.m.

Respectfully submitted,

Jean Boyer, Recording Secretary

Randy Hesser, Chairman

Debra L. Cramer, Secretary

# BZA Staff Report

Prepared by the Department of Planning and Development

### Hearing Date: July 17, 2025

Transaction Number: SUP-0342-2025.

Parcel Number(s): 20-06-35-276-027.000-009.

Existing Zoning: R-1.

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

Petitioner: Sarah Lynne Swiergosz & Michael Joseph Swiergosz, Wife & Husband.

*Location:* West side of Nottingham Ln., 1,045 ft. south of Janiper Dr., 1,145 ft. west of CR 15, in Concord Township.

#### Site Description:

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

#### History and General Notes:

> April 25, 2025 – A complaint was made for chickens in an R-1 zone (CODE-0174-2025).

### Staff Analysis:

Staff finds that:

- 1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. The keeping of animals on a tract of land containing less than 3 acres is allowed by Special Use in the R-1 zoning district.
- 2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 0.47-acre lot in a moderately dense residential area, and the property will remain residential in character.
- 3. The Special Use will substantially serve the public convenience and welfare by providing a hobby opportunity and a local source of food.

# BZA Staff Report (Continued)

## Hearing Date: July 17, 2025

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

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

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

- 1. The request is approved in accordance with the site plan submitted (dated 5/21/2025) and as represented in the Special Use application.
- 2. The agricultural use is limited to a maximum of twelve (12) chickens at any one time, no roosters.

# SUP-0342-2025



SUP-0342-2025



SUP-0342-2025





# Subject property facing west



# Facing east



# Facing north



# Facing south

# **PLAN COMMISSION & BOARD OF ZONING APPEALS**

Elkhart County Planning & Development **Public Services Building** 

4230 Elkhart Road, Goshen, Indiana, 46526 Phone - (574) 971-4678

Special Use - Non Mobile Home

Special Use - Non Mobile Home		]	Fax - (574) 9	971-4578
Date: 05/21/2025 Mee	sting Data:	17, 2025 Appeals Public Hearing Trans	action #:	SUP-0342-2025
Description: for a Special Use for an agric	cultural use for the keeping of anir	nals on a tract of land containing l	less than 3 a	cres
Contacts: <u>Applicant</u> Sarah Lynne Swiergosz & Michael Joseph Swiregosz, Husband & Wife 60427 Nottingham Ln Elkhart, IN 46517	Land Owner Sarah Lynne Swiergosz & Michael Joseph Swiregosz, Husband & Wife 60427 Nottingham Ln Elkhart, IN 46517			
Site Address: 60427 Nottingham Ln Elkhart, IN 46517		Parcel Number:	20-06	5-35-276-027.000-009
Township:ConcordLocation:West side of Nottingham La	ane, South of Janiper Drive, 1,145	Ft. West of CR 15		
Subdivision: SHERWOOD FOREST		Lot # 32		
Lot Area: 0.47	Frontage: 145.00		Depth:	140.00
Zoning: R-1		NPO List: 07/02/2025		
Present Use of Property: RESIDENTI	AL			
Legal Description:				
Comments: Complaint code 0174-2025	for chickens			
Applicant Signature:		Department Signature:		

4230 Elkhart Road Goshen, Indiana 46526

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Elkhart County Planning & Development

Application
Site address: 60427 Nottingham Long FIKINGT TN 410517
Site address: 60427 Nottingham Lane Elkhart, IN 46517 Parcel number(s): 21-06-35-276-027.000-009
Current property owner
Name: Michael and Sarah Swiergosz Address: 60427 Nottingham Lane Elkhart, IN 46517
Phone: 574-370-2145 Email: Sarahswiergosz.ss@gmail.com
<b>Other party</b> 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: Aarab Awreigosmy
Staff Use Only Description: fiv a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres.
Parcel creation date: NA
Subdivision required? $\Box$ Y $\Box$ /N If yes, $\Box$ AS $\Box$ Minor $\Box$ Major
Residential accessory breakdown, if applicable:
Location: NSE corner side end of Nothingham Lane, 
Frontage: 145 Depth: 140 Area: 47 acres
Subdivision and lot number, if applicable: SHERWOOD FOREST LOT 32
Present use: Residential

u.	me: Michael and Sarah Swiergosz
)	Tell us what you want to do. Legally have chickens on my property located in the county.
)	Tell us why this activity won't hurt your neighbors or the community. Hens are not a viciou
	type of animal. They do not make noise like roosters. Coop Cleaned regularly to minimize small
)	Is there a subdivision covenant that says you can't do this activity?
	If yes, does the subdivision have an active homeowners' association? $\Box$ Y $\Box$ N
)	Will the activity create noise, vibration, smoke, dust, odor, heat, or glare?  Y 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.
)	Will there be buffering (fences, trees, shrubs, mounds)? If y IN If yes, tell us about it. Property already has enclosed Fence around
	entire area. Hens have designated enclosure/coop that is so
)	Does the property need well and septic? Well: $\Box$ Y $\blacksquare$ N Septic: $\Box$ Y $\Box$ N
)	
	Does the property need well and septic? Well: $\Box$ Y $\boxtimes$ N Septic: $\Box$ Y $\Box$ N Does the property need a <u>new</u> septic system? $\Box$ Y $\boxtimes$ N
	Does the property need well and septic? Well: $\Box$ Y $\boxtimes$ N Septic: $\Box$ Y $\Box$ N Does the property need a <u>new</u> septic system? $\Box$ Y $\boxtimes$ N If a new septic system is needed, did the Health Department say there's enough space for it? $\Box$ Y $\Box$ N $\mathcal{N}$ Will the activity use buildings or additions? $\Box$ Y $\Box$ N If yes, fill out below. Building or addition 1 Existing? $\Box$ Y $\boxtimes$ N Size and height to the peak: $\underline{\mathcal{S} \times / \mathcal{S}}$
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Next page 📫

# Special Use — Questionnaire

	npioyees uo you	have now? Full t		Part tim	ie.
How many e	mployees do you	want? Full time:		Part time:	
How many of	the employees w	von't live onsite?			
What will be	the days and hou	rs of operation on	this property?		
How many pa	arking spaces do y	you have now?			
How many pa	arking spaces do y	you want?			
Will there be	outside storage o	or display areas on	this property?		
If yes, tell us	what will be store	ed outside or displa	ayed.		
Will there be	retail sales on thi	s property?	Y 🗆 N		
If yes, tell us	what will be sold				
Approximatel	y how many custo	omers (clients, gue	sts, students, m	embers) will be	on this property per d
APRIL 1					
Tell us hov		ries on this propert			
Tell us hov					
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# **BZA Staff Report**

Prepared by the **Department of Planning and Development** 

### Hearing Date: July 17, 2025

Transaction Number: SUP-0395-2025.

Parcel Number(s): 20-15-32-226-009.000-018.

Existing Zoning: A-1.

Petition: For a Special Use for a catering establishment.

Petitioner: Merle E. Miller & Mary E. Miller, Husband & Wife.

Location: West side of SR 15, 2,550 ft. south of US 6, in Jackson Township.

#### Site Description:

- Physical Improvement(s) Residence, accessory structure.
- Proposed Improvement(s) None.
- Existing Land Use Residential.
- Surrounding Land Use Agricultural, commercial.

#### History and General Notes:

➢ None.

### Staff Analysis:

Staff finds that:

- 1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a catering establishment is allowed in the A-1 zone.
- 2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. The 3-acre parcel is bordered on all sides by open agricultural area or large homesites, it is served by a major road, and there will be little to no customer traffic.
- 3. The Special Use will substantially serve the public convenience and welfare by providing for a local catering option.

# BZA Staff Report (Continued)

## Hearing Date: July 17, 2025

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

- 1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
- 2. A revised site plan must be submitted for staff approval showing the proposed sign's height, the right-of-way line, and the sign's setback from the right-of-way line (minimum 3 ft.).

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

1. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Special Use application.

# SUP-0395-2025



# SUP-0395-2025



2021 Aerials

SUP-0395-2025





# Subject property



# Subject property


# Facing north



# Facing south



# Facing east

### PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526 Phone - (574) 971-4678 Fax - (574) 971-4578

Special Use - Non Mobile Home

special Ose - Non Woone Home			Fax - (574) 9	/1-43/8
Date: 06/13/2025 Mea		17, 2025 Appeals Public Hearing	Transaction #:	SUP-0395-2025
Description: for a Special Use for a Cater	ing Establishment			
Contacts: <u>Applicant</u> Merle E Miller And Mary E Miller, Husband And Wife 72493 State Road 15 New Paris, IN 46553	Land Owner Merle E Miller And Mary E Miller, Husband And Wife 72493 State Road 15 New Paris, IN 46553			
Site Address: 72493 State Road 15 New Paris, IN 46553		Parcel Number:	20-15	-32-226-009.000-018
Township:JacksonLocation:West Side of SR 15, 2550 f	ft. South of US 6 North of S Count	ty Line Rd		
Subdivision:		Lot #		
Lot Area: 3.00	) Frontage: 196.59		Depth:	546.71
Zoning: A-1		NPO List: 07/02/202	25	
Present Use of Property: RESIDENTI	AL			
Legal Description:				
Comments: Parcel Creation Date - 11/5/ 20ft x 48ft of the existing 48	2024 8ft x 64ft building will be used for	the catering establishment.		
Applicant Signature:		Department Signature:		

Elkhart County(574) 971-4678Planning & DevelopmentDPS@ElkhartCounty.com

Application
Site address: 72493 St Rd 15 New Paris IN 46553
Parcel number(s): _20 -15 -32 -226 -009 -000 -018
Current property owner
Name: Merle 3 Mary Miller
Address: 72493 St Rd 15 New Paris IN 46553
Phone: <u>574.354.7737</u> Email: <u>Merle 2730@gmail.com</u>
<b>Other party</b> 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 & Miller
Description: for a Special Use for a Catering Establishment Without a Drive In or Drive Through
Parcel creation date: 11 5 2024
Subdivision required? $\Box$ Y $\Box$ N If yes, $\Box$ AS $\Box$ Minor $\Box$ Major
Residential accessory breakdown, if applicable: <u>N</u> A
Location: N S E W corner (ide) end of <u>SR15</u> , <u>2750</u> ft. N S E W of <u>S County Line Rd</u> , in <u>bckson</u> Township Frontage: 196.59 Depth: <u>546.71</u> Area: <u>3</u> acres
Subdivision and lot number, if applicable:
Present use: <u>Residential</u>

Special Use — Questionnaire
ne: <u>stellars Catering</u> LLC
Tell us what you want to do. Open a commercial Kitchen to later
Tell us why this activity won't hurt your neighbors or the community. It will not involve them. There won't be increased traffic or noise.
Is there a subdivision covenant that says you can't do this activity?
Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? $\Box$ 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.
Will there be buffering (fences, trees, shrubs, mounds)?  Y X N If yes, tell us about it.
Does the property need well and septic? Well: $\Box$ Y 🕅 N Septic: $\Box$ Y 🖾 N Does the property need a <u>new</u> septic system? $\Box$ Y 🖾 N If a new septic system is needed, did the Health Department say there's enough space for it? $\Box$ Y $\Box$ N
Will the activity use buildings or additions? $\square$ Y $\square$ N If yes, fill out below. <b>Building or addition 1</b> Existing? $\square$ Y $\square$ N Size and height to the peak: $48 \times 64 \times 77$ Tell us what you'll use it for. will be using a $70' \times 48'$ section of this for our connector Kirt <b>Building or addition 2</b> Existing? $\square$ Y $\square$ N Size and height to the peak: Toll us what you'll use it for
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.

Next page 🔿

### Special Use — Questionnaire

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How many e	mployees do you have now? Full time: <u>none</u> Part time: <u>3-4</u>
How many e	mployees do you want? Full time: <u>1-2</u> Part time: <u>3-4</u>
How many o	f the employees won't live onsite? all of them
What will be	the days and hours of operation on this property? Since we are a catering
	g it all depends, mainly Thur Fr Sat from 9-3 arking spaces do you have now? 10
How many p	arking 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	e retail sales on this property? 🛛 Y 🔯 N
If yes, tell us	s what will be sold.
Approximate	ly how many customers (clients, guests, students, members) will be on this property per day
1	
Will there he	
win chere be	pickups or deliveries on this property? 🕅 Y $\Box$ N If yes, fill out below.
	w often. $Once a wonth$
Tell us ho	woften. Once a month
Tell us ho	woften. Once a month
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## BZA Staff Report

Prepared by the Department of Planning and Development

#### Hearing Date: July 17, 2025

Transaction Number: SUP-0389-2025.

Parcel Number(s): 20-08-21-351-002.000-034.

Existing Zoning: A-1.

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

Petitioner: David Chupp & Carrie Chupp, Husband & Wife (Buyers), & Beulah M. Schlabach (Seller).

Location: East side of CR 35, 700 ft. north of CR 20, in Middlebury Township.

#### Site Description:

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

#### History and General Notes:

➢ None.

#### Staff Analysis:

Staff finds that:

- 1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. An agricultural use on less than 3 acres is allowed by Special Use in the A-1 zone.
- 2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 1.99-acre parcel in a low-density residential and agricultural area, and the parcel will remain residential and agricultural in character.
- 3. The Special Use will substantially serve the public convenience and welfare by providing a transportation option.

### BZA Staff Report (Continued)

#### Hearing Date: July 17, 2025

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

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

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

- 1. The request is approved in accordance with the site plan submitted (dated 6/12/2025) and as represented in the Special Use application.
- 2. The request is limited to a maximum of two (2) adult horses at any one time.

### SUP-0389-2025



### SUP-0389-2025



### SUP-0389-2025





## Subject property facing east



## Facing west



# Facing north



## Facing south

### PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526 Phone - (574) 971-4678

Special Use - Non Mobile Home		Fax - (574) 971-4578		
Date: 06/12/2025	Agating Data:	17, 2025 Appeals Public Hearing	eaction #: SUP-0389-2025	
Description: for a Special Use for an a	gricultural use for the keeping of ani	mals on a tract of land containing	less than 3 acres	
Contacts: <u>Applicant</u> Maple City Roofing 64265 County Road 35 Goshen, IN 46528	<u>Authorized Agent</u> Maple City Roofing 64265 County Road 35 Goshen, IN 46528	Land Owner David & Carrie Chupp (Buyer) 11979 County Road 20 Middlebury, IN 46540	Land Owner Beulah M. Schlabach (Seller) 58864 County Road 35 Middlebury, IN 46540	1
Site Address: 58864 County Road Middlebury, IN 465		Parcel Number:	20-08-21-351-002.000-0	)34
Township:MiddleburyLocation:East Side Of County Ro	ad 35, 700 Feet North Of County Ro	ad 20		
Subdivision:		Lot #		
Lot Area: 1	.99 Frontage: 155.00		Depth:	487.00
Zoning: A-1		NPO List: 07/02/2025		
Present Use of Property: RESIDEN	<b>VTIAL</b>			
Legal Description:				
Comments:				
Applicant Signature:		Department Signature:		

×

4230 Elkhart RoadElkhart County(574) 971-4678Goshen, Indiana 46526Planning & DevelopmentDPS@ElkhartCounty.com

Application
Site address: 58864 CR 35 Middlebury IN 46540
Parcel number(s):
Current property owner
Name: Beula Schlabach
Address: 58864 CR 35 Middlebury IN 46540
Phone: <u>574-825-1010</u> Email:
Other party Agent 🗆 Buyer 🗆 Land contract purchaser 🗆 Lessee
Name: <u>Chris Yoder / Maple City Roofing</u> Address: <u>64265 CR 35 Goshen IN 46528</u>
Address: 64265 CR 35 Goshen IN 46528
Phone: 260-350-21479 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: Chuis Yoder
Description: <u>FOR A SPECIAL USE FOR AN AGRICULTURAL USE FOR</u> <u>THE REEPING</u> OF ANIMALS ON A TRACT OF LAND CONTAINING LESS THAN 3 ACRES
Parcel creation date: 6/19/97
Subdivision required?   Y V N If yes,  AS Minor Major
Residential accessory breakdown, if applicable: Attached
Location: $N S \in W$ corner side end of <u>CR 35</u> , <u>700</u> ft. (N) S E W of <u>CR 20</u> ,
in <u>Middlebury</u> Township
Frontage: 155 Depth: 487 Area: 1,99 acres
집에 있는 것이 같은 것이 같은 것이 같은 것이 같은 것이 같이 많이 많이 같은 것이 같은 것이 같은 것이 같은 것이 같이 없다.
Subdivision and lot number, if applicable: NA
Present use: RESIDENTIAL - A-1

am	e: Chris Yoder
) -	Tell us what you want to do. <u>Build a barn on a 2 acre parcel</u> with buggy storage in I end
)	Tell us why this activity won't hurt your neighbors or the community. <u>All neighbors</u> have horses 4 barns.
	Is there a subdivision covenant that says you can't do this activity? $\Box$ Y $\bigotimes$ N If yes, does the subdivision have an active homeowners' association? $\Box$ Y $\Box$ N
)	Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? $\Box$ 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.
)	Will there be buffering (fences, trees, shrubs, mounds)? $P(Y \square N)$ If yes, tell us about it. <u>horse fence to hold animals</u>
)	Does the property need well and septic? Well: $\Box$ Y $\bigstar$ N Septic: $\Box$ Y $\bigstar$ N <i>it has labrea</i> Does the property need a <u>new</u> septic system? $\Box$ Y $\bigstar$ N If a new septic system is needed, did the Health Department say there's enough space for it? $\Box$ Y $\Box$ N
)	Will the activity use buildings or additions? $\forall \forall \forall N$ If yes, fill out below. <b>Building or addition 1</b> Existing? $\Box Y \Box N$ Size and height to the peak: $\underline{30 \times 50}, 18$ peak Tell us what you'll use it for. <u>herses 4 beggy</u> <b>Building or addition 2</b> Existing? $\Box Y \Box N$ Size and height to the peak: Tell us what you'll use it for. Building or addition 3 Existing? $\Box Y \Box N$ Size and height to the peak:
	Building or addition 3       Existing?       Y       N       Size and height to the peak:         Tell us what you'll use it for.
)	Does this application include animals? $X \square N$ If yes, tell us what kind and how many of each. <u>2 or 3 horse</u>

Next page 🔿

### Special Use — Questionnaire

How many er	nployees do you h	ave now? Full ti	me:	Part time:	
How many er	mployees do you v	vant? Full time:		Part time:	
How many of	the employees w	on't live onsite?			
What will be	the days and hour	s of operation on t	his property?		
How many pa	arking spaces do y	ou have now?			
How many pa	arking spaces do y	ou want?			
Will there be	outside storage or	display areas on	this property?		
If yes, tell us	what will be store	ed outside or displa	yed		
		s property?			
If yes, tell us	what will be sold.				
Approximatel	y how many custo	omers (clients, gue	sts, students, r	nembers) will be or	n this property per o
will there be	DICKUDS OF DELIVER			N TE YOR fill ou	tholow
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## BZA Staff Report

Prepared by the Department of Planning and Development

#### Hearing Date: July 17, 2025

Transaction Number: SUP-0404-2025.

*Parcel Number(s):* 20-08-05-100-002.000-034, 20-08-05-100-005.000-034, 20-08-06-200-005.000-034, 20-08-06-400-033.000-034, 20-08-06-400-034.000-034.

Existing Zoning: A-1.

*Petition:* For a Special Use for a nature preserve.

Petitioner: Acres Inc.

Location: South side of CR 12, 1,995 ft. east of CR 131, in Middlebury Township.

#### Site Description:

- Physical Improvement(s) Corn cribs (far south).
- Proposed Improvement(s) None.
- Existing Land Use Natural area, agricultural (center and far east).
- Surrounding Land Use Residential, agricultural.

#### History and General Notes:

➢ None.

#### Staff Analysis:

Staff finds that:

- 1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a nature preserve is allowed in the A-1 zone.
- 2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a vast 203-acre wetland property in a low-density area, and the use will have little impact on the property's surroundings.
- 3. The Special Use will substantially serve the public convenience and welfare by safeguarding an area of high value to the watershed and providing for a community amenity.

### BZA Staff Report (Continued)

Hearing Date: July 17, 2025

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

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

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

1. The request is approved in accordance with the site plan submitted (dated 6/16/2025) and as represented in the Special Use application.

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### SUP-0404-2025



SUP-0404-2025



2021 Aerials

### SUP-0404-2025





## Facing southeast from CR 12



## Facing southwest from CR 12



## Facing west



# Facing east



## Facing north

### PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526 Phone - (574) 971-4678 Fax - (574) 971-4578

Special Use - Non Mobile Home

1		Tuk (371) 371 1378	
Data: Ub/Ub//U/2 Maating Data:	17, 2025 ppeals Public Hearing	saction #: SUP-0404	-2025
Description: for a Special Use for a Nature Preserve			
Contacts: <u>Applicant</u> <u>Land Owner</u> Acres Inc., An IndianaAcres Inc., An IndianaNonprofit CorporationNonprofit Corporation1802 Chapman Rd1802 Chapman RdHuntertown, IN 46748Huntertown, IN 46748			
Site Address: 00000 County Road 12 MIDDLEBURY, IN 46540	Parcel Number:	20-08-05-100-002 20-08-05-100-002 20-08-06-200-002 20-08-06-400-032 20-08-06-400-032	5.000-034 5.000-034 3.000-034
Township:MiddleburyLocation:SOUTH SIDE OF CR 12, 1995 FT. EAST OF CR 131			
Subdivision:	Lot #		
Lot Area: 203.26 Frontage: 3,621.16		Depth:	4,905.00
Zoning: A-1	NPO List: 07/02/2025		
Present Use of Property: VACANT			
Legal Description:			
Comments: PARCEL CREATION - 3/1/1962			
Applicant Signature:	Department Signature:		

Site address:	No address currently.
Parcel number(s):	20-08-06-200-005 000-034, 20-08-06-400-033,000-034, 20-08-05-100-005.000-034, 20-08-05-100-002 000-034, 20-08-06-400-034.000-034
	* 20-08-06-200-005.009-034 is parcel with parking/address point.
Current property	owner
Name: ACRE	SINC
Address: 1802	Chapman Road
Phone: 260-63	87-2273 Email:
Other party	□ Agent □ Buyer □ Land contract purchaser □ Lessee
Name:	
Address:	
Phone:	Email:
be met before appr may include a com	understand that if my application is approved, there may be conditions that will have to roval is final and building permits can be started. I also understand that the conditions mitment that the property owner is responsible for completing and returning. <b>The property owner or authorized agent:</b> <i>Joanna Stabing</i> (ACRES Conservator Marage

Description: <u>a Special Use for Nature preserve</u>	
Parcel creation date: 912412002 Subdivision required? Y N If yes, AS Minor Major Residential accessory breakdown, if applicable: NA	A-1 ZONE
Location: N $(S)$ E W corner (side) end of <u>CR 12</u> <b>3</b> , 2,775 ft. N S $(E)$ N of <u>CR 131</u> . in <u>MIDDUEBURY</u> Township Frontage: 3,560 FT. Depth: 2.956 FT. Area; <u>203.057</u> acres Subdivision and lot number, if applicable: Present use: <u>VAUANT</u> <u>LAND</u> .	

N	2	m	10	
1.1	a	u	10	

- 1) Tell us what you want to do. The property will be one of our nature preserves that is open to the public from dawn until dusk. The property have a gravel parking lot and some trails which will be maintained.
- 2) Tell us why this activity won't hurt your neighbors or the community. Very little changes will occur to the property, and will provide benefit to local residents and neighbors through the providing of access to well maintained trails, beautiful natural areas, and opportunity for community engagement and well-being.
- 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.

- 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 <u>new</u> 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.

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

Next page 📫

#### Special Use — Questionnaire

	Does this application include a business or nonprofit (church, school, other) based all or in part on this property?
	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? Dawn to dusk, 7 days a wea
	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?  Q Y V 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? It depends on time of year and other factors- but we might expect an average of 3-8 people visiting the
per day	property, averaged out over the course of a year.
	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? $\square$ Y $\square$ N       If yes, fill out below.         Sign 1       Dimensions (length and width). $48^{"}$ $\sqrt{2"}$ $24^{"} \times 48^{"}$ $72^{"}$ $0AH$
	Existing?   Y
	Electronic message board?  Y Y N If no, lighted?  Y Y N
	Freestanding? V V N Wall mounted? V V N
	Sign 2 Dimensions (length and width).
	Existing?  Y  N Double faced?  Y  N
	Electronic message board?  Y IN If no, lighted?  Y N
	Freestanding?  Y  N  Wall mounted?  Y  N
	Sign 3 Dimensions (length and width).
	Existing? $\Box$ Y $\Box$ N Double faced? $\Box$ Y $\Box$ N
	Electronic message board? $\Box$ Y $\Box$ N If no, lighted? $\Box$ Y $\Box$ N
	Freestanding? $\Box$ Y $\Box$ N Wall mounted? $\Box$ Y $\Box$ N
	Freestanding? I Y I N Wall mounted? I Y I N

\_\_\_\_\_




### **BZA Staff Report**

Prepared by the Department of Planning and Development

#### Hearing Date: July 17, 2025

Transaction Number: SUP-0394-2025.

Parcel Number(s): 20-08-04-476-009.000-034.

Existing Zoning: A-1.

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

Petitioner: Timothy Yoder & Janae Schrock (Buyers) & Matthew Herr & Adrena Mathieu (Sellers).

Location: North side of CR 14, 900 ft. west of Bristol Ave. (CR 8), in Middlebury Township.

#### Site Description:

- Physical Improvement(s) Residence, shed.
- Proposed Improvement(s) Combined accessory structure and barn.
- Existing Land Use Residential.
- Surrounding Land Use Residential, agricultural, church.

#### History and General Notes:

July 17, 1997 – The BZA approved an appeal to allow construction of a home on property not subdivided in accordance with the subdivision ordinance and depth and width variances.

#### Staff Analysis:

Staff finds that:

- 1. The Special Use will not be consistent with the spirit, purpose, and intent of the Development Ordinance. The scope and scale of the proposed agricultural use on less than 3 acres is too intense for this property.
- 2. The Special Use will cause substantial and permanent injury to the appropriate use of neighboring property. This is a 1.45-acre parcel in a residential and mixed-use area, and the property should remain residential in character.
- 3. The Special Use will not substantially serve the public convenience and welfare. The ANR Department of the Purdue University Extension recommends 2 acres of pasture per horse, the staff recommends at least 1 acre of pasture per horse, and the site plan shows only approximately 0.35 acres of pasture.

Staff recommends **DENIAL**.

Page 14

### SUP-0394-2025



2021 Aerials

SUP-0394-2025



### SUP-0394-2025





## Subject property



### Area labeled pasture



## Area labeled pasture



## Facing east



# Facing west



## 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

Special Use - Non Mobile Home

Special Use - Non Mobile Home			Fax - (574) 971-4578	
Date: 06/13/2025 Mea	ating Data	17, 2025 Appeals Public Hearing	saction #: SUP-0394	-2025
Description: for a Special Use for an agri	cultural use for the keeping of anim	mals on a tract of land containing	less than 3 acres	
Contacts: <u>Applicant</u> Matthew Herr And Adrena Mathieu (Joint Tenants) Herr (Seller) 13043 County Road 14 Middlebury, IN 46540	<u>Authorized Agent</u> Nathan Schwartz 52037 County Road 25 Bristol, IN 46507	Land Owner Matthew Herr And Adrena Mathieu (Joint Tenants) Herr (Seller) 13043 County Road 14 Middlebury, IN 46540	<u>Land Owner</u> Timothy And Janae Sch Yoder (Buyer) 11601 N 225 W Rome City, IN 46784	hrock
Site Address: 13043 County Road 14 Middlebury, IN 46540		Parcel Number:	20-08-04-476-009	).000-034
Township:MiddleburyLocation:North Side Of County Road	d 14, 900 Feet West Of County Ro	bad 8		
Subdivision:		Lot #		
Lot Area: 1.45	5 Frontage: 60.00		Depth:	645.52
Zoning: A-1		NPO List: 07/02/2025		
Present Use of Property: RESIDENTI	AL			
Legal Description:				
24 (HALF TO BE USED FO STORAGE.	1997 T X 110% = 1,724 SQ FT MINUS OR PERSONAL STORAGE = 36 R ROAD FRONTAGE - APPROV	0) - WHICH LEAVES 616 SQ F		
Applicant Signature:		Department Signature:		

Elkhart County (574) 971-4678 Planning & Development DPS@ElkhartCounty.com

Application
Site address: 13043 County Road 14 Middle bury Indiana 46540
Parcel number(s):
Current property owner
Address: 50211 County Road 652, Mattawan, MI 49071
Name: <u>Malthew Herr &amp; Adrena Mathien</u> Address: <u>50211 County Road 652</u> , <u>Mattawen</u> , <u>MI 49071</u> Phone: <u>574-304-3184</u> Email: <u>Patriot</u> _ 86@hotmail.com
<b>Other party</b>
Name: Timothy Yoder
Address: 11601 N 225W Rome City I.N. 46784
Phone: 260-502-1280 Email: NA
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: Manual Start
Staff Use Only
Description: ig anivals
Parcel creation data: 9-26-1997
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       CP       14       ,         900       ft.       N S E(W) of       Brishol Are       ,
in Middlebury Township
Frontage: Depth: Area:Area acres
Subdivision and lot number, if applicable:
Present use:

SI	pecial	Use	- Q	uestionnaire	
----	--------	-----	-----	--------------	--

	Tell us what you want to do. I would like to keep a horse on the property I
	plan on purchasing!
	prem on perminant ju
	Tell us why this activity won't hurt your neighbors or the community. I will keep the horse in a fence and feed and case for him.
	Is there a subdivision covenant that says you can't do this activity?
	If yes, does the subdivision have an active homeowners' association? $\Box$ Y $\Box$ N
i.	Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? $\Box$ Y $\Xi$ 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.
)	Will there be buffering (fences, trees, shrubs, mounds)? $\square$ N
)	If yes, tell us about it. I would like to install a fence to keep the
)	
)	If yes, tell us about it. I would like to install a fence to keep the
	If yes, tell us about it. I would like to install a fence to Keepthe horse in.
	If yes, tell us about it. <u>I would like to install a fence to Keepthe</u> horse in. Does the property need well and septic? Well: DY IN Septic: DY IN
	If yes, tell us about it. I would like to install a fence to Keepthe horse in. Does the property need well and septic? Well: $\Box Y  extsf{N}$ Septic: $\Box Y  extsf{N}$ N Does the property need a <u>new</u> septic system? $\Box Y  extsf{N}$ N
	If yes, tell us about it. $ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \$
	If yes, tell us about it. <u>Jowen 1d like to install a fence to Keepthe</u> <u>horse in</u> . Does the property need well and septic? Well: Y Y N Septic: Y Y N Does the property need a <u>new</u> septic system? Y Y N If a new septic system is needed, did the Health Department say there's enough space for it? Y N Will the activity use buildings or additions? Y N If yes, fill out below.
	If yes, tell us about it. $$ would like to install a fence to keep the horse in- Does the property need well and septic? Well: $\Box Y  extsf{N}$ Septic: $\Box Y  extsf{N}$ N Does the property need a <u>new</u> septic system? $\Box Y  extsf{N}$ N If a new septic system is needed, did the Health Department say there's enough space for it? $\Box Y \Box N$ Will the activity use buildings or additions? $ extsf{M} Y \Box N$ If yes, fill out below. Building or addition 1 Existing? $\Box Y  extsf{N}$ Size and height to the peak: $\frac{3y'w_1de 30' long}{15' hightersf{N}}$ Tell us what you'll use it for. $ extsf{To}$ Store hay for the horse and feed him- Building or addition 2 Existing? $\Box Y \Box N$ Size and height to the peak: $ extsf{L}$
	If yes, tell us about it. ⊥ would like to install a fence to keepthe         horse in.         Does the property need well and septic? Well: □ Y IN Septic: □ Y IN         Does the property need a new septic system? □ Y IN         If a new septic system is needed, did the Health Department say there's enough space for it? □ Y □ N         Will the activity use buildings or additions? IN If yes, fill out below.         Building or addition 1       Existing? □ Y IN Size and height to the peak: 34'wide 30' long 15' high         Tell us what you'll use it for. To store hay for the horse and feed him.         Building or addition 2       Existing? □ Y □ N         Size and height to the peak:       Image: Size and height to the peak:         Tell us what you'll use it for.       Image: Deside the size and height to the peak:         Tell us what you'll use it for.       Image: Deside the size and height to the peak:         Tell us what you'll use it for.       Image: Deside the size and height to the peak:
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	If yes, tell us about it. ⊥ would like to install a fence to keepthe         horse in.         Does the property need well and septic? Well: □ Y IN Septic: □ Y IN         Does the property need a new septic system? □ Y IN         If a new septic system is needed, did the Health Department say there's enough space for it? □ Y □ N         Will the activity use buildings or additions? IN If yes, fill out below.         Building or addition 1       Existing? □ Y IN Size and height to the peak: $34'wide 30' long IS' high         Tell us what you'll use it for.       To Store hay for the horse and feed him.         Building or addition 2       Existing? □ Y □ N       Size and height to the peak:         Tell us what you'll use it for.       Image: Display the set of the peak:       Image: Display the set of the peak:         Tell us what you'll use it for.       Image: Display the set of the peak:       Image: Display the set of the peak:         Tell us what you'll use it for.       Image: Display the set of the peak:       Image: Display the set of the peak:         Tell us what you'll use it for.       Image: Display the set of the peak:       Image: Display the set of the peak:         Tell us what you'll use it for.       Image: Display the set of the peak:       Image: Display the set of the peak:         Tell us what you'll use it for.       Image: Display the set of the peak:       Image: Display the set of the peak:         Tell us what you'll use it $

Next page

### Special Use — Questionnaire

	ployees do you h	ave now? Full tir	ne:	Part time:
How many em	ployees do you w	vant? Full time:		Part time:
How many of t	he employees wo	on't live onsite?		
What will be th	e days and hours	s of operation on t	nis property?	
How many par	king spaces do yo	ou have now?		
How many par	king spaces do ye	ou want?		
Will there be o	utside storage or	display areas on t	his property?	
If yes, tell us v	vhat will be store	d outside or displa	yed.	
Will there be r	etail sales on this	property? 🗆 Y	∩ ⊓ N	
If yes, tell us v	vhat will be sold.			
Approximately	how many custo	mers (clients, gues	sts, students, me	mbers) will be on this property per
Tell us how		2.7.2		N If yes, fill out below.
Does the appl	ication include sig	gns? 🗆 Y 🗹	N If yes, fill ou	ut below.
Sign 1	Dimensions (len	gth and width)		
Existing?	$\Box$ Y $\Box$ N	Double faced?	$\Box$ Y $\Box$ N	
Electronic n	essage board?		If no, lighted?	
	g? 🗆 Y 🗆	N Wall moun	ted? 🗆 Y 🛛	I N
Freestandin	Dimensions (len	gth and width)		
Sign 2		Double faced?		
Sign 2 Existing?		Double faced? □ Y □ N		
Sign 2 Existing? Electronic n	nessage board?		If no, lighted?	ΠΥΠΝ
Sign 2 Existing? Electronic n Freestandin	nessage board? g?	□ Y □ N N Wall moun	If no, lighted? ted? □ Y [	
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Sign 2 Existing? Electronic n Freestandin Sign 3 Existing?	nessage board? g?	□ Y □ N N Wall moun gth and width)	If no, lighted? ted?	

on the property!





### **BZA Staff Report**

Prepared by the Department of Planning and Development

#### Hearing Date: July 17, 2025

Transaction Number: SUP-0403-2025.

*Parcel Number(s):* 20-06-21-351-005.000-009, 20-06-21-376-006.000-009, 20-06-21-376-007.000-009, 20-06-21-376-005.000-009.

Existing Zoning: R-1.

*Petition:* For an amendment to an existing Special Use for a school to allow for a building addition, additional parking, a sign, a drive, and playground and tennis courts.

Petitioner: Elkhart Christian Academy, Inc.

Location: Northeast corner of CR 22 & CR 9, in Concord Township.

#### Site Description:

- Physical Improvement(s) School campus.
- Proposed Improvement(s) Addition to existing school and campus.
- Existing Land Use Educational.
- Surrounding Land Use Residential, agricultural, commercial.

#### History and General Notes:

- May 19, 2011 The Board of Zoning Appeals approved a Special Use for an existing school (25943CR 22-110421-2).
- June 20, 2011 The Board of County Commissioners approved a rezoning from R-1 PUD to R-1 (PC 2011-06).
- June 18, 2015 The Board of Zoning Appeals approved an amendment to an existing Special Use for a school to allow for the construction of a gymnasium and parking area (25943CR 22-150515-1).

#### Staff Analysis:

Staff finds that:

- 1. The Special Use Amendment will be consistent with the spirit, purpose, and intent of the Development Ordinance. This is an existing Special Use for a school.
- 2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 35-acre parcel in a mixed-use, medium-density area, and the school has had no complaints since it was established in 1973.
- 3. The Special Use Amendment will substantially serve the public convenience and welfare by allowing a school expansion to accommodate more students, faculty, and outdoor recreation.

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### BZA Staff Report (Continued)

#### Hearing Date: July 17, 2025

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

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

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

1. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Special Use Amendment application.

### SUP-0403-2025



### SUP-0403-2025



2021 Aerials

SUP-0403-2025





## Subject property



## Location proposed parking & tennis courts



### Proposed addition location



## Facing east



## Facing west



## 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

Special Use Amendment - Non Mobile Home

Special Use Amendment - Non Mobile HomeFax - (574) 971-4578				
Date: 06/16/2025 Me	ating Data:	17, 2025 Appeals Public Hearing	Transaction #: SUP-0403-2025	
Description: for an Amendment to an exi sign, drive, playground and		llow for a building addition	, additional parking,	
Contacts: <u>Applicant</u> Abonmarche Consultants 303 River Race Dr. Suite 206 Goshen, IN 46526	<u>Authorized Agent</u> Abonmarche Consultants 303 River Race Dr. Suite 206 Goshen, IN 46526	<u>Builder</u> Dj Construction 3414 Elkhart Rd Goshen, IN 46526	<u>Land Owner</u> Elkhart Christian Academy, Inc 25943 Cr 22 Elkhart, IN 46517	
Site Address: 25887 County Road 22 Elkhart, IN 46517	2	Parcel Number:	20-06-21-351-005.000-009 20-06-21-376-005.000-009 20-06-21-376-006.000-009 20-06-21-376-007.000-009	
Township:       Concord         Location:       NORTHEAST CORNER (	OF CR 22 AND CR 9			
Subdivision:		Lot #		
Lot Area: 35.2:	5 Frontage: 2,130.00		Depth:	
Zoning: R-1		NPO List: 07/02/2	025	
Present Use of Property: SCHOOL				
Legal Description:				
AMENDMENT #25943CR JASON REVIEWED AT C	22-150515-1 FOR CONSTRUCT	ON OF A GYM, APPRON		
Applicant Signature:		Department Signature		

	Application
Site addres	5: 25887 COUNTY RD 22
Parcel number(s	): 20-06-21-351-005.000-00920-06-21-376-006.000-009; 20-06-21-376-005.000-009
Current proper	ty owner
Name: ELKH	ART CHRISTIAN ACADEMY INC
Address: 25887	COUNTY RD 22
Phone: (574)	293-1609 Email: adam@djconstruction.com
Other party	□ Agent □ Buyer □ Land contract purchaser □ Lessee
Name: Ab	onmarche Consultants, Crystal Welsh
Address: 303	3 River Race Drive, Goshen, IN 46526
Phone: 574	Email: cwelsh@abonmarche.com
be met before ap	, I understand that if my application is approved, there may be conditions that will have to pproval is final and building permits can be started. I also understand that the conditions mmitment that the property owner is responsible for completing and returning.
Signature of cu	rrent property owner or authorized agent:

			Staff Us	e Uniy			
Description:							
Parcel creation date	e:						
Subdivision require	d?		If yes.		1inor ⊟ Ma	aior	
Subdivision require	d?	<b>ΟΥΟΝ</b>	If yes,		1inor □ Ma	ajor	
-						-	
-						-	
-						-	
Residential accesso		<b>ikdown,</b> if ap	plicable: _				
Residential accesso	ry brea	<b>ikdown,</b> if ap	plicable:				
Residential accesso	ry brea	<b>ikdown,</b> if ap corner side	plicable: end of of				
in	ry brea	<b>ikdown,</b> if ap	end of of _ Township			- 	
Residential accesso	ry brea	<b>ikdown,</b> if ap	end of of _ Township			- 	
Residential accesso	ry brea	corner side	plicable: end of of Township	Area:		acres	_ ,

Name: ELKHART CHRISTIAN ACADEMY INC

1) Tell us what you want to do. Proposed building expansion, interior renovations of the existing building,

adding parking, new drive off of CR 22, sign for the new drive on CR 22, revisions to the existing drive on CR 22, relocation of the existing sign at the existing drive on CR 22, replace the existing playground, and add tennis facilities to the campus.

2) Tell us why this activity won't hurt your neighbors or the community. Proposed building expansion and renovation

is relatively small compared to the existing building and will add class rooms, a resource center, and administrative offices. The proposed additional parking will accommodate the growing need on site. The additional drive will allow for better on-site circulation reducing impact of traffic on CR 22 allowing for more stacking there by reducing the vehicle queue on CR 22, modifications to existing drive will allow separation of the elementary traffic from the middle and high school.

3) Is there a subdivision covenant that says you can't do this activity?  $\Box$  Y 🛛 N

If yes, does the subdivision have an active homeowners' association?  $\Box$  Y  $\Box$  N N/A

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

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

5) Will there be buffering (fences, trees, shrubs, mounds)? 

I Y X N

If yes, tell us about it. long-range plans will incorporate existing residential and office structures into the school campus

- 6) Does the property need well and septic? Well: □ Y X N Septic: □ Y X N
  Does the property need a <u>new</u> septic system? □ Y □ N N/A
  If a new septic system is needed, did the Health Department say there's enough space for it? □ Y □ N N/A
- 7) Will the activity use buildings or additions? 🛛 Y 🗆 N If yes, fill out below.

**Building or addition 1** Existing?  $\Box$  Y  $\Box$  N Size and height to the peak: Tell us what you'll use it for add class rooms, a resource center, and administrative offices

building of addition 5	LAISUNG!	Size and height to the peak.	
Tell us what you'll use it	for.		

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

Next page 📫

#### Special Use — Questionnaire

9) Does this application include a business or nonprofit (church, school, other) based all or in part on this property?
How many employees do you have now? Full time: 98 Part time:
How many employees do you want? Full time: <sup>113</sup> Part time:
How many of the employees won't live onsite? All- no housing on site
What will be the days and hours of operation on this property? 1.During the school, 7:30-4:00pm for staff
2. Before Care 7:00 am – 7:45 am M, T, Th, F & W 7:00 am -8:40 am After Care 3:30 pm – 5:30 pm
3. After school activities 1.Sports; 4:00pm – 6pm 2.Games – varies based on the season and if the number of home game How many parking spaces do you have now? 248
How many parking spaces do you want?331
Will there be outside storage or display areas on this property? $\Box$ Y 🖄 N
If yes, tell us what will be stored outside or displayed. <b>N/A</b>
Will there be retail sales on this property? 🛛 Y 🗆 N
If yes, tell us what will be sold. <u>concessions for sporting events</u>
Approximately how many customers (clients, guests, students, members) will be on this property per day? 858 students and 113 staff and administrators (projected totals)
School sporting events and extracurricular activities up to 1,400
Will there be pickups or deliveries on this property? 🖄 Y 🗆 N If yes, fill out below.
Tell us how often. Food service deliveries weekly, general office deliveries once a week.
Tell us the kind of vehicles used. deliveries in box truck
Does the application include signs? ⊠ Y □ N If yes, fill out below. Existing entrance sign on CR 22 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 <b>New entrance sign on CR 22</b> <b>Sign 2</b> 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). New wall mounted sign and logo Existing? □ Y ⊠ N Double faced? □ Y □ N
Electronic message board? 🗆 Y 🖄 N If no, lighted? 🗆 Y 🖄 N
Freestanding? 🗆 Y 🖾 N Wall mounted? 🖾 Y 🗆 N
10) Tell us anything else you want us to know.

The school has been in operation since 1973 and have not received community complaints.



To Whom It May Concern,

Elkhart Christian Academy is a ministry and partner of First Baptist Church. We are aware of the expansion project and construction to take place on the property of Elkhart Christian Academy and understand the permission needed to access some of the construction through the property owned by FBC. This special interest and usage is understood and we are giving the permission for such purpose.

Sincerely,

Matt Cox Executive Pastor of Operations First Baptist Church of Elkhart www.fbcelkhart.org 574-295-4475








# BZA Staff Report

Prepared by the Department of Planning and Development

## Hearing Date: July 17, 2025

Transaction Number: SUP-0399-2025.

Parcel Number(s): 20-14-20-426-003.000-028.

Existing Zoning: A-1.

*Petition:* For a Special Use for a roadside stand and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Petitioner: Dewey R. Price & Diana K. Price, Husband & Wife.

Location: South side of CR 50, 675 ft. west of CR 9, in Union Township.

#### Site Description:

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

### History and General Notes:

➢ None.

### Staff Analysis:

For a Special Use for a roadside stand, 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 roadside stand 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 1.45-acre parcel in a low-density residential and agricultural area, and the property will remain residential in character. The roadside stand will sit off the road at the required setback as to not cause sight issues for adjacent properties.
- 3. The Special Use will substantially serve the public convenience and welfare by allowing for local purchasing of baked goods.

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# BZA Staff Report (Continued)

## Hearing Date: July 17, 2025

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

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

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

1. The request is approved in accordance with the site plan submitted (dated 6/16/2025) and as represented in the Special Use application.

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

- 1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 64 sq. ft., or 0.04%, over what is allowed by right, and the structure will meet all other development standards.
- 2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 1.45-acre parcel in a residential and agricultural area, and the property will remain residential in character. The structure will be placed out of the line of sight of the neighboring residences.
- 3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the use of the variance, the building could not be placed on the property.

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

- 1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
- 2. The request is approved in accordance with the site plan submitted (dated 6/16/2025) and as represented in the Developmental Variance application.

# SUP-0399-2025



# SUP-0399-2025



# SUP-0399-2025





# Subject property



# Facing west



# Facing east





# BZA Staff Report

Prepared by the **Department of Planning and Development** 

Hearing Date: July 17, 2025

Transaction Number: SUP-0368-2025.

Parcel Number(s): 20-02-18-452-005.000-026 & 20-02-18-452-010.000-026.

Existing Zoning: A-1.

*Petition:* For a Special Use for building and home improvement supplies and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Petitioner: Rosa A. Caldera De Bernal.

Location: North side of CR 4, 855 ft. west of CR 7, in Osolo 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:

- August 16, 2017 A complaint for a kennel (cats) was made (CODE-0464-2017). The complaint was closed October 5, 2017.
- March 4, 2025 A complaint for vehicles and trailers parked in the grass was made (CODE-0075-2025). The complaint was closed March 18, 2025.
- April 23, 2025 A complaint for people living in an RV and running a business was made (CODE-0192-2025).
- > April 23, 2025 A compliant for trash in the yard was made (CODE-0193-2025).
- April 23, 2025 A complaint for junk and abandoned vehicles was made (CODE-0194-2025).

### Staff Analysis:

For a Special Use for building and home improvement supplies, staff finds that:

- 1. The Special Use will not be consistent with the spirit, purpose, and intent of the Development Ordinance. The Development Ordinance allows a business for building and home improvement supplies by Special Use when operated in a way that is compatible with its surroundings. There are several valid code complaints for the property.
- 2. The Special Use will cause substantial and permanent injury to the appropriate use of neighboring property. This is a 4-acre property in a residential area of low to moderate density, and the property should remain residential in character. There is unkempt outdoor storage related to the business throughout the property.
- 3. The Special Use will not substantially serve the public convenience and welfare. Residential communities should be supported and protected from conflicting land uses.

#### Staff recommends **DENIAL**.

Page 17a

# BZA Staff Report (Continued)

Hearing Date: July 17, 2025

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. These are existing structures, the request is 1,218 sq. ft., or 38.9%, over what is allowed by right, and the structures will meet all other development standards.
- 2. Approval of the request will not cause a substantial adverse effect on neighboring property. This is a 4-acre property in a residential area of low to moderate density, and the property will remain residential in character. The existing accessory structures are located in the rear of the property.
- 3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the use of the variance, the existing structures would be non-conforming.

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

- 1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
- 2. The request is approved in accordance with the site plan submitted (dated 6/3/2025) and as represented in the Developmental Variance application.

# SUP-0368-2025



# SUP-0368-2025



2021 Aerials

# SUP-0368-2025





# Subject property facing north



# 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

*		
Date: U6/U3/2025 Meeting Date:	17, 2025 ppeals Public Hearing Transact	ion #: SUP-0368-2025
Description: for a Special Use for building and home improvement supplies the total square footage of accessory structures to exceed that a		to allow for
Contacts:ApplicantLand OwnerRosa A. Caldera De BernalRosa A. Caldera De Bernal27357 Cr 427357 Cr 4Elkhart, IN 46514Elkhart, IN 46514		
Site Address: 27357 County Road 4 Elkhart, IN 46514	Parcel Number:	20-02-18-452-005.000-026 20-02-18-452-010.000-026
Township:OsoloLocation:North Side Of County Road 4, 855 Feet West of CR 7		
Subdivision: MOORES SD	Lot # 12 13 & 14	
Lot Area: 4.00 Frontage: 225.00		Depth: 532.00
Zoning: A-1	NPO List: 07/02/2025	
Present Use of Property: A-1		
Legal Description:		
Comments: CODE- 0075-2025 FOR VEHICLES AND TRAILERS PARK CODE- 0192-2025 FOR LIVING IN AN RV & RUNNING A CODE- 0193-2025 FOR TRASH IN THE YARD CODE- 0194-2025 FOR INOPERABLE VEHICLES RESIDENCE = 1563 X 200% = 3126 MINUS (624) ATTACHED GARAGE MINUS (1200) PERSONAL STORAGE DETACHED MINUS ((1800) BUSINESS STORAGE + LEAN TO (720)) = 1,218 OVER SQ. FT. ALLOWED.	BUSINESS	
Applicant Signature:	Department Signature:	

4230 Elkhart Road Goshen, Indiana 46526 Elkhart County Planning & Development

(574) 971-4678 DPS@ElkhartCounty.com

	Application
Site address:	27357 County Road 4 Elkhart 11
Parcel number(s):	
Current property	owner
Name: Rosa	Amalia Caldera de Bernal
Address: 272	Amalia Caldera de Bernal 57 County Road 4 Elkhart IN
Phone: 312 -	763 0413 Email: none
Other party	□ Agent □ Buyer □ Land contract purchaser □ Lessee
Name:	
and the second second	Email:
be met before appr may include a com	understand that if my application is approved, there may be conditions that will have to roval is final and building permits can be started. I also understand that the conditions mitment that the property owner is responsible for completing and returning.
Signature of curr	ent property owner or authorized agent: <u>Para Caldera</u> de Bennal
	Staff Use Only
Description:	
Description: Supplies vehicles	Staff Use Only Special Use for building and home improvem & for a Special Use for parking of com
vehicles	
<u>Vehicles</u> Parcel creation d	Special Use for building and home improvem & for a Special Use for parking of com ate: NA
<u>Vehicles</u> Parcel creation d Subdivision requi	ate: NA ired? □Y X N If yes, □ AS □ Minor □ Major
<u>Vehicles</u> Parcel creation d Subdivision requi	Special Use for building and home improvem & for a Special Use for parking of com ate: NA
<u>Vehicles</u> Parcel creation d Subdivision requi	ate: NA ired? □Y X N If yes, □ AS □ Minor □ Major
<u>Vehicles</u> Parcel creation d Subdivision requi	ate: MA ired? I Y X N If yes, I AS I Minor I Major ssory breakdown, if applicable: NA
Vehicles Parcel creation d Subdivision requi Residential acces	E W corner sole end of $\underline{CR4}$
Vehicles Parcel creation d Subdivision requi Residential acces	E W corner sole end of $CR4$ t. NSEO of $CR7$
Vehicles Parcel creation d Subdivision requi Residential acces Location: 0 S Subdivision requi Location: 0 S Subdivision requi Subdivision	E W corner sole end of <u>CR4</u> Township
Vehicles Parcel creation d Subdivision requi Residential acces Location: 0 S S S inS Frontage:2	E W corner sole end of $CR4$ t. NSEO of $CR7$

	Special Use — Questionnaire
ar	e: Judy Bernal
.)	Tell us what you want to do. <u>I sell online and people</u> <u>come to pick up to my house. I dont</u> have a store.
)	Tell us why this activity won't hurt your neighbors or the community. This activity dont hurt none of my neighbors because they dont interfere with no ones proper
)	Is there a subdivision covenant that says you can't do this activity? $\Box$ Y X N If yes, does the subdivision have an active homeowners' association? $\Box$ Y $\Box$ N
)	Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? $\Box$ 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.
)	Will there be buffering (fences, trees, shrubs, mounds)?
)	Will there be buffering (fences, trees, shrubs, mounds)? $\Box$ Y $\blacktriangleright$ N
	Will there be buffering (fences, trees, shrubs, mounds)?       □ Y Ø N         If yes, tell us about it.
	Will there be buffering (fences, trees, shrubs, mounds)? $\Box Y \not > N$ If yes, tell us about it. Does the property need well and septic? Well: $\Box Y \not > O N$ Septic: $\Box Y \not > P$ N Does the property need a <u>new</u> septic system? $\Box Y \not > N$ If a new septic system is needed, did the Health Department say there's enough space for it? $\Box Y \Box N$ Will the activity use buildings or additions? $\Box Y \cap N$ If yes, fill out below. Building or addition 1 Existing? $\Box Y \Box N$ Size and height to the peak: <u>Go'x Yo</u>
	Will there be buffering (fences, trees, shrubs, mounds)?       □ Y Ø N         If yes, tell us about it.

.

Next page 🔿

### Special Use — Questionnaire

	s this application include a business or nonprofit irch, school, other) based all or in part on this property? $\Box$ Y 🔀 N If yes, fill out below.
н	ow many employees do you have now? Full time: Part time:
н	low many employees do you want? Full time: Part time:
н	low many of the employees won't live onsite?
N	That will be the days and hours of operation on this property? Monday - Friday 10-7p
н	ow many parking spaces do you have now?
н	ow many parking spaces do you want?
N	/ill there be outside storage or display areas on this property? 🕅 Y 🗆 N
	ives, tell us what will be stored outside or displayed. <u>Tile Pallets</u> and ometimes I will have Box trucks and my personal Vans
	/ill there be retail sales on this property? □ Y X N Where I move my merchandise yes, tell us what will be sold.
A	pproximately how many customers (clients, guests, students, members) will be on this property per day? 4-5 customers per day on good days.
14	/ill there be pickups or deliveries on this property? $\not\boxtimes$ Y $\Box$ N If yes, fill out below.
	Tell us how often. 4-5 pickups on a good days.
	Tell us the kind of vehicles used. <u>people</u> use personal vehicles
Г	oes the application include signs? 🗆 Y 🗭 N If yes, fill out below.
	ign 1 Dimensions (length and width).
3	Existing? $\Box$ Y $\Box$ N Double faced? $\Box$ Y $\Box$ N
	Electronic message board? $\Box$ Y $\Box$ N If no, lighted? $\Box$ Y $\Box$ N
	Freestanding? $\Box$ Y $\Box$ N Wall mounted? $\Box$ Y $\Box$ N
3	Sign 2   Dimensions (length and width).
	Existing? $\Box$ Y $\Box$ N Double faced? $\Box$ Y $\Box$ N
	Electronic message board? $\Box$ Y $\Box$ N If no, lighted? $\Box$ Y $\Box$ N
	Freestanding? I Y I N Wall mounted? I Y I N
5	Sign 3     Dimensions (length and width).
	Existing? I Y I N Double faced? I Y I N
	Electronic message board?   Y  N  If no, lighted?  Y  N
	Freestanding?   Y IN Wall mounted?  Y IN
) Те _[	Il us anything else you want us to know. <u>My Mother in law stays with</u> is but lam the one who pays Mortgage with
0	ind everyone just picks up the mercholisp it my house. We dont have a store we ust get people to come pick up what is sold online.
0	I my house. We dont have a store we
U .	intact people to come pick up what is
J	ust of the
<	sold online.
6	

I, Rosa Amalia Caldera, am the owner of the property located at 27357 County Road 4, Elkhart, Indiana 46514, which I purchased on October 13th, 2021 for the purpose of providing a residence for my son Ivan Bernal, his wife Judy Bernal, and their daughter Yvonn Bernal, along with my husband and myself.

Since the time of purchase, they have been responsible for the monthly mortgage payments, as I retired shortly after and rely on my retirement income, which is limited. The current monthly mortgage payment is \$1,020.56 USD.

My family operates a website where they sell various products through different online platforms. Occasionally, customers come to the property to pick up larger items that cannot be shipped by mail. To facilitate this, we use a separate entrance that leads directly to the back barn, where all pickups are handled.

It is important to note that we don't have a store or show product here as we display all our products online only and never had any issues with customers coming to the property, as there is ample parking space — enough for at least 10 vehicles in the front of the house, and even more space in the back near the barn.

For more information, please feel free to contact me at (574) 336-2883.

Sincerely,

Rosa Amalia Caldera

Rosa Caldera de Bernal

# CODE CASE DETAILED REPORT CODE-0193-2025 FOR REPORT TEXT LIBRARY: MUNICIPALITY\_NAME

Parcel:       20-02-18-452-010.000-026       Main       Address:       27357 County Road 4, 470 Feet East Of County Road 4, 470 Feet East Of Janny Lane Elkhart, IN 46514       Main       Zone:       A-1 (Agricultural)         Owner       Rosa A, Caldera De Bernal 27357 Cr 4       Elkhart, IN 46514       Sold       Sold       Sold         Robit       3127630413       Created By       Date and Time Created 4/23/2025 1:47 pm       Date and Time Created 4/23/2025 1:47 pm       Sold         Note       1.       SEE MAP ATTACHED TO COMPLAINT FOR DRIVE ENTRANCE. ALSO CODE #0194-2025 FOR LIVING IN RV AND RUNNING A BUSINESS       Kerri Burkholder       4/23/2025 1:47 pm         Activity Type       Activity Number       Activity Name       User       Created On 03x0 Nordman       05/01/2025         Site Visit       CMActivity-0566-2025       Dawn Nordman       05/01/2025       Site Visit       Dawn Nordman       05/01/2025	Status:	Nuisance Notice of Violation Dawn Nordman	Project: District: Description:	Osolo TRASH IN YARD (MAY BE C	Opened Date: 04/23/2025 Closed Date: NOT CLOSED DN PARCEL BEHIND RESIDENCE)
Rosa A. Caldera De Bernal         27357 Cr 4         Elkhart, IN 46514         Mobile: 3127630413         Created By       Date and Time Created         Note       Created By       Date and Time Created         1. SEE MAP ATTACHED TO COMPLAINT FOR DRIVE ENTRANCE. ALSO CODE #0194-2025 FOR INOPERABLE VEHICLES AND #0192-2025 FOR LIVING IN RV       Kerri Burkholder       4/23/2025 1:47 pm         Activity Type       Activity Number CMActivity-0567-2025       Activity Name       User Dawn Nordman       Created On Dawn Nordman	Parcel: 20-02-18	3-452-010.000-026 Main	Of County Road 4, Of Jenny Lane		ne: A-1 (Agricultural)
1. SEE MAP ATTACHED TO COMPLAINT FOR DRIVE ENTRANCE. ALSO CODE #0194-2025 FOR INOPERABLE VEHICLES AND #0192-2025 FOR LIVING IN RV AND RUNNING A BUSINESS       Kerri Burkholder       4/23/2025 1:47 pm         Activity Type       Activity Number CMActivity-0567-2025       Activity Name       User Dawn Nordman       Created On 05/01/2025	Rosa A. Caldera D 27357 Cr 4 Elkhart, IN 46514				
Letter CMActivity-0567-2025 Dawn Nordman 05/01/2025	1. SEE MAP AT #0194-2025 F	FOR INOPERABLE VEHICLI	FOR DRIVE ENTRANCE. ALSO ES AND #0192-2025 FOR LIVIN	CODE Kerri Burkholder	Date and Time Created 4/23/2025 1:47 pm

# CODE CASE ACTIVITY REPORT CODE-0194-2025 FOR REPORT TEXT LIBRARY: MUNICIPALITY\_NAME

Case Type: Address:	Junk and Abandoned 27357 County Road 4 North Road 4, 470 Feet East Of J Elkhart, IN 46514		Dawn Nordman	Opened Date: 04/23/2025 Closed Date:
Activity Date	Created By	Activity Type	Activity Name	Comments
05/01/2025	Dawn Nordman	Site Visit		4-29-25 On-site inspection there appears to be 3 or 4 vehicles in the far back that look inoperable, see photos
	Dawn Nordman	Letter		5-1-25 I am sending out a junk and abandon vehicle letter. attached



















COUNTY ROAD 4

# BZA Staff Report

Prepared by the **Department of Planning and Development** 

Hearing Date: July 17, 2025

Transaction Number: UV-0405-2025.

Parcel Number(s): 20-02-29-301-005.000-026.

Existing Zoning: R-1.

*Petition:* For a Use Variance to allow for a waste related service and for a Special Use for a home workshop/business for a roofing business.

Petitioner: Jesus Ocampo.

Location: East side of CR 7, 3,460 ft. south of CR 6, in Osolo Township.

#### Site Description:

- Physical Improvement(s) Residence, detached accessory structures, pool.
- Proposed Improvement(s) None.
- Existing Land Use Residential.
- Surrounding Land Use Residential, commercial.

#### History and General Notes:

- April 4, 2025 A complaint was received about a roofing and dumpster business being run on the property (CODE-0158-2025).
- It should be noted that the B-2 zoned parcel to the west is used as an office location and went through the proper rezoning process in 2018. The B-2 zoning district is a transitional zoning that can be found located near residentially zoned districts.

### Staff Analysis:

For a Use Variance to allow for a waste related service, staff finds that:

- 1. The request will be injurious to the public health, safety, morals, and general welfare of the community. The residential, R-1, zone is not an appropriate zone for a waste related services business (outdoor storage of dumpsters on an unimproved surface).
- 2. The use and value of the area adjacent to the subject property will be affected in a substantially adverse manner. The required zoning needed for this type of business is M-1, with a Special Use.
- 3. A need for the Use Variance does not arise from a condition that is peculiar to the property involved. The subject parcel, and the adjacent parcels, have been residentially zoned since the original zoning was established in 1959. This is a 1.08-acre parcel in a medium-density residential area and the property would not remain residential in character if this request is approved.
- 4. Strict enforcement of the terms of the Development Ordinance would not constitute an unnecessary hardship if applied to the subject property. The business could be moved to a more appropriate location that is zoned correctly for the intensity of the use.
- 5. The Use Variance does interfere substantially with the Elkhart County Comprehensive Plan, which emphasizes support of residential communities and their protection from conflicting land uses.

#### Staff recommends **DENIAL**.

Page 18a
### BZA Staff Report

Hearing Date: July 17, 2025

For a Special Use for a home workshop/business for a roofing business, 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 for a roofing business is allowed 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 1.08-acre parcel in a medium-density residential area, and the property will remain residential in character. The roofing business will be done off-site with only materials being stored on the subject property.
- 3. The Special Use will substantially serve the public convenience and welfare by allowing for a local roofing business.

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

- 1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
- 2. A revised site plan must be submitted for staff approval (1) showing the location of the building that will be for indoor storage of materials and (2) removing the outdoor storage of dumpsters.

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

- 1. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Special Use application.
- 2. No outdoor storage of materials is allowed.

### UV-0405-2025



### UV-0405-2025



UV-0405-2025





# Subject property



## Facing south



# Facing north



# 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

Use Variance - Use Variance

	17, 2025Transaction #:UV-0405-2025Appeals Public Hearing
Description: for a Use Variance to allow for a waste related service and for roofing business	a Special Use for a home work shop business for a
Contacts:ApplicantAuthorized AgentAmerica MartinezAmerica Martinez53670 County Road 753670 County Road 7Elkhart, IN 46514Elkhart, IN 46514	<u>Land Owner</u> Jesus Ocampo 53670 Cr 7 Elkhart, IN 46514
Site Address: 53670 County Road 7 Elkhart, IN 46514	Parcel Number: 20-02-29-301-005.000-026
Township:OsoloLocation:East side of County Road 7, 3585 ft. South of County Road 6	
Subdivision:	Lot #
Lot Area: 1.08 Frontage: 73.00	Depth: 635.00
Zoning: R-1	NPO List: 07/02/2025
Present Use of Property: RESIDENTIAL	
Legal Description:	
Comments:	
Applicant Signature:	Department Signature:

Elkhart County Planning & Development

Application
Site address: 53670 County Road 7 Elkhent
Parcel number(s): 200229301005,000026
Current property owner
Name: Jesus Ocampo
Address: <u>53670 C27</u>
Phone: 574322 9129 Email: <u>American 360 guail. (UM</u>
Other party Agent Buyer Land contract purchaser Lessee
Name: Manner
Address: 53670 CL7
Phone: <u>5743229(29</u> Email: <u>aMerica M316@g.mail.com</u>
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 a wash- related service
Parcel creation date: 3 1 12
Subdivision required?   Y V N If yes, AS Minor Major
Residential accessory breakdown, if applicable: NA
Location: N S $(E)$ W corner (side) end of $(2/2, 7)$ ,
3585 ft. N SEW of CRLe,
in <u>DSOLO</u> Township
Frontage: <u>13</u> Depth: <u>035</u> Area: <u>1.08</u> acres
Subdivision and lot number, if applicable: NA
Present use: <u>R-1</u> Residential

Use Variance — Questionnaire Martinez Name: 1) Tell us what you want to do. Store work frailers and fricks 2) Tell us why your case is different from other cases in the county so that a variance should be allowed. to minimise inconvenience we are willing to work by potting get Gence up privency Tell us why the variance won't hurt your neighbors or the community. 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)?  $\swarrow$  Y  $\square$  N If yes, tell us about it. Shrubs are on the north side of the hon can istall L shape fence for the side of the f 6) Does the property need well and septic? Well: ☑ Y □ N Septic: ☑ Y □ N If a new septic system is needed, did the Health Department say there's enough space for it?  $\Box$  Y  $\Box$  N 7) Does what you want to do include buildings or additions? TY YN If yes, fill out below. Building or addition 1 Existing? 
Y Tell us what you'll use it for. Existing? 🗆 Y 🗳 N Size and height to the peak: \_\_\_\_\_ Building or addition 2 Tell us what you'll use it for. Existing?  $\Box$  Y  $\Box$  N Size and height to the peak: Building or addition 3 Tell us what you'll use it for. 8) Is there a subdivision covenant that says you can't do this activity?  $\Box$  Y 🗹 N If yes, does the subdivision have an active homeowners' association?  $\Box$  Y  $\Box$  N DYMN 9) Does this application include an accessory structure without a residence at this time? If yes, are there plans for a residence on this property?  $\Box$  Y  $\Box$  N If yes, fill out below. Tell us when it will be built. Tell us the approximate size. If yes, tell us what kind and the maximum number of each.

Next page 📫

#### Use Variance — Questionnaire

How many e	mployees do you have now? Full time: Part time:
	mployees do you want? Full time: Part time:
	f the employees won't live onsite?
What will be	the days and hours of operation on this property? $2\alpha - 7\beta M$
low many pa	arking spaces do you have now?
low many p	arking spaces do you want?
Will there be	outside storage or display areas on this property?
f yes, tell us	what will be stored outside or displayed. 2 trailers - two trick
Vill there be	retail sales on this property? $\Box$ Y 🔯 N
f yes, tell us	what will be sold.
Approximate	y how many customers (clients, guests, students, members) will be on this property pe
Will there be	pickups or deliveries on this property? $\Box$ Y $\bowtie$ N If yes, fill out below.
Tell us ho	N often.
	w often
Tell us the	
Tell us the  Does the app	e kind of vehicles used.
Tell us the  Does the app Sign 1	e kind of vehicles used.
Tell us the Does the app Sign 1 Existing?	e kind of vehicles used
Tell us the Does the app Sign 1 Existing? Electronic	e kind of vehicles used. plication include signs?
Tell us the Does the app Sign 1 Existing? Electronic Freestand	e kind of vehicles used.   olication include signs?   I   Y   I   N   I   Y   I   N   Double faced?   I   Y   N   If no, lighted?   I   Y   N
Tell us the Does the app Sign 1 Existing? Electronic Freestand Sign 2	e kind of vehicles used.   Dilication include signs? I Y I N If yes, fill out below. Dimensions (length and width).   I Y I N   Double faced?   Y I N   message board?   I Y I N   If no, lighted?   Y I N   Wall mounted?   Y I N
Tell us the Does the app Sign 1 Existing? Electronic Freestand Sign 2 Existing?	e kind of vehicles used.   Dilication include signs? I Y I N If yes, fill out below. Dimensions (length and width).   I Y I N   Double faced?   Y I N   message board?   I Y I N   If no, lighted?   Y I N   U Y I N   Wall mounted?   I Y I N   Dimensions (length and width).
Tell us the Does the app Sign 1 Existing? Electronic Freestand Sign 2 Existing? Electronic	e kind of vehicles used.   Direction include signs?   I   I   I   I   N   I   I   N   Double faced?   I   I   N   Double faced?   I   I   N   I    I   I </td
Tell us the Does the app Sign 1 Existing? Electronic Freestand Sign 2 Existing? Electronic Freestand	e kind of vehicles used.   Dication include signs?   Y N   If yes, fill out below.   Dimensions (length and width).   Y   N   Double faced?   Y   N If no, lighted?   Y   N   N   Dimensions (length and width).   Y   N Wall mounted?   Y   N Dimensions (length and width).   Y   N Dimensions (length and width).   Y   N   Double faced?   Y   N   Dimensions (length and width).   Y   N   Dimensions (length and width).   Y   N   Dimensions (length and width).   Y   N   Double faced?   Y   N   Dimensions (length and width).   Y   N   Double faced?   Y   N   Dimensions (length and width).   Y   N   Double faced?   Y   N   Mall mounted?   Y   N   Wall mounted?   Y   N
Tell us the Does the app Sign 1 Existing? Electronic Freestand Sign 2 Existing? Electronic Freestand Sign 3	e kind of vehicles used.   Direction include signs?   I   I   I   I   N   I   I   N   Double faced?   I   I   N   Double faced?   I   I   N   I    I   I </td
Tell us the Does the app Sign 1 Existing? Electronic Freestand Sign 2 Existing? Electronic Freestand Sign 3 Existing?	e kind of vehicles used.   Dilication include signs?   Y Y   If yes, fill out below.   Dimensions (length and width).   Y N   Double faced? Y   N Double faced?   Y N   If no, lighted? Y   N N   Dimensions (length and width).   Y N   N Wall mounted?   Y N   Dimensions (length and width).   Y N   If no, lighted? Y   N   Double faced? Y   N   Dimensions (length and width).   Y N   If no, lighted? Y   N   Dimensions (length and width).   Y N   N Wall mounted?   Y N   Dimensions (length and width).
Tell us the Does the app Sign 1 Existing? Electronic Freestand Sign 2 Existing? Electronic Freestand Sign 3 Existing? Electronic	e kind of vehicles used.   Dilication include signs? I Y N If yes, fill out below. Dimensions (length and width).   Y N   Double faced? Y   Y N   The state of the sta

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Elkhart County Planning & Development

	Application
Site address: <u>S</u>	2610 (x 1
	00229301005,060026
Current property o	vner
Name: Jesus	Drando
Address: 53 67	
Phone: <u>574</u>	-322-9129 Email: aprenant 316@gmail.cer
Other party	□ Agent □ Buyer □ Land contract purchaser ♀Lessee
Name: AMEN	a Martiner
Address: 5367	2 Cl7
Phone: 574 3	229129 Email: aMerica m316 gual con
be met before approv	derstand that if my application is approved, there may be conditions that will have to al is final and building permits can be started. I also understand that the conditions ment that the property owner is responsible for completing and returning.
Signature of curre	t property owner or authorized agent:
Description: <u>6</u> <u>business</u>	or a special Use for a home work shop!
Parcel creation dat	e:
Subdivision requir	d? 🗆 Y 🗆 N If yes, 🗆 AS 🗆 Minor 🗆 Major
Residential access	ry breakdown, if applicable:
	W corner side end of, ft. N S E W of,
	Township
Frontage:	Depth: Area: acres
Subdivision and lo	number, if applicable:

Special Use — Questionnaire Menica Martinez Name: 1) Tell us what you want to do. Store Moofing and empty dumpters while not in us 2) Tell us why this activity won't hurt your neighbors or the community. Equipment will evening will not cause Stored the aco tima DYDN 3) Is there a subdivision covenant that says you can't do this activity? If yes, does the subdivision have an active homeowners' association? ΠΥ Y If yes, fill out below. 4) Will the activity create noise vibration, smoke, dust, odor, heat, or glare? Tell us what will create those things. when reversing the truck itbeeps Tell us how you'll reduce the impact of those things on neighbors. Hooid an lafe night draps 5) Will there be buffering (fences, trees, shrubs, mounds)?  $\square$  Y  $\square$  N If yes, tell us about it. Privary fence can be istalled on rear end of 6) Does the property need well and septic? Well:  $\square$  Y  $\square$  N Septic:  $\square$  Y  $\square$  N DYÓN Does the property need a <u>new</u> septic system? If a new septic system is needed, did the Health Department say there's enough space for it?  $\Box$  Y  $\Box$  N 7) Will the activity use buildings or additions? 
I Y I 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. Existing? 🗆 Y 💋 N Size and height to the peak: **Building or addition 2** Tell us what you'll use it for. Existing? Y V Size and height to the peak: **Building or addition 3** Tell us what you'll use it for. 8) Does this application include animals? If yes, tell us what kind and how many of each.

Next page 📫

#### Special Use — Questionnaire

and the second	plication include a business or nonprofit bol, other) based all or in part on this property? Y IN If yes, fill out below.
How many	y employees do you have now? Full time: Part time:
How many	y employees do you want? Full time: Part time:
How many	y of the employees won't live onsite?
What will I	be the days and hours of operation on this property? $\underline{1am - 1pm}$ $\underline{M}$
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	iners (6 max) for forchs
Will there	be retail sales on this property? $\Box$ Y $\Box$ N
	us what will be sold.
للل الله الله الله الله الله الله الله	be pickups or deliveries on this property? $\Box$ Y $\not \!$
will there	be pickups of deliveries of this property: $\Box + \mu$ if yes, in our below.
	how often.
	how often
Tell us t	the kind of vehicles used.
Tell us t  Does the a	
Tell us t  Does the a Sign 1	application include signs?
Tell us t  Does the a Sign 1 Existing	application include signs?
Tell us t Does the a <b>Sign 1</b> Existing Electror	application include signs? □ Y N If yes, fill out below.   Dimensions (length and width).   ? □ Y □ N
Tell us t Does the a <b>Sign 1</b> Existing Electror Freestar	application include signs? Y   Dimensions (length and width).   ? Y   N If yes, fill out below.   Dimensions (length and width).   ? Y   N Double faced?   Y N   nic message board? Y   N If no, lighted?   Y N
Tell us t Does the a Sign 1 Existing Electror Freestar Sign 2	application include signs? Y ✓ N If yes, fill out below.   Dimensions (length and width).   ? Y N Double faced? Y N   nic message board? Y N If no, lighted? Y N
Tell us t Does the a Sign 1 Existing Electror Freestar Sign 2 Existing	the kind of vehicles used.     application include signs?     Y   Dimensions (length and width).     Y   Y   N     If no, lighted?     Y   N     Wall mounted?   Y   N     Dimensions (length and width).
Tell us t Does the a Sign 1 Existing Electror Freestar Sign 2 Existing Electror	the kind of vehicles used.     application include signs?     Y   Dimensions (length and width).     ?   Y   N   Double faced?   Y   N   If no, lighted?   Y   N   Main mounted?   Y   N   Dimensions (length and width).   Y   N   N   If no, lighted?   Y   N   Dimensions (length and width).
Tell us t Does the a Sign 1 Existing Electror Freestar Sign 2 Existing Electror Freesta	the kind of vehicles used.     application include signs?     I
Tell us t Does the a Sign 1 Existing Electror Freesta Sign 2 Existing Electror Freesta Sign 3	the kind of vehicles used.     application include signs?     Y   Dimensions (length and width).     Y   Y   N     Double faced?   Y   N   If no, lighted?   Y   N   Wall mounted?   Y   N   Dimensions (length and width).     Y   N   U   N   If no, lighted?   Y   N   Dimensions (length and width).     Y   N   Double faced?   Y   N   Dimensions (length and width).   Y   N   N   Dimensions (length and width).   Y   N   N   Dimensions (length and width).   Y   N   N   If no, lighted?   Y   N   N   Dimensions (length and width).     Y   N   N
Tell us t Does the a Sign 1 Existing Electror Freesta Sign 2 Existing Electror Freesta Sign 3 Existing	the kind of vehicles used.
Tell us t Does the a Sign 1 Existing Electron Freestan Sign 2 Electron Freestan Sign 3 Existing Electron	the kind of vehicles used.     application include signs?     Y   Dimensions (length and width).     Y   Y   N     Double faced?   Y   N   If no, lighted?   Y   N   Wall mounted?   Y   N   Dimensions (length and width).     Y   N   U   N   If no, lighted?   Y   N   Dimensions (length and width).     Y   N   Double faced?   Y   N   Dimensions (length and width).   Y   N   N   Dimensions (length and width).   Y   N   N   Dimensions (length and width).   Y   N   N   If no, lighted?   Y   N   N   Dimensions (length and width).     Y   N   N

#### CODE CASE DETAILED REPORT CODE-0158-2025 FOR REPORT TEXT LIBRARY: MUNICIPALITY\_NAME

Case Type:	Zoning			Project:		Opened Date:	04/04/2025
Status:	Notice of Violation			District:	Osolo	Closed Date:	05/06/2025
Assigned To:	Richard Masters			Description:	RUNNING A ROOFING	GAND DUMPSTER BUSINE	SS OUT OF RESIDENCE
Parcel: 20-02-	29-301-005.000-026	Main	Address:	53670 County Road 7, NORTH OF EDW/ Elkhart, IN 46514	7 EAST ON CR Main ARDS RD.	Zone: R-1 (Single-Famil	ly Residential District)
Owner							

53670 Cr 7

Elkhart, IN 46514 Mobile: 5743229129

Activity Type Email	Activity Number CMActivity-0888-2025	Activity Name	<b>User</b> Richard Masters	Created On 06/05/2025
Email	CMActivity-0798-2025		Richard Masters	05/28/2025
Incoming Phone Call	CMActivity-0701-2025		Richard Masters	05/15/2025
Letter	CMActivity-0703-2025		Richard Masters	05/15/2025
Misc. Communication	MCCMActivity-0817-20 25		Amber Weiss	05/28/2025
Misc. Information	CMActivity-0823-2025		Richard Masters	05/29/2025
Outgoing Phone Call	CMActivity-0875-2025		Richard Masters	06/04/2025
Site Visit	CMActivity-0702-2025		Richard Masters	05/15/2025
Site Visit	CMActivity-0636-2025		Richard Masters	05/06/2025

#### 53670 CR 7, Elkhart. Photos taken by Ricky Masters on 5/15/25.







### **BZA Staff Report**

Prepared by the Department of Planning and Development

#### Hearing Date: July 17, 2025

Transaction Number: DV-0230-2025.

Parcel Number(s): 20-13-03-100-007.000-020.

Existing Zoning: A-1.

*Petition:* For a 9 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for the construction of an accessory structure 1 ft. from the rear property line.

*Petitioner:* AMMF Trustee Corporation (Land Contract Holder) & Jesse A. Borkholder & Angela S. Borkholder, Husband & Wife (Land Contract Purchasers).

Location: South side of CR 42, 1,900 ft. east of Ash Rd., in Locke Township.

#### Site Description:

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

#### History and General Notes:

- > May 14, 2025 The Hearing Officer transferred this petition to the full BZA.
- ▶ June 19, 2025 The BZA tabled this petition to give the applicant time to obtain a survey.
- > The following findings are based on a staff-recommended 5 ft. rear setback for the accessory structure, instead of the requested 1 ft. rear setback.

#### Staff Analysis:

Staff finds that:

- 1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The setback encroachment is only at the rear, where there is no risk to public safety or welfare.
- 2. Approval of the request will not cause substantial adverse effect on neighboring property. A staffrecommended 5 ft. rear setback will reduce the need to be on neighboring property for construction and maintenance. The parcel is 4.1 acres and surrounded only by open agricultural property.
- 3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The driveway layout reduces buildable area on the south side of the parcel.

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### BZA Staff Report (Continued)

Hearing Date: July 17, 2025

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. A revised site plan must be submitted for staff approval showing all existing structures and a 5 ft. rear setback for the proposed accessory structure.
- 3. The request is approved in accordance with the revised site plan to be submitted for staff approval and as represented in the Developmental Variance application.

### DV-0230-2025



### DV-0230-2025



### DV-0230-2025





## Subject property



# Subject property (building site)



# Facing west



# Facing east



# Facing north

### **PLAN COMMISSION & BOARD OF ZONING APPEALS**

PLAN COMMISSION BOARD OF ZONIN Developmental Variance - Developmental Variance	IG APPE		<b>art County Plan</b> <b>Public Servic</b> 230 Elkhart Road, Ge Phone - (574 Fax - (574)	<b>ces Building</b> oshen, Indiana, 4652 () 971-4678	
Date: 04/10/2025 Meeting Date		14, 2025 Appeals Public Hearing	Transaction #:	DV-0230-2025	
Description: for a 9 ft. Developmental Variance (Or structure 1 ft. from the rear property li	• •	to allow for the construc	ction of an accessory		
Jesse A. Borkholder And Jesse A. Angela S. Borkholder (Land Angela S Contract Purchaser) Contract 30622 County Road 42 30622 C	<u>Purchaser</u> Borkholder And S. Borkholder (Land Purchaser) ounty Road 42 a, IN 46573	Land Owner Ammf Trustee Corpor (Land Contract Holder 8216 W 1350 N Nappanee, IN 46550			
Site Address: 30622 County Road 42 Wakarusa, IN 46573		Parcel Number:	20-1	3-03-100-007.000-0	20
Township:LockeLocation:South Side Of County Road 42, 1,900	) Feet East Of Ash Road				
Subdivision:		Lot #			
Lot Area: 4.11 From	tage: 415.00		Depth:	:	431.00
Zoning: A-1		NPO List:			
Present Use of Property: RESIDENTIAL					
Legal Description:					
Comments: PARCEL CREATED 11/2/1983 RESIDENCE = 3,502 SQ FT X 200% NEW BUILDINGS (14 X 32) 448 SQ STORAGE BUILDING PERMIT #BR-1825-2024 ON-SITE AND SHOWS ON SITE PI SINCE IT NEEDS A PERMANENT	FT, AND 3,840 (48 X HAS HAD NO INSPE AN, BUT THEY ARE	80) LEAVES 1,540 SQ CTIONS (14 X 32) - PE NOT SURE WHERE IT	FT AVAILABLE FO	OR PERSONAL	
Applicant Signature:		Department Signat	ure:		

4230 Elkhart Road Goshen, Indiana 46526

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Elkhart County Planning & Development

(574) 971-4678 DPS@ElkhartCounty.com

	Application
Site addr	ess: 30622 CR42 Wallarusg IN 46573
	r(s): 13-03-100-007-020
Current prop	Jesse Borkholder
	2622 CR 42 Wallarusa IN 46523 574-862-2519 Email: Jess 46573@gmail. Com
Other party	□ Agent □ Buyer □ Land contract purchaser □ Lessee
Name:	
Address:	
Phone:	Email:
be met before may include a	ow, I understand that if my application is approved, there may be conditions that will have to approval is final and building permits can be started. I also understand that the conditions commitment that the property owner is responsible for completing and returning.
	Staff Use Only
Description:	
	10' rear
Description: Parcel creati	10' rear
Parcel creati Subdivision	10' rear
Parcel creati Subdivision Residential a	 on date: required? □ Y ♥ N If yes, □ AS □ Minor □ Major
Parcel creati Subdivision Residential a Location:	$10' \text{ vear}$ on date: $\underline{\qquad}$ required? $\square Y \not N$ If yes, $\square AS \square$ Minor $\square$ Major accessory breakdown, if applicable: <u>See attached</u> $N(S) E W  corner (side) end of CR42$
Parcel creati Subdivision Residential a Location:	on date: required? $\Box$ Y Y N If yes, $\Box$ AS $\Box$ Minor $\Box$ Major accessory breakdown, if applicable: <u>See attached</u> N(S) E W corner (side) end of <u>CR42</u> ft. N S E W of, DCKE Township
Parcel creati Subdivision Residential a Location: in Frontage:	on date: required? $\Box Y \not\equiv N$ If yes, $\Box AS \Box$ Minor $\Box$ Major accessory breakdown, if applicable: <u>See alfached</u> N(S) E W corner (side) end of <u>CR 42</u> ft. N S E W of <u>CR 42</u> ft. N S E W of <u>CR 42</u> ft. N S E W of <u>CR 42</u> Area: <u>4.106</u> acres
Parcel creati Subdivision Residential a Location: n Frontage:	on date: required? $\Box$ Y Y N If yes, $\Box$ AS $\Box$ Minor $\Box$ Major accessory breakdown, if applicable: <u>See attached</u> N(S) E W corner (side) end of <u>CR42</u> ft. N S E W of, DCKE Township

.) -	Tell us what you want to do. Build a New Post Frame 48×80 Storage Building 1 from the South Property line.
) -	Tell us why you can't change what you're doing so you don't need a variance. <u>Limited Space</u> Between Prive way and Property line.
	Tell us why the variance won't hurt your neighbors or the community. <u>I am only Building</u> <u>a Storage Building not to be used for Business of Industrial</u> USE,
1	Does the property need well and septic? Well: $\Box Y \Box N$ Septic: $\cancel{2} Y \Box N$ Does the property need a <u>new</u> septic system? $\cancel{2} Y \Box N$ If a new septic system is needed, did the Health Department say there's enough space for it? $\cancel{2} Y \Box N$
1	Does the application include variances to allow for buildings or additions? $\Box Y \Box N$ If yes, fill out below. <b>Building or addition 1</b> Size and height to the peak: $48 \times 80$ 20' Peak Tell us what you'll use it for. <u>Storage and fam:\y get-togethers</u> , Church Service <b>Building or addition 2</b> Size and height to the peak: (9nnual) Tell us what you'll use it for.
13	Building or addition 3       Size and height to the peak:         Tell us what you'll use it for.
)	
)	Tell us what you'll use it for.         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 what you'll use it for.         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 what you'll use it for.         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.

415 73 The finish wes <u>In</u> 40 48×80 (New location) (K3 2 Print Barry 30 New Ĩ. Bui (ding 24+44 50' Counge 40+70 70 Barn 3502 54.Ex 12015e 50 Lewi-to 60' Print W 431 431' Driveras Pond 30622 CR42 Wakarusg IN APR 1 0 2025 CR42