

# AGENDA

## ELKHART COUNTY BOARD OF ZONING APPEALS

MARCH 20, 2025  
9:00 A.M.

ADMINISTRATION BUILDING  
MEETING ROOMS 104, 106, & 108  
117 N. 2<sup>nd</sup> STREET, GOSHEN, INDIANA

Call to Order

Roll Call

Approval of Minutes of the last regular meeting of the Elkhart County Board of Zoning Appeals held on the 20<sup>th</sup> day of February 2025.

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

### SPECIAL USE

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

- A. Petitioner: ***Paul D. Schrock & Brandi Schrock, Husband & Wife*** (Page 15)  
Petition: for a Special Use for a home workshop/business for a custom embroidery, screen printing and heat transfer business.  
Location: West side of CR 31, 950 ft. South of CR 138, common address of 65677 CR 31 in Elkhart Township, zoned A-1. SUP-0080-2025
- B. Petitioner: ***Edward Cyriel DeBaets & Rhonda Jean DeBaets*** (Page 16)  
Petition: for a Special Use for parking of recreational vehicles.  
Location: West side of Heaton Vista, 250 ft. North of 3rd St., East of CR 113, in Osolo Township, zoned R-2. SUP-0085-2025
- C. Petitioner: ***Deer Trail School*** (Page 17)  
Petition: for a Special Use for a school.  
Location: West side of CR 13, 600 ft. North of CR 52, in Union Township, zoned A-1. SUP-0086-2025
- D. Petitioner: ***The Board of Commissioners of the County of Elkhart, Indiana*** (Page 18)  
Petition: for an amendment to an existing Special Use for waste related services (landfill) to add property.  
Location: East side of CR 7, 2,030 ft. North of CR 26, common address of 59308 CR 7 in Concord Township, zoned A-1. SUP-0087-2025

**9:30 A.M. (MILLER)**

- E. Petitioner: ***Greg Martin & Melody Martin, Husband & Wife*** (Page 19)  
Petition: for a Special Use for a resort.  
Location: North side of CR 38, 1,310 ft. East of CR 15, common address of 22781 CR 38 in Harrison Township, zoned A-1. SUP-0023-2025

**SPECIAL USE/DEVELOPMENTAL VARIANCES**

- F. Petitioner: ***Ralph O. Miller, James Bixler, & Francis Freed, Jr., as Trustees of the Roselawn Mennonite Church*** (Page 20)  
Petition: for an Amendment to an existing Special Use for a place of worship to allow for a gymnasium addition, for a 15 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing church facility 35 ft. from the centerline of the right-of-way of Sunset Ave., and for a 5 ft. Developmental Variance (Ordinance allows 30 ft.) to allow for a gymnasium 35 ft. in height.  
Location: Southwest corner of Independence St. & Sunset Ave., common address of 54365 Independence St. in Osolo Township, zoned R-2. SUP-0083-2025

- G. Petitioner: ***Marlin D. Bontrager & Wanda J Bontrager*** (Page 21)  
Petition: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.  
Location: North side of the easement, East side of CR 8, 1,270 ft. South of CR 10, common address of 54704 CR 8 in York Township, zoned A-1. SUP-0084-2025

- H. Petitioner: ***Evan Stutzman & Natalie Stutzman, Husband & Wife*** (Page 22)  
Petition: for a Special Use for a home workshop/business for a landscaping business, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a Developmental Variance to allow for 10 outside employees (Ordinance allows 4).  
Location: West side of CR 27, 1,305 ft. North of CR 34, common address of 62745 CR 37 in Clinton Township, zoned A-1. SUP-0093-2025

**10:00 A.M. (HESSER)**

- I. Petitioner: ***Tri-County Land Trustee Corporation (Land Contract Holder) & Martin Graber & Lucinda Graber (Land Contract Purchasers)*** (Page 23)  
Petition: for a Special Use for a home workshop/business for a woodworking shop and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.  
Location: West side of CR 31, 2,130 ft. South of CR 14, common address of 56831 CR 31 in Jefferson Township, zoned A-1. SUP-0095-2025

- J. Petitioner: **David L. Bontrager, Jr. & Luetta Bontrager, Husband & Wife (Page 24)**  
Petition: for a Special Use for a home workshop/business for the manufacturing of portable sheds, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, for a Developmental Variance to allow for 5 outside employees (Ordinance allows 4), and for a 3 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 28 ft. in height.  
Location: West side of CR 37, 1,700 ft. North of CR 28, common address of 59811 CR 37 in Middlebury Township, zoned A-1. SUP-0100-2025

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

**ADJOURNMENT**

The Elkhart County Board of Zoning Appeals is meeting on Thursday, March 20, 2025, at **9:00 a.m.** in Rooms 104, 106, & 108 of the Administration Building, Goshen, Indiana. Pursuant to advice of the Indiana Public Access Counselor, general public comment will not be permitted at this public meeting on non-public hearing matters. To the extent you wish to make comment remotely during any public hearings scheduled during this public meeting, please call (574) 971-4678 to learn how to remotely submit your public comment for the public hearing. The public is encouraged to attend the meeting remotely by going to [www.elkhartcountyplanninganddevelopment.com](http://www.elkhartcountyplanninganddevelopment.com) at **9:00 a.m.** on March 20, 2025. If you have further questions regarding how to remotely attend the public meeting please call (574) 971-4678. <https://elkhartcountyin.webex.com/elkhartcountyin/j.php?MTID=mbb02709b73824cc9d67f2b786f288815>

**BZA MINUTES**  
**ELKHART COUNTY BOARD OF ZONING APPEALS MEETING**  
**HELD ON THE 20<sup>th</sup> DAY OF FEBRUARY 2025 AT 9:00 A.M.**  
**MEETING ROOMS 104, 106, & 108 – ADMINISTRATION BUILDING**  
**117 N. 2<sup>nd</sup> STREET, GOSHEN, INDIANA**

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

**Roll Call.**

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

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

2. A motion was made and seconded (*Miller/Gardner*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 16<sup>th</sup> day of January 2025 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Cramer/Miller*) 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 *Tri-County Land Trustee Corporation (Land Contract Holder) & Dean J. Troyer & Edna M. Troyer, Husband & Wife (Land Contract Purchasers)* for a Special Use for a home workshop/business for a fuel storage and delivery business on property located on the North side of CR 50, 675 ft. West of US 33, common address of 12383 CR 50 in Benton 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-0015-2025*.

There were four neighboring property owners notified of this request.

Dean Troyer, 12383 CR 50, Syracuse was present for this request. Mr. Troyer stated that he wants a home business for a fuel storage and delivery business and needs a concrete storage area to contain the fuel, basically above ground storage tanks held in concrete storage. He continued by saying the fuel is delivered via semi-trucks and then his business delivers the fuel to homes or businesses in the area. Mr. Hesser wanted clarification on the size of the concrete storage areas that Mr. Troyer wants to build. Mr. Hesser continued by asking if there was room for the semi-trucks to turn around on the property. Mr. Troyer responded yes. Mr. Miller asked Mr. Troyer how big the storage tanks are and what type of fuel is stored in them. Mr. Troyer stated that the tanks can hold 6,800 gallons of either gasoline or diesel fuel.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Miller stated concern about the business being beyond the scope of a home workshop/business. Mr. Hesser replied that he understands his concern and reminded Mr. Miller that the Board has approved of this type of request before.



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

**Motion: Action:** Approve, **Moved by** Randy Hesser, **Seconded by** John Gardner that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a fuel storage and delivery business be approved with the following condition imposed:

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 1/24/2025) and as represented in the Special Use application.
2. Backing in or backing out of semi-tractor trailers from/onto CR 50 is prohibited.

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

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

5. The application of *Merle D. Hostetler & Barbara E. Hostetler, 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 25 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 50 ft. from the centerline of the right-of-way on property located on the West side of CR 9, 880 ft. South of CR 52, common address of 71687 CR 9 in Union Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0021-2025*.

There were seven neighboring property owners notified of this request.

Merle Hostetler, 29172 CR 50, Nappanee was present for this request. Mr. Hostetler stated that he wants to have 2 horses. Mr. Hesser asked if Mr. Hostetler would be living on the property. Mr. Hostetler responded he intends to rent the property. Mr. Hesser continued by asking if the fence on the site plan is existing. Mr. Hostetler responded yes. Mr. Hesser then asked when the house was built. Mr. Hostetler stated it was built in 1966. Mrs. Cramer asked Mr. Hostetler if he has a renter for the property, and if that renter needs the horses for transportation. Mr. Hostetler stated that was correct.

There were no remonstrators present.

The public hearing was closed at this time.

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

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

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

The following commitments were imposed:

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

Further, the motion also included a 25 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 50 ft. from the centerline of the right-of-way 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 on 1/10/2025 and as represented in the Developmental Variance application.

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

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

6. The application of **Victor H. Juarez** for a Special Use for a home workshop/business for a tire shop and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the North side of CR 18, 2,350 ft. West of CR 17, common address of 22407 CR 18 in Concord 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-0908-2024*.

There were eight neighboring property owners notified of this request.

Victor Juarez, 22407 CR 18, Goshen, was present for this request. Mr. Juarez stated that he wants to sell tires on his property. Mr. Hesser asked how long he had been selling tires on the property. Mr. Juarez responded he has been selling tires for 6 months and did not realize that he needed a Special Use to run his business at his home.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Auvil remarked he drives by this property twice a day, and it always appears neat and tidy.

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

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

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 12/27/2024) and as represented in the Special Use application.
2. Backing in or backing out of semi-tractor trailers from/onto CR 18 is prohibited.

Further, the motion also included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right 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 12/27/2024) and as represented in the Developmental Variance application.

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

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

7. The application of *AMF Trustee Corporation (Land Contract Holder) & Kevin Hershberger (Land Contract Purchaser)* for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, for a 20 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 100 ft. from the centerline of the right-of-way, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the South side of US 6, 1,000 ft. West of CR 9, common address of 26190 US 6 in Union 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-0027-2025*.

There were 12 neighboring property owners notified of this request.

Kevin Hershberger, 26190 US 6, Nappanee was present for this request. Mr. Hershberger stated that he wants to build a barn for horses and storage. He continued by saying the horses are for transportation. Mr. Hesser asked about the height to the peak of the barn. Mr. Hershberger stated he was not sure, but it will most likely be under the required 25 ft. peak height. Mr. Miller asked how many horses he is applying for. Mr. Hershberger responded that he would like two horses.

There were no remonstrators present.

The public hearing was closed at this time.

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

**Motion: Action:** Approve, **Moved by** Randy Hesser, **Seconded by** John Gardner that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres be approved with the following condition imposed:

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

The following commitments were imposed:

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

Further, the motion also included that a 20 ft. Developmental Variance (Ordinance requires 120 ft.) to allow for an existing residence 100 ft. from the centerline of the right-of-way, and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be approved with the following conditions imposed:

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 1/13/2025) and as represented in the Developmental Variance application.

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

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

8. The application of *Gripdog Enterprises LLC* for a Use Variance to allow for the construction of an accessory structure without a residence on property located on the Northwest side of North Shore Dr., 865 ft. East of SR 19, common address of 51245 North Shore Dr. in Osolo Township, zoned R-2, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #UV-0896-2024*.

There were 33 neighboring property owners notified of this request.

Gripdog Enterprises, Darrin Benton, 51264 North Shore Drive, Elkhart was present for this request. Mr. Benton stated he owns a house at 51264 North Shore Dr. He also owns 51248 North Shore Dr. and 51245 North Shore Dr., where he wants to build a 20'x30' storage building for bikes and other lake items, which are on the same deed. He continued by saying that he intends to sell 51264 North Shore Dr. soon, thus the need for the storage building at 51245 North Shore Dr., which is vacant land across from 51248 North Shore Dr.

Lesla Hershberger, 51236 North Shore Dr. Elkhart was present in remonstrance. Ms. Hershberger stated she is directly across the street from Mr. Benton's property at 51245 North Shore Dr. She continued by saying that she feels anything he builds would be unsightly and adversely affect property values.

Thomas Galbreth, 51218 North Shore Dr. was also present to remonstrate. He questioned the zoning for the petitioner's property located at 51245 North Shore Dr. He continued by saying the size of the shed that Mr. Benton wants to build seems more like a pole barn. He stressed he has concerns about Mr. Benton parking vehicles on the vacant property.

Sandra Rousseve, 51208 North Shore Dr., Elkhart was present to remonstrate. She supplied letters from 8 neighbors objecting to the request to build an accessory structure at 51245 North Shore Dr. *[attached to file as Remonstrator Exhibit #1]*.

Mr. Benton came back to the podium. He expressed shock that none of the neighbors came to him to ask about his plans to build on the vacant lot. He continued to say he takes meticulous care of the properties that he currently owns on North Shore Dr. Mr. Benton addressed the issue of parking vehicles on the vacant lot and stated that it is for less than a 24 hour period. He continued by saying he owns 9 acres just over the Indiana State line in Michigan that he uses for storage of vehicles.

The public hearing was closed at this time.

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

**Motion: Action:** Approve, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, with the exception of the second sentence of number four and based upon these, further moved that this request for a Use Variance to allow for the construction of an accessory structure without a residence be approved with the following condition imposed:

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

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 12/19/2024) and as represented in the Use Variance application.

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

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

9. The meeting was adjourned at 9:54 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:** March 20, 2025

**Transaction Number:** SUP-0080-2025.

**Parcel Number(s):** 20-11-25-427-004.000-014.

**Existing Zoning:** A-1.

**Petition:** For a Special Use for a home workshop/business for a custom embroidery, screen printing and heat transfer business.

**Petitioner:** Paul D. Schrock & Brandi Schrock, Husband & Wife.

**Location:** West side of CR 31, 950 ft. South of CR 138, in Elkhart 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:**

- **July 15, 2020** – The Hearing Officer approved a Developmental Variance to allow for the construction of an attached garage addition 53 ft. (Ordinance requires 75 ft.) from the centerline of the right-of-way.

**Staff Analysis:**

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a home workshop/business is allowed in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 0.49-acre property 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 allowing for a local custom embroidery, screen printing, and heat transfer business.

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

*Hearing Date:* March 20, 2025

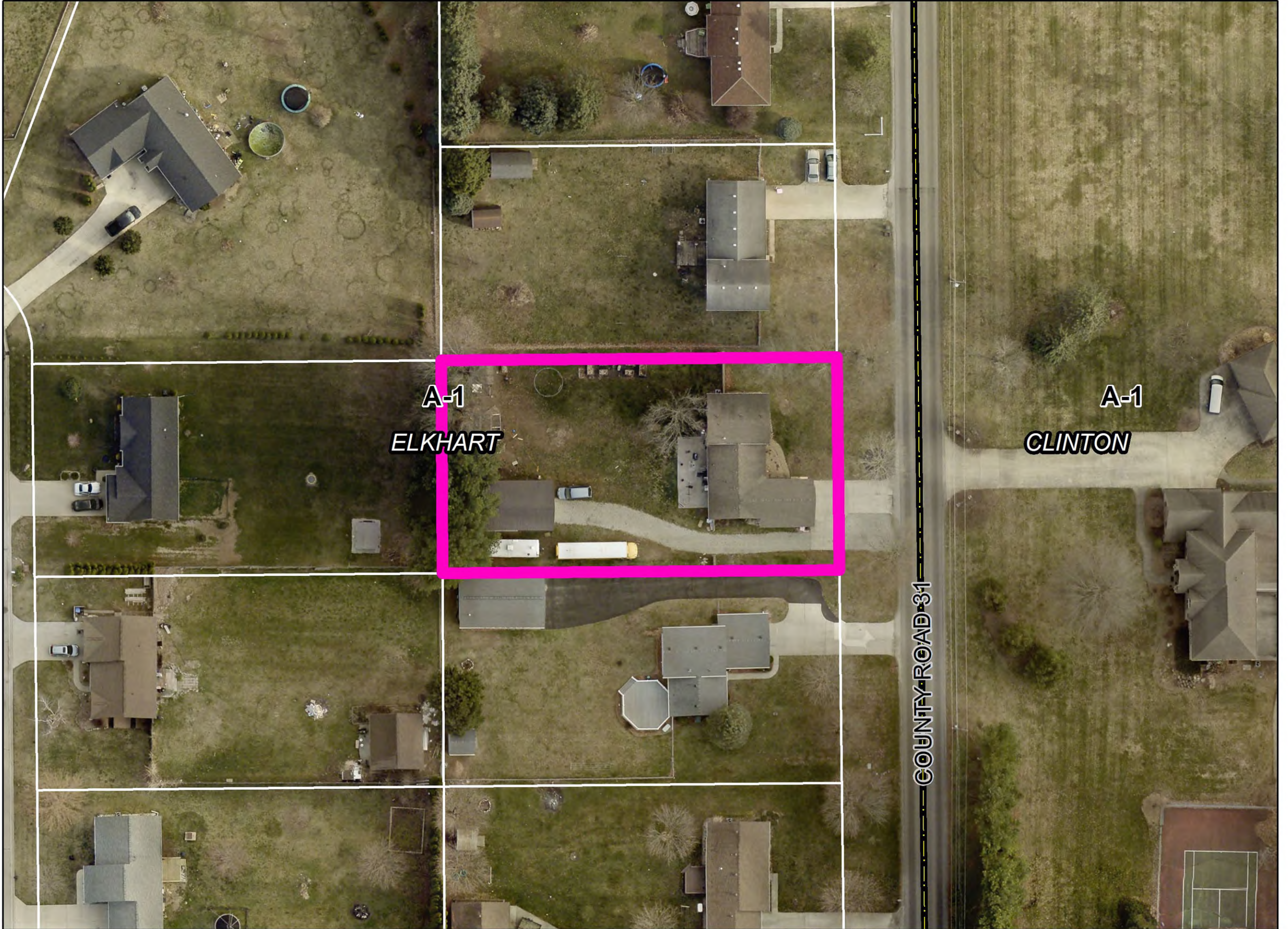
Staff recommends **APPROVAL** with the following condition(s) imposed:

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

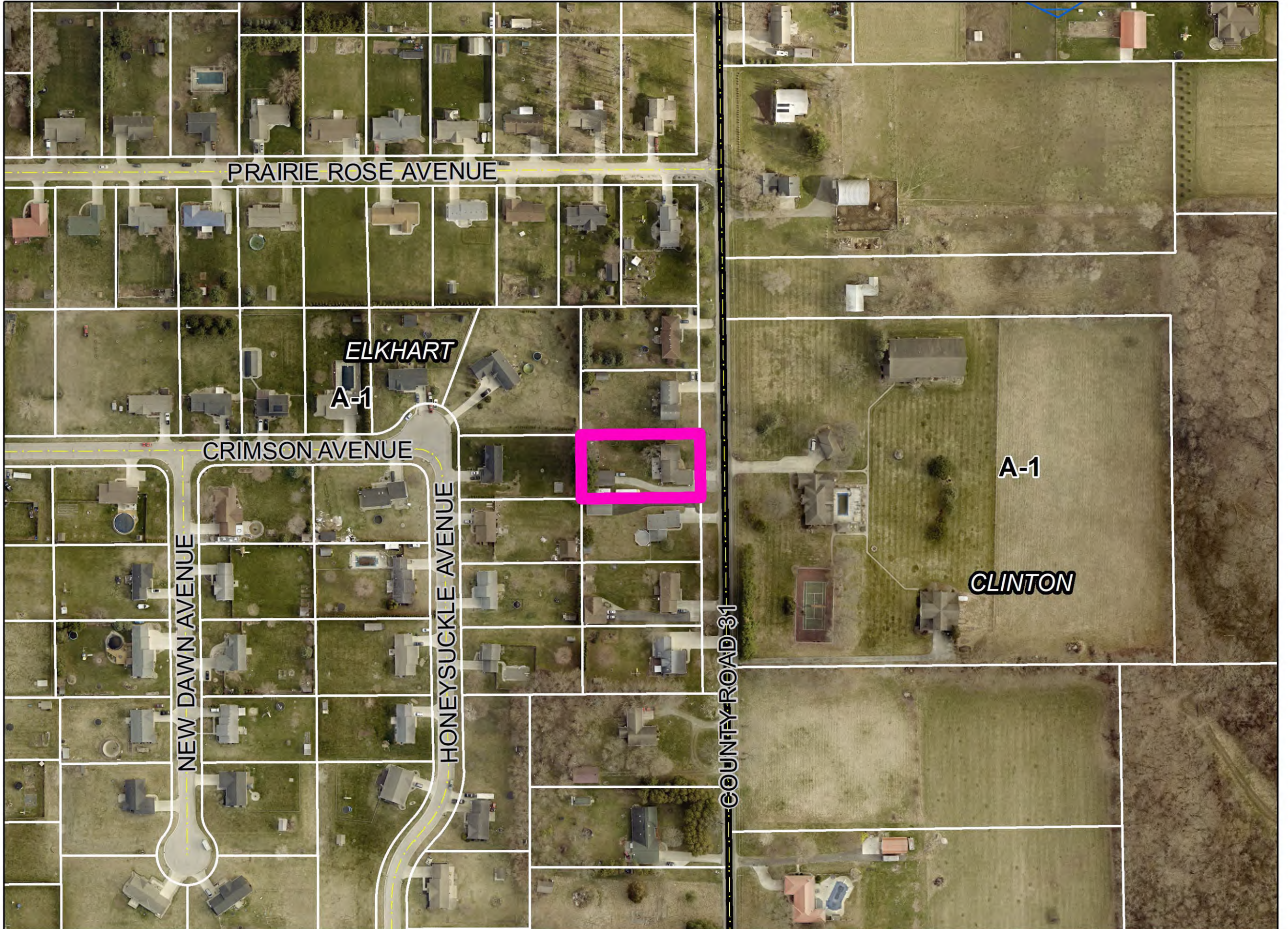
Staff recommends **APPROVAL** with the following commitment(s) imposed:

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 application.

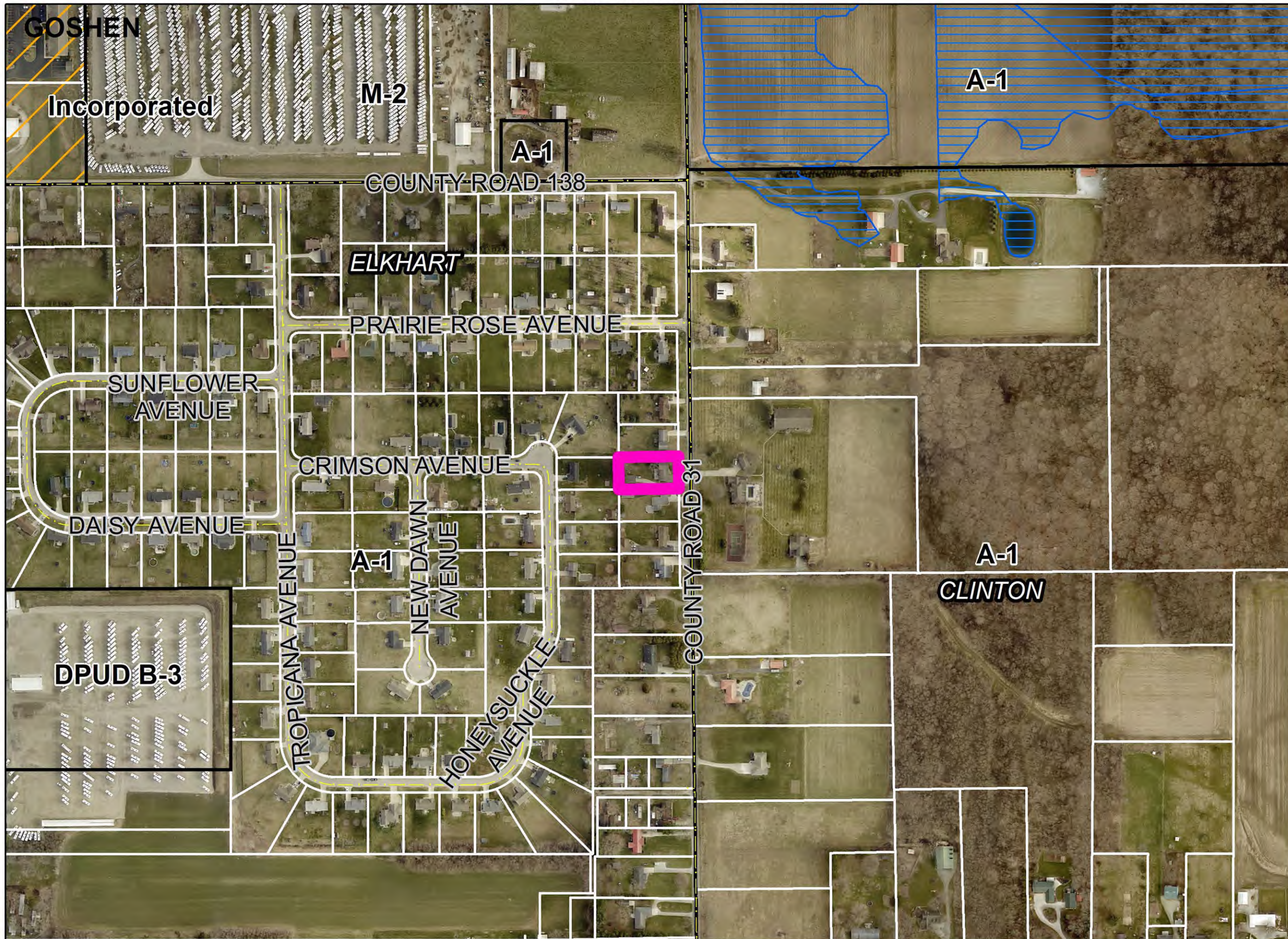
















**Subject property facing west**





Facing east





Facing north





Facing south



# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use - Non Mobile Home

SUP-0080-2025

Date: 02/12/2025

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

Transaction #: SUP-0080-2025

Description: for a Special Use for a home workshop/business for a custom embroidery, screen printing and heat transfer business

Contacts: Applicant

Paul D. Schrock And Brandi  
Schrock, Husband And Wife  
65677 County Road 31  
Goshen, IN 46528

Land Owner

Paul D. Schrock And Brandi  
Schrock, Husband And Wife  
65677 County Road 31  
Goshen, IN 46528

Site Address: 65677 County Road 31  
Goshen, IN 46528

Parcel Number: 20-11-25-427-004.000-014

Township: Elkhart

Location: WEST SIDE OF CR 31, 950 FT. SOUTH OF CR 138

Subdivision: JAMES PLACE SEC 1

Lot # 12

Lot Area: 0.49 Frontage: 110.00 Depth: 236.00

Zoning: A-1

NPO List: 03/03/2025

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE DV#0406-2020 FOR SET-BACKS APPROVED ON 7/15/2020  
PERMIT #BR-1470-2020 TO HAVE ELECTRICAL FINAL INSPECTION  
RESIDENCE = 1,520 SQ FT X 110% = 1,672 SQ FT, MINUS 480 (GARAGE), 960 (POLE BARN) AND 96 (SHED) LEAVES 136 SQ FT AVAILABLE FOR PERSONAL STORAGE - KB 2/12/2025

Applicant Signature:

Department Signature:

Application

Site address: 65677 CR 31 Goshen IN 46528

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

Current property owner

Name: Paul & Brandi Schrock

Address: 65677 CR 31 Goshen IN 46528

Phone: 574-536-7370 Email: brandi7370@gmail.com  
574-536-1607

Other party  Agent  Buyer  Land contract purchaser  Lessee

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

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

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

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

Signature of current property owner or authorized agent: Brandi Schrock

Staff Use Only

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Subdivision required?  Y  N If yes,  AS  Minor  Major

Residential accessory breakdown, if applicable: 1,520 residence

480 = garage, 960 = pole barn, 90 = shed

Location: N S E (W) corner (side) end of CR 31

\_\_\_\_\_ ft. N (S) E W of CR 130

in Elkhart Township

Frontage: 110 Depth: 236 Area: .487 acres

Subdivision and lot number, if applicable: James Place Section 1 Lot 12

Present use: Residential



Special Use — Questionnaire

Name: Digistitch Paul+Brandi Schnock  
Custom Apparel

1) Tell us what you want to do. Custom embroidery, screen printing and heat transfers on clothing and like items.

2) Tell us why this activity won't hurt your neighbors or the community. All production is done inside of shop. No loud equipment

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

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare?  Y  N If yes, fill out below.  
Tell us what will create those things. \_\_\_\_\_  
Tell us how you'll reduce the impact of those things on neighbors. \_\_\_\_\_

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

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

7) Will the activity use buildings or additions?  Y  N If yes, fill out below.  
**Building or addition 1** Existing?  Y  N Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_  
**Building or addition 2** Existing?  Y  N Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_  
**Building or addition 3** Existing?  Y  N Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

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

Next page ➡



Special Use — Questionnaire

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

How many employees do you have now? Full time: 0 Part time: 0

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

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

What will be the days and hours of operation on this property? Monday-Friday 9-5<sup>am</sup> pm

How many parking spaces do you have now? 4

How many parking spaces do you want? 4 total

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

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

Will there be retail sales on this property?  Y  N

If yes, tell us what will be sold. Custom orders, Customers picking up merchandise, NO "Store front".

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

1-3 customers approximately to pick up orders.

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

Tell us how often. 1-3 per week

Tell us the kind of vehicles used. UPS / Fedex

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

**Sign 1** Dimensions (length and width). 3' x 3'

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 2** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

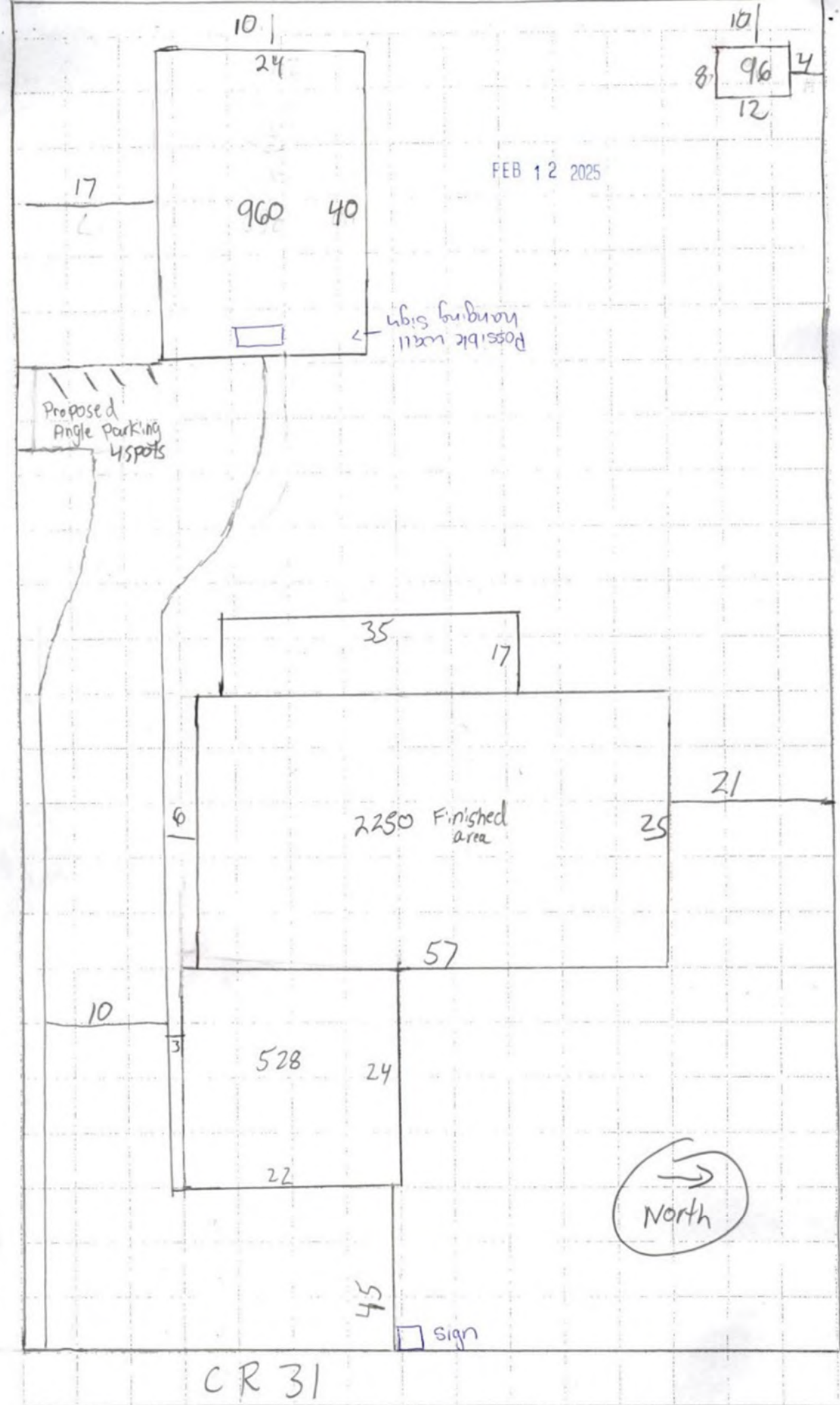
Freestanding?  Y  N Wall mounted?  Y  N

10) Tell us anything else you want us to know. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** March 20, 2025

**Transaction Number:** SUP-0085-2025.

**Parcel Number(s):** 20-02-23-278-022.000-026.

**Existing Zoning:** R-2.

**Petition:** For a Special Use for parking of recreational vehicles.

**Petitioner:** Edward Cyriel DeBaets & Rhonda Jean DeBaets.

**Location:** West side of Heaton Vista, 250 ft. North of 3rd St., East of CR 113, in Osolo Township.

**Site Description:**

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

**History and General Notes:**

- **November 27, 2024** – A complaint for parking recreational vehicles on the property without a primary structure was filed (CODE-0827-2024).

**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 recreational vehicle storage or parking yard on less than 3 acres is allowed in the R-2 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 0.13-acre property in a moderately dense residential area in a lake neighborhood where these types of vehicles are commonly found.
3. The Special Use will substantially serve the public convenience and welfare by allowing for local storage of recreational vehicles.

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

*Hearing Date:* March 20, 2025

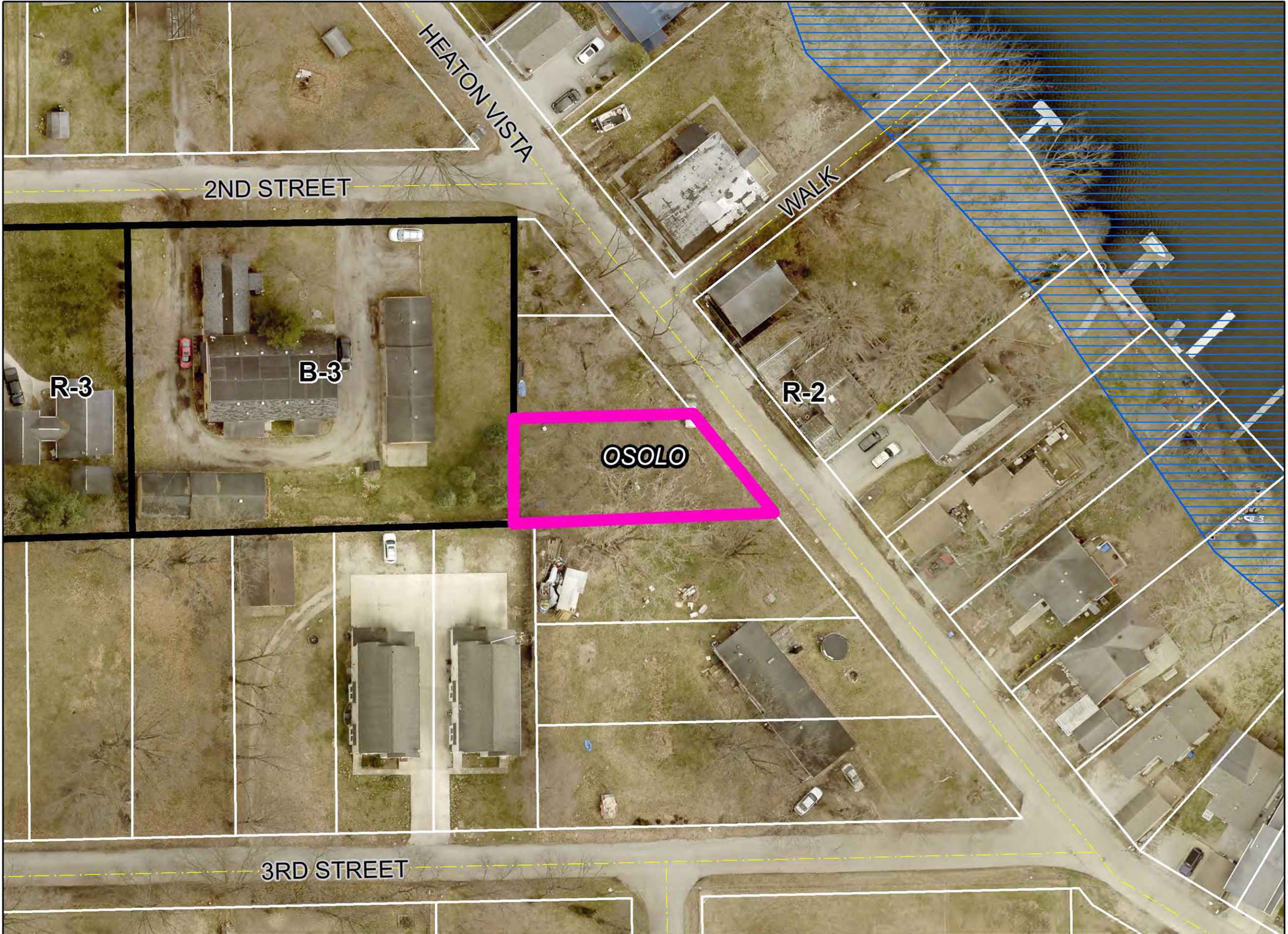
Staff recommends **APPROVAL** with the following condition(s) imposed:

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

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

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

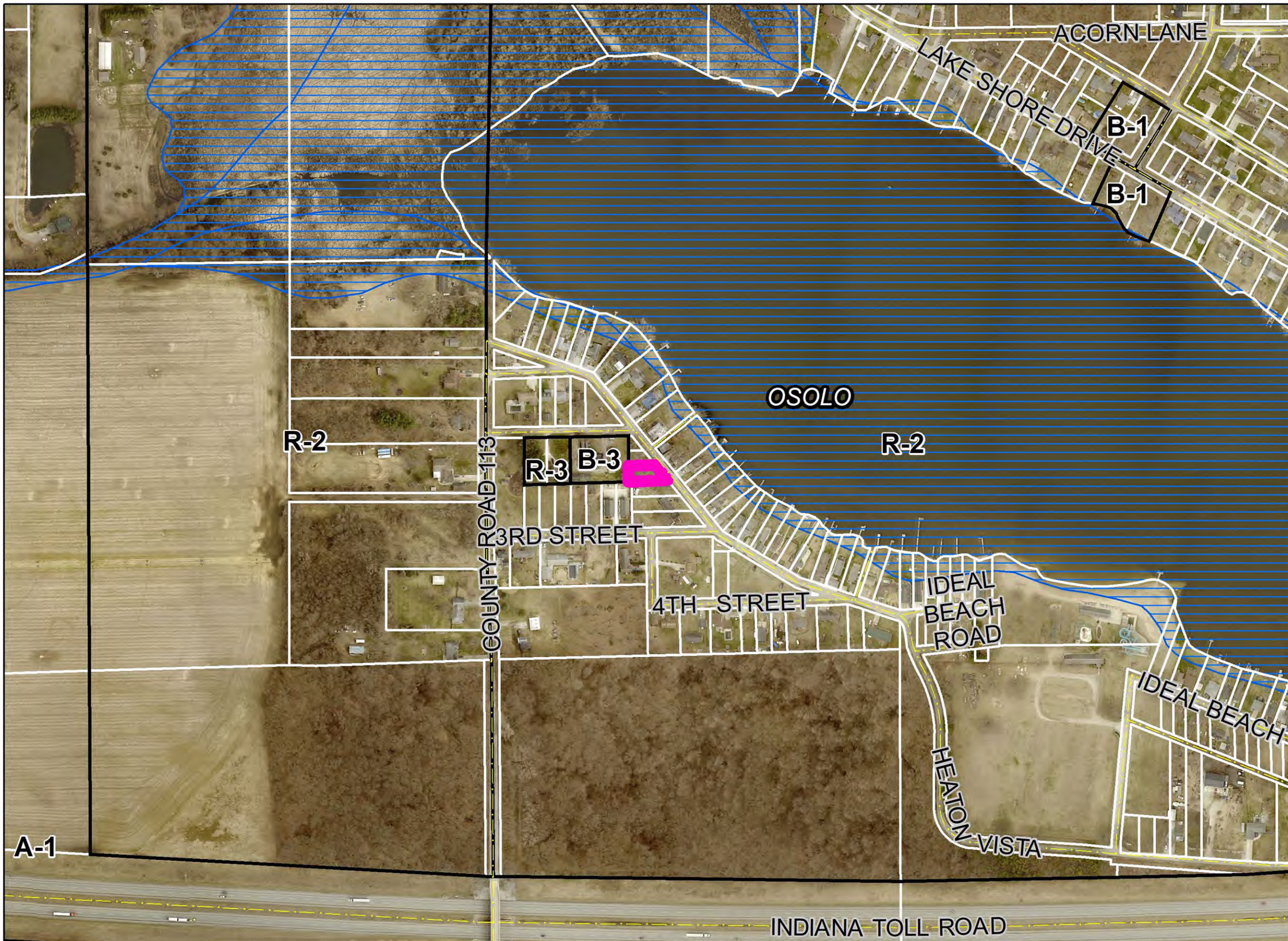
















Subject property





Subject property facing west





Facing east





Facing north





Facing south



# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use - Non Mobile Home

SUP-0085-2025

Date: 02/12/2025

Meeting Date:

March 20, 2025

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0085-2025

Description: for a Special Use for parking of recreational vehicles

Contacts: Applicant

Edward Cyriel Debaets &

Rhonda Jean Debaets

23161 Heaton Vista

Elkhart, IN 46514

Land Owner

Edward Cyriel Debaets &

Rhonda Jean Debaets

23161 Heaton Vista

Elkhart, IN 46514

Site Address: 00000 Heaton Vista  
ELKHART 46514

Parcel Number:

20-02-23-278-022.000-026

Township: Osolo

Location: WEST SIDE OF HEATON VISTA, 250 FT. NORTH OF 3RD ST.

Subdivision: HEATON PARK ORIG ADD

Lot # EX W 90FT LOT 74

Lot Area:

0.13

Frontage:

62.26

Depth:

129.55

Zoning: R-2

NPO List: 03/03/2025

Present Use of Property: vacant land

Legal Description:

Comments: SEE CODE--0827-2024

Applicant Signature:

Department Signature:

Application

Site address: \_\_\_\_\_

Parcel number(s): 20-02-23-278-022.000-026

Current property owner

Name: Edward + Rhonda DeBaets

Address: 23161 Heaton Vista Elkhart IN 46514

Phone: 574-532-8699 | 574-334-6167 Email: finelinetinting@gmail.com

Other party  Agent  Buyer  Land contract purchaser  Lessee

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

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

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

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

Signature of current property owner or authorized agent: Edward DeBaets

Staff Use Only

Description: for Special Use for parking of recreational vehicles on a vacant lot

Parcel creation date: NA

Subdivision required?  Y  N If yes,  AS  Minor  Major

Residential accessory breakdown, if applicable: NA

Location: (N) S E (W) corner (side) end of Heaton Vista  
250 ft. N (S) E W of 3rd St  
in OSOLO Township

Frontage: 62.26 Depth: 129.55 Area: .126 acres

Subdivision and lot number, if applicable: Heaton Park Orig Add EXW90 FT

Present use: Vacant Lot LOT 74

Special Use — Questionnaire

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

1) Tell us what you want to do. we want to store our personal boats, and waverunners on property

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

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

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

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

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

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

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

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

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

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

Next page ➡





Special Use — Questionnaire

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

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

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

How many of the employees won't live onsite? \_\_\_\_\_

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

How many parking spaces do you have now? N/A

How many parking spaces do you want? N/A

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

If yes, tell us what will be stored outside or displayed. Store Boat and waverunner and camper

Will there be retail sales on this property?  Y  N

If yes, tell us what will be sold. \_\_\_\_\_

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

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

Tell us how often. \_\_\_\_\_

Tell us the kind of vehicles used. \_\_\_\_\_

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

**Sign 1** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 2** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

10) Tell us anything else you want us to know. Just want to store recreational vehicles in the winter

20-02-23-278-022-026

Wave  
funnel

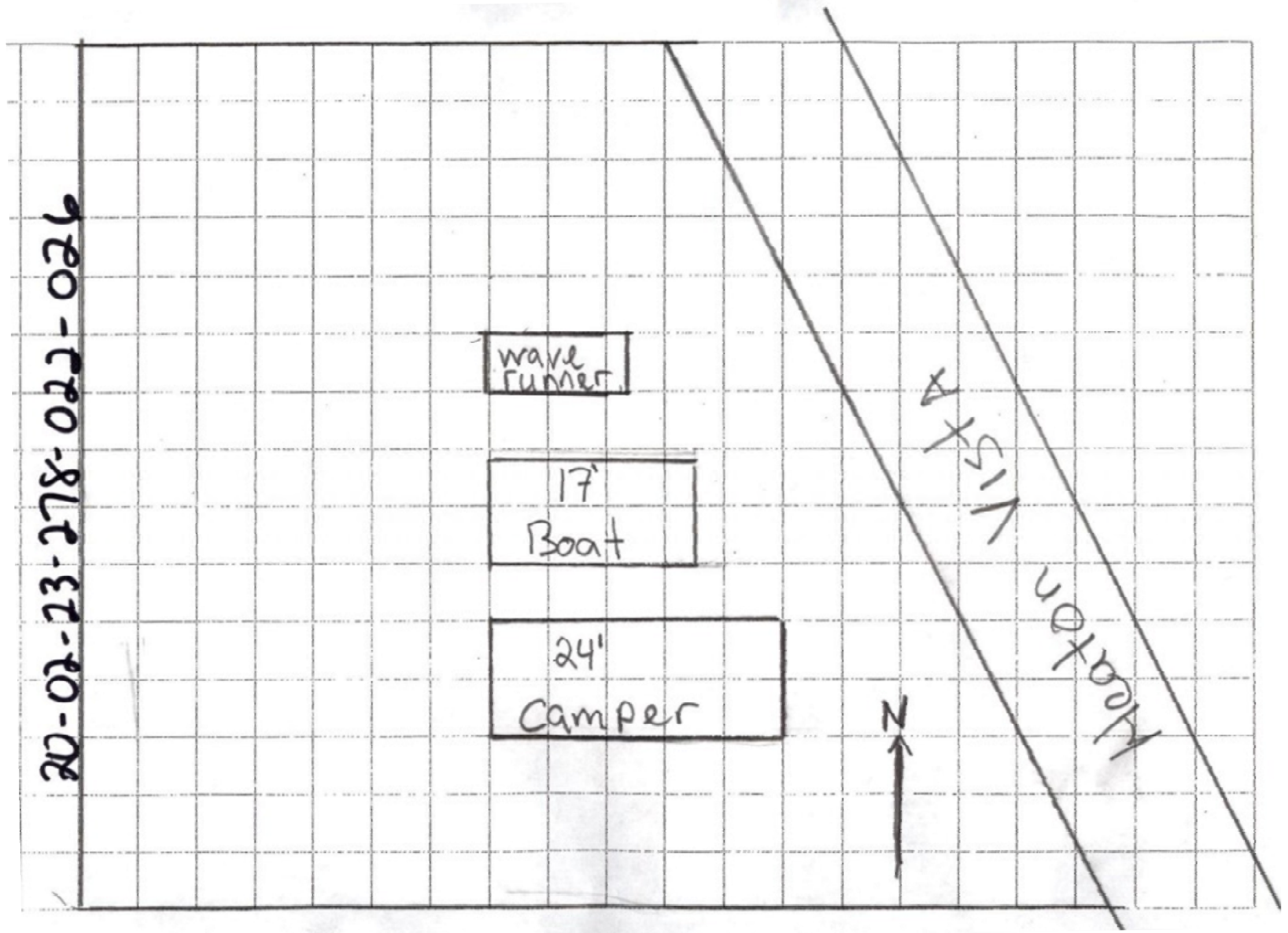
17'  
Boat

24'  
Camper

N

Axis

Keaton



# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** March 20, 2025

**Transaction Number:** SUP-0086-2025.

**Parcel Number(s):** Part of 20-14-27-276-001.000-028.

**Existing Zoning:** A-1.

**Petition:** For a Special Use for a school.

**Petitioner:** Deer Trail School.

**Location:** West side of CR 13, 600 ft. North of CR 52, in Union Township.

**Site Description:**

- Physical Improvement(s) – None.
- Proposed Improvement(s) – School and barn.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

**History and General Notes:**

- None.

**Staff Analysis:**

Staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a school is allowed in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 3.01-acre property in a low-density residential and agricultural area, and the property will be a school.
3. The Special Use will substantially serve the public convenience and welfare by providing a local education option.

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

*Hearing Date:* March 20, 2025

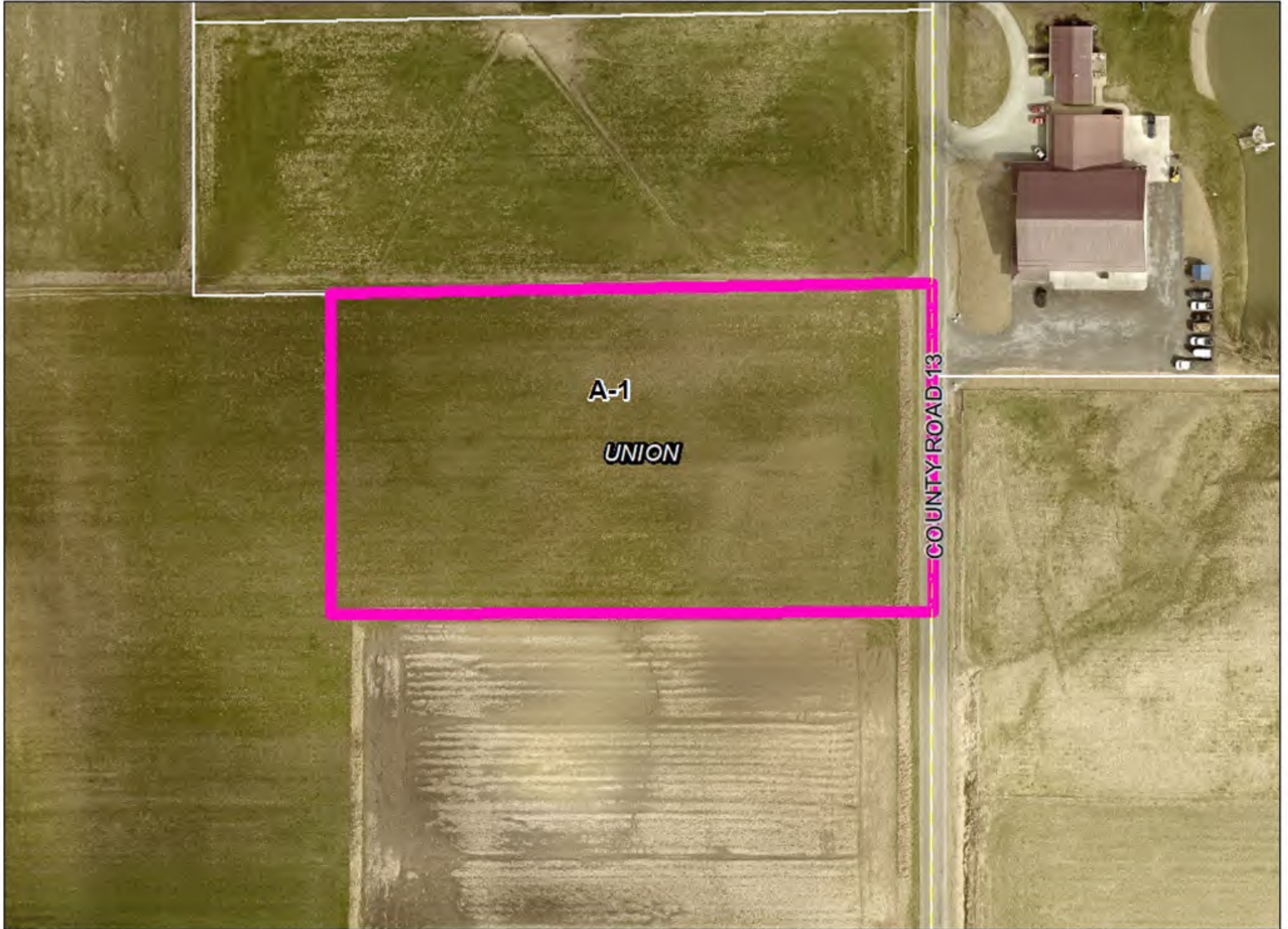
Staff recommends **APPROVAL** with the following condition(s) imposed:

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

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

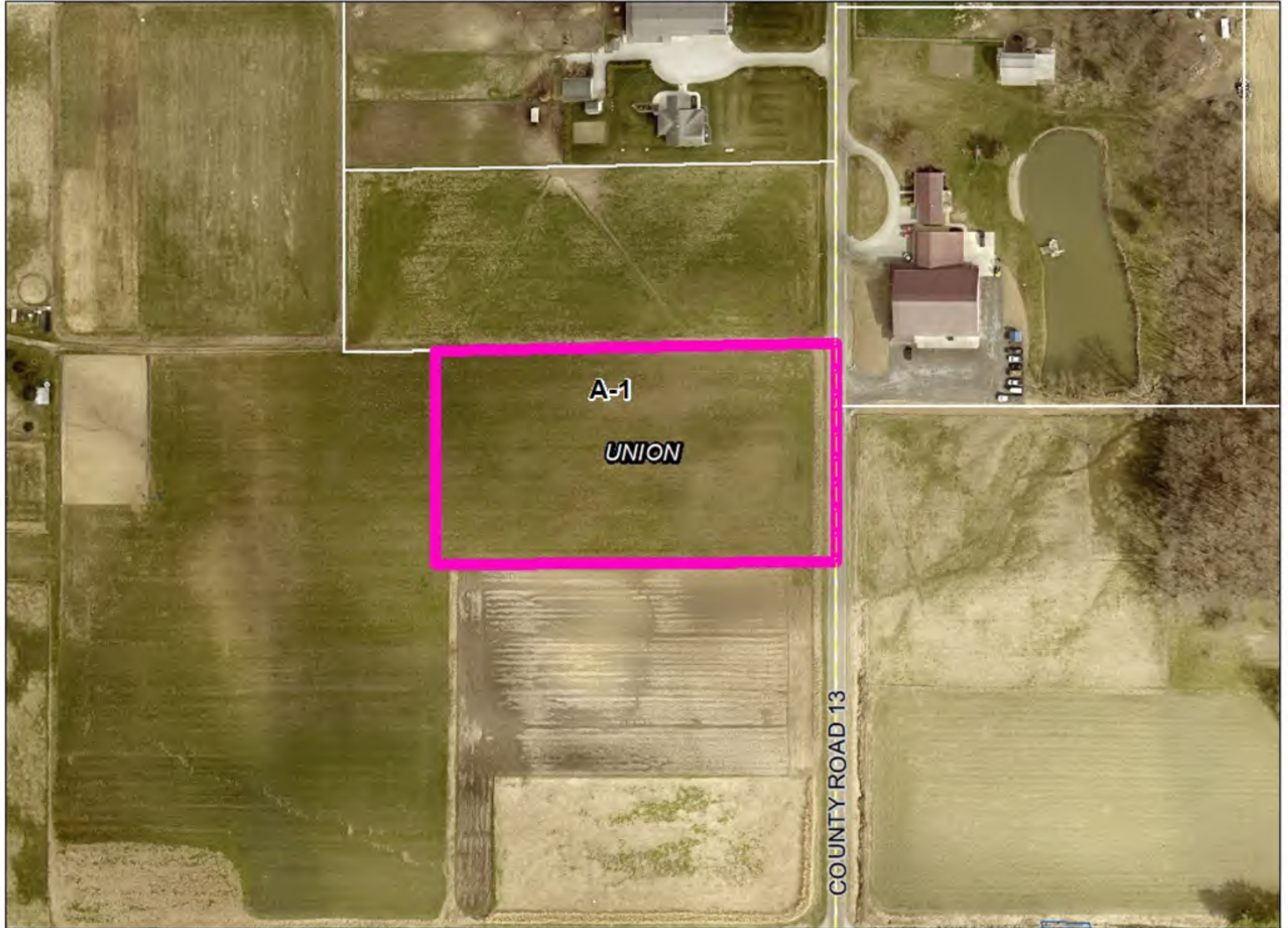
1. The request is approved in accordance with the site plan submitted (dated 2/12/2025) and as represented in the Special Use application.







SUP-0086-2025

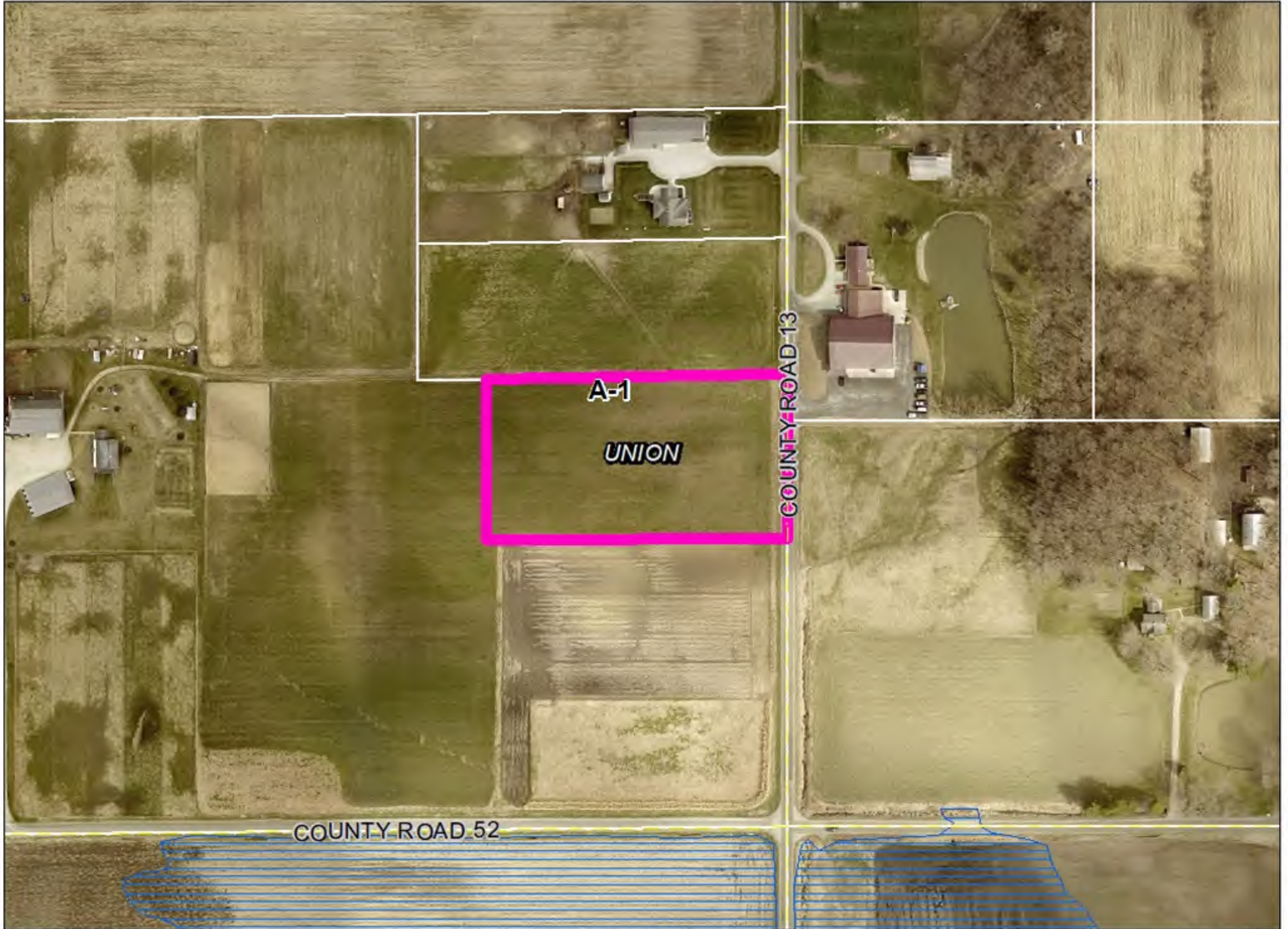


A-1

UNION

COUNTY ROAD 13









**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

SUP-0086-2025

Date: 02/12/2025

Meeting Date:

March 20, 2025

Board of Zoning Appeals Public Hearing

Transaction #:

SUP-0086-2025

Description: for a Special Use for a school

Contacts: Applicant

Jonathan Borkholder  
70526 County Road 13  
Nappanee, IN 46550

Authorized Agent

Jonathan Borkholder  
70526 County Road 13  
Nappanee, IN 46550

Land Owner

Deer Trail School  
00000 County Road 13  
Nappanee, IN 46550

Site Address: 00000 County Road 13  
Nappanee, IN 46550

Parcel Number:

Part of 20-14-27-276-001.000-028

Township: Union

Location: West side of County Road 13, 600 FT North of County Road 52

Subdivision:

Lot #

Lot Area: 3.00 Frontage: 270.00

Depth: 484.00

Zoning: A-1

NPO List: 03/03/2025

Present Use of Property: VACANT

Legal Description:

Comments: PARCEL CREATED 2/4/2025  
APPLICANT IS AWARE THEY WILL NEED ADMIN SUB W/ COMMERCIAL PERMIT

Applicant Signature:

Department Signature:



Application

Site address: \_\_\_\_\_

Parcel number(s): 20-14-27-276-001.000-028

Current property owner

Name: Deer Trail School

Address: CR 13 Nappanee IN 46550

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

Other party

Agent     Buyer     Land contract purchaser     Lessee

Name: Jonathan Berkholder

Address: 70526 CR 13 Nappanee, IN 46550

Phone: 574-773-5869 x2    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: \_\_\_\_\_

*Jonathan Berkholder*

Staff Use Only

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

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

Parcel creation date: 2-4-25

Subdivision required?     Y     N    If yes,     AS     Minor     Major

*Ronnie Justice  
to apply for  
Admin Sub*

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

Location: N S E (W) corner (side) end of CR 13

6000 ft. (N) S E W of CR 52

in UNION Township

Frontage: 270    Depth: 484    Area: \_\_\_\_\_ acres

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

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



Name: Deer Trail School

1) Tell us what you want to do. We want to build a Amish Prochial school

2) Tell us why this activity won't hurt your neighbors or the community. There will be no harmful activity.

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

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare?  Y  N If yes, fill out below.  
 Tell us what will create those things. when the children our out play at recess time  
 Tell us how you'll reduce the impact of those things on neighbors. we will have a responsible adult there to supervise the children at play time

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

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

7) Will the activity use buildings or additions?  Y  N If yes, fill out below.  
**Building or addition 1** Existing? Y  N Size and height to the peak: 32'x64' with a 20'x32' <sup>18' high</sup> roof  
 Tell us what you'll use it for. This will be used for The school house  
**Building or addition 2** Existing? Y  N Size and height to the peak: 20'x40'x14' high  
 Tell us what you'll use it for. 16x20 For storage 20x24 for barn  
**Building or addition 3** Existing?  Y  N Size and height to the peak: \_\_\_\_\_  
 Tell us what you'll use it for. \_\_\_\_\_

8) Does this application include animals?  Y  N  
 If yes, tell us what kind and how many of each. horses. - when school children come to school with horse and buggy



Special Use — Questionnaire

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

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

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

How many of the employees won't live onsite? \_\_\_\_\_

What will be the days and hours of operation on this property? 8:30 A.M To 3:00 p.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 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?

35 students, 2 teachers,

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

Tell us how often. \_\_\_\_\_

Tell us the kind of vehicles used. \_\_\_\_\_

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

**Sign 1** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 2** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

10) Tell us anything else you want us to know. \_\_\_\_\_

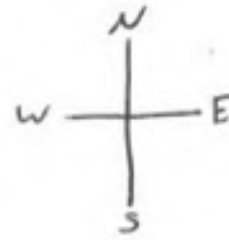
\_\_\_\_\_

\_\_\_\_\_



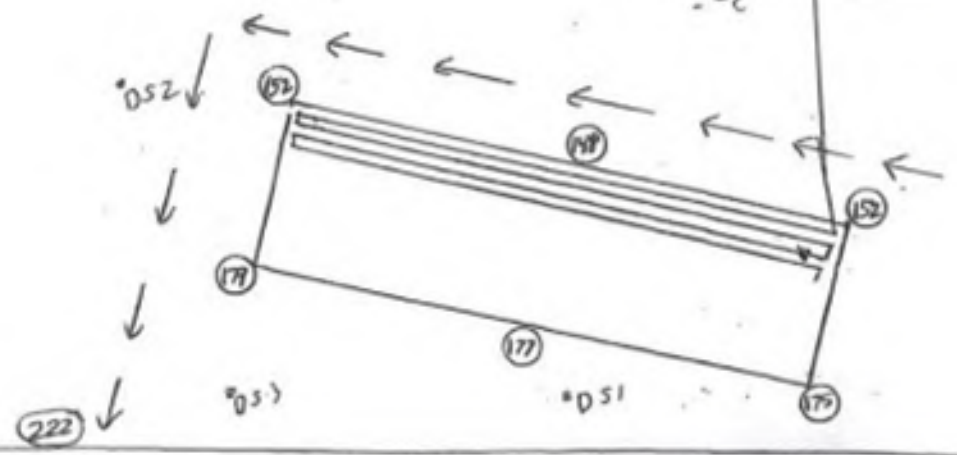
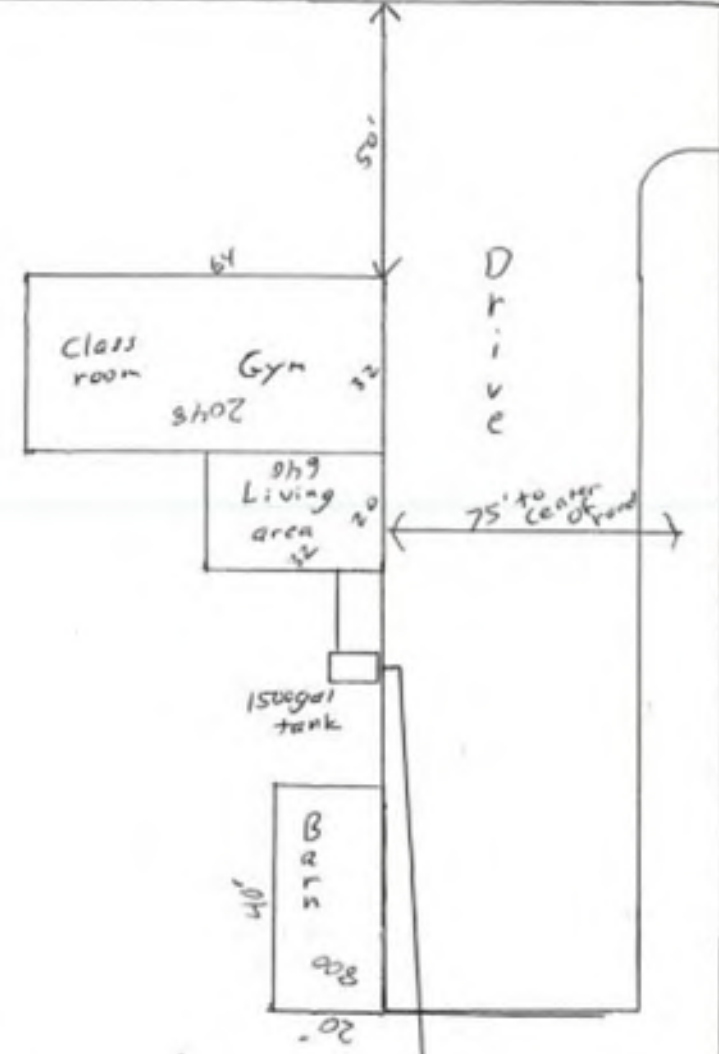
Deer Trail School

- 1500 gal septic tank
- bed =  $30 \times 102 = 3060 \text{ sqft}$
- 4 rows of presby pipe  $100' \times 4 = 400'$
- Gravity from tank to presby
- Perimeter drain 51" deep to surface
- 4" inground with 6' sand
- Building out - IE - 115"
- Tank in - IE - 121"
- Tank out - IE - 124"
- Presby in - IE - 136"
- 1:30 scale
- 100' from septic to be. Determine



484'

100+  
• well





# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** March 20, 2025

**Transaction Number:** SUP-0087-2025.

**Parcel Number(s):** 20-06-20-451-009.000-009, 20-06-28-300-010.000-009, 20-06-29-126-001.000-009, 20-06-29-126-002.000-009, 20-06-29-151-001.0000.009, 20-06-29-151-002.000-009, 20-06-29-151-003.000-009, 20-06-29-151-004.000-009, 20-06-29-151-005.000-009, 20-06-29-176-001.000-009, 20-06-29-176-002.000-009, 20-06-29-200-003.000-009, 20-06-29-200-015.000-009, 20-06-29-276-001.000-009, 20-06-29-300-005.000-009, 20-06-29-400-001.000-009, 20-06-29-400-003.000-009, 20-06-29-400-004.000-009, 20-06-29-400-005.000-009, 20-06-29-400-010.000-009 and part of 20-06-29-300-012.000-009.

**Existing Zoning:** A-1.

**Petition:** For an Amendment to an existing Special Use for waste related services (landfill) to add property.

**Petitioner:** The Board of Commissioners of the County of Elkhart, Indiana.

**Location:** East side of CR 7, 2,030 ft. North of CR 26, in Concord Township.

**Site Description:**

- Physical Improvement(s) – Landfill facility and other county facilities.
- Proposed Improvement(s) – Landfill expansion.
- Existing Land Use – Landfill, agricultural.
- Surrounding Land Use – Commercial, agricultural.

**History and General Notes:**

- **November 18, 1971** – The BZA approved a Special Use Permit for a landfill.
- **November 17, 1977** – The BZA approved a SUP amendment to allow for the expansion of the existing landfill (SU-77-959).
- **February 21, 1985** – The BZA approved a SUP amendment to allow for the expansion of the existing landfill (85-23-SU).
- **August 20, 1992** – The BZA approved an Appeal to allow for the construction of a second residence on a single parcel and a 3:1 depth-to-width-ratio variance (92-38-A).
- **December 17, 1992** – The BZA approved a SUP amendment to allow for the expansion of the existing landfill (92-198-U).
- **December 19, 1996** – The BZA approved a Special Use for a firearms range and training facility for law enforcement officers (964688).
- **October 16, 2008** – The BZA approved a Special Use for a home workshop/business for a portrait studio (Specification F - #45) (20082983).
- **December 17, 2015** – The BZA approved an amendment to remove conditions for an existing Special Use for a firearms range and training facility for law enforcement officers (59881CR 9-151105-1).



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

*Hearing Date:* March 20, 2025

- **November 17, 2022** – The BZA approved a Special Use for a government facility (Concord Assessor’s Office) (SUP-0744-2022).
- **December 15, 2022** – The BZA approved a Special Use for a government facility (Elkhart County Soil & Water Conservation District Office) (SUP-0843-2022).
- **March 13, 2025** – The Plan Commission will hear a zone map change request from A-1 to M-2.
- Planning Staff request that the Special Use for a home workshop/business for a portrait studio (Specification F - #45) (20082983) be rescinded.

## *Staff Analysis:*

Staff finds that:

1. The Special Use Amendment will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for waste-related services (landfill) is allowed in the M-2 zoning district.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 520-acre property in a mixed-use commercial, government facility (County Jail, Sheriff Training Facility, Concord Assessor’s Office, & Elkhart County Soil & Water Conservation District Office), and residential area and the property will remain a landfill and County facilities.
3. The Special Use Amendment will substantially serve the public convenience and welfare by allowing the existing landfill and County facilities to expand for future needs.

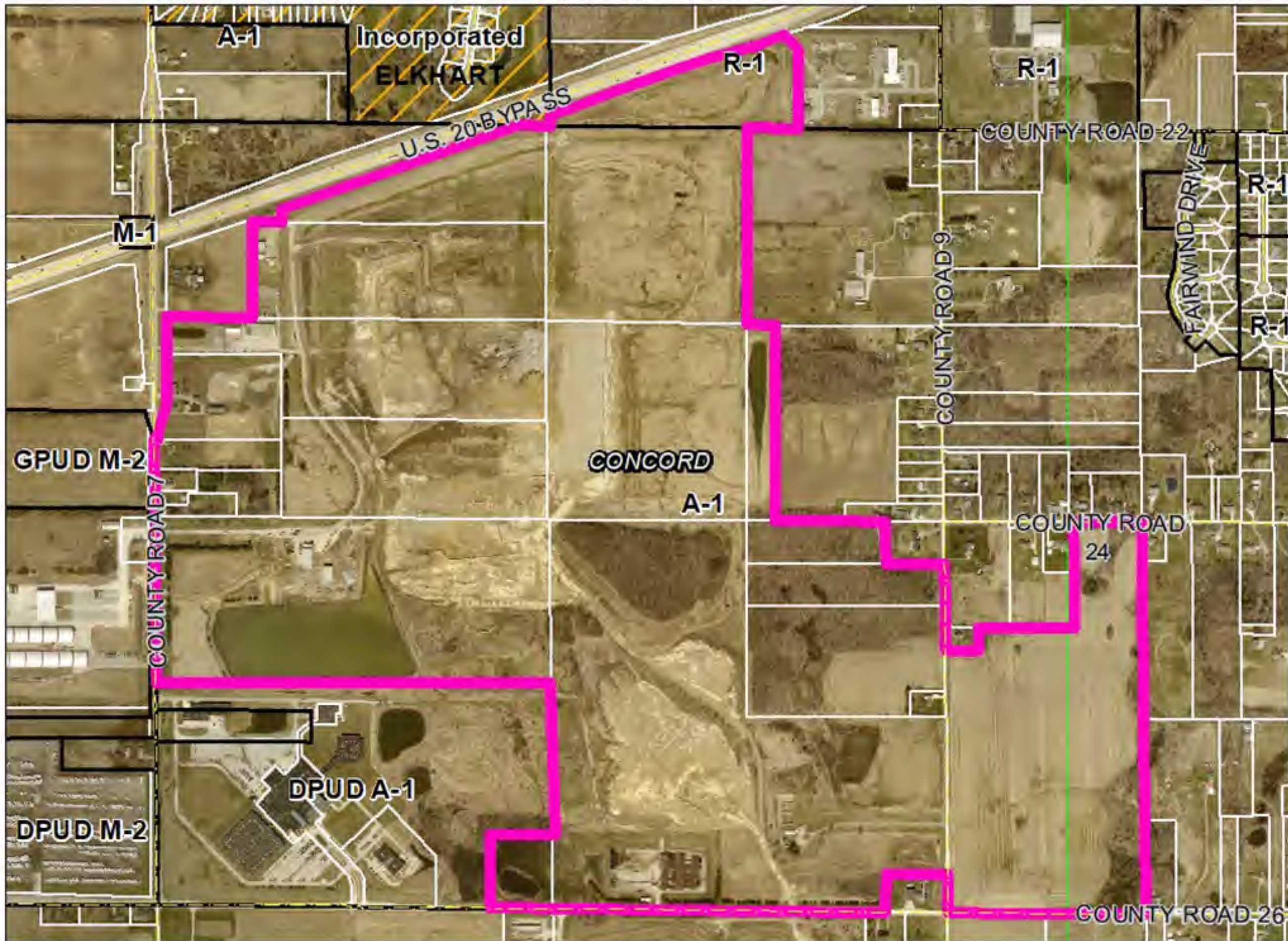
Staff recommends **APPROVAL** with the following condition(s) imposed:

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

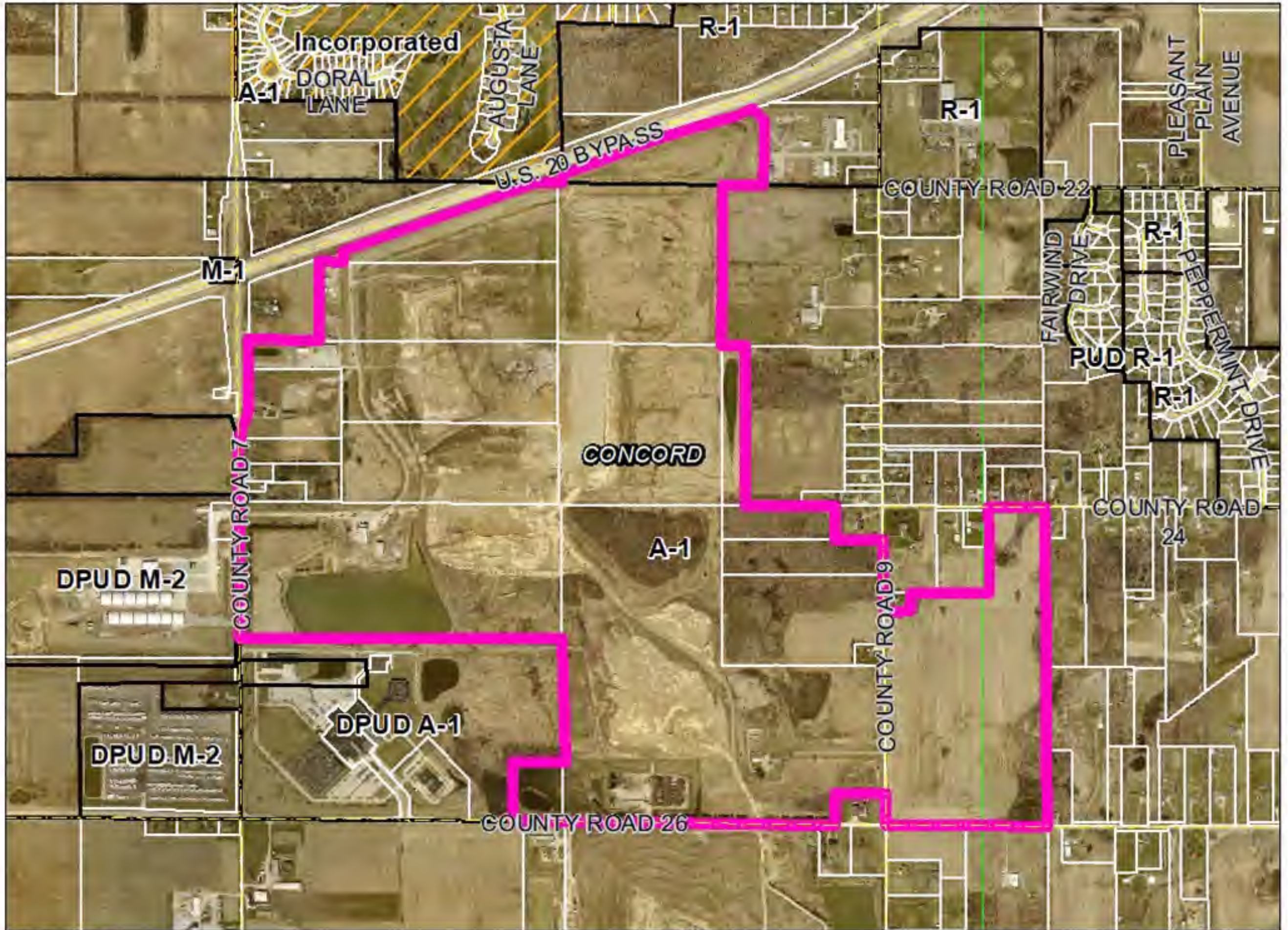
Staff recommends **APPROVAL** with the following commitment(s) imposed:

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

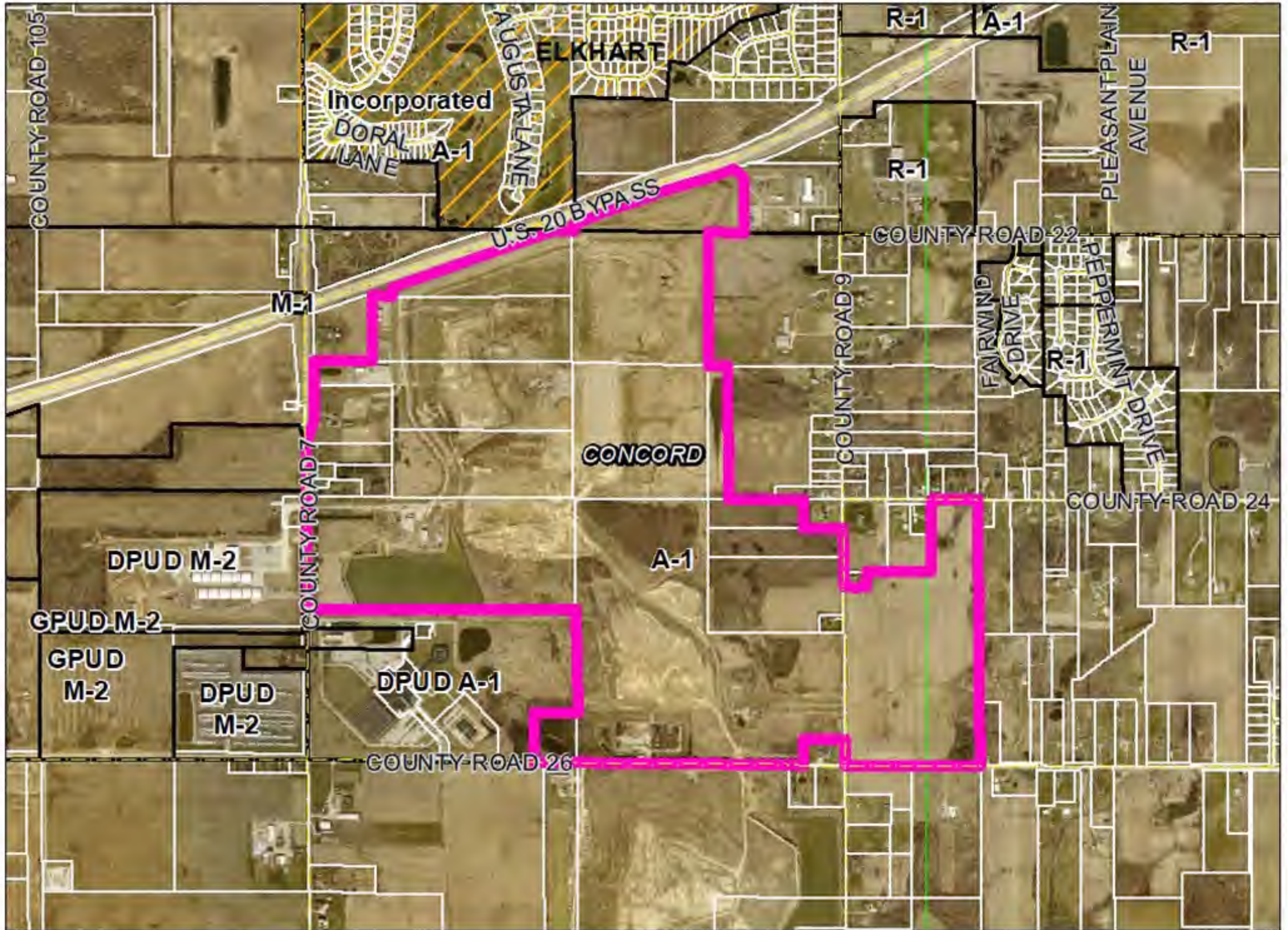
















Subject property facing east





Facing west





Facing north





Facing south



# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

SUP-0087-2025

Special Use - Non Mobile Home

Date: 02/13/2025 Meeting Date: March 20, 2025 Transaction #: SUP-0087-2025  
Board of Zoning Appeals Public Hearing

Description: for an amendment to an existing Special Use for waste related services (landfill) to add property

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Elkhart County Government</u>	<u>Land Owner</u>
Elkhart County Landfill 59530 County Road 7 Elkhart, IN 46517	Elkhart County Landfill 59530 County Road 7 Elkhart, IN 46517	Elkhart County Landfill 59530 County Road 7 Elkhart, IN 46517	Board Of Commissioners Of Elkhart County 201 N Cottage Goshen, IN 46528

Site Address: 59308 County Road 7 Elkhart, IN 46517	Parcel Number: 20-06-20-451-009.000-009 20-06-28-300-010.000-009 20-06-29-126-001.000-009 20-06-29-126-002.000-009 20-06-29-151-001.000-009 20-06-29-151-002.000-009 20-06-29-151-003.000-009 20-06-29-151-004.000-009 20-06-29-151-005.000-009 20-06-29-176-001.000-009 20-06-29-176-002.000-009 20-06-29-200-003.000-009 20-06-29-200-015.000-009 20-06-29-276-001.000-009 20-06-29-300-005.000-009 Part of 20-06-29-300-012.000-009 20-06-29-400-001.000-009 20-06-29-400-003.000-009 20-06-29-400-004.000-009 20-06-29-400-005.000-009 20-06-29-400-010.000-009
--	--

Township: Concord

Location:

Subdivision:

Lot #

Lot Area: 520.00 Frontage: 6,633.00 Depth: 5,276.00

Zoning: A-1

NPO List: 03/03/2025

Present Use of Property: VACANT LAND/LANDFILL

Legal Description:

Comments: SEE RZ-0058-2025 (AW) 59811 CR 9 -151105-1 BOCC 400-101, ELEC-C-2104-2018, 92-38-a 151-005, SUP-0744-2022 151-003, 2008-2983 400-005, SUP-0843-2022 151-001 (DR).  
\*\*STILL NEED DEED\*\*

Applicant Signature:

Department Signature:



**Application**

Site address: Elkhart County Solid Waste, 59530 Co Rd. 7, Elkhart, IN 465

Parcel number(s): Please refer to attached sheet for Parcel Numbers to be included

**Current property owner**

Name: Board of Commissioners of Elkhart County

Address: 117 N 2nd Street, Room 101, Goshen, IN 46526-3231

Phone: 574-534-3541

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

**Other party**

Agent

Buyer

Land contract purchaser

Lessee

Name: John Bowers, Landfill Manager

Address: 59530 Co Rd. 7, Elkhart, IN 46517

Phone: 574-522-2581

Email: jbowers@elkhartcounty.com

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

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

**Staff Use Only**

Description: for a Special Use for a landfill.

Parcel creation date: 12/29/2005

Subdivision required?  Y  N If yes,  AS  Minor  Major

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

Location: N S E W corner side end of CR 7  
2,030 ft. N S E W of CR 26  
in CONCORD Township

Frontage: 6.633 ft. Depth: 5.276. Area: 520 acres

Subdivision and lot number, if applicable: N/A

Present use: VACANT LAND / LANDFILL

A-1



**Special Use — Questionnaire**

Name: Elkhart County Landfill

1) Tell us what you want to do. Re-zone existing County Landfill owned property to more appropriate zoning designation

2) Tell us why this activity won't hurt your neighbors or the community. The proposed use will remain the same as the existing use

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

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

Tell us how you'll reduce the impact of those things on neighbors. The proposed impact will remain the same as existing, the activities are unchanged

5) Will there be buffering (fences, trees, shrubs, mounds)?  Y  N  
If yes, tell us about it. Existing buffering including mounds, trees and fencing are in place

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

7) Will the activity use buildings or additions?  Y  N If yes, fill out below.  
**Building or addition 1** Existing?  Y  N Size and height to the peak: There are multiple  
Tell us what you'll use it for. existing County buildings on site to facilitate the Landfill activities

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

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

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

**Next page ➡**



Special Use — Questionnaire

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

How many employees do you have now? Full time: 20 Part time: 3

How many employees do you want? Full time: 22 Part time: 5

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

What will be the days and hours of operation on this property? M-F 5:30am-5:30pm  
SAT 8:30am-12 noon April - 3rd Sat in Nov.

How many parking spaces do you have now? 34

How many parking spaces do you want? 34

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

If yes, tell us what will be stored outside or displayed. Typical Landfill Activities

Will there be retail sales on this property?  Y  N

If yes, tell us what will be sold. ~~None~~

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

M-F 300+ per day Average Sat - 100 per day Average

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

Tell us how often. See above

Tell us the kind of vehicles used. Pick-ups, Trash Trucks, Tractors, Horses  
Cars, Semis

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

**Sign 1** Dimensions (length and width). 4' x 8' CRT ENTRANCE

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

*Hp-grading*

**Sign 2** Dimensions (length and width). 8'-6" x 8'-1" CRT ENTRANCE

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

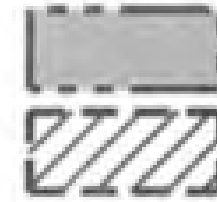
Freestanding?  Y  N Wall mounted?  Y  N

10) Tell us anything else you want us to know. \_\_\_\_\_

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



**LEGEND**

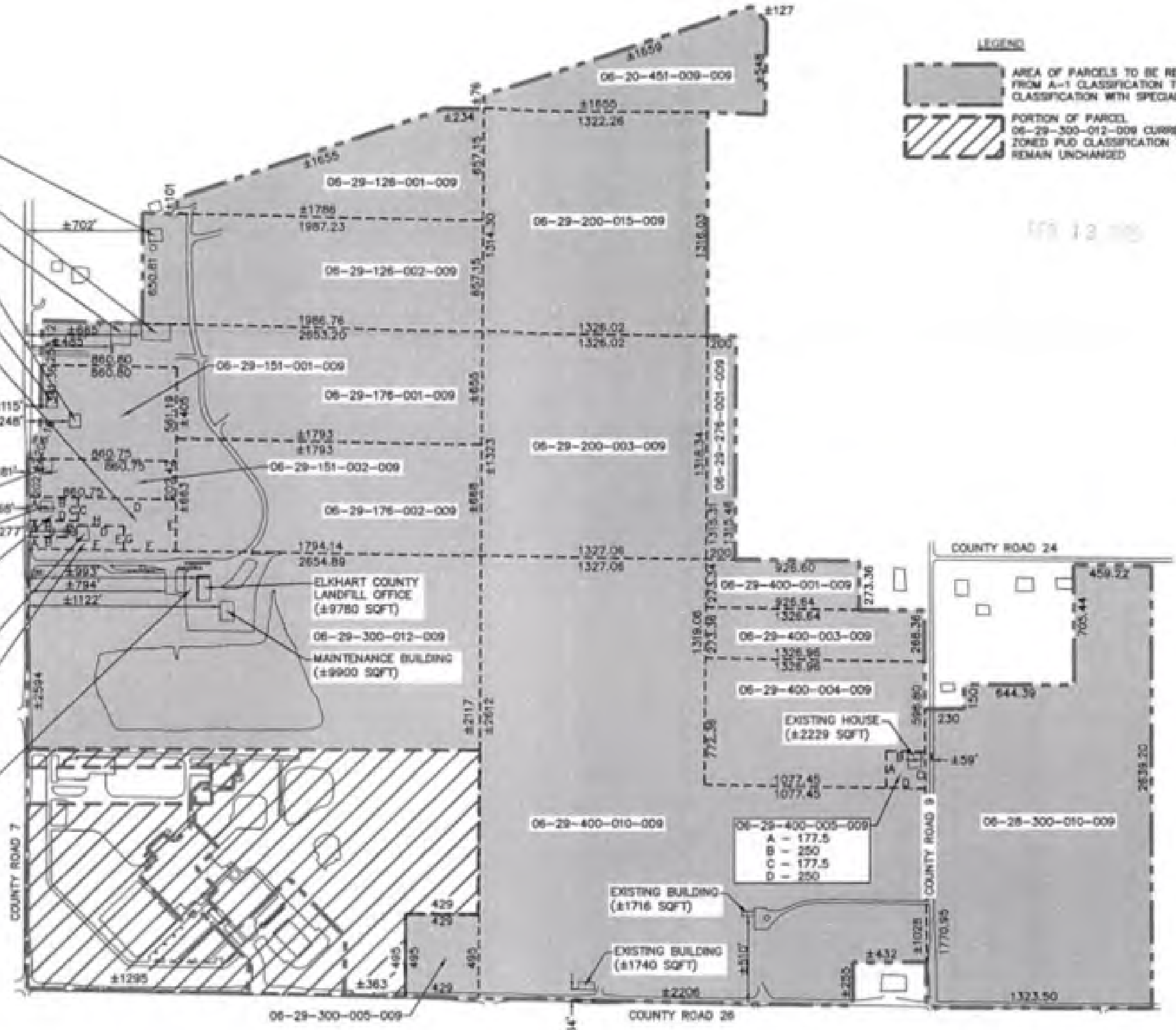


AREA OF PARCELS TO BE REZONED FROM A-1 CLASSIFICATION TO M-2 CLASSIFICATION WITH SPECIAL USE

PORTION OF PARCEL 06-29-300-012-009 CURRENTLY ZONED PLD CLASSIFICATION TO REMAIN UNCHANGED

FR 12 08

- EXISTING LEACHATE TREATMENT BUILDING (±1700 SQFT)
- EXISTING MAINTENANCE BUILDING (±12,000 SQFT)
- EXISTING MAINTENANCE BUILDING (±5760 SQFT)
- EXISTING HOUSE (±1820 SQFT)
- EXISTING HOUSE (±2704 SQFT)
- 06-29-151-004-009
  - A - 92.94
  - B - 288
  - C - 150
  - D - 572.75
  - E - 304.69
  - F - 300
  - G - 130.04
  - H - 324.38
  - I - 51.04
  - J - 212.41
- EXISTING HOUSE (±1889 SQFT)
- EXISTING ASSESSOR'S OFFICE (±1516 SQFT)
- 06-29-151-003-009
  - A - 150
  - B - 288
  - C - 150
  - D - 288
- EXISTING HOUSE (±1120 SQFT)
- 06-29-151-005-009
  - A - 60
  - B - 212.41
  - C - 51.014
  - D - 324.38
  - E - 130.04
  - F - 560.75
- PARKING AREA (34 SPACES)



ELKHART COUNTY LANDFILL OFFICE (±9780 SQFT)

MAINTENANCE BUILDING (±9900 SQFT)

06-29-400-005-009

- A - 177.5
- B - 250
- C - 177.5
- D - 250

EXISTING BUILDING (±1716 SQFT)

EXISTING BUILDING (±1740 SQFT)

COUNTY ROAD 24

COUNTY ROAD B

COUNTY ROAD 28

COUNTY ROAD 7



# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** March 20, 2025

**Transaction Number:** SUP-0023-2025.

**Parcel Number(s):** 20-10-24-300-032.000-016, 20-10-24-300-033.000-016, 20-10-24-300-034.000-016 & 20-10-24-300-037.000-016.

**Existing Zoning:** A-1.

**Petition:** For a Special Use for a resort.

**Petitioner:** Greg Martin & Melody Martin, Husband & Wife.

**Location:** North side of CR 38, 1,310 ft. East of CR 15, in Harrison Township.

## ***Site Description:***

- Physical Improvement(s) – 3 dwellings, shop.
- Proposed Improvement(s) – Pool, multiuse accessory structure.
- Existing Land Use – Residential, 2-dwelling resort, agricultural.
- Surrounding Land Use – Residential, agricultural.

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

- **1987** – A building permit was issued for the primary house.
- **Circa 1990** – A 1,500 sq. ft. log cabin guest house and a 400 sq. ft. cottage guest house were moved onto the property, and a bed-and-breakfast was started. No permits or approvals were obtained. All work was done under previous ownership.

## ***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 resort 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 9-acre property in a low-density residential and agricultural area, and a bed-and-breakfast or a resort has been in operation since approximately 1990 free of complaints or injury to neighboring uses.
3. The Special Use will substantially serve the public convenience and welfare by allowing an existing community amenity to expand and be brought into compliance.



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

*Hearing Date:* March 20, 2025

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

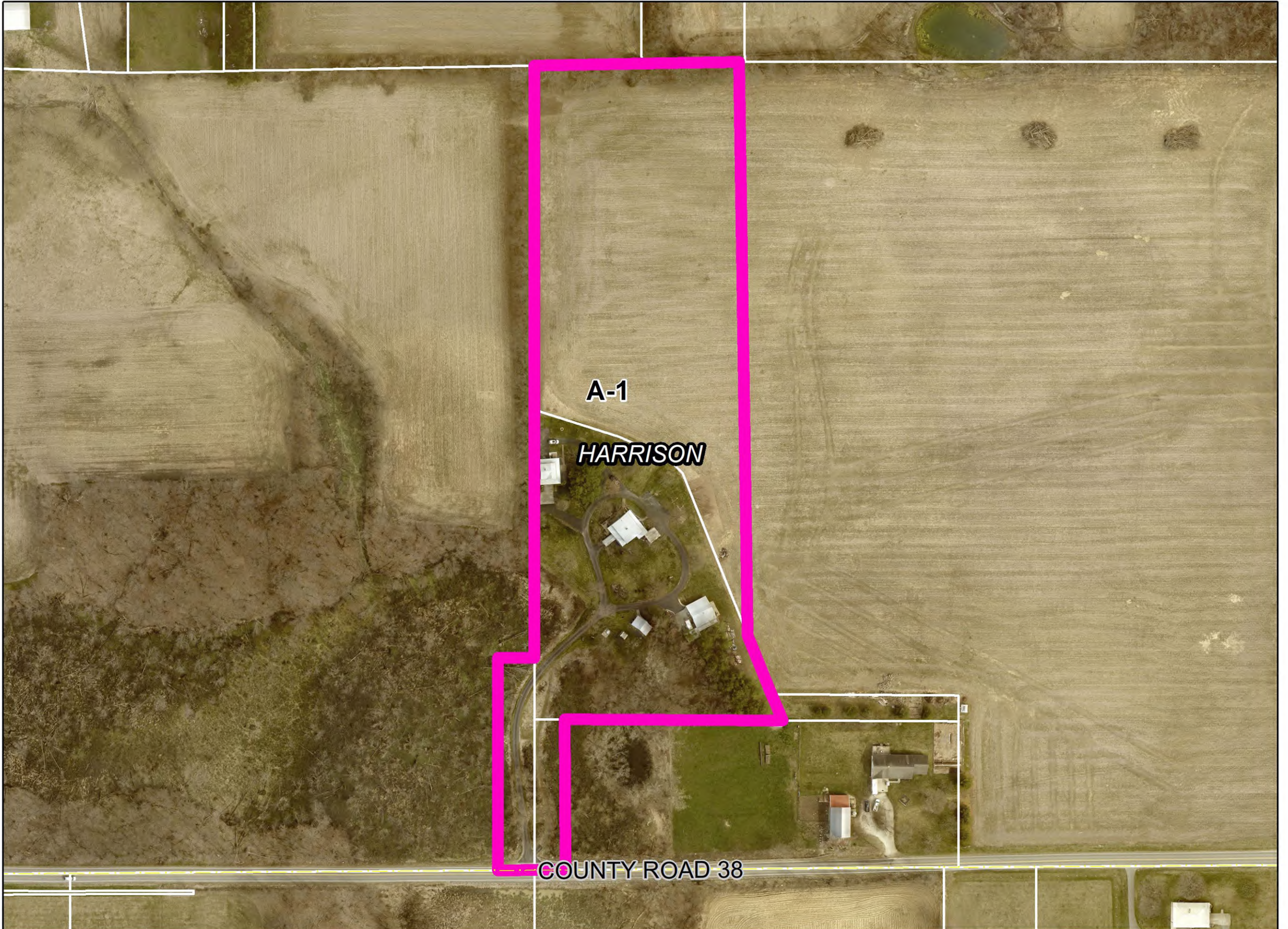
1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. Building permits must be issued and certificates of occupancy must be obtained for the 2 guest houses.
3. A recorded deed excepting 20-10-24-300-017.000-016 (a 27-acre tract) is required.

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

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



SUP-0023-2025

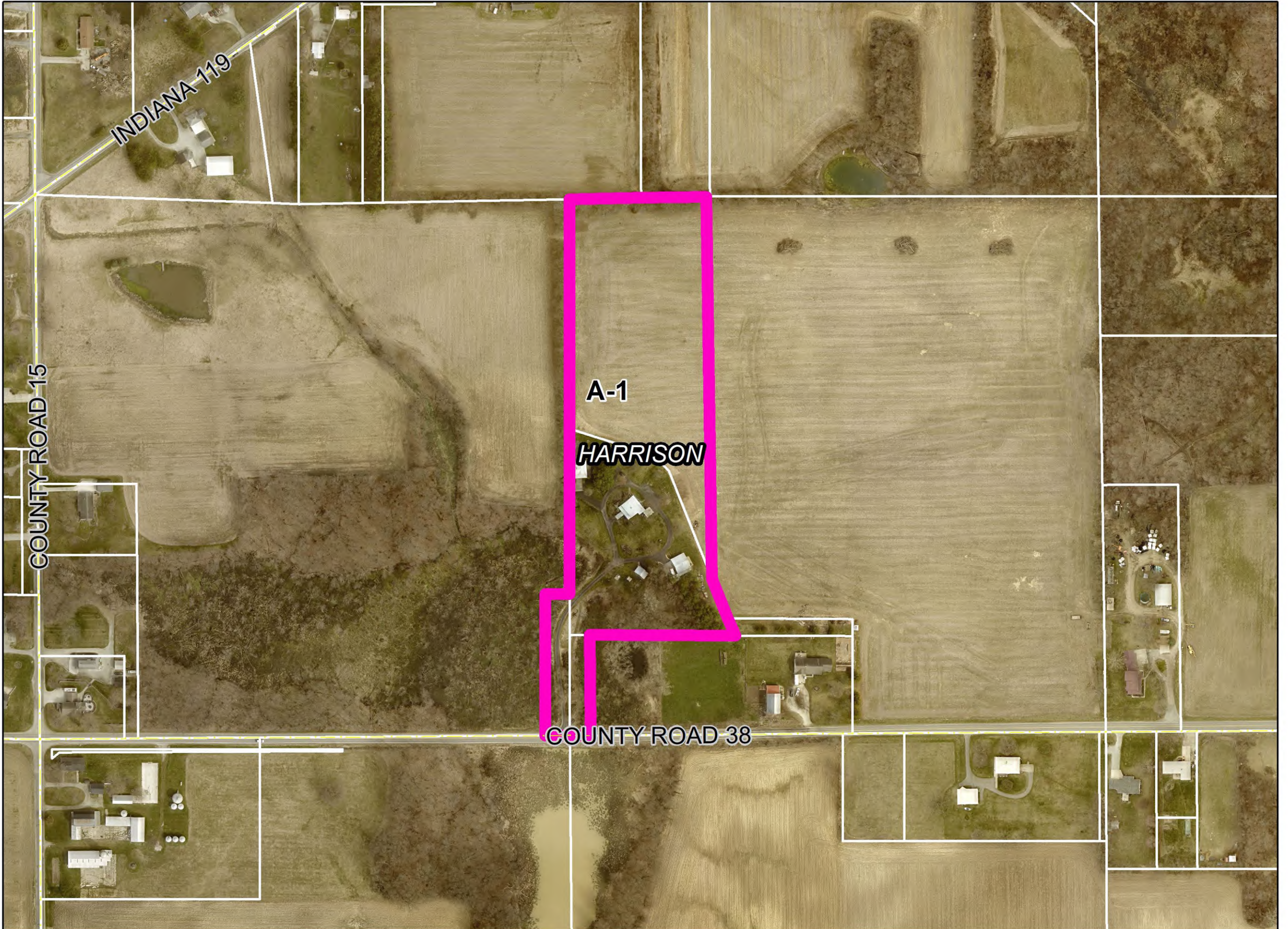


2021 Aerials

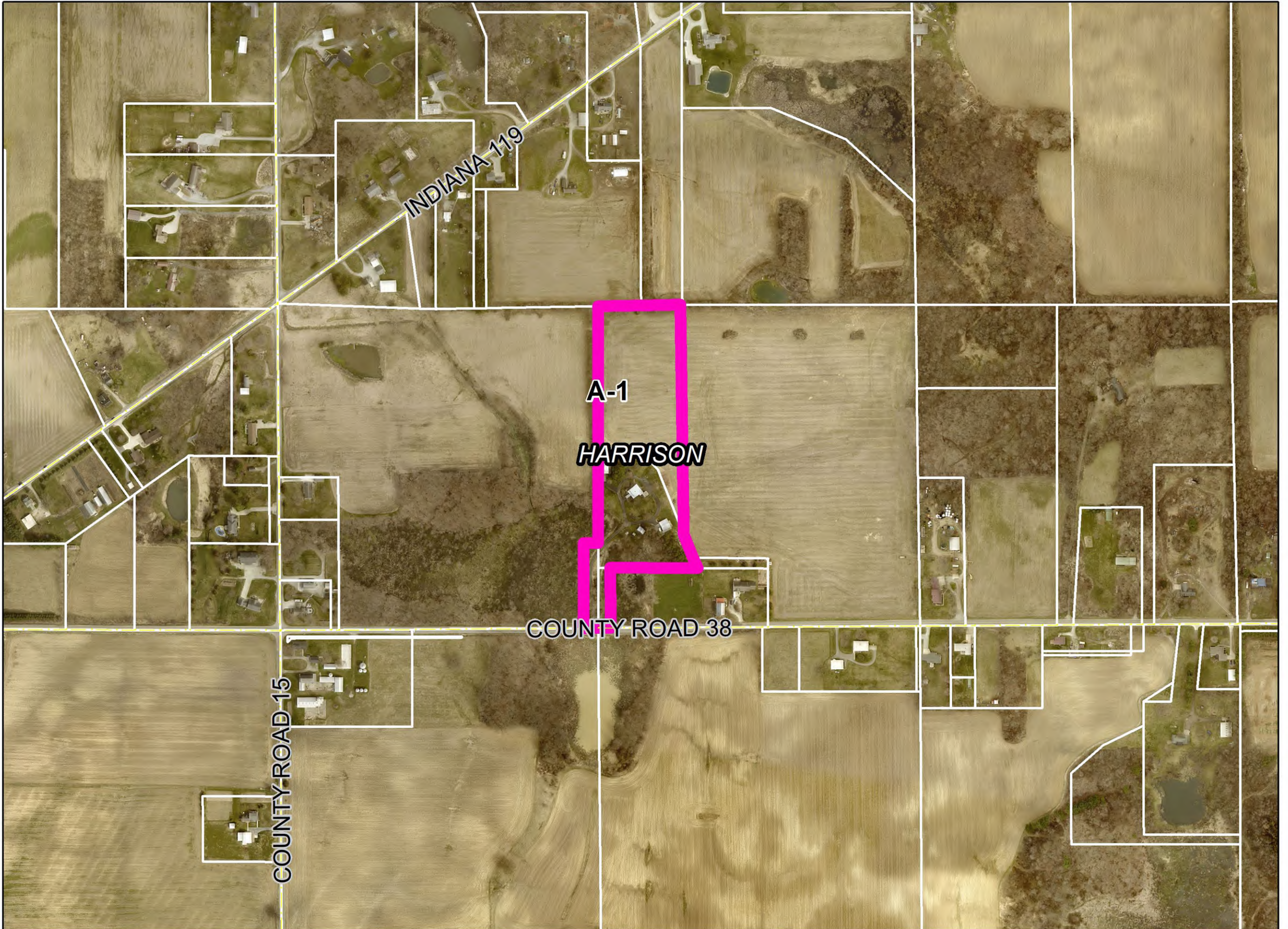
1 inch = 200 feet











INDIANA 119

A-1  
HARRISON

COUNTY ROAD 38

COUNTY ROAD 15







Cottage guest house





**Accessory building (shop)**





Petitioners' home





Log guest house





Facing east at entrance





Facing west at entrance





Facing south at entrance



# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

SUP-0023-2025

Special Use - Non Mobile Home

Date: 01/13/2025 Meeting Date: March 20, 2025  
Board of Zoning Appeals Public Hearing Transaction #: SUP-0023-2025

Description: for a Special Use for a resort and for a 10 ft. Developmental Variance (Ordinance requires 10 ft.) to allow for an existing residence 0 ft. from the west side property line

<u>Applicant</u>	<u>Land Owner</u>
Greg Martin & Melody Martin, Husband & Wife 22781 County Road 38 Goshen, IN 46526	Greg Martin & Melody Martin, Husband & Wife 22781 County Road 38 Goshen, IN 46526

Site Address: 22781 County Road 38 Goshen, IN 46526	Parcel Number: 20-10-24-300-032.000-016 20-10-24-300-033.000-016 20-10-24-300-034.000-016 20-10-24-300-037.000-016
--	---

Township: Harrison  
Location: NORTH SIDE OF CR 38, 1,310 FT. EAST OF CR 15

Subdivision: Lot #

Lot Area: 9.13 Frontage: 758.00 Depth: 1,327.00

Zoning: A-1 NPO List: 03/03/2025

Present Use of Property: RESIDENTIAL/AG/AIRBNB

Legal Description:

Comments: NOTE 87-1190 PERMIT FOR MAIN RESIDENCE. RESIDENTIAL DWELLING AREA 3,664 SQFT X 200% = 7,328 SQFT MINUS GARAGE 576 SQFT, CAR SHED 220 SQFT, CAR SHED #2 360 SQFT, UTILITY SHED 490 SQFT = 5,682 SQFT MINUS PURPOSED BUILDING WITH ADDITION 5,120 SQFT = 562 SQFT OF LEFT-OVER BUILDABLE SPACE. (OWNER NOTED AT THIS TIME HE WILL USE 0 % OF THIS SPACE FOR AG). AW  
NOTE PERMIT BR-0012-2025 POOL PERMIT, ELEC-R-1834-2024

Applicant Signature:

Department Signature:



Application

Site address: 22781 CR 38 Goshen, IN 46526

Parcel number(s): ~~20-10-24-300-017,000-016~~ 20-10-24-300-033

Current property owner <sup>same</sup> -032,000-016  
<sup>same</sup> -035,000-016  
<sup>same</sup> -034,000-016 ✓  
Name: Greg<sup>ory</sup> & Melody Martin -037,000-016

Address: 22781 CR 38 Goshen, IN 46526

Phone: 574-536-6366 Email: gdale1981@gmail.com

Other party  Agent  Buyer  Land contract purchaser  Lessee

Name: None

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: Greg Martin Melody Martin

A-1 ZONE.

Staff Use Only

Description: For a special use for a resort

Parcel creation date: 3/24/16. 20-10-24-300-034.

Subdivision required? NO  Y  N If yes,  AS  Minor  Major

Residential accessory breakdown, if applicable: N/A

Location: (N) S E W corner (side) end of CR 38  
1,310 ft. N S E (W) of CR 15  
in HARRISON Township

Frontage: 758 FT. Depth: 1327. Area: 3.362  
.48 5 = 9.132  
.29 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL / AG / AIRBNB



Special Use — Questionnaire

Name: Greg Martin

1) Tell us what you want to do. Add swimming pool on property + pool-storage shed - game room. I have 5 children and we want to share this with or guest house people.

2) Tell us why this activity won't hurt your neighbors or the community. No close neighbors except family. Only 2 neighbors within 1/4 mile

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

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

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

5) Will there be buffering (fences, trees, shrubs, mounds)?  Y  N  
If yes, tell us about it. Fence all the way around the pool for safety + privacy also pool storage storage shed - game room.

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

7) Will the activity use buildings or additions?  Y  N If yes, fill out below.  
**Building or addition 1** Existing?  Y  N Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. (Guesthouse) 2 story Log House 1500 ft<sup>2</sup> (25x25) (walk out basement) 25 ft to peak

**Building or addition 2** Existing?  Y  N Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. (Guesthouse) 20'x20' (400ft<sup>2</sup>) cottage 18ft to peak

**Building or addition 3** Existing?  Y  N Size and height to the peak: 2,700 ft<sup>2</sup> - 30ft peak  
Tell us what you'll use it for. I live here with wife and 5 children

8) Does this application include animals?  Y  N 0% For AG.  
If yes, tell us what kind and how many of each. potentially chickens Horse, goat, pig not sure yet!

Next page ➡

⑤ Shop building



Special Use — Questionnaire

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

How many employees do you have now? Full time: 2 Part time: 2

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

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

What will be the days and hours of operation on this property? Guesthouses 24/7

How many parking spaces do you have now? 10

How many parking spaces do you want? 0

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

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

Will there be retail sales on this property?  Y  N

If yes, tell us what will be sold.

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

Somedays none other days up to 8 Average = 4

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

Tell us how often. 2/day

Tell us the kind of vehicles used. Amazon/UPS/Fedex/Pizza/Private independent

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

**Sign 1** Dimensions (length and width). 2' x 3'

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 2** Dimensions (length and width).

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width).

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

10) Tell us anything else you want us to know. This place was a Bed + Breakfast for 30 years and we want to continue as a Guesthouse style platform and would like some improvements like the pool and a gameroom for ours + guests use.

We live in a modern built house, but all the other buildings were brought in and added to. They are very old buildings and were within a few miles of here. A Log House that is nearly 200 yrs old + a Cottage that is over 100 yrs old! We seem to be missing permits for these buildings so we want to do what it takes to get these and move forward. All septic systems function perfectly and get pumped every 2 yrs.



Application

Site address: 22781 CR 38 Goshen, IN 46526

Parcel number(s): 300-037

Current property owner

Name: Greg <sup>+Melody</sup> Martin

Address: 22781 CR 38 Goshen, IN 46526

Phone: 574-536-6366 Email: gdale1981@gmail.com

Other party  Agent  Buyer  Land contract purchaser  Lessee

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

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

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

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

Signature of current property owner or authorized agent: Greg Martin

DV -0 FT.

Staff Use Only

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

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

Subdivision required?  Y  N If yes,  AS  Minor  Major

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

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

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

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

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



Developmental Variance — Questionnaire

Name: Greg Martin

1) Tell us what you want to do. current house might be too close to the property line

2) Tell us why you can't change what you're doing so you don't need a variance. The house is built by someone else and I bought property 6 yrs ago and I can't move it.

3) Tell us why the variance won't hurt your neighbors or the community. No one within a quarter mile and I am friends with them.

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

5) Does the application include variances to allow for buildings or additions?  Y  N If yes, fill out below.  
**Building or addition 1** Size and height to the peak: see other plan (house too close to property line)  
Tell us what you'll use it for. \_\_\_\_\_  
**Building or addition 2** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_  
**Building or addition 3** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

6) Does the application include a variance for a residence on property with no road frontage?  Y  N  
If yes, fill out below.  
Is the easement existing?  Y  N If the easement is existing, is it recorded?  Y  N  
Tell us who owns (will own) the land under the easement. I own the land  
Tell us how many parcels will use the easement. \_\_\_\_\_

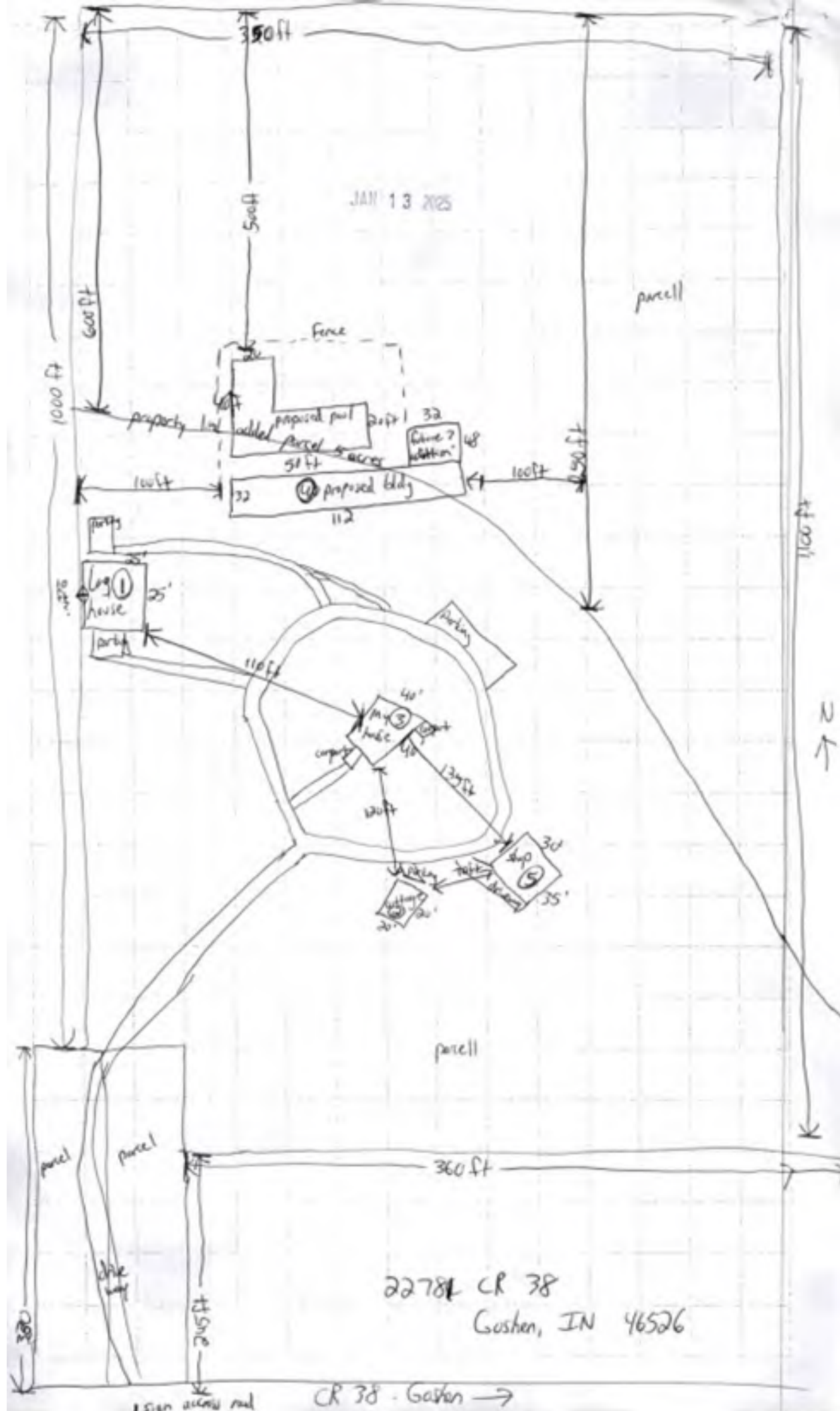
7) Does the application include variances for signs?  Y  N If yes, fill out below.  
**Sign 1** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N  
**Sign 2** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N  
**Sign 3** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N

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

9) Tell us anything else you want us to know. see other paperwork



JAN 13 2025



22781 CR 38  
Goshen, IN 46526

CR 38 - Goshen →



# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** March 20, 2025

**Transaction Number:** SUP-0083-2025.

**Parcel Number(s):** 20-02-33-254-003.000-026.

**Existing Zoning:** R-2.

**Petition:** For an Amendment to an existing Special Use for a place of worship to allow for a gymnasium addition, for a 15 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing church facility 35 ft. from the centerline of the right-of-way of Sunset Ave, and for a 5 ft. Developmental Variance (Ordinance allows 30 ft.) to allow for a gymnasium 35 ft. in height.

**Petitioner:** Ralph O. Miller, James Bixler & Francis Freed, Jr., as Trustees of the Roselawn Mennonite Church.

**Location:** Southwest corner of Independence St. & Sunset Ave., in Osolo Township.

## **Site Description:**

- Physical Improvement(s) – Church campus.
- Proposed Improvement(s) – Gymnasium addition.
- Existing Land Use – Church.
- Surrounding Land Use – Mixed.

## **History and General Notes:**

- **October 21, 1993** – The BZA approved a Special Use for an existing church and a Developmental Variance to allow the existing church and 2 south additions 48 ft. from the centerline of Independence St.
- **February 16, 2023** – The BZA approved an Amendment to allow an electronic message board and a Developmental Variance to allow it within 300 ft. of residences.

## **Staff Analysis:**

*For an Amendment to an existing Special Use for a place of worship to allow for a gymnasium addition, staff finds that:*

1. The Special Use Amendment will be consistent with the spirit, purpose, and intent of the Development Ordinance. A place of worship and its accessory uses are allowed by Special Use or Special Use Amendment in the R-2 zone.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This 2.3-acre corner lot in a mixed-use residential and commercial area is bordered by a self-storage facility to the south and open space and homes to the west, and the addition will not change the mixed character of the neighborhood.
3. The Special Use Amendment will substantially serve the public convenience and welfare by providing for added community and youth activity space.



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

**Hearing Date:** March 20, 2025

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

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

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

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

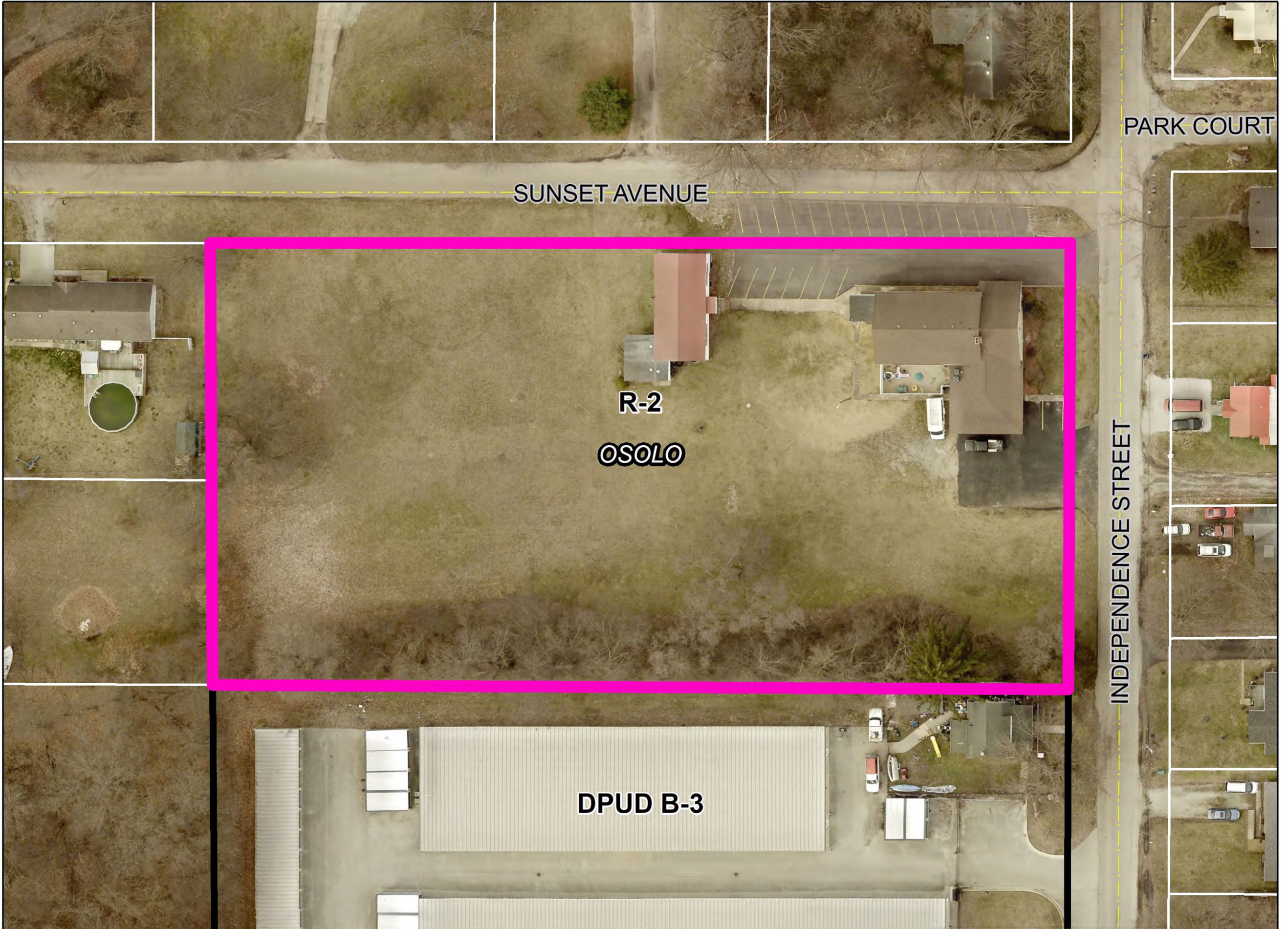
*For a 15 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing church facility 35 ft. from the centerline of the right-of-way of Sunset Ave and for a 5 ft. Developmental Variance (Ordinance allows 30 ft.) to allow for a gymnasium 35 ft. in height, staff finds that:*

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The church facility on Sunset Ave. has stood at this location since approximately 1940 without injury to public health or welfare, and an added 5 ft. of height for the addition will match the scale of adjoining commercial buildings to the south and east.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This 2.3-acre corner lot in a mixed-use residential and commercial area is bordered by a self-storage facility to the south and open space and homes to the west, and the addition will not change the mixed character of the neighborhood.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Strict application would require the unnecessary removal of the north portion of the building and prevent a building height typical of gymnasiums.

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

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





SUNSET AVENUE

PARK COURT

R-2

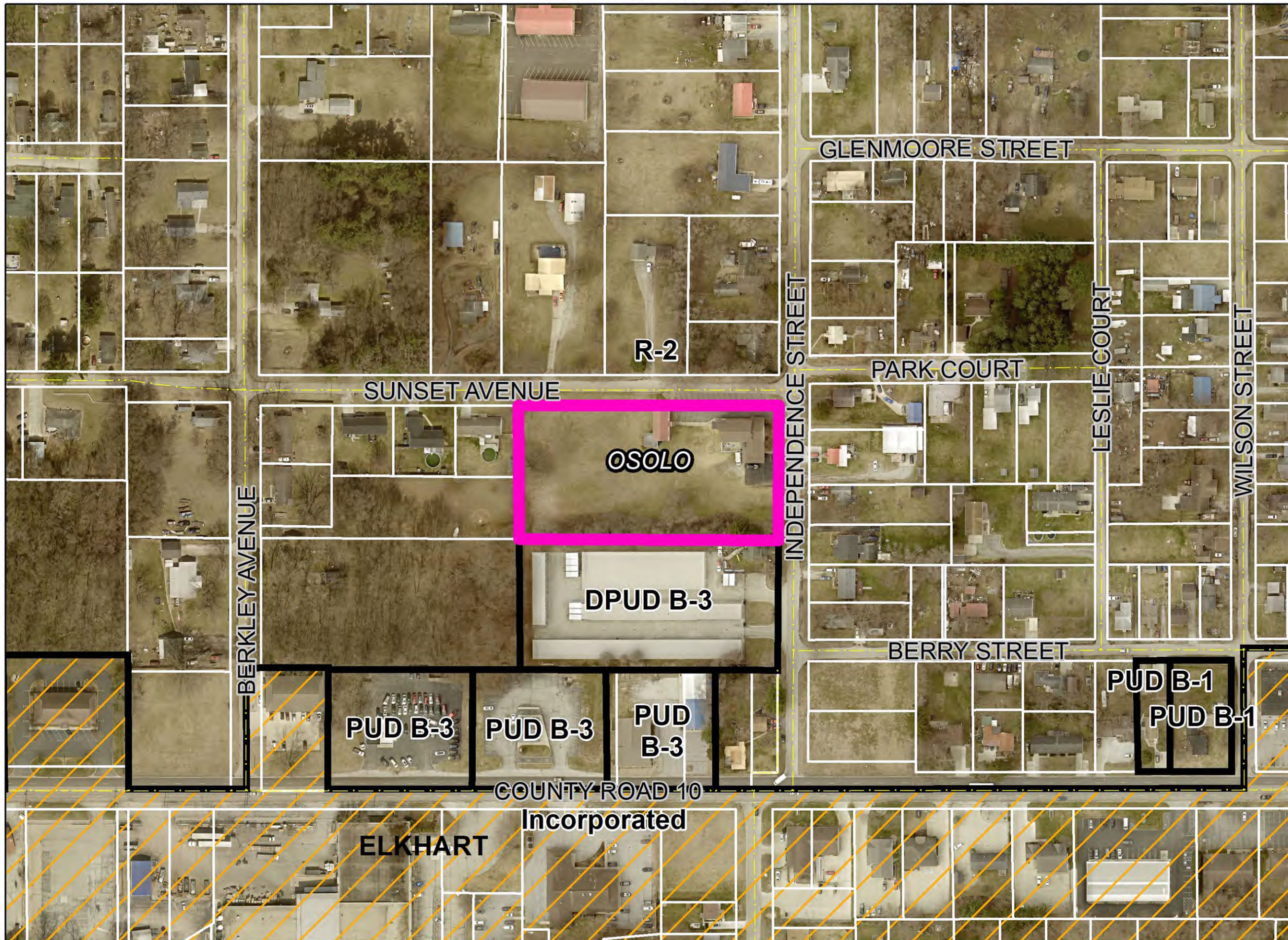
OSOLO

INDEPENDENCE STREET

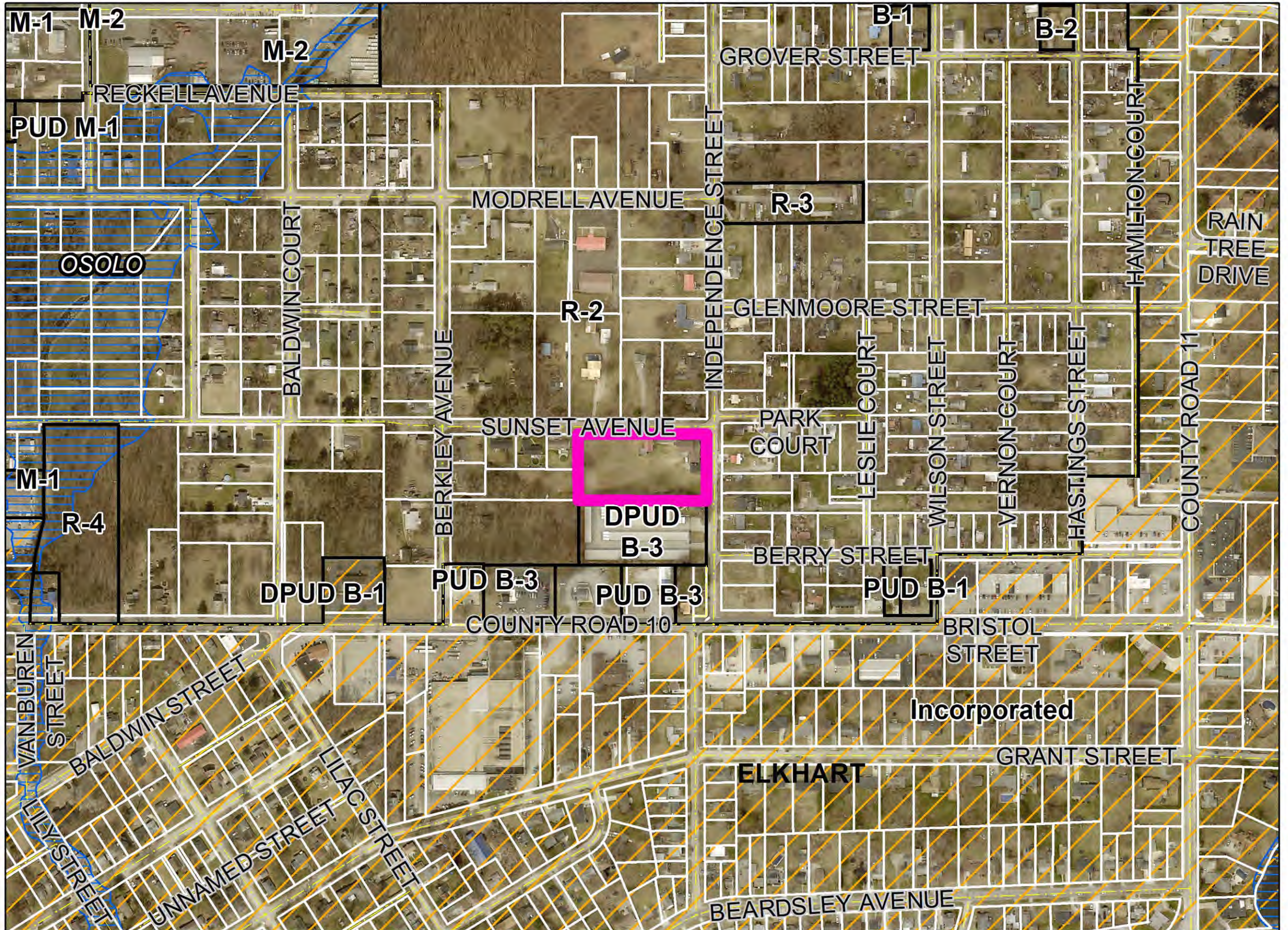
DPUD B-3















**Subject property, facing southwest**





**Subject property, facing northwest**





Facing west on Sunset





Facing east on Sunset





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 Amendment - Non Mobile Home

SUP-0083-2025

Date: 02/12/2025 Meeting Date: March 20, 2025  
Board of Zoning Appeals Public Hearing Transaction #: SUP-0083-2025

Description: for an Amendment to an existing Special Use for a place of worship to allow for a gymnasium addition, for 15 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing church facility 35 ft. from the centerline of the Sunset Ave. right-of-way, and for a 5 ft. Developmental Variance (Ordinance allows 30 ft.) to allow for a gymnasium 35 ft. in height

<u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Conrad Hochstetler 25065 Aqua Dr Elkhart, IN 46514	Conrad Hochstetler 25065 Aqua Dr Elkhart, IN 46514	Roselawn Mennonite Church 54365 Independence St. Elkhart, IN 46514

Site Address: 54365 Independence St Elkhart, IN 46514	Parcel Number: 20-02-33-254-003.000-026
--	---

Township: Osolo  
Location: Southwest Corner Of Independence Ave. & Sunset Ave.

Subdivision: ROSELAWN	Lot # 52
-----------------------	----------

Lot Area: 2.30	Frontage: 642.61	Depth: 422.61
----------------	------------------	---------------

Zoning: R-2	NPO List: 03/03/2025
-------------	----------------------

Present Use of Property: CHURCH

Legal Description:

Comments: SEE APPROVED SPECIAL USE93-3502: FOR A SPECIAL USE FOR AN EXISTING CHURCH AND ADDITION OF RESTROOMS AND NURSERY (PHASE I) AND ADDITION OF A SANCTUARY (PHASE II) AND A 2 FT. VARIANCE TO ALLOW FOR THE EXISTING CHURCH AND CENTERLINE OF THE RIGHT-OF-WAY (ORDINANCE REQUIRES 50 FT.) SEE SIGN PERMIT SN-0382-2023

Applicant Signature:

Department Signature:



Application

Site address: 54365 Independence St Elkhart In 46514

Parcel number(s): 20-02-33-254-003.000-026

Current property owner

Name: Roselawn Mennonite Church (True Vine Tabernacle)

Address: 54365 Independence St

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

Other party

Elder  
 Agent     Buyer     Land contract purchaser     Lessee

Name: Conrad Hochstetler

Address: 25065 Aqua Dr Elkhart In 46514

Phone: 574-215-3730 Email: conradhochstetler@gmail.com

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

Signature of current property owner or authorized agent: Conrad Hochstetler

Staff Use Only

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

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

Subdivision required?     Y     N    If yes,     AS     Minor     Major

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

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

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

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

Present use: CHURCH

Zoned R-2



Special Use — Questionnaire

Name: True Vine Tabernacle

1) Tell us what you want to do. Build a Gymnasium

2) Tell us why this activity won't hurt your neighbors or the community. The Gymnasium is for the purpose of church use and community outreach; especially the youth.

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

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare?  Y  N If yes, fill out below.  
Tell us what will create those things. \_\_\_\_\_  
Tell us how you'll reduce the impact of those things on neighbors. \_\_\_\_\_

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

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

7) Will the activity use buildings or additions?  Y  N If yes, fill out below.  
**Building or addition 1** Existing?  Y  N Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_  
**Building or addition 2** Existing?  Y  N Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_  
**Building or addition 3** Existing?  Y  N Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

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

Next page ➡



Special Use — Questionnaire

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

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

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

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

What will be the days and hours of operation on this property? Mainly Wednesdays, Fridays & Sundays and occasional other days for special activities.

How many parking spaces do you have now? 30

How many parking spaces do you want? 30

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

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

Will there be retail sales on this property?  Y  N

If yes, tell us what will be sold. \_\_\_\_\_

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

75 people the days we are in service or an activity.

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

Tell us how often. \_\_\_\_\_

Tell us the kind of vehicles used. \_\_\_\_\_

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

**Sign 1** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 2** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

10) Tell us anything else you want us to know. This project is a special

way of serving the youth in the community  
with space to have activities



EEB 12 2025

Sunset

422.61

Independence

220

Parking

80.2

Parking

Parking

Proposed  
Gymnasium

80

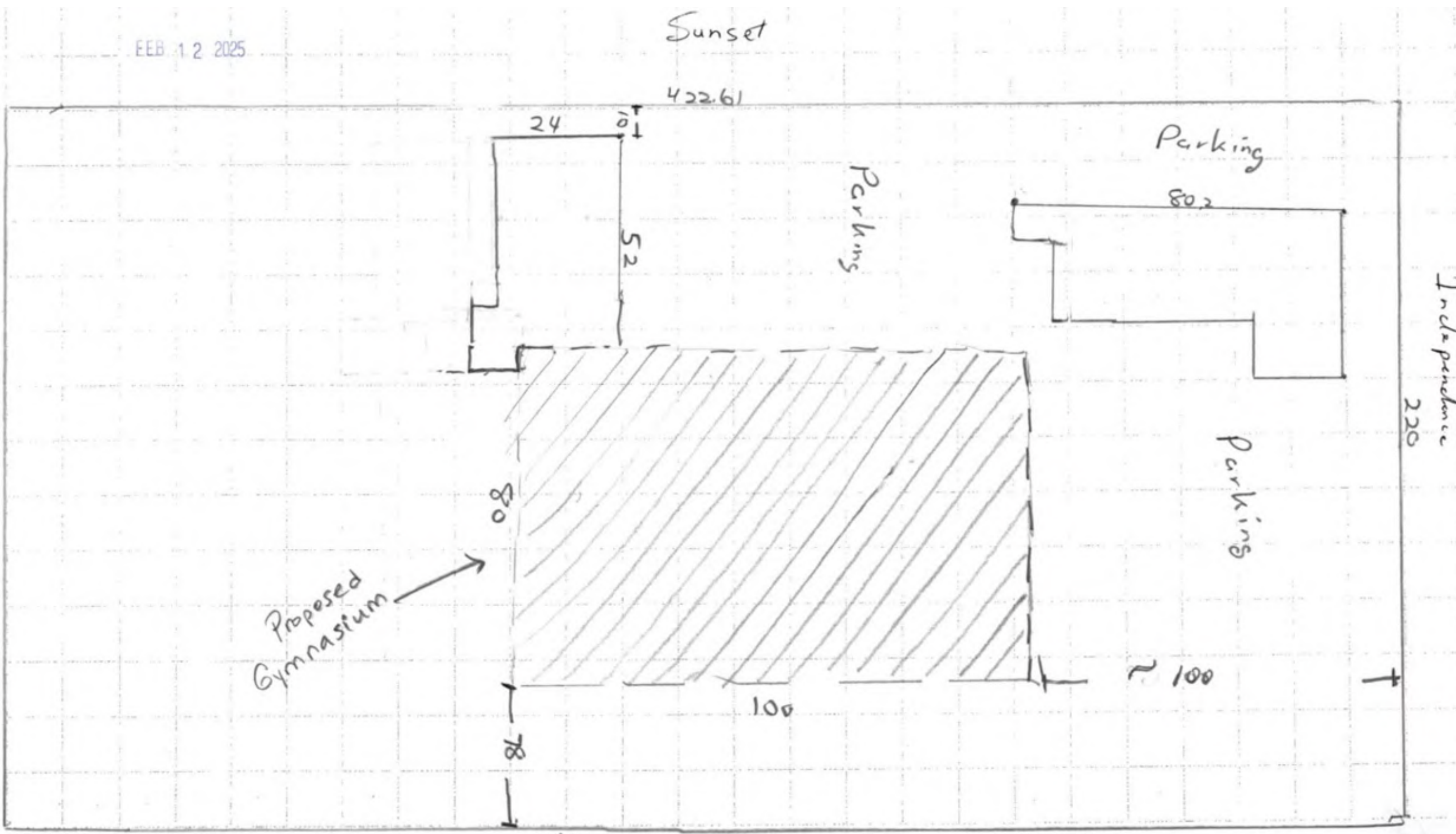
100

100

8

423.08

5





# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** March 20, 2025

**Transaction Number:** SUP-0084-2025.

**Parcel Number(s):** 20-04-33-426-026.000-032.

**Existing Zoning:** A-1.

**Petition:** For a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

**Petitioner:** Marlin D. Bontrager & Wanda J. Bontrager.

**Location:** North side of the easement, east of CR 8, 1,270 ft. south of CR 10, in York Township.

**Site Description:**

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

**History and General Notes:**

- **April 18, 1996** – The BZA approved an appeal to allow an existing residence and a new accessory structure on property accessed by easement and not subdivided in accordance with the subdivision ordinance and an appeal to allow accessory area to exceed what was allowed.

**Staff Analysis:**

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

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. 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 2.7-acre parcel in a medium-density residential and agricultural area, bordered by the Little Elkhart River and a county park to the east, and the parcel will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing for a transportation option.



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

***Hearing Date:*** March 20, 2025

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

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

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

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

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

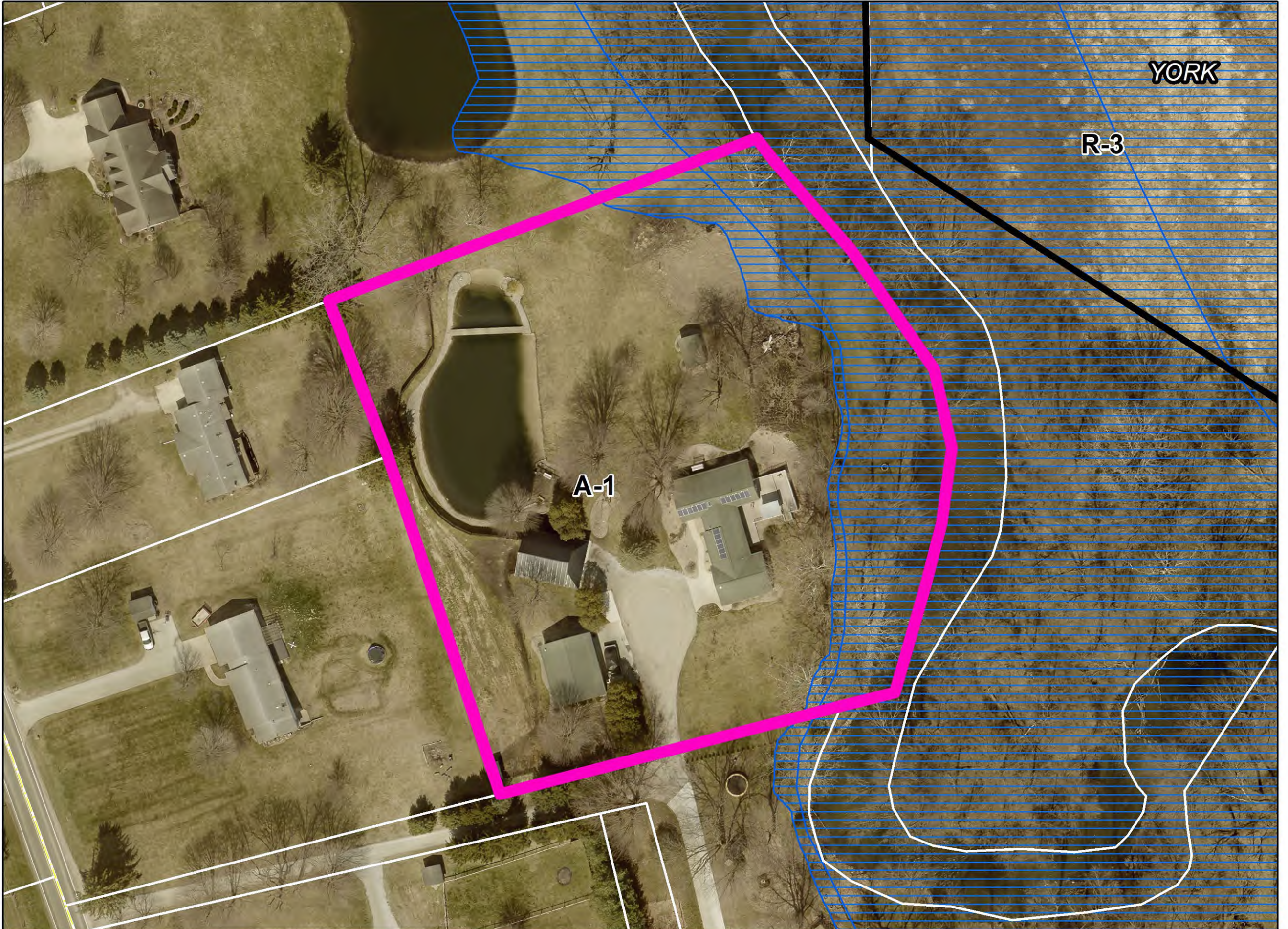
1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 1,447 sq. ft., or 65 percent, over what is allowed by right, and the structures receiving the addition are at least 300 ft. from CR 8.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 2.7-acre parcel in a medium-density residential and agricultural area, and the view to the addition from south and north will be obscured by the existing structures.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Accessory structures of this scale already appear on nearby properties and are typical of medium- and low-density neighborhoods.

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

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



SUP-0084-2025



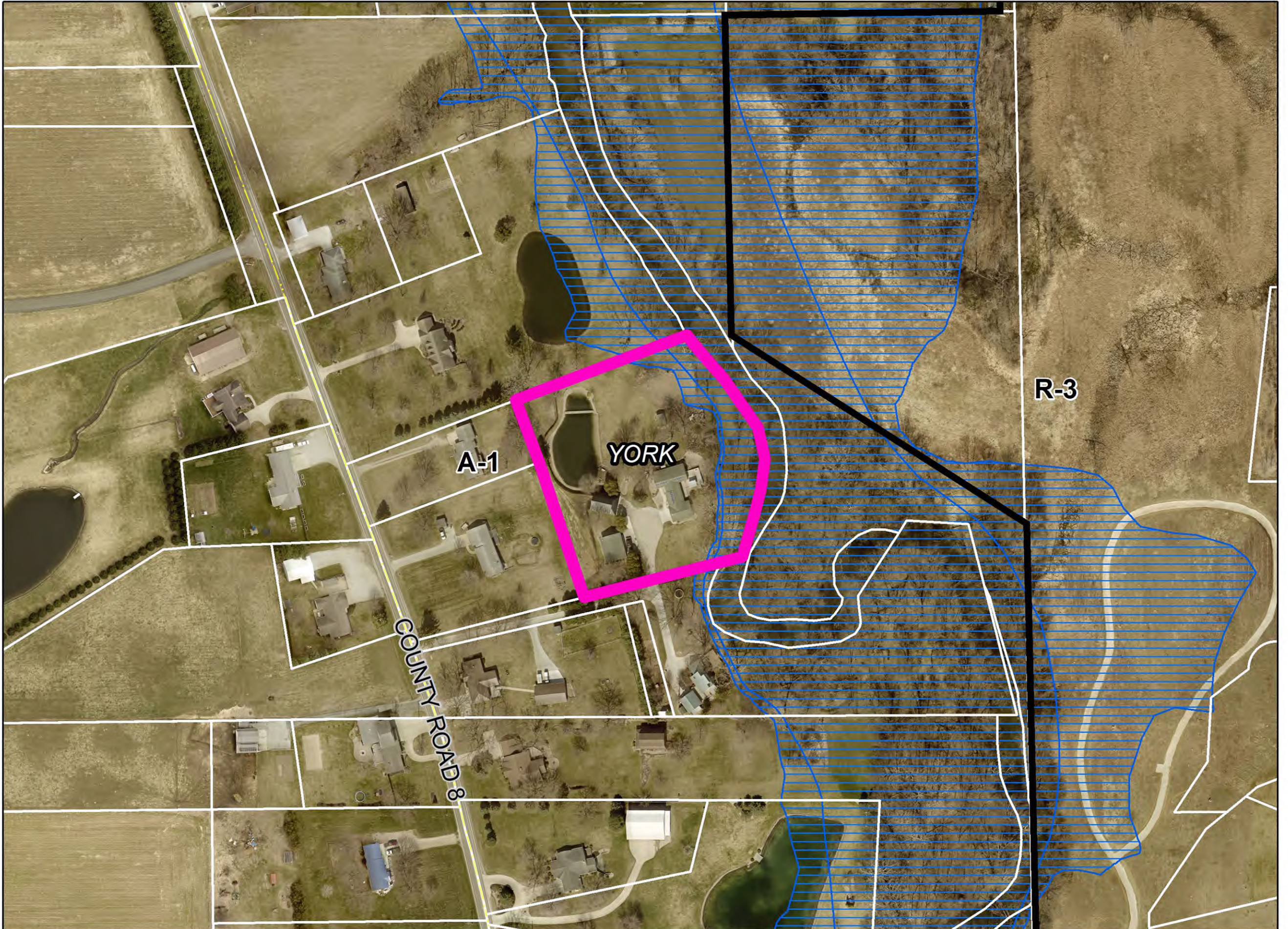
2021 Aerials

1 inch = 80 feet





SUP-0084-2025

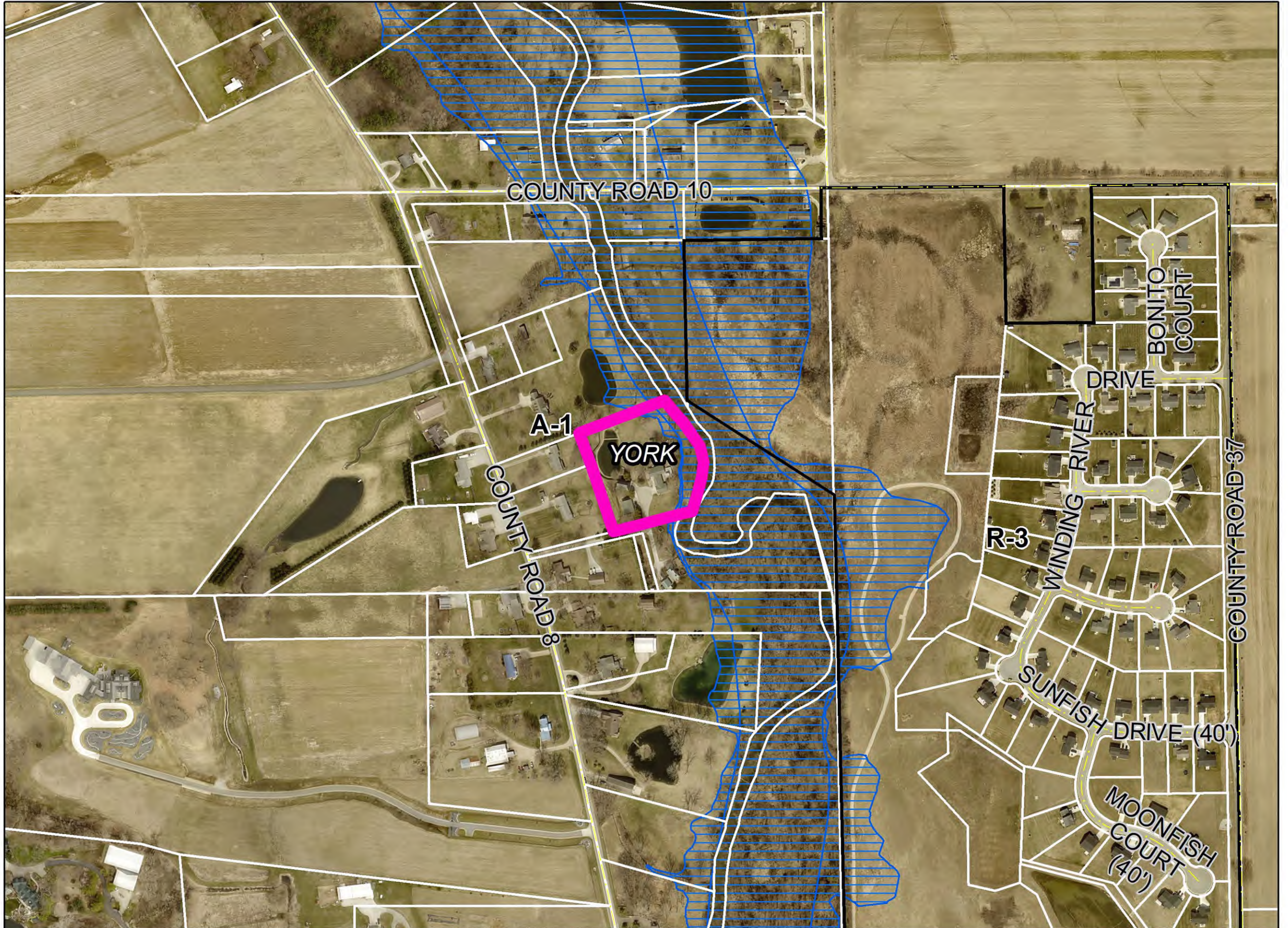


2021 Aerials

1 inch = 200 feet











Facing northeast toward build area





Facing northwest toward build area





Facing south at entrance





Facing north at entrance





**Facing west at entrance**



# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

SUP-0084-2025

Special Use - Non Mobile Home

Date: 02/12/2025 Meeting Date: March 20, 2025  
Board of Zoning Appeals Public Hearing Transaction #: SUP-0084-2025

Description: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right.

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Curveside 13708 County Road 8 Middlebury, IN 46540	Curveside 13708 County Road 8 Middlebury, IN 46540	Marlin D Bontrager & Wanda J Bontrager Jt Ten W/Ros 54704 County Road 8 Middlebury, IN 46540

Site Address: 54704 County Road 8 Middlebury, IN 46540	Parcel Number: 20-04-33-426-026.000-032
---	---

Township: York  
Location: North side of the easement, east Side Of County Road 8, 1,270 Feet South Of County Road 10

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

Lot Area: 2.75	Frontage: 0.00	Depth: 313.43
----------------	----------------	---------------

Zoning: A-1	NPO List: 03/03/2025
-------------	----------------------

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATION DATE 9/21/1995. RESIDENTIAL BREAK DOWN 2, 016 SQFT X 110% = 2,217.6 MINUS GARAGE 816 SQFT, SHED -192, DETACHED GARAGE -1280 SQFT = -70.4 SQFT OF CURRENT STORAGE. MINUS NEW PROPOSED STRUCTURE 1376 SQT = -1446 SQFT FT OF AVAILAB PERSONAL STORAGE. SEE PERMIT BA-1813-2021-COMplete, 96-1774 APPEAL. AW

Applicant Signature:

Department Signature:



Application

Site address: 54704 CR 8 Middlebury IN 46546

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

Current property owner

Name: Marlin Bontroger

Address: 54704 CR 8 Middlebury IN 46540

Phone: 260-214-0888 Email: \_\_\_\_\_

Other party

Agent  Buyer  Land contract purchaser  Lessee

Name: Curveside Construction

Address: 13708 CR 8 Middlebury IN 46540

Phone: 574-370-9948 Email: \_\_\_\_\_

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

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

Staff Use Only

Description: SEE ATTACHED

Parcel creation date: 9/21/1995

Subdivision required?  Y  N If yes,  AS  Minor  Major

Residential accessory breakdown, if applicable: SEE ATTACHED SHEET

Location: N S (E) W corner (side) end of CR 8  
1,270 ft. N (S) E W of CR 10  
in YORK Township

Frontage: N/A Depth: 313.43 Area: 2.746 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL



Special Use — Questionnaire

Name: Marlin Dontreger

1) Tell us what you want to do. 1375 sq' addition to shop  
connecting Barn

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

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

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

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

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

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

7) Will the activity use buildings or additions?  Y  N If yes, fill out below.

**Building or addition 1** Existing?  Y  N Size and height to the peak: 32x36x50' peak 15'  
Tell us what you'll use it for. storage Host church - service

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

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

8) Does this application include animals?  Y  N  
If yes, tell us what kind and how many of each. 1 Horse

Next page ➡





Special Use — Questionnaire

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

How many employees do you have now? Full time: 0 Part time: 0

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

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

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

How many parking spaces do you have now? 0

How many parking spaces do you want? 0

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

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

Will there be retail sales on this property?  Y  N

If yes, tell us what will be sold. \_\_\_\_\_

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

0

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

Tell us how often. \_\_\_\_\_

Tell us the kind of vehicles used. \_\_\_\_\_

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

**Sign 1** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 2** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

10) Tell us anything else you want us to know. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Application

Site address: 54704 CR 8 Middlebury IN 46540

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

Current property owner

Name: Marlin Bontrager

Address: 54704 CR 8 Middlebury IN 46540

Phone: 260-214-0888 Email: \_\_\_\_\_

Other party  Agent  Buyer  Land contract purchaser  Lessee

Name: Cutvesside construction

Address: 13708 CR 8 Middlebury IN 46540

Phone: 574-370-9948 Email: \_\_\_\_\_

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

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

Staff Use Only

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

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

Subdivision required?  Y  N If yes,  AS  Minor  Major

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

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

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

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

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



Developmental Variance — Questionnaire

Name: Marlin Bontrager

1) Tell us what you want to do. 1375' sq. Addition to Shop  
connecting Barn

2) Tell us why you can't change what you're doing so you don't need a variance. \_\_\_\_\_  
NO T Room Else where

3) Tell us why the variance won't hurt your neighbors or the community. \_\_\_\_\_  
For Storage Host church service

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

5) Does the application include variances to allow for buildings or additions?  Y  N If yes, fill out below.  
**Building or addition 1** Size and height to the peak: 32x36x50 Peak 15'  
Tell us what you'll use it for. Storage Host Church Service  
**Building or addition 2** Size and height to the peak: ~~32x36x50~~  
Tell us what you'll use it for. ~~32x36x50~~  
**Building or addition 3** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

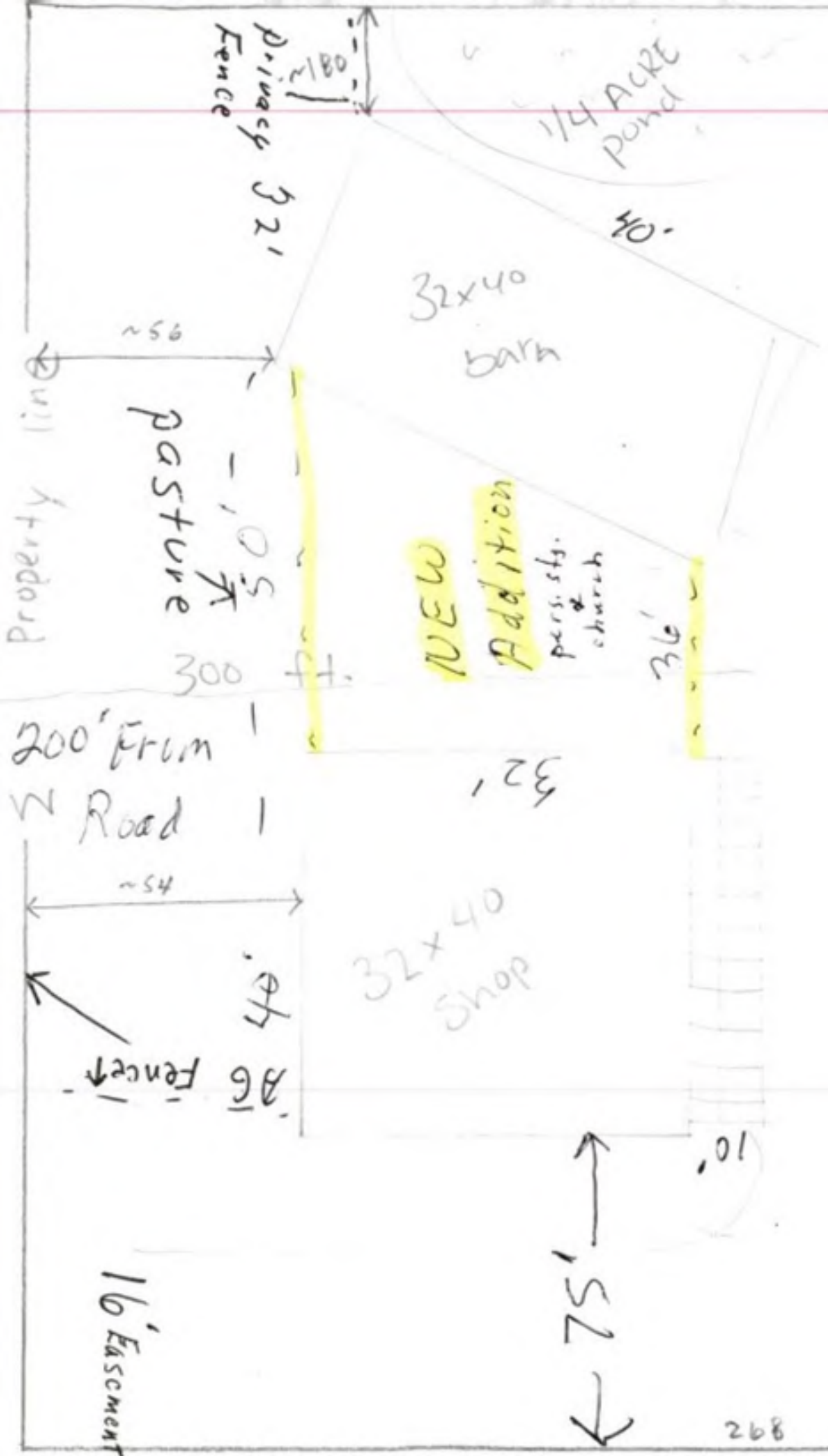
6) Does the application include a variance for a residence on property with no road frontage?  Y  N  
If yes, fill out below.  
Is the easement existing?  Y  N If the easement is existing, is it recorded?  Y  N  
Tell us who owns (will own) the land under the easement. Marlin Bontrager  
Tell us how many parcels will use the easement. \_\_\_\_\_

7) Does the application include variances for signs?  Y  N If yes, fill out below.  
**Sign 1** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N  
**Sign 2** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N  
**Sign 3** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N

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

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





FEB 12 2025



# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** March 20, 2025

**Transaction Number:** SUP-0093-2025.

**Parcel Number(s):** 20-12-09-400-024.000-007, 20-12-09-400-028.000-007 & 20-12-09-400-033.000-007.

**Existing Zoning:** A-1.

**Petition:** For a Special Use for a home workshop/business for a landscaping business, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a Developmental Variance to allow for 10 outside employees (Ordinance allows 4).

**Petitioner:** Evan Stutzman & Natalie Stutzman, Husband & Wife.

**Location:** West side of CR 27, 1,305 ft. north of CR 34, in Clinton Township.

## **Site Description:**

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

## **History and General Notes:**

- **October 17, 1991** – The BZA approved width and depth variances to allow construction of a residence.
- **July 15, 1993** – The BZA approved a Special Use for a bed-and-breakfast for previous owners.

## **Staff Analysis:**

*For a Special Use for a home workshop/business for a landscaping business, staff finds that:*

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A home workshop/business is allowed 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. There are few residential neighbors to affect, as most neighboring property is open agricultural area or contains agricultural supply businesses. This is a 7-acre property in a low-density residential and agricultural area.
3. The Special Use will substantially serve the public convenience and welfare by providing for a local landscaping company.



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

*Hearing Date:* March 20, 2025

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

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. The legal descriptions of the 3 subject tracts must be recorded on a single deed.
3. A commercial building permit and a certificate of occupancy must be obtained for the 9,600 sq. ft. accessory structure.

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

1. The request is approved in accordance with the site plan submitted (dated 2/14/2025) and as represented in the Special Use application.
2. Any future expansions require a DPUD.

*For a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right and for a Developmental Variance to allow for 10 outside employees (Ordinance allows 4), staff finds that:*

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The accessory request is 6,523 sq. ft., or 136 percent, over what is allowed by right. The building, permitted originally as agricultural, has existed complaint-free and its view from CR 37 is obscured by homes and tree lines.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 7-acre property in a low-density residential and agricultural area, and the proposed use, along with the existing building and 6 additional outside employees, will not change the area's density or character.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. The original building was permitted as an agricultural building and now will be used commercially, and the added employees are necessary for the petitioner's business.

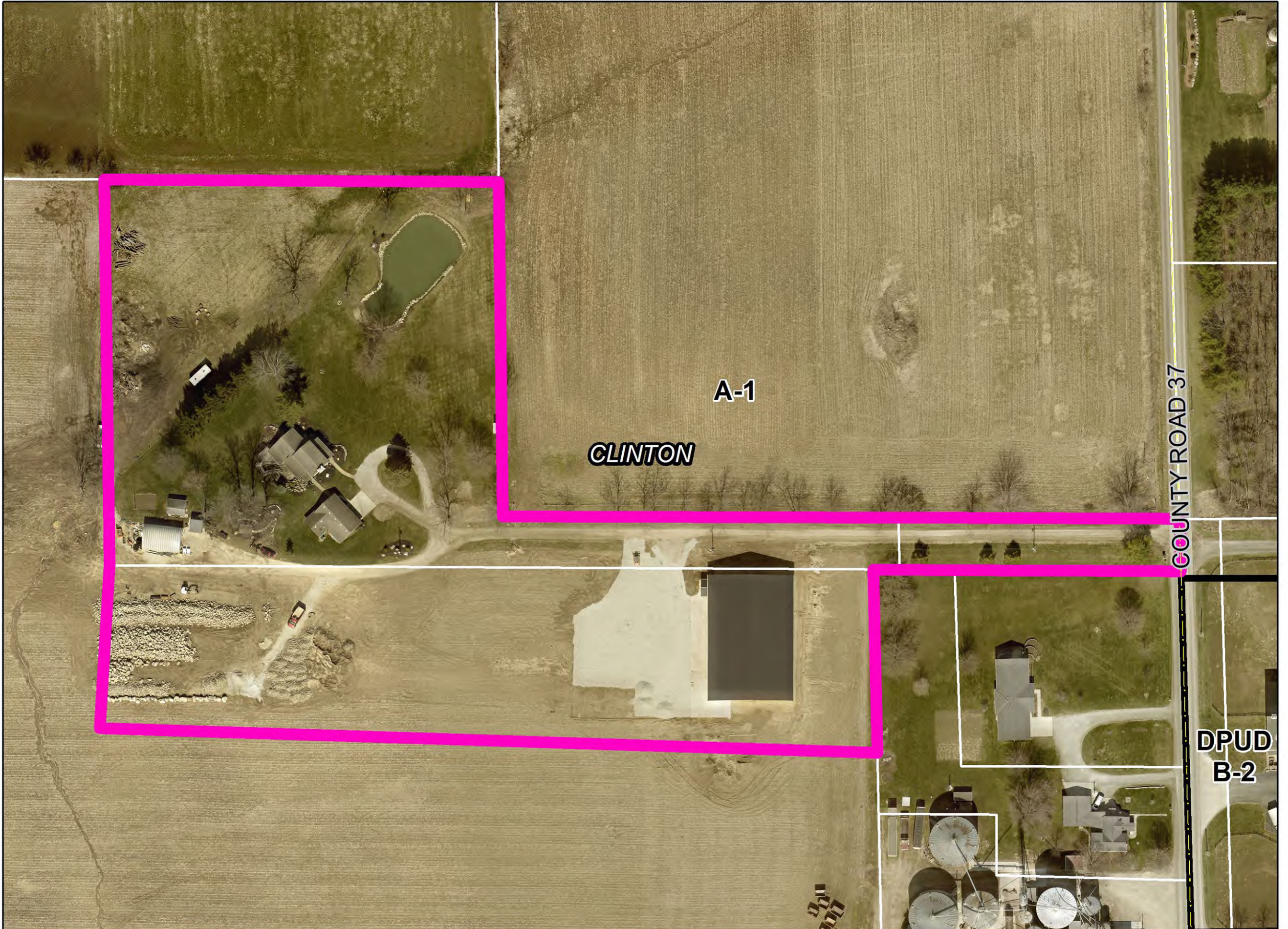
Staff recommends **APPROVAL** with the following condition(s) imposed:

1. Variances from the developmental standards of the Development Ordinance are void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 2/14/2025) and as represented in the Developmental Variance application.

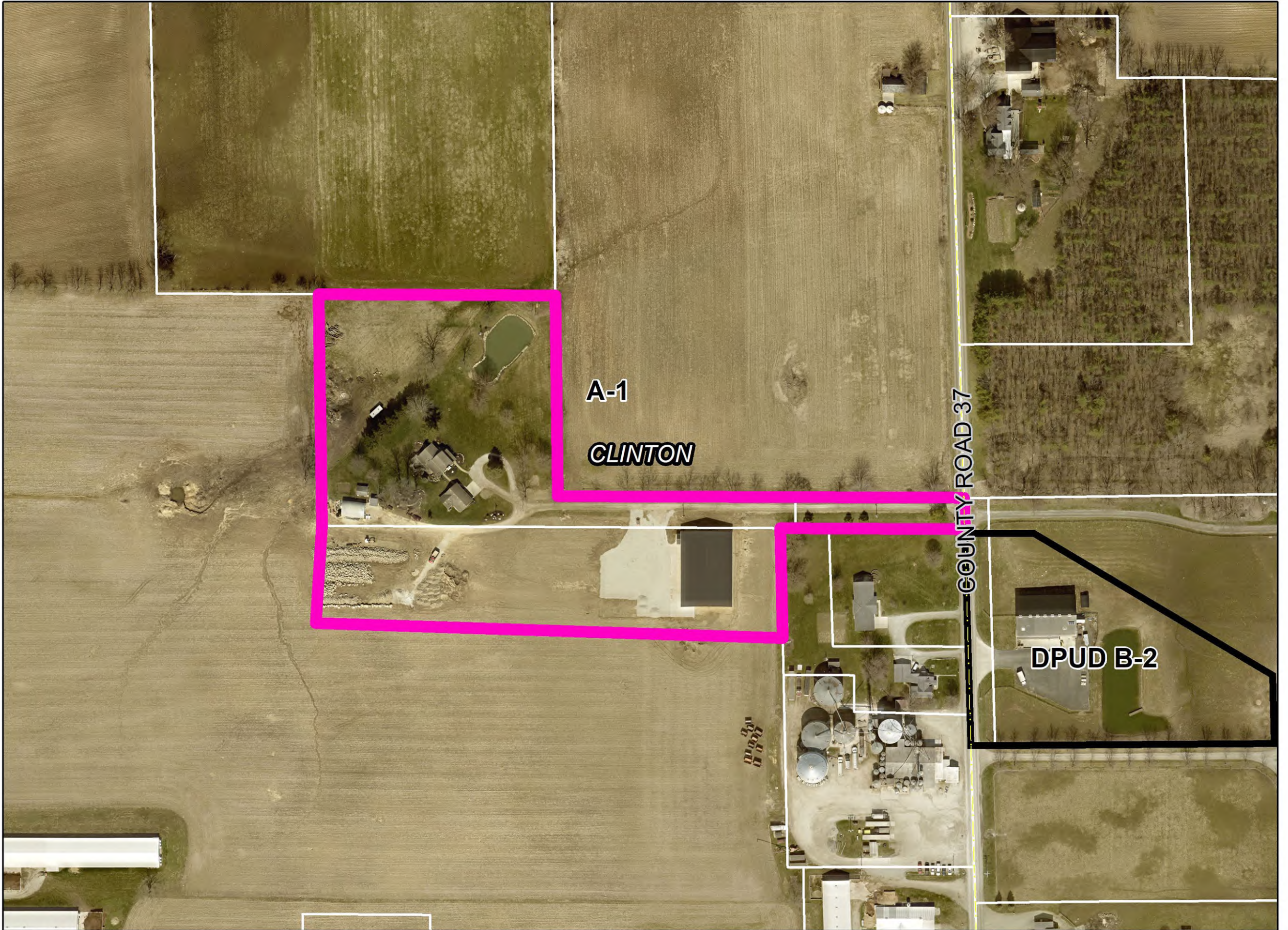
***Staff Analysis Continued:***

Staff further recommends that the Special Use for the bed-and-breakfast, which was limited to previous owners, be rescinded (93-108-U).









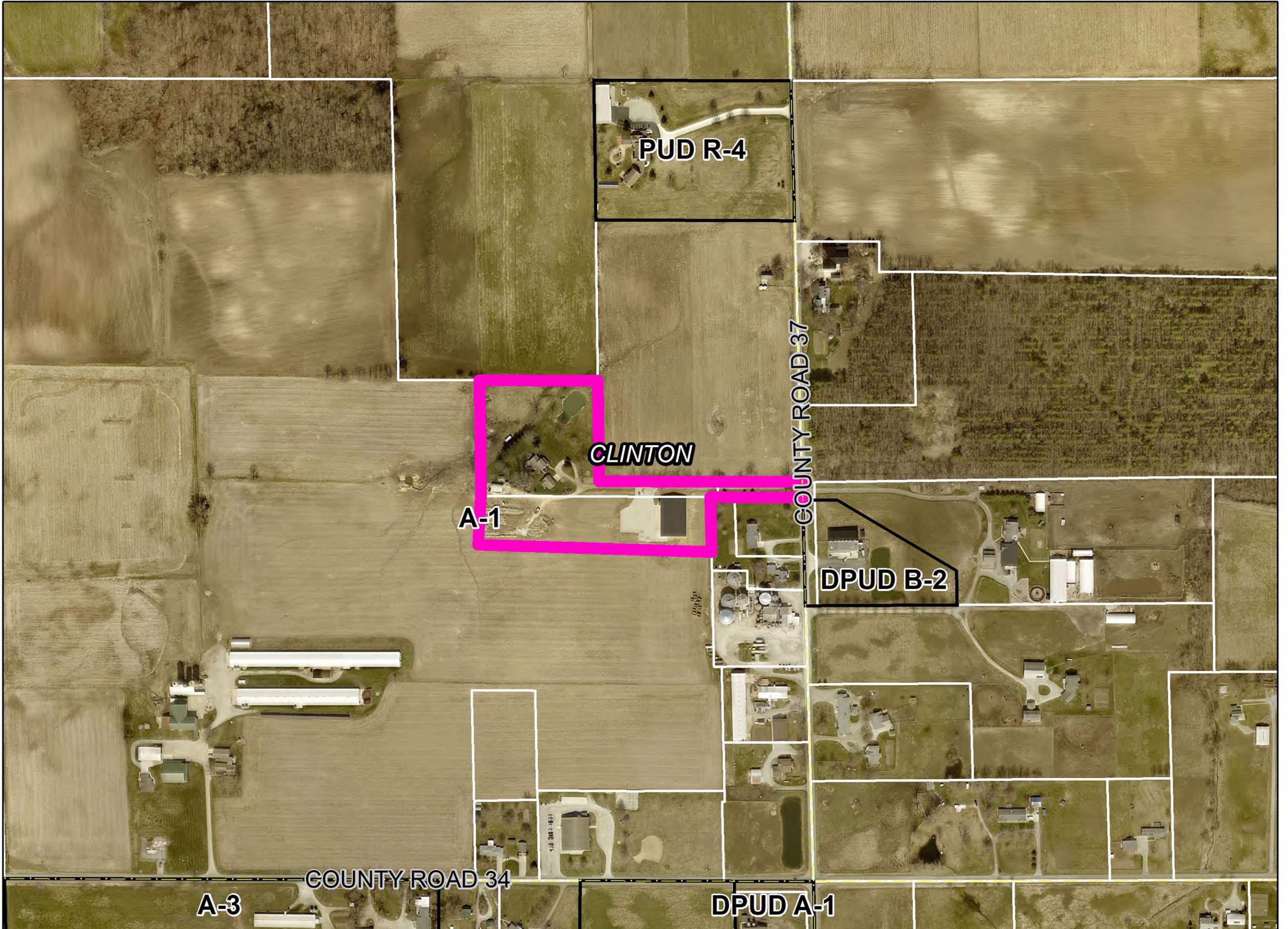
**A-1**  
**CLINTON**

**COUNTY ROAD 37**

**DPUD B-2**











Facing southwest toward building





Facing southeast toward building





Facing west toward home





Facing toward southwest property corner





Facing south





Facing north at entrance





Facing south at entrance





Facing west at entrance



# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

SUP-0093-2025

Special Use - Non Mobile Home

Date: 02/14/2025 Meeting Date: March 20, 2025  
Board of Zoning Appeals Public Hearing Transaction #: SUP-0093-2025

Description: for a Special Use for a home workshop/business for a landscaping business, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, and for a Developmental Variance to allow for 10 outside employees (Ordinance allows 4)

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Evan Stutzman And Natalie Stutzman, Husband And Wife 62745 County Road 37 Goshen, IN 46528	Evan Stutzman And Natalie Stutzman, Husband And Wife 62745 County Road 37 Goshen, IN 46528

Site Address: 62745 County Road 37 Goshen, IN 46528	Parcel Number: 20-12-09-400-024.000-007 20-12-09-400-028.000-007 20-12-09-400-033.000-007
--	---

Township: Clinton  
Location: West Side of CR 37 37, 1,305 Feet North of CR 34

Subdivision: Lot #

Lot Area: 6.95 Frontage: 52.00 Depth: 384.00

Zoning: A-1 NPO List: 03/03/2025

Present Use of Property: RESIDENTIAL DWELLING

Legal Description:

Comments: PARCEL CREATION DATE 10/28/1997  
CASE # 91-58-V(A) BZA APPEALS TO APPROVE A 50 FT FRONTAGE 10/17/1991 - NO DV NEEDED FOR FRONTAGE PERMIT BA-2391-2022 (IS NOW VOIDED) WAS PULLED AS AN AG BUILDING, A NEW PERMIT NEEDS TO BE PULLED FOR A COMMERCIAL BUILDING. PER KEVIN, NO STATE RELEASE NEEDED SINCE BUILDING IS ALREADY BUILT. NEED UPDATED RECORDED DEED THAT SHOWS ALL PARCELS LISTED ON THIS SPECIAL USE TO BE SUBMITTED BEFORE COMMITMENT IS ISSUED  
ONCE RECORDED COMMITMENT IS SUBMITTED, BUILDING PERMIT FOR COMMERCIAL BUILDING CAN BE ISSUED. - JM 2/14/2025

Applicant Signature:

Department Signature:



Application

Site address: 62745 CR 37, Goshen, IN 46528

Parcel number(s): 20-12-09-400-033.000-007, 20-12-09-400-024.000.007,  
20-12-09-400-028.000-007

Current property owner

Name: Rock Valley Properties LO LLC

Address: 62745 CR 37 Goshen, IN 46528

Phone: 574-370-1885 Email: evan.stutz@gmail.com

Other party

Agent  Buyer  Land contract purchaser  Lessee

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

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

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

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

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

Staff Use Only

Description: Special use for home workshop/business for a  
landscape business, developmental variance to allow for  
total square footage of accessory structures to exceed that allowed  
by right, and for a developmental variance to allow for 10  
outside employees

Parcel creation date: 10/28/1997

Subdivision required?  Y  N If yes,  AS  Minor  Major

Residential accessory breakdown, if applicable: Residence = 2,388 SF x 200% =  
4,776 SF minus 1699 SF of personal storage and proposed  
commercial building of 9600 SF = 6,523 SF over allowance

Location: N S E (W) corner (side) end of CR 37,  
1305 ft. (N) S E W of CR 34,  
in Clinton Township

Frontage: 52 Depth: 384 Area: 6.952 acres

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

Present use: Residential



## Special Use — Questionnaire

Name: Evan Stutzman

- 1) Tell us what you want to do. I would like to receive a special use permit for my landscaping business.
- 2) Tell us why this activity won't hurt your neighbors or the community. We sit back off of the road, the building faces the opposite direction of the road/ neighbors as well. No loud noises or bright lights.
- 3) Is there a subdivision covenant that says you can't do this activity?  Y  N  
If yes, does the subdivision have an active homeowners' association?  Y  N
- 4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare?  Y  N If yes, fill out below.  
Tell us what will create those things. \_\_\_\_\_  
Tell us how you'll reduce the impact of those things on neighbors. \_\_\_\_\_
- 5) Will there be buffering (fences, trees, shrubs, mounds)?  Y  N  
If yes, tell us about it. There are already buffering areas, trees.
- 6) Does the property need well and septic? Well:  Y  N Septic:  Y  N  
Does the property need a new septic system?  Y  N  
If a new septic system is needed, did the Health Department say there's enough space for it?  Y  N
- 7) Will the activity use buildings or additions?  Y  N If yes, fill out below.  
**Building or addition 1** Existing?  Y  N Size and height to the peak: 80' x 120', 20'  
Tell us what you'll use it for. Storing Equipment and tools  
**Building or addition 2** Existing?  Y  N Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_  
**Building or addition 3** Existing?  Y  N Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_
8. DOES THIS APPLICATION INCLUDE ANIMALS? YES  NO



Special Use — Questionnaire

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

How many employees do you have now? Full time: 6 Part time: 5

How many employees do you want? Full time: 6 Part time: 5

How many of the employees won't live onsite? 10

What will be the days and hours of operation on this property? 8am-5pm M-F

How many parking spaces do you have now? 6

How many parking spaces do you want? 6

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

If yes, tell us what will be stored outside or displayed. Plants, mulch, stone

Will there be retail sales on this property?  Y  N

If yes, tell us what will be sold. \_\_\_\_\_

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

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

Tell us how often. Weekly

Tell us the kind of vehicles used. Trucks, trailers, box trucks, occasional semi

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

**Sign 1** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 2** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width). \_\_\_\_\_

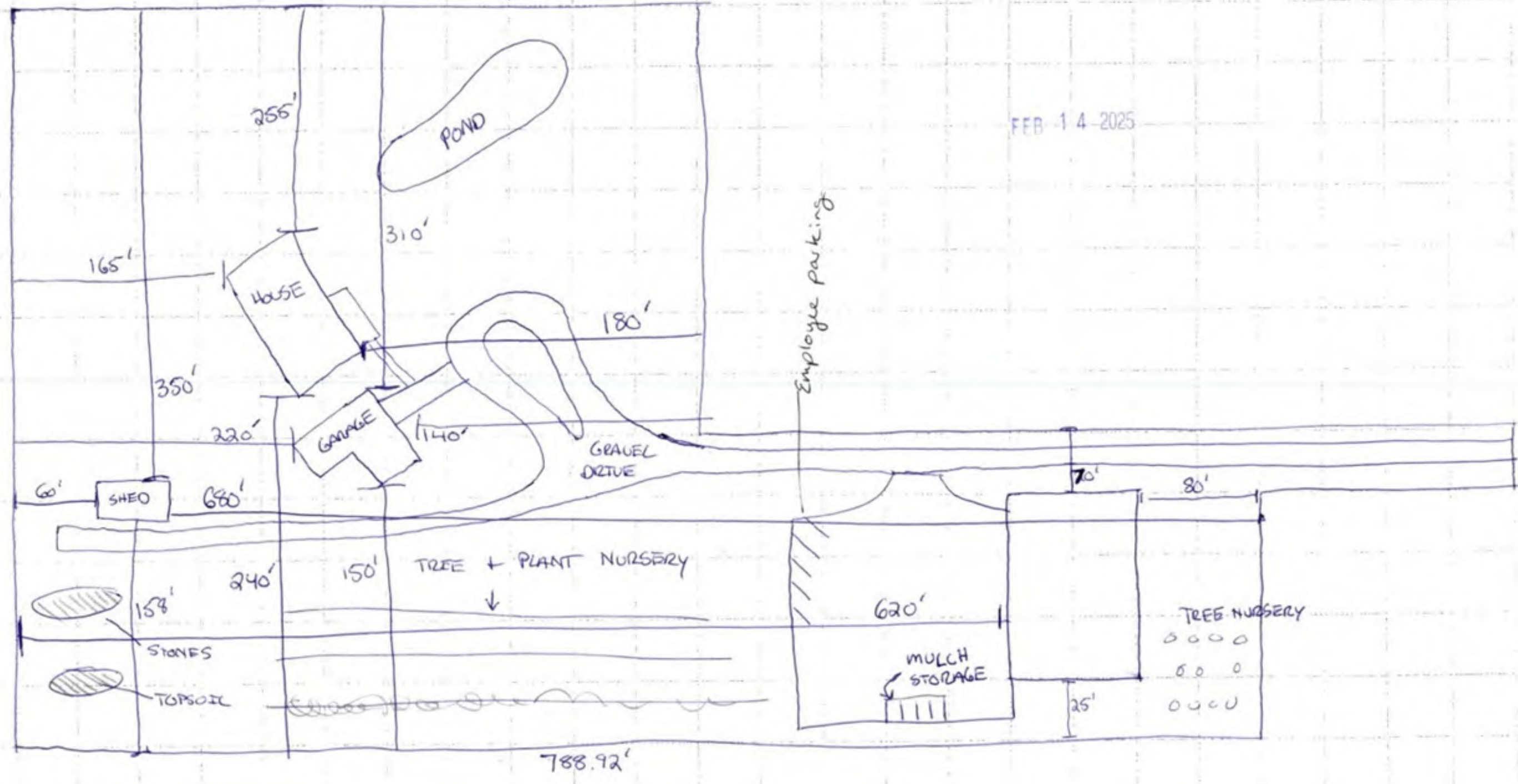
Existing?  Y  N Double faced?  Y  N

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

10. TELL US ANYTHING YOU WANT US TO KNOW?



FEB 14 2025





# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** March 20, 2025

**Transaction Number:** SUP-0095-2025.

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

**Existing Zoning:** A-1.

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

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

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

**Site Description:**

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

**History and General Notes:**

- None.

**Staff Analysis:**

*For a Special Use for a home workshop/business for a woodworking shop, staff finds that:*

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a home workshop/business is allowed in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a large 10-acre parcel in a medium-density residential and agricultural area, and the property will remain residential and agricultural in character. All work will be done indoors with a minimal increase in traffic.
3. The Special Use will substantially serve the public convenience and welfare by allowing for a local woodworking business.



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

***Hearing Date:*** March 20, 2025

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

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

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

1. The request is approved in accordance with the site plan submitted (dated 2/17/2025) and as represented in the Special Use application.
2. Backing in or backing out of semi-tractor trailers from/onto CR 31 is prohibited.

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

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The request is 5,460 sq. ft., or 49%, over what is allowed by right, and the structure will sit back from the line of sight of adjacent residences to not block their views.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 10-acre parcel in a residential and agricultural area, and the property will remain residential in character. This size of building is not uncommon for this area and all other developmental standards will be met.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Accessory structures of this scale already appear on nearby properties and are typical of medium- and low-density neighborhoods.

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

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

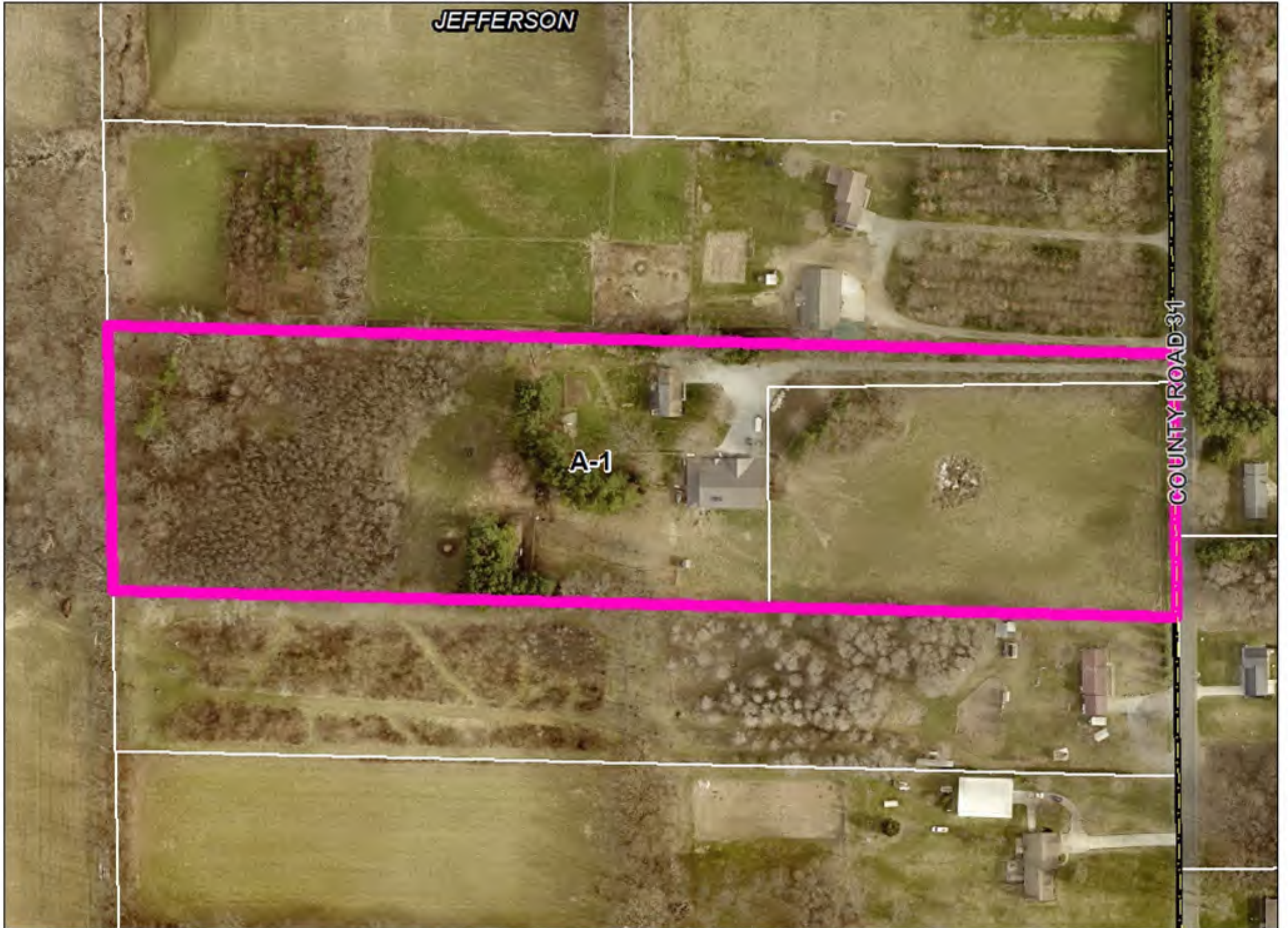


SUP-0095-2025

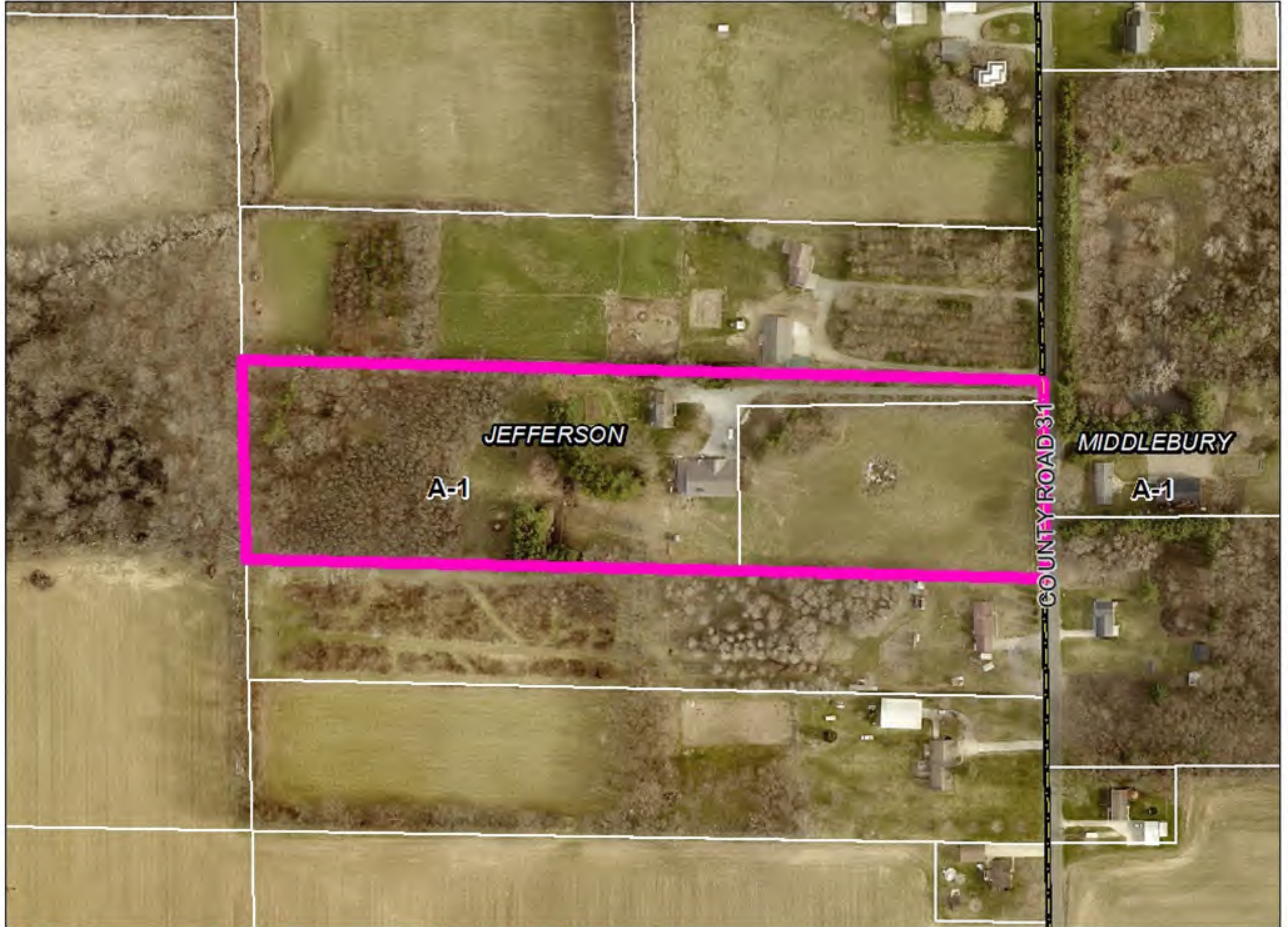
*JEFFERSON*

A-1

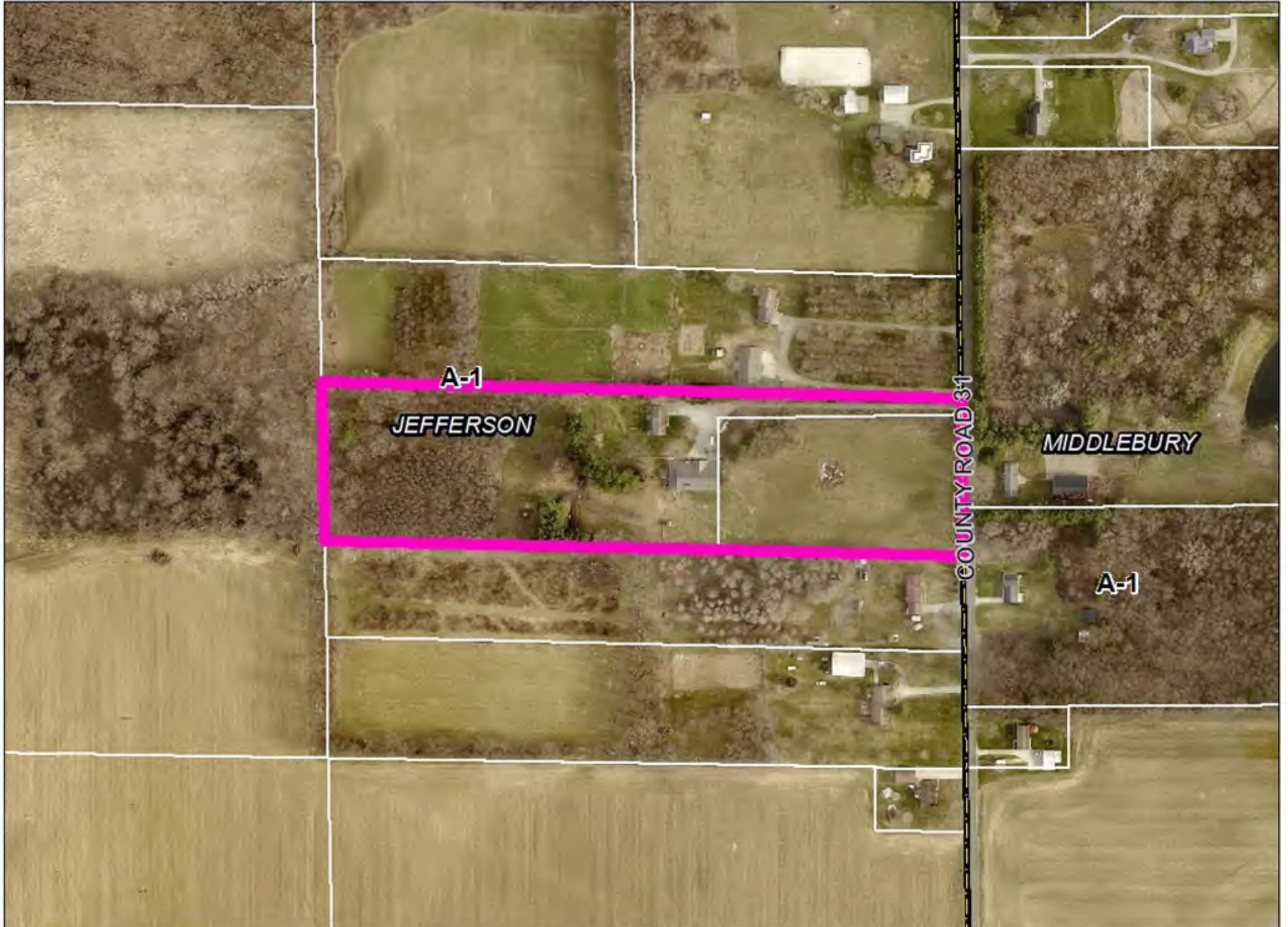
COUNTY ROAD 31











A-1

**JEFFERSON**

**MIDDLEBURY**

COUNTY ROAD 31

A-1





Looking west towards subject property





Looking southwest towards proposed structure location





Looking north





Looking south





Looking east



# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

SUP-0095-2025

Special Use - Non Mobile Home

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

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

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

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

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

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

Lot Area: 10.00	Frontage: 326.00	Depth: 1,355.00
-----------------	------------------	-----------------

Zoning: A-1	NPO List:
-------------	-----------

Present Use of Property: RESIDENTIAL

Legal Description:

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

Applicant Signature:

Department Signature:



Application

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

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

Current property owner

Name: Martia Graber

Address: 56381 C.R. 31 Goshen

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

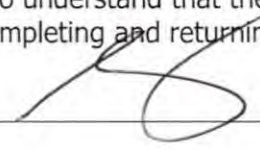
Other party  Agent  Buyer  Land contract purchaser  Lessee

Name: Samuel Schwartz

Address: 7465 W 750 N Shipshewana, IN 46565

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

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

Signature of current property owner or authorized agent: 

Staff Use Only

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

Parcel creation date: 8/30/1977

Subdivision required?  Y  N If yes,  AS  Minor  Major

Residential accessory breakdown, if applicable: SEE ATTACHED SHEET.

Location: N S E W corner side end of CR 31  
2,130 ft. N S E W of CR 14  
in MIDDLEBURY Township

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

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL AG.



**Application**

Site address: 56381 C. R 31 Goshen, IN

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

**Current property owner**

Name: Martin Graber

Address: 56381 C. R 31 Goshen, IN

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

**Other party**     Agent     Buyer     Land contract purchaser     Lessee

Name: Samuel Schwartz

Address: 7865 W 750 N Shipshewanna, IN 46565

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

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

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

*SEE SPECIAL USE  
FRONT PAGE.*

**Staff Use Only**

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

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

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

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

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

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

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

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



Special Use — Questionnaire

Name: Martin Graber

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

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

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

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

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

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

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

7) Will the activity use buildings or additions?  Y  N If yes, fill out below.

**Building or addition 1** Existing?  Y  N Size and height to the peak: 60x120x24

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

**Building or addition 2** Existing?  Y  N Size and height to the peak: \_\_\_\_\_

Tell us what you'll use it for. \_\_\_\_\_

**Building or addition 3** Existing?  Y  N Size and height to the peak: \_\_\_\_\_

Tell us what you'll use it for. \_\_\_\_\_

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

Next page ➡



Special Use — Questionnaire

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

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

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

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

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

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

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

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

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

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

Will there be retail sales on this property?  Y  N

If yes, tell us what will be sold. \_\_\_\_\_

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

0

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

Tell us how often. once a week

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

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

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

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 2** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

10) Tell us anything else you want us to know. We will not have showroom onsite. Very little noise or customer interactions at wood working shop.



Developmental Variance — Questionnaire

Name: Martin Graber

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

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

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

4) Does the property need well and septic? Well:  Y  N Septic:  Y  N

Does the property need a new septic system?  Y  N

If a new septic system is needed, did the Health Department say there's enough space for it?  Y  N

5) Does the application include variances to allow for buildings or additions?  Y  N If yes, fill out below.

**Building or addition 1** Size and height to the peak: 60x120 x 24' to peak  
Tell us what you'll use it for. \_\_\_\_\_

**Building or addition 2** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

**Building or addition 3** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

6) Does the application include a variance for a residence on property with no road frontage?  Y  N  
If yes, fill out below.

Is the easement existing?  Y  N If the easement is existing, is it recorded?  Y  N

Tell us who owns (will own) the land under the easement. Martin Graber

Tell us how many parcels will use the easement. 1

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

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

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 2** Dimensions (length and width): \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width): \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

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

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



**Iso 1**

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





# Iso 2

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





# Left Elevation

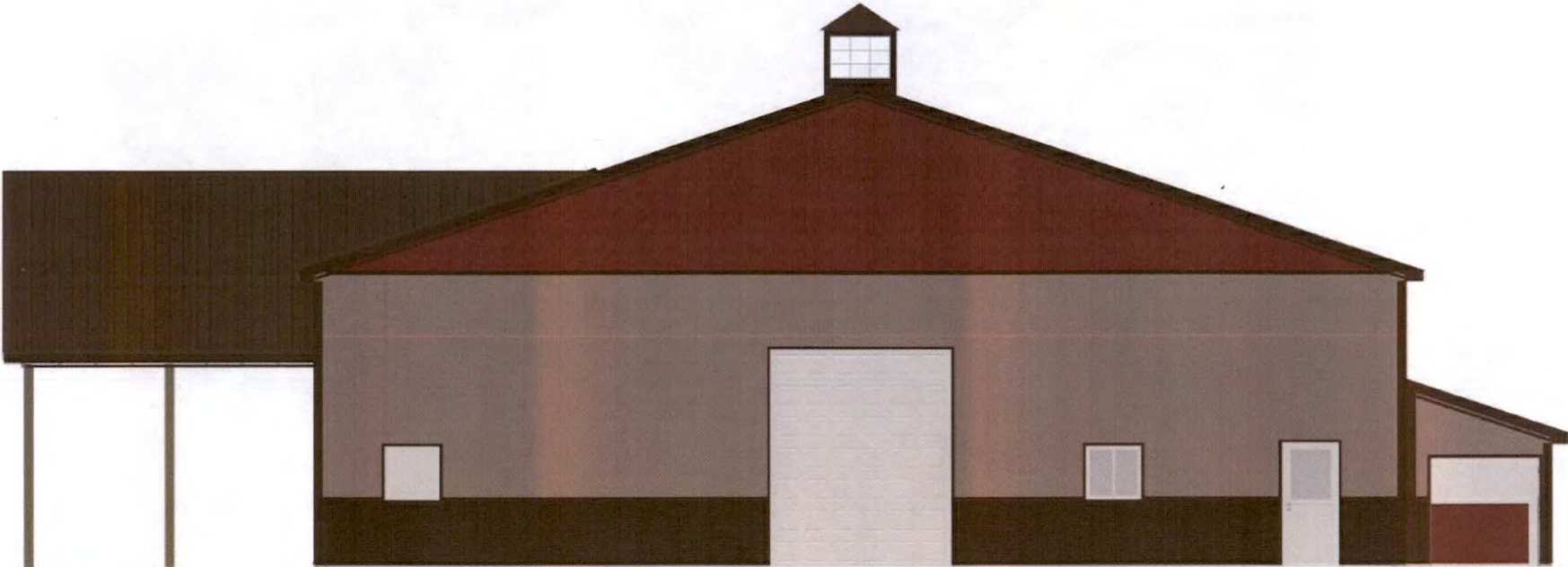
Job: Martin Graber 1  
Date: 2/1/2025  
Time: 9:47 AM





**Back Elevation**

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

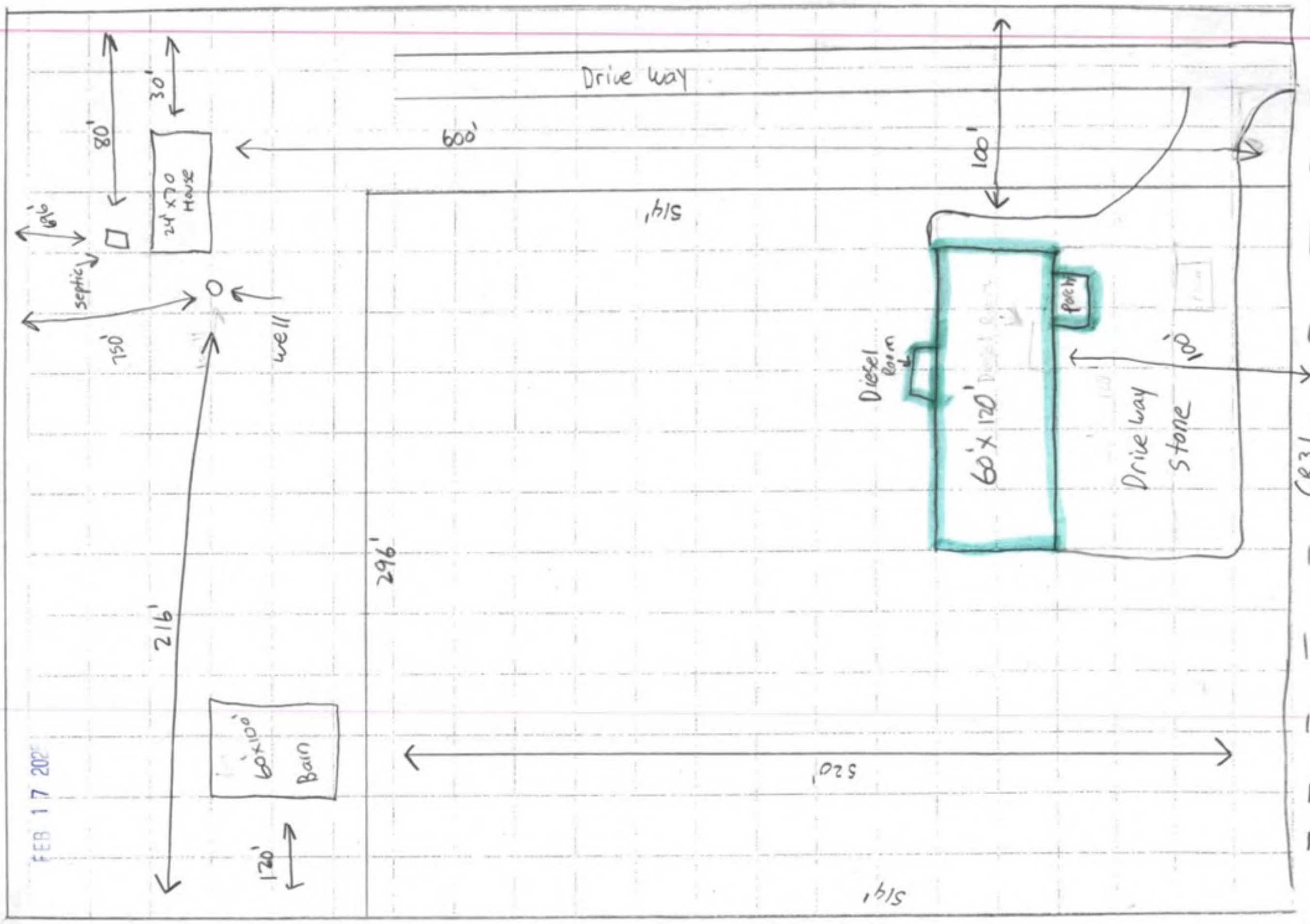




1335' N

326'

FEB 17 202



CR31

slip

1335'



# ***BZA Staff Report***

*Prepared by the Department of Planning and Development*

**Hearing Date:** March 20, 2025

**Transaction Number:** SUP-0100-2025.

**Parcel Number(s):** 20-08-28-400-014.000-034, 20-08-28-400-017.000-034 & 20-08-28-400-019.000-034.

**Existing Zoning:** A-1.

**Petition:** For a Special Use for a home workshop/business for the manufacturing of portable sheds, for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, for a Developmental Variance to allow for 5 outside employees (Ordinance allows 4), and for a 3 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 28 ft. in height.

**Petitioner:** David L. Bontrager, Jr., & Luetta Bontrager, Husband & Wife.

**Location:** West side of CR 37, 1,700 ft. North of CR 28, in Middlebury Township.

**Site Description:**

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

**History and General Notes:**

- None.

**Staff Analysis:**

*For a Special Use for a home workshop/business for the manufacturing of portable sheds, staff finds that:*

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a home workshop/business is allowed in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a large 59-acre parcel in a low-density, residential and agricultural area, and the property will remain residential and agricultural in character. The workshop structure is already existing, not causing sight issues, and all work will be done inside.
3. The Special Use will substantially serve the public convenience and welfare by allowing for a local portable shed manufacturing business.



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

**Hearing Date:** March 20, 2025

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

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A revised recorded deed is required including only legal descriptions of parcels on the request.

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

1. The request is approved in accordance with the site plan submitted (dated 2/17/2025) and as represented in the Special Use application.
2. Backing in or backing out of semi-tractor trailers from/onto CR 37 is prohibited.

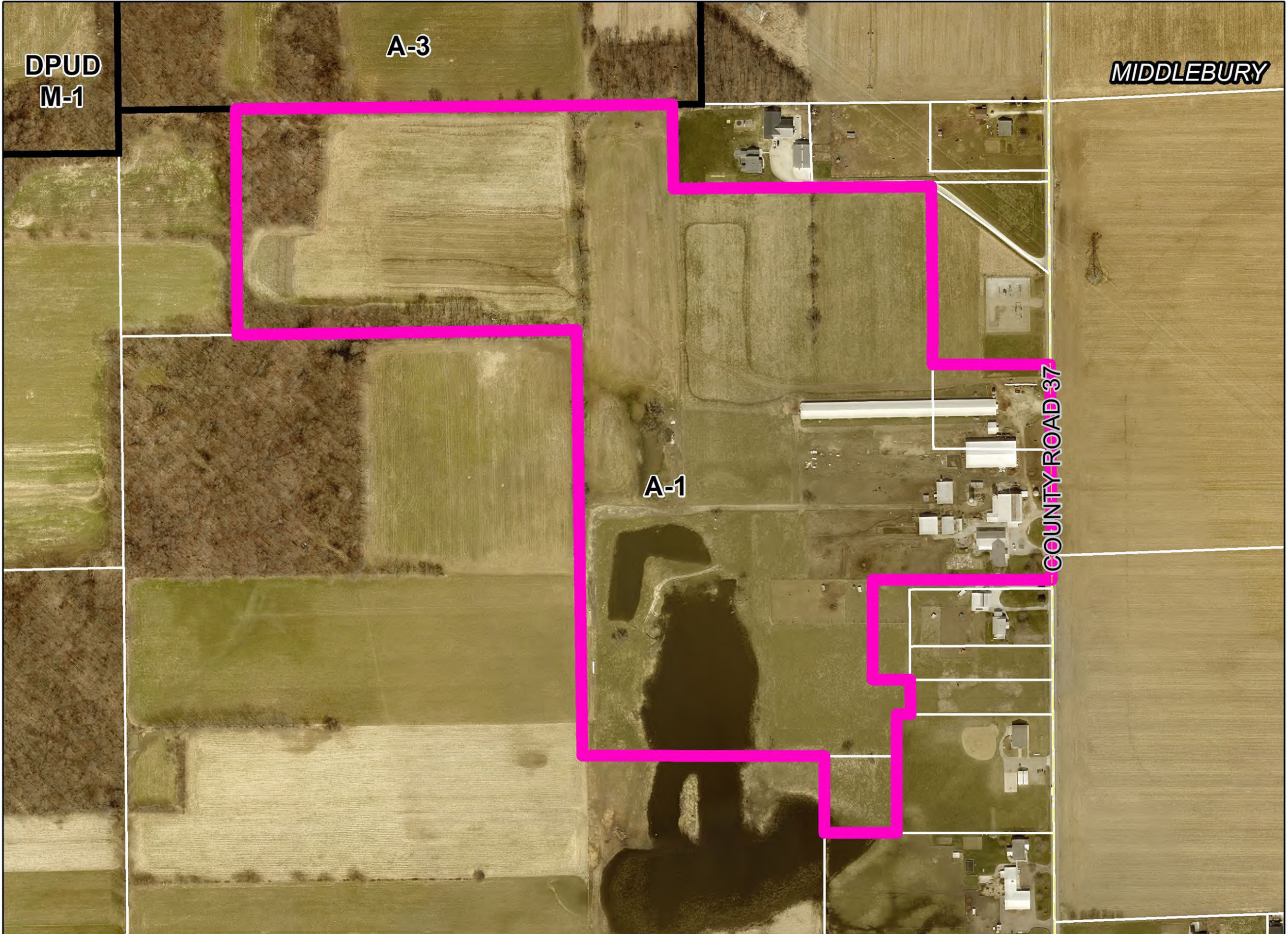
*For a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right, for a Developmental Variance to allow for 5 outside employees (Ordinance allows 4), and for a 3 ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 28 ft. in height, staff finds that:*

1. Approval of the requests will not be injurious to public health, safety, morals, or general welfare. The request is 4,224 sq. ft., or 50%, over what is allowed by right, and the structure exists without complaints. The building is only 3 ft. above what is allowed and has been in this location since 2017.
2. Approval of the requests will not cause substantial adverse effect on neighboring property. This is a 59-acre parcel in a residential and agricultural area, and the property will remain residential and agricultural in character. The extra employee, deliveries, and pick-ups will not be a significant increase of traffic to cause neighboring property owners safety hazards.
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 variances the existing building would be nonconforming, and the added employee is necessary for the petitioner's business.

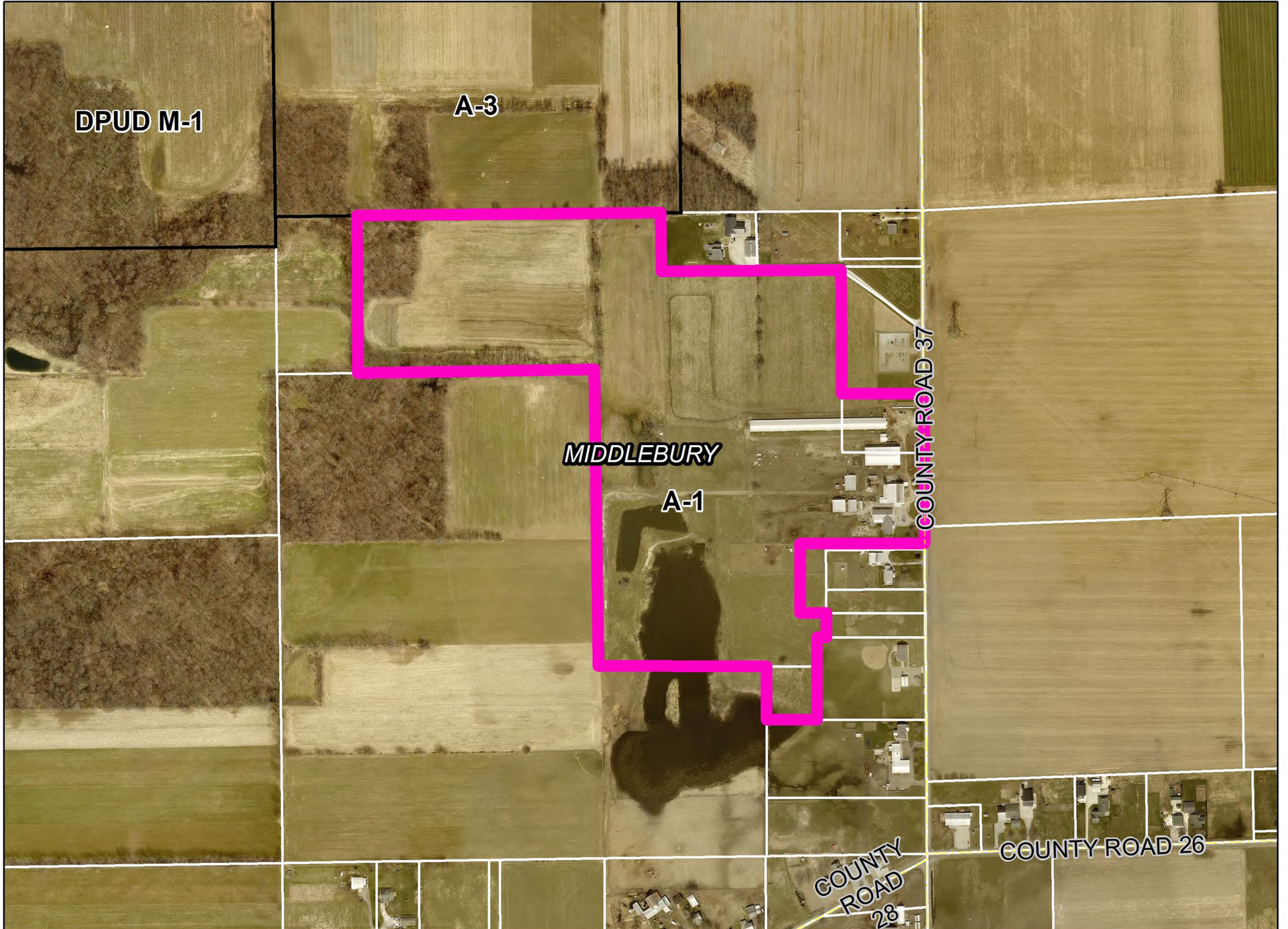
Staff recommends **APPROVAL** with the following condition(s) imposed:

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

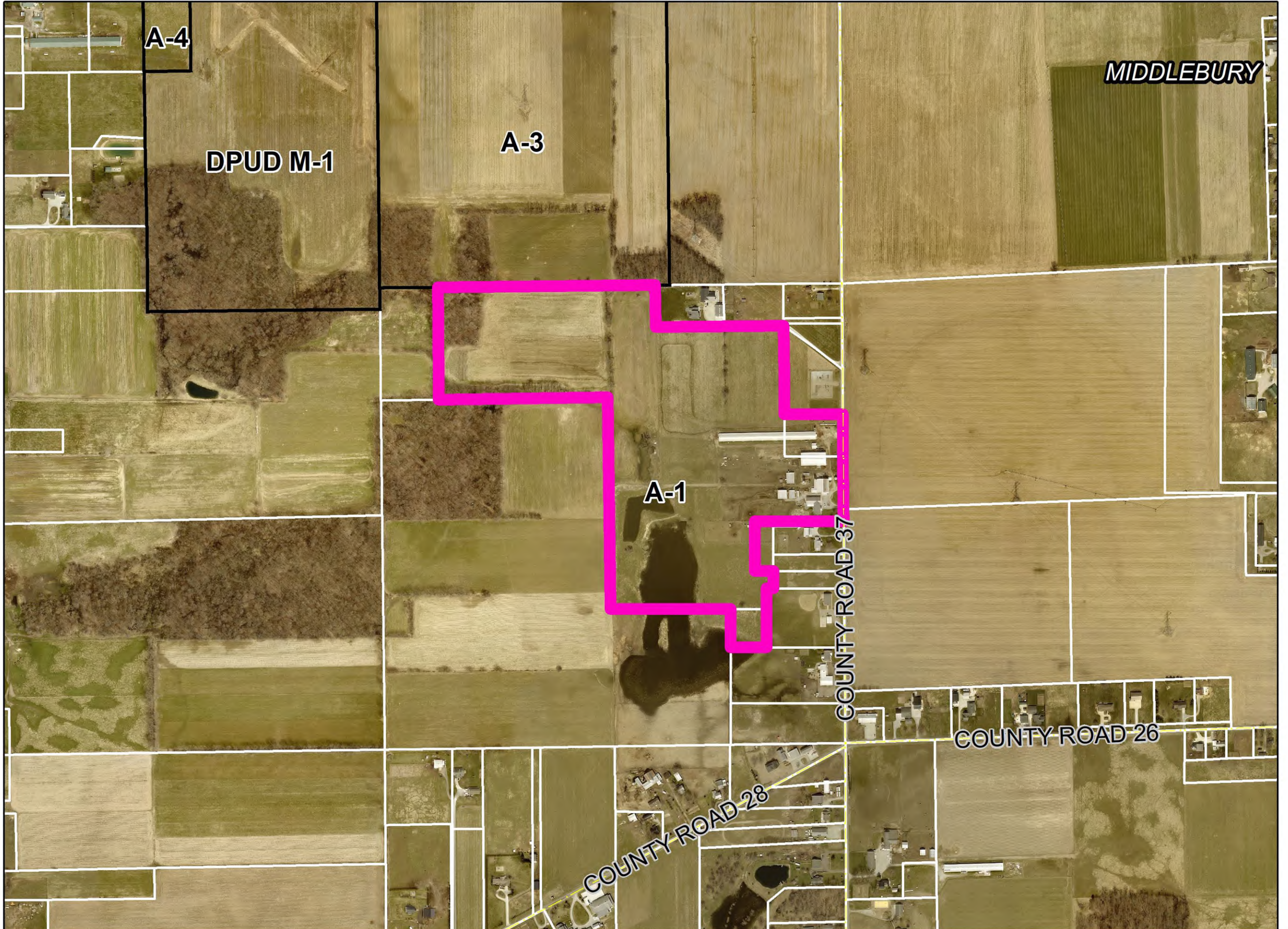
















Looking west towards subject property





Looking northwest towards 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

SUP-0100-2025

Special Use - Non Mobile Home

Date: 02/17/2025 Meeting Date: March 20, 2025  
Board of Zoning Appeals Public Hearing Transaction #: SUP-0100-2025

Description: for a Special Use for a home workshop/business for the manufacturing of portable sheds, for a Developmental Variance to allow for the total square footage of the accessory structures to exceed that allowed by right, for a Developmental Variance to allow for 5 outside employees (Ordinance allows 4), and for a 3ft. Developmental Variance (Ordinance allows 25 ft.) to allow for an accessory structure 28 ft. in height.

Contacts: <u>Applicant</u>	<u>Land Owner</u>
David L. Bontrager Jr. & Luetta Bontrager	David L. Bontrager Jr. & Luetta Bontrager
59811 Cr 37	59811 Cr 37
Middlebury, IN 46540	Middlebury, IN 46540

Site Address: 59811 County Road 37 Middlebury, IN 46540	Parcel Number: 20-08-28-400-014.000-034 20-08-28-400-017.000-034 20-08-28-400-019.000-034
--	---

Township: Middlebury  
Location: WEST SIDE OF CR 37, 1,700 FT. NORTH OF CR 28

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

Lot Area: 58.01 Frontage: 609.00 Depth: 1,994.00

Zoning: A-1	NPO List: 03/03/2025
-------------	----------------------

Present Use of Property: RESIDENTIAL/AGRICULTURAL

Legal Description:

Comments: PARCEL CREATION DATE: 02/1/2011  
RESIDENTIAL DWELLING AREA 4,240 SQFT X 200% = 8,480 SQFT MINUS BUGGY/PERSONAL STORAGE 2,880 SQFT. = 5,600 SQFT MINUS CATTLE BARN CONVERTING INTO SHOP 9,800 SQFT = -4,200 SQFT  
WILL NEED REVISED LESS & EXCEPTING 2 TRACTS BEFORE COMMITMENT (SEE ATTACHED AERIAL). NO DEED HAS BEEN SUBMITTED WITH THIS APPLICATION.  
SEE: BA-0200-2024, BA-1254-2024, BA-1253-2024, BR-0501-2019, BA-0502-2019, BA-0163-2016, BA-0503-2019  
2/18/25-LVM DESCRIBING THAT I WAS IN NEED OF THE ORIGINAL DEED. JUNIOR MUST HAVE TAKEN MY COPY AS WELL AW.

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



Application

Site address: 59811 CR 37

Parcel number(s): 20-08-28-400-014.000-034 + 20-08-28-400-017.000 - 034  
20-08-28-400-019.000-034

Current property owner

Name: DAVID L. BONTRAGER JR. + LUETA BONTRAGER H + W

Address: 59811 CR 37 Midd. IN. 46540

Phone: 574-825-706 Email: JL Projects @ email print.net

Other party  Agent  Buyer  Land contract purchaser  Lessee

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

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

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

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

Signature of current property owner or authorized agent: David Bontrager

Staff Use Only

Description: for a Special Use for a home workshop / business for the manufacturing of portable SHEDS + for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right,

for a Developmental Variance to allow for 5 outside employees (ordinance allows 2), and for a 3-ft. Developmental Variance (ordinance allows 25 ft.) to allow for an accessory structure 28 ft. in height

Parcel creation date: 2/1/11

Subdivision required?  Y  N If yes,  AS  Minor  Major

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

Location: N S E W corner side end of CR 37  
1700 ft. N S E W of CR 28.  
in Middlebury Township

Frontage: 609 Ft. Depth: 1,994 Ft. Area: 58.01 acres

Subdivision and lot number, if applicable: N/A

Present use: RESIDENTIAL / Ag.



Special Use — Questionnaire

Name: David L. Bontrager Jr. & Luetta Bontrager

1) Tell us what you want to do. We want to Convert our Cattle Barn to a Storage Building Manufacturing Buss.

2) Tell us why this activity won't hurt your neighbors or the community. Manufacturing of Buildings should not hurt Neighbors property in any way as it will be done on inside of existing Building

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

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare?  Y  N If yes, fill out below.  
Tell us what will create those things. Saws to cut Lumber & Nail guns with very little if any leaving property  
Tell us how you'll reduce the impact of those things on neighbors. None should be needed but will if required

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

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

7) Will the activity use buildings or additions?  Y  N If yes, fill out below.  
**Building or addition 1** Existing?  Y  N Size and height to the peak: 28'  
Tell us what you'll use it for. Home work shop Buss to Build Portable Building  
**Building or addition 2** Existing?  Y  N Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_  
**Building or addition 3** Existing?  Y  N Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

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

Next page ➡



Special Use — Questionnaire

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

How many employees do you have now? Full time: 1 Part time: 2

How many employees do you want? Full time: 6 Part time: \_\_\_\_\_

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

What will be the days and hours of operation on this property? 5:00 AM to 4:00 PM

How many parking spaces do you have now? 0

How many parking spaces do you want? 0

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

If yes, tell us what will be stored outside or displayed. Buildings Completed and Waiting for Delivery also Some Raw Mat. Between Banns

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?

1

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

Tell us how often. aprox 3 times per wk - on avg -

Tell us the kind of vehicles used. Most Del. are Made by Semi or pickup truck -

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

**Sign 1** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 2** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

**Sign 3** Dimensions (length and width). \_\_\_\_\_

Existing?  Y  N Double faced?  Y  N

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

Freestanding?  Y  N Wall mounted?  Y  N

10) Tell us anything else you want us to know. \_\_\_\_\_



**Application**

Site address: 59811 CR37 Midd-IN-46540

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

**Current property owner**

Name: David Jr. + Luetta Bontrager

Address: 59811 CR37 Midd-IN-46540

Phone: 574-825-7060 Email: JL projects aEmail Print.Net

**Other party**       Agent       Buyer       Land contract purchaser       Lessee

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

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

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

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

Signature of current property owner or authorized agent: David Bontrager

**Staff Use Only**

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

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

Subdivision required?     Y     N    If yes,     AS     Minor     Major

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

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

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

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

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



Developmental Variance — Questionnaire

Name: David Jr. & Luetta Bontrager

1) Tell us what you want to do. I want to Convert My 70x140 Cattle Barn to a Home Bus-

2) Tell us why you can't change what you're doing so you don't need a variance. The Building will Take sq' over allowed 200% of residential sq'

3) Tell us why the variance won't hurt your neighbors or the community. all Manufacturing is inside Building with little or No Noise Leaving Property

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

5) Does the application include variances to allow for buildings or additions?  Y  N If yes, fill out below.

**Building or addition 1** Size and height to the peak: see special use app.  
Tell us what you'll use it for. \_\_\_\_\_

**Building or addition 2** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

**Building or addition 3** Size and height to the peak: \_\_\_\_\_  
Tell us what you'll use it for. \_\_\_\_\_

6) Does the application include a variance for a residence on property with no road frontage?  Y  N  
If yes, fill out below.  
Is the easement existing?  Y  N If the easement is existing, is it recorded?  Y  N  
Tell us who owns (will own) the land under the easement. \_\_\_\_\_  
Tell us how many parcels will use the easement. \_\_\_\_\_

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

**Sign 1** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N

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

**Sign 3** Dimensions (length and width): \_\_\_\_\_  
Existing?  Y  N Double faced?  Y  N  
Electronic message board?  Y  N If no, lighted?  Y  N  
Freestanding?  Y  N Wall mounted?  Y  N

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

9) Tell us anything else you want us to know. this Building is Bigger than Currently Need- But I would like to take all in consideration for future



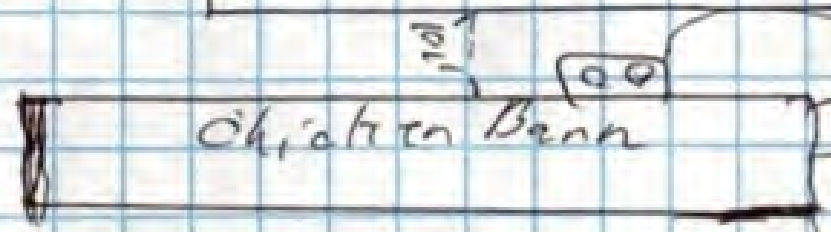
FEB 17 2025

Property Line

Dave Schaeffer Property



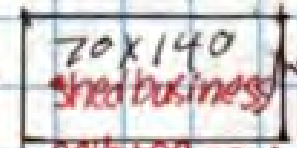
Nipsoa



Chicken Barn

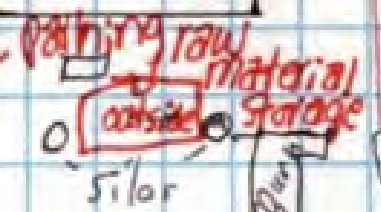
semi turn-around

Proposed Buss  
Converted from  
Cattle Barn



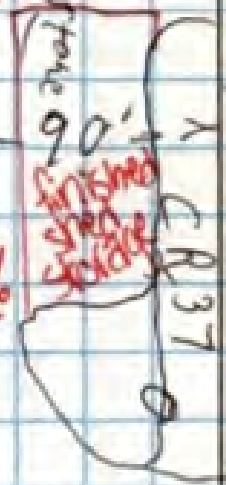
70x140  
shed business

bike & buggy



material storage

silos



finished shed

shop

house