

ELKHART COUNTY BOARD OF ZONING APPEALS

*PUBLIC SERVICES BUILDING
MEETING ROOMS A & B
4230 ELKHART ROAD, GOSHEN, INDIANA*

Roll Call

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

(MILLER)

- | | | |
|----|--|------------------|
| A. | Petitioner: <i>Yassine Mahamat</i>
Petition: for a Special Use for a kennel (pigeons).
Location: South side of Alex Ln., 370 ft. West of Meadow Glen Dr., North of Tower Rd., common address of 30520 Alex Ln. in Baugo Township, zoned R-1.
<div style="text-align: right;">SUP-0567-2025</div> | (Page 11) |
| B. | Petitioner: <i>New Life Christian Center, Inc.</i>
Petition: for an amendment to an existing Special Use for a place of worship to add a coffee shop.
Location: North side of SR 120, 2,300 ft. West of CR 131, common address of 15685 SR 120 in York Township, zoned A-1.
<div style="text-align: right;">SUP-0590-2025</div> | (Page 12) |
| C. | Petitioner: <i>Russell Teaser</i>
Petition: for a Special Use for a home workshop/business for auto sales.
Location: West side of Conn Ave., 555 ft. North of E. Bristol St., common address of 54397 Conn Ave. in Osolo Township, zoned R-2.
<div style="text-align: right;">UV-0577-2025</div> | (Page 13) |

D.	Petitioner:	<i>The Peoples Bible Church, Inc.</i>	(Page 14)
	Petition:	for an amendment to an existing Special Use for a place of worship to allow for a new building and for a 10 ft. Developmental Variance (Ordinance requires 55 ft.) to allow for the construction of a new building 45 ft. from the centerline of the right-of-way of Elkhart St. (CR 44).	
	Location:	Southeast corner of US 33 & Elkhart St. (CR 44), common address of 68074 US 33 in Benton Township, zoned B-2.	
			SUP-0589-2025

E. Petitioner: ***Carl Martin, Jr.*** **(Page 15)**
 Petition: for a Special Use for a home workshop/business for a small engine repair shop
 and for a 45 ft. Developmental Variance (Ordinance requires 75 ft.) to allow
 for an existing residence 30 ft. from the centerline of the right-of-way.
 Location: South side of CR 40, 490 ft. West of CR 11, common address of 25094 CR
 40 in Harrison Township, zoned A-1. SUP-0564-2025

USE VARIANCE

G.	Petitioner:	<i>Arthur R. Lusher, Jr., Trustee of the Arthur R. Lusher, Jr. Revocable Trust Agreement</i>	(Page 17)
	Petition:	for a Use Variance to allow for the construction of an accessory structure without a residence.	
	Location:	East side of CR 109, 1,150 ft. North of Lake Dr., East of CR 9, common address of 51258 CR 109 in Osolo Township, zoned R-2. UV-0201-2025	

H.	Petitioner:	<i>Timothy C. Miller & Tiffany N. Miller, Husband & Wife</i>	(Page 18)
	Petition:	for a Use Variance to allow for two existing dwellings and the construction of a third dwelling on a parcel, for a Special Use for a mobile home, and for a Developmental Variance to allow for the placement of a mobile home within 300 ft. of a residence.	
	Location:	North side of CR 34, 1,330 ft. West of CR 29, common address of 17025 CR 34 in Elkhart Township, zoned A-1.	
			UV-0616-2025

10:00 A.M. (HESSER)

- I. Petitioner: ***Stephanie Fireline & Ted. R. Knauss, Jr., Husband & Wife*** (Page 19)
Petition: for a Use Variance to allow for the placement of a shipping container, for a Special Use for the placement of a mobile home, and for a Developmental Variance to allow for the placement of a mobile home within 300 ft. of a residence.
Location: North side of CR 4, 430 ft. West of CR 9, common address of 26075 CR 4 in Osolo Township, zoned R-2. UV-0604-2025

TABLED

- J. Petitioner: ***Michiana Home Rentals, Inc.*** (Page 20)
Petition: for an amendment to an existing Special Use for a marina to allow for an electronic message board.
Location: East side of SR 15, 900 ft. North of SR 120, common address of 402 Mottville Rd. in Washington Township, zoned R-1. SUP-0464-2025

- K. Petitioner: ***Jesus Ocampo*** (Page 21)
Petition: for a Special Use for a home workshop/business for a roofing business.
Location: East side of CR 7, 3,460 ft. South of CR 6, common address of 53670 CR 7 in Osolo Township, zoned R-1. UV-0405-2025

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

- Recission – Special Use - Culver Duck Farms (SUP-0337-2023) request to rescind a Special Use for commercial parking.

ADJOURNMENT

Debra Cramer – Appointed by Commissioners: term 1/1/25 – 12/31/28
Cory White – Appointed by Council: term 1/1/25 – 12/31/28
Randy Hesser – Appointed by Commissioners: term 1/1/22 – 12/31/25
Steve Warner – Appointed by Commissioners: term 1/1/25 – 12/31/28
Roger Miller – Appointed by Plan Commission: term 1/1/25-12/13/28

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

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

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

Roll Call.

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

2. A motion was made and seconded (*Miller/Warner*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 21st day of August 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 ***Susana N. White*** for a Special Use for a home workshop/business for a microblading & permanent makeup studio on property located on the Southwest corner of Florence Ave. & Tennessee Ave., East of CR 13, common address of 58537 Tennessee Ave. in Concord Township, zoned R-2, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0524-2025*.

There were 38 neighboring property owners notified of this request.

The petitioner was not present. Petition moved to item #8 on page 3.

5. The application of ***Larry Hochstetler & Freda Hochstetler, Husband & Wife*** for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres on property located on the West side of CR 21, 2,100 ft. South of CR 46, common address of 69363 CR 21 in Jackson 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-0526-2025*.

There were 17 neighboring property owners notified of this request.

Larry Hochstetler, 69363 CR 21, New Paris, was present for this request. Mr. Hochstetler stated he did not realize that 3 acres was needed to have horses. He continued by saying he would like to keep his two horses that he uses for transportation. Mrs. Cramer asked Mr. Hochstetler if he has a fence for the horses. He stated he is waiting for the approval of this request. Mrs. Cramer also asked Mr. Hochstetler how he would dispose of the horse manure. Mr. Hochstetler replied the horses will be in the pasture most of the time.

There were no remonstrators present.

The public hearing was closed at this time.

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

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

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 8/13/2025) 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.

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

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

6. The application of *Michiana Home Rentals, Inc.* for an amendment to an existing Special Use for a marina to allow for an electronic message board on property located on the East side of SR 15, 900 ft. North of SR 120, common address of 402 Mottville Rd. in Washington Township, zoned R-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0464-2025.

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

The petitioner was not present. Petition moved to item #13 on page 7.

7. The application of *Michele A. Mulcahey* for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres on property located on the North side of Mallard Ct., 310 ft. East of Sequoia Dr., common address of 22753 Mallard Ct. in Concord Township, zoned R-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0528-2025.

There were 25 neighboring property owners notified of this request.

Michele Mulcahey, 22753 Mallard Ct., Goshen was present for this request. Ms. Mulcahey stated she wished to keep her chicken, ducks and her two goats. She continued by saying her two goats have been raised by her as babies, and they are no bigger than the size of a German Shepard. Mr. Hesser asked Ms. Mulcahey how the waste is disposed of. Ms. Mulcahey stated she spreads it on the grass as fertilizer.

There were no remonstrators present.

The public hearing was closed at this time.

The Board had questions regarding the complaint. Richard Masters, Code Enforcement Investigator, came to the podium to address the complaint that resulted in this petition. He stated there was nothing specific mentioned other than the owner had chickens, ducks, and goats in a residential neighborhood.

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

Motion: Action: Approve, **Moved by** Debra Cramer, **Seconded by** Steve Warner that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for 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 8/15/2025) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of ten (10) chickens (no roosters), two (2) ducks, and two (2) adult miniature goats at any one time.

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

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

8. The application of **Susana N. White** for a Special Use for a home workshop/business for a microblading & permanent makeup studio on property located on the Southwest corner of Florence Ave. & Tennessee Ave., East of CR 13, common address of 58537 Tennessee Ave. in Concord Township, zoned R-2, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0524-2025.

Susana White, 58537 Tennessee Ave., Elkhart, was present for this request. Ms. White stated she wishes to have a small beauty business out of her home by appointment only. She continued by saying she would serve one customer at a time. She also stated she plans to have a very small sign for her business. Mr. Hesser asked Ms. White if she would have any employees. She stated no. Mr. Miller asked how many customers she will have per day. Ms. White stated 1-2 at this time since she still has a full-time job.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Debra Cramer, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a microblading & permanent makeup studio 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 8/14/2025) and as represented in the Special Use Application.

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

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

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

9. The application of **Middlebury Community Schools** for an amendment to an existing Special Use for a school to add property and to allow for an electronic message board and for a Developmental Variance to allow for an electronic message board within 300 ft. of a residence on property located on the Northeast corner of SR 120 & CR 35, common address of 13549 SR 120 in York Township, zoned A-1, came on to be heard.

Mr. Dean presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0542-2025.

There were 11 neighboring property owners notified of this request.

Gary Potts, Professional Permits, 58171 Dragonfly Ct., Osceola, was present for this request on behalf of Middlebury Schools, York Elementary. Mr. Potts stated the school wants to replace the current sign with a new electronic message board. Mr. Warner clarified the sign will be perpendicular to the road, and it will meet state standards for lighting.

Jeff Palmer, Director of Grounds for Middlebury Schools, 13549 SR 120, Bristol, came to the podium. He stated the intent is to have the sign on from 6 a.m. to 10 p.m.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Debra Cramer, **Seconded by** Steve Warner that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for an amendment to an existing Special Use for a school to add property and to allow for an electronic message board and for a Developmental Variance to allow for an electronic message board within 300 ft. of a residence 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 8/22/2025) and as represented in the Special Use application.

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

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 8/22/2025) and as represented in the Developmental Variance application.

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

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

Excused: Randy Hesser.

It should be noted that Mr. Hesser returned to the board at this time

10. The application of **Randy E. Trigg & Dianna L. Trigg, Husband & Wife** for a Special Use for a home workshop/business for a woodworking business on property located on the West side of Christopher Dr., 220 ft. South of Suburban Dr., East of CR 17, common address of 21950 Christopher Dr. in Washington Township, zoned R-2, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as Case #SUP-0522-2025.

There were 29 neighboring property owners notified of this request.

Joshua Trigg, 21950 Christopher Dr., Elkhart was present for this request. Mr. Trigg stated he makes lighthouses, wishing well, bird houses and other items out of wood to sell. Mr. Hesser asked Mr. Trigg how long he has been making the items for sale. Mr. Trigg replied 7-8 years, and only during the summer/fall months. Mrs. Cramer asked about a driveway from CR 17. Mr. Trigg stated there is a driveway from CR 17 and plenty of parking spaces for customers as well.

Mr. Auvil presented a letter from the City of Elkhart in opposition to this request. *[Attached to file as staff exhibit #1]*. He stated the city is concerned about safety, traffic and the curb cut on CR 17 which is within the city's jurisdiction. He added that the Engineering Department views this curb cut associated with this request as commercial and the City of Elkhart wants the petitioner to seek a city driveway permit. Mr. Auvil stated CR 17 was annexed into the City of Elkhart. Mr. Auvil continued by saying he does not support the City of Elkhart's recommendation for a driveway permit.

Mr. Trigg came back to the podium. Mr. Hesser asked Mr. Trigg if he has a sign. Mr. Trigg responded he has a folding sign that he puts out and removes at the end of the day.

The public hearing was closed at this time.

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

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

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

The following commitments were imposed:

1. The request is approved in accordance with the site plan submitted (dated 8/12/2025) and as represented in the Special Use application.
2. Backing in or backing out from/onto CR 17 is prohibited.

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

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

11. The application of **Redbud Holdings LLC** for an amendment to an existing Use Variance for an office building to allow for a building addition on property located on the West side of CR 23, 985 ft. North of CR 146, common address of 69295 CR 23 in Jackson Township, zoned R-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #UV-0525-2025*.

There were nine neighboring property owners notified of this request.

Phil Bontrager, 69295 CR 23, New Paris, was present representing Redbud Holdings. Mr. Bontrager stated the request is for an addition to the west side of the existing building and for additional parking. He continued by saying the addition will be for storage of equipment and possibly a truck.

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 an amendment to an existing Use Variance for an office building to allow for a building addition 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 8/14/2025) and as represented in the Use Variance application.
2. Any further property or building expansion will require a rezoning.
3. Backing in or backing out from/onto CR 23 is prohibited.

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

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

12. The application of *Francisco Ochoa-Valles* for a Use Variance to allow for the construction of an accessory structure without a residence on property located on the North side of CR 40, 1,160 ft. West of CR 31, in Elkhart Township, zoned A-1, came on to be heard.

Mrs. Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #UV-0472-2025*.

There were fifteen neighboring property owners notified of this request.

The petitioner was not present for this request that was tabled from August 21, 2025.

The public hearing was closed at this time.

Mr. Hesser stated he is inclined to deny the request due to the absence of the petitioner.

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

Motion: Action: Deny, **Moved by** Randy Hesser, **Seconded by** Roger Miller that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Use Variance to allow for the construction of an accessory structure without a residence be denied.

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

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

13. The application of *Michiana Home Rentals, Inc.* for an amendment to an existing Special Use for a marina to allow for an electronic message board on property located on the East side of SR 15, 900 ft. North of SR 120, common address of 402 Mottville Rd. in Washington Township, zoned R-1, came on to be heard.

The petitioner was still not present for this request.

The public hearing was closed at this time.

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

Motion: Action: Table, **Moved by** Randy Hesser, **Seconded by** Debra Cramer that this request for an amendment to an existing Special Use for a marina to allow for an electronic message board be tabled until the October 16, 2025, Advisory Board of Zoning Appeals meeting due to the absence of the petitioner.

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

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

14. The meeting was adjourned at 10:57 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: October 16, 2025

Transaction Number: SUP-0567-2025.

Parcel Number(s): 20-05-10-327-004.000-001.

Existing Zoning: R-1.

Petition: For a Special Use for a kennel (pigeons).

Petitioner: Yassine Mahamat.

Location: South side of Alex Ln., 370 ft. west of Meadow Glen Dr., north of Tower Rd., in Baugo Township.

Site Description:

- Physical Improvement(s) – Residence and pigeon coop.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- **August 18, 2025** – A complaint was made for having pigeons (CODE-0588-2025).

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 kennel is allowed in the R-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 0.46-acre parcel 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 hobby opportunity.

BZA Staff Report (Continued)

Hearing Date: October 16, 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 9/3/2025) and as represented in the Special Use application.
2. The request is limited to a maximum of eight (8) pigeons at any one time.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Special Use - Non Mobile Home

Date: 09/03/2025

Meeting Date: October 16, 2025
Board of Zoning Appeals Public Hearing

Transaction #: SUP-0567-2025

Description: for a Special Use for a kennel (pigeons)

Contacts: Applicant

Yassine Mahamat

30520 Alex Lane

Elkhart, IN 465167003

Land Owner

Yassine Mahamat

30520 Alex Lane

Elkhart, IN 465167003

Site Address: 30520 Alex Ln
Elkhart, IN 46516

Parcel Number: 20-05-10-327-004.000-001

Township: Baugo

Location: South Side Of Alex Lane, 370 ft. West of Meadow Glen Dr.

Subdivision: MEADOW GLEN ESTATES

Lot # 60

Lot Area: 0.46 Frontage: 140.50 Depth: 141.20

Zoning: R-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: SEE CODE-0588-2025

Applicant Signature:

Department Signature:

Special Use — Questionnaire

Name: Yasmine SEID NAWATIA

- 1) Tell us what you want to do. I have a pigeon as pet for my kids they got them from their grandma she passed away the kids loved those pigeons we gonna keep them and take care of them.
- 2) Tell us why this activity won't hurt your neighbors or the community. Because these are pigeons they're in the new coop cleaned they never fly outside and they eating and drinking inside and we cleaning the coop every day. no smelling anything.

- 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. i will make sure these pigeons all the times inside of the coop and cleaning and having foods and drinking.

- 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: 9 FT X 9 FT 8 pigeons
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. 8 pigeons

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Special Use — Questionnaire

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

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

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

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

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

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

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

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

Will there be retail sales on this property? ☐ Y ☒ N

If yes, tell us what will be sold. _____

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

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

Tell us how often. _____

Tell us the kind of vehicles used. _____

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

Sign 1 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☒ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☒ N

Sign 2 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☒ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☒ N

Sign 3 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☒ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☒ N

- 10) Tell us anything else you want us to know.

*I have only those a prison
for my kids as per.*

CODE CASE DETAILED REPORT CODE-0588-2025

FOR REPORT TEXT LIBRARY: MUNICIPALITY_NAME

Case Type: Zoning **Project:** **Opened Date:** 08/18/2025
Status: Under Review **District:** Baugo **Closed Date:** NOT CLOSED
Assigned To: Richard Masters **Description:** BUILT A COUP FOR PIGEONS.

Parcel: 20-05-10-327-004.000-001 Main	Address: 30520 Alex Ln South Side Of Alex Lane, North Of Tower Road Elkhart, IN 46516 Main	Zone: R-1 (Single-Family Residential District)
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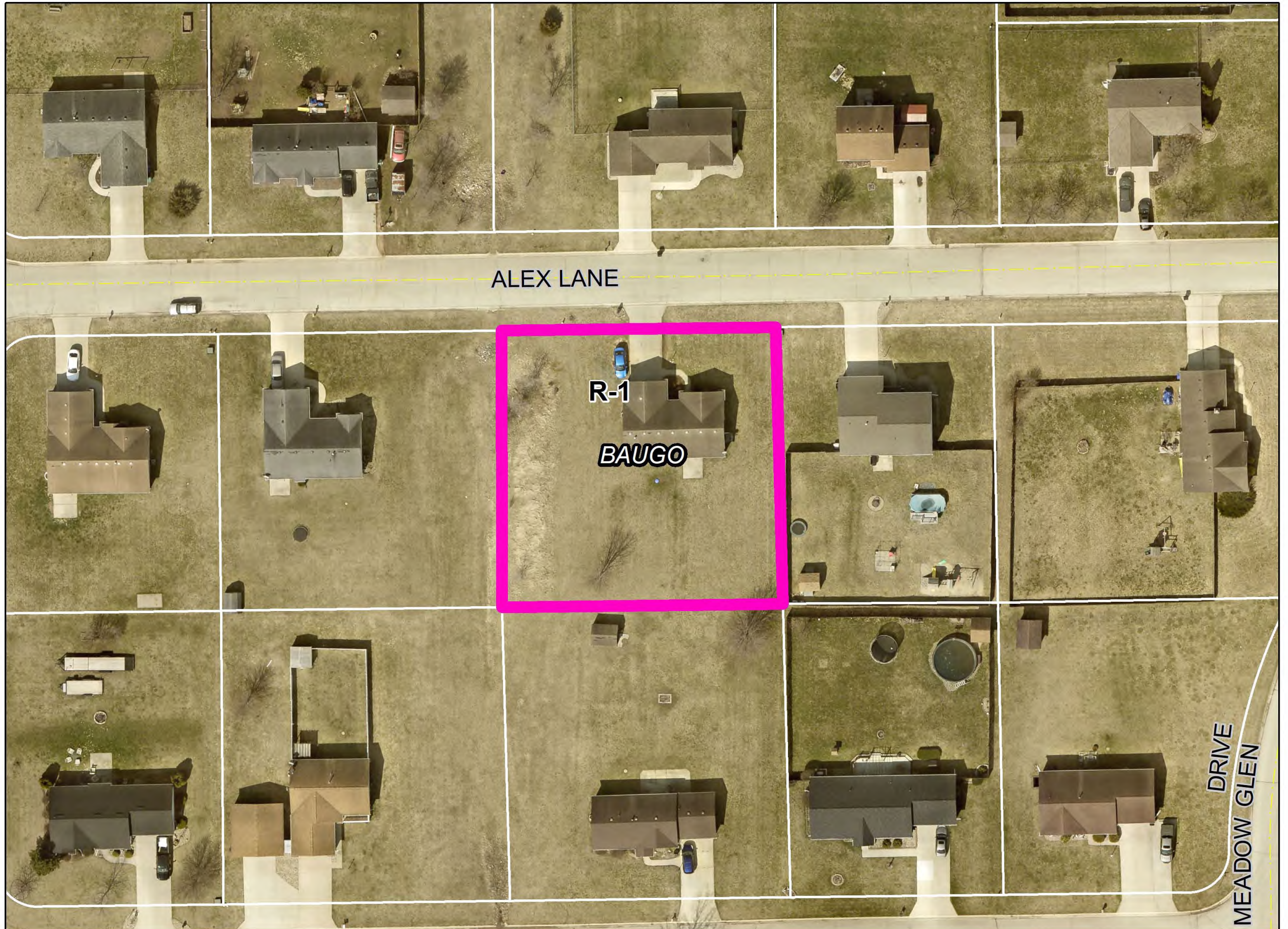
Owner
Yassine Mahamat
30520 Alex Lane
Elkhart, IN 46516
Mobile: 5742020980

Activity Type	Activity Number	Activity Name	User	Created On
Misc. Information	CMActivity-1676-2025		Richard Masters	09/03/2025
Misc. Information	CMActivity-1674-2025		Richard Masters	09/03/2025
Outgoing Phone Call	CMActivity-1631-2025		Richard Masters	08/25/2025
Outgoing Phone Call	CMActivity-1853-2025		Richard Masters	09/29/2025
Site Visit	CMActivity-1630-2025		Richard Masters	08/25/2025

30520 Alex Ln, Elkhart. Photos taken by Ricky Masters on 8/25/25.



SUP-0567-2025



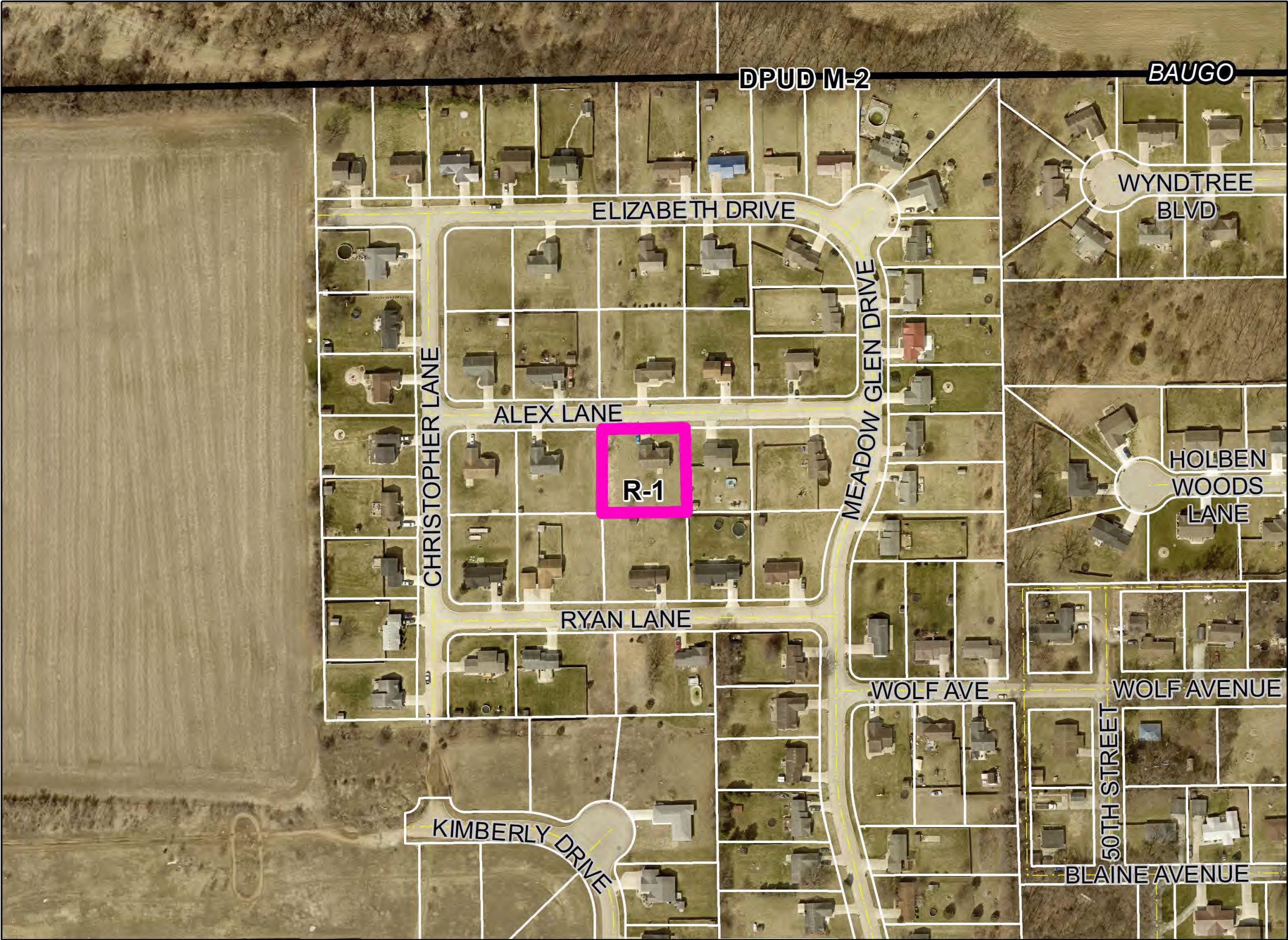
ALEX LANE

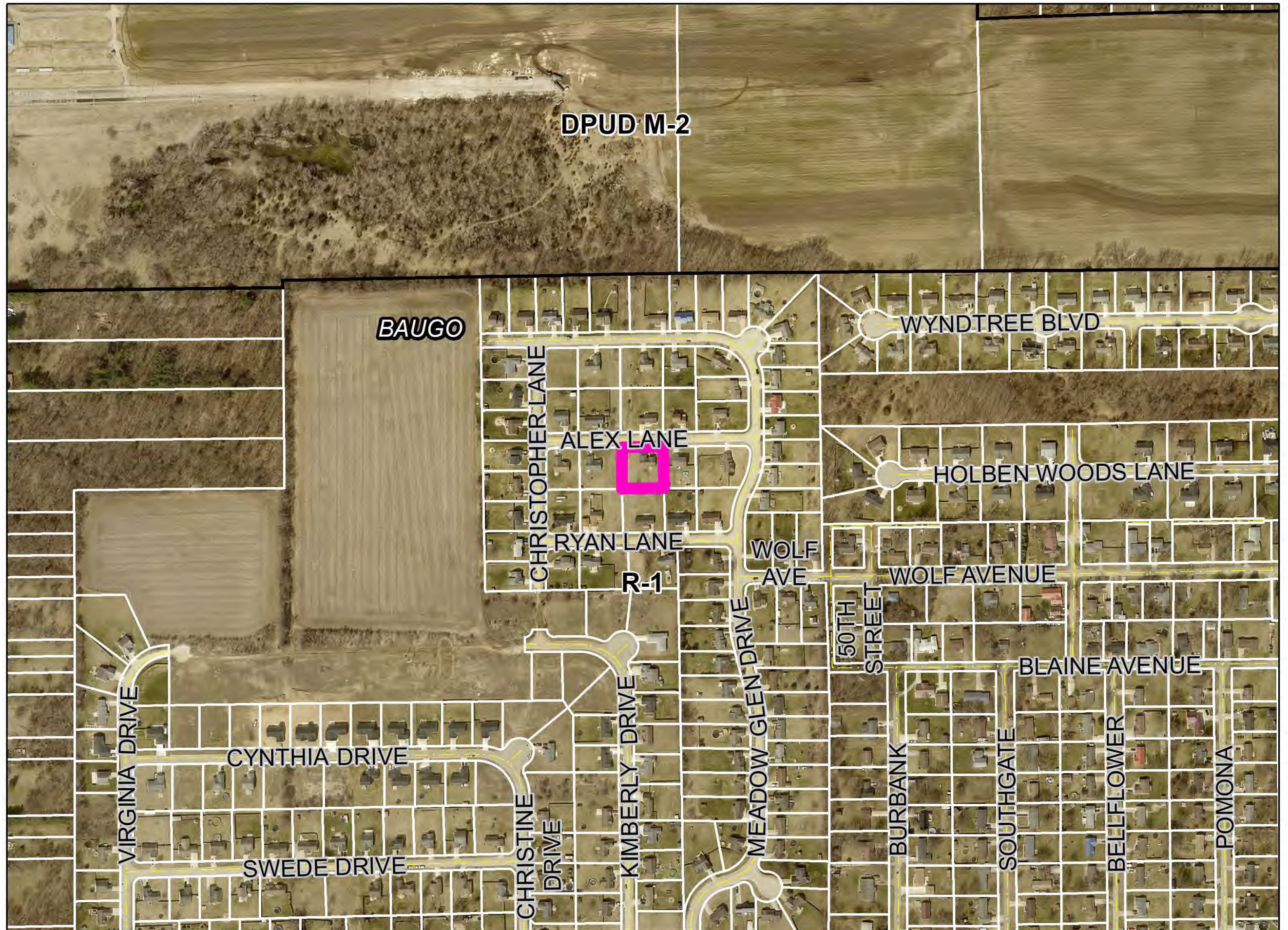
R-1

BAUGO

MEADOW GLEN DRIVE







DPUD M-2

BAUGO

WYNDTREE BLVD

ALEX LANE

RYAN LANE

R-1

WOLF AVE

HOLBEN WOODS LANE

WOLF AVENUE

50TH STREET

BLAINE AVENUE

VIRGINIA DRIVE

CYNTHIA DRIVE

SWEDE DRIVE

CHRISTINE DRIVE

KIMBERLY DRIVE

MEADOW GLEN DRIVE

BURBANK

SOUTHGATE

BELLFLOWER

POMONA



Subject property facing south



Subject property showing coops



Facing north

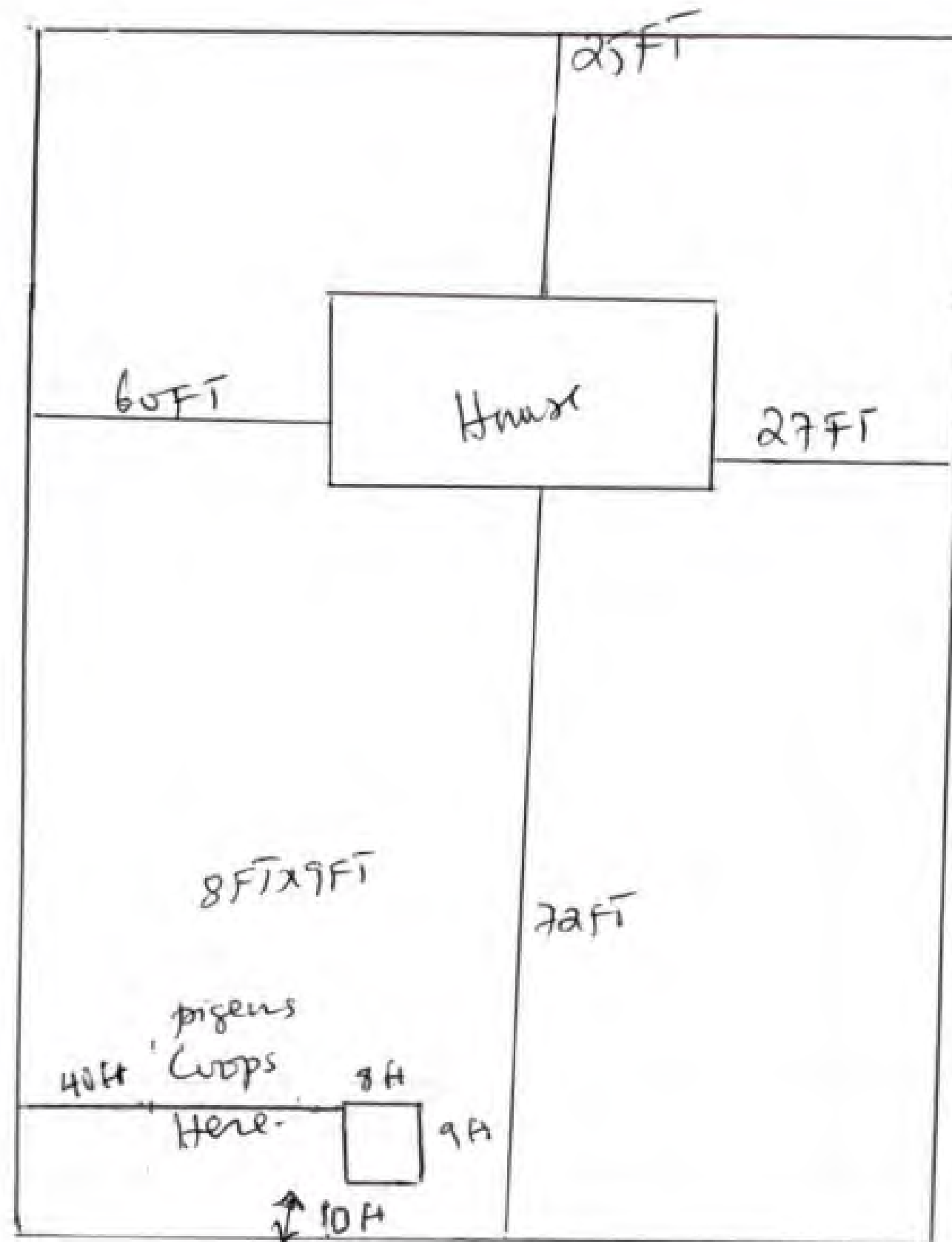


Facing east



Facing west

Alex Lane



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 16, 2025

Transaction Number: SUP-0590-2025.

Parcel Number(s): 20-04-19-300-016.000-032, 20-04-19-300-015.000-032, 20-04-19-300-008.000-032.

Existing Zoning: A-1.

Petition: For an amendment to an existing Special Use for a place of worship to add a coffee shop.

Petitioner: New Life Christian Center, Inc.

Location: North side of SR 120, 2,300 ft. west of CR 131, in York Township.

Site Description:

- Physical Improvement(s) – Church campus.
- Proposed Improvement(s) – Remodel to add a coffee shop.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **February 15, 2001** – The BZA approved a Special Use for a church (20011113).
- **December 21, 2006** – The BZA approved an amendment to a Special Use for a church to include a child care center and placement of two signs (Specifications F - #48).

Staff Analysis:

Staff finds that:

1. The Special Use Amendment will be consistent with the spirit, purpose, and intent of the Development Ordinance. This is an existing Special Use for a church.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 10-acre parcel in a low-density residential and agricultural area, and the property will remain a church campus.
3. The Special Use Amendment will substantially serve the public convenience and welfare by allowing an amenity commonly provided by churches.

BZA Staff Report (Continued)

Hearing Date: October 16, 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 9/12/2025) and as represented in the Special Use Amendment application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use Amendment - Non Mobile Home

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

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 09/12/2025 Meeting Date: October 16, 2025 Transaction #: SUP-0590-2025
Board of Zoning Appeals Public Hearing

Description: for an amendment to an existing Special Use for a place of worship to add a coffee shop

Contacts: <u>Applicant</u>	<u>Applicant</u>	<u>Land Owner</u>
New Life Christian Center Inc	Embassy Coffee	New Life Christian Center
15685 Sr 120	110 Lincolnway E	Church
Bristol, IN 46507	Mishawaka, IN 46544	15685 State Road 120
		Bristol, IN 465078207

Site Address: 15685 State Road 120 Bristol, IN 46507	Parcel Number: 20-04-19-300-008.000-032 20-04-19-300-015.000-032 20-04-19-300-016.000-032
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Township: York
Location: North Side Of Sr 120, 2,300 Feet West Of County Road 131

Subdivision:	Lot #
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Lot Area: 10.00	Frontage: 400.00	Depth: 1,200.00
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Zoning: A-1	NPO List:
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Present Use of Property: CHURCH

Legal Description:

Comments: SPECIAL USE 20063891 FOR CHILD CARE AND PLACEMENT OF 2 SIGNS APPROVED ON 12-21-2006
CURRENT PERMIT BC-1313-2019 FOR A REMODEL EXPIRES 3-20-2026

Applicant Signature:

Department Signature:

Special Use — Questionnaire

Name: Dusty Otis // Onezo church

1) Tell us what you want to do. Open to the public six days per week and sell coffee through Embassy Coffee.

2) Tell us why this activity won't hurt your neighbors or the community. this will only help our neighbors, we already serve them.

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. _____

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: 1

How many employees do you want? Full time: 3 Part time: 6

How many of the employees won't live onsite? None

What will be the days and hours of operation on this property? Monday - Friday 6am - 2pm
SAT 8am - 4pm Sun 9am - 12pm (during service)

How many parking spaces do you have now? 112

How many parking spaces do you want? 112

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. Coffee → Mon - SAT

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

20-40

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. Church van // Costco

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

Sign 1 Dimensions (length and width). 5 ft wide x 3 ft tall

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

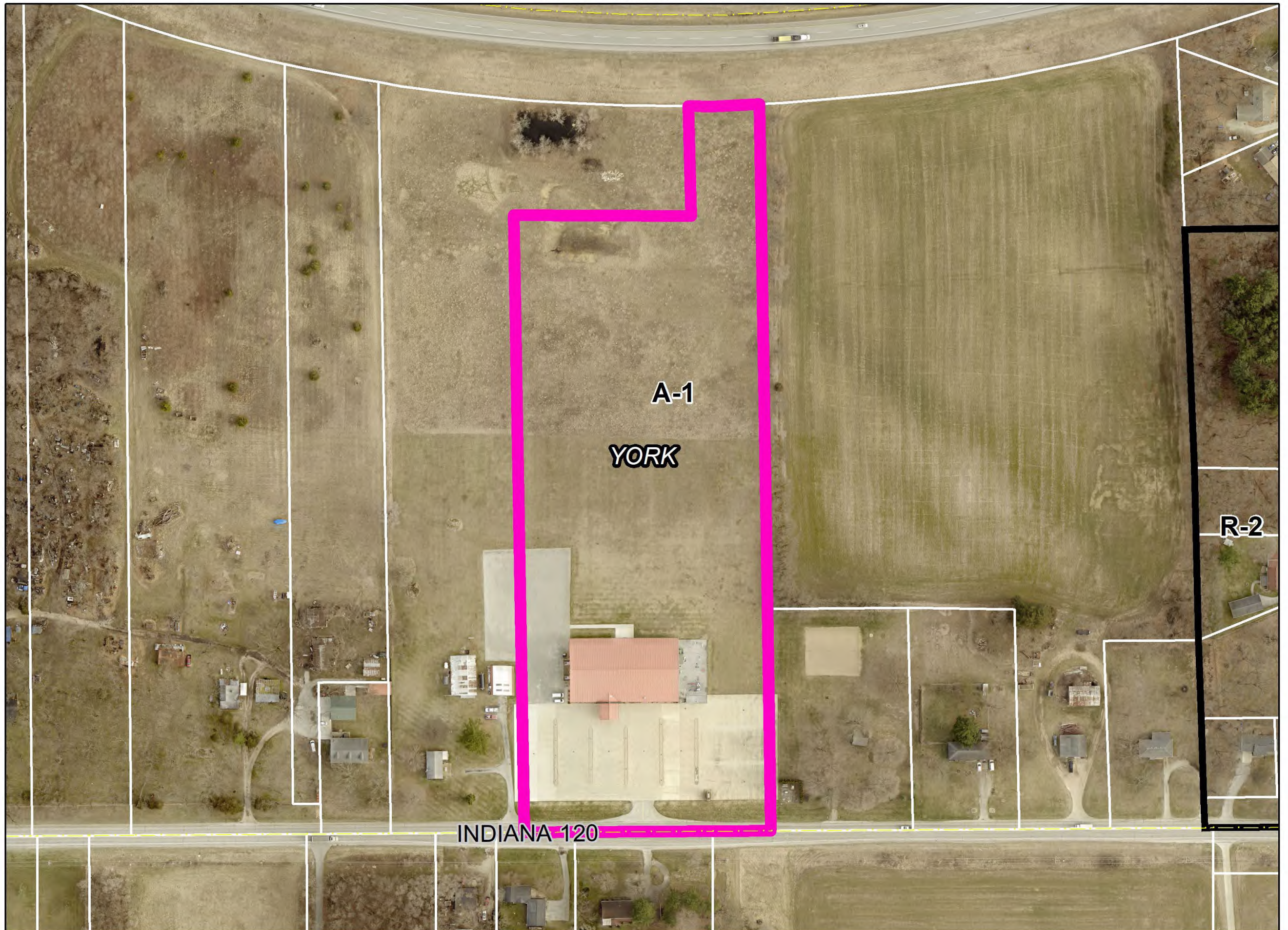
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 3 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

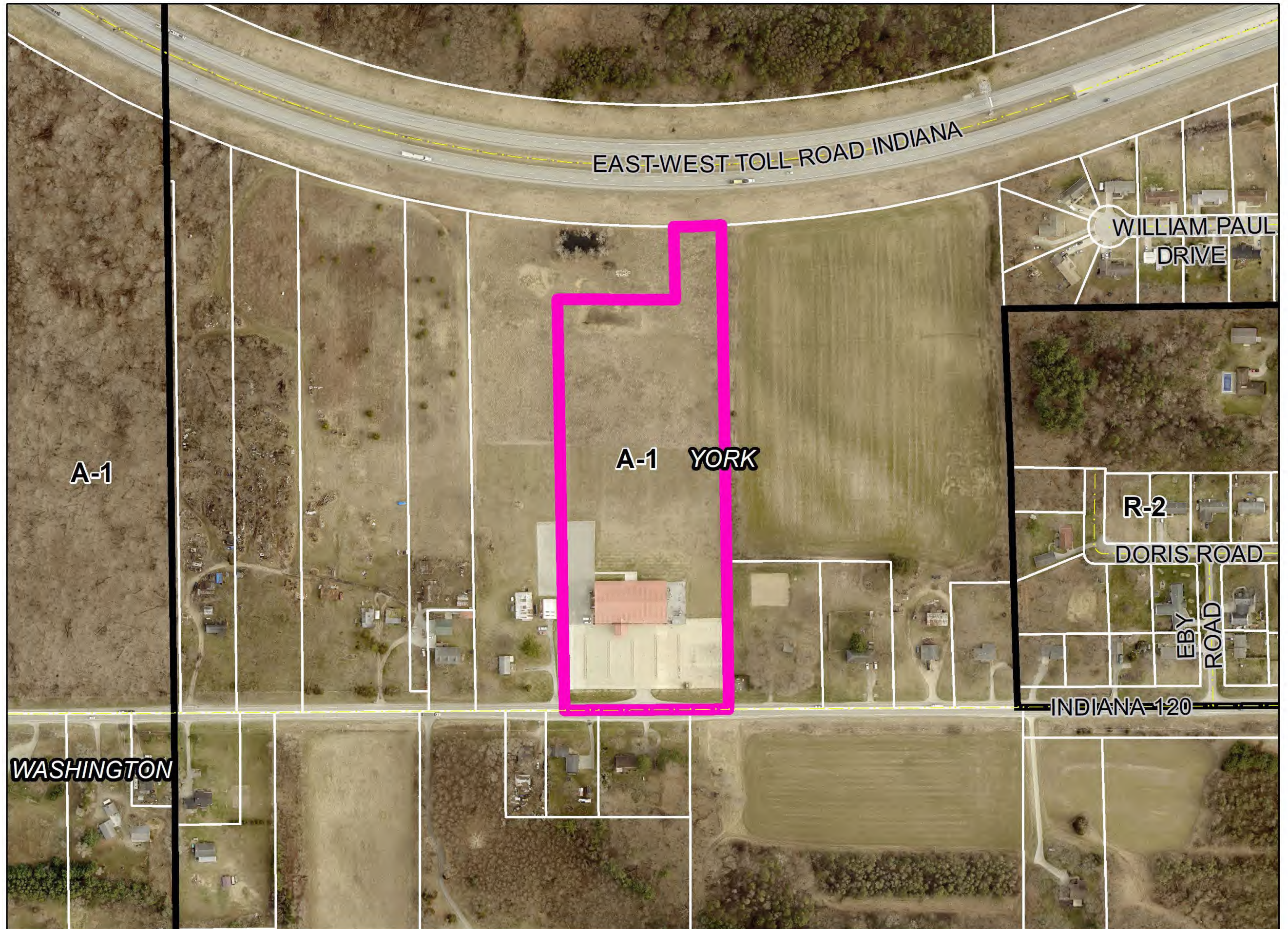
SUP-0590-2025

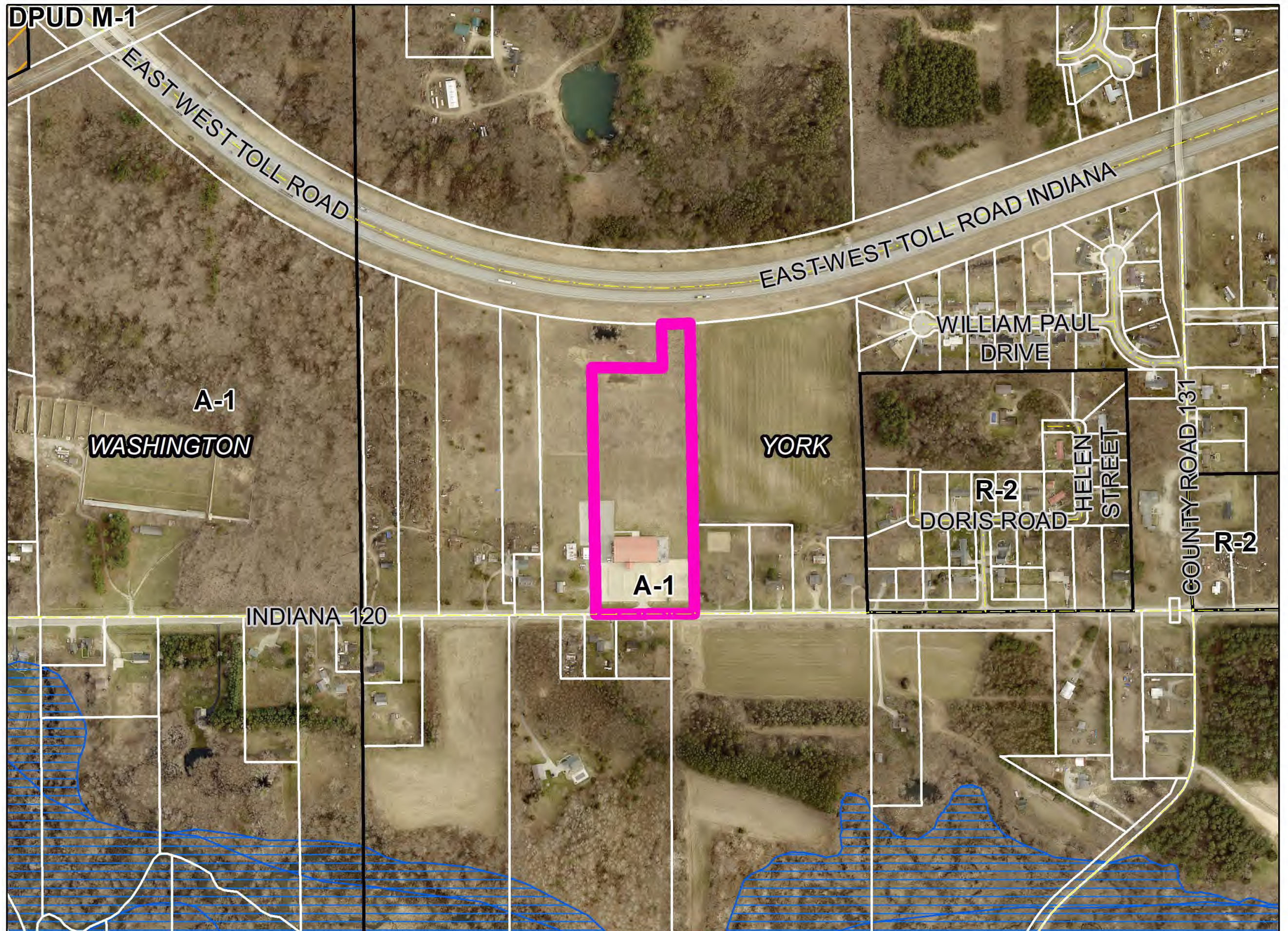


A-1
YORK

R-2

INDIANA 120







Subject property facing north



Facing south

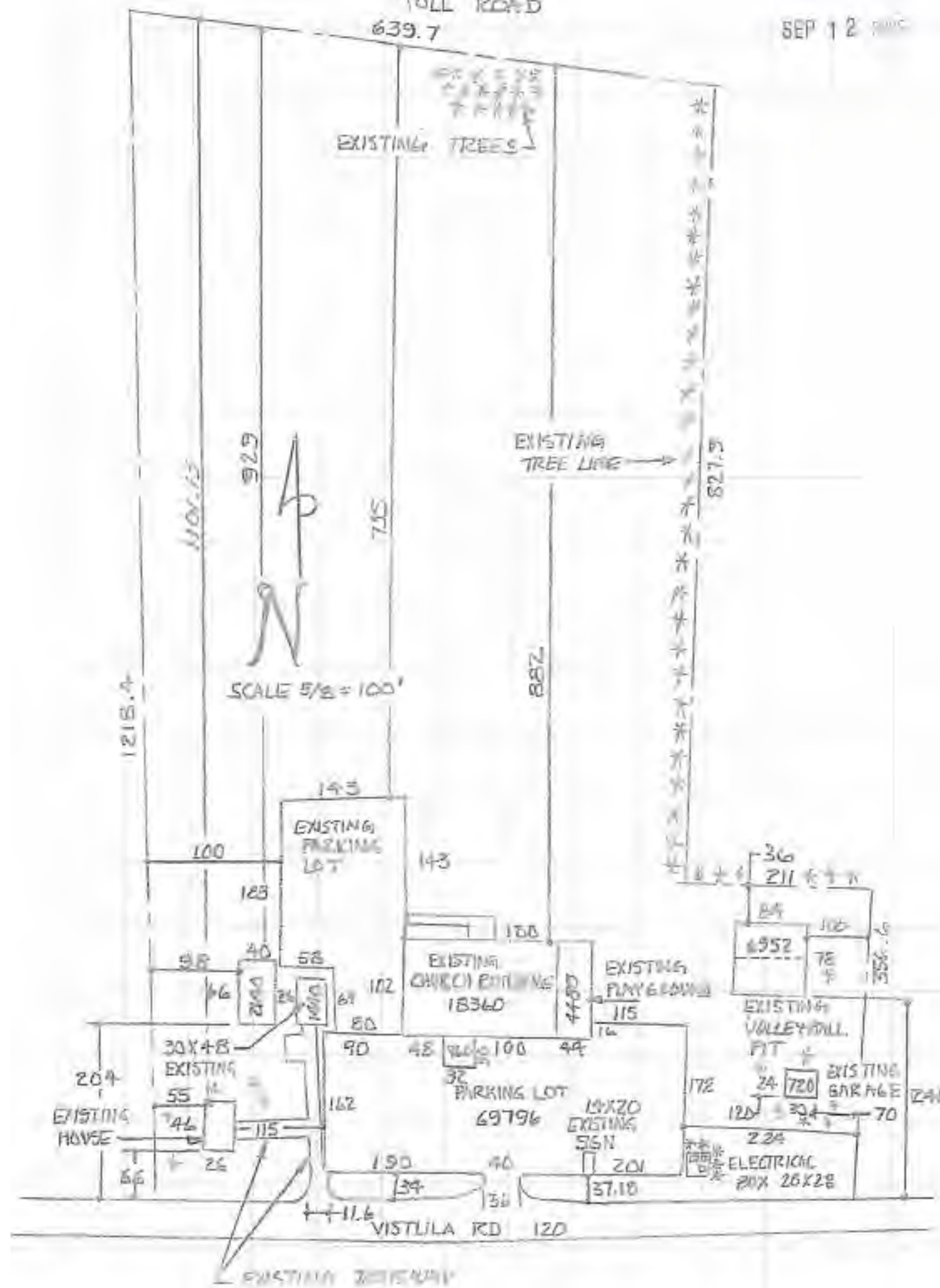


Facing east



Facing west

SEP 12 1965



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 16, 2025

Transaction Number: UV-0577-2025.

Parcel Number(s): 20-02-33-151-026.000-026, 20-02-33-151-027.000-027.

Existing Zoning: R-2.

Petition: For a Special Use for a home workshop/business for auto sales.

Petitioner: Russell Teaser.

Location: West side of Conn Ave., 555 ft. north of E. Bristol St., in Osolo Township.

Site Description:

- Physical Improvement(s) – Residence & accessory structure.
- Proposed Improvement(s) – None.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- **September 16, 2021** – The BZA approved a Special Use for a home workshop/business for a food truck commissary and a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right (SUP-0673-2021).

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 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 1.35-acre property in a moderately dense mixed-use area, and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by allowing for local car sales.

BZA Staff Report (Continued)

Hearing Date: October 16, 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 9/9/2025) and as represented in the Special Use application.
2. The request is limited to a maximum five (5) vehicles for sale at any one time.
3. All vehicles must be parked on an improved surface.

Staff Analysis Continued:

Staff further recommends that the Special Use for a home workshop/business for a food truck commissary (SUP-0673-2021) be rescinded.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Use Variance - Use Variance

Date: 09/09/2025 Meeting Date: October 16, 2025 Transaction #: UV-0577-2025
Board of Zoning Appeals Public Hearing

Description: for a Special Use of a home workshop/business for auto sales.

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Russell Teaser	Russell Teaser
54397 Conn Ave.	54397 Conn Ave.
Elkhart, IN 46516	Elkhart, IN 46516

Site Address: 54397 Conn Ave Elkhart, IN 46514	Parcel Number: 20-02-33-151-026.000-026 20-02-33-151-027.000-026
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Township: Osolo
Location: WEST SIDE OF CONN AVE, 555 FT. NORTH OF E. BRISTOL ST.

Subdivision: ROSE LAWN	Lot # 19
------------------------	----------

Lot Area: 1.35 Frontage: 156.00 Depth: 376.00

Zoning: R-2	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: TIF 190
SEE SUP-0673-2021-FILE PULLED. AW
BR-1852-2018-PERMIT NOT COMPLETE. AW

Applicant Signature:

Department Signature:

Use Variance — Questionnaire

Name: _____

- 1) Tell us what you want to do. Online car sales, 10 cars max on site
- 2) Tell us why your case is different from other cases in the county so that a variance should be allowed.
- 3) Tell us why the variance won't hurt your neighbors or the community. Finalize sales, very little traffic change
- 4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? ☐ Y ☒ N If yes, fill out below.
Tell us what will create those things. N/A
Tell us how you'll reduce the impact of those things on neighbors. N/A
- 5) Will there be buffering (fences, trees, shrubs, mounds)? ☒ Y ☐ N
If yes, tell us about it. completely fenced
- 6) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N
- 7) Does what you want to do include buildings or additions? ☐ Y ☒ N If yes, fill out below.
Building or addition 1 Existing? ☐ Y ☐ N Size and height to the peak: _____
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) Is there a subdivision covenant that says you can't do this activity? ☐ Y ☒ N
If yes, does the subdivision have an active homeowners' association? ☐ Y ☐ N
- 9) Does this application include an accessory structure without a residence at this time? ☐ Y ☒ N
If yes, are there plans for a residence on this property? ☐ Y ☐ N If yes, fill out below.
Tell us when it will be built. _____
Tell us the approximate size. _____
- 10) Does this application include animals? ☐ Y ☒ N
If yes, tell us what kind and the maximum number of each. _____

Use Variance — Questionnaire

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

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

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

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

What will be the days and hours of operation on this property? By Appointment only

How many parking spaces do you have now? 10

How many parking spaces do you want? 10

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

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

Will there be retail sales on this property? ☒ Y ☐ N

If yes, tell us what will be sold. vehicles

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

1-3 by appointment

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

Tell us how often. 1 to 3 a week depending on sales

Tell us the kind of vehicles used. Truck & trailer

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

Sign 1 Dimensions (length and width). on building 2' x 4'

Existing? ☐ Y ☒ N Double faced? ☐ Y ☒ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 2 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 3 Dimensions (length and width). _____

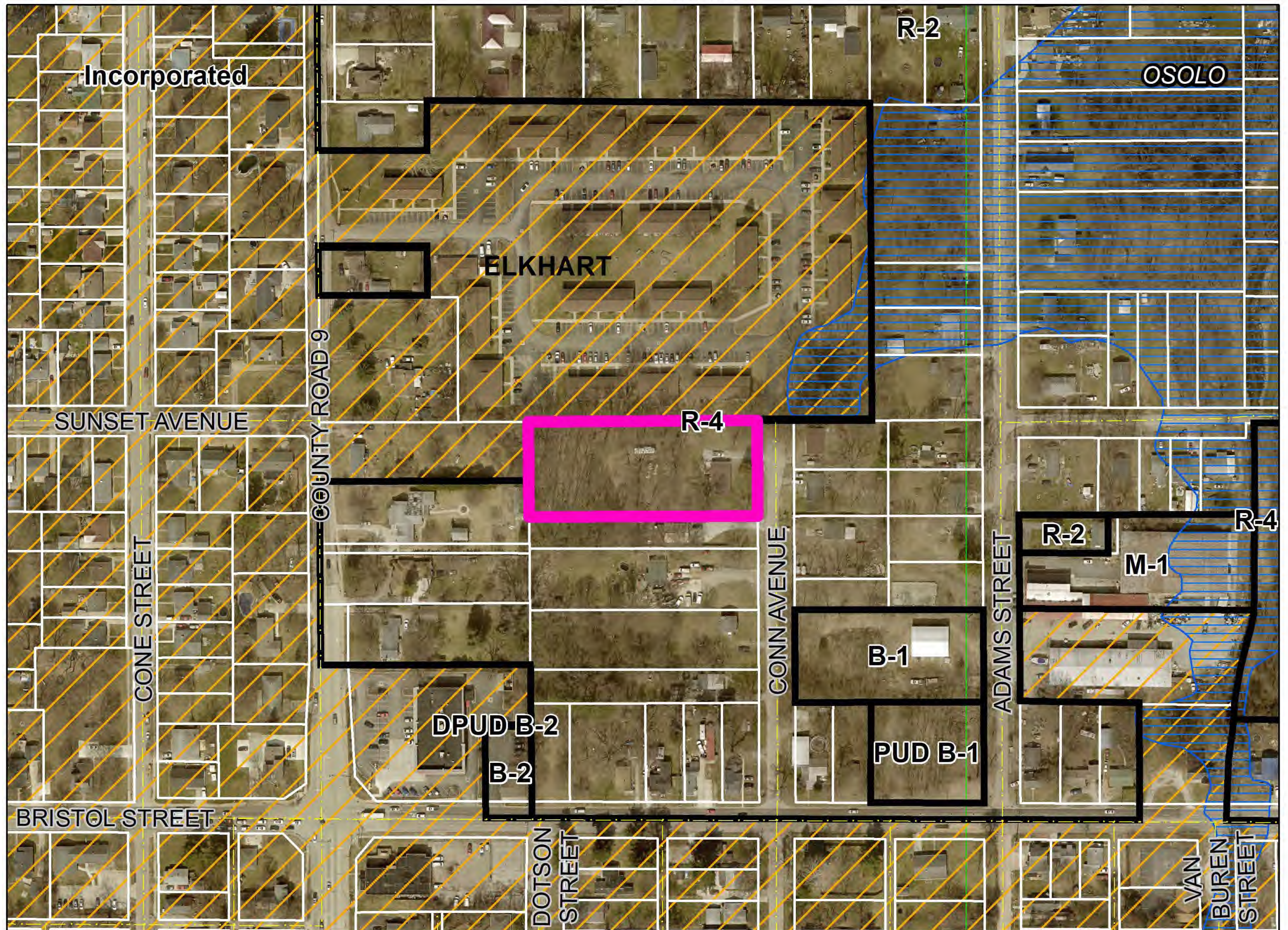
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

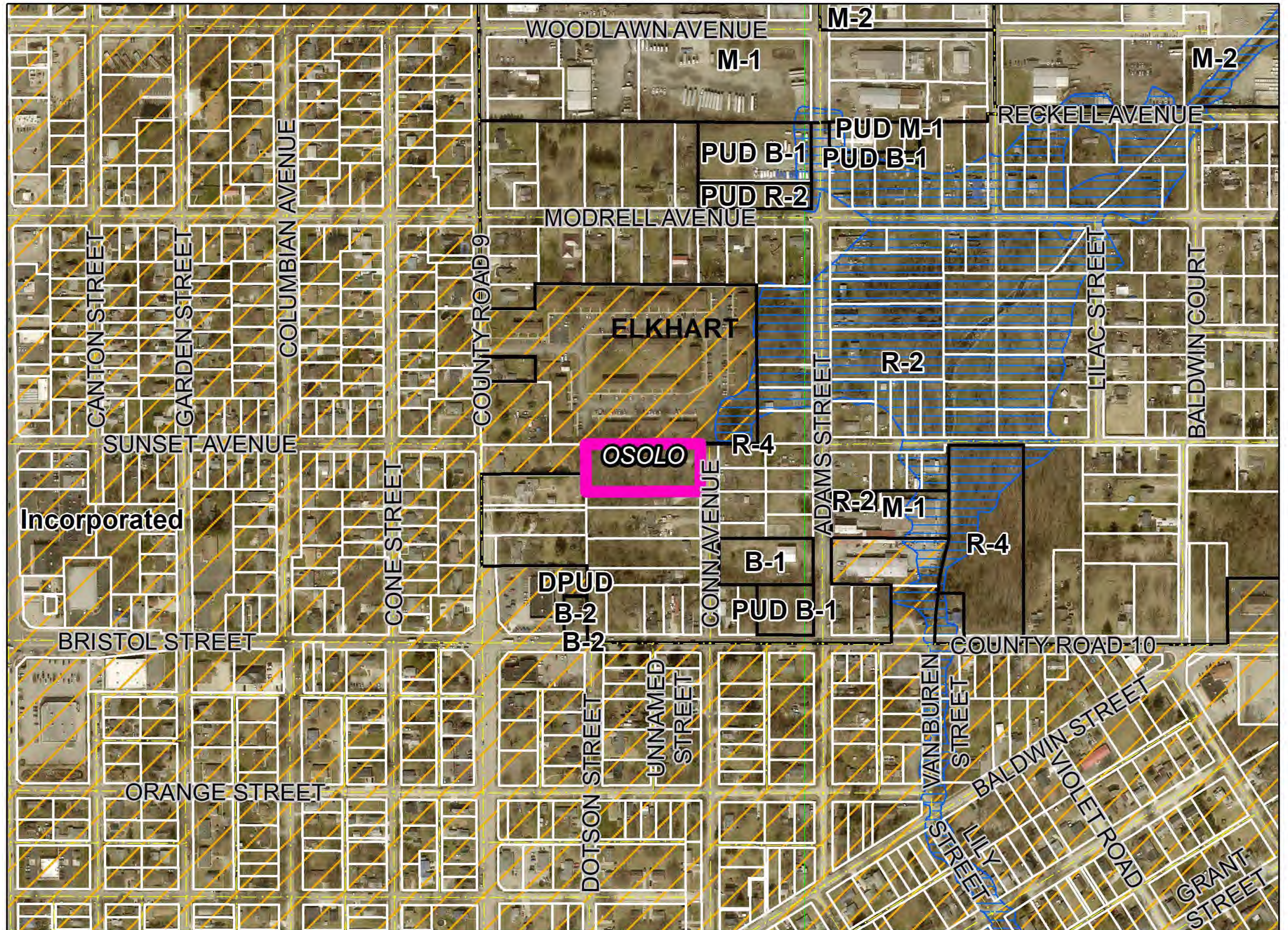
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

- 12) Tell us anything else you want us to know. Only online sales or by appointment after our working hours









Subject property facing west



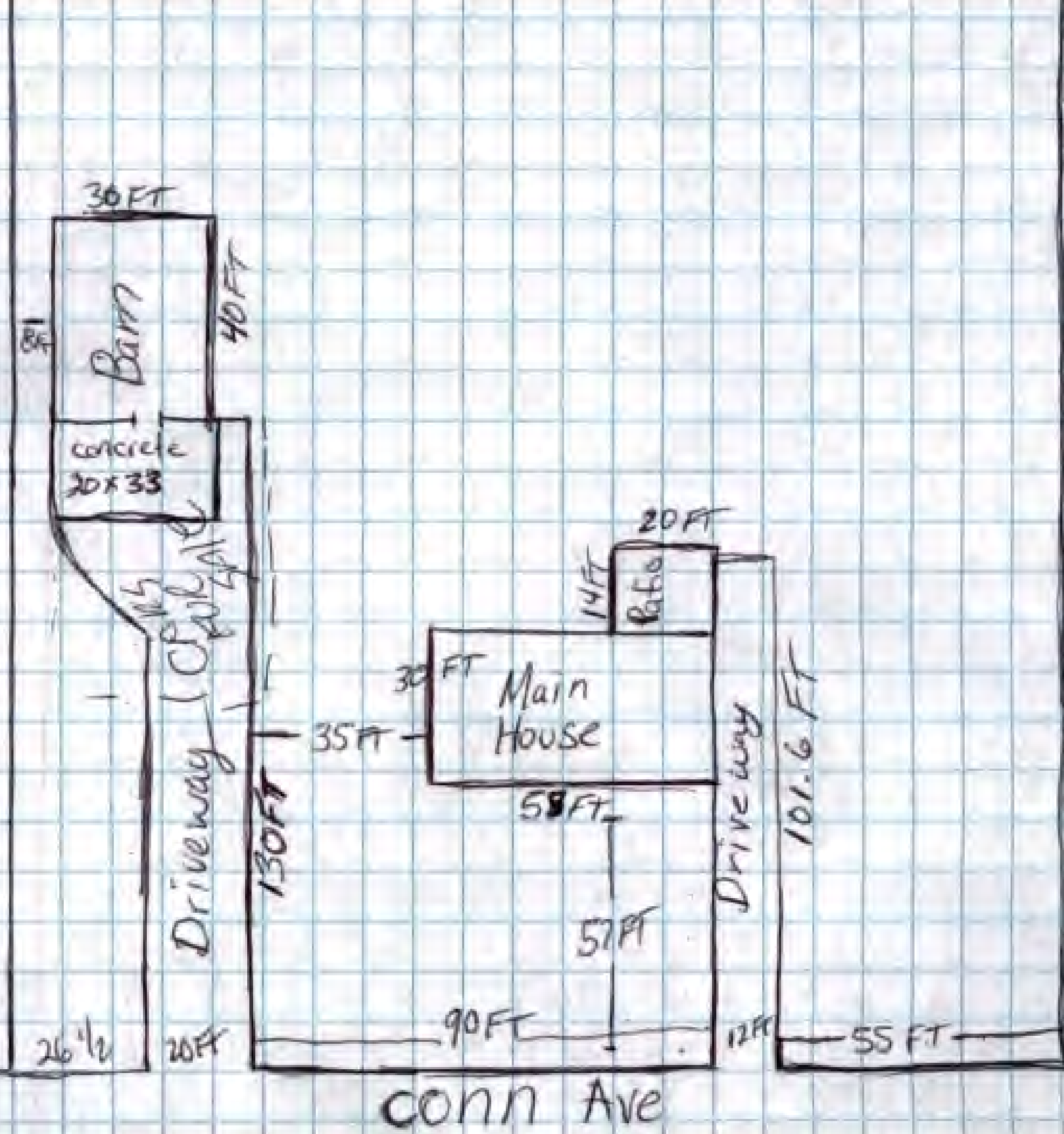
Facing east



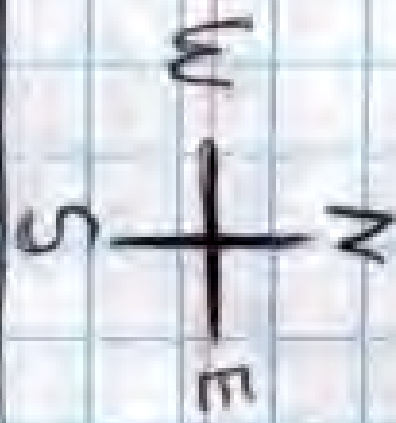
Facing north



Facing south



one square = 10 FT



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 16, 2025

Transaction Number: SUP-0589-2025.

Parcel Number(s): 20-16-07-202-002.000-003, 20-16-07-202-003.000-003, 20-16-07-202-004.000-003 & 20-16-07-202-007.000-003.

Existing Zoning: B-2.

Petition: For an amendment to an existing Special Use for a place of worship to allow for a new building and for a 10 ft. Developmental Variance (Ordinance requires 55 ft.) to allow for the construction of a new building 45 ft. from the centerline of the right-of-way of Elkhart St. (CR 44).

Petitioner: The People's Bible Church, Inc.

Location: Southeast corner of US 33 & Elkhart St. (CR 44), in Benton Township.

Site Description:

- Physical Improvement(s) – Church campus.
- Proposed Improvement(s) – New building.
- Existing Land Use – Residential, agricultural.
- Surrounding Land Use – Residential, agricultural.

History and General Notes:

- **June 21, 1984** – The BZA approved a Special Use for an existing church and additions, a 45 ft. front yard variance, and a 10 ft. side yard variance (north) (84-73-SU).
- **July 16, 1998** – The BZA approved a Special Use for an existing church (Specifications F - #48) and a 22 ft. variance to allow for the placement of a sign 33 ft. from the property line (982844).
- **April 20, 2006** – The BZA approved an amendment to a Special Use for a church to allow for the construction of a pavilion and to include additional property (Specifications F - #48) (20061663).

Staff Analysis:

For an amendment to an existing Special Use for a place of worship to allow for a new building, Staff finds that:

1. The Special Use Amendment will be consistent with the spirit, purpose, and intent of the Development Ordinance. This is an existing Special Use for a church.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 1.72-acre property in a moderately dense mixed-use area of Benton (census-designated place), and the property will remain a church campus.
3. The Special Use Amendment will substantially serve the public convenience and welfare by allowing an amenity commonly provided by churches.

BZA Staff Report (Continued)

Hearing Date: October 16, 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 9/12/2025) and as represented in the Special Use Amendment application.

For a 10 ft. Developmental Variance (Ordinance requires 55 ft.) to allow for the construction of a new building 45 ft. from the centerline of the right-of-way of Elkhart St. (CR 44), staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. The proposed structure will not hinder sight distance from CR 44.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 1.72-acre property in a moderately dense mixed-use area of Benton (census-designated place), and the property will remain a church campus.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Due to the layout and location of the property and the existing church building, the new structure could not be built.

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 9/12/2025) and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use Amendment - Non Mobile Home

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 09/12/2025 Meeting Date: October 16, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0589-2025

Description: for an Amendment to an existing Special Use for a place of worship to allow for a new building and for a 10 ft. Developmental Variance (Ordinance requires 55 ft.) to allow for the construction of a new building 45 ft. from the centerline of the right-of-way of Elkhart St. (CR 44)

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Zimmerman'S Construction	Zimmerman'S Construction	The Peoples Bible Church, Inc.
64470 State Road 19	64470 State Road 19	68074 Us Highway 33
Goshen, IN 46526	Goshen, IN 46526	Goshen, IN 46526

Site Address: 68074 Us 33 Goshen, IN 46526	Parcel Number: 20-16-07-202-002.000-003 20-16-07-202-003.000-003 20-16-07-202-004.000-003 20-16-07-202-007.000-003
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Township: Benton
Location: SOUTHEAST CORNER OF US 33 AND ELKHART ST (CR 44)

Subdivision: GREENVILLE ADD REPLAT LOT 1 AND BOYD'S LC Lot #

Lot Area: 1.72 Frontage: 353.48 Depth: 301.47

Zoning: B-2 NPO List:

Present Use of Property: PLACE OF WORSHIP

Legal Description:

Comments: SEE SPECIAL USE #84-73-SU SPECIAL USE FOR EXISTING CHURCH, APPROVED 6/21/1984, SPECIAL USE #982844 FOR A SIGN APPROVED 7/16/1998, AND SPECIAL USE AMENDMENT #20061663 TO ADD PROPERTY AND FOR A PAVILLION.

Applicant Signature:

Department Signature:

Special Use — Questionnaire

Name: Tony Berkshire

1) Tell us what you want to do. BUILD A 4,960 SF FELLOWSHIP HALL

2) Tell us why this activity won't hurt your neighbors or the community. IT WILL BE A BENEFIT TO THE COMMUNITY IN HAVING A PLACE AVAILABLE FOR CHURCH EVENTS FOR THE COMMUNITY

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

4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? ☐ Y ☒ N If yes, fill out below.
Tell us what will create those things. ONLY GARB DURING CONSTRUCTION
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: 62' x 80' - 28'6 TO PEAK
Tell us what you'll use it for. FELLOWSHIP MEALS, COMMUNITY EVENT MEALS
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? _____

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

10-12 on Sunday 6-7:30 on Sunday

How many parking spaces do you have now? 65

How many parking spaces do you want? NO ADDITIONAL

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?

90-100 on Sunday mornings

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. _____

Developmental Variance — Questionnaire

Name: PEOPLES BIBLE CHURCH

1) Tell us what you want to do. 45' SETBACK INSTEAD OF 55' FOR B-2
NONRESIDENTIAL USE.

2) Tell us why you can't change what you're doing so you don't need a variance. WE ARE WANTING
TO KEEP TRAFFIC FLOW SAFER ON THE SOUTH SIDE OF
BUILDING

3) Tell us why the variance won't hurt your neighbors or the community. WE ARE ONLY SHIFTING
THE NEW BUILDING 9.5'

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: 62' x 80' + 12' x 20'
Tell us what you'll use it for. 29' TO PEAK

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. N/A

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. N/A

Tell us how many parcels will use the easement. N/A

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

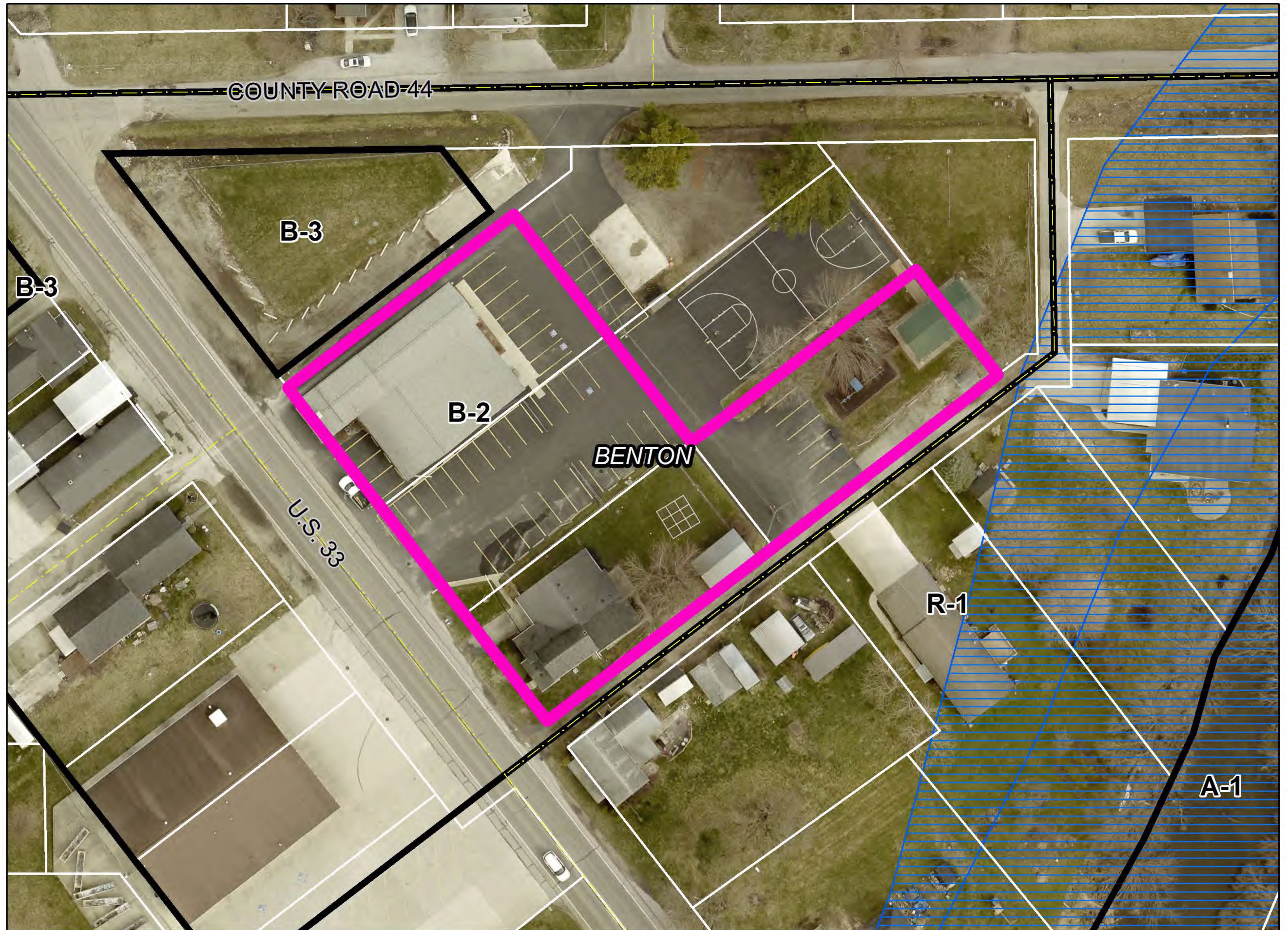
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

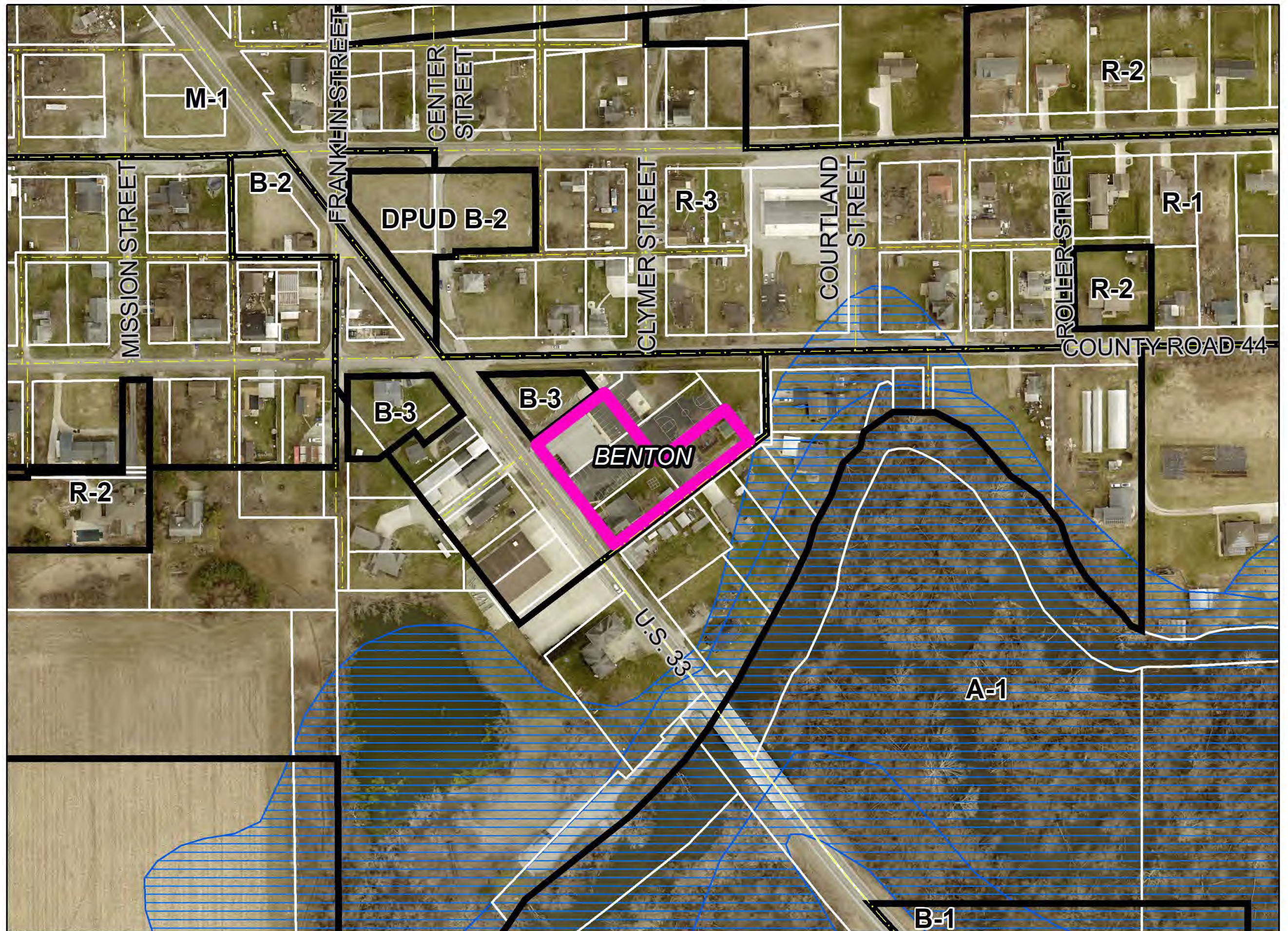
Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

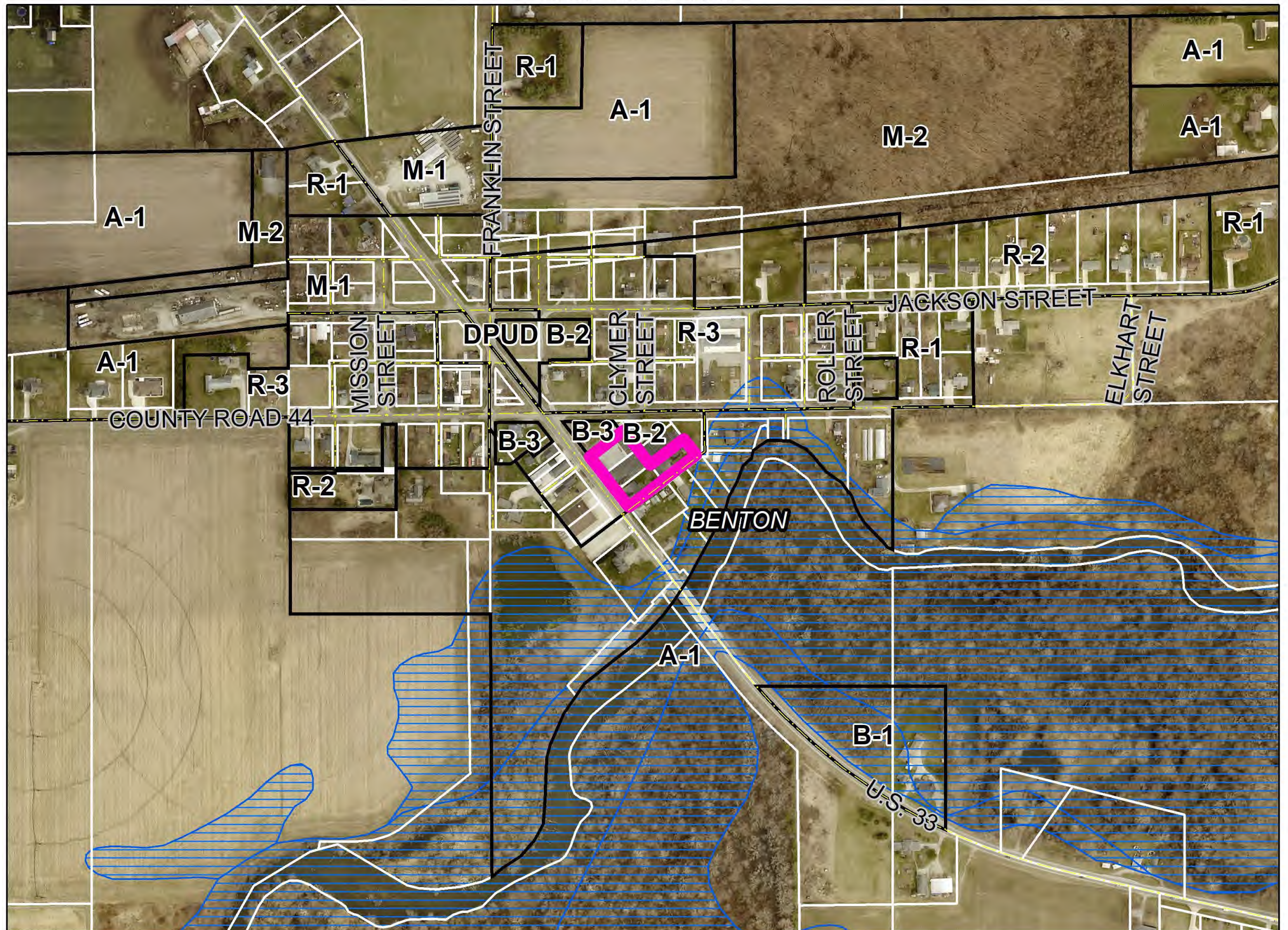
8) Does the application include a variance for parking spaces? ☐ Y ☒ N

If yes, tell us how many total there will be. _____

9) Tell us anything else you want us to know. _____









Subject property facing northeast



Subject property facing new building area



Facing southwest



Facing northwest



Facing southeast



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 16, 2025

Transaction Number: SUP-0564-2025.

Parcel Number(s): 20-10-33-226-027.000-016.

Existing Zoning: A-1.

Petition: For a Special Use for a home workshop/business for a small engine repair shop and for a 45 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 30 ft. from the centerline of the right-of-way.

Petitioner: Carl Martin, Jr.

Location: South side of CR 40, 490 ft. west of CR 11, in Harrison Township.

Site Description:

- Physical Improvement(s) – Residence & accessory structure.
- Proposed Improvement(s) – Addition to accessory structure.
- Existing Land Use – Residential
- Surrounding Land Use – Residential

History and General Notes:

- None.

Staff Analysis:

Staff finds that:

For a Special Use for a home workshop/business for a small engine repair shop, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A Special Use for a home workshop/business is allowed in the A-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 0.43-acre lot in a moderately dense residential area, and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by allowing for a local small engine repair service.

BZA Staff Report (Continued)

Hearing Date: October 16, 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 9/2/2025) and as represented in the Special Use application.
2. No outdoor storage or display related to the business is allowed.

For a 45 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 30 ft. from the centerline of the right-of-way, staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. This is an existing residence, and its location on the property does not hinder sight distance.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.43-acre lot in a moderately dense residential area, and the property will remain residential in character.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the benefit of the variance, the existing residence would be non-conforming.

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

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 9/2/2025) and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use - Non Mobile Home

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

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 09/02/2025 Meeting Date: October 16, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0564-2025

Description: for a Special Use for a home workshop/business for a small engine repair shop and for a 45 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for an existing residence 30 ft. from the centerline of the right-of-way

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
Wayne I. & Sylvia A. Ramer 64607 Cr 9 Goshen, IN 46526	Wayne I. & Sylvia A. Ramer 64607 Cr 9 Goshen, IN 46526	Carl Martin Jr. 25845 County Road 40 Goshen, IN 46526

Site Address: 25094 County Road 40 Goshen, IN 46526	Parcel Number: 20-10-33-226-027.000-016
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Township: Harrison
Location: SOUTH SIDE OF CR 40, 490 FT WEST OF CR 11

Subdivision:	Lot #
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Lot Area: 0.43	Frontage: 147.00	Depth: 143.00
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Zoning: A-1, A-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: PARCEL CREATED - 12/20/1978
RESIDENCE = 1,786 SQ FT X 110% = 1,964 SQ FT, MINUS 768 (DETACHED POLE BARN) = 1,196 SQ FT. NEW ADDITION IS 30 X 32 = 1,024 SQ FT, WHICH WOULD LEAVE 172 SQ FT AVAILABLE FOR PERSONAL STORAGE (AW) - KB 9/2/2025

Applicant Signature:	Department Signature:
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Special Use — Questionnaire

Name: Carl Mark Jr

1) Tell us what you want to do. Add on shop

2) Tell us why this activity won't hurt your neighbors or the community. will comply with said laws

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. Limited

Tell us how you'll reduce the impact of those things on neighbors. work indoors as much as possible

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. 24'x32'x13'
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? mon through Fri
9:00 4:00

How many parking spaces do you have now? 0

How many parking spaces do you want? 2

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. houn Mover + chon Saw + Parts

Repairs not sales

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

3 to 4

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

Tell us how often. 2 times a week

Tell us the kind of vehicles used. U.P.S Self pick up

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

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

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 a Moving Small

Engine Shop / Single person only

Small scale

Developmental Variance — Questionnaire

Name: Carl Jr. Martin

1) Tell us what you want to do. Build on to shed
for more room to repair shop

2) Tell us why you can't change what you're doing so you don't need a variance. Building all ready There

3) Tell us why the variance won't hurt your neighbors or the community. Just a
small repair shop

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

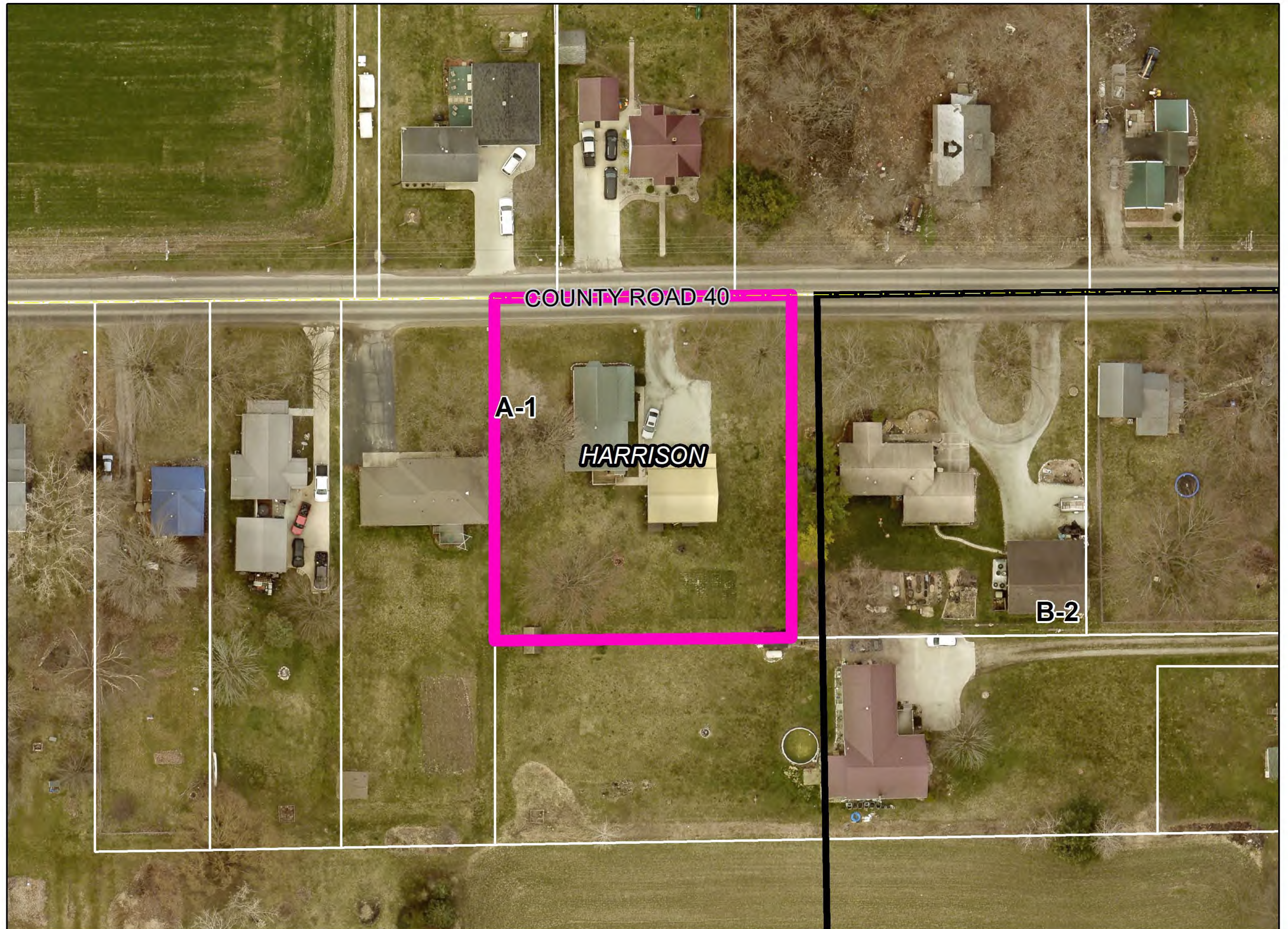
5) Does the application include variances to allow for buildings or additions? ☐ Y ☐ N If yes, fill out below.
Building or addition 1 Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 2 Size and height to the peak: _____
Tell us what you'll use it for. _____
Building or addition 3 Size and height to the peak: _____
Tell us what you'll use it for. _____

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

7) Does the application include variances for signs? ☐ Y ☐ N If yes, fill out below.
Sign 1 Dimensions (length and width): one sign by road
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. _____

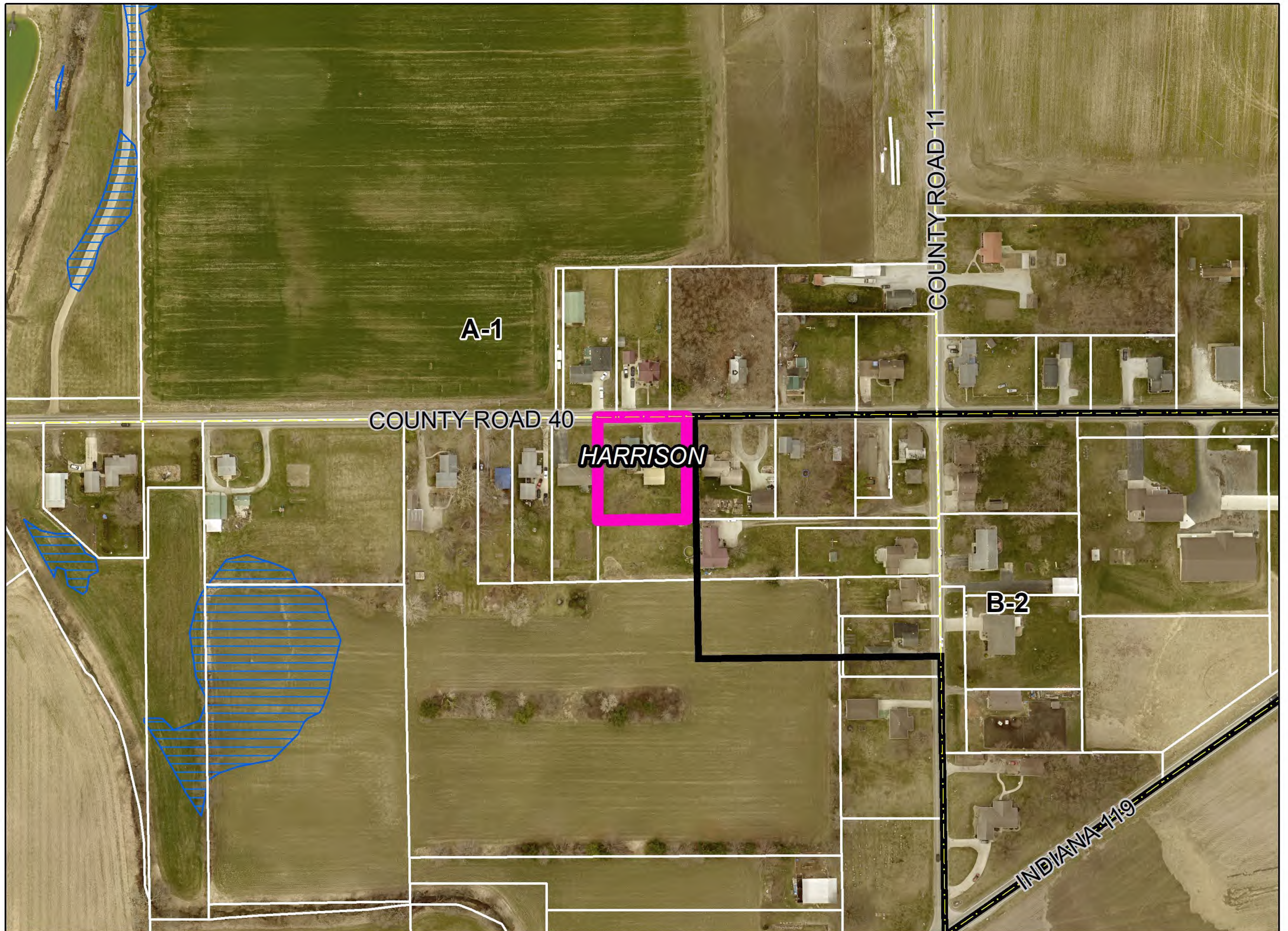


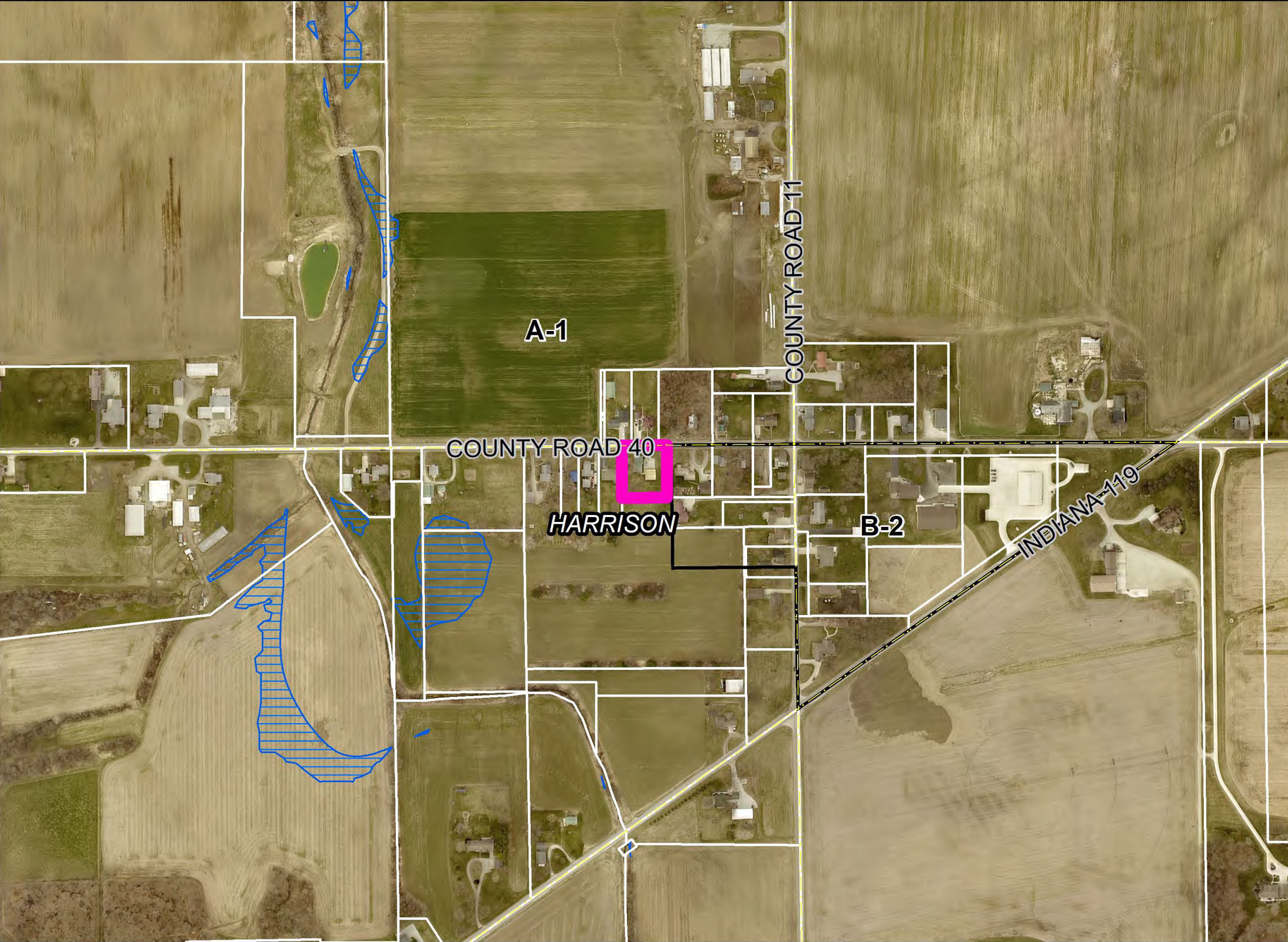
COUNTY ROAD 40

A-1

HARRISON

B-2







Subject property facing south



Facing north



Facing east



Facing west

W



← 24' →



600' to Road

Road

S

← 20'± →

20'±

25094 CR. 40
Goshen IN
46526
20-10-33-226-071
0.43 ACES.
226-008-
12/28/78.

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 16, 2025

Transaction Number: SUP-0594-2025.

Parcel Number(s): 20-08-10-329-003.000-035.

Existing Zoning: R-1.

Petition: For a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres and for a 20 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing residence and accessory structure 30 ft. from the centerline of the right-of-way.

Petitioner: Courtney A. Bevers.

Location: South side of W. Warren St., 1,160 ft. west of Main St. (SR 13), in Middlebury Township.

Site Description:

- Physical Improvement(s) – Residence & accessory structures.
- Proposed Improvement(s) – Chicken coop.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- None.

Staff Analysis:

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

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. The keeping of animals on a tract of land containing less than 3 acres is allowed by Special Use in the R-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 0.40-acre lot in a moderately dense residential area in the Town of Middlebury, and the property will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing a hobby opportunity and a local source of food.

BZA Staff Report (Continued)

Hearing Date: October 16, 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 9/12/2025) and as represented in the Special Use application.
2. The agricultural use is limited to a maximum of twelve (12) chickens, no roosters.

For a 20 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing residence and accessory structure 30 ft. from the centerline of the right-of-way, staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. This is an existing residence and accessory structure, and both locations on the property do not hinder sight distance.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 0.40-acre lot in a moderately dense residential area, and the property will remain residential in character.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Without the benefit of the variance, the existing residence and accessory structure would be non-conforming.

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

1. A variance from the developmental standards of the Development Ordinance is void unless an Improvement Location Permit is issued within 180 calendar days from the date of the grant and construction work completed within 1 year from the date of the issuance of the building permit (where required).
2. The request is approved in accordance with the site plan submitted (dated 9/12/2025) and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use - Non Mobile Home

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

SUP-0594-2025

Date: 09/12/2025 Meeting Date: October 16, 2025
Board of Zoning Appeals Public Hearing Transaction #: SUP-0594-2025

Description: for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres, for a 15 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing residence 35 ft. from the centerline of the right-of-way, and for a 20 ft. Developmental Variance (Ordinance requires 50 ft.) to allow for an existing accessory structure 30 ft. from the centerline of the right-of-way

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Courtney A. Bevers	Courtney A. Bevers
407 W Warren St	407 W Warren St
Middlebury, IN 46540	Middlebury, IN 46540

Site Address: 407 West Warren St Middlebury, IN 46540	Parcel Number: 20-08-10-329-003.000-035
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Township: Middlebury
Location: SOUTH SIDE OF WEST WARREN ST. , 1,160 FT. WEST OF N. MAIN ST (SR 13)

Subdivision: MATHERS	Lot # 23 & 24
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Lot Area: 0.40	Frontage: 87.00	Depth: 165.00
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Zoning: R-1	NPO List:
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments:

Applicant Signature:

Department Signature:

Special Use — Questionnaire

Name: Courtney Bevers

1) Tell us what you want to do. I want to learn and teach my daughter how to raise chickens. It has always been a dream of mine to learn how to be self-sustainable and the responsibility it takes is very beneficial for me and my family.

2) Tell us why this activity won't hurt your neighbors or the community. The chickens would not leave my yard to roam. The coop would be located in the yard in a spot where there is more buffer than any other spot in the yard.

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. Chickens do create noise and odor

Tell us how you'll reduce the impact of those things on neighbors. Regular cleanings and removal of feces from the property will help with odor. I would remove any hen that would create any extra/unnecessary noise.

5) Will there be buffering (fences, trees, shrubs, mounds)? ☒ Y ☐ N

If yes, tell us about it. The coop would be located just west of my back garage, east of a row of bushes, north of a tree and grape vines, and south of the house. It would be the least visible spot for any neighbors.

6) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N

Does the property need a new septic system? ☐ Y ☒ N

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

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

Building or addition 1 Existing? ☐ Y ☐ N Size and height to the peak: _____

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. Chickens - 12

Next page ➡

Special Use — Questionnaire

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

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

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

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

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

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

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

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

Will there be retail sales on this property? ☐ Y ☒ N

If yes, tell us what will be sold. _____

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

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

Tell us how often. _____

Tell us the kind of vehicles used. _____

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

Sign 1 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☒ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☒ N

Sign 2 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☒ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☒ N

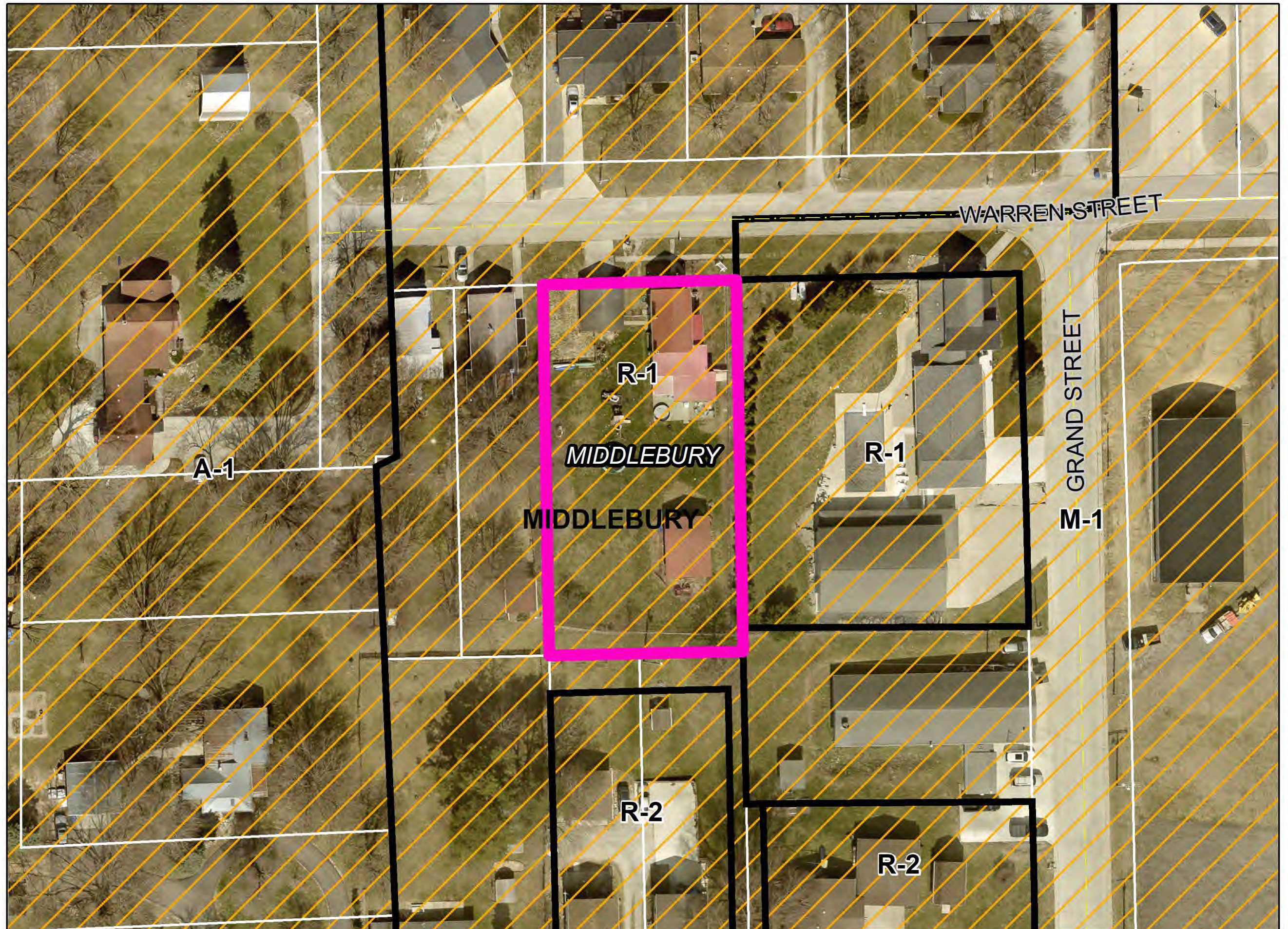
Sign 3 Dimensions (length and width). _____

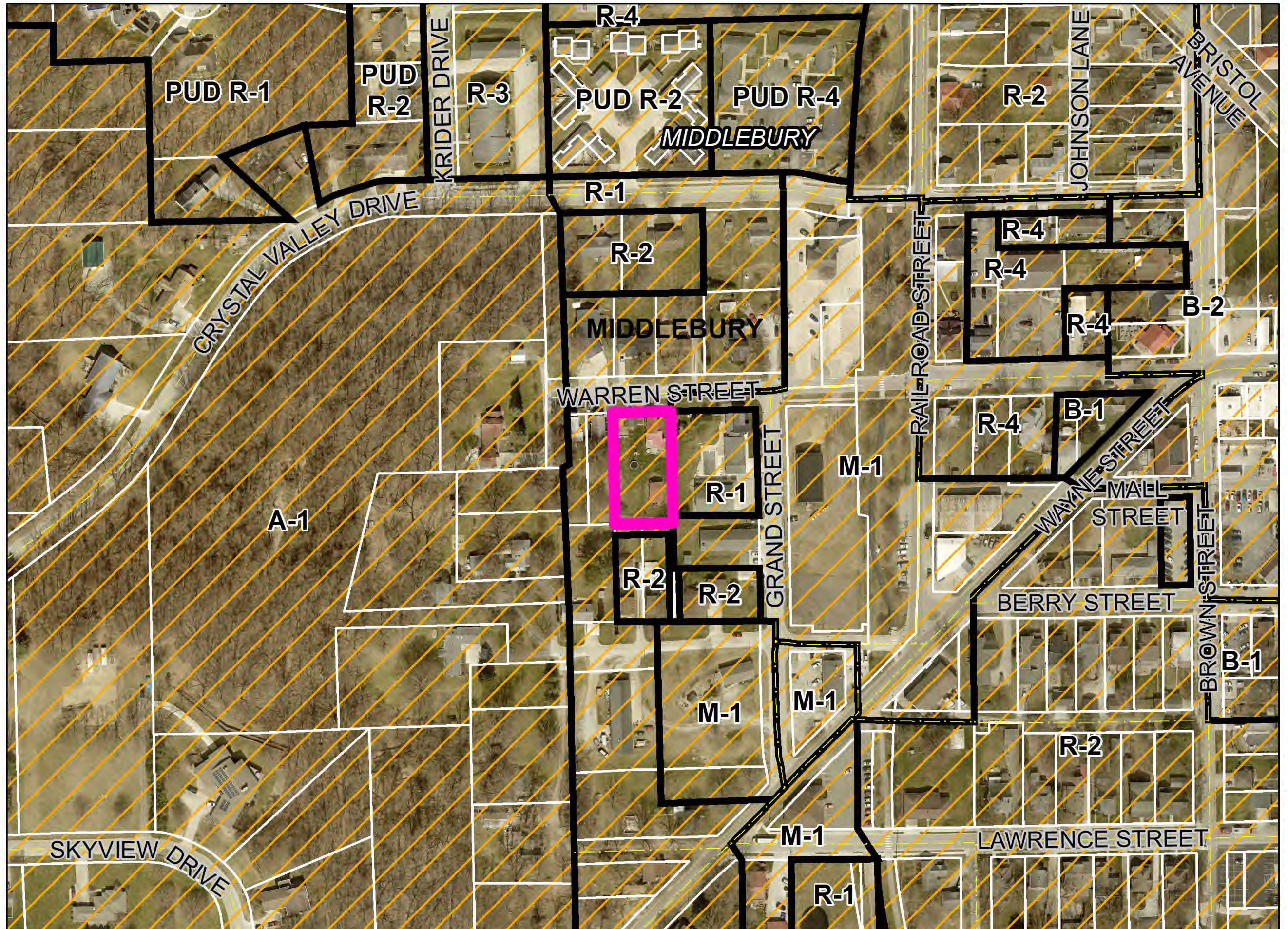
Existing? ☐ Y ☐ N Double faced? ☐ Y ☒ N

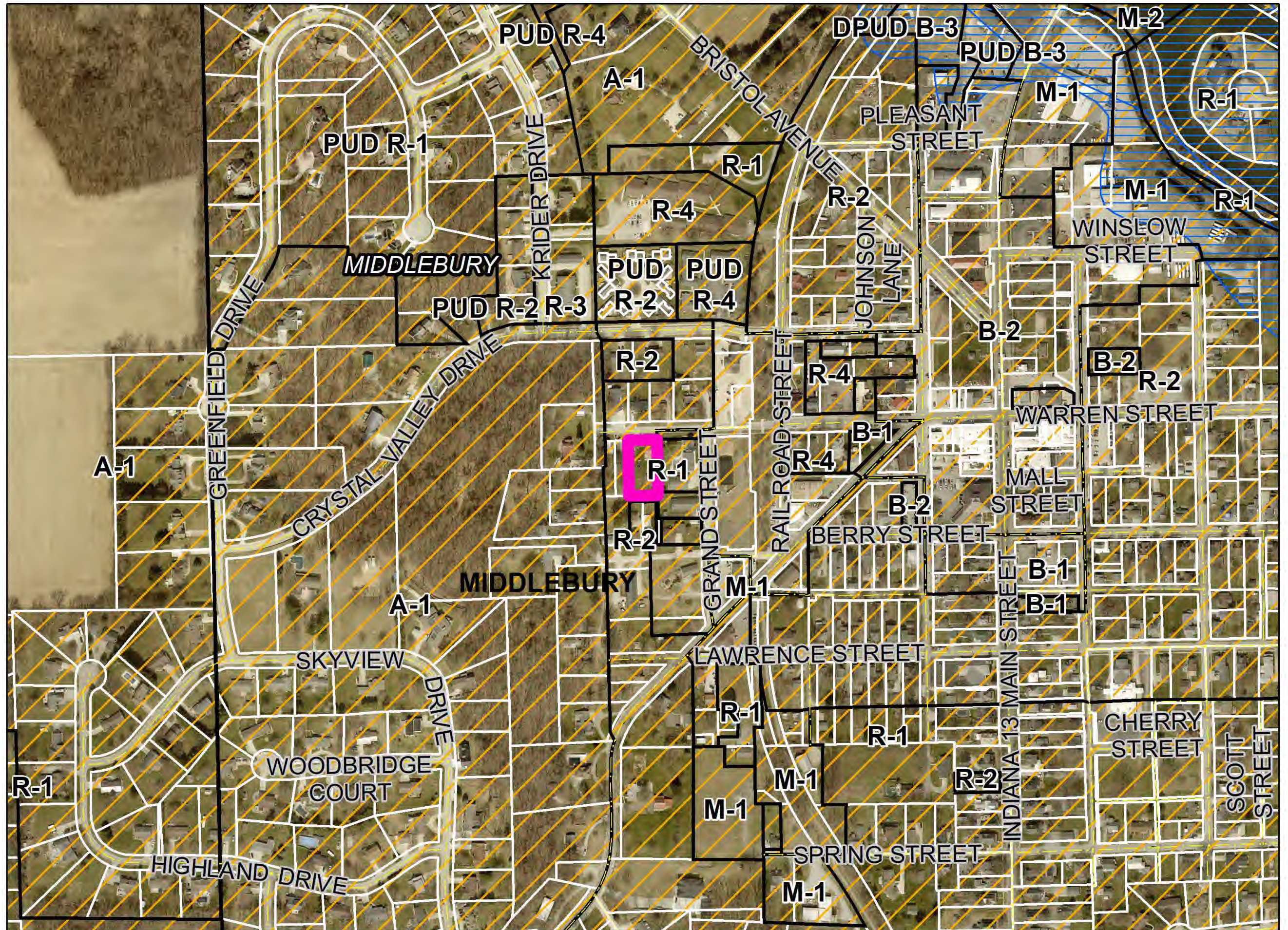
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☒ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☒ N

10) Tell us anything else you want us to know. The entire backyard is fenced in









Subject property facing south



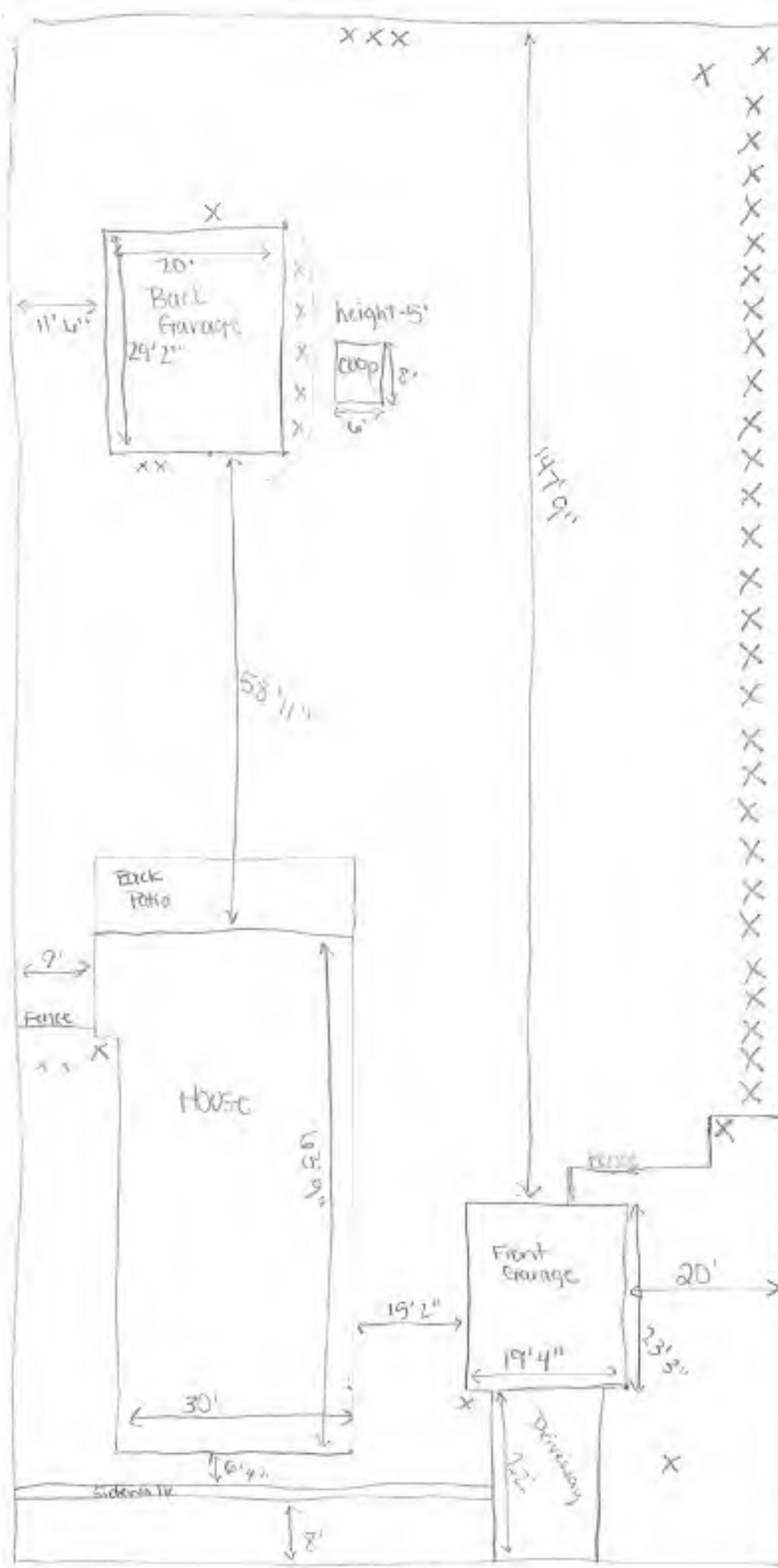
Facing north



Facing east



Facing west



BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 16, 2025

Transaction Number: UV-0201-2025.

Parcel Number(s): 20-02-16-201-023.000-026.

Existing Zoning: R-2.

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

Petitioner: Arthur R. Lusher, Jr., Trustee of the Arthur R. Lusher, Jr., Revocable Trust Agreement.

Location: East side of CR 109, 1,150 ft. north of Lake Dr., east of CR 9, in Osolo Township.

Site Description:

- Physical Improvement(s) – None.
- Proposed Improvement(s) – Accessory structure.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- **September 20, 1979** – The BZA approved an appeal from the Administrator's decision to construct a residence on property not subdivided according to county regulations and a variance for a depth-to-width ratio greater than 3:1 for construction of a residence (79-27-A).
- **July 14, 2021** – A demo permit was issued for the existing residence (BR-1636-2021).

Staff Analysis:

Staff finds that:

1. The request will be injurious to the public health, safety, morals, and general welfare of the community. Standalone accessory structures without a primary structure can lead to nonconforming or conflicting uses.
2. The use and value of the area adjacent to the subject property will be affected in a substantially adverse manner. This is a platted lot in a subdivision designated for residential homesites and there are no stand-alone accessory structures on any of the surrounding parcels.
3. A need for the Use Variance does not arise from a condition that is peculiar to the property involved. This is a large 1.6-acre lake lot that could accommodate residential and accessory uses.
4. Strict enforcement of the terms of the Development Ordinance would not constitute an unnecessary hardship if applied to the subject property. A residence could be built with enough storage space for personal use items.
5. The Use Variance does interfere substantially with the Elkhart County Comprehensive Plan. The Comprehensive Plan states that existing residential communities should be supported and protected from conflicting land uses.

Staff recommends **DENIAL**.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Use Variance - Use Variance

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 03/28/2025 Meeting Date: October 16, 2025 Transaction #: UV-0201-2025
Board of Zoning Appeals Public Hearing

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

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Arthur R. Lusher, Jr Trustee Of	Arthur R. Lusher, Jr Trustee Of
The Arthur R. Lusher, Jr.	The Arthur R. Lusher, Jr.
Revocable Trust Agreement	Revocable Trust Agreement
51212 Cr 109	51212 Cr 109
Elkhart, IN 46514	Elkhart, IN 46514

Site Address: 51258 County Road 109
Elkhart, IN 46514

Parcel Number: 20-02-16-201-023.000-026

Township: Osolo

Location: EAST SIDE OF CR 109, 1,150 FT. NORTH OF LAKE DR., EAST OF CR 9

Subdivision: MAPLE GROVE EX N 1/2

Lot # 16

Lot Area: 1.60 Frontage: 90.00 Depth: 550.00

Zoning: R-2

NPO List:

Present Use of Property: VACANT

Legal Description:

Comments: SEE APPEAL & VARIANCE CASE # 79-27-A /APPROVED 9/20/1979
STAFF WAS FOR DENIAL-SPOKE WITH LANDOWNER AND HE IS WILLING TO ADD LIVING SPACE TO HIS
STORAGE BUILDING (BARND) AND WILL BE BRINGING IN A DEVELOPMENTAL VARIANCE APPLICATION-FEES
WAIVED AS HE WAS ORIGINALLY GOING TO DO THE DV BEFORE TOLD IT WAS BEST TO FILE A UV.- DR-4/24/2025
LANDOWNER CAME IN TO RESCHEDULE MEETING, MADE NECESSARY CHANGES TO SITE PLAN. PER JASON, NO
FEE NECESSARY SINCE WITHDRAWN BEFORE MEETING - JM 8/25/2025

Applicant Signature:

Department Signature:

Use Variance — Questionnaire

Name: ARTHUR R LUSHER

- 1) Tell us what you want to do. ~~Build~~ BUILD A STORAGE BUILDING
30' X 40' WOULD LIKE TO
STORE 2 BOATS Fishing Boat & Jet Boat
- 2) Tell us why your case is different from other cases in the county so that a variance should be allowed.
BUILDING ON VACANT LOT WILL BOTHER NO
ONE
- 3) Tell us why the variance won't hurt your neighbors or the community. JUST A STORAGE
BUILDING ON VACANT LOT ACROSS FROM WOODS
- 4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? ☐ Y ☒ N If yes, fill out below.
Tell us what will create those things. _____
Tell us how you'll reduce the impact of those things on neighbors. _____
- 5) Will there be buffering (fences, trees, shrubs, mounds)? ☐ Y ☒ N
If yes, tell us about it. _____
- 6) Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N
- 7) Does what you want to do include buildings or additions? ☒ Y ☐ N If yes, fill out below.
Building or addition 1 Existing? ☐ Y ☒ N Size and height to the peak: _____
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) Is there a subdivision covenant that says you can't do this activity? ☐ Y ☐ N
If yes, does the subdivision have an active homeowners' association? ☐ Y ☐ N
- 9) Does this application include an accessory structure without a residence at this time? ☒ Y ☐ N
If yes, are there plans for a residence on this property? ☒ Y ☐ N If yes, fill out below.
Tell us when it will be built. _____
Tell us the approximate size. _____
- 10) Does this application include animals? ☐ Y ☒ N
If yes, tell us what kind and the maximum number of each. _____

Use Variance — Questionnaire

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

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

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

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

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

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

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

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

Will there be retail sales on this property? ☐ Y ☒ N

If yes, tell us what will be sold. _____

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

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

Tell us how often. _____

Tell us the kind of vehicles used. _____

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

Sign 1 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 2 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

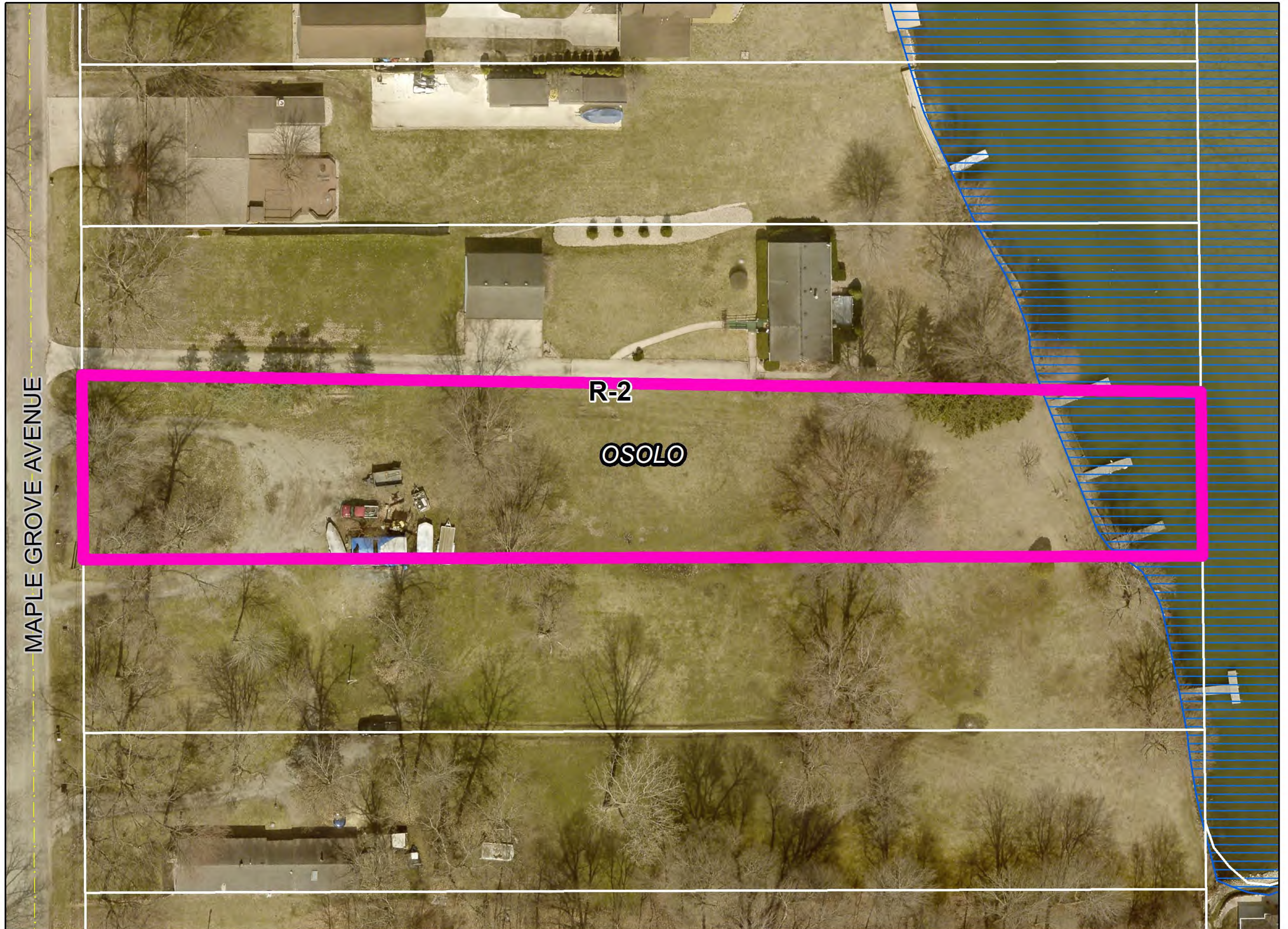
Sign 3 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

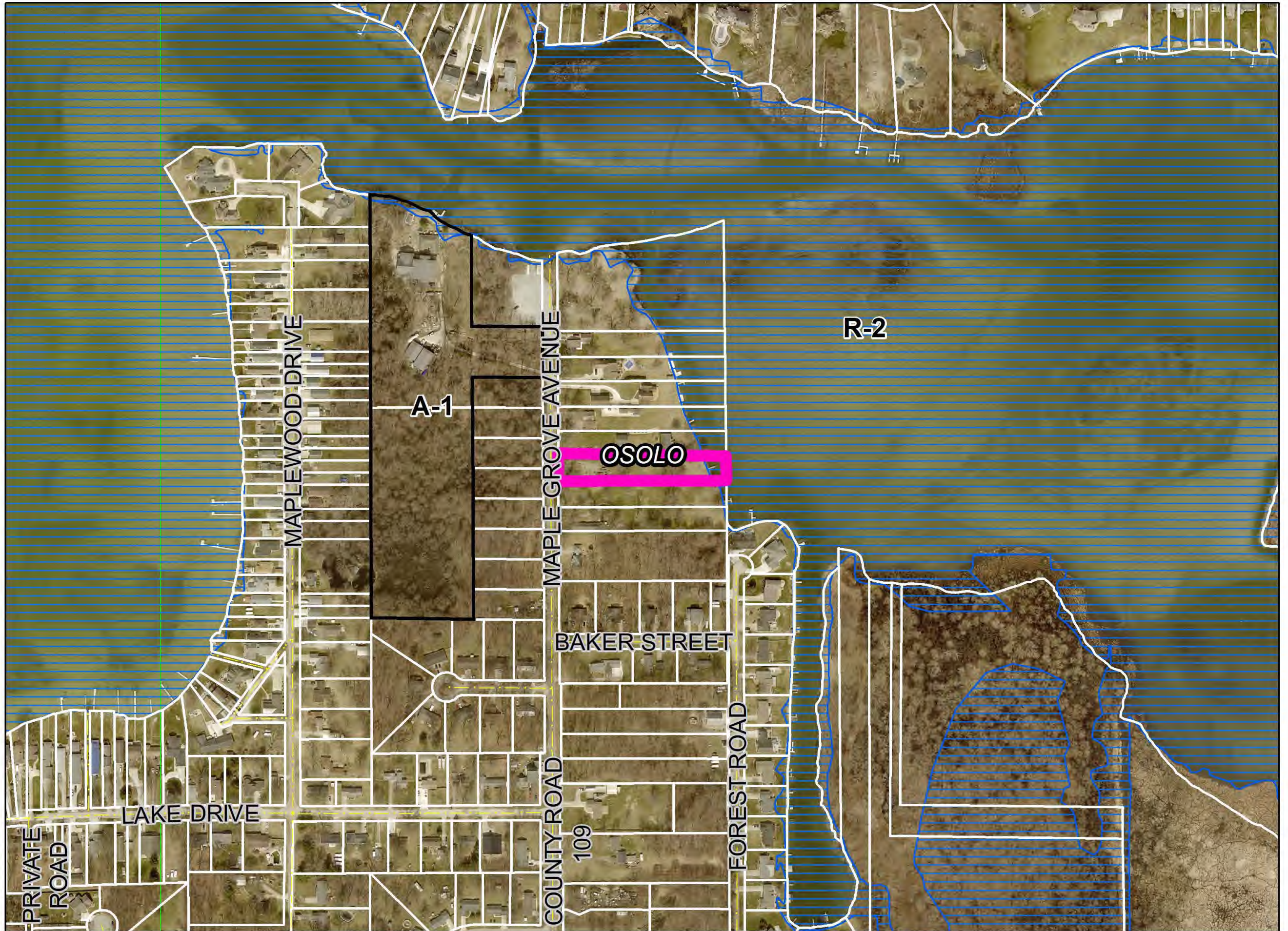
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

12) Tell us anything else you want us to know. _____









Subject property facing east



Facing west



Facing north

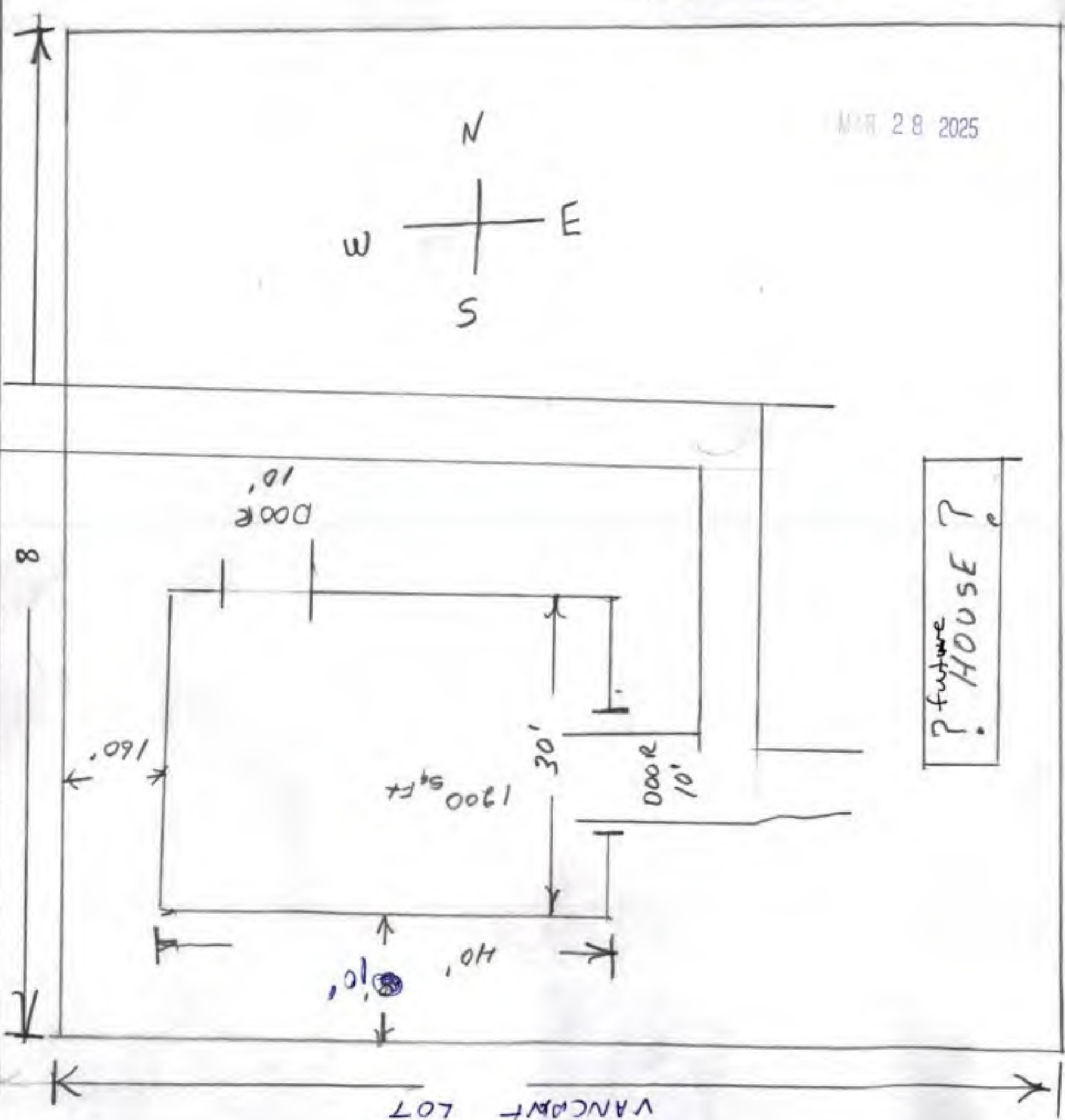


Facing south

X X X X X
WOODS

CR109

8



? future
HOUSE ?

SIMON TOWN
LAKE

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 16, 2025

Transaction Number: UV-0616-2025.

Parcel Number(s): 20-11-11-476-010.000-014.

Existing Zoning: A-1.

Petition: For a Use Variance to allow for two existing dwellings and the construction of a third dwelling on a parcel, for a Special Use for a mobile home, and for a Developmental Variance to allow for the placement of a mobile home within 300 ft. of a residence.

Petitioner: Timothy C. Miller & Tiffany N. Miller, Husband & Wife.

Location: North side of CR 34, 1,330 ft. west of CR 29, in Elkhart Township.

Site Description:

- Physical Improvement(s) – Residence, second residence.
- Proposed Improvement(s) – Mobile home.
- Existing Land Use – Residential.
- Surrounding Land Use – Residential.

History and General Notes:

- **October 3, 2022** – The 1-lot minor subdivision known as Fairview East was recorded.
- **October 10, 2022** – A permit for an accessory dwelling unit was applied for (BR-2177-2022). The accessory dwelling unit was permitted at 992 sq. ft. of living space with an attached garage area. The building was constructed at 1,234 sq. ft., which is over the allowed 1,000 sq. ft.
- The property must be brought into compliance with either a subdivision or a remodeling permit to reduce the living area of the accessory dwelling unit.
- No building permits will be issued until the property is brought into compliance.

Staff Analysis:

For a Use Variance to allow for two existing dwellings and the construction of a third dwelling on a parcel, staff finds that:

1. The request will be injurious to the public health, safety, morals, and general welfare of the community. The Development Ordinance does not allow for three primary dwellings on one buildable parcel in the A-1 zone.
2. The use and value of the area adjacent to the subject property will be affected in a substantially adverse manner. The subject property is 6.33 acres in a mixed-use area of low to moderate density. Approval of the request would establish a precedence of allowing three primary dwellings on a single parcel, which could negatively impact neighboring properties.

BZA Staff Report (Continued)

Hearing Date: October 16, 2025

3. A need for the Use Variance does not arise from a condition that is peculiar to the property involved. The accessory structure was constructed larger than what was permitted.
4. Strict enforcement of the terms of the Development Ordinance would not constitute an unnecessary hardship if applied to the subject property. The subject property could be subdivided to allow for a single primary residence on each of the new lots created and the mobile home could be placed as an accessory dwelling on one of those lots.
5. The Use Variance does interfere substantially with the Elkhart County Comprehensive Plan. The Comprehensive Plan emphasizes promotion of the stringent standards established under the Use Variance section of the Indiana Code.

Staff recommends **DENIAL**.

For a Special Use for a mobile home and for a Developmental Variance to allow for the placement of a mobile home within 300 ft. of a residence, staff finds that:

As a result of the Use Variance denial recommendation, the Special Use and Developmental Variance are moot.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Use Variance - Use Variance

Date: 09/23/2025

Meeting Date: October 16, 2025
Board of Zoning Appeals Public Hearing

Transaction #: UV-0616-2025

Description: for a use variance to allow for two existing dwellings and the construction of a third dwelling on a parcel, for a special use for a mobile home, and for a Developmental Variance to allow for the placement of a mobile home within 300 ft. of a residence.

Contacts: Applicant

Timothy C. Miller & Tiffany
N. Miller, Husband & Wife
17025 Cr 34
Goshen, IN 46528

Land Owner

Timothy C. Miller & Tiffany
N. Miller, Husband & Wife
17025 Cr 34
Goshen, IN 46528

Site Address: 17025 County Road 34
Goshen, IN 46528

Parcel Number: 20-11-11-476-010.000-014

Township: Elkhart

Location: North Side Of County Road 34, 1,330 West Of County Road 29

Subdivision: FAIRVIEW EAST

Lot # 1

Lot Area: 6.33 Frontage: 220.00 Depth: 1,207.00

Zoning: A-1

NPO List:

Present Use of Property: RESIDENTIAL

Legal Description:

Comments: BR-0153-2016, BR-2177-2022-DAWDY HOUSE-NO C/O. ADDRESS 17027 CR 34. MUST GET RENEW PERMIT AND GET INSPECTIONS DONE. 992 SQ. FT. LIVING AREA PERMITTED.

Applicant Signature:

Department Signature:

Use Variance — Questionnaire

Name: Tim & Tiffany Miller

1 Tell us what you want to do. Put a single wide to care for
Tiffany's mother

2 Tell us why your case is different from other cases in the county so that a variance should be allowed.
Mother is having health issues and going to need
assistance until she passes

3 Tell us why the variance won't hurt your neighbors or the community.
This is temporary
until she passes, then the mobile home will
be removed off property.

4 Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? ☐ Y ☒ N If yes, fill out below.

Tell us what will create those things. _____

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

5 Will there be buffering (fences, trees, shrubs, mounds)? ☐ Y ☒ N

If yes, tell us about it. _____

6 Does the property need well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N

Does the property need a new septic system? ☐ Y ☒ N

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

7 Does what you want to do include buildings or additions? ☒ Y ☐ N If yes, fill out below.

Building or addition 1 Existing? ☐ Y ☐ N Size and height to the peak: 15' x 72'

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. _____

Use Variance — Questionnaire

11 Does this application include a business or nonprofit

)

(church, school, other) based all or in part on this property? ☐ Y ☒ N If yes, fill out below.

How many employees do you have now? Full time: N/A Part time: _____

How many employees do you want? Full time: N/A Part time: _____

How many of the employees won't live onsite? N/A

What will be the days and hours of operation on this property? N/A

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?

N/A

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). _____

Special Use for a Mobile Home — Questionnaire

Name: Timothy & Tiffany Miller

1 Is there an existing main residence already on the property? ☒ Y ☐ N

If yes, tell us who will live in the existing main residence. Tim & Tiffany Miller and family.

2 Tell us who will live in the mobile home. (Tiffany) mother Linda Charles

3 Is the mobile home needed because of a hardship like poor health, age, or an emergency? ☒ Y ☐ N

If yes, tell us about it. Linda has Cauda equina syndrome it is a serious & rare condition. She will be having surgery in Oct. She'll be in a wheelchair up to 6 months or longer.

4 Tell us why the mobile home won't hurt your neighbors or the community. We have explain the situation to the neighbors & they all understand, we've also told them it ~~was~~ would not be permanent.

5 Does the mobile home need its own well and septic? Well: ☐ Y ☒ N Septic: ☐ Y ☒ N

Does the mobile home 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

6 Tell us the size of the mobile home. 15 x ⁷² ~~10~~

7 Tell us the year of the mobile home. NEW

8) Tell us anything else you want us to know. _____

Developmental Variance — Questionnaire

Name: Tim & Tiffany Miller

1 Tell us what you want to do. Put a single wide to care for
Tiffany's mother.

2 Tell us why you can't change what you're doing so you don't need a variance. Already have
two homes on the property, so we need a
variance to be able to put the mobile home on.

3 Tell us why the variance won't hurt your neighbors or the community. This is temporary
until she passes, then the mobile home will
be removed off 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: 15' x 72'
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. Tim & Tiffany Miller

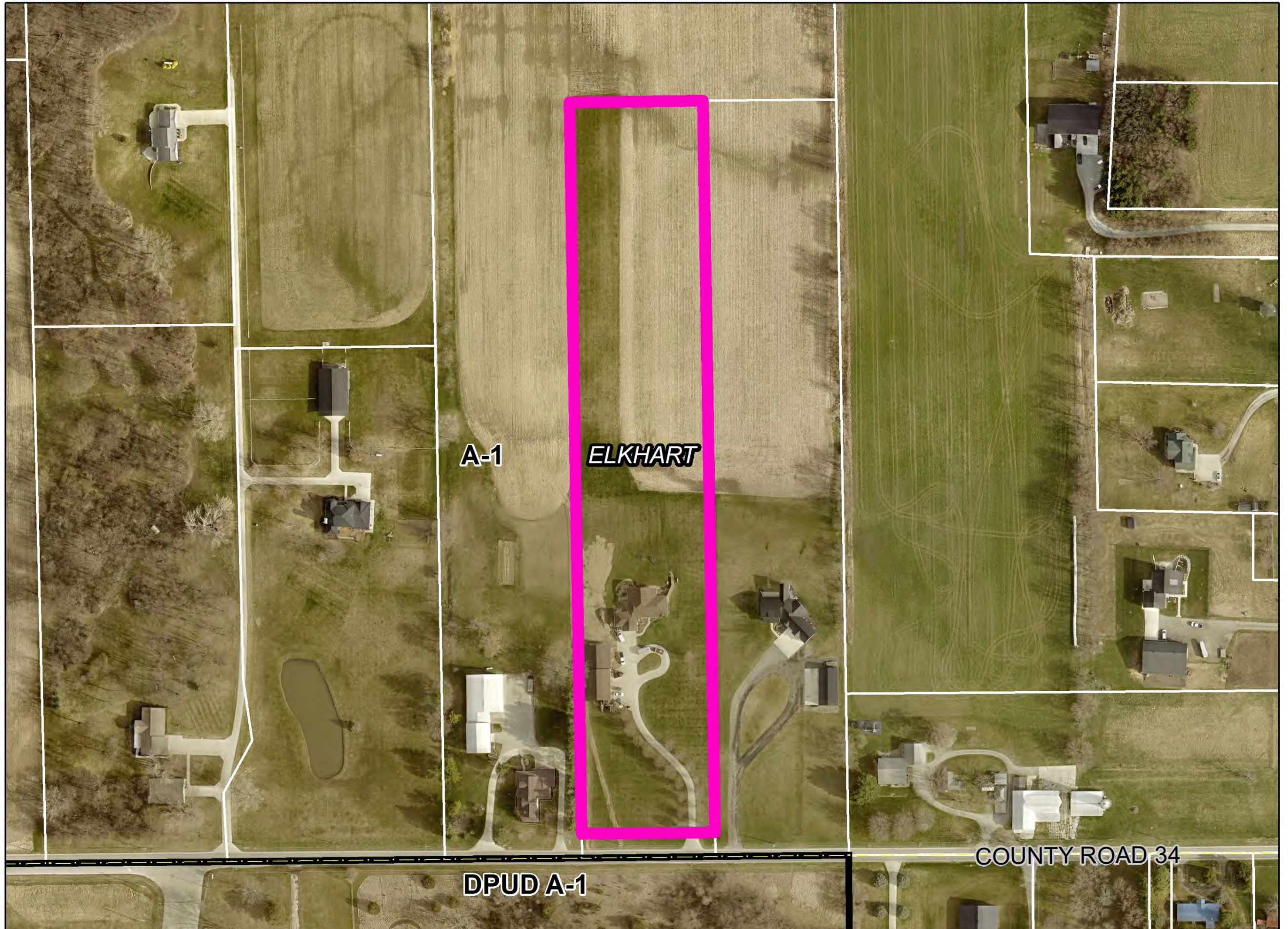
Tell us how many parcels will use the easement. _____

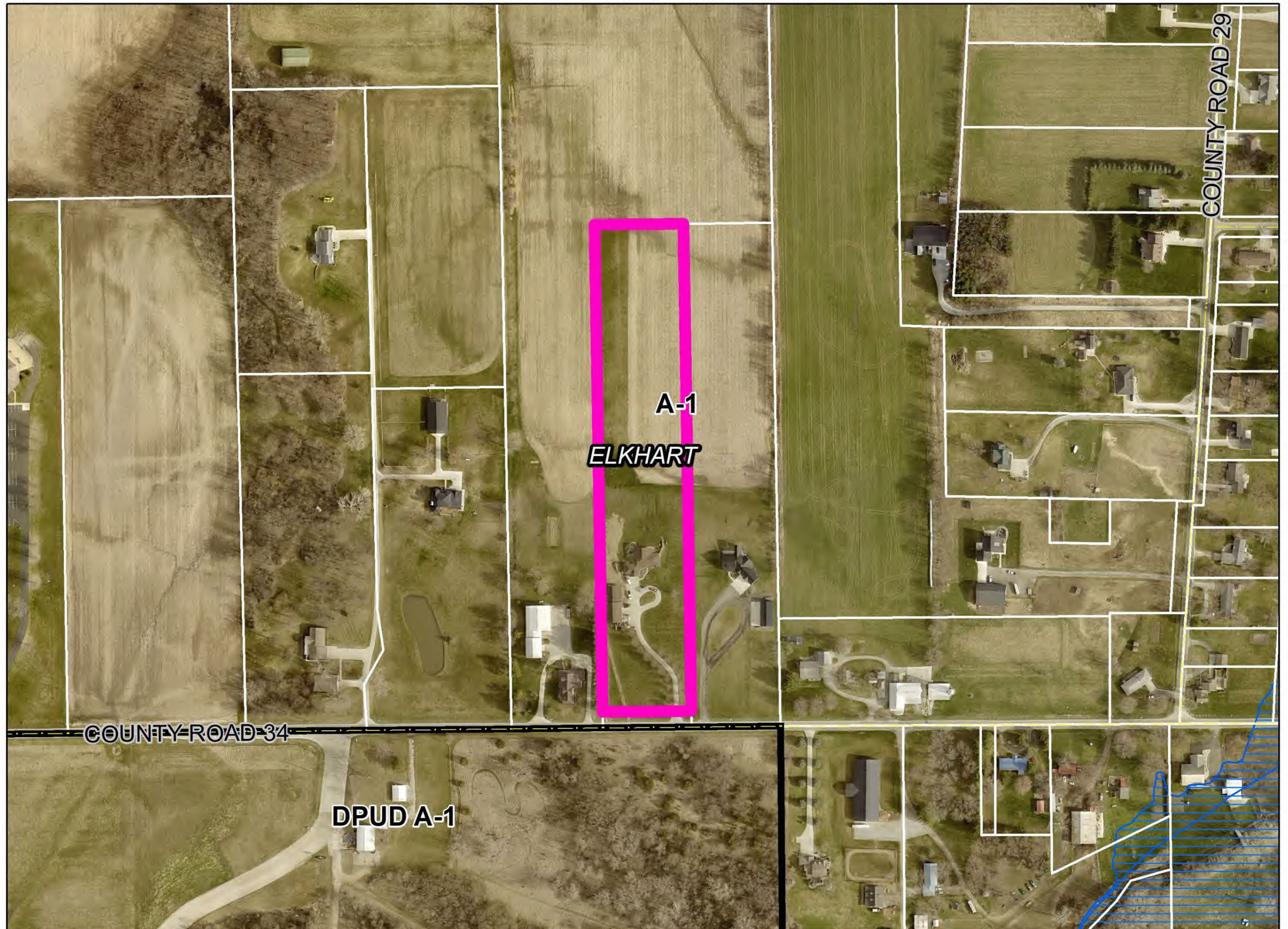
7 Does the application include variances for signs? ☐ Y ☒ N If yes, fill out below.

Sign 1 Dimensions (length and width): _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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









Subject property facing north



Subject property showing existing dwellings



Proposed site for Mobile Home (3rd dwelling unit)



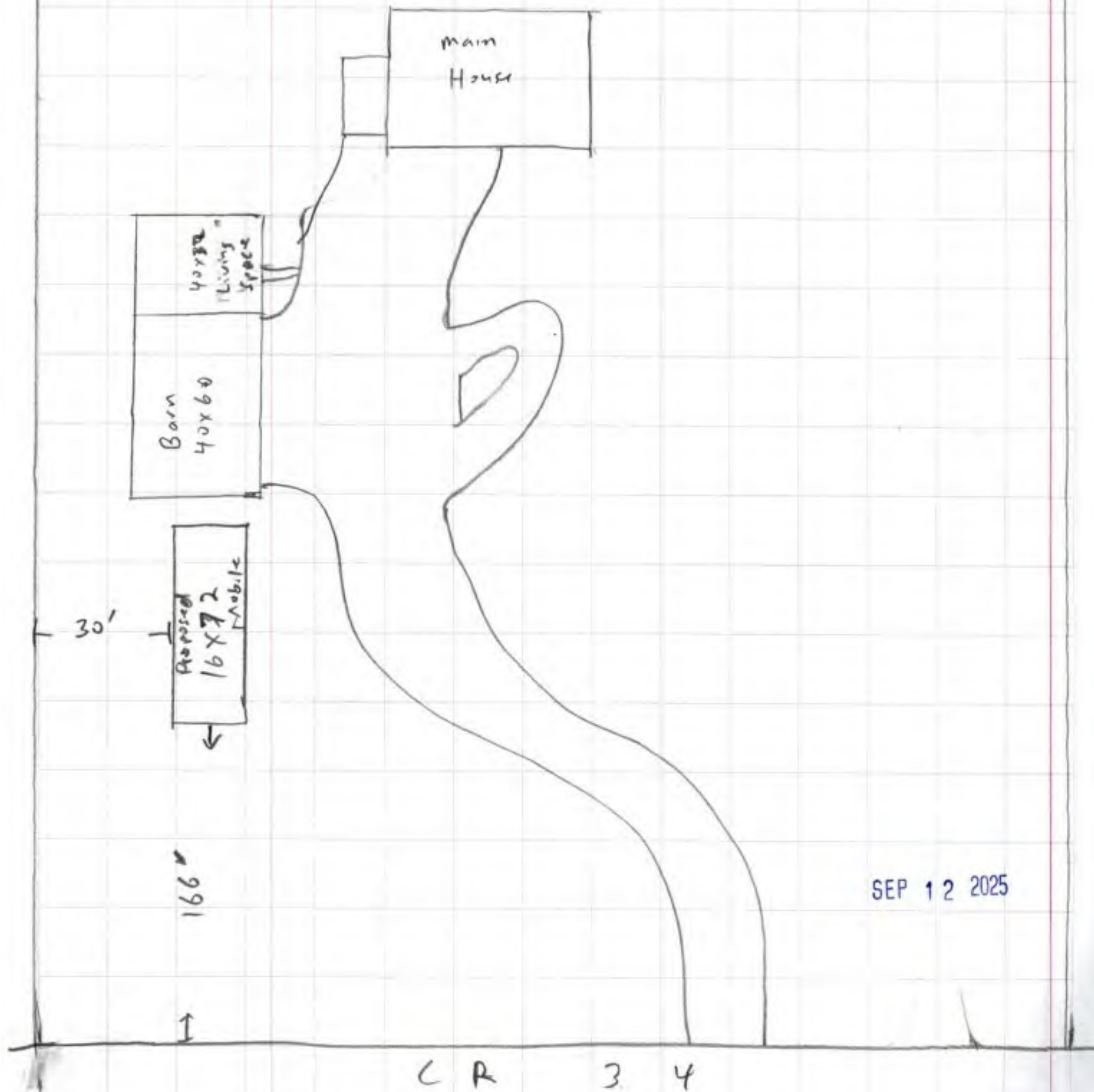
Facing east



Facing west



Facing south



SEP 12 2025

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 16, 2025

Transaction Number: UV-0604-2025.

Parcel Number(s): 20-02-17-476-031.000-026.

Existing Zoning: R-2.

Petition: For a Use Variance to allow for the placement of a shipping container, for a Special Use for the placement of a mobile home, and for a Developmental Variance to allow for the placement of a mobile home within 300 ft. of a residence.

Petitioner: Stephanie Fireline & Ted R. Knauss, Jr., Husband & Wife.

Location: North side of CR 4, 430 ft. west of CR 9, in Osolo Township.

Site Description:

- Physical Improvement(s) – None.
- Proposed Improvement(s) – Mobile home, shipping container.
- Existing Land Use – Vacant.
- Surrounding Land Use – Residential.

History and General Notes:

- **April 21, 2020** – A complaint was made about an unsafe residence (CODE-0070-2021).
- **June 3, 2021** – The case was closed after demolition was verified.

Staff Analysis:

For a Use Variance to allow for the placement of a shipping container, staff finds that:

1. The request will be injurious to the public health, safety, morals, and general welfare of the community. Shipping containers are commercial in nature, are mainly used for commercial transport and storage purposes, and belong in commercial and industrial areas.
2. The use and value of the area adjacent to the subject property will be affected in a substantially adverse manner. Shipping containers are not structures, lack structural integrity, and are temporary in nature, and their aesthetics would have a negative effect on residential areas.
3. A need for the Use Variance does not arise from a condition that is peculiar to the property involved. There are no shipping containers on neighboring properties and a shipping container does not fit the character of the neighborhood.
4. Strict enforcement of the terms of the Development Ordinance would not constitute an unnecessary hardship if applied to the subject property. Storage can be achieved by building a new accessory structure.
5. The Use Variance does interfere substantially with the Elkhart County Comprehensive Plan. The Plan states that existing residential communities should be supported and protected from conflicting land uses.

Staff recommends **DENIAL**.

BZA Staff Report (Continued)

Hearing Date: October 16, 2025

For a Special Use for a mobile home, staff finds that:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Development Ordinance. A mobile home is allowed by Special Use in the R-2 zone.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 1-acre lot in a medium-density residential area near city limits, and the area will remain residential in character.
3. The Special Use will substantially serve the public convenience and welfare by providing for an affordable housing option.

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

1. The request is approved subject to Staff renewal every three (3) years and with a one (1) year review to verify compliance with the following:
 - a. The mobile home shall be adequately stabilized and skirted and have tie-downs installed.
 - b. The water supply and sewage disposal system shall be installed in accordance with County Health Department specifications.
 - c. Adequate provisions for storage shall be provided at all times to eliminate exterior storage of personal property, tools, and vehicles, except licensed motor vehicles.
 - d. At all times, the premises shall be kept free of abandoned junk vehicles and parts thereof as described by Indiana State Law.
2. A revised site plan must be submitted for staff approval showing all property boundaries.
3. 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.

For a Developmental Variance to allow for the placement of a mobile home within 300 ft. of a residence, staff finds that:

1. Approval of the request will not be injurious to public health, safety, morals, or general welfare. A mobile home maintained according to the standards above will not affect the welfare of the neighborhood.
2. Approval of the request will not cause substantial adverse effect on neighboring property. This is a 1-acre lot in a medium-density residential area near city limits, and the area will remain residential in character.
3. Strict application of the terms of the Development Ordinance would result in an unnecessary hardship in the use of the property. Strict application would prohibit an affordable housing option in an existing neighborhood of modest homesites.

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 revised site plan to be submitted for staff approval and as represented in the Developmental Variance application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Use Variance - Use Variance

Date: 09/16/2025 Meeting Date: October 16, 2025 Transaction #: UV-0604-2025
Board of Zoning Appeals Public Hearing

Description: for a Use Variance to allow for the placement of a shipping container, for a Special Use to allow for the placement of a mobile home, and for a Developmental Variance to allow for the placement of a mobile home within 300 ft. of a residence

Contacts: <u>Applicant</u>	<u>Land Owner</u>
Stephanie Fireline & Ted. R. Knauss, Jr., Husband & Wife 26075 County Road 4 Elkhart, IN 46514	Stephanie Fireline & Ted. R. Knauss, Jr., Husband & Wife 26075 County Road 4 Elkhart, IN 46514

Site Address: 26075 County Road 4 Elkhart, IN 46514	Parcel Number: 20-02-17-476-031.000-026
--	---

Township: Osolo
Location: NORTH SIDE OF CR 4, 430 FT. WEST OF CR 9

Subdivision: Marvel/Wenger SUB of Part lot 6 in South side 2nd	Lot # Simonton Lake SUB Lot 1
--	-------------------------------

Lot Area: 1.02	Frontage: 135.00	Depth: 331.35
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Zoning: R-2	NPO List:
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Present Use of Property: VACANT LAND

Legal Description:

Comments: THIS WAS TURNED IN ON 9-15-2025 WHEN COMPUTERS WERE DOWN. WAS ORIGINALLY A SPECIAL USE SUP-0600-2025 THAT HAD TO BE VOIDED.

Applicant Signature:	Department Signature:
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Use Variance — Questionnaire

Name: Ted R Knauss Jr

1) Tell us what you want to do. place a storage container on my property for storage of tools for the steps needed for my home to be placed

2) Tell us why your case is different from other cases in the county so that a variance should be allowed. my lot is secluded so the container will not be an eye sore

3) Tell us why the variance won't hurt your neighbors or the community. there is only one neighbor who can see it, as he is across the street

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. container is ~~not~~ painted green & brown

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

6) Does the property need well and septic? Well: ☒ Y ☐ N Septic: ☐ Y ☐ N
Does the property need a new septic system? ☒ Y ☐ N I do not know yet
If a new septic system is needed, did the Health Department say there's enough space for it? ☒ Y ☐ N

7) Does what you want to do include buildings or additions? ☒ Y ☐ N If yes, fill out below.

Building or addition 1 Existing? ☒ Y ☒ N Size and height to the peak: 8x9x20
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) Is there a subdivision covenant that says you can't do this activity? ☐ Y ☒ N
If yes, does the subdivision have an active homeowners' association? ☐ Y ☐ N

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

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

Use Variance — Questionnaire

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

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

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

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

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

How many parking spaces do you have now? _____

How many parking spaces do you want? _____

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

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

Will there be retail sales on this property? ☐ Y ☒ N

If yes, tell us what will be sold. _____

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

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

Tell us how often. _____

Tell us the kind of vehicles used. _____

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

Sign 1 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 2 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 3 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

- 12) Tell us anything else you want us to know. _____

Special Use — Questionnaire

Name:

Stephanie Fireline

1) Tell us what you want to do.

We would like to put a mobile home on our property.

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

It will have no affect on our neighbors

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.

We plan to put a fence on the property.

6) Does the property need well and septic?

Well: ☒ Y ☐ N

Septic: ☒ Y ☐ N

Does the property need a new septic system?

☐ Y ☐ N

We are unsure - per county records there is an existing septic system.

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? _____

How many parking spaces do you want? _____

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

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

Will there be retail sales on this property? ☐ Y ☒ N

If yes, tell us what will be sold. _____

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

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

Tell us how often. _____

Tell us the kind of vehicles used. _____

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

Sign 1 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 2 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

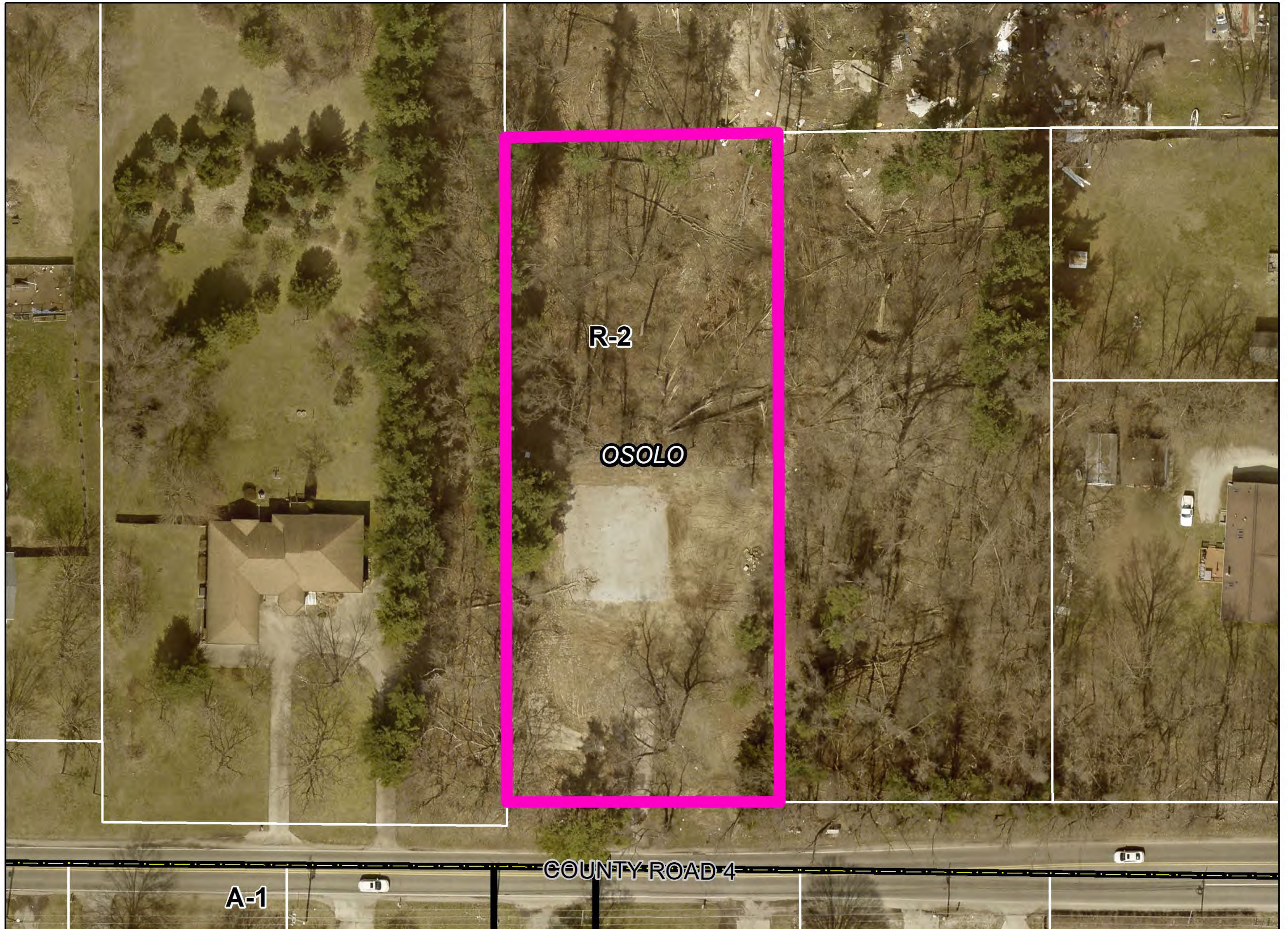
Sign 3 Dimensions (length and width). _____

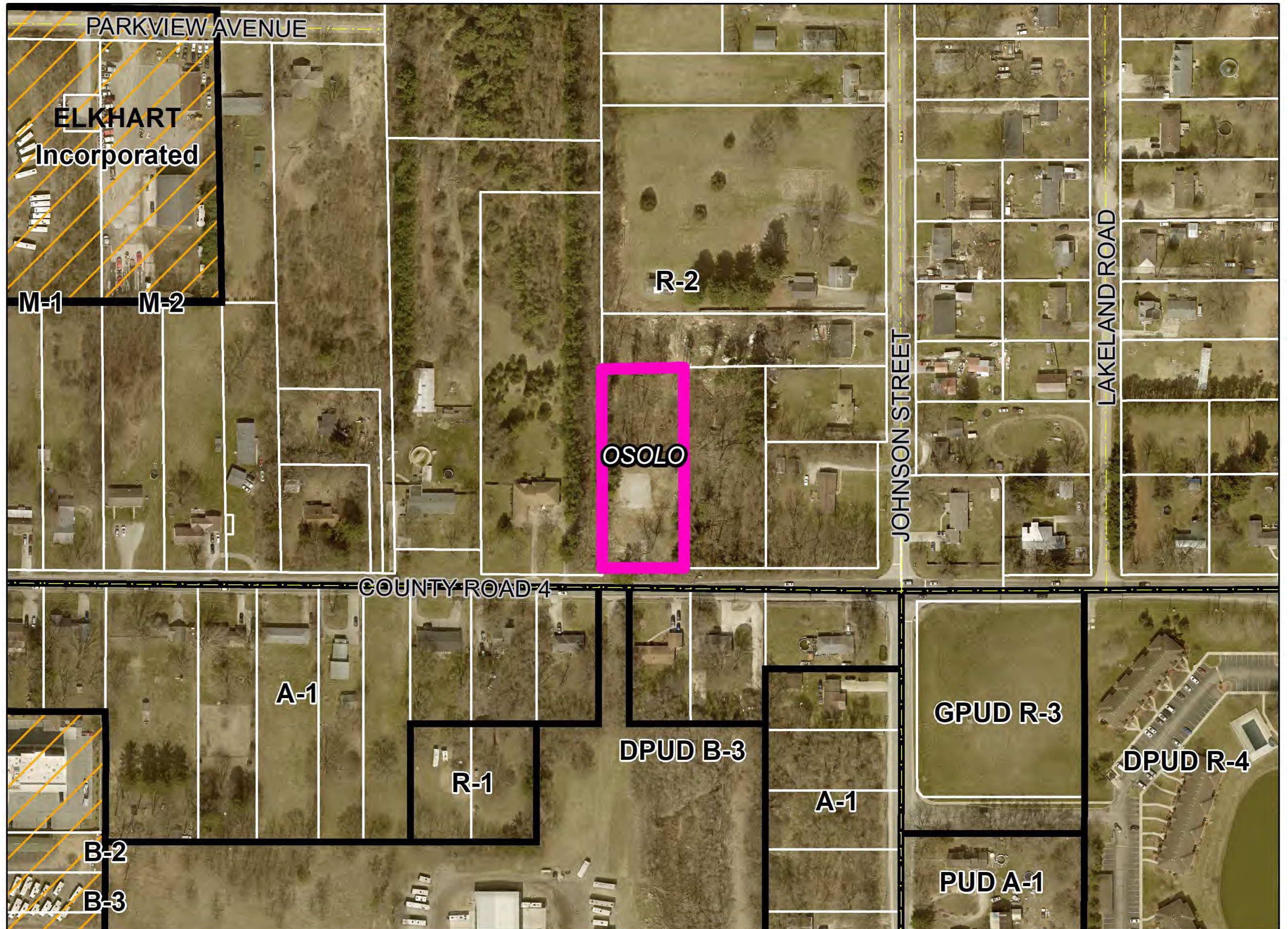
Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

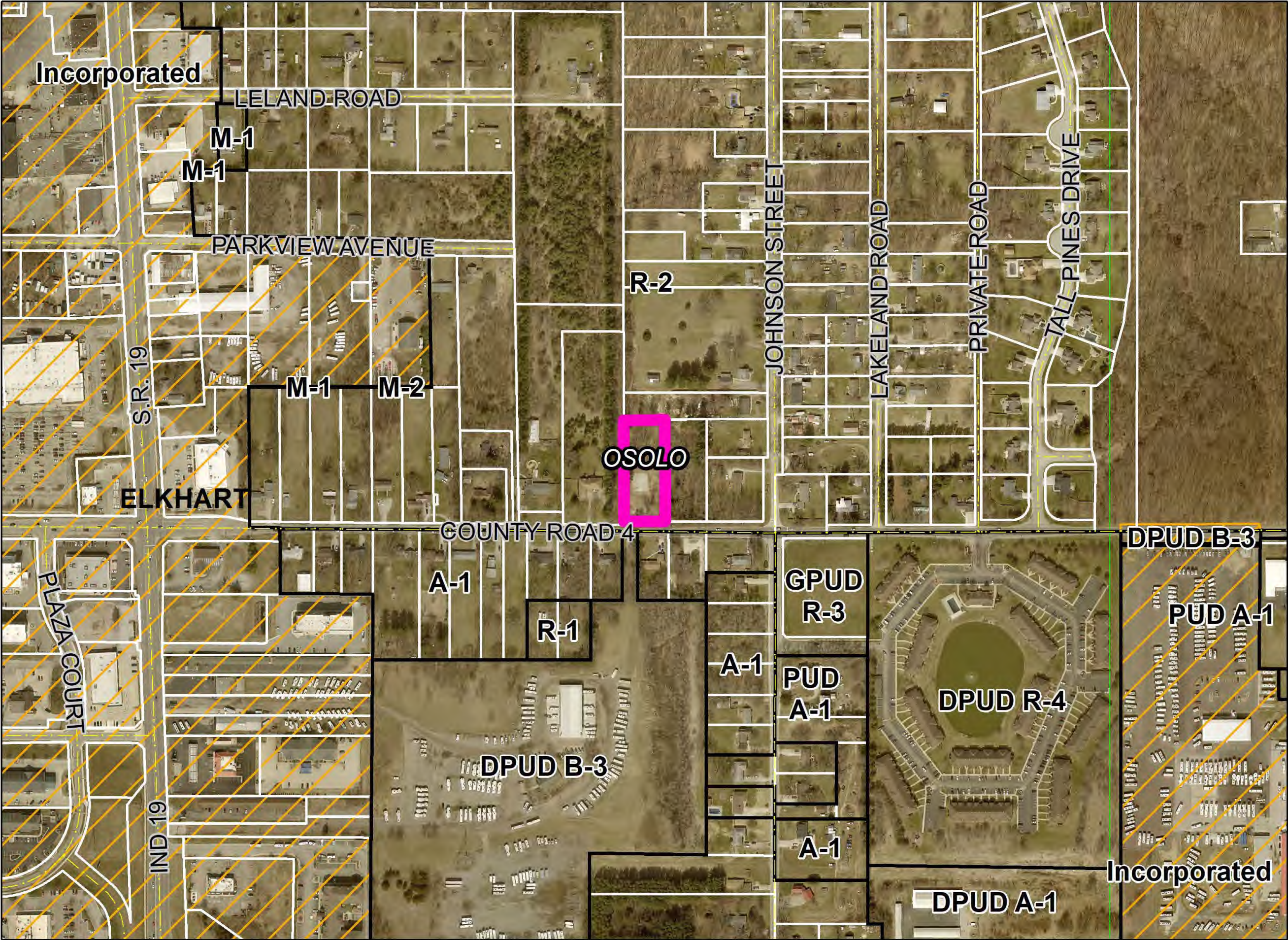
Electronic message board? ☐ Y ☐ N If no, lighted? ☐ Y ☐ N

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

- 10) Tell us anything else you want us to know. _____









Subject property



Subject property



Facing east

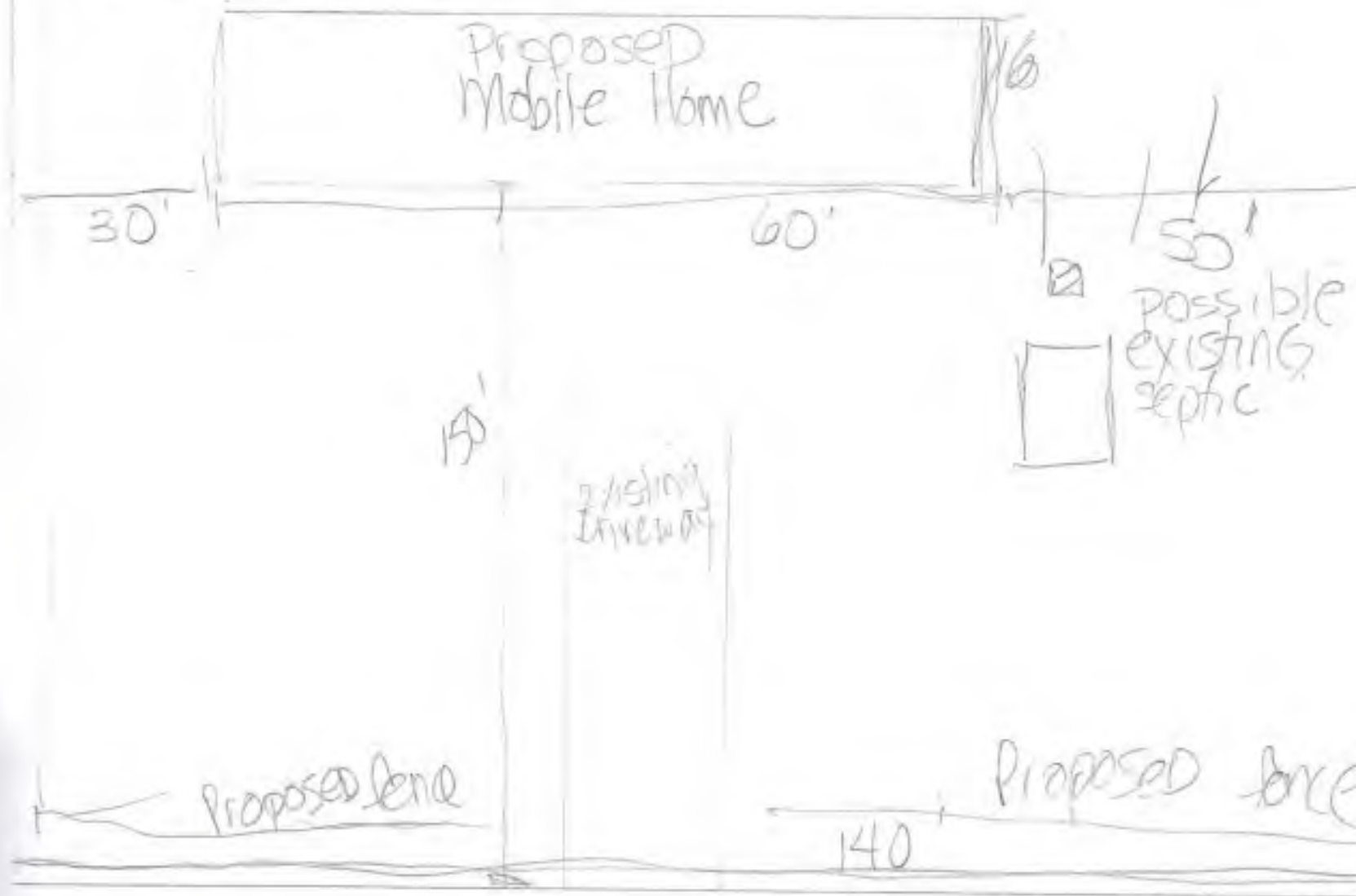


Facing west



Facing south

proposed
fence



CR. 4

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 16, 2025

Transaction Number: SUP-0464-2025.

Parcel Number(s): 20-03-26-102-002.000-031.

Existing Zoning: R-1.

Petition: For an amendment to an existing Special Use for a marina to allow for an electronic message board.

Petitioner: Michiana Home Rentals, Inc.

Location: East side of SR 15, 900 ft. north of SR 120, in Washington Township.

Site Description:

- Physical Improvement(s) – Commercial building.
- Proposed Improvement(s) – Electronic message board.
- Existing Land Use – Commercial.
- Surrounding Land Use – Residential, Little Elkhart River.

History and General Notes:

- **August 17, 2023** – The BZA approved a Special Use for a marina (SUP-0440-2023).
- **August 5, 2025** – The property owner applied for a zone map change from R-1 to B-2 (RZ-0514-2025).
- **September 18, 2025** – The BZA tabled this petition.

Staff Analysis:

Staff finds that:

1. The Special Use Amendment will be consistent with the spirit, purpose, and intent of the Development Ordinance. This is an existing Special Use for a marina.
2. The Special Use Amendment will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 0.97-acre parcel in a low-density riparian area, and the parcel will remain a marina.
3. The Special Use Amendment will substantially serve the public convenience and welfare by providing for a communication tool commonly used by businesses.

BZA Staff Report (Continued)

Hearing Date: October 16, 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 7/14/2025) and as represented in the Special Use Amendment application.

PLAN COMMISSION & BOARD OF ZONING APPEALS

Special Use Amendment - Non Mobile Home

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

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Date: 07/14/2025 Meeting Date: September 18, 2025 Transaction #: SUP-0464-2025
Board of Zoning Appeals Public Hearing

Description: for an Amendment to an existing Special Use for a marina to allow for an electronic message board to be added to property.

Contacts: Applicant Land Owner
Michiana Home Rentals Inc. Michiana Home Rentals Inc.
3031 Twin Pines Pl. 3031 Twin Pines Pl.
Elkhart, IN 46514 Elkhart, IN 46514

Site Address: 402 Mottville Rd Parcel Number: 20-03-26-102-002.000-031
Bristol, IN 46507

Township: Washington
Location: EAST SIDE OF SR 15. 900 FT NORTH OF SR 120

Subdivision: Lot #

Lot Area: 10.64 Frontage: 696.00 Depth: 690.00

Zoning: R-1 NPO List: 09/05/2025

Present Use of Property: MARINA

Legal Description:

Comments: PARCEL CREATION DATE 3/1/1962
BC-2443-2024, BR-1165-2023, SUP-0440-2023, ELEC-R-1804-2021, ELEC-R-1977-2021
TABLED SO REZONE TO B-2 CAN BE FILED 7-31-2025 JB

Applicant Signature: Department Signature:

Special Use — Questionnaire

Name: Sabu Kurian & Shyla Kurian

1) Tell us what you want to do. Amendment to previously approved sign, increased size due to difficulty fitting everything needed

2) Tell us why this activity won't hurt your neighbors or the community. Already a much larger billboard on adjacent property, wooded area so sign can't be seen easily by any neighbors

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 Planning to connect to City water & sewer
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. No changes from previously approved (see site plan)
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: 0-5 Part time: 0-5

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

What will be the days and hours of operation on this property? Morning to evening, 7 days/week

How many parking spaces do you have now? None ~~has~~ created yet

How many parking spaces do you want? Needed at least 11 to meet code, no change from previously approved

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

If yes, tell us what will be stored outside or displayed. No change from previously approved (some canoes & trailers)

Will there be retail sales on this property? ☒ Y ☐ N

If yes, tell us what will be sold. Same as previously approved: food, ice cream, drinks, other refreshments, convenience items, water, souvenirs, accessory items for water activities,

Approximately how many customers (clients, guests, students, members) will be on this property per day? 50-300 depending on season, holiday, etc.

Will there be pickups or deliveries on this property? ☒ Y ☐ N If yes, fill out below. Possibly, depending on suppliers

Tell us how often. 1-4 times/week

Tell us the kind of vehicles used. Standard delivery vehicles, most likely box trucks, cargo vans, refrigerated vans

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

Sign 1 Dimensions (length and width). 3'11 1/16" x 8'4 13/16" digital display with 13 1/8" x 17"

Existing? ☐ Y ☒ N Double faced? ☒ Y ☐ N

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

Freestanding? ☒ Y ☐ N Wall mounted? ☐ Y ☒ N

canoe above 8'5 3/4" x 10 1/4" fixed portion above that (see attached drawing)

Sign 2 Dimensions (length and width). 5 FT x 5 FT

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). 4.46 FT x 2.77 FT

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. DNR has approved the changes on their end



State of Indiana
Department of Natural Resources



CERTIFICATE OF APPROVAL

Application #: FW-32280-0

This Certificate of Approval is a Permit for Construction under the authority of the Indiana Flood Control Act, IC 14-28-1 with 312 IAC 10 as administered by the Department of Natural Resources.

Approval Issued To: Michiana Home Rentals Inc., Sabu Kurian, 3031 Twin Pines Point, Elkhart, IN 46514

Approval Issued By:

Grant A Eyster

Mail Date: 3/28/2024

Grant Eyster, Division of Water

Permit Effective Date: 04/15/2024

Permit Expiration Date: 03/28/2026

Pursuant to IC 4-21.5-3-5(f), this Permit becomes Effective eighteen (18) days from the Mail Date to provide a stay period for a Petition for Administrative Review with the Indiana Natural Resources Commission, Division of Hearings. Initiating construction authorized in this Permit prior to the Permit Effective Date constitutes a violation. This Permit is only valid until the Permit Expiration Date.

This Permit may be renewed one (1) time if a written request is received at the DNR, Division of Water, prior to the Permit Expiration Date.

PROJECT INFORMATION:

Waterbody: Little Elkhart River

County: Elkhart

Project Description Narrative: An existing manufactured house will be removed and a new 61' by 33' building will be constructed and used as an office. Additionally, the other existing 24.4' by 46.4' building on the property will be used for canoe and kayak storage. The new building will have a finished floor elevation of 757.2', NAVD, will include electric and water, and will have a concrete slab foundation. A gravel drive/parking lot will be constructed in the area around and between the two buildings. Approximately 6" of existing topsoil will be removed and replaced with washed gravel or stone, keeping this area at grade. The total approximate area of the gravel drive/parking lot will be 14,090 square feet. Lastly, a business sign that is 5' high and 5' wide will also be constructed along the existing gravel driveway.

Project Location: 402 Mottville Road near Bristol

PERMIT CONDITIONS:

This Certificate of Approval is valid only if the construction project is in compliance with all Conditions in this Permit

DNR PROJECT SPECIFIC PERMIT CONDITIONS

- 1) Revegetate all bare and disturbed areas that are not currently mowed and maintained with a mixture of grasses, sedges, and wildflowers native to Northern Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion; turf-type grasses (including low-endophyte, friendly endophyte, and endophyte free tall fescue but excluding all other varieties of tall fescue) may be used in currently mowed areas only. A native herbaceous seed mixture must include at least 5 species of grasses and sedges and 5 species of wildflowers.
- 2) Minimize and contain within the project limits all tree and brush clearing.
- 3) Do not cut any trees suitable for Indiana Bat or Northern Long-eared Bat roosting (3 inches or greater diameter-at-breast height, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.
- 4) All excavated material must be properly spread or completely removed from the project site such that erosion and off-site sedimentation of the material is prevented.
- 5) Do not deposit or allow construction/demolition materials or debris to fall or otherwise enter the waterway. Any incidental fallen material or debris in the waterway must be removed within 24 hours using best management practices, particularly lifting material out of the waterway and not dragging it across the streambed whenever possible.
- 6) Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the waterbody or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
- 7) Seed and protect all disturbed streambanks and slopes not protected by other methods that are 3:1 or steeper with erosion control blankets that are heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.
- 8) Do not excavate or place fill in any riparian wetland.
- 9) Do not convert the structure into a residential building/residential use.
- 10) If the building or plans that are approved by DNR under this Certificate of Approval are changed or modified, contact the Division of Water, Technical Services Section by email at water_inquiry@dnr.in.gov or by telephone at 317-232-4160 or toll-free at 1-877-928-3755 and select 1 during the recorded menu narrative.
- 11) Do not locate any electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities below the flood protection grade (base flood elevation plus two feet).
- 12) Within 30 days after the completion of the non-residential structure/building and prior to occupancy, a completed FEMA Elevation Certificate must be completed by a Licensed Surveyor (registered under (registered under IC 25-31-1) or Professional Engineer (registered under IC 25-31-1) and submitted to the Division of Water documenting that the finished construction is in compliance with the project plans approved in the permit.
- 13) Except for the material used as backfill as shown on the plans submitted for the permit application, place all excavated material landward of the floodway*.
- 14) Do not leave felled trees, brush, or other debris in the floodway*.
- 15) Upon completion of the project, remove all construction debris from the floodway*.
- 16) * Note: For regulatory purposes, the floodway is defined on the attached Floodway Map.

DNR PROJECT GENERAL PERMIT CONDITIONS

- 1) Any modifications or additional construction beyond what was shown on plans received at the Division of Water shall require an additional review and approval from the Department of Natural Resources.
- 2) This Permit must be posted and maintained at the project site until the project is completed.
- 3) This Permit shall not be assigned or transferred without the prior written approval of the Department of Natural Resources.
- 4) If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (IC 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days.
- 5) This Permit may be revoked by the Department of Natural Resources for violation of any condition or applicable statute or rule.
- 6) The Department of Natural Resources shall have the right to enter upon the site of the permitted activity for the purpose of inspecting the work authorized under this Permit.

RIGHT TO ADMINISTRATIVE REVIEW:

A party may appeal this Department of Natural Resources Action through the administrative review procedures found in the Administrative Orders and Procedures Act, IC 4-21.5, and the rules promulgated thereunder 312 IAC 3-1. If an appeal is filed, the final agency determination will be made by the Natural Resources Commission following a legal proceeding conducted before an Administrative Law Judge. The Department of Natural Resources will be represented by legal counsel at all stages of administrative review.

In order to obtain an administrative review, a written petition must be filed with the Division of Hearings within 18 days of the Mail Date of the Action. The petition must contain specific reasons for the appeal and indicate the portion or portions of the project to which the appeal pertains. The petition must be addressed to the Division of Hearings, Indiana Government Center North, Room N103, 100 North Senate Avenue, Indianapolis, Indiana 46204

SERVICE LIST:

Applicant(s):

Michiana Home Rentals Inc., Sabu Kurian, 3031 Twin Pines Point, Elkhart, IN 46514

Adjacent Landowners and Interested Parties:

Indiana Department of Natural Resources, Division of Law Enforcement District 1 Headquarters 9822 North Turkey Creek Road, Syracuse, IN 46567

US Army Corps of Engineers, Detroit District, Michiana Branch 2422 Viridian Drive, Suite 200, South Bend, IN 46628
Elkhart County SWCD, 17746-B County Road 34, Goshen, IN 46528

St. Joseph River Basin Commission, 227 West Jefferson Boulevard, South Bend, IN 46601

Elkhart County Drainage Board, Steve Schweisberger, 4230 Elkhart Road, Elkhart, IN

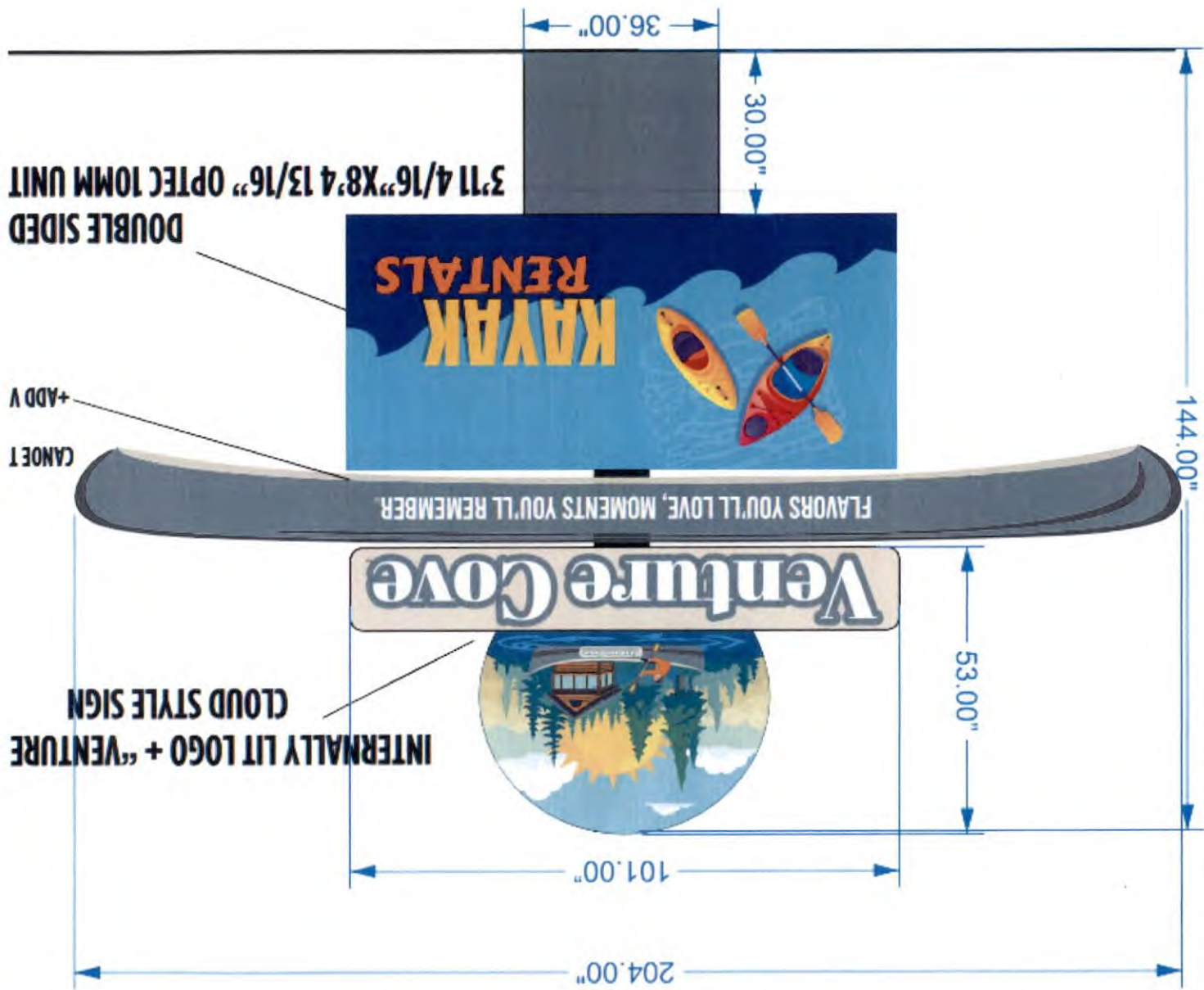
Elkhart County, Adam Coleson, 4230 Elkhart Road, Goshen, IN 46526

AEP Indiana-Michigan, 1 Riverside Plaza 16th Floor, Columbus, OH 43215

ADDITIONAL PERMITTING AGENCIES:

This is not a waiver of any local ordinance or other state or federal law and does not relieve the permittee of any liability for the effects which the project may have upon the safety of the life or property of others.

This does not relieve the permittee of the responsibility of obtaining permits, approvals, easements, etc. under other regulatory programs administered by, but not limited to, the U.S. Army Corps of Engineers, County Drainage Board, Indiana Department of Environmental Management and local, city, or county floodplain management, planning or zoning commissions.



2x

PLATES *1 Shaver*

BEEF KABAB	\$10.99
LAMB KABAB	\$10.99
LAMB CHOP	\$10.99
CHICKEN KABAB	\$10.99
KEFTA	\$10.99
BEEF SHAWARMA	\$10.99
CHICKEN SHAWARMA	\$10.99
VEGGIE PLATE	\$10.99
FILAFEL PLATE	\$10.99
MUHAMMAD WITH MEAT	\$10.99
SHAWARMA KABAB PLATE	\$10.99

COMBO PLATES *2 Shaver*

3 BEEF KABAB	\$18.99
3 LAMB KABAB	\$18.99
3 CHICKEN KABAB	\$18.99
3 KEFTA (SHISH KABAB)	\$18.99
COMBO GRILL	\$18.99
CHICKEN, KEFTA KABAB, CHICKEN QUARTER	\$18.99
CUSTOMIZE YOUR COMBO PLATE	\$14.99 - \$18.99

PIZZA

Small	Medium	Large
Pepperoni	\$10.99	\$14.99
Margherita	\$10.99	\$14.99
Supreme	\$12.99	\$16.99
Meat Lovers	\$12.99	\$16.99
Vegetarian	\$10.99	\$14.99

BURGERS

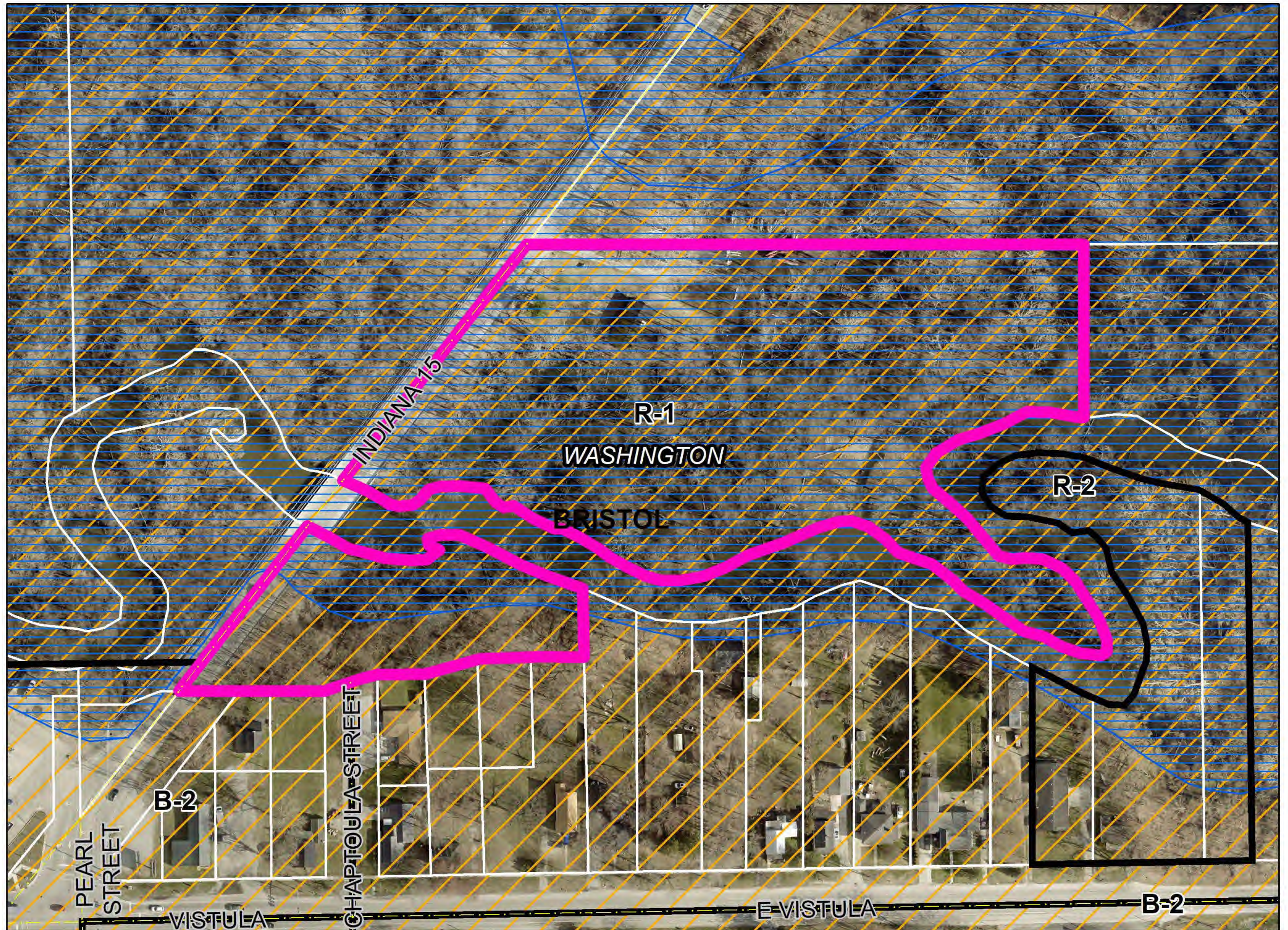
Small	Medium	Large
Beef	\$8.99	\$11.99
Chicken	\$8.99	\$11.99
Vegetarian	\$8.99	\$11.99

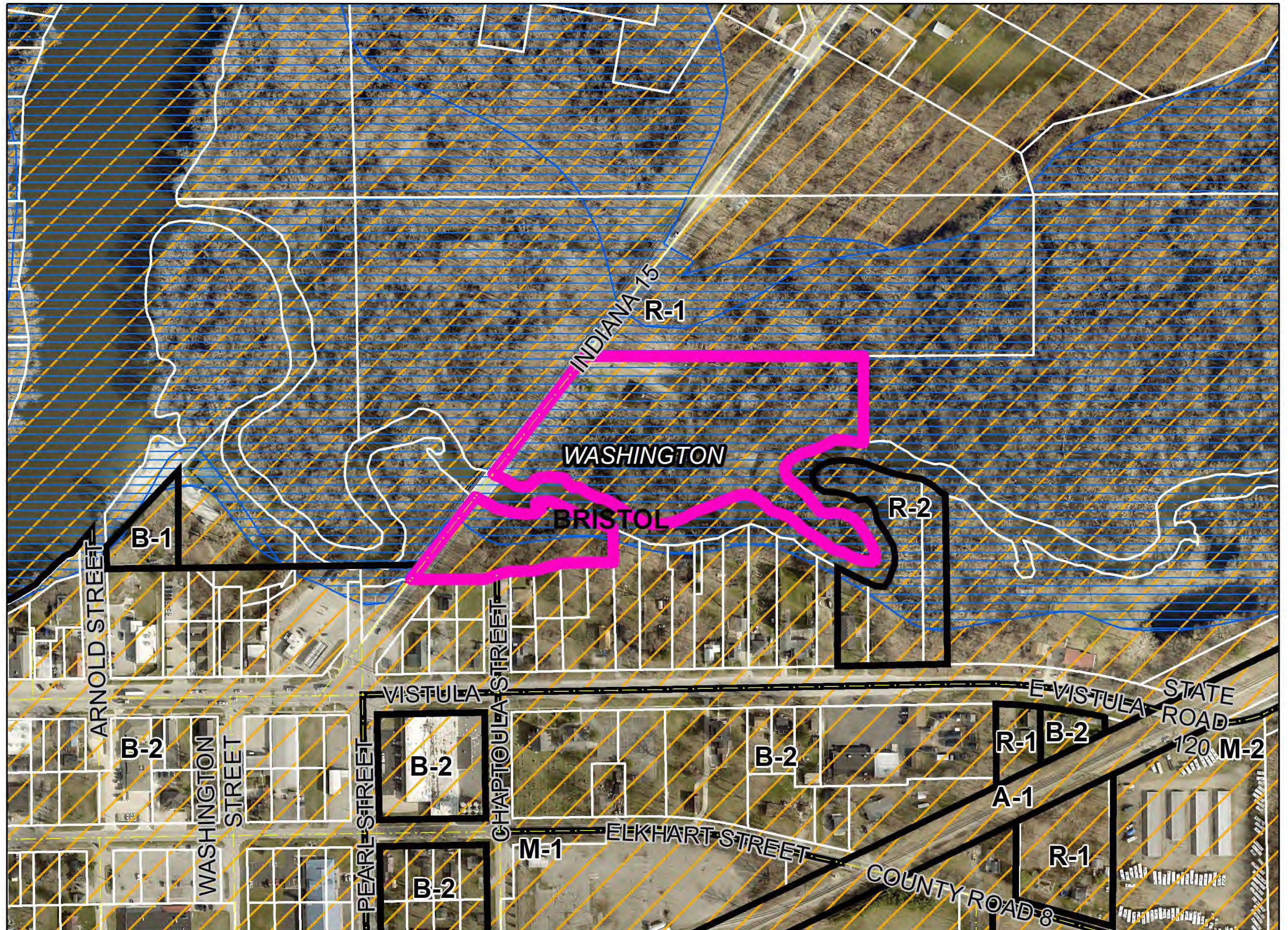
DRINKS

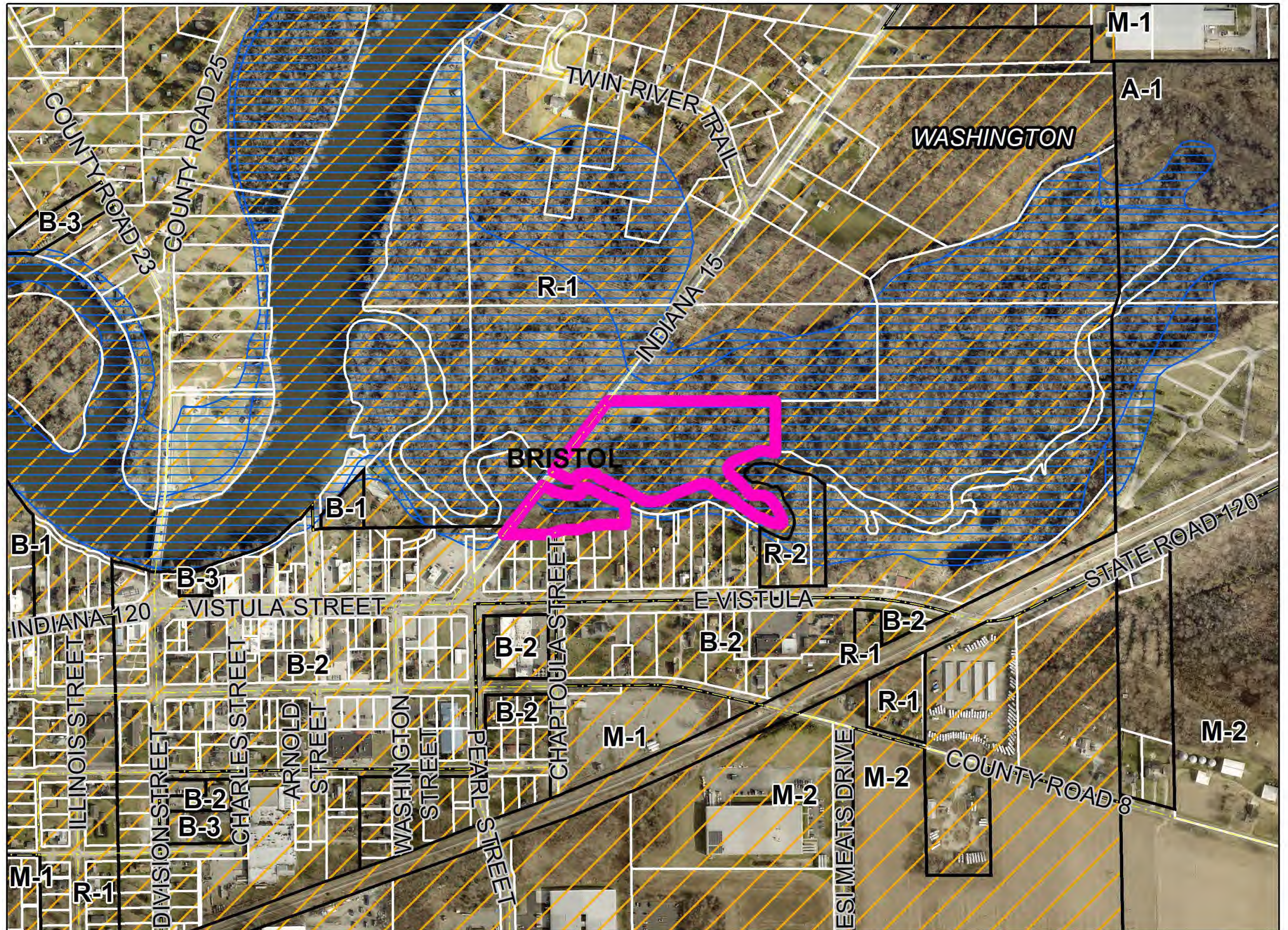
Small	Medium	Large
Soft Drink	\$2.99	\$3.99
Fruit Smoothie	\$4.99	\$5.99
Ice Cream	\$3.99	\$4.99

DESSERTS

Small	Medium	Large
Chocolate Cake	\$3.99	\$4.99
Ice Cream	\$3.99	\$4.99









Subject property facing east



Facing west



Facing north



Facing south

PROPERTY LINE

STATE RD 15
(MOTTVILLE RD)

6.59 ACRES

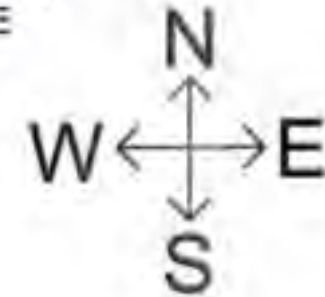
55 FT

12 FT PER 1995 SITE MAP

EXISTING BLDG
STRUCTURE
(LEAVE ALONE)

24 FT

LEFTOVER
CANOES/TRAILERS
STORED ON
THIS SIDE



PROPERTY LINE

EXISTING SHORT DRIVEWAY EXTENDED WITH GRAVEL

ABOUT 2 IN OF GRAVEL
FOR CONNECTING
EXISTING BUILDING &
DRIVEWAY

31 FT

SIGN 1
17 FT WIDE
12 FT HIGH

ABOUT 2 IN OF
GRAVEL FOR
PARKING LOT
& DRIVEWAY

33 FT

12 FT

65 FT

18 FT

CONNECT RESTROOMS IN BLDG TO CITY SEWER WATER

BUSINESS SIGN
55 FT (FROM
CENTER OF
ROAD)

ROUGHLY 140 FT
(FROM CENTER OF ROAD)

Windows

3X SIGN 2
WALL MOUNTED
BUILDING FRONT
5 FT X 5 FT

61 FT

DEMOLISHED MANUFACTURED
HOME REPLACED WITH
OFFICE/STORE OF SAME SIZE

sign 3 (north side & south side)

84 FT

12 FT

30 FT

235 FT (ROUGHLY)

LITTLE ELKHART RIVER

PROPERTY
LINE

1.48 ACRES

PROPERTY
LINE

LITTLE ELKHART RIVER

PROPERTY LINE

JUL 14 2025

BZA Staff Report

Prepared by the Department of Planning and Development

Hearing Date: October 16, 2025

Transaction Number: UV-0405-2025.

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

Existing Zoning: R-1.

Petition: For a Special Use for a home workshop/business for a roofing business.

Petitioner: Jesus Ocampo.

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

Site Description:

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

History and General Notes:

- **April 4, 2025** – A complaint was received about a roofing and dumpster business being run on the property (CODE-0158-2025).
- It should be noted that the B-2 zoned parcel to the west is used as an office location and went through the proper rezoning process in 2018. The B-2 zoning district is a transitional zoning that can be found located near residentially zoned districts.
- **July 17, 2025** – The BZA denied a Use Variance for a waste-related service and tabled the Special Use for a home workshop/business for a roofing business.

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 for a roofing business is allowed in the R-1 zoning district.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of neighboring property. This is a 1.08-acre parcel in a medium-density residential area, and the property will remain residential in character. The roofing business will be done off-site with only materials being stored on the subject property.
3. The Special Use will substantially serve the public convenience and welfare by allowing for a local roofing business.

BZA Staff Report (Continued)

Hearing Date: October 16, 2025

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

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

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

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

PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Use Variance - Use Variance

Date: 06/16/2025 Meeting Date: July 17, 2025 Transaction #: UV-0405-2025
Board of Zoning Appeals Public Hearing

Description: for a Use Variance to allow for a waste related service and for a Special Use for a home work shop business for a roofing business

Contacts: <u>Applicant</u>	<u>Authorized Agent</u>	<u>Land Owner</u>
America Martinez 53670 County Road 7 Elkhart, IN 46514	America Martinez 53670 County Road 7 Elkhart, IN 46514	Jesus Ocampo 53670 Cr 7 Elkhart, IN 46514

Site Address: 53670 County Road 7 Elkhart, IN 46514	Parcel Number: 20-02-29-301-005.000-026
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Township: Osolo
Location: East side of County Road 7, 3585 ft. South of County Road 6

Subdivision:	Lot #
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Lot Area: 1.08	Frontage: 73.00	Depth: 635.00
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Zoning: R-1	NPO List: 07/02/2025
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Present Use of Property: RESIDENTIAL

Legal Description:

Comments: THE UV GOT DENIED, THE SPECIAL USE WAS TABLED INDEFINITELY 7-17-2025 JB
PETITIONER CAME IN TO WITHDRAW AND REAPPLY-DR 9/17/25

Applicant Signature:	Department Signature:
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Use Variance — Questionnaire

Name: America Martinez

- 1) Tell us what you want to do. store work trailers and trucks
- 2) Tell us why your case is different from other cases in the county so that a variance should be allowed.
we are willing to work to minimise inconvenience for neighbours by putting up privacy 8ft fence around property
- 3) Tell us why the variance won't hurt your neighbors or the community.
- 4) Will the activity create noise, vibration, smoke, dust, odor, heat, or glare? ☐ Y ☒ N If yes, fill out below.
Tell us what will create those things.
Tell us how you'll reduce the impact of those things on neighbors.
- 5) Will there be buffering (fences, trees, shrubs, mounds)? ☒ Y ☐ N
If yes, tell us about it. Shrubs ^{↓ trees} are on the north side of the house can install L shape fence for the ^{south} side of the property
- 6) Does the property need well and septic? Well: ☒ Y ☐ N Septic: ☒ Y ☐ N
Does the property need a new septic system? ☐ Y ☒ N
If a new septic system is needed, did the Health Department say there's enough space for it? ☐ Y ☐ N
- 7) Does what you want to do include buildings or additions? ☐ Y ☒ N If yes, fill out below.
Building or addition 1 Existing? ☐ Y ☒ N Size and height to the peak:
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) Is there a subdivision covenant that says you can't do this activity? ☐ Y ☒ N
If yes, does the subdivision have an active homeowners' association? ☐ Y ☐ N
- 9) Does this application include an accessory structure without a residence at this time? ☐ Y ☒ N
If yes, are there plans for a residence on this property? ☐ Y ☐ N If yes, fill out below.
Tell us when it will be built.
Tell us the approximate size.
- 10) Does this application include animals? ☐ Y ☒ N
If yes, tell us what kind and the maximum number of each.

Use Variance — Questionnaire

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

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

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

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

What will be the days and hours of operation on this property? 7am-7pm

How many parking spaces do you have now? _____

How many parking spaces do you want? 2

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

If yes, tell us what will be stored outside or displayed. 2 trailers - two trucks

Will there be retail sales on this property? ☐ Y ☒ N

If yes, tell us what will be sold. _____

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

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

Tell us how often. _____

Tell us the kind of vehicles used. _____

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

Sign 1 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 2 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

Sign 3 Dimensions (length and width). _____

Existing? ☐ Y ☐ N Double faced? ☐ Y ☐ N

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

Freestanding? ☐ Y ☐ N Wall mounted? ☐ Y ☐ N

- 12) Tell us anything else you want us to know. _____

Special Use — Questionnaire

Name: America Martinez

1) Tell us what you want to do. store roofing equipment
and empty dumpsters while not in use

2) Tell us why this activity won't hurt your neighbors or the community. Equipment will mostly
be stored in the evening will not cause additional noise

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 reversing the truck it beeps

Tell us how you'll reduce the impact of those things on neighbors. Avoid ~~pe~~ late night drops

5) Will there be buffering (fences, trees, shrubs, mounds)? ☒ Y ☐ N
If yes, tell us about it. Privacy fence can be installed on rear end of
property

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

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

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

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: 2 Part time: _____

How many employees do you want? Full time: — Part time: _____

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

What will be the days and hours of operation on this property? 7am-7pm M-sat

How many parking spaces do you have now? _____

How many parking spaces do you want? 8 _____

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

If yes, tell us what will be stored outside or displayed. containers (6 max) two trucks

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?

2

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. _____

53670 CR 7, Elkhart. Photos taken by Ricky Masters on 9/16/25.



I went by the site, and observed 3 dumpsters in the yard. Two of the dumpsters sit on the ground, and one was on wheels. There was also a yellow truck that is used to pick up and set down the dumpsters. There was some white siding that was left randomly in the grass.



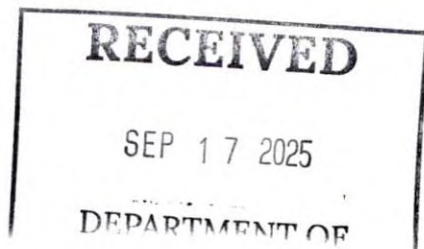
53670 CR 7, Elkhart. Photos taken by Ricky Masters on 9/16/25.

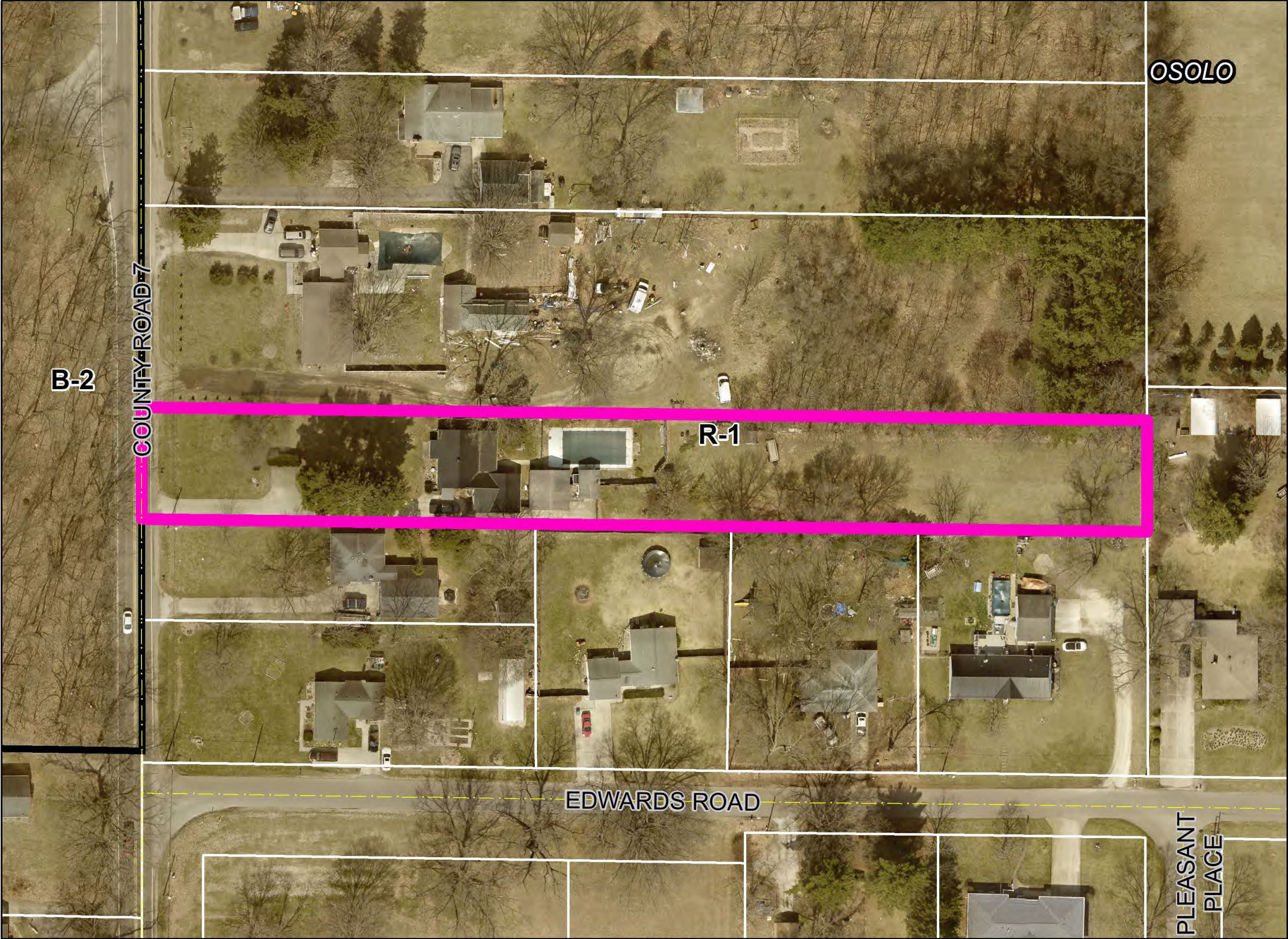


America Martinez & Jesus Ocampo
are withdrawing the special use UV-0405-
2025



9-17-2025



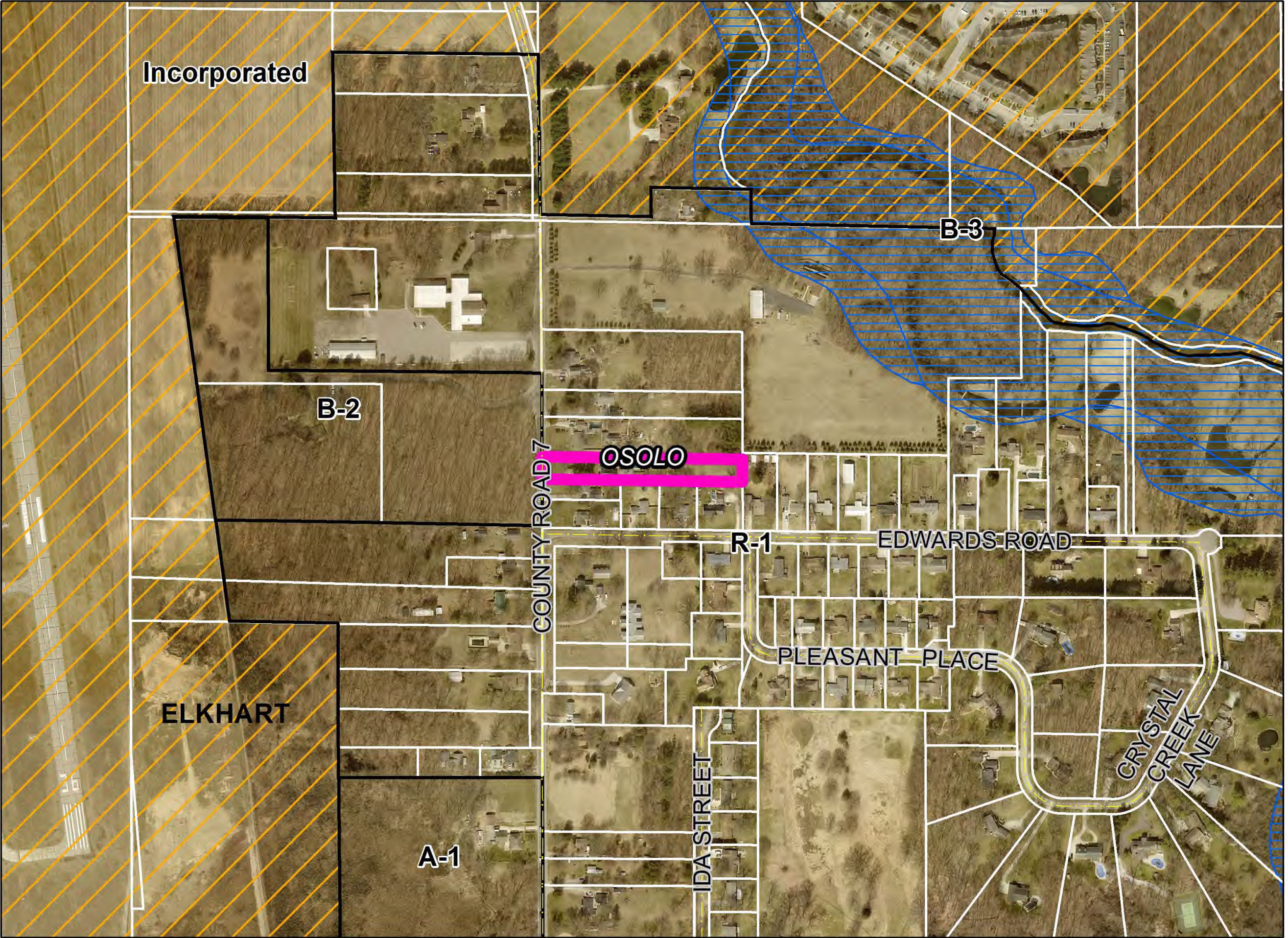


2021 Aerials

1 inch = 80 feet









Subject property



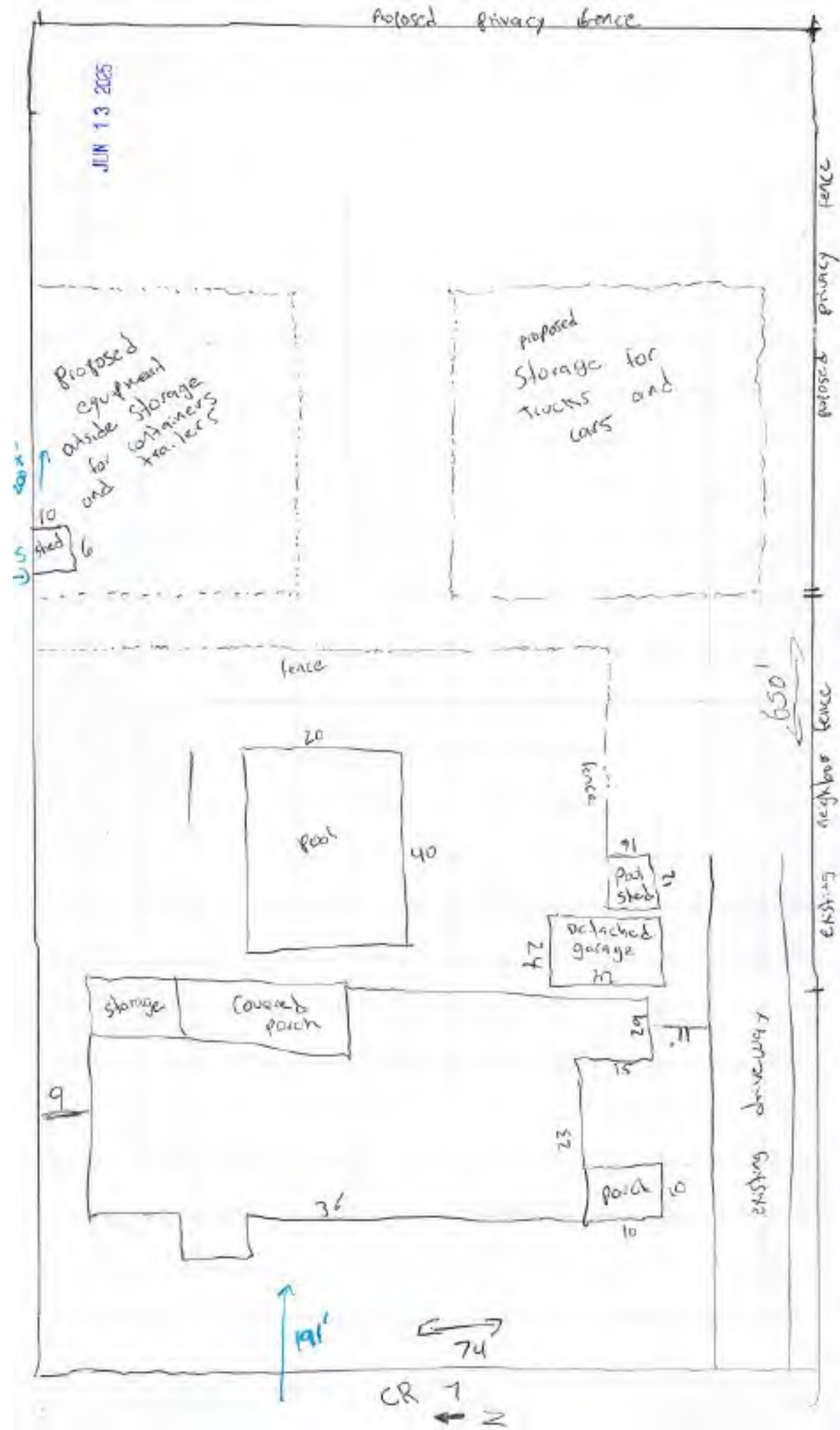
Facing south



Facing north



Facing west





DATE: October 6, 2025

TO: Board of Zoning Appeals

FROM: Danielle Richards

SUBJECT: The petitioner is requesting to rescind their Special Use for commercial parking.

Sean Smith, general manager of Culver Duck Farms, is requesting to rescind the request for commercial parking (SUP-0337-2023) which was approved on July 20, 2023.

Staff recommends approval of this rescission request as a DPUD amendment was applied for in December of 2023.

This staff item will be on the **October 15, 2025**, Board of Zoning Appeals agenda.