

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 17th DAY OF NOVEMBER 2022 AT 9:00 A.M.
MEETING ROOMS 104, 106, & 108 – ADMINISTRATION BUILDING
117 N. 2nd STREET, GOSHEN, INDIANA

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

Roll Call.

Present: Deb Cramer, Steve Warner, Randy Hesser, Ron Norman, Roger Miller.

Absent: David Miller.

2. A motion was made and seconded (*Hesser/Miller*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 20th day of October 2022 be approved with the following correction. Mr. Hesser noted a change on page 5 item 8 that in adopting the Staff Analysis the Board deleted the second sentence in finding number 4. The motion was carried with a unanimous roll call vote.

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

4. The application of ***MZTT LLC*** for a Special Use for an outdoor recreation facility (model aviation) on property located on the North side of US 20, 2,000 ft. East of CR 17, in Jefferson 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-0763-2022*.

There were five neighboring property owners notified of this request.

Mike Antonelli, 303 North River Rd., Bristol, was present for this petition. Mrs. Cramer stated it is mentioned in the application that they will have up to 30 cars at least once a month. She then asked if they will have enough parking space. Mr. Antonelli responded that they hold a cookout a couple times a year with up to 15 cars at one time. He stressed that will be the most they will ever have on site at one time. He went on to say at their old location they could hold up to 30 cars.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Deb Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for an outdoor recreation facility (model aviation) 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 (9/30/2022) and as represented in the Special Use application.

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

Yes: Deb Cramer, Steve Warner, Ron Norman, Roger Miller, Randy Hesser.

5. The application of **Ramon Chiquito Marin** for a Special Use for a home workshop/business for an auto dealership on property located on the South side of CR 30, 1,915 ft. West of CR 7, common address of 27348 CR 30 in Harrison 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-0790-2022*.

There were four neighboring property owners notified of this request.

Ramon Chiquito Marin and Mercedes Chiquito, 27348 CR 30, Elkhart, were present for this petition. Mrs. Chiquito explained they want to do a small auto dealership and based on state guidelines, the subject property is within the size limit. She continued to say they aren't going to be doing any detailing or mechanical work on site. She went on to say they already have an office space inside the pole barn that they will be using, and it will just be her husband and herself running the dealership. She stressed there won't be any semi deliveries as they will drive the cars to the lot themselves. Mr. Miller asked if they will go to the auto auction to buy cars for resale. Mrs. Chiquito responded that is correct, they will bring the cars to the subject property for detailing and washing. Mr. Miller clarified that by detailing she means just the cleaning of the cars. Mrs. Chiquito explained sometimes they will sell the cars to other auctions. Further, she stated there is enough space for 15 cars in the yard, and the State of Indiana requires them to sell a minimum of 12 cars a year. She went on to say they will be putting a sign out front, and they have a separate driveway for their house. Mr. Hesser asked if they will be doing any painting as part of the detailing. Mrs. Chiquito responded no, they will hire out any work that needs to be done. Mr. Norman asked if they will be doing oil changes on-site. Mrs. Chiquito responded no, they won't as they want the property to be appealing to the public. Mr. Miller asked if they knew how big their sign could be per the Zoning Ordinance. Mrs. Chiquito responded they are allowed up to an 8 sq. ft. sign. Mr. Warner asked if there are any State requirements on how far off the road the display of cars need to be for a dealership. Mr. Auvil responded it is generally 55 ft. from the centerline of the road to the parking area. Mrs. Chiquito stressed they will follow any rules and guidelines that they need to follow.

Kent Myers, 27850 CR 28, Elkhart, was present in remonstrance. He asked how many cars were going to be allowed on site. Mr. Miller responded they are asking for 15 cars, and if this is approved they will only be allowed 15 cars.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Ron Norman 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 an auto dealership 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 (10/14/2022) and as represented in the Special Use application.
2. The request is limited to a maximum of fifteen (15) vehicles for sale at any one time.

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

Yes: Deb Cramer, Steve Warner, Ron Norman, Roger Miller, Randy Hesser.

6. The application of *Board of Commissioners of the County of Elkhart Indiana* for a Special Use for a government facility (Concord Township Assessor's office) on property located on the East side of CR 7, 2,800 ft. North of CR 26, common address of 59462 CR 7 in Concord Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0744-2022*.

There were six neighboring property owners notified of this request.

Chris Dickinson, 59072 CR 17, Goshen, was present representing the petitioner. He stated he didn't want to add anything at this time as this is the current office building.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Ron Norman 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 government facility (Concord Township Assessor's office) 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 (9/21/2022) and as represented in the Special Use application.

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

Yes: Deb Cramer, Steve Warner, Ron Norman, Roger Miller, Randy Hesser.

7. The application of *Vanida Inthivong, Souvanthone Insyxiengmay, Vilaxon Komphasouk, David A. Kittimasak, & Deuanesay Inthivong* for an Amendment to an existing

Special Use for a place of worship to allow for the placement of a residence and for a Special Use for a modular home not on a permanent foundation on property located on the North side of US 20, 500 ft. West of CR 27, common address of 17341 US 20 in Jefferson 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-0776-2022*.

There were eight neighboring property owners notified of this request.

Deunesay Inthivong, 17341 US 20, Goshen, was present for this petition. Mr. Miller asked if the modular home will be on a foundation. Mr. Inthivong responded the modular home should be on a foundation. It was clarified that the modular home will be on blocks and not on a foundation. Mr. Hesser asked if this will be a guest house, and if the residence is still going to be used in the main building. Mr. Inthivong responded yes, the residence is in the main building, though it only has one bedroom. Mr. Miller asked why they need the modular. Mr. Inthivong responded this will be for visitors, as they have more people now. It was clarified the modular home will be used when another Monk or Pastor comes to visit. Mrs. Cramer asked, if the petition gets approved, does the petition need to be renewed every 3 years. Mrs. Gilbert explained the renewal is for Staff, as it does not require them to renew in front of the Board. She went on to explain the process to the board. Mr. Inthivong stated he understands the process.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser asked if the language could be changed for the renewal. Attorney Kolbus agreed that the language is confusing and needs to say for Staff Approval. There was discussion on how the renewal works. Mr. Miller asked if, when the renewal comes up, the petitioner gets a notice. Mrs. Gilbert responded yes, Staff sends multiple notices if the petitioner doesn't come in to renew after the first notice.

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

Motion: Action: Approve, **Moved by** Roger Miller, **Seconded by** Randy Hesser that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for an Amendment to an existing Special Use for a place of worship to allow for the placement 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 (10/10/2022) and as represented in the Special Use Amendment application.

Further, the motion also included that for a Special Use for a modular home not on a permanent foundation be approved with the following conditions 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 modular 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. The request is approved in accordance with the site plan submitted (10/10/2022) and as represented in the Special Use application.

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

Yes: Deb Cramer, Steve Warner, Ron Norman, Roger Miller, Randy Hesser.

8. Staff Item: As a staff item, Mr. Dean presented the request to rescind for *Jayne Real Estate, LLC* (UV-0699-2018).

Mr. Dean stated that the property owner never carried out the Use Variance for the martial arts studio, and is now in the process of selling the property. He went on to say Staff supports the request to rescind.

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

Motion: Action: Rescind, **Moved by** Randy Hesser, **Seconded by** Deb Cramer that the Board approve the request for rescission at the request of the petitioner.

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

Yes: Deb Cramer, Steve Warner, Ron Norman, Roger Miller, Randy Hesser.

9. The application of *Faus Groom and Room LLC* for an Amendment to an existing Special Use for an animal boarding facility to allow for a new building on property located on the West side of CR 11, 1,970 ft. North of CR 6, common address of 52677 CR 11 in Osolo Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0788-2022*.

There were 11 neighboring property owners notified of this request.

Brad Faus, 52677 CR 11, Elkhart, was present for this petition. He explained he wants to put in a storage building in order to declutter the kennel. Mr. Hesser asked if he has any full time employees, or is it just the 8 part time employees. Mr. Faus responded no, they are all part 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** Randy Hesser, **Seconded by** Ron Norman 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 an existing animal boarding facility to allow for a new building 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 (10/14/2022) and as represented in the Special Use Amendment application.

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

Yes: Deb Cramer, Steve Warner, Ron Norman, Roger Miller, Randy Hesser.

10. The application of *Nathan J. Miller & Kristina E. Mast* for a Special Use for a home workshop/business for a retail store on property located on the North side of CR 32, 645 ft. East of CR 43, common address of 10661 CR 32 in Clinton 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-0764-2022*.

There were six neighboring property owners notified of this request.

Nathan Miller, 10661 CR 32, Goshen, was present for this petition. He stated he just wants a permit to build a pole barn to use for his retail shop, where he will buy and sell items. Mr. Hesser asked what kind of items he will be selling. Mr. Nathan Miller responded he will be selling overstock items from places like Walmart. Mr. Warner asked if he has adequate room for semis to turn around on site. Mr. Nathan Miller responded his driveway is wide enough for both customers and semis to pull in. He continued to say that semis can pull in but will block only a small part of the shoulder of the road. Mr. Hesser asked if there was room for a semi to turn around on site. Mr. Nathan Miller responded not really; he is waiting on the highway department for permission to put in another driveway access in order to be able to have semis turn around. Mr. Roger Miller asked if they can't get the bigger driveway, then can they even have the store. Mr. Auvil responded they can have the store, though they wouldn't be allowed to have semi traffic. Mr. Nathan Miller stressed his parents have a bigger place, and they have used that in the past to unload semis. He continued to explain after unloading the semi; they then use a smaller truck to bring items to his residence. He went on to say he is willing to continue utilizing his parent's property for semis until he gets the new driveway access.

There were no remonstrators present.

The public hearing was closed at this time.

Mrs. Cramer stated she noticed on the application there was a Developmental Variance. Mr. Dean explained it was looked at further, and no Developmental Variance is needed at this time.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Deb Cramer that the Board adopt the Staff Analysis as the Findings and Conclusions of the Board, and based upon these, further moved that this request for a Special Use for a home workshop/business for a retail store 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 (9/30/2022) and as represented in the Special Use application.

2. No semi deliveries are allowed until a new circle driveway is approved, completed, and evaluated by Staff.

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

Yes: Deb Cramer, Steve Warner, Ron Norman, Roger Miller, Randy Hesser.

11. The application of **Ross Holdeman** for a Special Use for warehousing of fence and deck materials and equipment on property located on the Southwest corner of SR15 & Michigan Rd., common address of 65671 SR 15 in Elkhart Township, zoned B-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0784-2022*.

There were 28 neighboring property owners notified of this request.

Ross Holdeman, 65671 SR 15, Goshen, was present for this petition. He stated he would like to build a larger building to store equipment, materials, tools, and have a dry space. Mr. Hesser asked if the new building is the dotted line on the site plan. Mr. Holdeman responded that is correct. Mr. Hesser asked if they get semi deliveries. Mr. Holdeman responded they get deliveries from larger trucks, though it is rarely a full semi. Further, he explained they have room for semis to turn around on the property from a side street off of State Road 15. He showed on the aerial where the side street is located. He continued to say they put up a privacy fence to be good neighbors, so they don't have to see all of the material. Mr. Norman asked if they are burning treated material. Mr. Holdeman responded yes. Mrs. Cramer stated he mentioned smoke on his application, but this is close to residences and a gas station. She then asked where burning is happening on the subject property. Mr. Holdeman responded it is done inside of the fenced in area on the subject property, behind the accessory structure.

There were no remonstrators present.

The public hearing was closed at this time.

Mrs. Cramer stated burning concerns her; it is a lot of burning of materials on a small acre lot, that's surround by residences. Attorney Kolbus stated the Board could put no burning in as a commitment. Mr. Miller stated he would be in favor of no burning. Mr. Norman explained there are places to take the waste materials for it to be recycled without having to burn it on site.

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 warehousing of fence and deck materials and equipment 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 (10/13/2022) and as represented in the Special Use application.
2. No burning of waste material is permitted.

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

Yes: Deb Cramer, Steve Warner, Ron Norman, Roger Miller, Randy Hesser.

12. The application of **Jonathan Martin** for an Amendment to an existing Special Use for a home workshop/business for a body repair shop to allow for an addition to an existing accessory structure and for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the North side of SR 119, 2,200 ft. East of CR 7, common address of 26619 SR 119 in Union Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0791-2022*.

There were five neighboring property owners notified of this request.

Jonathan Martin, 26619 SR 119, Wakarusa, was present for this petition. He stated he wants to expand the existing building to provide for more indoor storage and workspace. Mr. Hesser clarified he isn't trying to expand the business. Mr. Martin stressed he is just trying to make a better work space.

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 Special Use for a home workshop/business for a body repair shop to allow for an addition to an existing accessory structure 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 (10/17/2022) and as represented in the Special Use Amendment application.

Further, the motion included that a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be approved with the following conditions imposed:

1. A variance from the developmental standards of the Zoning 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 (10/17/2022) and as represented in the Developmental Variance application.

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

Yes: Deb Cramer, Steve Warner, Ron Norman, Roger Miller, Randy Hesser.

13. The application of ***Edward A. Mapes & Donna S. Mapes, Husband & Wife, & Craig A. Mapes*** for a 14 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an agricultural building 61 ft. from the centerline of the right-of-way on property located on the South side of State Line Rd., 3,285 ft. East of SR 15, in York Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DV-0747-2022*.

There were five neighboring property owners notified of this request.

Edward Mapes and Donna Mapes, 1152 Bristol St., Elkhart, were present for this petition. He stated this has been his mother's property since 1982 or 1983, and his son wants to buy the property to keep it in the family. He explained they want a building on the property for deer and turkey hunting, as well as for storing of lawn mowers and tractors to keep the property up better. Mr. Hesser asked why they couldn't move the building back 14 feet. Mr. Mapes responded he could, but the foundation is already there. He went on to say he would have to pay to move it back. He stressed there are houses with detached garages down the street that are only 40 feet away from the road. He continued to say there is a utility line that run closer to the road, and he also has someone who farms the subject property. Mr. Norman asked if this was an existing foundation when they bought the property. Mr. Mapes responded no, though he talked to his concrete guy and a realtor who both mentioned getting a building permit but not having to stay a certain distance away from the road. Mr. Miller stated this is a building on land without a residence. Mr. Auvil explained this is considered an agricultural building, and if the petitioner would have come in to get his building permit before pouring the foundation, he would have been informed of the required setbacks. Mr. Mapes stressed he spoke with a lot of people, and no one knew about having a required set back. He continued saying there was a long waiting period for concrete to come in, if he would have waited, he may not have gotten the foundation poured. Mr. Miller clarified he can still build the building as long as it meets the required setbacks without a residence due to it being for agricultural purposes. There was discussion about if the current foundation could stay and just be extended on the back. Mr. Mapes stated he would like a spot to put the tractor and brush hog to be able to keep the property maintained better. He continued to say there are houses 100 ft. away that are only 50 ft. away from the road. Mr. Auvil explained that those houses are in a subdivision that the required setback is only 50 ft.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Miller asked if the Board can approve the request with a commitment to add the space on the back side of the current pad. Mrs. Cramer clarified the Board should just deny the variance to have a building closer to the road, and he could build starting at the 75 foot setback. Mr. Hesser stated as long as the actual building doesn't start closer than 75 ft. from the centerline of the road then he doesn't need a variance. Mr. Auvil stated the Zoning Ordinance does allow for a porch to encroach 10 ft. into the required setback.

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

Motion: Action: Deny, **Moved by** Randy Hesser, **Seconded by** Deb Cramer this request for a 14 ft. Developmental Variance (Ordinance requires 75 ft.) to allow for the construction of an agricultural building 61 ft. from the centerline of the right-of-way be denied based on the following Findings and Conclusions of the Board:

Strict application of the terms of the Zoning Ordinance would not result in an unnecessary hardship in the use of the property. There is no reason why the building cannot be placed at the 75 ft. setback.

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

Yes: Deb Cramer, Steve Warner, Ron Norman, Roger Miller, Randy Hesser.

14. The application of *Anthony Warman & Jessica Warman, Husband & Wife* for a Special Use for an agricultural use for the keeping of animals on a tract of land containing less than 3 acres and for a Special Use for a roadside stand on property located on the Northwest corner of CR 19 & US 20, common address of 56943 CR 19 in Jefferson 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-0719-2022*.

There were 11 neighboring property owners notified of this request.

There was no petitioner present.

Mr. Hesser asked if there was any communication from the petitioners. Mrs. Gilbert responded they received a result letter stating this was tabled and another letter of notice of today's hearing, and Staff hasn't heard anything from the petitioners. Mr. Hesser stated he is inclined to deny or dismiss due to how close this property is to US 20. He continued to say he has a lot of questions to ask the petitioners about the roadside stand, but the 12 chickens aren't an issue. Mrs. Cramer stated the size of the buildings are not proportional on the site plan, and there might not be room for chickens.

There were no remonstrators present.

The public hearing was closed at this time.

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

Motion: Action: Deny, **Moved by** Randy Hesser, **Seconded by** Deb Cramer 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 and for a Special Use for a roadside stand be denied based on the following Findings and Conclusions of the Board:

1. The Special Use will not be consistent with the spirit, purpose, and intent of the Zoning Ordinance.
2. Approval of the request will cause substantial adverse effect on neighboring property.

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

Yes: Deb Cramer, Steve Warner, Ron Norman, Roger Miller, Randy Hesser.

15. The meeting was adjourned at 10:08 A.M.

Respectfully submitted,

Danielle Richards, Recording Secretary

Randy Hesser, Chairman

Ron Norman, Secretary