

BZA MINUTES
ELKHART COUNTY BOARD OF ZONING APPEALS MEETING
HELD ON THE 21st DAY OF MARCH 2024 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: Mae Kratzer, Plan Director; Jason Auvil, Zoning Administrator; Adam Coleson, Planner; and James W. Kolbus, Attorney for the Board.

Roll Call.

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

Absent: David Miller, John Gardner.

2. A motion was made and seconded (*Norman/Warner*) that the minutes of the regular meeting of the Board of Zoning Appeals held on the 15th day of February 2024 be approved as read. The motion was carried with a unanimous roll call vote.

3. A motion was made and seconded (*Miller/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 *Todd C. Lederman & Cynthia J. Lederman, Husband & Wife (Land Contract Holders) & Curtis J. Bontrager & Melody J. Bontrager, Husband & Wife (Land Contract Purchasers)* for Special Use for an existing garden supplies business on property located on the West side of CR 39, 3,315 ft. North of CR 10, common address of 00000 CR 39 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 #SUP-0001-2024*.

There were 11 neighboring property owners notified of this request.

Curtis Bontrager, 53899 CR 39, Middlebury, was present for this request. He stated he is the one buying the property on land-contract from Lederman's, and he is the owner of Dogwood Hills Tree Farm. He stressed there have been no complaints from neighbors, he maintains a clean and well-kept farm, and he just needs more storage. He went on to say he believes this will be a benefit to the community, as he brings in money from all over the mid-west from sales of trees. He added he also employs people from the local area. Mr. Hesser clarified that the only new construction he is going to be doing is in the northwest corner. Mr. Bontrager stated that is correct; he isn't going to run electricity, just needs more storage space. Mr. Hesser asked if he had a chance to review the Staff Report. Mr. Bontrager responded he did. Mr. Hesser stated there is a lot of clean-up for the rescissions and revisions. He asked if Mr. Bontrager understood everything. Mr. Bontrager responded he didn't understand the need for the building permit on the existing residence. Mr. Auvil explained there is no record of the residence ever being built through the building permit process. Mr. Bontrager stated the house was built back in 1994 or 1996. He asked if there will be inspections involved with the building permit. Mr. Auvil responded the building inspector will come in and check to see if everything is to code. He went on to say this is more of a preventative action, to protect the County and the homeowner. Mr. Bontrager asked if the permit

is just for the residential portion of the building or for the entire shop. He continued to say the shop has been there for a long time as well. Mr. Auvil responded the permit would just be for the residential portion.

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** 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 existing garden supplies business be approved with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A subdivision is required for the Special Use property on the west side of CR 39. A subdivision is required for the Special Use property on the east side of CR 39 if any development occurs.
3. A building permit is required for the residential apartment.

The following commitment was imposed:

1. The request is approved in accordance with the site plan submitted (dated 3/1/2024) and as represented in the Special Use application.

Further, the motion also included that Special Use 94-3053 be rescinded at the request of Staff. The excavation business has been out of operation since no later than 2017, and the tree farm has been in operation only under an amendment to the excavation business Special Use.

Further, the motion also included that Special Use SUP-0643-2016 be rescinded at the request of Staff. The sole purpose of this Special Use was to move the tree farm to the east side of CR 39, build a structure for office and storage, and add equipment and customer parking. No business activity was moved to the east side of CR 39.

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 *St. Mary's Orthodox Church, Inc.* for an amendment to an existing Special Use for a place of worship to allow for the construction of a new building on property located on the West side of CR 33, 820 ft. South of CR 38, common address of 65159 CR 33 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-0067-2024*.

There were nine neighboring property owners notified of this request.

Crystal Welsh, Abonmarche, 303 River Race Dr., Goshen, was present representing the petitioner. She stated the request is for an existing place of worship, and they are looking to do some expansion and site plan improvement, all of which they believe to be good things. She continued to say there are floor plans included in the petition that was submitted. She asked if there was a condition about getting a permit within six months. Mr. Auvil explained that the condition

for an Improvement Location Permit to be issued within six months is for Developmental Variances and not for Special Uses. Mrs. Welsh stressed she is happy to hear that won't be an issue, because she was going to be asking for an extension if it was a condition. She continued to say the church is working on getting fundraisers in place to raise money for this expansion, and they are working with the State of Indiana for the septic expansion. Mr. Hesser stated the floor plan was not included in the petition packet, and if the site plan changes from what is being proposed today, then they will need to talk to the Staff and make sure a minor change isn't needed.

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 an amendment to an existing Special Use for a place of worship to allow for the construction of 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 (dated 2/12/2024) 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.

6. The application of **Brent M. Plummer & Heather A. Plummer, Husband & Wife** for a Special Use for a home workshop/business for a barbershop on property located on the East end of North Fork Ln., 445 ft. North of Charla Ln., East of Ash Rd., common address of 54540 North Fork Lane in Cleveland Township, zoned A-1, came on to be heard.

Mr. Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #SUP-0034-2024*.

There were 14 neighboring property owners notified of this request.

Brent and Heather Plummer, 54540 North Fork Lane, Osceola, were present for this request. He stated they have lived at the residence for 22 years, and he has been a barber for 30 years. He went on to say his uncle is retiring, and moving the business to his property seemed like it would work best for him. He continued to explain he sees 10 clients a day, works 4 days a week, and his hours are 8 a.m. to 4 p.m. Mr. Miller asked if he would work Tuesday through Friday. Mr. Plummer responded that is correct. Mr. Hesser clarified there are no covenants in their subdivision preventing him from doing this business in their home. Mrs. Plumber stated in regard to the revised site plan for the off-street parking, they are planning on using their driveway, as they will only have one car at a time. She asked if it is still a requirement to have a revised site plan showing parking, if they won't be using the street for parking. Mr. Auvil responded yes, the parking area still needs to be shown on the site plan, and they can take the site plan they have currently and just label the parking on the driveway. He continued to say that Staff was unsure of where the parking was going to be located, which is why they asked for a revised site plan. Mr. Plummer stressed

they debated parking as well but since they will only have one client every 45 minutes, so they decided that they can utilize their driveway for the parking area. Mr. Hesser asked if the sidewalk needed to be shown on the revised site plan as well. Mr. Auvil responded no. Mr. Plummer stated they have applied for a variance with the Surveyor's office from the 75 feet from the top of the ditch requirement and that has been approved to 40 feet.

Alecia Conrad, 54580 North Fork Lane, Osceola, was present in support. She stated she lives southeast of the Plummer's, and she has no problems with them. She stressed she has lived in her home for 31 years, and she is envious of their property. She mentioned they always let the neighbors know if they are going to have a party or anything. She continued to say she has no issues with the business on the property.

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 a home workshop/business for a barbershop be approved with the following conditions imposed:

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

The following commitment was imposed:

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

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

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

7. The application of *Harrison Christian School Corporation* for a Special Use for an existing school to allow for a recreation building and for a Special Use for indoor recreation (wedding & event venue) on property located on the East side of CR 11, 790 ft. North of CR 38, common address of 64784 CR 11 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-0058-2024*.

There were 5 neighboring property owners notified of this request.

Timothy Martin, 64670 CR 9, Goshen, was present representing the petitioner. He stated they just want to add a building for the youth and for the church. Mr. Hesser asked if the parking lot was paved or gravel. Mr. Martin responded it will be paved.

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 existing school to allow for a recreation building and for a Special Use for indoor recreation (wedding & event venue) 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 2/8/2024) 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. The application of *Javier Soto* for a Special Use for a home workshop/business for a construction business & for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the North side of CR 6, 1,050 ft. West of CR 11, common address of 25201 CR 6 in Osolo 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-0050-2024*.

There were 14 neighboring property owners notified of this request.

Javier Soto, 25201 CR 6, Elkhart, was present for this request. He stated he has a construction company, he needs a place to store his equipment, and he wants to build a 30 ft. by 60 ft. building outback to keep his equipment inside. He went on to say he doesn't have room for his material. Mr. Hesser asked if any of his business would be conducted on site. Mr. Soto responded no, he just stores his material and equipment on his property. Mr. Hesser stated there is history on the property of burning trash and junk on the property. He asked if all of that had been cleaned up. Mr. Soto responded that is correct. Mr. Hesser asked what the area to the north of the subject property is used for. Mr. Soto responded it is all commercial properties. He continued to say it is a lot of industrial and commercial buildings. Mr. Hesser stated one of the main concerns from Staff is the access for the commercial vehicles getting onto his property. He asked if that would be an issue and if he will be able to get his vehicles to the back of his lot without causing issues to the neighboring property. Mr. Soto responded that won't be an issue as he has about 30 feet between his garage and his neighbor's house. He went on to say his trailers are only 7 feet wide, and he has an F-250 that can fit as well. He stressed he has plenty of room to get to the back of his property on both sides of his house. Mr. Hesser asked if his driveway is on the east side of the property. Mr. Soto responded that is correct. Mr. Hesser asked if the driveway goes all the way to the back garage. Mr. Soto responded he doesn't have one right now, but he will have one soon. Mr. Norman asked if there was concrete parking on the east side of the building. Mr. Soto responded yes. He showed on the aerial where the concrete parking is located around his garage. Mr. Warner asked how he is planning on disposing of his scrape material. Mr. Soto responded he normally takes his scrape material to either the landfill or recycles the concrete blocks. Mrs.

Cramer asked if he plans on removing the shed behind the garage. Mr. Soto responded he has a couple of little things in that shed will be taking that down, but it has to stay up until his new building is built. Mr. Hesser asked how many feet are between the garage and the neighbor's house. Mr. Soto responded he has about 20-25 feet, though possibly a little more than that, and he has at least a 20-foot driveway. He went on to say there is a little overhang where the garage is on the east side, but there is about 12 feet clearance and on the west side there is about 15 feet clearance. Further, he stated he put fencing up on that side to help the neighbors not see his equipment. Mr. Miller stated the site plan shows there is 20 feet between the garage and the neighbor's property. Mr. Soto stressed a 16-foot driveway is more than enough to get a truck and trailer through there. Mr. Norman asked if this property is on well and septic or city sewer. Mr. Soto responded well and septic, though he is not going to use plumbing in his new building. Mr. Norman stated the site plan seems to indicate that the new building will not encroach the field system for his well or septic. Mr. Soto stressed that his new building will not be near his field system. Mr. Hesser asked Staff, if this were approved, what conditions and commitments would they like to see added. Mr. Auvil responded the standard Developmental Variance conditions, with the 180 calendar days to issue the Improvement Location Permit. He stressed Staff was really concerned about the access to the property, though there are no remonstrators present. Mr. Miller asked what the minimum width for the drive to the back part of the property would be. Mr. Hesser asked if Staff would want a revised site plan. Mr. Auvil responded the current site plan shows 20 feet, though without someone going out and verifying that is accurate. He added 20 feet would be more than adequate. He continued to say the standard conditions and commitments would be sufficient for Staff, if this were to be approved. Attorney Kolbus stressed that Staff knows what the standard language is for the conditions and commitments for the Special Use. Mr. Norman asked what equipment Mr. Soto has on his property. Mr. Soto responded he has a 12-foot skid loader that is only 5 feet wide and his trailer, but he backs that into the property.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser stated there are no remonstrators present, this does back up to an industrial park area, and it sounds as though the trash has been taken care of for a few years now. Mr. Auvil stated because this building is going over what is allowed by right that the condition of no outside storage be added. Mr. Hesser stated that is a standard for home workshops. Mr. Norman stated it appears looking at the properties along this area that Mr. Soto has really added to the curb appeal to his property compared to the others. Mr. Miller stressed this backs up to an M-1 zone, and he agrees there needs to be a stipulation of no outside storage. Mr. Warner asked if hours of operation have been specified. Mr. Hesser responded the application stated the hours were 8 a.m. to 5 p.m.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **Seconded by** Ron Norman that this request for a Special Use for a home workshop/business for a construction business be approved, based on the findings and conclusions of the Board:

1. The Special Use will be consistent with the spirit, purpose, and intent of the Zoning Ordinance.
2. The Special Use will not cause substantial and permanent injury to the appropriate use of the neighboring property.

3. The Special Use will substantially service the public convenience and welfare.

The following condition was imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment 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 in accordance with the site plan submitted (dated 02/05/2024) and as represented in the Special Use application.
2. No outside storage related to the home workshop/business is permitted.

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

1. A Variance from the Developmental Standards of the Zoning Ordinance is void unless an Improvement Location Permit is taken out within 180 calendar days from the date of the grant and construction work is completed within one year from the date of the issuance of the Building Permit.
2. The request is in accordance with the site plan submitted (dated 02/05/2024) 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.

8. The application of *Jennifer M. Smith, formerly known as Jennifer M. Kveton* for an amendment to an existing Special Use for a home workshop/business for dog grooming to allow for the construction of a new building for a Special Use for a kennel & for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the South side of US 20 1,220 ft. East of CR 29, common address of 16504 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-0074-2024*.

There were six neighboring property owners notified of this request.

Jennifer Smith, 16504 US 20, Goshen, was present for this request. She stated she has a grooming business, and the natural progression of that is a kennel and boarding facility. She continued saying to do that she will need to put up another building. Mr. Hesser asked if she has seen the Staff Report, and if she understood what they were asking for from her in that report. Mrs. Smith responded she has and she does understand. Mr. Hesser asked if she has any issues with the conditions and commitments. Mrs. Smith responded she does not. Mr. Hesser stated there is something not to scale on the site plan, and he believes it is the new structure. Mrs. Smith stated she has approximately 120 feet from the new structure to the road, and it is going to be connected to the existing structure. Mr. Hesser explained she will need a revised site plan that is more to scale to alleviate the Staff's concerns. Mrs. Smith asked if the fencing on the west side of her property can go to the property line or if she needs to offset it by a foot in order to maintain both sides. Mr. Auvil responded the County does not have standards for fencing and does not issue permits for fencing. Further, he explained that Staff will advise people to know where their property lines are

located and to give adequate space for maintenance and construction of the fence in order to not trespass onto neighboring properties. Attorney Kolbus stressed there is no setback for fencing.

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 dog grooming to allow for the construction of a new building, for a Special Use for a kennel, be approved with the following conditions imposed:

1. The Elkhart County Advisory Board of Zoning Appeals approval shall not be effective until the Commitment form has been executed, recorded, and returned to the Elkhart County Advisory Board of Zoning Appeals staff for placement in the petition file.
2. A revised site plan must be submitted for staff approval showing the correct dimensions of the existing accessory structure (28'×40').

The following commitment was imposed:

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

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

1. A variance from the developmental standards of the 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 revised site plan to be submitted for Staff approval and as represented in the Developmental Variance application.

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

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

9. The application of *Aaron Lee Weaver & Mary Jane Weaver, Husband & Wife* for a Special Use for warehousing of a commercial vehicle & for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right on property located on the West side of CR 127, 745 ft. South of CR 48, common address of 70151 CR 127 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-0072-2024*.

There were five neighboring property owners notified of this request.

Mr. Miller asked what it means that the complaints were closed. Mr. Auvil responded it means that the situations were addressed, generally the junk cars, trash, etc. were proven to be titled, able to move, or taken off the property. He continued to explain when complaints are made about commercial vehicles on residential property, such as in this case, one of the actions that

needs to happen is they need to find a path of remedy, and one of those paths is applying for the Special Use and/or a Developmental Variance. Attorney Kolbus stressed the commercial vehicles are clearly on the property in the Staff photos.

There was no petitioner present at this time.

Terry Norris, 17040 CR 48, Syracuse, was present in remonstrance. He submitted a packet with photographs as a petition against this request [Attached as Remonstrator Exhibit #1]. He stated four main concerns with this request being allowed, first the negative impact on property value due to the lowered desirability of the sale of the property. He continued to say the back of their home faces directly to where the Weavers have their trucks parked and they continue to violate the Zoning Ordinance. He stressed as of Monday, there were four trailers, a semi-truck, and a semi-dump truck on the property. He stressed there is an extreme amount of noise in the mornings when the trucks are started, as well as vibrations into their home from the trucks running. Further, he stated he doesn't believe it is just Mr. Weaver's trucks that are coming and going from the subject property, as there are other people bringing their trucks onto the property as well. He went on to say the one truck says Graber Transit on it with a different DOT number on it than the Weaver's DOT number. He reiterated they are constantly moving things on and off the property to scrap them out or having other people bring their trucks and vehicles to sit on the property. He stressed this operation is more than just having one or two vehicles being parked on the property for personal use. He stressed nothing good will come out of approving this request.

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

Motion: Action: Table, **Moved by** Randy Hesser, **Seconded by** Deb Cramer that this request for a Special Use for warehousing of a commercial vehicle & for a Developmental Variance to allow for the total square footage of accessory structures to exceed that allowed by right be tabled until the April 18, 2024 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: Deb Cramer, Steve Warner, Ron Norman, Roger Miller, Randy Hesser.

10. The application of **Wayne E. Borkholder & Irene Borkholder, Husband & Wife** for a Use Variance to allow for the reconstruction of a second dwelling on a single zoning lot & for a Special Use for a home workshop/business for a powder coating business on property located on the East side of CR 100, 1,335 ft. South of CR 52, common address of 71784 CR 100 in Locke 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-0059-2024*.

There were 18 neighboring property owners notified of this request.

John Beachy, 8611 W 750 N, Etna Green, was present representing the petitioners. He stated they want to tear down part of the existing house and build a new area with the same footprint. He went on to say the residences were built prior to the Zoning Ordinance being in place, and the placement of the houses would make it very difficult to subdivide the property. He continued to say as far as the Special Use for the powder coating business, it is in the back building away from the road by about 200 feet. However, he stated in the fall there is a plan in place to move the business into another building that is located on US 6. Mr. Hesser asked after this fall

there is no need for powder coating on the property. Mr. Beachy responded that is correct. Attorney Kolbus stated the Board might want to consider a one-year time limit then, if they approve the Special Use. Mr. Hesser stated that was what he was thinking. He asked, if the part that is being rebuilt is a residence. Mr. Beachy responded yes; it is a residence. Mr. Hesser clarified the primary issue the Board is dealing with is the two residences being on the property since the early 1900's. He asked what products are being powdered coated. Mr. Beachy responded the products are for Gen Y Hitch. He explained the hitches get built, then brought over to the subject property to be powder coated, and then they are taken back to Gen Y Hitch. He stressed that to his knowledge that is the only company Mr. Borkholder works for, and it is not custom work. Mr. Hesser asked if the hitches are stored outside. Mr. Beachy responded yes. Mr. Hesser stated with a home workshop, outside storage is not permitted. He asked Staff if that is a concern. He asked Mr. Beachy how long are the hitches stored outside. Mr. Beachy responded probably a couple of days. Mrs. Cramer asked how many hitches at a time would be outside. Mr. Beachy responded possibly 5-10 skids at a time. Mr. Hesser stated there is a reference to excavating equipment on the application. He asked if he could speak to that at all. Mr. Auvil explained that is for the tearing down and rebuilding of the residence. Mr. Norman asked if the power source is from a generator, and if it will be run at 6 a.m. Mr. Beachy responded yes, and it will be inside its own building behind another building.

There were no remonstrators present.

The public hearing was closed at this time.

Mr. Hesser stated that outside storage is his biggest concern. However, he continued based on the representation he is inclined to allow this since it is only going to be running for less than a year. Mr. Miller stated he believes there is plenty of room, and there is no one here complaining about the work happening on the property.

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

Motion: Action: Approve, **Moved by** Randy Hesser, **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 Use Variance to allow for the reconstruction of a second dwelling on a single zoning lot 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 02/09/2024) and as represented in the Use Variance application.

Further, the motion also included that a Special Use for a home workshop/business for a powder coating 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 02/09/2024) and as represented in the Special Use application.
2. Approved for a period of one (1) year; any renewal shall be before the Elkhart County Advisory Board of Zoning Appeals.

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

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

13. The meeting was adjourned at 10:11 a.m.

Respectfully submitted,

Janelle Tidd, Recording Secretary Signed for by Danielle Richards

Randy Hesser, Chairman

Ron Norman, Secretary